



Ordinary Council Meeting

22 February 2023

Minutes

To: The President and Councillors.

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

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

Suzie Haslehurst

CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

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

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

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

Community Values: We value highly:

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

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

Integrity: We behave honestly to the highest ethical standard.

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

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

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

Disclaimer

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

Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website

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

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

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

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



CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	6
2	RECORDS OF ATTENDANCE	6
2.1	APOLOGIES	6
2.2	APPROVED LEAVE OF ABSENCE	6
2.3	APPLICATIONS FOR LEAVE OF ABSENCE	6
3	DISCLOSURE OF INTERESTS	7
4	PUBLIC QUESTIONS	7
4.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
4.1.1	Questions taken on notice - from L Graham	7
4.2	PUBLIC QUESTION TIME	8
4.2.1	Questions with notice - L Graham	8
4.2.2	Questions without notice – B Foley	9
5	CONFIRMATION OF MINUTES	9
5.1	Ordinary Meeting of Council held on 21 December 2022	9
5.2	Special Meeting of Council held on 1 February 2023.....	10
5.3	Agenda Briefing held on 15 February 2023	10
6	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	10
6.1	PETITIONS.....	10
6.2	DEPUTATIONS	10
6.3	PRESENTATIONS	10
6.4	SUBMISSIONS.....	10
6.4.1	B FOLEY - TWO SUBMISSIONS	10
7	BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED).....	11
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION).....	11
9	OFFICER REPORTS	12
9.1	DEVELOPMENT AND REGULATION	12
9.1.1	Lot 54 Julimar Road, West Toodyay - Ancillary Accommodation	12
9.1.2	Draft Local Planning Policy - Extractive Industries	16
9.1.3	Draft Local Planning Policy - Compliance	17
9.1.4	WAPC REF: 163122 Lots 9011 AND 9507 Drummond Street Nunile - Proposed 100 Lot Subdivision.....	20

9.1.5	P2022-2 Lots 54-56 Railway Road, West Toodyay - Change to existing Non-conforming use.	33
9.1.6	Lot 122/390 Toodyay West Road, West Toodyay - Outbuilding.....	37
9.1.7	Lot 394 Markey Road, West Toodyay - Proposed Additions to Single Dwelling (Over height).....	38
9.1.8	Draft Local Planning Policies: Signage Outside the Central Toodyay Heritage Area; Directional Signage and Signage within thoroughfares; and non-habitable structures	43
9.2	CORPORATE AND COMMUNITY SERVICES	49
9.2.1	Local Laws Review Process	49
9.2.2	List of Payments - December 2022.....	54
9.2.3	Monthly Financial Statements - December 2022	56
9.2.4	List of Payments - January 2023.....	60
9.2.5	Monthly Financial Statements - January 2023.....	62
9.3	EXECUTIVE SERVICES	66
9.3.1	Parking Space Lease Agreement (Avivo) - Toodyay Community Junction	66
9.3.2	Toodyay Recreation Centre - Management Reporting.....	69
9.4	INFRASTRUCTURE AND ASSETS.....	72
9.4.1	Council Policies - Street Lighting; Temporary Road Closures; and Oversize Vehicles.....	72
9.4.2	Installation of separate utility meters at the Toodyay Recreation Centre	77
9.5	COMMITTEE REPORTS.....	82
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	82
11	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	82
12	QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	82
12.1.	Special Council Meeting – Questions on notice – Cr M McKeown	82
13	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	91
13.1	MEMBERS	91
13.2	EMPLOYEES	91
14	CONFIDENTIAL BUSINESS	91
15	NEXT MEETINGS	91
16	CLOSURE OF MEETING.....	91

Preface

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

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

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 24 February 2023.

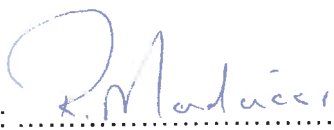


Suzie Haslehurst

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 22 March 2023.

Signed: 

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



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr R Madacsi, Shire President, declared the meeting open at 1.08pm and read aloud an Acknowledgement of Country:

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

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCEMembers

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr C Duri	Councillor
Cr P Hart	Councillor
Cr M McKeown	Councillor
Cr S Pearce	Councillor
Cr D Wrench	Councillor

Staff

Ms S Haslehurst	Chief Executive Officer
Ms T Bateman	Manager Corporate and Community Services
Mr M Werder	Project Manager
Mr H de Vos	Manager Development and Regulation
Mrs T Prater	Planning and Compliance Officer
Ms S Schafers	Governance Officer
Mrs M Rebane	Executive Assistant

Visitors

L Graham
B Foley
J Jones
M Sinclair-Jones
P Ruthven

2.1 APOLOGIES

Cr S McCormick Councillor

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting as follows:

Cr C Duri declared an Impartiality Interest pursuant to Regulation 11 of the Local Government (Model Code of Conduct) Regulations 2021 in regard to Agenda Item No. 9.1.6. Lot 122/390 West Toodyay Road Outbuilding. The extent of her interest is that the applicant is a trades person that has previously worked on her residence.

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 21 December 2022, the following questions were taken on notice:

4.1.1 Questions taken on notice - from L Graham
--

The following questions from L Graham were taken on notice at the Special Council Meeting held 1 February 2023.

Question 5

Is the Code of Conduct for employees published on the website because I could not find it?

Response

The Code of Conduct was not on the website on the date of your inquiry, however it was signed in July of 2021. Due to an administrative oversight, the Code of Conduct had not been put onto the website. The Shire will be reporting the non-compliance in our 2022 Compliance Audit Return and we also verbally advised the Department of Local Government, Sport and Cultural Industries on Monday 13 Feb 2023.

Question 6

In regard to Item 6.1.1 and clause 2 of the Shires Local Planning Policy No. 8 says:

Where it is brought to the attention of Council that an unauthorised use has commenced, or that an approved use has commenced without compliance with the conditions of approval, Council Officers shall inspect the premises in order to confirm the activities being undertaken or to confirm the conditions not being met.

When did that compulsory inspection required under that policy take place?

Response

The Manager Development and Regulation cannot recall the exact date he did an inspection of the property, however it was between the 19th and 22nd of December 2022. The shipping container was also inspected and photographed by the Shire's Development Support Officer on 24 January 2023.

4.2 PUBLIC QUESTION TIME**4.2.1 Questions with notice - L Graham****Question 1**

Who paid the fees for the 12/13 December development application at 19A Clinton Street?

Response

The Applicant, S Haslehurst.

Question 2

Were council funds used to pay any part of, or all of the fees paid?

Response

No.

Question 3

Officers advised the February special meeting that “...*the applicant has been required to pay the penalty fees required...*” under the Act and I ask what was the amount of the penalty fee paid?

Response

\$441.00 pursuant to Planning and Development Regulations 2009 Sch 2, (2).

Question 4

Who paid that penalty fee related to the development application for 19A Clinton Street?

Response

The Applicant, S Haslehurst.

Question 5

Were Council funds used to pay any part of, or all of the penalty fees paid?

Response

No.

4.2.2 Questions without notice – B Foley

Question 1

I had attended a community engagement meeting held at the Memorial Hall (Town hall). I have not had any response as to what occurred during those community engagement sessions. I know the CEO took down a lot of notes on paper. I have not seen anything so am just wondering whether there is an update on what is happening from those community meetings?

Response

The Shire President deferred the response to the CEO.

The Chief Executive Officer responded as follows:

The content of those meetings has fed into the process for the development of the Shire of Toodyay’s new Strategic Community Plan (SCP). A part of the process was also the Markyt Community Scorecard survey which was done late last year. Council had a workshop regarding the responses to that and also the feedback that we had received at those community meetings. We are now developing a process to formulate and get the SCP adopted. We expect to hold further community workshops to provide the feedback from those workshops and the survey.

Question 2

Is it possible for people who attended those meetings to get an update via email about it as some people may be thinking why should we attend those meetings when we do not get any feedback at all from them?

Response

The Chief Executive Officer responded as follows:

Yes certainly.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 21 December 2022

OFFICER'S OCM007/02/23	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
MOVED	Cr C Duri		
That the Unconfirmed Minutes of the Ordinary Council Meeting held on 21 December 2022 be confirmed.			
			MOTION CARRIED 7/0

5.2 Special Meeting of Council held on 1 February 2023

OFFICER'S OCM008/02/23	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
MOVED	Cr B Ruthven		
That the Unconfirmed Minutes of the Special Council Meeting held on 1 February 2023 be confirmed.			
MOTION CARRIED 7/0			

5.3 Agenda Briefing held on 15 February 2023

OFFICER'S OCM009/02/23	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
MOVED	Cr C Duri		
That the Notes of the Agenda Briefing held on 15 February 2023 be received.			
MOTION CARRIED 7/0			
Attachments			
1 Agenda Briefing Notes - 15 Feb 2023.			

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

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS**6.4.1 B FOLEY - TWO SUBMISSIONS**

Mr Foley addressed Council in regard to the Toodyay Recreation Centre.

I believe the Toodyay Recreation Centre is totally underutilised, and we all know the history of it that none of us wanted it.

The Shire President advised that the submission must be relevant to the content of the agenda.

Cr McKeown objected, by way of a Point of Order, in accordance with Standing Order 8.2 pertaining to Standing Order 5.11(2) because the Management Reporting for the Toodyay Recreation Centre is on the Council Meeting agenda for consideration.

The Presiding Member upheld the Point of Order in accordance with Standing Order 8.5 and apologised for the interruption.

Mr Foley continued his submission as follows:

I believe it should be mothballed. It is just a total drain on the Shire's resources. I just think for a couple of years until the finances settle down then it can be looked at again. It does not mean that the facility cannot be used. None of the other facilities in the Shire are managed by others (e.g. Town Hall, etc).

If someone wants to use them for a big event (and I do not think that there have been any big events at the Toodyay Recreation Centre; there have been a few birthday parties and whatever) they can. The Tennis Club does not use it much and other sporting facilities, and I think that when you are looking at the review, the mothballing of it should be one of the items up for discussion.

As far as the pool goes, I think certainly do not shut it down, but I do not think you need any people there managing it, lifesavers etc. You might say that you might need to legally but I believe that there are a number of shires in the State who do not. On the Shire website of the town of Darkan they have some instructions on how their pool operates and it appears they do not have anybody at their pool. They have a water policy that each person who wants to use the pool gets a key. They have to go and pass that water policy and then they are responsible for their own safety and the safety of any other people that go into the pool area. Costs would be minimal.

Mr Foley addressed Council in regard to his attendance at the recent Feral Cat Symposium.

The Shire President advised again that the submission must be relevant to the content of the agenda.

The Shire President requested Mr Foley report to the Environmental Advisory Committee as it is not on the Agenda for discussion. She proposed he put an article in the Toodyay Herald as an option.

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9 OFFICER REPORTS

9.1 DEVELOPMENT AND REGULATION

9.1.1 Lot 54 Julimar Road, West Toodyay - Ancillary Accommodation

Date of Report:	1 February 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	P2022-115 - A1490/54JUL
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. P2022-115 - Application and Plans ⇨

PURPOSE OF THE REPORT

Council is requested to consider an application for an ancillary accommodation development at Lot 54 Julimar Road, West Toodyay. The reason this application is being brought to Council for determination is the applicant has requested a variation to the *Local Planning Policy No.2 - Ancillary*. There is no delegated authority to determine this application at an Officer level.

BACKGROUND

Property Information

Lot 54 (No. 289) Julimar Road is a 45,525 m² (4.55ha) property in West Toodyay, which is situated approximately 5km west of the Toodyay townsite.

The property is zoned Residential Development under the Shire of Toodyay's *Local Planning Scheme No. 4*. Mandatory development approval was triggered due to the Ancillary Accommodation policy requirements. The existing development on site is a single dwelling and water tank.

Proposal

The applicant seeks development approval to construct an ancillary accommodation with the following variations to *Local Planning Policy No. 2 – Ancillary Accommodation*.

The proposal does not comply with the following provisions of the policy:

- (a) Maximum 70m² maximum internal floor area.
- (b) Be a similar design and appearance as the existing house.

For more details, please refer to **Attachment 1 – Application and Plans**

Time to determine

The application was received on 12 November 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 was 11 February 2023.

Considering this date not aligning with the scheduling for this Ordinary Council Meeting, written consent has been sought, and has been provided by the applicant, to determine this application after the 90-day period.

COMMENTS AND DETAILS

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

- Be a similar design and appearance as the existing house.

The intent of this is to show a relationship between the two structures. The existing dwelling consists of brick construction and the proposed development is Hardiplank. The Council could impose a condition requiring the applicant to supply modified drawings showing works to improve the synergy between the two structures. However, this has to do with visual amenity and in this instance, there is no distinct advantage in enforcing this requirement as the development is situated directly behind the main dwelling and predominantly viewed by the residents.

- Maximum 70m² maximum internal floor area

The intent of this is to restrict the construction of a structure that could negatively impact the amenity of the locality. The proposed development is low impact and may be problematic if it was proposed on a small residential property in a built-up area. However, in this instance, given the proposal is set on a 11.26 acre property and will be positioned behind the existing dwelling, it is not envisioned to have a negative impact on amenity of the neighbouring properties.

It is recommended that Council approves this development.

IMPLICATIONS TO CONSIDER

Consultative:

Local Planning Policy – Advertising for Planning Proposals.

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

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 No. 2 – Ancillary Accommodation

Clause 1.0 of the policy states:

All Ancillary accommodation within the Shire of Toodyay must comply with the following:

- (a) Have a maximum internal floor area of 70m²;*
- (b) Be a similar design and appearance as the existing house.*

Under Section 3.0 of the policy:

Council may vary the requirements of this local planning policy LPP.2 – Ancillary Accommodation where it is considered that full compliance is impractical or where it's warranted due to the circumstances of the case.

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

Schedule 7 – Matters which may be dealt with by planning scheme.

Planning and Development Regulations 2009

Schedule 2 – Maximum fees for certain planning services.

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 4

Risk related:

If Council is of a mind to refuse the application, Council is reminded that 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 be required to assign resources to defend its position at SAT.

Financial Impact	Legal action against Shire	Moderate (9)
------------------	----------------------------	--------------

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM010/02/23**MOVED** Cr S Pearce

That Council pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the application for development approval for an ancillary accommodation at Lot 54 (No. 289) Julimar Road in West Toodyay, subject to the following conditions:

- (a) This approval relates only to the development as indicated on the plans received by the Shire of Toodyay, hereinafter referred to as the 'approved plans'.
- (b) The development, including the use approved by this development approval, must be implemented only in accordance with the approved plans.
- (c) The development must be substantially commenced within the period of two years commencing on the date of the Shire of Toodyay Council's decision to grant development approval. The development approval lapses if the development has not substantially commenced within that period.
- (d) All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
- (e) All storm water discharge from the development shall be contained and disposed of onsite unless otherwise approved by the Shire of Toodyay.
- (f) Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.

MOTION CARRIED 7/0

9.1.2 Draft Local Planning Policy - Extractive Industries

Date of Report:	7 February 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	H de Vos – Manager Development and Regulation
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Extractive Industries and Waste Disposal Policy. ⇒

The CEO advised the Presiding Officer that this report has been deferred.

9.1.3 Draft Local Planning Policy - Compliance

Date of Report:	21 November 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Current - Local Planning Policy - Compliance; and ⇒ 2. Draft - Local Planning Policy - Compliance. ⇒

PURPOSE OF THE REPORT

To review the Draft *Local Planning Policy No.8 – Compliance* with a view to adopt for formal advertising.

BACKGROUND

Council resolved to undertake a comprehensive review of Shire policies in February 2022. This draft Local Planning Policy (LPP) has been developed as part of that review. The existing *LPP.8 – Compliance* was last reviewed by the Council on 13 May 2010 (**Attachment 1**).

COMMENTS AND DETAILS

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

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

IMPLICATIONS TO CONSIDER**Consultative:**

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

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

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

The policy was made available to Councillors via the Teams environment before being discussed at the Council Workshop in December 2022, attended by seven elected members.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

Objective 1: Provide accountable and transparent leadership for the community

Objective 2: Consistently improve our governance practices

Policy related:

Local Planning Policy No. 8 – Compliance.

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

Financial:

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

Legal and Statutory:

Planning and Development Act 2005

Part 5 – Local Planning Schemes

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Policies

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies. Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

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

Risk related:

Reputational

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

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

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

Cr S Pearce moved the Officer's Recommendation.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM011/02/23

MOVED Cr S Pearce

1. Adopts the draft *Local Planning Policy – Regulatory Compliance* as per Attachment 2 for the purpose of public advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy prior to publication.
3. Requests that the draft *Local Planning Policy – Regulatory Compliance* is brought to the April 2023 Ordinary Council Meeting for final adoption.

MOTION CARRIED 7/0

9.1.4 WAPC REF: 163122 Lots 9011 AND 9507 Drummond Street Nunile - Proposed 100 Lot Subdivision.

Date of Report:	7 February 2023
File Reference:	S163122
Author:	H de Vos – Manager Development and Regulation
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	12 February 2016 for WAPC application 152953 (lapsed)
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. WAPC 163122 - Display Plan; ↗ 2. WAPC 163122 - Plan; ↗ 3. WAPC 163122 - Report (including Bushfire). ↗ 4. Late attachment - Amended Plan of subdivision; ↗ 5. Late Attachment - Bush Fire Management Plan. ↗
	<p>Attachments</p> <ol style="list-style-type: none"> 1 Tabled Document - Shire of Toodyay Response letter to WAPC.

SUMMARY

Applicant:	Urbanista Town Planning
Owner:	Australia Q8 Pty Ltd
Proposal:	100 lot subdivision
Location:	Lots 9011 & 9507 Drummond Street, Nunile

PURPOSE OF THE REPORT

To consider a referral from the Western Australian Planning Commission (WAPC) for a proposed 100 lot residential subdivision of Lots 9011 & 9507 Drummond Street in Nunile (WAPC Ref. 163122).

BACKGROUND
Delegations

In accordance with the current adopted [Shire of Toodyay Delegation Register 2022/2023](#), the delegation DAR13 which concerns Recommendations to the WAPC Regarding Applications for Subdivision / Amalgamation or Strata Title – provides that:

Subject to consistency with the Scheme, relevant Local Planning Policies, and/or WAPC/State Planning Policies, applications that were they approved by the WAPC, might result in a net increase of more than 10 lots, a recommendation to the WAPC may only be made under delegated authority if-

- a) *The application is consistent with a structure plan approved by the WAPC, a local development plan approved by Council, or other plan endorsed by Council, or which forms part of the Scheme and/or a Local Planning Policy; and/or*
- b) *The application is for amended plans for an application that has been considered by Council within the last two years and the amendments are, in the opinion of the delegated officer, of a minor nature.*

Whilst there is delegated authority to provide advice to the WAPC as the application is consistent with an approved structure plan, the decision has been made to bring the matter to Council as the proposed subdivision is of significant size and the previous subdivision affecting this site was also brought before Council.

This subdivision is the biggest development proposal in the current Council's history and it will have significant impact on population, rates, infrastructure and change to the landscape in the immediate area.

The proposal

Urbanista Town Planning has been engaged by the landowners of Lot 9011 and 9507 Drummond Street, Toodyay, to prepare and submit an application to subdivide the two lots into 100 residential freehold lots and the creation of several roads.

The subject application proposes 100 freehold residential lots, which range in size from a minimum of 874.93 sqm to a maximum of 3,002 sqm in accordance with the LSP.

The structure plan does not specify a density for the area but rather identifies the predominant portion of the site as being "residential lots (average lot size 1,000m²)".

The LSP also identifies the lots that border the northern boundary as being "larger lots along development edge to reduce conflict with adjacent land use".

The proposed subdivision provides for an average lot size of 1,115m². None of the proposed lots can be further subdivided under the current planning framework, as they are subject to the structure plan's identified average lot size, unless the discretion of the WAPC is applied.

The subject site can be connected to the existing road network via Lot 9507 and into the constructed portion of Drummond Street to the west of the property. Drummond Street provides a further connection to the Toodyay Recreation Centre to the south-east.

The residential lots have been designed in accordance with the residential density and provides a road network that is consistent with the Amendment to the Structure Plan map (Figure 5) to identify land for the Toodyay Recreation Precinct and to correct a zoning anomaly relating to portions of Lot 9011 in the *Foggarthorpe Residential Estate Structure Plan*. The amendment was approved by the Western Australian Planning Commission on 23 November 2016.

Previous subdivision approval

In 2015 the Western Australian Planning Commission approved a 181 residential lot subdivision across the subject lot and six other lots within the structure plan area. Portions of this subdivision have since been developed; however, some areas were not. Given the 2015 subdivision approval has now expired, a new application is required for the subject site.

The subject application for the subdivision of lot 9011 is identical to the application previously approved by the Western Australian Planning Commission in 2015.

COMMENTS AND DETAILS

The area is still identified as appropriate for urban development and this is recognised in the Shire's *Local Planning Scheme No. 4*, the draft *Local Planning Scheme No. 5* and the *Local Planning Strategy 2017*. Therefore, there are no grounds not to support this proposal.

Additionally, it is an opportunity to attract new families to Toodyay as it will provide land supply in close proximity to the Sport and Recreation Precinct and the Toodyay District High School.

Levelling and retaining

The Shire has had considerable issues with retaining in the existing Riverhills Estate in Foggarthorpe.

The Council, at the time the original subdivision was approved, decided not to impose a recommendation to have the lots retained and levelled at the time of subdivision.

This has resulted in ad-hoc retaining solutions with each landowner required to address retaining which has resulted in additional expense to individuals.

The preferred option would be to have a consistent approach to retaining with costs borne by the subdivision developer.

Accordingly, conditions of approval will be included in the Officer Recommendation to address this.

IMPLICATIONS TO CONSIDER

Consultative:

Subdivision referrals from the Western Australian Planning Commission do not require further public consultation in accordance with *Council Policy - Community Consultation and Engagement* or in *Local Planning Policy – Advertising of Planning Proposals*.

However, historically the original structure plan (to which this proposal refers was extensively advertised to the community).

In addition, the matter was referred to the Shire's Manager Infrastructure and Assets, Engineering Technical Officer, Community Emergency Services Manager and Emergency Management Officer for comment.

Bushfire Planning Comments

Lot 9011 was identified in the Bush Fire Preparedness and Resilience Strategies report, as being a lot that if developed could provide downstream benefits to legacy problems.

The linking of Drummond Street (West) to Burt Parkway by a properly constructed road should be ensured with any development of Lot 9011. This would benefit the existing River Hills estate subdivision, providing formalised public access to the west.

It is noted that the subdivision plans do not specifically address any upgrade of Drummond Street (West) west of the Lots 9011 & 9507 – for this we refer to the unsealed portion. From a fire aspect, whether this portion road was to be sealed or unsealed is inconsequential provided the upgrade to the east is completed.

The subdivision layout fully encapsulates the West, North and East boundaries with private land, thus future linkages to either the proposed bypass to the NE, or to Lot 4/P025741 to the NW would not be possible given the proposed layout.

While noting that Lot 4/P025741 is not currently zoned for subdivision, the Shire should consider long term implications. Should further adjacent subdivision occur having it connect to existing road layouts would be advantageous.

It is proposed that reserve or road reserve allowances are made in the vicinity of proposed lot 498, and proposed lot 502 to allow linkages. Initially, these should be constructed as Fire Service Access Routes (gated) (E3.4b pp 83) of Guidelines for Planning in Bushfire Prone Areas (v1.4) to assist fire services in accessing in/out of the subdivision for effective fire suppression operations. Easements should not be supported, as per the position the Bush Fire Preparedness and Resilience Strategies report. These could be upgraded to a road, or at least an Emergency Access Way, in the event of the Bypass coming to fruition, or a linking road should further adjacent subdivision occur in the future.

Water

Clarification is sought on the assumption that reticulated supply (and hydrants of suitable spacing) will form part of the proposal.

This lot is within the Gazetted Fire District of Toodyay Fire and Rescue Service.

These comments are noted and have been incorporated into the recommended conditions of approval for the subdivision using the required WAPC's Model Subdivision Conditions.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

O1 - Encourage and support investment into new and existing businesses in Toodyay

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

S1.2 - Work collaboratively with business stakeholders to minimise impediments.

O2 - Ensure our built environment meets community needs

O3 - Improve processes to support the built environment

S3.1 - Adjust regulatory processes to be more enabling and accessible.

Shire of Toodyay Local Planning Strategy 2017

Areas currently zoned as 'Residential Development' (to be renamed 'Urban Development') are not developed until a structure plan has been prepared and there is adequate connection to water, power and sewerage services. The structure plan must be prepared in accordance with Part 4 of the deemed provisions of the Regulations and must specifically provide for the staging of subdivision and development of the area and the provision of community infrastructure.

This proposal is consistent with this aspect of the Strategy as there is an approved structure plan in place covering the subject site.

The proposed subdivision application will have strategic implications for the Shire of Toodyay. The creation of 100 residential lots will result in an increase in the population of the Shire.

The aim of the Residential Development zone is to create residential areas of a high standard that will complement the character of the Toodyay town site and maintain the

landscape features of the town surrounds. The Strategy also states that the Toodyay Bypass will be used to define the extent of the residential expansion to ensure that the community is not severed by this major transport route.

Policy related:

Community Consultation and Engagement

Risk Management

Local Planning Policy – Advertising of Planning Proposals.

Local Planning Policy – Subdivisional Development Guidelines

This Policy is designed to provide staff with general conditions and guidelines for the design and construction of subdivisional roads and development of land within the Shire to achieve desired outcomes.

The Policy aims to facilitate consistent decision making by the staff and provide a guide for prospective developers and the general community on the development standards for subdivisional works.

These guidelines will ensure that staff can deal with all subdivision road construction and related infrastructure equitably.

It is considered that this Policy can be addressed through subdivision conditions.

Local Planning Policy – Foggarthorpe Estate Design Guidelines

These guidelines apply to Foggarthorpe Residential Estate, previously Lot 3 Drummond Street and Lot 6 Goomalling-Toodyay Road, Toodyay.

All residential development within the Policy area will need to satisfy these guidelines. An application for planning approval will be required where compliance with this Policy or the Residential Design Codes cannot be achieved or for those properties within the Toodyay Bypass Special Control Area.

For some lots in close proximity to the proposed Toodyay Bypass Road, houses will need to be designed in accordance with the *State Planning Policy 5.4 - The Road and Rail Transport Noise and Freight Considerations in Land Use Planning*, The Road and Rail Transport Noise and Freight Considerations in Land Use Planning Implementation Guidelines to State Planning Policy 5.4 and with reference to Lloyd George Acoustics Transport Noise Assessment - Foggarthorpe Estate (8 May 2013) Reference: 608586-04a docx which forms Appendix No. 2 of this Policy.

It is considered that this Policy can be addressed through subdivision conditions.

Financial:

This subdivision application will have a long-term financial implication for the Shire. All the areas designated as the drainage sites and the roads will come under the care and management of the Shire of Toodyay and will incur future maintenance costs.

For this reason, the Shire will need to ensure that all areas that are to become a maintenance responsibility of the Shire of Toodyay are developed to the highest standard. The preparation and implementation of several plans will ensure that these areas are developed to the highest quality with the entire necessary infrastructure being provided for by the developer.

The Shire of Toodyay will not be required to pay for any physical infrastructure, such as sewer, power or water, as this will be the developer's responsibility.

The proposed subdivision application will also have financial implications for the Shire of Toodyay in terms of increase in rate collection.

Legal and Statutory:

Planning and Development Act 2005 – Part 10

Subdivision in Western Australia is administered by the WAPC. The statutory basis for broad acre subdivision is established primarily by the Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2, Part 2 — Local planning framework

Local Planning Scheme No. 4

The *Planning and Development Act 2005* and its Regulations provides for the creation of a Local Planning Scheme.

Shire of Toodyay Local Planning Scheme No. 4 provides the mechanism for protecting and enhancing the environment of the district and its historical associations, controlling land and building development, setting aside land for future use as reserves and other matters authorised by the *Planning and Development Act 2005*.

Under the provisions of the *Local Planning Scheme No. 4*, the subject lots are zoned Residential Development.

The objectives of the Residential Development zone are:

1. Designate land for future urban development;
2. Provide for orderly planning and development of larger areas of land for residential and associated purposes through the preparation of a Development Plan; and
3. Ensure the adequate provision of physical and community infrastructure.

A Development Plan is effectively a Structure Plan. The intention of a Development Plan is to guide subdivision and development of residential development areas.

Risk related:

The main risk associated with this proposal is related to property. High levels of development associated with increased density may result in localised damage to infrastructure – particularly footpaths and kerbs. This is a minor consequence as bonds are taken to cover damage and this can be managed by routine internal procedures. Given the likely levels of development anticipated – this is likely to occur. This equates to a risk score of 8 (Moderate).

Workforce related:

Should the WAPC resolve to approve this subdivision, there will be an increased workload relating to the clearance of numerous conditions. Upon completion of the subdivision process, additional workforce resources will be used to manage 100 new rateable parcels, future development enquiry and application processes and other regulatory processes. Additional workforce impacts may be experienced with the inevitable increase in road and infrastructure maintenance over time.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM012/02/23**MOVED** Cr R Madacsi**SECONDED** Cr P Hart

That Council defers consideration of Item No. 9.1.4 WAPC REF: 163122 Lots 9011 AND 9507 Drummond Street Nunile - Proposed 100 Lot Subdivision until the current meeting reaches Agenda Item 13.

MOTION CARRIED 7/0**OFFICER'S RECOMMENDATION 1**

That Council:

Requests the Chief Executive Officer to advise the Western Australian Planning Commission that the Shire of Toodyay supports the application for subdivision WAPC Ref 163122 – Lot 9011 & 9507 Drummond Street, Nunile, subject to the following conditions:

Drainage and site works

1. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - (a) lots can accommodate their intended development; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
2. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (a) lots can accommodate their intended use; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
3. Engineering drawings and specifications are to be submitted and approved and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.
4. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.

Transport I movement

5. Engineering drawings and specifications are to be submitted, approved by the Shire

of Toodyay, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.

6. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - (a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or;
 - (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or;
 - (c) temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or;to the satisfaction of the Western Australian Planning Commission.
7. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the portions of Drummond Street in the locations as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007.
8. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the Boyagerring Brook crossing in the location as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007.
9. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the approved plan of subdivision and engineering drawings and specifications, for the construction of dual-use path(s) in the locations as shown on the plan dated 12 December 2022 (attached).
10. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to serve the lots shown on the approved plan of subdivision.

Environment

11. Prior to the commencement of subdivision, works a foreshore management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
12. Prior to the commencement of subdivision works a drainage and nutrient

management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.

13. Prior to the commencement of subdivision works a landscape management plan for the site is to be prepared and approved by the Shire of Toodyay to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.

Bushfire Planning

14. Prior to the commencement of subdivision works, engineering drawings and specifications are to be submitted and approved providing reserve or road reserve allowances are made in the vicinity of proposed lot 498, and proposed lot 502 to allow linkages. Initially, these should be constructed as Fire Service Access Routes (gated) (E3.4b pp 83) of Guidelines for Planning in Bushfire Prone Areas (v1.4) to assist fire services in accessing in/out of the subdivision for effective fire suppression operations.
15. Information is to be provided to demonstrate that the measures contained in the bushfire management plan - *Bushfire Management Plan (Subdivision) Proposed subdivision at Lot 9011 Drummond Street, Toodyay November 2022, Version 2* that address the following:
 - (a) Water supply will be through a reticulated water with hydrant connections provided in accordance with Water Corporation's No. 63 Water Reticulation Standard.
 - (b) A plan showing hydrant location by an appropriate professional must be created and form part of the approval.
 - (c) Have been implemented during subdivisional works. This information should include a notice of 'Certification by Bushfire Consultant'.

Notifications

16. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lots 495 - 530, 542 and 554 – 562. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Special controls may apply to development.'

17. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is subject to the Shire of Toodyay Local Planning Policy - Foggarthorpe Residential Estate Design Guidelines (as amended).'

ADVICE

1. In relation to condition 1, the landowner/applicant is to ensure that earthworks are carried out and the land is compacted in accordance with Australian Standard AS3798-2007 "Guidelines on earthworks for commercial and residential developments" and Module 2 of IPWEA Local Government Guidelines for Subdivisional Development. The required earthworks may include backfilling,

levelling, compaction and retaining.

2. In relation to Conditions 5, 6, 7, 8 and 9, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.

OFFICER'S RECOMMENDATION 2

That Council:

1. Advises the Western Australian Planning Commission that it requests the application (WAPC REF: 163122) be deferred until such time that Council has had the opportunity to consider the following additional information to be supplied by the applicant:
 - Revised plans demonstrating an improved focus on public open space, retention of vegetation where possible and appropriate and landscaping plans using non-flammable vegetation species.
2. Requests that the proposal be brought back to Council at the March Ordinary Council Meeting on 22 March 2023 for further consideration.

OFFICER'S RECOMMENDATION 3

Should the Western Australian Planning Commission refuse Council's request for deferment, Council requests the Chief Executive Officer to advise the Western Australian Planning Commission that the Shire of Toodyay supports the application for subdivision WAPC Ref 163122 – Lot 9011 & 9507 Drummond Street, Nunile, subject to the following conditions:

Drainage and site works

1. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - (a) lots can accommodate their intended development; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
2. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (a) lots can accommodate their intended use; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
3. Engineering drawings and specifications are to be submitted and approved and works undertaken in accordance with the approved engineering drawings and

specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.

4. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.

Transport I movement

5. Engineering drawings and specifications are to be submitted, approved by the Shire of Toodyay, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.

6. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - (a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or;
 - (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or;
 - (c) temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or;

to the satisfaction of the Western Australian Planning Commission.

7. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the portions of Drummond Street in the locations as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007.
8. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the Boyagerring Brook crossing in the location as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007.
9. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and satisfactory arrangements being made for subdivisional works

to be undertaken in accordance with the approved plan of subdivision and engineering drawings and specifications, for the construction of dual-use path(s) in the locations as shown on the plan dated 12 December 2022 (attached).

10. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to serve the lots shown on the approved plan of subdivision.

Environment

11. Prior to the commencement of subdivision, works a foreshore management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
12. Prior to the commencement of subdivision works a drainage and nutrient management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
13. Prior to the commencement of subdivision works a landscape management plan for the site is to be prepared and approved by the Shire of Toodyay to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.

Bushfire Planning

14. Prior to the commencement of subdivision works, engineering drawings and specifications are to be submitted and approved providing reserve or road reserve allowances are made in the vicinity of proposed lot 498, and proposed lot 502 to allow linkages. Initially, these should be constructed as Fire Service Access Routes (gated) (E3.4b pp 83) of Guidelines for Planning in Bushfire Prone Areas (v1.4) to assist fire services in accessing in/out of the subdivision for effective fire suppression operations.
15. Information is to be provided to demonstrate that the measures contained in the bushfire management plan - *Bushfire Management Plan (Subdivision) Proposed subdivision at Lot 9011 Drummond Street, Toodyay November 2022, Version 2* that address the following:
 - (a) Water supply will be through a reticulated water with hydrant connections provided in accordance with Water Corporation's No. 63 Water Reticulation Standard.
 - (b) A plan showing hydrant location by an appropriate professional must be created and form part of the approval.
 - (c) Have been implemented during subdivisional works. This information should include a notice of 'Certification by Bushfire Consultant'.

Notifications

16. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lots 495 - 530, 542 and 554 – 562. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Special controls may apply to development.'

17. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is subject to the Shire of Toodyay Local Planning Policy - Foggarthorpe Residential Estate Design Guidelines (as amended).'

ADVICE

1. In relation to condition 1, the landowner/applicant is to ensure that earthworks are carried out and the land is compacted in accordance with Australian Standard AS3798-2007 "Guidelines on earthworks for commercial and residential developments" and Module 2 of IPWEA Local Government Guidelines for Subdivisional Development. The required earthworks may include backfilling, levelling, compaction and retaining.
2. In relation to Conditions 5, 6, 7, 8 and 9, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.

Refer to pages 83 to 91 regarding Council's consideration of the above recommendations.

9.1.5 P2022-2 Lots 54-56 Railway Road, West Toodyay - Change to existing Non-conforming use.

Date of Report:	7 February 2023
File Reference:	P2022-2
Author:	H de Vos – Manager Development and Regulation
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. Application. ↔

SUMMARY

Applicant:	J & L Jones
Owner:	J & L Jones
Proposal:	Change to an existing non-conforming use
Location:	Lots 54-56 Railway Road, West Toodyay

PURPOSE OF THE REPORT

To determine an application to change an existing non-conforming use located a Lots 54-56 Railway Road, West Toodyay.

Pursuant to the Shire of Toodyay's adopted Delegations Register 2022/23 DAR8 (1)(e), applications for development approval that must be assessed under the provisions of Part 4, clauses 3.8 up to and including 3.12 of the Scheme (the 'non-conforming uses' provisions) may only be refused under delegated authority.

BACKGROUND

Lots 54-56 Railway Road in West Toodyay make up a multi-parcel property which is owned by Mr and Mrs J & L Jones (the Applicant). Lots 54 and 55 are zoned Special Residential R2.5 under the Shire's *Local Planning Scheme No. 4* (LPS4 or Scheme). Lot 56 is dual zoned as Special Residential R2.5 and Recreation and conservation (Parks and recreation) under the Scheme. A portion of Lot 56 also falls within the Avon River Valley Special Control Area. It is also noted that the floodway and flood fringe encroach into Lots 55 and 56.

The existing development of the land consists of a carport / shed structure on Lot 56, a single dwelling which sits across the boundaries of Lot 56 and Lot 55, and a workshop and hardstand area which is predominantly Lot 55 but also encroaches into Lot 54.

This application is primarily concerned with any works and land use associated with the existing non-conforming land use which can be defined by an orange hashed area depicted

on the attached maps of approximately 3,261m². For more information, please refer to **Attachment 1 – Maps**.

Toodyay Pumps history

The Applicant has advised:

We have been operating since September 1994, during this time we have been operating as Toodyay Auto Electrics, Toodyay Auto Parts and from 2002 Toodyay Pumps. Carrying out vehicle servicing and repairs, then pump suppliers and repairs until approximately 2011 when Toodyay Pumps consumed the business.

I have had an interest in 55 Railway Road, Toodyay since June 1990 and became outright owner in July 1996.

This precedes the Shire of Toodyay Local Planning Scheme No. 4.

The Shire's Town Planning Scheme No. 1 was gazetted on 20 May 1983. At the time this land was zoned Rural 1. General and Light Industry uses required planning (development) approval in this zone. Unfortunately, a search of the records has not produced evidence of this, however this is not uncommon given the twenty-nine years that have elapsed.

It is assumed therefore that this business is operating under non-conforming use rights.

Incorrect issuing of Development Approval

The Shire initially received an application for a change to the business operating as a non-conforming use in January 2022. With elapsed time to allow for advertising and the provision of additional information – a development approval was issued on 12 April 2022.

However, during a later meeting between Officers and the Applicant about development on the site, it was ascertained that the initial development approval of 12 April 2022 was erroneously issued and was *ultra vires*. This means that a decision was made for which there was no delegated authority and therefore the existing approval is invalid.

This application clearly has exceeded the normal time frame to determine, however the Applicant is aware of the situation and has provided the necessary written consent to have the matter determined at the February Ordinary Council Meeting.

COMMENTS AND DETAILS

This business has been operating out of the location with no known complaints for many years. Whilst the land is zoned Special Residential R2.5, the Applicant has made approaches to the Shire of Toodyay to have a modification to the *Draft Local Planning Scheme No. 5* to allow for an 'Industry – Light' Additional Use to be incorporated into Schedule 1 – Additional Uses. Should Council choose to approve this extension of the non-conforming use, it will address any compliance issues with the land use in the interim.

However, there is also an option to approve the development but with a grandfather condition which will limit the development approval to the current landowner only. Given the fact that the Additional Use is currently being factored into the draft *Local Planning Scheme No. 5* – this would not be the preferred option.

Council can choose to:

- Approve this application;
- Approve this application subject to conditions; or
- Refuse this application.

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

IMPLICATIONS TO CONSIDER**Consultative:**

In relation to extensions and changes to a non-conforming use, clause 3.9.2 of the Scheme states that an application for development approval under this clause is to be advertised in accordance with clause 64 of the deemed provisions.

Accordingly, the application was advertised to adjoining landowners for a period of 28 days. This period ended on 1 April 2022 and the Shire received no submissions.

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

We will attract, develop and maintain business in Toodyay.

S 1.2 Work collaboratively with business stakeholders to minimise impediments.

S 3.2 Engage with local manufacturing, building and construction sectors.

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

This policy is silent on advertising requirements for applications relating to non-conforming land use development. Therefore, the advertising process for this application has defaulted to clause 64 of the deemed provisions.

Financial:

The applicant has paid the applicable fee pursuant to Schedule 2(1) of the *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**

Schedule 7 – Matters which may be dealt with by planning scheme.

Planning and Development Regulations 2009

Schedule 2 – Maximum fees for certain planning services.

Planning and Development (Local Planning Schemes) Regulations 2015**Shire of Toodyay Local Planning Scheme No. 4**

Part 3.9 of the Scheme deals with extensions and changes to a non-conforming land use.

3.9.1 A person must not —

(a) alter or extend a non-conforming use;

without first having applied for and obtained development approval under the Scheme.

Risk related:

If Council is of a mind to refuse the application, Council is reminded that 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 be required to assign resources to defend its position at SAT.

Financial Impact	Legal action against Shire	Moderate (9)
------------------	----------------------------	--------------

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM013/02/23

MOVED Cr R Madacsi

That Council, pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the application for the extension of a non-conforming land use to expand into light mechanical work and light fabrication (exhaust systems), whilst continuing to operate existing business activities at Lots 54-56 Railway Road, West Toodyay, subject to the following conditions:

1. This approval relates only to the development as indicated on the plans received by the Shire of Toodyay as attached to this report.
2. The development, including the use approved by this development approval, must be implemented (and where relevant maintained in implementation) only in accordance with the approved plans.

MOTION CARRIED 7/0

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

Date of Report:	1 February 2023
File Reference:	P2022-116 - A2417/122TOOW
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. Site Plan and Application ⇨

The Presiding Officer advised that this report has been withdrawn at the request of the Applicant. The item will be submitted to a future meeting.

Cr Duri was not required to declare an Impartiality Interest pursuant to Regulation 11 of the Local Government (Model Code of Conduct) Regulations 2021 in regard to Agenda Item No. 9.1.6. Lot 122/390 West Toodyay Road Outbuilding.

9.1.7 Lot 394 Markey Road, West Toodyay - Proposed Additions to Single Dwelling (Over height)

Date of Report:	3 February 2023
File Reference:	P2022-124
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. P2022-124 - Application and Plans ↔

SUMMARY

Applicant:	Lyons Architects
Owner:	Gerard Dankert
Proposal:	Proposed Additions to Single Dwelling - Over height
Location:	Lot 394 Markey Road, West Toodyay

PURPOSE OF THE REPORT

Council is requested to consider an application for development approval for a proposed addition to a single dwelling at Lot 394 Markey Road in West Toodyay. The reason this matter is being brought to the Council for determination is that the proposal is over height (9.52m in lieu of 8.00m). There is no delegated authority to determine this application at Officer level. The proposed setback variation of 35m in lieu of 50m can be considered under delegated authority due to the proposal being correctly advertised and no objections being received.

BACKGROUND

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

Another trigger for the application is the matter of the proposed addition is over 8m in height.

Property information

Lot 394 Markey Road in West Toodyay is a 311,900² (31.19ha) property. The subject site is located between much larger properties accessed from Harders Chitty Road in West Toodyay.

Zoned Rural under the Shire of Toodyay *Local Planning Scheme No. 4* and as previously discussed; it falls within the ARVSCA which creates a mandatory trigger for Development Approval.

The existing development on the site consists of a single dwelling, outbuilding and water tank.

Proposal

The applicant seeks development approval to make alterations and additions to the existing single dwelling, consisting of a new bedroom with ensuite, living/dining room with skillion roof and an above ground concrete swimming pool. For more details, please refer to **Attachment 1 – Application Plans**

The location of the proposed alterations and additions is situated over an area of the property that falls at a steep gradient away from the house. As a result, the topography has created a building height of 9.52m. The excess height of the proposed dwelling is 1.52m higher than the prescribed limit of 8.0m in the Shire's *Local Planning Scheme No. 4*.

Time to determine

The application was received on 14 December 2022 to 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 14 March 2023.

COMMENTS AND DETAILS

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

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

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

- Will be in harmony with buildings within the locality.

The existing residence is a considerable distance from any nearby residences with the closest being 981m. The undulating topography of the area means that these residences do not visually relate with one another as would be the case for building in the town centre. The scale of the proposed alterations and additions result in a single residence that is still consistent with other the residences in the area.

- Will not be detrimental to the amenity or character of the locality or the town or district in general.

The proposed single dwelling is a permitted use for the rural zone and its design and style is consistent with the rural setting. The proposed alterations and additions are essentially an extension of the single storey scale of the existing residence. The topography quickly falls away from the existing house on the north-west and this has been utilised to create a second storey space, essentially as an 'under croft' to the single storey residence.

- Will not be detrimental to the amenity or character of the locality or the town or district in general.

Generally, over height structures are more problematic in built-up areas. This is primarily due to issues such as overlooking, or the bulk and scale of a development being such that they would impact the amenity of the locality. However, in this

instance, the closest dwelling is 981m away from Markey Road, the residence retains a single storey appearance and there would be no loss in amenity for adjoining landowners in terms of views, privacy, or solar access.

Note on the setback variation

As noted previously in this report, the proposal also involves a setback variation of 35m in lieu of 50m. The existing single dwelling is situated 44m from the boundary taking advantage of the most level of a level portion of what is an undulating property.

Under clause 4.15.4 (c)(iii) of the Scheme, the local government may permit a building to be located within the setback area when (iii) for the reason of topography or lot configuration, the prescribed setback cannot be adhered to or would be unnecessarily disadvantageous. This is the rationale for the matter regarding the setback variation to be determined under delegated authority.

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

IMPLICATIONS TO CONSIDER

Consultative:

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

The advertising period closed on 6 February 2023 and no submissions were received.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

Objective 2: Ensure our built environment meets community needs

S 2.1 Encourage diverse housing and development options.

Policy related:

Local Planning Policy – Advertising for Planning Proposals.

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

Financial:

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

Legal and Statutory:

Planning and Development Act 2005

Schedule 7 – Matters which may be dealt with by planning scheme.

Planning and Development Regulations 2009

Schedule 2 – Maximum fees for certain planning services.

Shire of Toodyay Local Planning Scheme No. 4

Building Heights

4.12 HEIGHT AND APPEARANCE OF BUILDINGS

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

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

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

Risk related:

If Council is of a mind to refuse the application, Council is reminded that 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 be required to assign resources to defend its position at SAT.

Financial Impact	Legal action against Shire	Moderate (9)
------------------	----------------------------	--------------

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM014/02/23

MOVED Cr C Duri

That Council pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the application for development approval for an alteration and additions to a single dwelling at Lot 394 Markey Road, West Toodyay subject to the following conditions:

- (a) This approval relates only to the development as indicated on the plans received by the Shire of Toodyay as per Attachment 1.
- (b) The development, including the use approved by this development approval, must be implemented (and where relevant maintained in implementation) only in accordance with the approved plans.
- (c) The development must be substantially commenced within the period of two years commencing on the date of the Shire of Toodyay Council's decision to grant development approval. The development approval lapses if the development has not substantially commenced within that period.

- (d) All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
- (e) All storm water discharge from the development shall be contained and disposed of onsite unless otherwise approved by the Shire of Toodyay.
- (f) Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.

MOTION CARRIED 7/0

9.1.8 Draft Local Planning Policies: Signage Outside the Central Toodyay Heritage Area; Directional Signage and Signage within thoroughfares; and non-habitable structures

Date of Report:	25 January 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	POLPOL1/PCY2
Author:	H de Vos – Manager Development and Regulation
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	26 October 2022
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. DRAFT Signage outside the Central Toodyay Heritage Area Policy; ↔ 2. DRAFT Directional Signage and Signage within thoroughfares; and ↔ 3. DRAFT Non-habitable structures. ↔

PURPOSE OF THE REPORT

To review the following draft Shire of Toodyay Local Planning Policies for final adoption:

- (a) Signage Outside the Central Toodyay Heritage Area;
- (b) Directional Signage and Signage Within Thoroughfares; and
- (c) Non-Habitable Structures.

BACKGROUND

Council resolved to implement a review of all Shire policies in February 2022.

At the Ordinary Council Meeting held on 26 October 2022, Council adopted the following draft Local Planning Policies for the purpose of public advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- (a) Signage Outside the Central Toodyay Heritage Area;
- (b) Directional Signage and Signage Within Thoroughfares; and
- (c) Non-Habitable Structures.

Council requested the policies to be brought back to the December Ordinary Council Meeting for final review. However, due to resourcing issues, the required advertising period, and the early Council meeting held in December, Officers were unable to meet this deadline.

After the expiry of the period within which submissions may be made, the local government must —

- (a) review the proposed policy in the light of any submissions made; and
- (b) resolve to —
 - (i) proceed with the policy without modification; or
 - (ii) proceed with the policy with modification; or
 - (iii) not to proceed with the policy.

It is recommended that the Council proceeds with the policy without modifications

The final draft policies are provided at **Attachments 1, 2 and 3** for Council's consideration.

COMMENTS AND DETAILS

Officers have researched a range of local policies from a number of local government authorities to determine good policy examples. These policies been reviewed and developed using the best elements of these.

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

- (a) *Signage Outside the Central Toodyay Heritage Area;*
- (b) *Directional Signage and Signage Within Thoroughfares;* and
- (c) *Non-Habitable Structures.*

IMPLICATIONS TO CONSIDER

Consultative:

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

If the local government resolves to create or amend a local planning policy, in accordance with the Regulations, the local government must, unless the WAPC otherwise agrees, advertise the proposed policy. Advertising of Local Planning Policies must be for a period of not less than twenty-one (21) days.

The policies were discussed at the Council Workshop held on 26 October 2022 and made available on the Teams environment for input by elected members.

The advertising of the draft Local Planning Policies ended on 23 December 2022 with no submissions received.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

Governance: The way the Shire Leads and Operates

O 1: Provide accountable and transparent leadership for the community

O 2: Consistently improve our governance practices

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

Policy related:

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

This policy was last reviewed in 2008. At a very basic level, the current policy is inconsistent with the planning framework – for example, it does not reference the Planning and Development (Local Planning Schemes) Regulations 2015 – (the deemed provisions) and therefore any future iteration of the policy will need to address these factors.

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

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

Local Planning Policy - Non – habitable Structures

State Planning Policy 7.3 Residential Design Codes Volume 1 provides the following deemed-to-comply requirements for outbuildings under section 5.4.3:

<p>C3 Outbuildings associated with a dwelling site address either:</p> <ul style="list-style-type: none"> (i) the standards for small outbuildings (A. Small outbuilding); or (ii) the standards for large and multiple outbuildings (B. Large and multiple outbuildings). 	
<p>A. Small outbuilding</p>	<ul style="list-style-type: none"> (i) no more than one outbuilding per dwelling site; (ii) has no more than two boundary walls; (iii) does not exceed 10m² in area; (iv) does not exceed a wall and ridge height of 2.7m; (v) not located within the primary or secondary street setback area; and (vi) does not reduce open space and outdoor living area requirements in Table 1.
<p>OR</p>	
<p>B. Large and multiple outbuildings</p>	<ul style="list-style-type: none"> (i) individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser; (ii) set back in accordance with Table 2a; (iii) does not exceed a wall height of 2.4m; (iv) does not exceed a ridge height of 4.2m; (v) not located within the primary or secondary setback area; and (vi) does not reduce the open space and outdoor living area requirements in Table 1.
<p>Notes:</p> <ul style="list-style-type: none"> (i) An outbuilding wall that meets (ii) for small outbuildings does not contribute to the number or dimension of boundary walls under clause 5.1.3. 	

- (ii) An existing outbuilding that meets the development standards for small outbuildings does not need to be set back in accordance with Table 2a for additional outbuildings that are proposed under B. Large and multiple outbuildings;
- (iii) There are separate building code requirements that may also apply.

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

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

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

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

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

Therefore, any changes to the Local Planning Policy which proposes to amend or replace a deemed-to-comply provision of the R-Codes must be given consent by the Western Australian Planning Commission. The modifications relating to wall height, ridge height and area for Residential and Special Residential properties (which is contained in Table 1 of the policy) – is the reason why WAPC consent is required.

Financial:

There are no immediate financial implications as a result of these policies as they do not carry a mandatory statutory advertising requirement. Were the Council to determine that some advertising was warranted – then the Shire would be responsible for the cost of this. In a newspaper, three advertisements could be approximately \$750 which could be accommodated within current budget allocations.

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

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

Legal and Statutory:

Planning and Development Act 2005

Part 5 – Local Planning Schemes

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Policies

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

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

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

Risk related:

Reputational

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

Review of a policy framework is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary and relevant. If the Shire ignores this requirement and does not engage in routine review of this framework it risks reputational damage which is considered a medium risk.

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM015/02/23

MOVED Cr D Wrench

That Council

1. Pursuant to clause (3)(b)((ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the *Local Planning Policy - Signage Outside Toodyay Heritage Area* as per **Attachment 1**.
2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

MOTION CARRIED 7/0

Cr P Hart moved Officer's Recommendation 2.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM016/02/23

MOVED Cr P Hart

That Council

1. Pursuant to clause (3)(b)((ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the *Local Planning Policy – Directional Signage and Signage Within Thoroughfares* as per **Attachment 2**.
2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

MOTION CARRIED 7/0

OFFICER'S RECOMMENDATION 3/COUNCIL RESOLUTION NO. OCM017/02/23

MOVED Cr C Duri

That Council

1. Pursuant to clause (3)(b)((ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the *Local Planning Policy – Non-Habitable Structures* as per **Attachment 3**.
2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

MOTION CARRIED 7/0

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Local Laws Review Process

Date of Report:	30 January 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW1
Author:	S Haslehurst – Chief Executive Officer 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:	Executive
Attachments:	1. Local Laws Register; and ↔ 2. DLGSC Operational Guidelines - Local Laws. ↔

PURPOSE OF THE REPORT

To consider a process for the review of the current Shire of Toodyay local laws.

BACKGROUND

The *Local Government Act 1995* (the Act) enables local governments to make local laws considered necessary for the good government of their districts. Laws can only be made when authorised by the Act or other written laws but cannot be inconsistent with any State or Federal law. The types of laws made by local governments cover areas such as parking, activities on thoroughfares, public places and council and committee meetings.

The Act requires the Shire to undertake a review of its local laws every eight years. The Shire of Toodyay finalised its last review of existing local laws in April 2014. Therefore, the majority of the Shire’s Local Laws were due for review in 2022. However, proposed local government reforms referenced the development of a number of model local laws and many local governments have delayed the review process whilst waiting for them to be developed. Given the anticipated timeframe for release cannot currently be confirmed, this report provides a process to commence the review of the Shire of Toodyay’s local laws.

It should be noted that the following matters were considered during the 2014 review;

- Health Local Law;
- Animals, Environment and Nuisance Local Law;
- Bushfire Brigades Local Law; and
- Penalty Units Local Law.

Of these, only the Health Local Law was adopted and gazetted (2017). A Bushfire Brigades Local Law was considered but deferred pending amendments to emergency management

legislation. A Cat Local Law was gazetted in 2018 and in March 2020, a Waste Local Law was discussed but deferred.

A register of the Shire of Toodyay's currently gazetted local laws can be found at **Attachment 1**.

COMMENTS AND DETAILS

Section 3.16 of the Act prescribes the process that must be followed to notify the public that a local law is to be reviewed. A public notice must be issued, and submissions invited for a minimum period of six weeks. Council must consider submissions received and then determine by absolute majority whether each local law should remain unchanged or be repealed or amended.

If a local law is to be repealed or amended, section 3.12 *Procedure for making local laws* applies. The Operational Guidelines published by the Department of Local Government, Sport and Cultural Industries (DLGSC) (**Attachment 2**) provide information regarding the steps to be taken to make a local law. Notwithstanding the technical knowledge required to draft local laws, the process for adoption is complex and includes:

- State-wide public notice;
- Public consultation for a minimum of 42 days;
- National Competition Policy review;
- Provision of the proposed local law to the relevant Minister(s);
- Council consideration of submissions received;
- Council adoption by absolute majority;
- Publication of the adopted local law in the Government Gazette;
- Provision of a signed and seal copy of the local law to the relevant Minister(s);
- Further public notice advising the title, purpose, effect and commencement date of the adopted local law; and
- Provision of documents including an explanatory memorandum and checklist to the Joint Standing Committee on Delegated Legislation.

Therefore, Officers propose the following indicative process to undertake a review of the Shire's existing local laws.

Proposed Date	Activity
22 February 2023	<ul style="list-style-type: none"> • Council resolves to undertake a review of Shire of Toodyay Local Laws in accordance with s3.16 of the Act.
2 March 2023	<ul style="list-style-type: none"> • Public notice appears in the Toodyay Herald inviting submissions and notifying where the local laws can be accessed. • Public notice posted on the Shire's website, social media pages and noticeboards. • Local Laws are placed on the Teams environment for review by Councillors.
20 April 2023	<ul style="list-style-type: none"> • Public submission period closes (47 days).

Proposed Date	Activity
May 2023	<ul style="list-style-type: none"> • Council workshop held to consider submissions and discuss proposed changes. • Council considers a project brief to engage a consultant to undertake process to amend or repeal identified local laws as part of 2023/24 budget process.
24 May 2023	<ul style="list-style-type: none"> • Council considers submissions received and determines which local laws are to remain unchanged or be repealed or amended. • If no changes are required, Council will note the conclusion of the Review process. • Council adopts an indicative process and timeline for local laws to be repealed or amended if required.
July (indicative)	<ul style="list-style-type: none"> • Council considers budget allocation for Local Laws amendment / repeal process as part of 2023/24 Budget adoption.

IMPLICATIONS TO CONSIDER

Consultative:

DLGSC Operational Guidelines.

WALGA Local Laws Manual.

The Act requires that local governments to advertise their intent to review existing local laws and provide the opportunity for public comment for a minimum of 42 days. New local laws (or amendments) also require a 42 day public advertising period.

Model Local Laws – advice received from the Senior Project Officer for Regulatory Reform in June 2022 was that the Shire of Toodyay should proceed with its review of the local laws because even though the reforms have the potential to streamline the processes for local laws, local governments are still required to comply with the current requirements of the *Local Government Act 1995*.

Strategic:

Community Strategic Plan (Toodyay 2028)

Governance: The way the Shire leads and operates

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

○ 2: Consistently improve our governance practices.

○ 3: Ensure rigorous organisational systems.

Policy related:

Legislative Compliance

Financial:

Initial costs will include advertising of the Shire's intention to review its local laws. These costs can be met within existing budget allocations. Should Council choose to amend or

repeal any local laws, Officers are proposing that specialist expertise is engaged which will require a budget allocation in the 2023/24 Annual Budget.

In addition, the cost of gazettal i.e. advertising in the Local Government Gazette, will also need to be provided for, which is based on the length and complexity of the document. As an example, the cost of gazettal for the Health Local Law (63 pages) in 2018 was \$4,850 plus GST whereas the Repeal of Local Laws 2014 (8 pages) cost \$125 plus GST. Officers will need to seek estimates from the State Law Publisher to inform the project brief budget.

Legal and Statutory:

Local Government Act 1995.

Section 1.7 — Local Public Notice.

Division 2 — Legislative functions of local governments.

Subdivision 1 — Local laws made under this Act.

Sections 3.1 – 3.17.

Risk related:

It is imperative that the local laws are reviewed so that the Shire of Toodyay meets its governance obligations. Should Council choose not to conduct the review, both reputational and compliance risks would be rated high.

Workforce related:

The decision to review and public advertising will be administered by Shire officers. However, given the complexity of the process to make local laws, and the capacity of staff, officers are proposing a consultant is engaged to undertake the amendment / repeal process if required.

VOTING REQUIREMENTS

Simple Majority

<p>Cr M McKeown moved the Officer’s Recommendation. Clarification was sought. The motion was put.</p>
<p>OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM018/02/23 MOVED Cr M McKeown That Council requests the CEO to:</p> <ol style="list-style-type: none"> 1. Advertise Council’s intention to review the following Local Laws in accordance with the provisions of Section 3.16 of the <i>Local Government Act 1995</i>. <ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Thoroughfares and Public Places; • Cat Local Law; • Cemeteries (Toodyay and Jimperding); • Dogs Local Law;

- Extractive Industries;
 - Health Local Law;
 - Local Government Fencing;
 - Local Government Property;
 - Parking and Parking Facilities;
 - Pest Plants; and
 - Standing Orders.
2. Invite public submissions regarding the Shire of Toodyay's current local laws, closing on 20 April 2023.
 3. Provide a report to the May 2023 Ordinary Council Meeting for Council to:
 - (a) consider submissions and determine which local laws are to remain unchanged or be repealed or amended; and
 - (b) adopt a process and indicative timeline for any amendments.

MOTION CARRIED 7/0

9.2.2 List of Payments - December 2022

Date of Report:	5 January 2023
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:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of Payments December 2022. ⇒

PURPOSE OF THE REPORT

To present cheques and electronic payments raised during December 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 December 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 December 2022 total \$1,008,211.78.

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/COUNCIL RESOLUTION NO. OCM019/02/23

MOVED Cr B Ruthven

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

Direct Debits	\$ 76,141.31
EFTs	\$ 623,436.75
DD Loans	\$ 0.00
Payroll	\$ 286,834.02
Municipal Cheques	\$ 21,799.70
TOTAL	\$1,008,211.78

MOTION CARRIED 7/0

9.2.3 Monthly Financial Statements - December 2022

Date of Report:	31 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 Statement as at 31 December 2022. ⇒

PURPOSE OF THE REPORT

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

BACKGROUND

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

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

DETAILS:

The following documents, included as **Attachment 1**, comprise the statement of financial activity for the period ending 31 December 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
6	Investments	8
7	Capital Expenditure	9-11

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 31 December 2022.

Outstanding Rates

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 December 2022 was \$2,743,971.92 compared to November 2022 closing balance of \$3,248,522.41

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. As a result, the rates notices for the mining properties were held back.

The rate was quashed by the State Administrative Tribunal and a revised budget was adopted by Council on 1 February 2023 to address the matter. The rates notices for mining properties will be issued during February.

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

Outstanding Sundry Debtors

The total outstanding sundry debtors balance at the end of December 2022 was \$79,670.13 broken down as follows:

Category	30/11/2022	31/12/2022
> 90 days and over	\$178,239.35	\$47,161.41
> 60 days and over	\$35.18	\$2,338.32
> 30 days and over	\$16,439.69	\$19,186.64
Current	\$52,294.87	\$10,983.74
TOTAL	\$247,009.09	\$79,670.11

The table above shows a decrease in the outstanding sundry debtors balance compared to the previous month. The ADCO Invoice for \$124,980.40 was cancelled during 2020/2021 financial audit process as a result of the auditors' recommendation.

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

IMPLICATIONS TO CONSIDER

Consultative:

Consultation with Datacom is on-going in the preparation of the monthly financial statements.

Dry Kirkness (auditor contracted by the Office of the Auditor-General)

Strategic:

Shire 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 31 December 2022, the total funds held in the Shire's operating accounts (including an 11AM At Call account) is \$1,967,039.73 and the total of all interest bearing term deposits invested for the period ended 31 December 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/COUNCIL RESOLUTION NO. OCM020/02/23

MOVED Cr P Hart

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

MOTION CARRIED 7/0

9.2.4 List of Payments - January 2023

Date of Report:	3 February 2023
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:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Legislative
Attachments:	1. List of Payments - January 2023. ⇒

PURPOSE OF THE REPORT

To present cheques and electronic payments raised during January 2023.

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 January 2023 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 January 2023 total \$1,428,038.61.

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

Cr C Duri moved the Officer’s Recommendation.
 Clarification was sought.
 The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM021/02/23

MOVED Cr C Duri

That Council notes as being paid, payments listed and presented for the month of January 2023 as attached to this report, summarised as follows:

Direct Debits	\$ 26,686.74
EFTs	\$ 1,079,707.61
DD Loans	\$ 0.00
Payroll	\$ 260,230.17
Municipal Cheques	\$ 61,414.09
TOTAL	\$1,428,038.61

MOTION CARRIED 7/0

9.2.5 Monthly Financial Statements - January 2023

Date of Report:	7 February 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN24
Author:	N Mwale– Finance Coordinator
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	NA
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Legislative/Review
Attachments:	1. Monthly Financial Statements as at 31 January 2023 ⇨

PURPOSE OF THE REPORT

This report provides Council with monthly financial information for the period ending 31 January 2023.

BACKGROUND

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

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

DETAILS:

The following documents, included as **Attachment 1**, comprise the statement of financial activity for the period ending 31 January 2023:

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
6	Investments	8
7	Capital Works	9-11

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 31 January 2023.

Outstanding Rates

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 January 2023 was \$2,554,919.80 compared to December 2022 closing balance of \$2,743,971.92

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. As a result, the rates notices for the mining properties were held back.

The rate was quashed by the State Administrative Tribunal Officer and a revised budget was adopted by Council on 1 February 2023 to address the matter. The rates notices for mining properties will be issued during February.

Outstanding Sundry Debtors

The total outstanding sundry debtors balance at the end of January 2023 was \$322,521.33 broken down as follows:

Category	31/12/2022	31/01/2023
> 90 days and over	\$47,161.41	\$49,289.73
> 60 days and over	\$2,338.32	\$18,963.14
> 30 days and over	\$19,186.64	\$-1,588.04
Current	\$10,983.74	\$255,856.50
TOTAL	\$79,670.11	\$322,521.33

The table above shows an increase in the outstanding sundry debtors balance compared to the previous month. An amount of \$33,524.98 is overdue in the 90 days and over category.

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

IMPLICATIONS TO CONSIDER

Consultative:

Consultation with Datacom is on-going in the preparation of the monthly financial statements.

Dry Kirkness (auditor contracted by the Office of the Auditor -General)

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 31 January 2023, 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 31 December 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

Cr B Ruthven moved the Officer's Recommendation.
Clarification was sought.
The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM022/02/23

MOVED Cr B Ruthven

That Council receives the Monthly Financial Statements for the month ending 31 January 2023.

MOTION CARRIED 7/0

9.3 EXECUTIVE SERVICES

9.3.1 Parking Space Lease Agreement (Avivo) - Toodyay Community Junction

Date of Report:	11 January 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG262
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:	<ol style="list-style-type: none"> 1. Expired Avivo Lease Agreement; and ⇒ 2. Parking and Parking Facilities Local Law. ⇒

PURPOSE OF THE REPORT

To determine the terms and conditions for Avivo: Live Life Inc. (Avivo) to have ongoing access to parking spaces at the Toodyay Community Junction.

BACKGROUND

Avivo is a not-for-profit organisation, which is registered with the Australian Charities and Not-for-profits Commission. Avivo provides a range of services to customers in the Toodyay area and surrounds, including aged care, disabilities, and mental health.

In December 2017, Avivo approached the Shire of Toodyay (the Shire), requesting consideration be given to renting two parking bays at a secure Toodyay location, to allow Avivo staff to park their pool cars.

A 'Parking Space Lease Agreement' (the Agreement) was subsequently executed on 25 January 2018, authorising Avivo to have unlimited access to two marked parking spaces at the Toodyay Community Junction. The term of the Agreement was for twelve months, with an option to renew for a further twelve-month period. The annual fee of \$2,000.00 (exclusive of GST) was subject to review on the anniversary of the Agreement.

Although the Agreement was for two parking spaces, Avivo have been utilising a third parking space at no additional cost. The Shire has no record of any formal agreement to this effect. Avivo was unable to provide clarification as to when this arrangement commenced and who from the Shire approved it. A physical review of the allocated parking spaces has identified that none of them are marked 'Avivo,' which is contrary to the recitals of the Agreement.

Verbal discussions with Avivo have confirmed they wish to retain the three parking spaces, however expressed concern about paying any additional costs, given they are a not for profit organisation.

COMMENTS AND DETAILS

The Chief Executive Officer (CEO) at the time, had delegated authority under ES14 of the Register of Delegations 2018, to prepare and administer “*tenancy agreements between the Shire of Toodyay (Lessor) and a Lessee occupying premises owned by the Shire of Toodyay in accordance with s. 3.18 of the Local Government Act 1995*”.

Section 3.18 requires local governments to administer its local laws, when performing their executive functions. For the benefit of Council, Part 2, s. 2.2(1) of the Local Law states “*the local government is to give local public notice of its intention to make a determination*”. This is reinforced in s. 3.58(3) of the *Local Government Act 1995* (the Act). However, under ss. 30(1) and 30(2)(b) of the *Local Government (Functions and General) Regulations 1996* (the Regulations), a disposition of land is excluded from s. 3.58 if –

the land is disposed of to a body, whether incorporated or not —

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

Avivo is a not for profit, charitable organisation and therefore meets the criteria of an exempt disposition under s. 30(2)(b) of the Regulations. However, in this instance consideration was not given to s.3.1(d)-(e) of the Shire's *Parking and Parking Facilities Local Law 2000 (Attachment 2)* which states Council may by resolution, determine the ‘permitted classes’ of vehicles and persons which may park in specified parking stations; while s.3.3(b) provides for a fee to be charged for any vehicle parked in a parking station.

Officers suggest that tenancy agreements/lease agreements should only be used when the Lessee has exclusive possession of a premises. The Avivo parking spaces do not fit this criterion, as the premises is shared by a number of entities. Therefore, it is recommended that in this instance, a licence agreement would be more appropriate.

IMPLICATIONS TO CONSIDER

Consultative:

Avivo was encouraged to formally correspond with the Shire in relation to any concerns they may have about incurring costs for the additional parking space, however to date there has been no response.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

Governance: The way the Shire Leads and Operates

0.1: Provide accountable and transparent leadership for the Community

0.2: Consistently improve our governance practices

Policy related:

Financial Governance Policy

Financial:

Shire records confirm Avivo has continued to pay rent based on the Shire's *Schedule of Fees and Charges*. The current annual fee for Avivo for 2022/2023 is \$2,259.60. The fee for the 2023/2024 financial year will be considered as part of the Budget Adoption process.

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

Section 3.18 - Performing executive functions

Section 3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996

Section 30 – Disposition of property excluded from Act s. 3.58

Parking and Parking Facilities Local Law 2000

Section 3.1(d)-(e) – Determination of parking stalls and parking stations

Risk related:

Indemnification is a condition of the existing Agreement and therefore the risk of liability to the Shire is considered low. Should Council determine that a Licence is more appropriate, it is proposed that the indemnification clause is included in the Licence.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM023/02/23

MOVED Cr P Hart

That Council:

1. Resolves to allocate up to three parking stations for Avivo at the Toodyay Community Junction in accordance with Part 3 of the Shire's *Parking and Parking Facilities Local Law 2000*;
2. Resolves to terminate the existing 'Parking Space Lease Agreement' with Avivo and replace it with a 'Parking Station Licence Agreement;' and
3. Authorises the Chief Executive Officer to negotiate with Avivo the terms and conditions of a licence to occupy up to three parking stations at the Toodyay Community Junction.

MOTION CARRIED 7/0

9.3.2 Toodyay Recreation Centre - Management Reporting

Date of Report:	3 January 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PRO15
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	Not applicable
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<ol style="list-style-type: none"> TRC Management Reporting Pack - December 2022 Quarter (confidential) Section 5.23(2) <i>(e)(iii)a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person where the trade secret or information is held by, or is about, a person other than the local government (under separate cover)</i>

PURPOSE OF THE REPORT

To receive the Management Reporting Pack for the December 2022 quarter from Clublinks Management Pty Ltd for the Toodyay Recreation Centre (TRC) in accordance with the management contract.

BACKGROUND

As Venue Manager for the Toodyay Recreation Centre, Clublinks Management Pty Ltd is required to submit a monthly report to the Shire that details monthly activities, in accordance with the contract. Council receives these reports quarterly.

COMMENTS AND DETAILS

The reports for the months of October, November, and December 2022 are attached (**Attachment 1**) and include a summary of activities during the quarter.

The attached report provides further detail on visitation and usage in addition to key financial information. Of particular note for the period was the opening of the aquatic centre on 1 October 2022, however with the cool start to the season, numbers were lower than expected when compared to October 2021. In-term swimming lessons were a highlight in November for children from Toodyay District High School, in addition to Bolgart Primary School and a group of home-schooled children.

Unfortunately, compared to the same quarter for 2021, visitation for this quarter was lower than anticipated which is reflected in the corresponding financials. It is evident however, that a membership push through social media in November and December has contributed to higher visitation in the current quarter. Further detail will be included in the third quarter report.

IMPLICATIONS TO CONSIDER

Consultative:

Clublinks and Shire Officers meet monthly

Strategic:

Strategic Community Plan – Toodyay 2028

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

Policy related:

Nil.

Financial:

The Shire invests significantly in the operational costs of the TRC, with the expectation that Clublinks will operate the TRC to best practice standards; meeting community needs.

Legal and Statutory:

The Venue Manager is required to provide monthly reports to the Shire in accordance with the Management Contract.

Risk related:

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

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM024/02/23

MOVED Cr C Duri

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

MOTION CARRIED 7/0

9.4 INFRASTRUCTURE AND ASSETS

9.4.1 Council Policies - Street Lighting; Temporary Road Closures; and Oversize Vehicles.

Date of Report:	2 November 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	N Rodger – Operations Officer
Responsible Officer:	J Augustin – Manager Infrastructure and Assets
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<ol style="list-style-type: none"> 1. CURRENT Street Lighting Policy; ⇒ 2. REVISED Street Lighting Policy; ⇒ 3. CURRENT Oversize Vehicles Policy; ⇒ 4. NEW Restricted Access Vehicles Policy; ⇒ 5. CURRENT Temporary Road Closures Policy; and ⇒ 6. REVISED Temporary Road Closures Policy. ⇒

PURPOSE OF THE REPORT

To consider:

- (a) Adopting the REVISED Street Lighting Policy;
- (b) Revoking the CURRENT Oversize Vehicles Policy; and
- (c) Adopting the NEW Restricted Access Vehicles Policy; and
- (d) Adopting the REVISED Temporary Road Closures for Events Policy.

BACKGROUND

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

Old Ref	New Ref	Policy Name	Adoption Date	Most recent Council Resolution No. where applicable
E.4	INF3	Street Lighting	18/10/2007	CRN: 751/05/10
A.8	INF8	Oversize Vehicles	27/04/2006	CRN: 751/05/10
A.13	REG1	Temporary Road Closures	19/01/2006	CRN: 189/06/12

COMMENTS AND DETAILS

Information regarding the review of these three policies is below.

(a) Street Lighting

The current *Street Lighting Policy* is attached (**Attachment 1**).

This policy is to formalise the provision of street lighting within the Shire of Toodyay's subdivisional areas where street lighting is required.

The revised *Street Lighting Policy* has been amended as follows:

- Minor aesthetic changes have been made to policy items such as *Introduction, Objective, Scope, and Definitions*.
- Policy context and technical standards of the current policy have not changed.

The revised *Street Lighting Policy* is attached (**Attachment 2**).

(b) Oversize Vehicles Policy

The current *Oversize Vehicles Policy* is attached (**Attachment 3**).

The intent of this policy is to provide guidelines for Council and Council Officers in granting approval for the issuing of Main Roads WA permits to allow oversized vehicles to travel on Shire controlled roads.

The current *Oversized Vehicles Policy* has been amended as follows:

- Information contained in the current *Oversize Vehicles Policy* is superseded and a new heavy vehicle policy with new title '*Restricted Access Vehicles Policy*' was developed to consider Main Road WA's revised heavy vehicle network regulations.
- The new *Restricted Access Vehicles Policy* will allow Council, Officers, and Applicants to
 - Identify roads that are approved for RAV operation
 - Ensure that roads are suitable for the requested RAV access
 - Ensure that roads comply with Route Assessment Guidelines
 - Provide approval procedure guidance

The new *Restricted Access Vehicle Policy* (**Attachment 4**) is recommended for adoption.

It is recommended that the *Oversize Vehicles Policy* be revoked in favour of the new *Restricted Access Vehicles Policy*.

(c) Temporary Road Closures Policy

The current *Temporary Road Closure Policy* is attached (**Attachment 5**).

This policy is intended to provide clarity and guidance on the process to achieve the temporary closure of a road for public events.

The current *Temporary Road Closure Policy* has been amended as follows:

- The policy title '*Temporary Road Closure Policy*' was renamed to '*Temporary Road Closure for Public Events Policy*' to provide clarity regarding the policy limitations.
- Changes to *Policy Statement*, item 2

The amended policy requires event organiser to undertake all necessary works to install and remove signage, barriers, and other equipment for the temporary road closure. The event organiser is also required to provide Main Roads WA accredited personal a basic worksite traffic management ticket (minimum requirement) to erect and remove signage, barriers and other equipment.

The '*Temporary Road Closure for Public Events Policy*' (**Attachment 6**) is recommended for adoption.

IMPLICATIONS TO CONSIDER

Consultative:

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

The REVISED policies and the NEW policy was made available to Councillors via the Teams environment on 4 January 2023, before being discussed at a Council workshop held on 8 February 2023 attended by six elected members.

Minor typographical amendments were made to all three policies.

Strategic:

Toodyay Strategic Community Plan – Toodyay 2028

Building Environment:

Objective 1 - Ensure safe and sustainable transport options.

Objective 2 - Ensure our built environment meets community needs.

Objective 3 - Improve processes to support the built environment.

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

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

Policy related:

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

Financial:

Nil.

Legal and Statutory:

Nil.

Risk related:

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

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM025/02/23

MOVED Cr P Hart

That Council:

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

MOTION CARRIED 7/0

VOTING REQUIREMENTS

Absolute Majority

Cr D Wrench moved the Officer's Recommendation.

Clarification was sought.

The motion was put.

OFFICER'S RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM026/02/23

MOVED Cr D Wrench

That Council:

1. Revokes the CURRENT Oversize Vehicles Policy (**Attachment 3**).
2. Adopts the NEW Restricted Access Vehicles Policy (**Attachment 4**).
3. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the NEW Restricted Access Vehicles Policy prior to publication.

MOTION CARRIED 7/0

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 3/COUNCIL RESOLUTION NO. OCM027/02/23**MOVED** Cr C Duri

That Council

1. Adopts the REVISED Temporary Road Closures for Events Policy (**Attachment 6**).
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

MOTION CARRIED 7/0

9.4.2 Installation of separate utility meters at the Toodyay Recreation Centre

Date of Report:	17 January 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	186/08/22
Author:	J Augustin – Manager Infrastructure and Assets
Responsible Officer:	J Augustin – Manager Infrastructure and Assets
Previously Before Council:	Item 14.1 OCM 24 August 2022
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider the installation of separate utility meters at the Toodyay Recreation Centre.

BACKGROUND

In the financial year 2021/22, large volumes of scheme water were required for new turf consolidation, to balance salinity levels in the water storage facility and for irrigation purposes during a period of bore pump malfunctions which had a significant impact on the maintenance budget for the Toodyay Recreation Centre (TRC). Subsequently, the operator of the facility sought financial compensation for budget overruns relating to water and power consumption of the facility.

At the Ordinary Council Meeting held on 24 August 2022, Council requested the Chief Executive Officer to investigate the installation of separate utility meters for pavilion, aquatic and dry sport facilities to enable apportioning costs. Further, Council determined that the facility operator is responsible for managing power consumption.

Therefore, this report will focus solely on the installation of separate water submeters for pavilion, aquatic centre and dry sport facilities to monitor the flow and consumption of scheme water.

COMMENTS AND DETAILS

The investigation is based on information gained from site inspections and hydraulic services plans provided by Cundall Consulting Engineers for construction of the TRC.

Services Plans

The hydraulic service plans and specifications provide detailed information about water and gas supply pipelines and valve alignments for the TRC.

For this report the following hydraulic service plans were investigated:

- (a) Hydraulic Services, drawing no. H201 - Site Plan (Attachment 1);

- (b) Hydraulic Services, drawing no. H202 - Community Pavilion and Change Room (Attachment 2); and
- (c) Hydraulic Services, drawing no. H203 - Aquatic Centre Plan (Attachment 3).

Site Inspection

A thorough site inspection was conducted on 30 January 2023 by a local plumbing firm and shire officers to find feasible locations for additional submeters and to confirm the location of property branch connection point and main meter, backflow prevention devices, existing submeters and valves.

Conclusion

The information gained from the site inspection and the hydraulic services plans, indicate that three (3) additional submeters with data loggers would be required to permit determining water usage of the Pavilion, Aquatic Centre (showers and toilets), and Water Storage Tank. The existing submeter located in the Pool Plantroom however requires one (1) additional data logger to record the water usage of the Aquatic Centre pools. The facility’s main water meter located at the south-eastern property boundary records the overall consumption of the Toodyay Recreation Centre.

Proposed Locations (map below)

Submeter 1

Aquatic Centre, near the vehicle entrance gate

Submeter 2

Community Pavilion and Change Rooms, near bin storage facility

Submeter 3

Water Storage Tank, tank inlet pipe



Implementation Cost

The costs for the installation of additional water submeters and data logger on the TRC premises is estimated at \$10,000 (excl. GST).

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Toodyay Strategic Community Plan – Toodyay 2028

Built environment:

Objective 2 – Ensure our built environment meets community needs.

S 2.5 Enhance and maintain our parks, gardens, and public green spaces.

Policy related:

Nil.

Financial:

The cost for the installation of additional submeters and a data logger cannot be accommodated under the current budget allocation for building maintenance. A business case proposal will need to be prepared and submitted to Council for consideration under the upcoming capital works budget for financial year 2023/2024.

Legal and Statutory:

Nil.

Risk related:

Nil.

Workforce related:

If Council approves the officer's recommendation, works will be carried out by a qualified plumbing contractor in the financial year 2023/2024.

VOTING REQUIREMENTS

Absolute Majority

Cr P Hart moved the Officer's Recommendation as follows:

That Council requests the Chief Executive Officer to include a project brief for the installation of three (3) water submeters and one (1) water data logger at the Toodyay Recreation Centre for Council's consideration as part of the 2023/24 annual budget process.

Clarification was sought.

Cr M McKeown moved an amendment to the motion as follows:

That the words "2022/2023 budget review process" replace the words "2023/24 annual budget process."

Further clarification was sought.

Cr P Hart did not accept the amendment.

Cr M McKeown foreshadowed that he would move an alternate motion.

The Presiding Member sought any clarifications on the substantive motion.

Cr M McKeown objected to the motion.

Cr S Pearce seconded the motion.

Debate commenced.

Clarification was sought.

Debate continued.

The Shire President ruled in accordance with Standing Order 7.8 that Cr McKeown is to restrict his remarks to a personal explanation.

Further clarification was sought.

Debate recommenced.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM028/02/23

MOVED Cr P Hart

SECONDED Cr S Pearce

That Council requests the Chief Executive Officer to include a project brief for the installation of three (3) water submeters and one (1) water data logger at the Toodyay Recreation Centre for Council's consideration as part of the 2023/24 annual budget process.

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

Voted Against: Crs R Madacsi, C Duri, M McKeown and S Pearce

MOTION LOST 3/4

Cr M McKeown moved a motion as follows:

That Council requests the Chief Executive Officer to include a project brief for the installation of three (3) water submeters and one (1) water data logger at the Toodyay Recreation Centre for Council's consideration as part of the 2022/23 budget review budget process.

Cr S Pearce moved an amendment to the motion to add a Point 2 to read as follows:

That if this matter is unable to be accommodated as part of the mid-year budget review that it is brought to the 2023/2024 Annual Budget Process

Cr M McKeown accepted the amendment to the motion.

The motion was put.

MOTION/COUNCIL RESOLUTION NO. OCM029/02/23**MOVED** Cr M McKeown

That:

1. Council requests the Chief Executive Officer to include a project brief for the installation of three (3) water submeters and one (1) water data logger at the Toodyay Recreation Centre for Council's consideration as part of the 2022/23 budget review budget process.
2. If this matter is unable to be accommodated as part of the mid-year budget review that it is brought to the 2023/2024 Annual Budget Process.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

In accordance with regulation 11. Minutes, content of (Act s. 5.25(1)(f) of the Local Government (Administration) Regulations 1996 regulation 11(da) requires that Council record in the minutes a written reason for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).

Council's reason for defeating the original Officer's Recommendation was due to the fact that most Councillors believed that the matter was more urgent than waiting for the adoption of an annual budget; and if the funds might be available for expenditure as part of the mid-year budget review, their intention to hurry the matter along is the reason for their adopted resolution.

9.5 COMMITTEE REPORTS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**12.1. Special Council Meeting – Questions on notice – Cr M McKeown**

At a Special Council Meeting held on 1 February 2023, the following questions on notice were received from Councillor McKeown.

Question 1

Why was there no BAL assessment made to accompany the application?

Response from Manager Development and Regulation

A BAL assessment was not warranted as the application was for development of a temporary nature.

Question 2

Is it a condition that BAL assessments don't have to be made if the development is of a temporary nature?

Response from Manager Development and Regulation

Planning Bulletin 111/2016 provides exemptions in the application of State Planning Policy 3.7.

5. Exemptions

Exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker.

If the proposal does not result in the intensification of development (or land use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practicable reason to require a BAL Assessment.

Exemptions may apply to infrastructure including roads, telecommunications, and dams; and to rural activities, including piggeries and chicken farms which do not involve employees on site for a considerable amount of time.

The deemed provisions exempt renovations, alterations, extensions, improvements, or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios, and storage sheds).

SPP 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time;*
or
- *result in an increase to the bushfire threat;*

the proposal may also be exempt from the provisions of SPP 3.7.”

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM030/02/23

MOVED Cr D Wrench

That the responses to the questions asked at the Special Council Meeting held on 1 February 2023 regarding Item 6.1.1 P2022-122 Lot 4 (No. 19A) Clinton Street, Toodyay – Temporary Placement of 20FT Shipping container raised by Councillor McKeown be received and noted

MOTION CARRIED 7/0

At 2.10pm, the Presiding Officer ruled that the meeting now consider the recommendations available for Agenda Item 9.1.4.

Officer's Recommendation 1 was not moved by members.

Clarification was sought in regard to Officer Recommendations 2 and 3.

Cr M McKeown foreshadowed an amendment motion to merge Officer Recommendations 2 and 3 together.

Clarification was sought.

Cr M McKeown moved an amendment motion as follows:

That Council:

- 1. Advises the Western Australian Planning Commission that it requests the application (WAPC REF: 163122) be deferred until such time that Council has had the opportunity to consider the following additional information to be supplied by the applicant:**

- **Revised plans demonstrating an improved focus on public open space, retention of vegetation where possible and appropriate landscaping plans using non-flammable vegetation species;**

to allow the proposal be brought back to Council at the March Ordinary Council Meeting on 22 March 2023 for further consideration.

- 2. Should the Western Australian Planning Commission refuse Council's request for deferment, Council requests the Chief Executive Officer to advise the Western Australian Planning Commission that the Shire of Toodyay supports the application for subdivision WAPC Ref 163122 – Lot 9011 & 9507 Drummond Street, Nunile, subject to the following conditions:**

Drainage and site works

1. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - (a) lots can accommodate their intended development; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
2. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (a) lots can accommodate their intended use; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
3. Engineering drawings and specifications are to be submitted and approved and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.
4. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.

Transport I movement

5. Engineering drawings and specifications are to be submitted, approved by the Shire of Toodyay, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.

6. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and subdivisional works undertaken

in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:

- (a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or;
- (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or;
- (c) temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or;

to the satisfaction of the Western Australian Planning Commission.

7. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the portions of Drummond Street in the locations as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007.
8. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the Boyagerring Brook crossing in the location as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007.
9. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the approved plan of subdivision and engineering drawings and specifications, for the construction of dual-use path(s) in the locations as shown on the plan dated 12 December 2022 (attached).
10. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to serve the lots shown on the approved plan of subdivision.

Environment

11. Prior to the commencement of subdivision, works a foreshore management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
12. Prior to the commencement of subdivision works a drainage and nutrient management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
13. Prior to the commencement of subdivision works a landscape management plan for the site is to be prepared and approved by the Shire of Toodyay to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.

Bushfire Planning

14. Prior to the commencement of subdivision works, engineering drawings and specifications are to be submitted and approved providing reserve or road reserve allowances are made in the vicinity of proposed lot 498, and proposed lot 502 to allow linkages. Initially, these should be constructed as Fire Service Access Routes (gated) (E3.4b pp 83) of Guidelines for Planning in Bushfire Prone Areas (v1.4) to assist fire services in accessing in/out of the subdivision for effective fire suppression operations.
15. Information is to be provided to demonstrate that the measures contained in the bushfire management plan - *Bushfire Management Plan (Subdivision) Proposed subdivision at Lot 9011 Drummond Street, Toodyay November 2022, Version 2* that address the following:
 - (a) Water supply will be through a reticulated water with hydrant connections provided in accordance with Water Corporation's No. 63 Water Reticulation Standard.
 - (b) A plan showing hydrant location by an appropriate professional must be created and form part of the approval.
 - (c) Have been implemented during subdivisional works. This information should include a notice of 'Certification by Bushfire Consultant'.

Notifications

16. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lots 495 - 530, 542 and 554 – 562. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Special controls may apply to development.'

17. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is subject to the Shire of Toodyay Local Planning Policy - Foggarthorpe Residential Estate Design Guidelines (as amended).'

ADVICE

1. In relation to condition 1, the landowner/applicant is to ensure that earthworks are carried out and the land is compacted in accordance with Australian Standard AS3798-2007 "Guidelines on earthworks for commercial and residential developments" and Module 2 of IPWEA Local Government Guidelines for Subdivisional Development. The required earthworks may include backfilling, levelling, compaction and retaining.
2. In relation to Conditions 5, 6, 7, 8 and 9, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.

The Presiding Member adjourned the meeting at 2.19pm.

The Presiding Member resumed the meeting at 2.41 pm.

Cr R Madacsi moved an amendment to the motion as follows:

At Point 7 under the heading Transport I movement the following sentence be included to read as follows:

This includes the entirety of Lot 9507 and the portion of Drummond Street immediately adjacent to the West of Lot 9507 (polygon number 1352358).

Cr M McKeown accepted the amendment.

Clarification was sought.

Cr S Pearce objected to the motion.

Cr P Hart seconded the motion.

Debate commenced.

The Presiding Member asked Cr S Pearce if she wished to make an amendment to Point 1 that would read *“That the WAPC takes into account the age of the structure plan and the change in data since its inception to now.”*

Cr S Pearce moved an amendment to the substantive motion as follows:

That at Point 1 a new dot point be included to read:

- **That the WAPC takes into account the age of the structure plan because Council is concerned that the data is not relevant and may now be outdated.**

Cr D Wrench seconded the amendment.

The amendment was put.

AMENDMENT /COUNCIL RESOLUTION NO. OCM031/02/23

MOVED Cr S Pearce

SECONDED Cr D Wrench

That at Point 1 a new dot point be included to read:

- That the WAPC takes into account the age of the structure plan because Council is concerned that the data is not relevant and may now be outdated.

AMENDMENT CARRIED 7/0

Further clarification was sought.

The substantive motion was put.

MOTION/COUNCIL RESOLUTION NO. OCM032/02/23**MOVED** Cr M McKeown**SECONDED** Cr P Hart

That Council:

1. Advises the Western Australian Planning Commission that it requests the application (WAPC REF: 163122) be deferred until such time that Council has had the opportunity to consider the following additional information to be supplied by the applicant:
 - Revised plans demonstrating an improved focus on public open space, retention of vegetation where possible and appropriate landscaping plans using non-flammable vegetation species;
 - That the WAPC takes into account the age of the structure plan because Council is concerned that the data is not relevant and may now be outdated;to allow the proposal be brought back to Council at the March Ordinary Council Meeting on 22 March 2023 for further consideration.
2. Should the Western Australian Planning Commission refuse Council's request for deferment, Council requests the Chief Executive Officer to advise the Western Australian Planning Commission that the Shire of Toodyay supports the application for subdivision WAPC Ref 163122 – Lot 9011 & 9507 Drummond Street, Nunile, subject to the following conditions:

Drainage and site works

1. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - (a) lots can accommodate their intended development; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
2. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (a) lots can accommodate their intended use; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
3. Engineering drawings and specifications are to be submitted and approved and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management

Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.

4. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.

Transport I movement

5. Engineering drawings and specifications are to be submitted, approved by the Shire of Toodyay, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.

6. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - (a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or;
 - (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or;
 - (c) temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or;

to the satisfaction of the Western Australian Planning Commission.

7. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the portions of Drummond Street in the locations as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007. This includes the entirety of Lot 9507 and the portion of Drummond Street immediately adjacent to the West of Lot 9507 (polygon number 1352358).
8. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the Boyagerring Brook crossing in the location as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007.
9. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the approved plan of subdivision and

engineering drawings and specifications, for the construction of dual-use path(s) in the locations as shown on the plan dated 12 December 2022 (attached).

10. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to serve the lots shown on the approved plan of subdivision.

Environment

11. Prior to the commencement of subdivision, works a foreshore management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
12. Prior to the commencement of subdivision works a drainage and nutrient management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
13. Prior to the commencement of subdivision works a landscape management plan for the site is to be prepared and approved by the Shire of Toodyay to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.

Bushfire Planning

14. Prior to the commencement of subdivision works, engineering drawings and specifications are to be submitted and approved providing reserve or road reserve allowances are made in the vicinity of proposed lot 498, and proposed lot 502 to allow linkages. Initially, these should be constructed as Fire Service Access Routes (gated) (E3.4b pp 83) of Guidelines for Planning in Bushfire Prone Areas (v1.4) to assist fire services in accessing in/out of the subdivision for effective fire suppression operations.
15. Information is to be provided to demonstrate that the measures contained in the bushfire management plan - Bushfire Management Plan (Subdivision) Proposed subdivision at Lot 9011 Drummond Street, Toodyay November 2022, Version 2 that address the following:
 - (a) Water supply will be through a reticulated water with hydrant connections provided in accordance with Water Corporation's No. 63 Water Reticulation Standard.
 - (b) A plan showing hydrant location by an appropriate professional must be created and form part of the approval.
 - (c) Have been implemented during subdivisional works. This information should include a notice of 'Certification by Bushfire Consultant'.

Notifications

16. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lots 495 - 530, 542 and 554 – 562. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Special controls may apply to development.'

17. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is subject to the Shire of Toodyay Local Planning Policy - Foggarthorpe Residential Estate Design Guidelines (as amended).'

ADVICE

1. In relation to condition 1, the landowner/applicant is to ensure that earthworks are carried out and the land is compacted in accordance with Australian Standard AS3798-2007 "Guidelines on earthworks for commercial and residential developments" and Module 2 of IPWEA Local Government Guidelines for Subdivisional Development. The required earthworks may include backfilling, levelling, compaction and retaining.
2. In relation to Conditions 5, 6, 7, 8 and 9, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

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

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS

Nil.

15 NEXT MEETINGS

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

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.55pm.



ATTACHMENTS MINUTES

Ordinary Council Meeting

Wednesday, 22 February 2023

Table of Contents

5.3	Agenda Briefing - 15 February 2023	
	Attachment 1 Agenda Briefing Notes - 15 Feb 2023.....	5
9.1.4	WAPC REF: 163122 Lots 9011 AND 9507 Drummond Street Nunile - Proposed 100 Lot Subdivision.	
	Attachment 1 Tabled Document - Shire of Toodyay Response letter to WAPC.....	38
9.1.1	Lot 54 Julimar Road, West Toodyay - Ancillary Accomodation	
	Attachment 1 P2022-115 - Application and Plans.....	43
9.1.2	Draft Local Planning Policy - Extractive Industries	
	Attachment 1 Extractive Industries and Waste Disposal Policy.	47
9.1.3	Draft Local Planning Policy - Compliance	
	Attachment 1 Current - Local Planning Policy - Compliance; and.....	74
	Attachment 2 Draft - Local Planning Policy - Compliance.....	78
9.1.4	WAPC REF: 163122 Lots 9011 AND 9507 Drummond Street Nunile - Proposed 100 Lot Subdivision.	
	Attachment 1 WAPC 163122 - Display Plan;	83
	Attachment 2 WAPC 163122 - Plan;.....	84
	Attachment 3 WAPC 163122 - Report (including Bushfire);.....	86
	Attachment 4 Late attachment - Amended Plan of subdivision;.....	199
	Attachment 5 Late Attachment - Bush Fire Management Plan.	201
9.1.5	P2022-2 Lots 54-56 Railway Road, West Toodyay - Change to existing Non-conforming use.	
	Attachment 1 Application.	224
9.1.6	Lot 122/390 Toodyay West Road, West Toodyay - Outbuilding	
	Attachment 1 Site Plan and Application	229
9.1.7	Lot 394 Markey Road, West Toodyay - Proposed Additions to Single Dwelling (Overheight)	
	Attachment 1 P2022-124 - Application and Plans.....	231
9.1.8	Draft Local Planning Policies: Signage Outside the Central Toodyay Heritage Area; Directional Signage and Signage within thoroughfares; and non-habitalbe structures	
	Attachment 1 DRAFT Signage outside the Central Toodyay Heritage Area Policy;	238
	Attachment 2 DRAFT Directional Signage and Signage within thoroughfares; and.....	248
	Attachment 3 DRAFT Non-habitable structures.	255
9.2.1	Local Laws Review Process	

Attachment 1 Local Laws Register; and.....	269
Attachment 2 DLGSC Operational Guidelines - Local Laws.	271
9.2.2 List of Payments - December 2022	
Attachment 1 List of Payments December 2022.	287
9.2.3 Monthly Financial Statements - December 2022	
Attachment 1 Monthly Financial Statement as at 31 December 2022.....	299
9.2.4 List of Payments - January 2023	
Attachment 1 List of Payments - January 2023.....	310
9.2.5 Monthly Financial Statements - January 2023	
Attachment 1 Monthly Financial Statements as at 31 January 2023.....	324
9.3.1 Parking Space Lease Agreement (Avivo) - Toodyay Community Junction	
Attachment 1 Expired Avivo Lease Agreement; and.....	335
Attachment 2 Parking and Parking Facilities Local Law.....	339
9.4.1 Council Policies - Street Lighting; Temporary Road Closures; and Oversize Vehicles.	
Attachment 1 CURRENT Street Lighting Policy;.....	374
Attachment 2 REVISED Street Lighting Policy;.....	378
Attachment 3 CURRENT Oversize Vehicles Policy;.....	383
Attachment 4 NEW Restricted Access Vehicles Policy;.....	387
Attachment 5 CURRENT Temporary Road Closures Policy; and.....	392
Attachment 6 REVISED Temporary Road Closures Policy.....	396



Agenda Briefing

15 February 2023

Notes

Unconfirmed Notes

These notes were approved for distribution on 17 February 2023.

Suzie Haslehurst

CHIEF EXECUTIVE OFFICER

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

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

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

Received Notes

These notes were received at an Ordinary Council Meeting held on 22 February 2023.

Signed: 

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

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
2	RECORDS OF ATTENDANCE.....	1
2.1	APOLOGIES	1
2.2	APPROVED LEAVE OF ABSENCE	1
2.3	APPLICATIONS FOR LEAVE OF ABSENCE	1
3	DISCLOSURE OF INTERESTS.....	1
4	PUBLIC QUESTIONS.....	2
4.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4.2	PUBLIC QUESTION TIME	3
5	CONFIRMATION OF MINUTES	3
6	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	3
6.1	PETITIONS.....	3
6.2	DEPUTATIONS.....	3
6.3	PRESENTATIONS	3
6.4	SUBMISSIONS.....	3
7	BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED).....	3
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION).....	3
9	OFFICER REPORTS	3
9.1	DEVELOPMENT AND REGULATION	3
9.1.1	Lot 54 Julimar Road, West Toodyay - Ancillary Accommodation	3
9.1.2	Draft Local Planning Policy - Extractive Industries	4
9.1.3	Draft Local Planning Policy – Compliance	7
9.1.4	WAPC REF: 163122 Lots 9011 AND 9507 Drummond Street Nunile - Proposed 100 Lot Subdivision.	8
9.1.5	P2022-2 Lots 54-56 Railway Road, West Toodyay - Change to existing Non-conforming use.	18
9.1.6	Lot 122/390 Toodyay West Road, West Toodyay - Outbuilding.....	19
9.1.7	Lot 394 Markey Road, West Toodyay - Proposed Additions to Single Dwelling (Over height).....	22
9.1.8	Draft Local Planning Policies: Signage Outside the Central Toodyay Heritage Area; Directional Signage and Signage within thoroughfares; and non-habitable structures	23

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

9.2	CORPORATE AND COMMUNITY SERVICES	23
9.2.1	Local Laws Review Process	23
9.2.2	List of Payments - December 2022.....	24
9.2.3	Monthly Financial Statements - December 2022.....	25
9.2.4	List of Payments - January 2023	27
9.2.5	Monthly Financial Statements - January 2023	28
9.3	EXECUTIVE SERVICES	28
9.3.1	Parking Space Lease Agreement (Avivo) - Toodyay Community Junction.....	28
9.3.2	Toodyay Recreation Centre - Management Reporting	28
9.4	INFRASTRUCTURE AND ASSETS	28
9.4.1	Council Policies - Street Lighting; Temporary Road Closures; and Oversize Vehicles.	28
9.4.2	Installation of separate utility meters at the Toodyay Recreation Centre	29
9.5	COMMITTEE REPORTS	29
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	29
11	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	29
12	QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	29
13	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	29
13.1	MEMBERS	29
13.2	EMPLOYEES	29
14	CONFIDENTIAL BUSINESS	29
15	NEXT MEETINGS	30
16	CLOSURE OF MEETING	30

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr R Madacsi, Shire President, declared the meeting open at 1.08pm.

2 RECORDS OF ATTENDANCEMembers

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr C Duri	Councillor
Cr P Hart	Councillor (<i>via zoom</i>)
Cr S McCormick	Councillor
Cr M McKeown	Councillor
Cr S Pearce	Councillor
Cr D Wrench	Councillor (<i>via zoom from 1.18pm</i>)

Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Infrastructure and Assets
Ms T Bateman	Manager Corporate and Community Services
Mr H de Vos	Manager Development and Regulation
Mrs M Rebane	Executive Assistant
Mrs N Mwale	Finance Coordinator

Visitors

Nil

2.1 APOLOGIES

Cr S McCormick Councillor

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

Cr Pearce declared a Proximity Interest in relation to Agenda Item No. 9.1.2 Draft Local Planning Policy - Extractive Industries as a currently operating extractive industry shares her residential land boundary.

The CEO advised that advice would be sought in regard to the above.

Response after meeting:

Advice from James McGovern from WALGA was as follows:

If the Council decision is about the general development of a policy around extractive industry then the fact that Cr Pearce, or any Councillor that has

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

property that adjoins the boundary of a current extractive industry does not equate to the definition of a Proximity Interest in s.5.60B of the Local Government Act 1995 which states:

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —**
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or**
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or**
 - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.**
- (2) In this section, land (the proposal land) adjoins a person's land if —**
 - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; or**
 - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or**
 - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.**
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.**

However, if the policy is going to affect the Shire's planning instruments (i.e. the Shire's local planning scheme or planning strategy), or make a change to zoning on certain land, or for proposed developments, then consideration of the policy does invoke a Proximity Interest for any councillor who has a property that is adjoining an existing extractive industry.

If Councillors query whether they may have to declare an interest for any extractive industries that have not become active as yet, they need not do that because disclosures of interest are not for speculative reasons. They are only for active or current reasons.

Cr Duri sought clarification in regard to an interest with respect to Agenda Item 9.1.6 – Lot 111/390 Toodyay West Road. The Presiding Member advised that according to the meaning of the disclosure of financial interests and gifts section of the *Local Government Act 1995*, that she needn't declare an interest on this occasion if it is a distant business dealing.

4 PUBLIC QUESTIONS**4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Clarification was sought.

Response after the meeting as follows:

Two questions were taken on notice at the Special Council Meeting held on 1 Feb 2023.

The questions and responses will be included in the 22 February 2023 Ordinary Council Meeting Minutes.

Page 2

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Correspondence will be sent on Friday 17 February 2023 via email to the person who asked the questions.

The Agenda Settlement Process has been revised to ensure questions taken on notice are included in the Agenda in future.

4.2 PUBLIC QUESTION TIME

Nil.

5 CONFIRMATION OF MINUTES

As per Council Meeting Agenda

6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Nil.

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9 OFFICER REPORTS

9.1 DEVELOPMENT AND REGULATION

9.1.1 Lot 54 Julimar Road, West Toodyay - Ancillary Accommodation
--

Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response
<i>Cr Duri</i>	As I can see only one rainwater tank on the drawings, I would like to clarify if this tank is sufficient to service a further dwelling and additional persons, please.	<u><i>Planning and Compliance Officer response:</i></u> <i>This property is connected to scheme water therefore a second water tank is not required.</i> <i>An Alternate motion submitted by the Manager Development and Regulation was withdrawn.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response
<i>Cr Madacsi</i> (OAM63182)	May we have a photo of the existing house for colour and design.	<i>Planning and Compliance Officer response:</i> <i>Yes. The house is cream brick with a green Colourbond roof.</i>

9.1.2 Draft Local Planning Policy - Extractive Industries

Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Development and Regulation Manager unless otherwise provided
<i>Cr Pearce</i>	From the workshop, Manager of Development indicated the extractive industries draft needs adjustment/additions i.e. .more work, but it was needed to be adopted in the form presented. It was felt the policy would be reviewed before June to add the amendments. I would like clarification of amending the officers recommendation to include this review and subsequent adoption by Council.	<i>The formal adoption meeting (after advertising) will be the best time to add a clause about bringing back for future review. Is that acceptable?</i>
<i>Cr Madacsi</i>	Objectives <ul style="list-style-type: none"> o May I suggest a descending order of importance, starting with community objectives o Add a dot point 2 - To protect against the loss of key water assets in the Shire. o Are existing dot point 3 and 9, then dot point 5 and 8, essentially the same. Could objectives be condensed, e.g.? ❖ To protect the environmental and landscape amenity, values and qualities of Toodyay. ❖ To protect key water assets in the Shire against degradation. 	<i>Advice from the CEO: given the number of queries received regarding the draft extractive industries policy, it is clear further discussion is required before presenting a draft for advertising approval. Therefore, I will withdraw Item 9.1.2 from this agenda and we will present to the March 2023 OCM.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Development and Regulation Manager unless otherwise provided
	<ul style="list-style-type: none"> ❖ To protect the economic viability of the Shire's agricultural and horticultural industries and tourism. ❖ To prevent activities detrimental to the amenity and/or environment of the area during or after extraction. ❖ To provide stakeholders with clear guidelines and requirements for the processing of applications for extractive industries. ❖ To ensure proposed haulage routes and road hierarchy support an extractive industry without degrading Shire road assets. ❖ To allow for the consideration of extractive industries in appropriate locations and to ensure such industries are operated in a correct and appropriate manner. 	
<i>Cr Madacsi</i>	Definitions I don't understand 'committed area', it is not clear to me.	<i>Refer to the above response.</i>
<i>Cr Madacsi</i>	<p>Council's position on extractive industries</p> <ul style="list-style-type: none"> o (b) as written makes no sense o (d) Sensitive land uses should not be permitted to encroach on extractive industry operations – should this not be reversed to extractive industry operations should not be permitted to encroach on sensitive land uses? o (e) doesn't make sense ... new development should not be permitted that would prevent the exploitation of viable deposits of basic raw material, unless removal of that material would result in unacceptable impacts on an existing or future community 	<i>Refer to the above response.</i>
<i>Cr Madacsi</i>	Approval requirements	<i>Refer to the above response.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Development and Regulation Manager unless otherwise provided
	<ul style="list-style-type: none"> o Needs to be condensed - Council Development Approval is required for new applications. Where a new extractive industry is proposed, or an existing industry is to be increased in size over what was originally approved to Council Development Approval is required for proposed new applications, or an existing industry is to be increased in size over what was originally approved. o Remove the word full from full Council 	
<i>Cr Madacsi</i>	<p>4.2 Council considerations – Matters to be considered by council – change</p> <p>(e) Proximity and buffers to water courses; to water resources</p>	<i>Refer to the above response.</i>
<i>Cr Madacsi</i>	<p>6 General Development Requirements – (d) No excavation is to occur within 50 metres of a water course or body; - the body part of this needs further consideration as an excavation near a water recharge body could cause unwanted consequences.</p>	<i>Refer to the above response.</i>
<i>Cr Madacsi</i>	<p>Element Amenity p.14 – 2. refer to the provisions of the Environmental Protection (Noise) Regulations 1997</p>	<i>Refer to the above response.</i>
<i>Cr Madacsi</i>	<p>10.3 Category of non-compliance – needs to be more concise, highlighted sentence is confusing, is it needed?</p>	<i>Refer to the above response.</i>
<i>Cr Madacsi</i>	<p>10.5 Table 4 – Critical category, commencement of site works before plans received – what is the consequence?</p>	<i>Refer to the above response.</i>
<i>Cr Madacsi</i>	<p>14 Road Contribution – the road maintenance contribution needs to be</p>	<i>Refer to the above response.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Development and Regulation Manager unless otherwise provided
	<p> tied to a standard of calculation e.g.: WALGA</p>	

9.1.3 Draft Local Planning Policy – Compliance

Item 9.1.3 - Questions and Points raised		
Councillor	Discussion	Response
<i>Cr Pearce</i>	<p>Clarification – from the workshop, was there discussion the title was to be changed – Compliance - Local Planning. Would this pleased be checked?</p>	<p><u>Planning and Compliance Officer response:</u> <i>Regulatory Compliance.</i></p>
<i>Cr Madacsi (OAM63182)</i>	<p>Scope - Does not limit the discretion of the Shire, - should this read Council?</p>	<p><u>Planning and Compliance Officer response:</u> <i>The first level of authority is the Shire. If there is no delegated authority the matter would be presented to Council.</i></p>
<i>Cr Madacsi (OAM63182)</i>	<p>3 Circumstances where the Shire may take no further compliance action - (d) Where an activity constitutes domestic enjoyment, notwithstanding the activity may be defined under the Local Planning Scheme 4. What does this refer to and why is it included?</p>	<p><u>Planning and Compliance Officer response:</u> <i>Paragraph removed as it is confusing.</i></p>
<i>Cr Madacsi (OAM63182)</i>	<p>(d) Retrospective application seeking approval – can we shed the word retrospective to minimise confusion? E.g.: Approval after development has occurred. In the first paragraph remove the wording for retrospective approval and retrospective. The sentences still read correctly</p>	<p><u>Planning and Compliance Officer response:</u> <i>Yes – The word retrospective can be removed.</i></p>

Page 7

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.3 - Questions and Points raised		
Councillor	Discussion	Response
Cr Ruthven	When we workshopped in teams with this one, we had called it regulatory compliance.	<u>CEO response:</u> <i>Yes, that is correct and it was a question that was raised and it has been confirmed that we will change it to Regulatory Compliance before advertising</i>

Cr Wrench entered the meeting via zoom at 1.18pm.

9.1.4 WAPC REF: 163122 Lots 9011 AND 9507 Drummond Street Nunile - Proposed 100 Lot Subdivision.

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
Cr Pearce	<p>All the areas designated as the drainage sites and the roads will come under the care and management of the Shire of Toodyay and will incur future maintenance costs.</p> <p>Other than phrase “high standard”, How can the shire be future proofed from these costs. What is the policy/regulations for setting up a maintenance fund as part of the subdivision to which developer contributes?</p>	<p><i>This will be determined through the subdivision clearance process. The Shire will not sign off on conditions unless it is satisfied. Additionally in this instance as it is a 100-lot subdivision, the clearance must come ack to Council for final approval as per our current approval.</i></p> <p><i>This is covered under <u>State Planning Policy 3.6 – Infrastructure Contributions</u>.</i></p> <p><i>Please refer to Part 6 – Policy Measures.</i></p>
Cr Pearce	<p>The preparation and implementation of several plans will ensure that these areas are developed to the highest quality with the entire necessary infrastructure being provided for by the developer.</p> <p><i>Will the Officer please clarify: The preparation and implementation of several plans: What are these plans and when will they be developed? E.g. before subdivision approval?</i></p>	<p><i>This is covered in the proposed conditions: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15.</i></p> <p><i>This will be a cost to the developer.</i></p> <p><i>They will need to be cleared by Council.</i></p>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
Cr Pearce	<p><i>This subdivision was submitted several years ago. The original subdivision included open space for the whole area. Accepting this is part of the original holding, no extra open space is allocated for these new lots.</i></p> <p><i>From Officers report, Shire of Toodyay Local Planning Scheme No. 4 provides the mechanism for protecting and enhancing the environment of the district and its historical associations, controlling land and building development, setting aside land for future use as reserves.</i></p> <p><i>Due to 100 new sites being made, and extensive other building sites already in play, is there a need for extra open space amongst these lots? How should the Shire address in this application the need for extra open public space amongst these lots?</i></p>	<p><i>The sites were identified in the original structure plan which has been endorsed.</i></p> <p><i>The proposed subdivision complies with the specific requirements of the endorsed structure plan which strategically identifies the location for public open space throughout the structure plan area.</i></p>
Cr Pearce	<p>From Officers Recommendation:</p> <p>As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC</p>	<p><i>This is a standard condition per the WAPC's Model Subdivision Conditions schedule.</i></p> <p><i>Normally the subdivision works will be completed by the developer. In the instance that the Shire of Toodyay agrees to providing manpower, equipment and materials, this would only be done if the Infrastructure and Assets team were certain they had resourcing available to perform this function and it would be at the cost of the developer. There is generally a 4 year approval given so works can be staged to meet contractor availability and supply issues.</i></p>

Page 9

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
	Would the Officer clarify, how this would impact on the Works programme, the capacity of Asset Manager to coordinate, availability of skilled workforce or the availability of contractors to conduct these projects, in a timely manner for subdivision to progress?	
<i>Cr Pearce From the Officers recommendat ion</i>	Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to serve the lots shown on the approved plan of subdivision. Would the Officer clarify what constitutes Suitable Arrangements?	<i>As per our Vehicle Crossover Policy</i>
<i>Cr Duri</i>	WAPC Ref: 163122 Lots 9011 and 9507 Drummond Street West The subdivision plans do not specifically address any upgrade of Drummond Street (West) west of the Lots 9011 & 9507 – for this we refer to the unsealed portion. Can the Officer please advise what the “Satisfactory arrangements” are for the cost of upgrading and/or construction of roads encompasses?	<i>These would be per the approved planning framework at the time of clearance. In this instance, the applicant would need to demonstrate compliance with the subdivisional development guidelines. And this would be achieved through the clearance process and prior consultation with the Shire of Toodyay Development and Regulation and Infrastructure and Assets teams.</i>
<i>Cr Duri</i>	What is an “Access Road C”? is this substantial to ensure low-cost maintenance in the future?	<i>Waiting on advice Response after Meeting This type of road would have 19m road reservation to cater for both the residential and school traffic. This reservation would typically allow a 7.5m carriageway, a 4m verge and a 4.5 m verge (including a 3.0 m dual use path) on either side, respectively.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
<i>Cr Duri</i>	Can the Officer please advise what the "Satisfactory arrangements" are for the cost of upgrading and/or construction of the Boyagerring Brook crossing and does this fall under the Infrastructure and Assets Works Department to maintain?	<i>These would be per the approved planning framework at the time of clearance.</i> <i>In this instance, the applicant would need to demonstrate compliance with the subdivisional development guidelines. And this would be achieved through the clearance process and prior consultation with the Shire of Toodyay Development and Regulation and Infrastructure and Assets teams.</i> <i>Yes, once the subdivision process is completed and we have issued clearance and the new certificate of titles are issued etc, the Shire takes over the responsibility of maintaining the road network (including the crossing).</i>
<i>Cr Duri</i>	Would it be prudent to have a Revised Traffic Assessment completed with figures from the current date?	<i>No. The reason being the TIA was generated for the creation of the structure plan which has incorporated development at the site proposed in this subdivision application.</i>
<i>Cr Madacsi</i> <i>(OAM63182)</i>	Implications to Consider - The linking of Drummond Street (West) to Burt Parkway by a properly constructed road should be ensured... Is this a question or a statement?	<i>should be ensured... Statement</i>
<i>Cr Madacsi</i> <i>(OAM63182)</i>	Can council require the upgrade of Drummond Street (West) west of the Lots 9011 & 9507 ?	<i>Yes.</i>
<i>Cr Madacsi</i> <i>(OAM63182)</i>	Is the use of the Foggarthorpe Estate Design Guidelines mandatory or are the guidelines attached to the Structure Plan?	<i>The Local Planning Policy Foggarthorpe Estate Design Guidelines is adopted and in force and it covers this area.</i>
<i>Cr Madacsi</i> <i>(OAM63182)</i> <i>(regarding the officer</i>	The land being filled, stabilised, drained and/or graded as required – is this undertaken during lot development or at	<i>The intent of this is to do this at the time of subdivision. This will avoid the ad hoc retaining done currently.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
<i>recommendation</i>)	sale as significant erosion will occur on the slopes?	
<i>Cr Madacsi (OAM63182) (regarding the officer recommendation)</i>	Street lighting needs to be solar and LED to reduce shire costs and start the transition to sustainable options.	<i>This should be in a Local Planning Policy for Sustainable Development.</i>
<i>Cr Madacsi (OAM63182) (regarding the officer recommendation)</i>	A foreshore management plan?	<i>For Boyagerring Brook area.</i>
<i>Cr Madacsi (OAM63182) (regarding the officer recommendation)</i>	Does the waste treatment plant have the capacity for another 100 households?	<i>This is up to Water Corporation to determine. They are a stakeholder and would have supplied their own submission.</i>
<i>Cr Madacsi (OAM63182) (regarding the officer recommendation)</i>	Does deep sewerage access the site and if not, does the Shire bare the cost to extend to the site?	<i>No this is a developer cost.</i>
<i>Cr Madacsi (OAM63182) (regarding the officer recommendation)</i>	Given Toodyay prides itself on a rural lifestyle, why are we accepting an urban design without green spaces or corridors (community common areas) within the subdivision. This should be essential to maintain the amenity.	<i>In this instance there is a valid structure plan guiding development sitting over the property. There is a requirement under the R-Codes (5.3.2 – C2.2) to provide a minimum of 1 tree in a 2m x 2m area to be deemed-to-comply. The minimum tree planting area is to be provided for each tree and shown on the site plan that is submitted with the application. The tree planting area is to be free of impervious surfaces and roof cover.</i>

Page 12

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
		<i>So with 100 lots developed there shall be a minimum of 100 trees.</i>
<i>Cr Madacsi (OAM63182) (regarding the officer recommendation)</i>	Is there any provision to make solar power and a water tank a condition?	<i>This should be in a Local Planning Policy for Sustainable Development.</i>
<i>Cr Madacsi (OAM63182) (regarding the officer recommendation)</i>	Is there any opportunity to control dark roof and wall colours?	<i>This should be in a Local Planning Policy for Sustainable Development.</i>
<i>Cr Duri</i>	<p>I apologise I have not had the opportunity to read all of the material that you forwarded regarding the Subdivision Guidelines.</p> <p>On reading Councillor Madacsi comments on the sewerage system and wastewater I have looked at the Local Planning Strategy – 2.6.2 Sewerage and 2.6.2.1- Sewerage and 2.6.2.2 Wastewater conveyance upgrades and new infrastructure.</p> <p>My question is: Would the Developer be responsible to negotiate this with DWER?</p> <p>2.6.2.2 Wastewater Conveyance Upgrades and New Infrastructure:</p> <p><i>Approximately 200 properties in the townsite are currently connected to the Toodyay sewerage scheme. 25 Indicative timing only. Timing depends on rate of growth and development. 26 Indicative</i></p>	<i>This would be determined by the Water Corporation. They are a referral agency and are responsible for ensuring the wastewater system is adequate.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
	<p><i>timing only. Timing depends on rate of growth and development. 27 Indicative timing only. Timing depends on rate of growth and development. Toodyay Local Planning Strategy 2017 71 Page An additional wastewater pumping station will be needed to serve the zoned urban growth area to the east of the townsite, on the eastern side of the river. This WWPS is annotated as "Toodyay WWPS 'B'" on Map 9 for long term sewer planning. At the time the wastewater planning was last revised, the need for this WWPS was indicated to be required >202528 at the earliest. The need to deliver this WWPS through the Water Corporation's capital program will be driven by development demand and the project will remain outside our 5 year capital program until there is firm developer interest in developing this land.</i></p>	
Cr Hart	<p>Thank you for your comprehensive report into the proposed 100 lot subdivision in Nunile.</p> <p>One question: what is LSP, please?</p>	<p><i>Local Structure Plan</i></p>
Cr McKeown	<p>How did the conditions come into being?</p>	<p><i>This was a subdivision that had a previous approval and the approval time had lapsed. Given that there was no significant change in the subdivision, it seemed prudent to carry across the conditions that the WAPC had provided in the original approval. There have been some minor tweaks that we have put in as a result of internal communication - with the</i></p>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
		<i>Community Emergency Services Manager, as an example.</i>
<i>Cr Madacsi</i>	Will they be presented as amendments that Council will put?	<i>No. They are included in the current Agenda.</i>
<i>Cr Pearce</i>	I raised a number of issues. There was a previous subdivision. That approval was in 2016. Is that correct?	<i>Yes</i>
<i>Cr Pearce</i>	My concern is that in this subdivision we are approving 100 lots but nowhere is there an area of open space or trees. In these days can we vary that and ask for some open space in that area?	<p><i>Initially the application does state that it complies with the public open space requirements. The other point to make is that as a part of the R codes, all residential development will be covered under the R codes for all these properties.</i></p> <p><i>There is now a requirement for all of the applications to have provision for a tree in a 2mx2m space. A minimum of one tree planted.</i></p> <p><i>The President Officer sought clarification as follows:</i></p> <p><i>You mean per property?</i></p> <p><u><i>Manager Development and Regulation response:</i></u></p> <p><i>Per property. Every time there is a house being developed, they have to show provision for and plant a tree.</i></p> <p><i>Were there to be 100 properties developed then there at least 100 extra trees would be planted.</i></p> <p><i>However, I have also taken on board your general concerns about a lack of public open space, and I think the tendency of developers is to do the bare minimum requirement. I put that to the Planning Department this afternoon. I did initially ask to see whether we could request a further month extension for consideration for it. The Officer advised that it is very unlikely that the applicants would allow</i></p>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
		<i>that but she did say that as part of her assessment of the proposal, she has to look at the Public Open space and see whether there is any more that needs to be done. Also, as a Council, notwithstanding the recommendation that I have put forward, Council can also put an amendment to the recommendation, saying that this is a very significant issue for the Shire and that more attention should be given in consideration of the overall subdivision by the WAPC to make sure that this is addressed.</i>
<i>Cr Pearce</i>	Accepting that the tree has to be planted. Does Council have any input in the type of tree planted?	<i>Taken on notice.</i> Response after meeting Yes – we could do a condition of approval.
<i>Cr Madacsi</i>	When you put it to the State Government, can you mention that it is a reluctance to have trees that are noted to be flammable within the subdivision due to obviously the district's Bushfire situation but also for the purpose of looking at shade and creating something that continues the amenity of the community?	<i>That would not be something that we would do at a subdivision level. It would be at the development assessment level and as part of our policy review, we are looking at trees and greenery so I believe that is a more appropriate time to include that.</i> <i>It does not need to be added as an amendment at a subdivision level.</i>
<i>Cr Madacsi</i>	Can we add an intent into the Subdivision application? We should be conveying the intent.	<i>We can include it. I would like the opportunity to look at the guidance provided at a State Government level then advise Councillors accordingly via email.</i>
<i>Cr McKeown</i>	Provision no 5 is about cost of roads in the subdivision and the 2 nd para is about local government preparing the roads or building the roads – was that paragraph in the original WAPC document?	<i>The Western Australian Planning Commission (WAPC) has a set of model subdivision conditions. The reason why they do that is to make conditions consistent.</i> <i>Generally, we will apply the conditions verbatim, obviously amending whether it is the Shire of Toodyay district, or something</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
		<i>similar. That particular condition is always included.</i>
<i>Cr Pearce</i>	My concern is particularly with the road, there will be a high standard; but what can we as a Shire do to future proof those roads? Is there a fund where contributions can be made from the initial subdivision into the maintenance of these roads as the future goes on. Is that possible?	<i>There is a State planning policy for infrastructure contributions though they are more community infrastructure rather than road infrastructure. I have provided a link to the policy. I do not think that it is for roads.</i>
<i>Cr Madacsi</i>	Can the Manager Infrastructure and Assets comment, subject to receiving this item at the next Ordinary Council Meeting, as to what his opinion is regarding the existing design of the road on those slopes and what he perceives to be any issues that could arise and the quality of the roads that need to be implemented so we might be in a position to further add that?	<i>Yes. We have received preliminary advice from the Department. The Engineering Technical Officer sought clarification on a condition stating about the engineering plans - he wanted to know what the approval process for this was. I clarified this is dealt with through the clearance of a subdivision. When we say "to the satisfaction of" the applicant will apply to the Shire of Toodyay to have the conditions that relate to the Shire of Toodyay cleared and this is the process of liaison between the Shire and the applicant, making sure we are happy with what is there before sign-off and clearance.</i>
<i>Cr Madacsi</i>	We have had problems in the past to do with the terrain and the sub-soil drainage structure. We need to be fairly confident that the design of the subdivision has taken that on board. Is that possible?	<i>Short of sending it through to the Department, which I have already asked them to look at and provide comment, the only other option would be to engage an independent engineer to have a look at the proposal.</i>
<i>Cr Madacsi</i>	Can we send that through with our own engineer's opinion of the terrain which he is familiar with and the engineering works that he is familiar with for their consideration?	<i>Yes. When we are providing advice to the WAPC, we provide recommended conditions (what we would like to happen) but we can go above and beyond that and provide general advice to include specific concerns.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation, unless otherwise specified
Cr McKeown	We would need to have that phrasing and the advice by next week. How will that occur?	<i>Prior to the meeting next week, I can draft a letter with the conditions plus any other comments from today and any other advice that we might receive over the next few days will be included. The letter can be tabled at the Ordinary Council meeting.</i>
Cr Pearce	Once the subdivision goes across and the blocks are made does the Shire collect rates on each individual block at that time?	<i>Yes.</i>
Cr Ruthven	Before, once the subdivision finished, and blocks are titled prior to them being actually sold does the developer pay the rates?	<i>Yes.</i>
Cr Madacsi	The intention is to clear the blocks and level them so that they are available. At what point is this done? Because we want to avoid a bare stripped hill with level of rain and run off.	<i>This is a significant consideration for us as planners. It has been very difficult to manage the ad-hoc retaining process with the existing River Hills subdivision. At the time, for the existing subdivision, the decision was made not to include that. Obviously, the developers do not want to do it because the developers are concerned about the cost. We see it as absolutely imperative that they have the sites levelled and retained and that they also have the stormwater drainage implemented.</i>
Cr Madacsi	When referring to the levelling of the site are you referring to the building envelope and not the entire block?	<i>Yes, I am talking about retaining a developmental area on each lot and having that retained accordingly.</i>

9.1.5 P2022-2 Lots 54-56 Railway Road, West Toodyay - Change to existing Non-conforming use.

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.5 Questions and Points raised		
Councillor	Discussion	Response
<i>Cr Duri</i>	Lot 54-56 Railway Road – change to non-conforming use. In the attachments, I do not see any map or development application. The item 9.1.5 has been misplaced. May we have the documents under separate cover please?	<i>This has now been rectified.</i>
<i>Cr Ruthven</i>	In the Officer's Report it says for more information please refer to the attachment.	<i>I had not included them, but they are there now.</i>
<i>Cr Madacsi</i>	Have they been uploaded to the website and the hub?	<i>Yes, they have.</i>

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

Item 9.1.6 - Questions and Points raised		
Councillor	Discussion	Response from the Manager Development and Regulation unless otherwise stated
<i>Cr Pearce</i>	<p>Applicant: B Jenkins and S Smart</p> <p>Use: Storage</p> <p>From Attachment: The building drawings proposed Outbuilding is for Vapour Plumbing and Gas</p> <p>Previously before Council: No</p> <p>Clarification: The property is zoned Special Residential R2.5. Would the officer please explain if the structure is associated with an approved land use i.e. for commercial purposes?</p>	<p><u>Planning and Compliance Officer response:</u></p> <p><i>The application before us is for an outbuilding and therefore no commercial element or use is being considered at this time.</i></p> <p><i>Standard conditions of approval for outbuildings state that it is for domestic purposes only and not for human habitation.</i></p> <p><i>If Mr Jenkins is found to be operating a business on the site, then it is a compliance matter. The Shire can alleviate this issue by granting development approval to operate a home business.</i></p>

Page 19

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.6 - Questions and Points raised		
Councillor	Discussion	Response from the Manager Development and Regulation unless otherwise stated
Cr Duri	I do not see an application in the attachments for this outbuilding; also there is limited plans to support the application. Can you please advise if there is to be an application and additional plans for this item and if so, can they please be included in the Attachments?	<u>Planning and Compliance Officer response:</u> <i>Only plans & attachments are attached to a Council report. There is no additional plans to provide in this instance.</i>
Cr Pearce	The attachments just showed a rudimentary diagram of where the house was and where the shed was going to be placed. There was no indication on those plans of where the swale is and how does council determine how it will be managed if this outbuilding is placed where they have indicated on the plan?	<u>The Presiding Member responded as follows:</u> <i>The swale was to the front of property. There is a drainage line that follows through to the creek but the actual swale is in a marshy section to the front. At the back there is quite a narrow channel that flows down a quite steepish gradient to that.</i> <u>Manager Development and Regulation response:</u> <i>We paced it out with the applicant at the time and it was not interfering with the swale.</i>
Cr Ruthven	This Officers report is largely a repeat of what we had in October including where it says the change of location ensures the visual amenity is considered with screening of the outbuilding. That would be from the road but not adjoining neighbours. What screening is there from the adjoining neighbours?	<i>There is a limited number of trees in the area that provide screening.</i>
Cr Ruthven	Are they on the Applicant's property or on the neighbouring property?	<i>On the applicant's property. The end of the block tends to be more vegetated. Also on the neighbouring property there is some screening trees.</i>
Cr Ruthven	If this is approved will any of the screening trees have to be removed for construction?	<i>Not the screening trees but there are some trees on the elevation closest to the house that will need to be removed.</i>

Page 20

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.1.6 - Questions and Points raised		
Councillor	Discussion	Response from the Manager Development and Regulation unless otherwise stated
<i>Cr Ruthven</i>	The outbuilding requires 400mm of fill with limestone retaining. Does that apply this time?	<i>Manager Development and Regulation deferred to the Planning and Compliance Officer who advised that they are still retaining the same.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

9.1.7 Lot 394 Markey Road, West Toodyay - Proposed Additions to Single Dwelling (Over height)

Item 9.1.7 - Questions and Points raised		
Councillor	Discussion	Response
Cr Pearce	<p>I seek clarification. Last year Council workshopped a Policy on planning approvals. It was discussed that applications should not be accepted if the advertising period would be over the January holiday period, as generally residents are not in position to see advertisement or respond.</p> <p>From the Policy</p> <p>11. Holiday periods</p> <p>a) Public notification relating to planning policies, scheme amendments and planning proposals (where initiated by the Shire) will not commence between 1 December and 15 January;</p> <p>b) Public notification will not commence for any applications received between 1 December and 15 January;</p> <p>This application was received 14 Dec. Council needs to make a decision by March 14, perhaps putting Council under pressure.</p> <p>Would the Officer please explain the acceptance of this application, contrary to the policy?</p>	<p><u><i>Planning and Compliance Officer response:</i></u></p> <p><i>The officer contacted the adjoining landowner which the application was advertised via telephone and email. The adjoining landowner provided a written submission to state they had no issues with the application taking place.</i></p>
Cr Madacsi	<p>The code allows for 8m for 2 storey and it is proposed to be 1.5m higher and that is to do with drop away at the rear of property. So from ground level it is more or less compliant?</p>	<p><i>Yes. It should also be noted that the DRAFT Local Planning Scheme No 5 includes provision for a 9m overall height.</i></p>

Page 22

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

9.1.8 Draft Local Planning Policies: Signage Outside the Central Toodyay Heritage Area; Directional Signage and Signage within thoroughfares; and non-habitable structures

Nil.

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Local Laws Review Process

Item 9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from the CEO unless otherwise stated
Cr Pearce	<p>Clarification: Council will workshop May 2023 to consider submissions and discuss proposed changes, and then consider a brief to engage a consultant.</p> <p>How will Councils workshop determinations be shared with consultant and form part of the review?</p>	<p><i>The brief for the Consultant will include a process to incorporate previous Council input as well as consultation with Council once revised local laws are drafted.</i></p>
Cr Pearce	<p>From Officers report Financial</p> <p>A cost of \$4,800 was listed for the gazette of Health Law.</p> <p>Does this cost apply to all Shire laws that will be reviewed, or just to new local laws.</p> <p>If a local law is amended, does it require to be repealed, for amended Law to be adopted?</p>	<p><u>From the DLGSC guidelines:</u></p> <p>Local governments should be aware that when amending or repealing a local law, it needs to be done in accordance with section 3.12 of the Act, which is the same procedure for 'making' a local law. This is because amendment or repeal local laws are new local laws themselves and must follow the full statutory process to be made within power.</p> <p><i>Therefore, there is a cost for any new, amended or repealed local law to be published in the Local Government Gazette.</i></p> <p><i>A local law only needs to be repealed if it is not in use. An 'amendment' local law is used where a local law is to be amended.</i></p>
Cr Pearce	<p>If we review a number of these laws is that going to be a huge Impost on our shire budgeting?</p>	<p><i>Yes. The cost to advertise in the government gazette is based on the length and complexity of the document provided. If a local law is a simple one it is likely to be less costly, but if it is a long document then it is going to cost more. We cannot estimate what it will be. We would have to seek quotes from the</i></p>

Page 23

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from the CEO unless otherwise stated
		<i>Government Gazette for advertising at the time but a budget allocation would be required. As part of the process for amending the local laws, we would potentially prioritise and do them over a number of financial years.</i>
<i>Cr Madacsi</i>	My understanding that with the Health Local Law which had a cost associated with it of \$4,800 associated with advertising there is a number of them that could be quite considerable but there is a regulatory requirement to do them within a certain timeframe.	<i>The time requirement is to review the local laws not to amend the local laws. As long as the local laws have been reviewed and actions have been determine, the review is deemed to have taken place.</i>
<i>Cr Pearce</i>	The review requires advertisement in the gazette and that is the cost?	<i>The review is to be advertised in the gazette but then, if any local laws are to be changde or repealed, the Shire will need to follow s.3.12 of the Local Government Act 1995 to make a new Repeal Local Law or several amended Local Laws, all of which would then need to be advertised in the government gazette.</i>

9.2.2 List of Payments - December 2022

Item 9.2.2 - Questions and Points raised		
Councillor	Discussion	Response
<i>Cr Pearce</i>	148 31-01-2023 AVON WASTE - STONDON PTY LTD Fortnightly Rubbish collection charges from 24/10/21 to 21/11/21 16,713.08 Clarify Date – fortnight or month?	<i>Accounts Payable / HR Officer response: Pick up of recycling waste is every fortnight. Pick up of general waste is every week. Billing is for a period of time indicated on tax invoices.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

9.2.3 Monthly Financial Statements - December 2022		
Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Manager Corporate and Community Services, unless otherwise specified.
Cr Madacsi	Was the Coondle West Rd seal variation included in the budget, or were funds reallocated from another job?	<u>Works Operations Officer response:</u> <i>The variation was within the budget allocated for this project.</i>
Cr Madacsi	Pay type 70 – 73: Why is the Shire paying these expenses for Fire Mitigation Services? Are there incremental payments subject to funding?	<u>Works Operations Officer response:</u> <i>This is part of the Mitigation Activity Fund 2022/2023 – we pay and claims are made against the grant.</i>
Cr Ruthven	Page 195 Birds of the Perth Hills – what is it?	<i>It is a book that we sell at the Visitor Centre.</i>
Cr McKeown	Page 212 under Land and Buildings, the works depot painting adopted budget is \$7,798. Is that to be paid out of municipal funds or is it from a special grant?	<i>Municipal funds.</i>
Cr McKeown	Under Infrastructure roads, Julimar Road rehabilitation budget is \$537,000. Is that a grant payment funded or is that to be paid out of municipal funds?	<i>That was grant funded.</i>
Cr McKeown	Same with the next one – the black spot – have we got the grants?	<i>We got some in 2021/22 and we have carried it forward. We have got the grant funds. We always claim 40% for the Regional Road Group and Black Spot funding projects in advance which will sit in the liability section of the balance sheet until the project progresses.</i>
Cr McKeown	Chitty Road upgrade have we got the grants?	<i>This is funded through Roads to Recovery which is 100% funded. In the event that the project is deferred we could choose to allocate it to another road project that is municipal funded in this year and swap it out</i>

Page 25

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Manager Corporate and Community Services, unless otherwise specified.
		<i>for next year, or we could hold it over and use those funds for next year from Roads to Recovery.</i>
<i>Cr Pearce</i>	Page 213 looking at Julimar Road rehabilitation Black Spot for Chitty Road upgrade. It has been deferred due to waiting on clearing permits. What is the process for how long permits take?	<u><i>The Presiding Member response:</i></u> <i>The time for clearing permits can vary quite considerably depending on what the requirements are when they assess the application as to whether they feel a flora survey is required. If a flora survey is required, they put it out to (defer it) Spring and this can delay the works quite some time. It depends on what the Department decides is a requirement for that particular road and for that particular job, and whether any objections have been made.</i>
<i>Cr McKeown</i>	Will these projects be completed? Is it something I should defer to ask at budget review?	<u><i>Presiding Member response:</i></u> <i>If it is through the Regional Road Program funding and we cannot execute a job in that period of time it goes back into a holding account for a year or two. If we cannot within a reasonable period utilise that funding, then it is returned to Regional Road North if it comes through Regional Road funding.</i> <u><i>Manager Corporate and Community Services response:</i></u> <i>We are reviewing projects through our mid-year budget review preparation and will bring a list of summary items to a Council workshop.</i> <u><i>CEO response:</i></u> <i>I do encourage Councillors to bring these sorts of queries to that workshop so that we can work through them at that time.</i>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

9.2.4 List of Payments - January 2023

Item 9.2.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Corporate and Community Services unless otherwise specified.
Cr Pearce	<p>153 31-01-2023 AVON YARD & MAINTENANCE SERVICES Weekly Maintenance of Pelham Reserve Lookout area from 31/12/22 to 30/6/23 3,750.00</p> <p>What guarantee has the Shire that contractor will deliver this work as payment is in advance?</p>	<p><i>These are managed on a weekly basis. We do not have a guarantee, but this is something we are looking at improving through processes and we are monitoring closely.</i></p>
Cr Pearce	<p>155 31-01-2023 BELINGARNI FABRICATION HOME & PROPERTY SERVICE Firebreak compliance work 434 Julimar Road, West Toodyay, 80 Ridley Circle, West Toodyay 1,760.00</p> <p>156 31-01-2023 BELINGARNI FABRICATION HOME & PROPERTY SERVICE Firebreak compliance work 132 Macpherson Drive, Coondle, 63 Toodyay Road, Toodyay 880.00</p> <p>Clarification: Would the Officer please provide the responsibility for these payments i.e. private or Shire and if cost is recouped?.</p>	<p><i>The costs are recouped from the property owner.</i></p>
Cr Madacsi	<p>Why are there three, monthly Water Corp accounts for Shire Admin Lot 60 RES 2281?</p>	<p><u>Works Operations Officer response:</u> <i>There are two meters at the Admin Office. One services the building and most of the grounds (this is the account for \$612.55). The other meter services a small section of lawn near the carpark. (This is</i></p>

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

Item 9.2.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Corporate and Community Services unless otherwise specified.
		<i>the other two amounts, one being an overdue charge).</i>
<i>Cr Madacsi</i>	Pay type 15 - 117: What is the gravel grade and price per cubic meter for gravel supplied by Vernice?	<i>Works Operations Officer response: 26mm stone and is \$10 plus GST per tonne (for Shire Cartage) \$16.70 plus GST per Tonne (for Vernice to Cart).</i>
<i>Cr Madacsi</i>	Do the fuel account litres used, equate with estimated mileage and use of vehicles? (Not required for the meeting)?	<i>Works Operations Officer response: Would require further investigation – invoice is for fuel purchased not what is put in the vehicles.</i>

9.2.5 Monthly Financial Statements - January 2023

Item 9.2.5 - Questions and Points raised		
Councillor	Discussion	Response
<i>Cr McKeown</i>	Same questions for that month as per the December 2022 month.	<i>Refer to Dec 2022 Monthly financial statement questions and responses.</i>

9.3 EXECUTIVE SERVICES

9.3.1 Parking Space Lease Agreement (Avivo) - Toodyay Community Junction

Nil.

9.3.2 Toodyay Recreation Centre - Management Reporting

Nil.

9.4 INFRASTRUCTURE AND ASSETS

9.4.1 Council Policies - Street Lighting; Temporary Road Closures; and Oversize Vehicles.

Nil.

AGENDA BRIEFING NOTES

15 FEBRUARY 2023

9.4.2 Installation of separate utility meters at the Toodyay Recreation Centre

Item 9.4.2 - Questions and Points raised		
Councillor	Discussion	Response from Manager Infrastructure and Assets unless otherwise specified.
<i>Cr Madacsi</i>	Does submeter 3 (tanks) record oval and grassed areas at the courts?	<i>Submeter 3 records the scheme water inflow into the tank only. Existing flow meters installed at the tank measure the flow out volumes for grassed area and garden beds.</i>
<i>Cr Pearce</i>	Will the Shire be responsible for the sub meters	<i>No. we had an issue with the bores and it was difficult to identify which area the excess water usage related to. When council considered to provide a subsidy there was also a request to look into submeters</i>

9.5 COMMITTEE REPORTS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS

Nil.

AGENDA BRIEFING NOTES**15 FEBRUARY 2023**

15 NEXT MEETINGS

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

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.07pm.

Our Ref: A4455/OPA63247
Your Ref: WAPC: 163122



22 February 2023

Western Australian Planning Commission
Attn: Rosa Rigali
Locked Bag 2506
PERTH WA 6001

Via email: referrals@dplh.wa.gov.au

Dear Rosa

**PROPOSED SUBDIVISION (WAPC REF: 163122)
LOTS 9011 & 9507 DRUMMOND STREET, NUNILE**

In reference to your correspondence dated 14 December 2022 regarding the above proposed subdivision please be advised of the following.

The subdivision application was referred to Council at the Ordinary Council Meeting on 22 February 2023. This is a significant development for the Shire of Toodyay. The Council has expressed concern about the impact of such a large residential subdivision within a very scenic landscape however it does acknowledge that the proposal is consistent with the existing Foggarthorpe Structure Plan and existing and future zoning.

Whilst the applicant has demonstrated in the supporting documents that the minimum public open space requirements are met, it is felt that more can be done to improve the outcome for the community in this area. The Council would like to see revised plans demonstrating an improved focus on public open space, retention of vegetation where possible and appropriate landscaping plans using non-flammable vegetation species.

Ultimately, the Council would like the extra time to work with the developer and the WAPC to ensure that the proposal meets the needs and expectations of the community now and in the future.

In accordance with the above, at its meeting, Council has made two resolutions:

RESOLUTION NO. 1

That Council:

1. Advises the Western Australian Planning Commission that it requests the application (WAPC REF: 163122) be deferred until such time that Council has had the opportunity to consider the following additional information to be supplied by the applicant:

Administration Centre

15 Fiennes Street
PO Box 96
TOODYAY WA 6566

T (08) 9574 9300

F (08) 9574 2158

E records@toodyay.wa.gov.au

W www.toodyay.wa.gov.au

- Revised plans demonstrating an improved focus on public open space, retention of vegetation where possible and appropriate and landscaping plans using non-flammable vegetation species.

2. Requests that the proposal be brought back to Council at the March Ordinary Council Meeting on 22 March 2023 for further consideration.

Council, in preparation for the possibility that the Commission will decide to support the application without a deferral – has provided an additional resolution as follows:

RESOLUTION NO. 2

Should the Western Australian Planning Commission refuse Council's request for deferment, requests the Chief Executive Officer to advise the Western Australian Planning Commission that the Shire of Toodyay supports the application for subdivision WAPC Ref 163122 – Lot 9011 & 9507 Drummond Street, Nunile, subject to the following conditions:

Drainage and site works

1. The land being filled, stabilised, drained and/or graded as required to ensure that:
 - (a) lots can accommodate their intended development; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting; and
 - (c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
2. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (a) lots can accommodate their intended use; and
 - (b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
3. Engineering drawings and specifications are to be submitted and approved and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission.

4. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.

Transport I movement

5. Engineering drawings and specifications are to be submitted, approved by the Shire of Toodyay, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC.
6. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - (a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or;
 - (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or;
 - (c) temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or;to the satisfaction of the Western Australian Planning Commission.
7. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the portions of Drummond Street in the locations as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007.
8. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the Boyagerring Brook crossing in the location as shown on the plan dated 12 December 2022 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007.
9. Engineering drawings and specifications are to be submitted and approved by the Shire of Toodyay, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the

approved plan of subdivision and engineering drawings and specifications, for the construction of dual-use path(s) in the locations as shown on the plan dated 12 December 2022 (attached).

10. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to serve the lots shown on the approved plan of subdivision.

Environment

11. Prior to the commencement of subdivision, works a foreshore management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
12. Prior to the commencement of subdivision works a drainage and nutrient management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
13. Prior to the commencement of subdivision works a landscape management plan for the site is to be prepared and approved by the Shire of Toodyay to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.

Bushfire Planning

14. Prior to the commencement of subdivision works, engineering drawings and specifications are to be submitted and approved providing reserve or road reserve allowances are made in the vicinity of proposed lot 498, and proposed lot 502 to allow linkages. Initially, these should be constructed as Fire Service Access Routes (gated) (E3.4b pp 83) of Guidelines for Planning in Bushfire Prone Areas (v1.4) to assist fire services in accessing in/out of the subdivision for effective fire suppression operations.
15. Information is to be provided to demonstrate that the measures contained in the bushfire management plan - *Bushfire Management Plan (Subdivision) Proposed subdivision at Lot 9011 Drummond Street, Toodyay November 2022, Version 2* that address the following:
 - (a) Water supply will be through a reticulated water with hydrant connections provided in accordance with Water Corporation's No. 63 Water Reticulation Standard.
 - (b) A plan showing hydrant location by an appropriate professional must be created and form part of the approval.
 - (c) Have been implemented during subdivisional works. This information should include a notice of 'Certification by Bushfire Consultant'.

Notifications

16. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lots 495 - 530, 542 and 554 – 562. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Special controls may apply to development.'

17. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

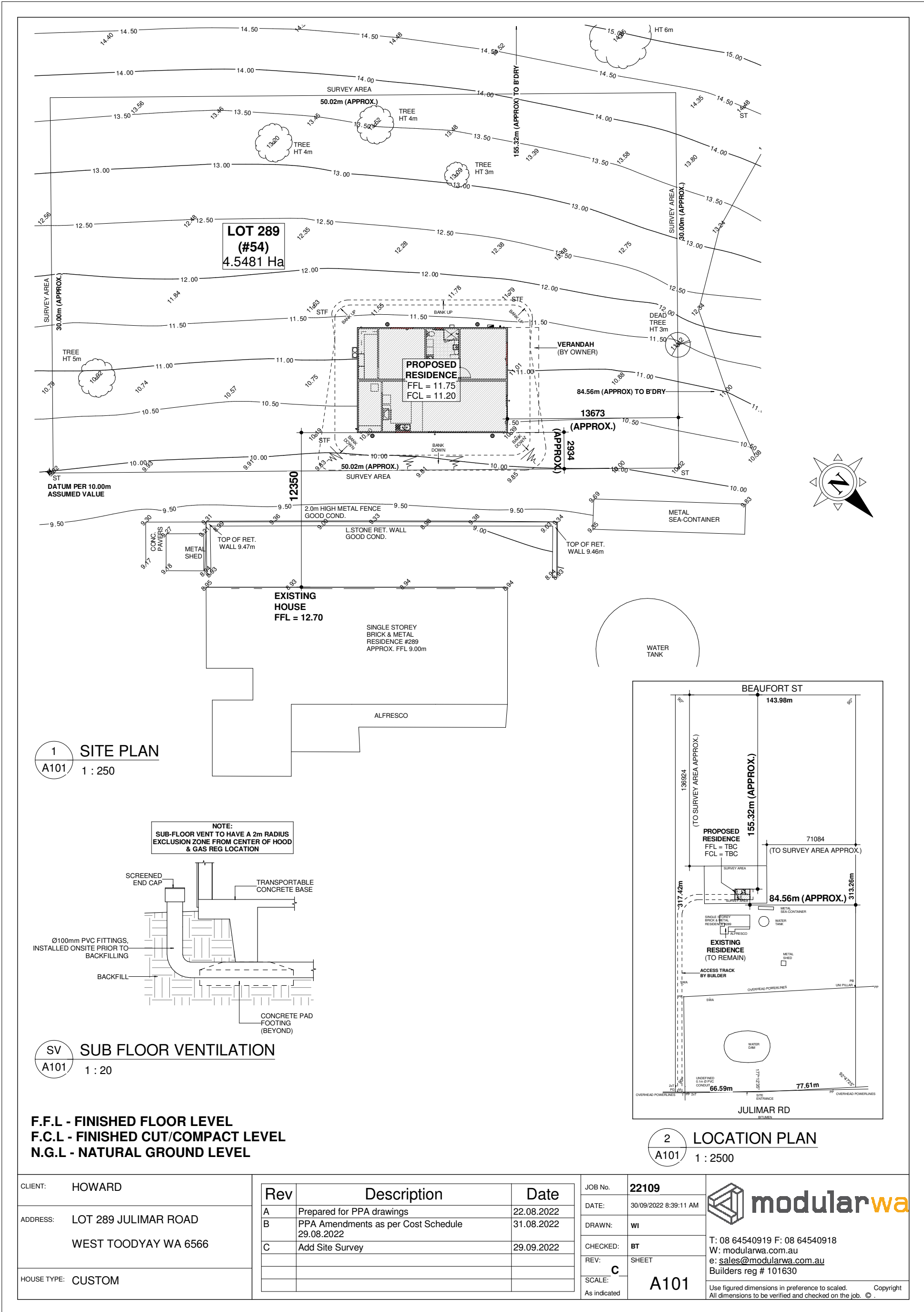
'The lot is subject to the Shire of Toodyay Local Planning Policy - Foggarthorpe Residential Estate Design Guidelines (as amended).'

ADVICE

1. In relation to condition 1, the landowner/applicant is to ensure that earthworks are carried out and the land is compacted in accordance with Australian Standard AS3798-2007 "Guidelines on earthworks for commercial and residential developments" and Module 2 of IPWEA Local Government Guidelines for Subdivisional Development. The required earthworks may include backfilling, levelling, compaction and retaining.
2. In relation to Conditions 5, 6, 7, 8 and 9, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.

Yours sincerely

Hugo de Vos
Manager Development and Regulation



CLIENT:	HOWARD
ADDRESS:	LOT 289 JULIMAR ROAD WEST TOODYAY WA 6566
HOUSE TYPE:	CUSTOM

Rev	Description	Date
A	Prepared for PPA drawings	22.08.2022
B	PPA Amendments as per Cost Schedule 29.08.2022	31.08.2022
C	Add Site Survey	29.09.2022

JOB No.	22109
DATE:	30/09/2022 8:39:11 AM
DRAWN:	WI
CHECKED:	BT
REV:	SHEET
SCALE:	A101
	As indicated

modularwa

T: 08 64540919 F: 08 64540918
W: modularwa.com.au
e: sales@modularwa.com.au
Builders reg # 101630

Use figured dimensions in preference to scaled. Copyright All dimensions to be verified and checked on the job. ©

GENERAL NOTES:

1. DO NOT SCALE FROM THIS DRAWING. ALL CONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO COMMENCEMENT OF ANY WORKS AND ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.

2. DIMENSIONS SHOWN ON THIS PLAN ARE TO STEEL FRAME AND DOES NOT INCLUDE EXTERNAL CLADDING OR INTERNAL LINING WIDTH.

3. FLOORING BY OWNER

CLIENT NOTE:

THIS PLAN IS TO BE READ IN CONJUNCTION WITH MODULAR WA ADDENDA AND ENGINEERED CERTIFIED DRAWINGS.

CARPENTERS NOTE:

SILICONE BEAD REQUIRED AT BASE OF WALL FRAMES TO ALL TILED WET AREAS

INTERNAL OPENINGS:

DHO: FLUSHED DOOR HEIGHT OPENING 2080mm A.F.L
FHO: FULL HEIGHT OPENING

DOORS & WINDOWS

1. WINDOW HEAD HEIGHT TO BE 2143mm A.F.L UNLESS NOTED OTHERWISE.
2. INSTALL SILL SUPPORT ANGLE TO ALL ALUMINIUM EXTERNAL SLIDING DOORS. REFER TO DETAIL.

ABBREVIATION LEGEND

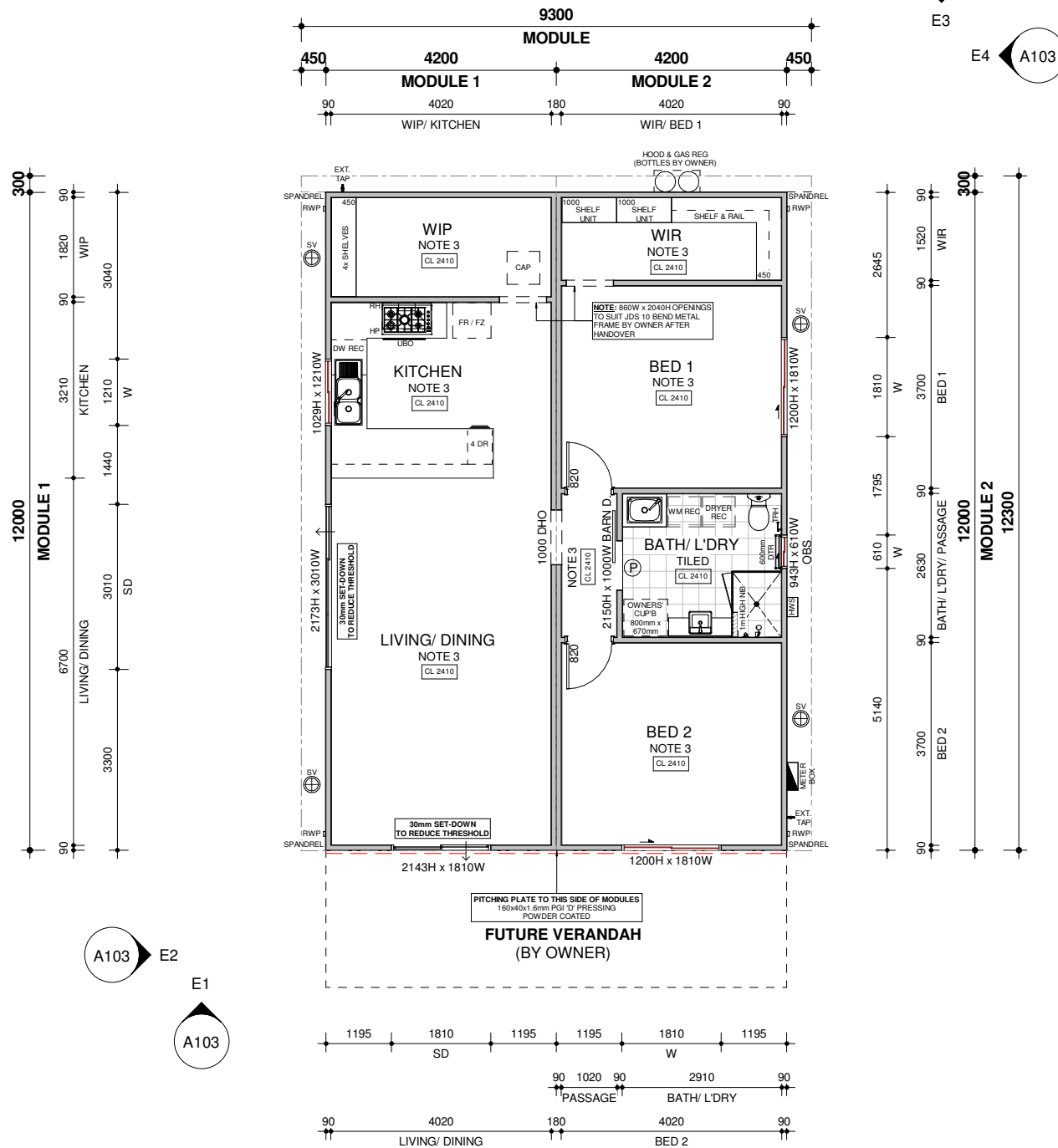
- HP HOT PLATE
- RH RANGEHOOD
- UBO UNDERBENCH OVEN
- OHC OVERHEAD CUPBOARD
- DR DRAWER
- FR/FZ REC FRIDGE / FREEZER RECESS
- DW REC DISHWASHER RECESS
- TR TROUGH
- WM REC WASHING MACHINE RECESS
- TRH TOILET ROLL HOLDER
- DTR DOUBLE TOWEL RAIL
- TRG TOWEL RING
- SR SHOWER RAIL / ROSE
- CAP CEILING ACCESS PANEL
- BRM BROOM
- V VANITY
- B BASIN
- OBS OBSOLETE
- TF TIMBER FRAME
- AF ALUMINIUM FRAME
- SD SLIDING DOOR
- D DOOR
- W WINDOW
- AW AWNING WINDOW
- FW FIXED WINDOW
- COL COLUMN
- H/H HEAD HEIGHT
- RWP RAIN WATER PIPE
- SV SUB-FLOOR VENT
- (P) PRIVACY LATCH

WATER FEED & CAB END
LOCATION TO BE CONFIRMED

BUSHFIRE ATTACK LEVEL (BAL): TBA

WIND CLASSIFICATION: REGION A

SOIL CLASSIFICATION: "TBA"



BUILDING AREA	
BUILDING	100.80m ²
ALFRESCO	N/A
GARAGE / CARPORT	N/A
PORCH	N/A
TOTAL	100.80m²

ROOF AREA	
ROOF (YARD BUILT)	114.10m ²
ROOF (SITE BUILT)	N/A
TOTAL	114.10m²

1 FLOOR PLAN
1 : 100

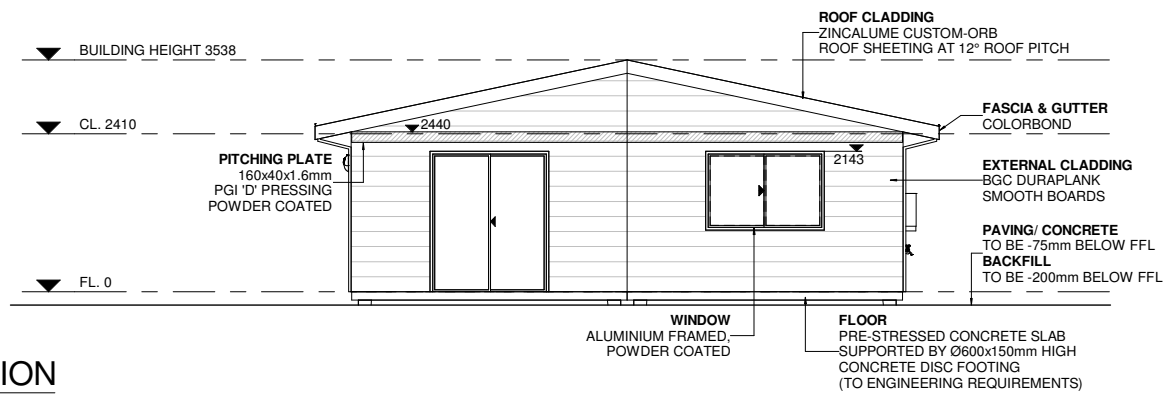
CLIENT:	HOWARD
ADDRESS:	LOT 289 JULIMAR ROAD WEST TOODYAY WA 6566
HOUSE TYPE:	CUSTOM

Rev	Description	Date
A	Prepared for PPA drawings	22.08.2022
B	PPA Amendments as per Cost Schedule 29.08.2022	31.08.2022
C	Add Site Survey	29.09.2022

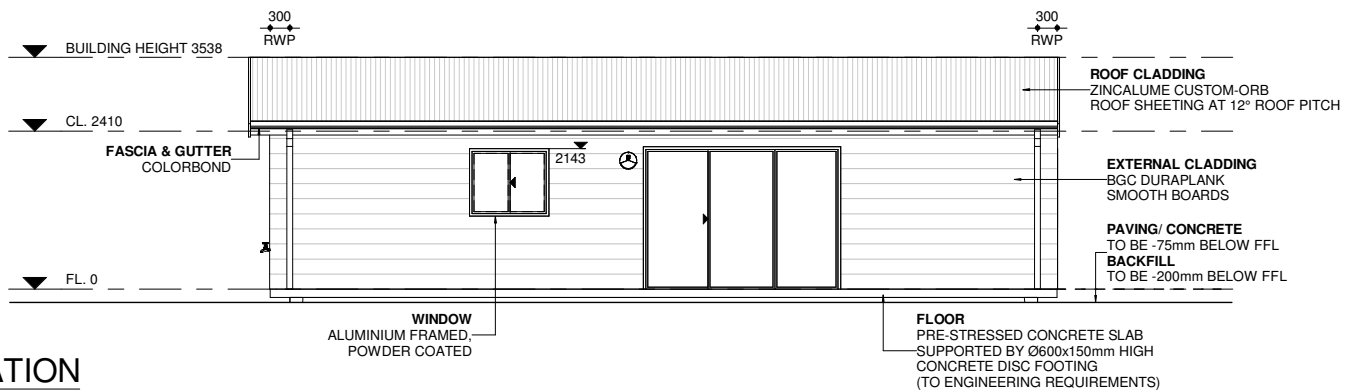
JOB No.	22109
DATE:	30/09/2022 8:39:11 AM
DRAWN:	WI
CHECKED:	BT
REV:	SHEET
SCALE:	A102 1 : 100

T: 08 64540919 F: 08 64540918
W: modularwa.com.au
e: sales@modularwa.com.au
Builders reg # 101630

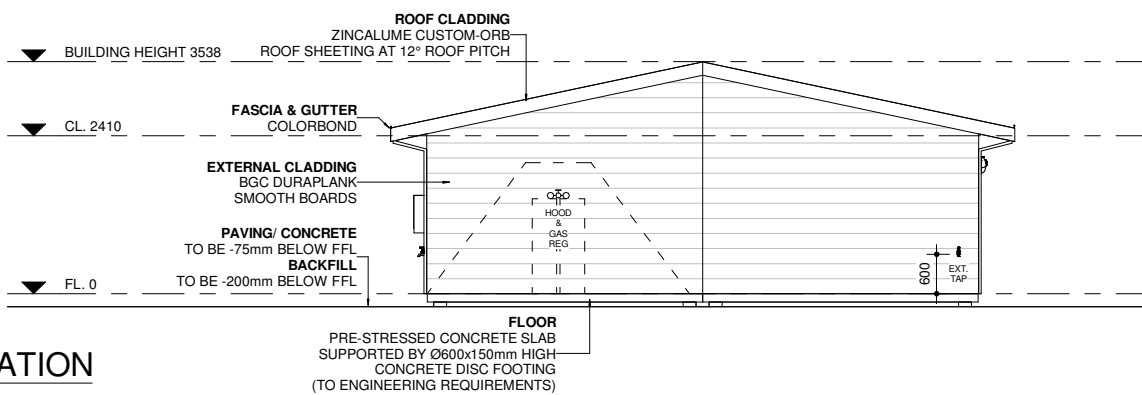
Use figured dimensions in preference to scaled. Copyright All dimensions to be verified and checked on the job. ©



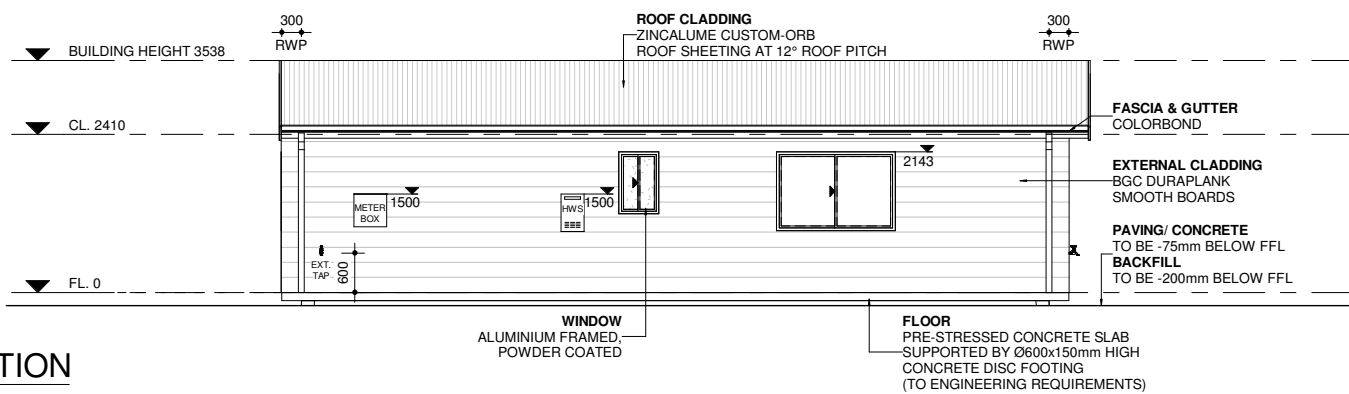
E1 E1 ELEVATION
A103 1 : 100



E2 E2 ELEVATION
A103 1 : 100



E3 E3 ELEVATION
A103 1 : 100



E4 E4 ELEVATION
A103 1 : 100

CLIENT: HOWARD
ADDRESS: LOT 289 JULIMAR ROAD
WEST TOODYAY WA 6566
HOUSE TYPE: CUSTOM

Rev	Description	Date
A	Prepared for PPA drawings	22.08.2022
B	PPA Amendments as per Cost Schedule 29.08.2022	31.08.2022
C	Add Site Survey	29.09.2022

JOB No. **22109**
DATE: 30/09/2022 8:39:12 AM
DRAWN: **WI**
CHECKED: **BT**
REV: SHEET
SCALE: **C**
A103
1 : 100

T: 08 64540919 F: 08 64540918
W: modularwa.com.au
e: sales@modularwa.com.au
Builders reg # 101630
Use figured dimensions in preference to scaled. Copyright All dimensions to be verified and checked on the job. © .

26/01/2023

Planning and Development Department

Shire of Toodyay

Dear Shire of Toodyay,

We are seeking an exemption under LPP.02- Ancillary Dwellings to be considered in relation to our application to build an ancillary dwelling on our property.

I am the current owner of (Lot 54) 289 Julimar Road, West Toodyay. In 2015 I received building approval to construct my current residence and am now seeking approval to build a granny flat on the property to provide a forever home to my mother in law. At present she lives in Perth however is aging and my wife and I would like to have her live with us but still allow her to live independently.

We are in process of designing a home with Modular Homes WA which if approved will be transported and installed on the block.

289 Julimar Road, West Toodyay is listed as 45,577m² or 11.26 acres and under the current Ancillary Dwelling policy I am limited to 70m² under the main roof. The exemption I am respectfully asking for is a roof space of 100m² which will allow a 2 bedroom modular home to be built. I am aware of the proposed changes in relation to amending policy LPP.02 and Local Planning Scheme No.5 to allow a roof space of 100m² on properties over 4000m² however has not yet been back to council to discuss and approve.

I respectfully request consideration to allow an exemption for my build as it is in line with the proposed direction that the council is heading, albeit not finalised yet. The build will fall into all other criteria as detailed within the policy.

Respectfully forwarded for consideration.

Kind Regards



Kevan FRENCH and Jodie HOWARD

289 Julimar Road, West Toodyay

26/01/2023



Extractive Industries and Waste Disposal

Introduction

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy – Extractive Industries and Waste Disposal an LPP.

The Local Planning Policy does not bind the Shire of Toodyay in respect of any application for development approval, but the Shire of Toodyay will have due regard to the provisions of this Local Planning Policy and the objectives which the policy was designed to achieve before making its determination.

The purpose of this Policy is to outline standards and other guidance in relation to development of Extractive Industries, in accordance with the purpose and provisions of the current Local Planning Scheme.

Relationship of this Policy to the *Shire of Toodyay Extractive Industries Local Law 2008*

The Shire of Toodyay requires an extractive industry licence to be issued under the provisions of the Shire of Toodyay Extractive Industries Local Law 2008 (the 'EI Local Law') together with a land use planning (development) approval before extraction can take place.

An application for an extractive industry licence should be applied for at the same time as the development application.

Objective

- To protect the economic viability of agriculture and rural smallholding areas within the Shire of Toodyay.
- To retain the rural character of the area by preventing the operation of such activities in a manner detrimental to the amenity and/or environment of the area during or after extraction.
- To specify the minimum requirements to be included in any application for an extractive industry and guide applicants accordingly.
- To ensure that proposed haulage routes and road hierarchy are satisfactory to support an extractive industry without affecting the sustainability of the Shire's road assets.
- To provide for the most appropriate siting and manner of operation of extractive industries to meet the varied needs of the community.
- To provide Council and prospective developers with guidelines for the processing of applications for extractive industries.
- To protect the environmental and landscape values and qualities of Toodyay with its diverse economy ranging from rural production, horticultural production to tourism.
- To allow for the consideration of extractive industries in appropriate locations and to ensure such industries are operated in a correct and appropriate manner.
- To set out the requirements for applicants making an application for approval of an extractive industry clearly and simply.

09/02/2023

Page 1

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

Scope

This Local Planning Policy is applicable to all proposals for extractive industry upon suitably zoned land, except for those activities outlined in 'Exemptions' below.

Definitions

Term	Definition
Act	<i>Planning and Development Act 2005</i>
Acid Sulphate Soils (ASS)	Any naturally occurring soils or sediment containing iron sulphides
Adjoining	Refers to any land or owner of land which abuts an application site or is separated from it only by a road, pathway, driveway or similar thoroughfare.
Agriculture	The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products. This includes: Cropping, animal husbandry including dairying and feedlots, flowers/plants/tree nurseries, apiaries and horticulture.
Basic Raw Materials (BRM)	Basic Raw Materials are considered to be materials that are used in the construction industry for both private and public works such as housing, site preparation, concrete and cement manufacturing, railway and road construction. These materials include sand, stone, clay, hard-rock and gravel aggregate.
Borrow pit	A borrow pit is a term used in construction for a hole, pit or excavation that has been dug for the purposes of removing gravel, clay and sand used in a construction project. This includes an excavated area where material has been dug for use as fill at another location.
CEO	Chief Executive Officer
Committed Area	In relation to a Shire extractive industry or basic raw material resource, any extraction area which is being worked or has been periodically worked provided the removal of the resource does not increase the surface area of the pit currently under consideration.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .

09/02/2023

Page 2

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

Term	Definition
Development	The development or use of any land, including any demolition, erection, construction, alteration of or addition to any building or structure on the land and the carrying out on the land of any excavation or other works and in the case of a place to which a Conservation Order made under section 59 of the <i>Heritage of Western Australia Act 1990</i> applies, also includes any act or thing that – (a) Is likely to change the character of that place or the external appearance of any building; and (b) Would constitute an irreversible alteration to the fabric of any building.
Environmentally Sensitive Area	Those areas where the land could be subject to restriction on the extraction of basic raw materials for an environmental or conservation reason. For example, ESAs could be classes or areas of native vegetation where the exemptions for clearing vegetation under the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> (Clearing Regulations) do not apply. This includes any area as defined in <i>Environmental Protection (Environmentally Sensitive Areas) Notice 2005</i>
Extraction Area	The extent of land proposed to be used for ground-disturbing activities.
Extractive Industry	An industry which involves the extraction, quarrying or removal of sand, gravel, clay, rock, limestone, soil, or similar material from the land, not excluded by the Mining Act, and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted.
General Access Vehicle (GAV)	General access vehicles are rigid and combination vehicles that meet a set of standard design requirements, sit within mass and dimension limits, and generally don't need a permit to operate on roads.
Level of Service (LoS)	Level of service is a measure of the quality of service of transportation infrastructure as set out by Austroads. Level of service may be used as a tool to measure changes in condition, also relating to increase in vehicle use, or expected quality of the infrastructure and the system uses the letters A through F, with A being best and F being worst.
MDR	Manager Development and Regulation

09/02/2023

Page 3

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

Term	Definition
Mining Act 1978	Outlines the law as it relates to mining, and for incidental and other purposes. Until recently the Mining Act has applied to the land area of the Western Australia and, by arrangement with the Commonwealth, the first three nautical miles of the territorial sea from the baseline.
Mining Proposal	Any proposed mining project other than an extractive industry that comes to the attention of the Shire, regardless of whether it has been formally referred for assessment or approval with relevant agencies. It does not include applications for prospecting or exploration licenses.
Operational Area	The extent of land proposed to be used for extraction and all associated activities.
Rehabilitation Plan	A plan which details the developer commitments to rehabilitate/reconstitute the site through landform and vegetation planting measures in order to restore the pre-existing ecosystem as far as is practicable.
School Bus Route	Any public road utilised on a daily basis by a licensed school bus operator to transport children to and from an educational establishment registered by the Education Ministry of Western Australia.
Sensitive Land Use	Has the same meaning as in the <i>Environmental Protection Authority - Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses</i> .
Tourist Attraction	A building or group of buildings and associated facilities and including other non-built facilities substantially used for the attraction, accommodation and servicing of tourists, and includes wineries, cellar door sales, food and rural produce tasting and experiential attractions available to the general public.
Visual Impact	Has the same meaning as in the Western Australian Planning Commission manual – <i>Visual Landscape Planning in Western Australia (2007)</i> .
Waste Disposal Industries	The Class I and Class II Waste Disposal Industries operated out of Lot 11 Chitty Road and Lot 1 Salt Valley Road.

Policy Statement

This Policy seeks to classify extractive industry applications into three (3) distinct classes, whereby Council's application requirements would differ according to class.

09/02/2023

Page 4

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

1. Council's position on extractive industries

The Council's position on extractive industry is that:

- (a) Extractive industry should not take place in environmentally or culturally sensitive areas;
- (b) Opportunity for negotiated outcomes statement;
- (c) Extractive industry should not result in a degraded quality of life for any resident or visitor in either the short or long term, whether through amenity or health impacts;
- (d) Sensitive land uses should not be permitted to encroach on extractive industry operations such that they may be exposed to negative impacts;
- (e) Because the availability of basic raw materials is important to the economic well-being of the Shire, new development should not be permitted that would prevent the exploitation of viable deposits of basic raw material, unless removal of that material would result in unacceptable impacts on an existing or future community – for example, removal of sand from a site that will later require sandfill to achieve a future planned use;
- (f) Sufficient notice should be given of any project that will require such large quantities of any particular basic raw material that there is a risk of creating a significant local supply shortage, to enable approvals to be put in place for additional sources of that material for local consumption. To this end, the Shire will continue to engage relevant State Government agencies and project proponents to encourage such collaboration.

2. Exemptions from the Policy

This policy does not apply to the following:

- (a) The extraction of basic raw materials on Crown land (including reserves and pastoral leases), which are covered by *the Mining Act 1978*.
- (b) The extraction of basic raw materials to a depth of no more than 1m and an area of no more than 1ha where the material is to be used for improvements on the same property as a borrow pit, municipal purposes or road construction.

3. Approval Requirements

Council Development Approval is required for new applications

Where a new extractive industry is proposed, or an existing industry is to be increased in size over what was originally approved, Development Approval by full Council is required prior to the industry commencing/extending. An Application for Development Approval is required to be lodged in accordance with Council requirements and scheduled fees.

4. Consultation


Where Council is prepared to consider an application to commence or renew an extractive industry:

09/02/2023

Extractive Industries and Waste Disposal

Page 5

*** This Document is not controlled once it has been printed ***

- 
- (a) The applicant must lodge an accurate precis of the proposal for circulation to residents in accordance with the advertising requirements of Shire's Local Planning Policy – Advertising of Planning Proposals. The precis should contain an accurate site map which outlines in graphic form the proposal, including the phasing of the proposed excavation and subsequent rehabilitation measures.
 - (b) A comprehensive statement of the proposals including details relating to dust and noise suppression measures, water usage and water sourcing location of access points, traffic routes, number of daily truck movements and their capacity, excavation management procedures, the time period associated with any staging, duration times of excavation, specific rehabilitation measure and the future desired land use of the property.
 - (c) Upon receipt of the precis as outlined above, Council's Development and Regulatory Department, if satisfied with the content of the precis, shall in accordance with the provisions of the Local Planning Policy – Advertising of Planning Proposals, notify ratepayers likely to be affected by the proposal, which will include a copy of the precis of the proposed development. Advice of the proposal is to be forwarded to the elected members. Cost of advertising is to be borne by the applicant.

4.1 Officer consideration

After initial assessment by Shire officers to ensure the required information has been submitted and the application can be considered, the application will be advertised by the Shire in a local newspaper and public submissions invited, to be received by Shire, within 21 days of advertising. As part of the advertising process, all landowners within 2000 metres of the proposed operational area of the extractive industry site will be notified, as will other interested parties, as deemed appropriate.

- (a) As deemed appropriate, the proposal may be referred to the following authorities for comment and recommendations:
 - Department of Biodiversity, Conservation and Attractions (DBCA);
 - Department of Water and Environmental Regulation (DWER);
 - Department of Planning, Lands and Heritage (DPLH);
 - Department of Primary Industries and Regional Development - Agriculture and Food (DPIRD);
 - Department of Mines, Industry Regulation and Safety (DMIRS);
 - Main Roads WA (MRWA).

4.2 Council consideration

Council will not consider the application for development or the renewal of an excavation licence until:

- (a) The submission period for public comment has expired. In this regard the MDR shall be granted authority by Council to extend the submission period, if after discussion with the CEO, the Manager of Development and Regulation believes such action is in the public interest.

09/02/2023

Extractive Industries and Waste Disposal

Page 6

*** This Document is not controlled once it has been printed ***

- (b) Council is satisfied in respect to an application to renew the excavation licence that all rehabilitation requirements and/or commitments have been fulfilled.

Matters to be considered by Council

In considering any application, Council will have regard for the following matters:

- (a) Merits – each application be examined on its individual merit having regard for the existing land uses, topography of the land, and its specific location;
- (b) Whether the site is in a visually significant location such as on a ridge, close to a national park or nature reserve, visible from a major road, tourist destination or scenic route;
- (c) Compatibility with adjoining land uses;
- (d) Noise, dust and vibration abatement measures;
- (e) Proximity and buffers to water courses;
- (f) Drainage implications including surface and groundwater impacts;
- (g) Whether the application proposes the clearing of significant remnant vegetation;
- (h) Intended end use of the land and future planning for the area under Council's Local Planning Strategy;
- (i) Rehabilitation measures;
- (j) Weed control;
- (k) Environmental management and measures proposed to be undertaken by operators to address environmental issues;
- (l) Whether the access roads proposed are suitable for the volume of traffic and type of heavy vehicles proposed;
- (m) Whether the site has access to major roads, and whether the existing roads to be used by trucks are in good condition;
- (n) Proposed road haulage route and whether the use of any state controlled roads are proposed;
- (o) Size of trucks and number of truck movements;
- (p) Existence of other extractive industry or heavy haulage-associated use in the vicinity;
- (q) Details of the storage of fuel and flammable materials on the site;
- (r) The storage of toxic materials (if any);
- (s) Details of containment and control measures in the event of spillage;
- (t) Material to be excavated, including maximum depth of excavation, area to be open at any one time and expected pit life; and

09/02/2023

Page 7

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

- (u) Consistency with the purposes and relevant considerations of Special Control Areas in the Scheme.

5. Extractive Industry Classification

In order to determine what level of information is required for an extractive industry application, a three-class rating system has been developed ranging from Class 1 (small scale) to Class 3 (commercial). As stipulated in Table 1 below, a Class 3 extractive industry would require more information than a Class 1, as the potential impacts of the development are likely to be more profound. The criteria for each of the three Classes are detailed below, along with common examples pertinent to each Class.

5.1 Class 1

An Application can be given a Class 1 rating where the following applies:

- (a) The size of the extraction site is less than or equal to 7500m² or 0.75 hectares
- (b) Maximum depth of excavation does not exceed 1.5 metres

Examples of a Class 1 Extractive Industry would include the short-term extraction of gravel or sand for localised construction purpose such as the maintenance of gravel roads, and the construction of dwellings and driveways.

5.2 Class 2

An application can be given a Class 2 rating where the following applies:

- (a) The size of the extraction site is between 0.75 hectares and three (3) hectares
- (b) Maximum depth of excavation does not exceed 3 metres

Example of a Class 2 Extractive Industry would include the regular extraction of sand, gravel or limestone to supply the local market, predominantly for the local building industry. Many of the medium to large building companies have exclusive use of such extraction pits (either owned or leased), in order to construct driveways, and provide clean fill to housing sites across the Toodyay Region.

5.3 Class 3

An application is given a Class 3 rating where the following applies:

- (a) All others which are greater than three (3) hectares in size or 3 metres in depth – or both.

Example of a Class 3 Extractive Industry would include the full-time extraction of sand, gravel or limestone for the purposes of supplying the local, state and international markets. A classic example would be a large lime quarry, which is likely to excavate to a depth in excess of 10-15 metres and be open for several years depending on the level of resource.

6. General Development Requirements

Notwithstanding the specific requirements as detailed within Table 1, the following general requirements shall apply to all extractive industry proposals:

- (a) No excavation is to occur within 200 metres of a residence not located on the subject property;
- (b) Buffers in accordance with EPA requirements to be accommodated within the boundaries of the subject property;
- (c) The proposed pit is to be setback a minimum of 30 metres from any public road;
- (d) No excavation is to occur within 50 metres of a water course or body;
- (e) The clearing of remnant vegetation to access basic raw materials is discouraged, however where vegetation is affected as part of the proposal Council will consider the advice from the Department of Water and Environmental Regulation;
- (f) Any extractive industry should not be located within visually obvious locations (locations obvious from major roads, townsites and tourist nodes);
- (g) Class 1 and 2 industries are to provide a written statement verifying that they have complied with all conditions of their planning scheme consent at the time of annual renewal. Class 2 industries may be asked to comply with the Local Law requirements applying to Class 3 operations in regard to annual renewal requirements; at the time of licence approval where the type or size of operation dictates a higher level of monitoring is required.
- (h) New development shall be sited and designed to ensure that known reserves of basic raw materials and minerals shown on the following plans are not unreasonably precluded from future extraction.

7. Information applicable to each Class

The following Table (Table 1) dictates what information is required for each extractive industry class. Before referring to Table 1 the applicant should determine the Class (Class 1, 2 or 3) of their application as outlined above. .

7.1 Table 1: Extractive Industries – Application Requirements

Information required when applying for an Extractive Industry Licence – (Class 1 – 3)

Key – ‘X’ = not required, ‘✓’ = required, & ‘D’ = subject to detail.

<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(A) Three (3) copies of site plan to a scale between 1:500 and 1:2000 showing:			
(i) The existing and proposed land contours based on the Australian Height Datum and plotted at 1m contour intervals.	D	✓	✓

<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(A) Three (3) copies of site plan to a scale between 1:500 and 1:2000 showing:			
(ii) Description of Land which the extractive industry site is to be located.	✓	✓	✓
(iii) The external surface dimensions of the land.	✓	✓	✓
(iv) The location and depth of the existing and proposed excavation of the land.	✓	✓	✓
(v) The location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in proximity to the land.	✓	✓	✓
(vi) The location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for, or proposed in respect of the land.	✓	✓	✓
(vii) The location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in proximity to the land.	✓	✓	✓
(viii) The location of all existing dams, watercourses, drains or sumps on or adjacent to the land.	D (only in vicinity of extraction site)	✓	✓
(ix) The location and description of existing and proposed fences, gates, and warning signs around the land.	D	D (only in vicinity of major road)	✓
(x) The location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere.	D	✓	✓

09/02/2023

Page 10

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(A) Three (3) copies of site plan to a scale between 1:500 and 1:2000 showing:			
(xi) The water requirement and sourcing thereof throughout the duration of the proposed site and operations	✓	✓	✓

<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(B) Three (3) copies of a works and excavation program containing:			
(i) The nature and estimated duration of the proposed extraction for which the licence is applied.	✓	✓	✓
(ii) The stages and the timing of the stages in which it is proposed to carry out the extraction.	X	(Only if extraction site is greater than 2 hectares)	✓
(iii) Details of the methods to be employed in the proposed excavation and a description of any on-site processing works.	✓	✓	✓
(iv) Details of the depth and extent of the existing and proposed excavation of the site.	✓	✓	✓
(v) An estimate of the depth of and the description of the nature and quantity of the overburden to be removed.	✓	✓	✓
(vi) A description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled.	✓	✓	✓

09/02/2023

Page 11

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(B) Three (3) copies of a works and excavation program containing:			
(vii) A description of the means of access to the excavation site and the types of thoroughfares to be constructed.	D	✓	✓
(viii) Details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles.	D	✓	✓
(ix) A description of any proposed buildings, treatment plant, tanks, and other improvements.	(only in vicinity of extraction site)	✓	✓
(x) Details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained.	D	✓	✓
(xi) A description of the measures to be taken to minimise noise, dust nuisance, erosion, watercourse siltation and dangers to the general public.	✓	✓	✓
(xii) A description of the measures to be taken to comply with the Environmental Protection Noise Regulations 1997.	✓	✓	✓
(xiii) A description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land.	D	(applicable where remnant vegetation and water-courses are found on the property)	✓

09/02/2023

Page 12

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(B) Three (3) copies of a works and excavation program containing:			
(xiv) Details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation.	(Applicable if remnant vegetation will be affected by the proposed excavation site)	✓	✓
(xv) A description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas.	✓	✓	✓

<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(C) Three (3) copies of a rehabilitation and decommissioning program indicating:			
(i) The objectives of the program, having due regard to the nature of the surrounding area and proposed end-use of the excavation site.	✓	✓	✓
(ii) Whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations.	✓	✓	✓
(iii) How each face is to be made safe and batters sloped.	D	✓	✓

09/02/2023

Page 13

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(C) Three (3) copies of a rehabilitation and decommissioning program indicating:			
(iv) The method by which topsoil is to be replaced and revegetated.	✓	✓	✓
(v) The number and type of trees and shrubs to be planted and other landscaping features to be developed.	(only applicable where remnant vegetation has been cleared)	✓	✓

8. Determining suitability of proposal

In determining the suitability of any extractive industry proposal for a particular site, the following Development Criteria will be assessed. If the Acceptable Development Criteria are met the proposal may be considered more appropriate. If the Acceptable Development Criteria are not met, then the proponent must demonstrate how the proposal still meets the Performance Criteria.

8.1 Table 2: Extractive Industries – Development Criteria

Performance Criteria	Acceptable Development
Element: Amenity	
<ol style="list-style-type: none"> 1. Development does not prejudice the productive use of agricultural land on site or in the surrounding locality. 2. Development does not unduly disrupt surrounding residents by way of vehicular traffic, noise, blasting and dust vibration. 3. Consultation has occurred with the local community and relevant government departments. 4. The site can be rehabilitated in a way that is compatible with the long-term planning for the site and surrounding area. 	<ol style="list-style-type: none"> 1. Development is located away from sensitive land uses unless appropriate measures can be taken to ameliorate adverse impacts. 2. Hours of operation are limited to 7am to 7pm Monday to Friday and 7am to 1pm on Saturday. No operation on public holiday days. 3. Extraction of material occurs from only one site per property at any one time. 4. Sites are filled with clean material only.

09/02/2023

Page 14

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

Performance Criteria	Acceptable Development
Element: Environmental	
<p>1. Development is located so as to minimise impact upon native flora and fauna; groundwater quality, quantity, and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.</p>	<ol style="list-style-type: none"> 1. Development does not prejudicially affect native flora and fauna; groundwater quality, quantity, and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land. 2. Dieback is managed in accordance with Best Practice Guidelines Management of Phytophthora Dieback in Extractive Industries (2005 – Dieback Working Group). 3. Sites can be suitably rehabilitated in accordance with an agreed management plan.
Element: Buffers	
<p>1. Development is sited in accordance with the principles of <i>Guidance for the Assessment of Environmental Factors Western Australia (in accordance with the Environmental Protection Act 1986) Environmental Protection Authority No. 3 June 2005 Separation Distances between Industrial and Sensitive Land Uses</i></p>	<ol style="list-style-type: none"> 1. Quarry of hard rock (including blasting), crushing and screening - requires a buffer distance of 1000m. 2. Quarry (not hard rock). Processing rock ore etc. by blasting, grinding and milling works – material processed by grinding, milling, or separated by sieving, aeration etc. - requires a buffer distance of 1000m. 3. Quarry (no blasting) - material processed by grinding, milling, or separated by sieving, aeration etc. - requires a buffer distance of 500m. 4. Sand and limestone extraction no grinding or milling works - Requires a buffer distance of 500m.

09/02/2023

Page 15

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

Performance Criteria	Acceptable Development
Element: Visual Impact	
1. Development is unobtrusive and does not prejudicially affect the natural landscape.	1. Development is to be visually unnoticeable in the landscape when viewed from major travel routes.
Element: Transport	
1. Development satisfactorily addresses the following issues: <ul style="list-style-type: none"> (a) Proximity to and interaction with school bus routes; (b) Conditions and nature of roads to be used; (c) Impact on higher traffic volume on higher risk roads; (d) Size of trucks and number of truck movements; (e) Access points to the operation site; (f) Existence of any other extractive industry or heavy haulage in the vicinity and cumulative effects on the transport network; and (g) Comments of Main Roads WA. 	1. Development is located in proximity to heavy haulage routes. 2. Development which does not utilise school bus routes for haulage purposes. 3. Development where a road maintenance agreement has been entered into with the Shire prior to operation, or where financial contributions have been made to ensure the upgrading of roads where necessary to improve the standard of access.

8.2 Compliance with mine safety requirements

Council will require the Extractive Industry to always comply with all relevant requirements of the *Mines Safety and Inspection Act 1994* and Regulations.

8.3 Requirement to obtain Vegetation Clearing Permit

Where the extractive industry necessitates the removal of native vegetation, the applicant is required to seek and obtain a Vegetation Clearing Permit from the Department of Environment and Conservation in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

It is the responsibility of the applicant and/or landowner to ensure compliance with the Clearing Vegetation Regulations.

09/02/2023

Extractive Industries and Waste Disposal

Page 16

***** This Document is not controlled once it has been printed *****

8.4 Requirement to obtain registration of licence for a Prescribed Premise

The extractive industry may require registration or a licence as a 'prescribed premise' from the Department of Environment Regulation under Part V of the Environmental Protection Act 1986 (Environmental Protection Regulations, 1987, Schedule 1) if:

- (a) Category 12: Licensing is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 50,000 tons/annum is processed.
- (b) Category 70: Registration is required if the material is screened, washed, crushed, ground, milled, sized or separated and more than 5000 tons/annum but less than 50,000 tonnes per annum is processed.
- (c) Category 80: Registration is required if non-metallic minerals are being processed (crushed, ground, milled or separated) and more than 100 tonnes/annum is processed.

8.5 Environmental protection requirements

Where the Extractive Industry is located within a Public Drinking Water Source Area, the operation is to comply with the Department of Water and Environmental Regulation Water Quality Protection Note No. 15.

8.6 Weed and disease management plan

Council will require the operator to develop in consultation with the Department of Water and Environment Regulation, a management plan to control the spread of noxious weeds and diseases.

8.7 Security for Site Restoration and Reinstatement

For the purpose of ensuring that an excavation site is properly restored and/or reinstated, the Shire of Toodyay shall require that the operator (licensee) give to the Shire of Toodyay a bond, bank guarantee or other security, of a kind and in a form acceptable to the Shire of Toodyay, in or for a sum determined by the Shire of Toodyay in accordance with the adopted Schedule of Fees and Charges at the time of application and/or extension.

9. Requirement for an Extractive Industry Licence under the Shire's *Extractive Industries Local Law 2008*

Where Council has granted Development Approval for an extractive industry, the operator must apply for an Extractive Industry Licence under the provisions of Council's Extractive Industries Local Law 2008. A person must not carry on an extractive industry unless the person is the holder of a valid and current licence.

Approval for an Extractive Industry Licence is not transferable unless written approval is granted by Council and provided all conditions of the existing approval are met.

09/02/2023

Page 17

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

On or before 30th June in each year, a licensee shall pay to the Shire the annual licence fee determined by the Shire of Toodyay from time to time.

10. Compliance System

Annual audits are undertaken by Shire Staff or consultants to review compliance with extractive industry licence conditions. Any costs associated with this inspection and auditing process will be at the expense of the licence holder. During audits areas of non-compliance are recorded. These areas of non-compliance will be determined to be minor, major or critical as per this policy and assigned points accordingly. The length of licence will be calculated on the total number of non-compliance points accumulated at the most recent audit undertaken in the six months prior to licence renewal. Points achieved in a previous audit will be added to the total score if there has been no action to become compliant or work towards a solution on non-compliance issues.

10.1 Non-Compliance Points:

The points for each category of non-compliance are:

Rating	Points
Critical	10 points
Major	5 points
Minor	1 point

10.2 Length of Licence

The length of licence will be determined by the total score of non-compliance as follows:

Points Scale	Term of Licence
0 – 2 points	5 years
3 – 5 points	3 years
5 – 10 points	1 year
11 or more points	Six months * this must be resolved by Council

10.3 Category of Non-Compliance

Scoring of non-compliance against conditions will be determined by one of two systems. Firstly, some conditions will have to be placed on the licence as a critical, major or minor category at the time the extractive industry licence is approved. This is the score non-compliance will receive for these conditions. The categorisation of these conditions will be determined as per Table 3. Other conditions will not have a category placed against them as it is the

09/02/2023

Page 18

Extractive Industries and Waste Disposal

*** This Document is not controlled once it has been printed ***

severity and number of non-compliances that will affect the rating. These will be determined at the time of audit using Table 4.

10.4 Table 3

Category	Community concern	Compliance history of operator	Consequence
Minor (1)	None or little valid community concern within the past 2 years on this issue.	No major or critical non-compliance relating to this issue in the past 5 years and all issues remedied.	No significant environmental impacts would occur from non-compliance.
Major (5)	Valid community concern within the past 2 years by up to 3-5 affected residents.	Major or critical non-compliance history relating to this issue in the past 5 years, but all issues have remedied.	Significant environmental impacts would occur from non-compliance that could be remedied in the short term (1 month).
Critical (10)	Valid community concern has been raised and significant concerns have been demonstrated to the Shire within the past two years by more than 3-5 affected residents a year.	Non-compliance history relating to this issue in the past 5 years which exceeds 3 major non-compliances or one critical non-compliance and has been remedied or any non-compliance that has not been remedied.	Significant environmental impacts would occur from non-compliance that could not be remedied in the short term (1 month).

10.5 Table 4

Condition	Critical (10)	Major (5)	Minor (1)
Plans Required e.g. vegetation, landscape, water, noise, dust.	No plan submitted for approval and 3 months has passed since first licence and site works commence or due date as specified in licence conditions.	Plans submitted over 30 days late.	Plan submitted prior to commencement of site works for approval or due date as specified in licence conditions but not of approval standard a present.
	Requests ignored for plans.		OR plans submitted between 10-30 days late.

09/02/2023

Page 19

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

Condition	Critical (10)	Major (5)	Minor (1)
<p>Site Operations Requirements relating to site operations e.g. water quality testing, blasting notification, dust management.</p>	<p>No notification to the Shire within 5 working days of confirmation of critical or major non-compliance and/or no written report within one month with evidence to satisfy the MDR that measures have been undertaken to prevent a recurrence.</p>	<p>Notification to the Shire within 5 working days of confirmation of critical or major non-compliance and written report within one month with evidence to satisfy the MDR that measures have been taken to prevent a recurrence.</p>	<p>Notification to the Shire within 24 hours of confirmation of critical or major non-compliance and written report within 5 working days with evidence to satisfy the MDR that measures have been undertaken to prevent a recurrence.</p>
<p>Site Management and Operations Requirements relating to site management e.g. watercourses, weed management.</p>	<p>Non-compliance occurred and remedial action undertaken by next audit or no notification of breach of licence condition received for critical or major non compliances.</p>	<p>Non-compliance occurred and not remediated or no commencement of actions to remedy if long term approach, required within 12 weeks of non-compliance occurrence OR No communication and reporting on remediation being undertaken provided to the Shire on a major or critical non-compliance.</p>	<p>Non-compliance occurred but remediated or commence actions to remedy if long term approach required within 4 weeks of occurrence and this is supported in writing to the Shire.</p>
<p>Site Operations and General Compliance with Development Approval and Licence Conditions: Operation and cartage outside of permitted times.</p>	<p>Non-compliance occurred and remedial action undertaken by next audit or no notification of breach of licence condition received for critical or major non compliances.</p>	<p>Non-compliance occurred and not remediated or no commencement of actions to remedy if long term approach, required within 12 weeks of non-compliance occurrence</p>	<p>Non-compliance occurred but remediated or commence actions to remedy if long term approach required within 4 weeks of occurrence and this is supported in writing to the Shire.</p>

09/02/2023

Page 20

Extractive Industries and Waste Disposal

*** This Document is not controlled once it has been printed ***

Condition	Critical (10)	Major (5)	Minor (1)
Pit area exceeding approved area. Operations outside of approved area. Production exceeding permitted tonnage.		OR No communication and reporting on remediation being undertaken provided to the Shire on a major or critical non-compliance.	
Rehabilitation Condition e.g. revegetation site stabilisation.	Revegetation not completed in accordance with approved plans and licence conditions. OR Revegetation not commenced or there has been no effort to rectify areas of revegetation.	Revegetation not completed in accordance with approved plans and licence conditions, but report submitted to the Shire with a plan of action and timeframe commitment to complete required works.	Revegetation not being completed within proposed timeframe but has been commenced in accordance with approved plans. This excludes where genuine attempts to undertake revegetation has occurred but failed and is being replanted at the next appropriate planting season.

10.6 Licence Conditions Approval

The proposed licence conditions will be drafted and sent to the operator prior to them being presented to Council for adoption. The proposed licence conditions will be sent to the operator with a minimum of three weeks to comment. These comments will be taken into consideration in determining or recommending the licence approval.

11. Audits

The frequency of full site audits is determined by the risk of the operation as established in the assessment of the length of the licence.

11.1 Table 5

Total audit score	Length of licence	Frequency of site audits
-------------------	-------------------	--------------------------

09/02/2023

Page 21

Extractive Industries and Waste Disposal

*** This Document is not controlled once it has been printed ***

Total audit score	Length of licence	Frequency of site audits
0 – 2	5 years	1/year – Every 12 months
3 – 5	3 years	1/year – Every 12 months
6 – 10	1 year	2/year – Every 6 months
11+	6 months	2/year – Every 6 months

11.2 Audit Notification

The Shire will notify the operator of an audit, in writing, and provide at least two weeks' notice. Notification will include a copy of the audit schedule outlining areas the operator will be audited. This will allow the operator two weeks to provide or seek any clarification on any areas listed in the audit. The process for audits is detailed below:

- (a) Compliance Audit Only (May for 6- and 12-month licences and October for 3 and 5 year licenses).
- (b) Written notification sent to operator advising of site inspection minimum 2 weeks prior with audit assessment sheet attached.
- (c) Site audit undertaken by Shire Officers and/or contractors against current extractive industry licence and development approval. Shire appointed consultants performing this task will be at the expense of the licence holder.
- (d) Operators sent a letter advising of any non-compliances within 2 weeks of site audit and given due dates for remediating areas of non-compliance.

11.3 Audit and Assessment of Licence lengths (October)

- (a) Written notification sent to operator advising of site inspection a minimum 2 weeks prior with audit assessment sheet attached.
- (b) Site audit undertaken by Shire Officers and/or contractors against current extractive industry licence and planning approval Shire appointed consultants performing this task will be at the expense of the licence holder.
- (c) Assessment for length of licence undertaken in accordance with Tables 3-5 using completed audit results.
- (d) Draft assessment including recommendation of licence length sent to operator by 7 November for comment.
- (e) Comments due back from operators by 21 November.
- (f) Mediation between operator and officers undertaken if there is disagreement and option given to operator to attend December Concept Forum to present issue/s to Council.

09/02/2023

Page 22

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

- (g) Item put to December Ordinary Council Meeting on the length of the extractive industry licence for decision with both officers' recommendation and any comment provided on audit and assessment results from the operator.

12. Approval process for documents required in licence conditions:

- (a) Where documents are required to be submitted by a date as set out in licence conditions, the Shire will acknowledge receipt of those documents within 5 working days and will assess the documents within 3 months of receipt.
- (b) Further information or modifications may be requested from the Shire which will also be assessed within 3 months of receipt.
- (c) Where documents are acknowledged as being received by the Council but are not assessed within 3 months of receipt they will be deemed to be approved.
- (d) Plans will not be accepted for assessment within 3 months of the licence renewal date.

13. Cost Recovery for Consideration of Applications

The Shire shall seek to recover from proponents to the maximum extent practicable, the costs associated with the assessment of proposals. The costs that the Shire shall seek to recover shall include but not be limited to the following:

- (a) costs and expenses of advertising the application and advertising matters related to the application.
- (b) costs and expenses of any specific assessment that is required in relation to the application, for example, environmental assessment.
- (c) costs and expenses for the provision of a survey report to establish road conditions prior to the extractive industry licence being granted.
- (d) costs and expenses of consultation procedures required in relation to the application.
- (e) costs and expenses of technical resources and equipment such as computer modelling.
- (f) costs and expenses of specialist advice required in relation to the application, for example, advice in relation to heritage matters.
- (g) costs associated with audit of compliance conditions
- (h) costs associated with the preparation of legal agreements
- (i) costs associated with the erecting and ongoing maintenance of road safety signage

The Shire shall reserve the right to require an applicant to pay estimated costs and expenses that may be incurred by the local government before the costs and expenses are actually incurred. Where any moneys paid in advance by an applicant to a local government for estimated costs or expenses that are not incurred by the local government are to be refunded to the applicant upon a formal determination being made on the application.

Cost recovery shall also apply to all costs and expenses associated with monitoring during the life of the project including audits and pit closures.

14. Road Maintenance

Those portions of Shire of Toodyay controlled roads affected by the activities relating to an Extractive Industry site shall be maintained to a standard acceptable to the Shire of Toodyay at the licensee's cost.

To achieve this, the licensee shall pay an annual road maintenance contribution equivalent to an amount specified within the Shire of Toodyay's Annual Schedule of Fees and Charges, for expenses incurred by the Shire of Toodyay for the repair and maintenance of Council's roads.

The road maintenance contribution shall be based on the estimated tonnage of material to be transported to and from the Extractive Industry site. This figure is calculated using the length of Shire controlled roads travelled, number of truck movements, the type of vehicles being used.

The road maintenance contribution shall be made annually for the lifetime of the facility, the conclusion of which will be marked by the completion of all rehabilitation works to the satisfaction of the Shire of Toodyay.

Payment of the road maintenance contribution shall be made in advance, with the first payment due upon the commencement of operations. Thereafter, payment may be made on a quarterly basis.

A report detailing all activities and tonnages of material transported to and from the Extractive Industry site for the financial year period ending 30th June is to be submitted to the Shire of Toodyay by 31st July each year.

The advance payments made through the year shall be reconciled against the actual activities and additional payments shall be sought or credited as appropriate.

Road maintenance contributions for Extractive Industries within the Shire of Toodyay are applicable from the date of effect of this policy.

Note: These provisions are in addition to the requirements of the Shire of Toodyay Extractive Industry Local Law as amended. All applications are still required to satisfy the requirements of the Shire of Toodyay Extractive Industry Local Law as amended.

15. Rehabilitation

After excavation of BRM, land will need to be stabilised to suppress sand and dust, which may include revegetation.

All revegetation should be conditioned on the approval, and generally carried out in accordance with an approved revegetation plan.

Rehabilitation is to be undertaken on an ongoing basis for worked areas. Any exhausted/worked areas in excess of 2 hectares need to be reshaped, ripped, topsoil re-spread, dry seeded and a dust suppressant applied to hold the soils in place until the first rains occur. Rehabilitation needs to occur before new excavation.

On-site revegetation may be conducted when cleared land is no longer required for the purpose for which it was cleared. It is important for revegetation projects to be guided by a plan appropriate to the specific conditions and requirements of the site.

The revegetation plan should be prepared in consultation with an environmental specialist with appropriate expertise in revegetation techniques and experience specific to Western Australian conditions.

15.1 Pit Rehabilitation Plan

A Pit Rehabilitation Plan is to be submitted and approved by the Shire of Toodyay in writing. This plan is to address the following issues:

- (a) Restrict the area of open pit to 2 hectares. Larger pits may be considered for extraction where the applicant can demonstrate that it will not have any detrimental impact on the environment or amenity of the area (by lodging a detailed environmental management plan).
- (b) How the portions of land subject to extraction are to be rehabilitated (following each stage of extraction) to allow for future rural use and shall include:
 - (i) Flattening the land;
 - (ii) Spreading of stockpiled topsoil (capable of supporting seed and plant re-growth);
 - (iii) Forming stable battered banks not to be steeper than 1 in 5; and/or
 - (iv) Revegetation using native trees, shrubs and groundcovers / undergrowth.

The pit rehabilitation plan should be developed and executed in accordance with the advice and principles contained in the *DBCA Guidelines for the Management and Rehabilitation of Basic Raw Material Pits (2008)*

15.2 Rehabilitation Bond

For the purpose of ensuring that an excavation site is properly restored or reinstated the Shire will as a condition of approval require the payment of a rehabilitation bond, in accordance with the Shire's Schedule of Fees & Charges.

The proponent must give to the Shire a bond, bank guarantee or other acceptable security, prior to the commencement of operations. The bond will be held in trust pending the satisfactory rehabilitation of the excavation area and site in general, in accordance with the approved Rehabilitation and Decommissioning Plan. Rehabilitation works are to be monitored and information reported to the Shire demonstrating the progress and success of rehabilitation for a two-year period from the conclusion of rehabilitation.

Should the operator fail to carry out or complete the required rehabilitation works within the 60 days of the cessation of excavation, or longer period as agreed to by the Shire, the Shire may carry out or cause to be carried out or complete the required rehabilitation works. The Shire will then use the

rehabilitation bond towards these costs and recover any balance of costs directly from the proponent.

Reference Information

- [Austroads - Guide to Traffic Management Part 3: Transport Studies and Analysis Methods](#)
- State Planning Policy No.2.4 – Basic Raw Materials;
- [Guidance for the Assessment of Environmental Factors Western Australia \(in accordance with the Environmental Protection Act 1986\) Environmental Protection Authority No. 3 June 2005 Separation Distances between Industrial and Sensitive Land Uses](#)
- EPA Guidance Statements No.3, 51 and 56
- Department of Environment and Conservation Guideline for the Development and Implementation of a Dust Management Program 2008;
- EPA Guidelines for the Prevention of Dust and Smoke from Land Development Sites in Western Australia 1996;
- WAPC - Basic Raw Materials Proponents' Manual 2009; and
- State Planning Policy 2.8 - Bush Forever.
- [Management of Phytophthora Dieback in Extractive Industries \(2005 – Dieback Working Group\).](#)
- DBCA Guidelines for the Management and Rehabilitation of Basic Raw Material Pits
- [Visual Landscape Planning in Western Australia \(2007\)](#)
- Shire of Toodyay Strategic Community Plan – Toodyay 2028

Legislation

- *Planning and Development Act 2005*
- *Planning and Development Regulations 2009*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Environmental Protection (Noise) Regulations 1997;
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004;

Associated documents

Application documentation

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	09/02/2023	New	Manager Development and Regulation	Council

09/02/2023

Page 26

Extractive Industries and Waste Disposal

***** This Document is not controlled once it has been printed *****

Version No.	Date Issued	Review position	Developed by	Approved by
V2				

Document control information	
Document Theme	Local Planning Policy
Document Category	Local Planning Policy
Document Title	Extractive Industries and Waste Disposal
Document ID	t.b.a.
Document Owner (position title)	Manager Development and Regulation
Author (position title)	Manager Development and Regulation
Date of approval	t.b.a.
Approving authority	Council
Access restrictions	Nil
Date Published	t.b.a.
Date of last review	09 February 2023
Date of next review	t.b.a.
Archived antecedent documents and previous versions	Nil

09/02/2023

Extractive Industries and Waste Disposal

Page 27

*** This Document is not controlled once it has been printed ***

Shire of Toodyay Policy Manual

LOCAL PLANNING POLICY

POLICY NO:	LPP.8
POLICY SUBJECT:	COMPLIANCE
ADOPTION DATE:	20 August 2009
LAST REVIEW:	13 May 2010

STATEMENT OF INTENT

This policy is designed to provide guidance in relation to the compliance with Council's Local Planning Scheme and Council's conditions for either planning and/or building approval within the Shire of Toodyay.

OBJECTIVES

- To ensure that compliance with Council's set planning and building conditions are being adhered to with respect to the approval granted.
- To ensure that all aspects of the development conform and no unauthorised developments occur without the appropriate approvals.
- To limit the number of illegal developments and structures occurring in the Shire of Toodyay.

DEFINITIONS

'certificate of compliance' – is a Council generated document stating that on the date of inspection the development complied with all planning and/ or building conditions, signed by the inspecting Council Officer.

'bona fide reasons' means genuine and sincere reasons that include, but are not limited to, the following:

- That the dwelling house has been substantially completed to the satisfaction of Council's Officers; or
- Legitimate unforeseen circumstances.

STATUTORY POWERS

This Local Planning Policy is made pursuant to Clause 2.2 of the Shire of Toodyay Local Planning Scheme No 4.

POLICY STATEMENT

1. Officers from the Planning & Development Department shall inspect a development approved by Council;
 - a) On the request of the developer; or

Local Planning Policy No 8 – Compliance

Shire of Toodyay Policy Manual

- b) Immediately following the expiration of the validity of the approval's time period, being two years from the date of the approval.
2. Where it is brought to the attention of Council that an unauthorised use has commenced, or that an approved use has commenced without compliance with the conditions of approval, Council Officers shall inspect the premises in order to confirm the activities being undertaken or to confirm the conditions not being met.
3. Following this abovementioned inspection, landowners will be issued with:
 - a) A *Certificate of Compliance*, stating that in the opinion of the Council Officer the development complies with Council's conditions of approval; or
 - b) A letter advising of the outstanding conditions and outlining 28 days in which to either advise the Planning & Development Department that:
 - (i) The conditions have been complied with and a final inspection can be carried out; or
 - (ii) Request that Council grant an extension of time to comply with the conditions of the development, provided that substantial completion of the conditions have occurred.or;
 - c) A direction being served to cease the unauthorised use forthwith, as the unauthorised use is in breach of the Council's Local Planning Scheme or in Council's opinion the unauthorised use is having a detrimental effect on the amenity of the area or raises an obvious issue of public health or safety.
4. When the landowner requests an extension of time under 3(b)(ii) above, the application shall be referred to the Chief Executive Officer for determination of an extension to the time to comply with the conditions of the development. If bona fide reasons exist for such an extension, the approval is not to be longer than six (6) months from the date requested. By expiry of such extension period absolute compliance is required or the provisions of 5(b) and 5(c) below will be enacted.
5. A subsequent and final inspection shall be carried out by a Council Officer from the Planning & Development Department and the landowner shall be issued with:
 - a) A *Certificate of Compliance*, stating that in the opinion of the Council Officer the development complies with Council's conditions of approval; or
 - b) Letter advising that as certain conditions remain outstanding, legal proceedings will be commenced against the landowner without further notice; or
 - c) In the event that an unauthorised use continues after written direction has been served, a letter advising that legal proceedings will be commenced against the landowner without further notice.

Local Planning Policy No LPP.8 - Compliance

Shire of Toodyay Policy Manual

Adopted as TP Policy 23 May 2005
Reviewed Council Meeting 24 November 2005
Reviewed Council Meeting 16 November 2006
Reviewed Council Meeting 15 November 2007
Amended Council Meeting 21 May 2009
Reviewed Council Meeting 13 May 2010

Local Planning Policy No LPP.8 - Compliance

This Page has been Left Blank "Intentionally"



Compliance

Introduction

Councils have an obligation to properly record and consider all reports and complaints about unauthorised uses and development under Local Planning Scheme No.4 (LPS 4). An effective complaint handling system is also a good risk management practice.

Objective

The purpose of this Policy is to establish a consistent, transparent and integrated process for planning compliance including the issuance of Infringement and Directions notices.

Scope

- a) Is not legally binding on the Shire.
- b) Is general in nature and does not exhaustively address all specific considerations that may be considered by the Shire;
- c) Does not limit the discretion of the Shire, or compel the Shire to act; and
- d) Is not intended to be viewed as a substitute for legal advice or process

Definitions

Term	Definition
CEO	Chief Executive Officer
Compliance	Ensuring that the requirements of laws, regulations, industry codes and organisational standards are met.
Delegated Officer	Any officer delegated by the Council or its Chief Executive Officer with authority to make decisions and give direction on behalf of the Council
Domestic Enjoyment	The right to enjoy and use your property in peace, privacy and comfort without interference.
Jurisdiction	The official power to make legal decisions and judgements.
Member	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Planning Infringement Notice	A ticket issued on the spot, or sent by email or post, for breaches against a town planning scheme.

DATE YOU LAST REVIEWED

Page 1

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

Term	Definition
Shire	Shire of Toodyay.
Vexatious complaint	A complaint that is falsely made, in bad faith and without evidence.

Policy Statement

The policy provisions are set out and are applied as follows:

1. Jurisdiction

On receipt or notification of any planning compliance issue, the jurisdiction of the Shire will first be determined. Any matter falling outside of the jurisdiction of the Local Planning Scheme and relevant planning policies will be referred to the appropriate authority and the complainant advised as such. No further action will be taken by the Shire.

2. Priority

Compliance issues will be progressed in accordance with the following priorities (in order) irrespective of the number or frequency of complaints received:

- a) Dangerous or unsafe buildings and matters of significant nuisances impacting on broad public amenity, health or safety.
- b) Any matter involving direct environmental impacts or degradation.

The Shire will not take compliance action on complaints considered to be frivolous, vexatious, or where a complainant cannot reasonably demonstrate that the non-compliance directly impacts upon them.

All other compliance matters will be progressed in the order in which they arise.

Complaints are required to be in writing and include specific details of the compliance matter. Where the complaint relates to an activity, information such as time and frequency of events should be provided.

3. Circumstances where the Shire may take no further compliance action

The Shire may determine not to take compliance action where:

- a) The extent of the non-compliance is minor to the point of being barely distinguishable from a compliant development.
- b) The non-compliance has been in existence since the gazettal of the scheme and has no apparent impact on the amenity of adjoining properties, the streetscape, is structurally sound (where applicable) and poses no threat to community safety.
- c) Where the potential rectification or penalty is disproportionate to the outcome the action would seek to achieve; or
- d) Where an activity constitutes domestic enjoyment, notwithstanding that the activity may be defined under the Local Planning Scheme No 4.

4. Undertaking Compliance action

DATE YOU LAST REVIEWED

Page 2

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

Compliance action will usually involve one or more of the following:

a) Planning Infringement Notice

Where an unauthorised land use is occurring, or is occurring contrary to a planning consent, the Shire may issue a Planning Infringement Notice as prescribed by the Planning and Development Regulations 2009.

In respect to issuing a Planning Infringement Notice with the accompanying modified penalty, these may be issued on multiple occasions at a frequency at the discretion of the Chief Executive Officer or delegated officer.

b) Direction Notice

Where an unauthorised use or development has occurred, or has occurred contrary to a planning consent, the Shire may issue a Directions Notice as prescribed under the Planning and Development Act 2005, as follows:

- I. Where the matter related to an unauthorised use, a Direction Notice may be given to the owner or alleged offender seeking the cessation of the use within a specified time period. The specified time period will depend on the nature of the offence and its effect on the public interest.
- II. Where the matter related to an unauthorised built development, a Directions Notice may be given to the owner or alleged offender seeking them to remove, pull down, take up, or alter the development, and restore the land as nearly as practicable to its condition immediately before development started. Where a Direction Notice has been issued for unauthorised built development, a minimum of 60 days from the date of the issue of the Directions Notice will be allowed for the owner or alleged offender to comply.

c) Referral to the Shire's Solicitors to initiate Legal action

Where an unauthorised use or development has occurred, the Shire may refer the matter directly to its solicitors for potential prosecution.

In considering legal action in respect of prosecuting a matter, the Shire will take into account:

- I. The likely success of achieving a conviction.
- II. The potential cost of legal action; and
- III. The broader public interest in the action.

d) Retrospective application seeking approval

Where an authorised use or development has occurred and in the opinion of the Shire the use or development may be capable of being considered for retrospective consideration, the landowner/occupant will be requested in writing to lodge a retrospective development application within 21 days. If an application has not been received within this period a second request in writing will be sent with an additional 7 days for submission.

If after this period no formal application has been granted, or additional time for lodgement not been granted, the Shire may undertake compliance action for the unauthorised use or development in accordance with items 4.1, 4.2 or 4.3 above.

DATE YOU LAST REVIEWED

Page 3

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

Reference Information

- Name of Policy (Policy No.); and

Legislation

[Local planning Scheme No. 4](#)

[Planning and Development Act 2005](#)

[Planning and Development Regulations 2009](#)

Associated documents

Can just list them here

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	20 August 2009	13 May 2010	Planning and Development	Council
V2				


Document control information	
Document Theme	
Document Category	
Document Title	
Document ID	
Document Owner (position title)	
Author (position title)	
Date of approval	
Approving authority	
Access restrictions	
Date Published	
Date of last review	

DATE YOU LAST REVIEWED

Page 4

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only

***** This Document is not controlled once it has been printed *****

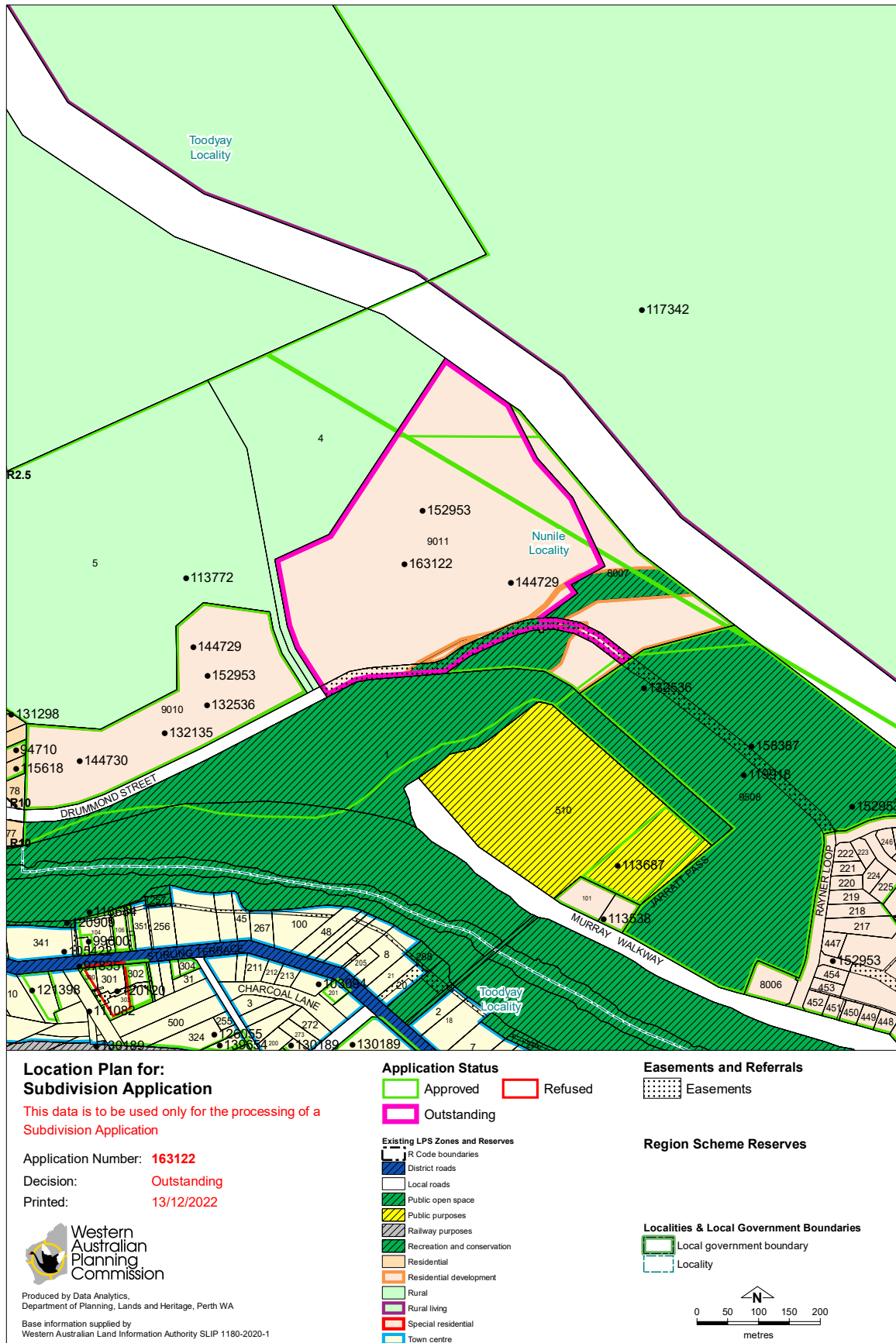


Document control information	
Date of next review	
Archived antecedent documents and previous versions	
Location	

DATE YOU LAST REVIEWED

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only***** This Document is not controlled once it has been printed *****

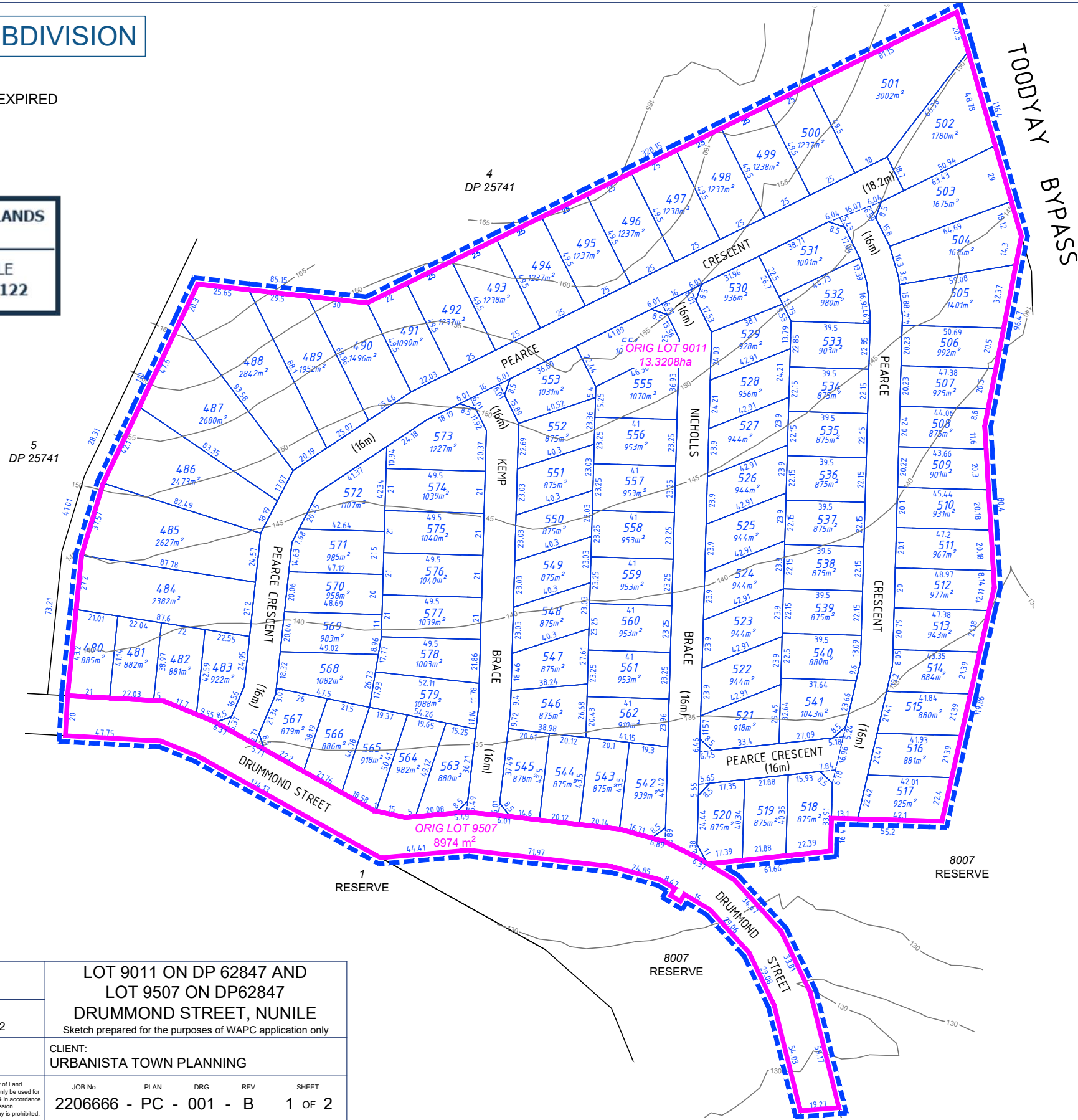
Page 5



PROPOSED GREEN TITLE SUBDIVISION

THIS WAPC APPLICATION FORMS PART OF AN EXPIRED
CONDITIONAL APPROVAL – Ref 152953

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
12-Dec-2022	163122



NOTE- ALL SUBJECT LOTS ARE VACANT

NO SEWER, WATER, POWER & COMMS
INFORMATION WAS AVAILABLE AT TIME OF
PREPARING THIS SKETCH.

- LEGEND**
- SUBJECT BOUNDARY FOR SUBDIVISION
 - ORIGINAL BOUNDARY LOTS

Land Surveys
19 Brennan Way Belmont WA 6104
T (08) 9477 4477
E admin@landsurveys.net.au
www.landsurveys.net.au

SCALE @ A3: 1:2000
0 20 40 60 80 100

SURVEYED BY:	LOT 9011 ON DP 62847 AND LOT 9507 ON DP62847 DRUMMOND STREET, NUNILE
SURVEYED ON:	Sketch prepared for the purposes of WAPC application only
DRAWN BY: NN	CLIENT: URBANISTA TOWN PLANNING
DRAWN ON: 10/11/22	
HOR DATUM:	
VERT DATUM:	
JOB No. PLAN DRG REV SHEET	2206666 - PC - 001 - B 1 OF 2

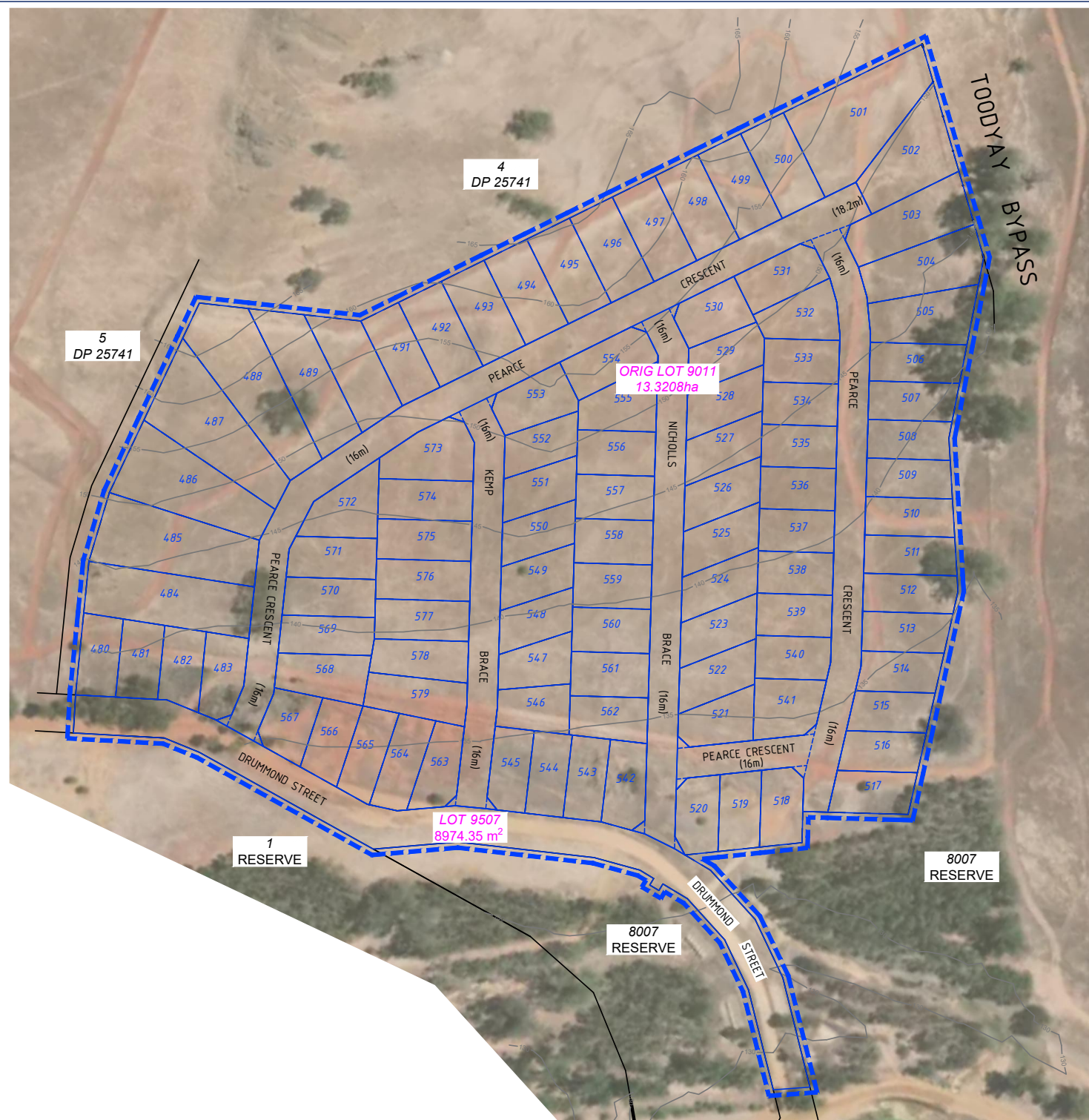
C:\12dS\data\12dSynergyServe\2206666-Urbanista Town Planning-Lot 9011 Drummond Street, Toodyay_5892\06 Drafting\061 Cadastral Plans\Preliminary\2206666-PC-001-B.dwg

ORIGINAL LOTS 9011	
GREEN TITLE LOT No.	LOTS AREA (sqm)
480	884.73
481	881.70
482	881.40
483	922.04
484	2382.18
485	2626.52
486	2473.16
487	2680.17
488	2842.32
489	1951.84
490	1496.27
491	1089.81
492	1237.50
493	1237.50
494	1237.50
495	1237.50
496	1237.50
497	1237.50
498	1237.50
499	1237.50
500	1237.50
501	3001.63
502	1779.84
503	1674.66
504	1615.95
505	1400.76
506	992.01
507	924.94
508	875.07
509	900.80
510	931.01
511	966.55
512	977.10
513	943.17
514	884.17

515	879.54
516	881.32
517	924.79
518	874.99
519	875.01
520	875.03
521	917.78
522	944.05
523	944.05
524	944.05
525	944.05
526	944.05
527	944.05
528	956.44
529	927.72
530	935.68
531	1000.60
532	979.52
533	902.58
534	874.93
535	874.93
536	874.93
537	874.93
538	874.93
539	874.93
540	879.98
541	1042.93
542	938.76
543	875.20
544	875.22
545	878.47
546	875.00
547	875.33
548	875.14
549	875.14
550	875.14
551	875.14
552	875.05
553	1031.26
554	1054.82
555	1069.58
556	953.25
557	953.25

558	953.25
559	953.25
560	953.25
561	953.25
562	909.93
563	879.91
564	982.48
565	918.42
566	886.01
567	879.23
568	1081.98
569	982.81
570	958.02
571	985.21
572	1107.28
573	1226.66
574	1039.50
575	1039.50
576	1039.50
577	1039.50
578	1003.22
579	1087.93
Pearce Cr	13698.17
Kemp Br	3482.53
Nicholls Br	4527.41
TOTAL	133208

LOT 9507 DRUMMOND STREET	8974.35
-----------------------------	---------



LEGEND

- - - - - SUBJECT BOUNDARY FOR SUBDIVISION

REV	DESCRIPTION	DRN	DATE	APP

19 Brennan Way Belmont WA 6104 T (08) 9477 4477 E admin@landsurveys.net.au

www.landsurveys.net.au

SCALE @ A3: 1:2000

SURVEYED BY:	
SURVEYED ON:	
DRAWN BY:	NN
DRAWN ON:	10/11/22
HOR DATUM:	
VERT DATUM:	

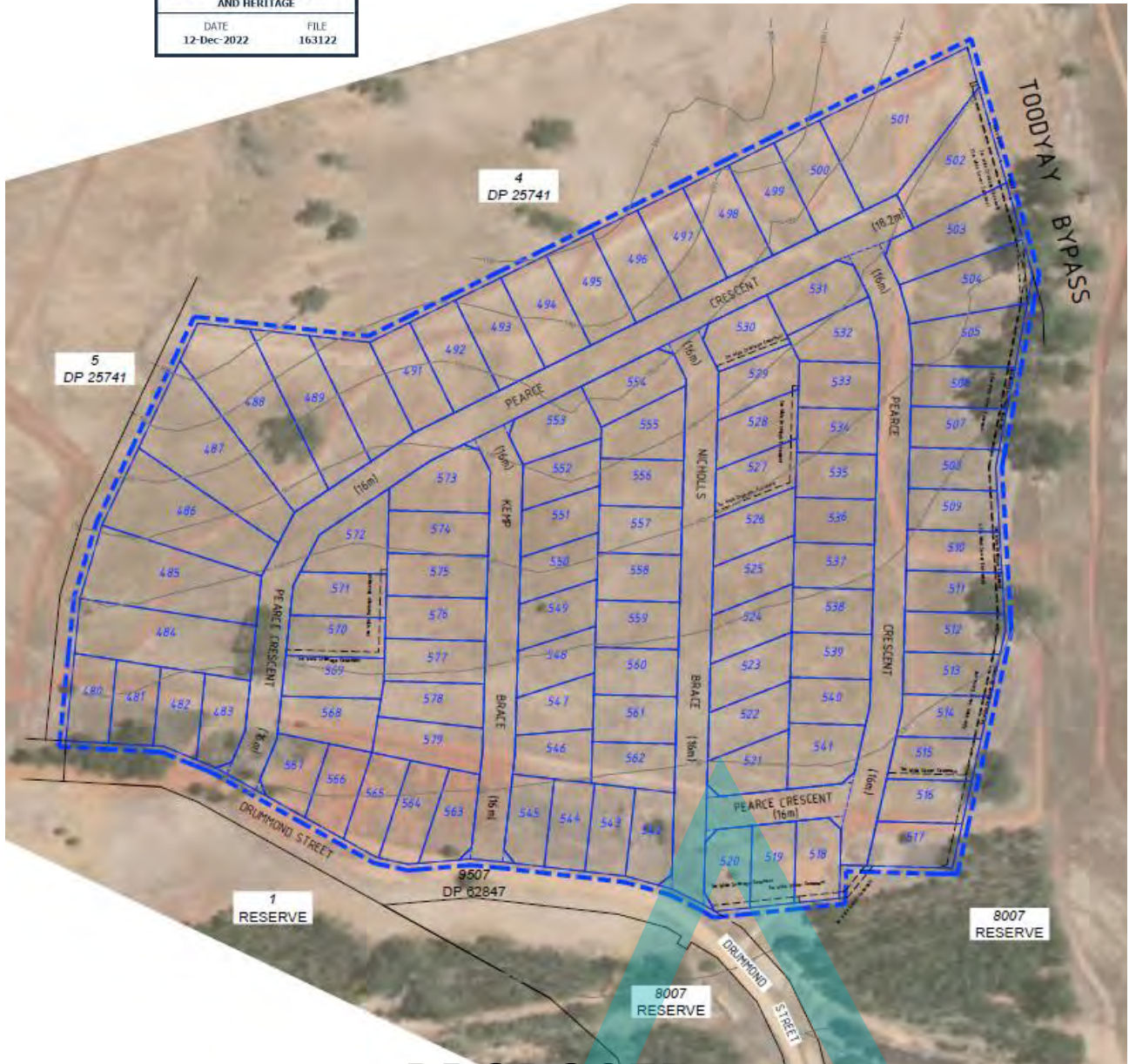
WAPC SKETCH				
LOT 9011 ON DP 62847 AND LOT 9507 ON DP62847 DRUMMOND STREET, NUNILE				
CLIENT: URBANISTA TOWN PLANNING				
JOB No.	PLAN	DRG	REV	SHEET
2206666	- PC -	001 -	B	2 OF 2

C:\12d\data\12dSynergyServe\2206666-Urbanista Town Planning-Lot 9011 Drummond Street, Toodyay_5892\06 Drafting\061 Cadastral Plans\Preliminary\2206666-PC-001-B.dwg

URBANISTA

TOWN PLANNING

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
12-Dec-2022	163122



PROPOSED GREEN TITLE SUBDIVISION

LOT 9011 AND 9507 DRUMMOND STREET, NUNILE

This report has been prepared by Urbanista Town Planning on behalf of
Australia Q8 Pty Ltd.

All rights are reserved by Mrdri Pty Ltd trading as Urbanista Town
Planning. Other than for the purposes of and subject to the conditions
prescribed under the *Copyright Act 1968*, no part of this report may be
reproduced, stored in a retrieval system or transmitted in any form or by
any means, electronic or otherwise, without the prior written permission
of Urbanista Town Planning.

©Urbanista Town Planning

Lot 9011 Drummond Street, Nunile 1

CONTENTS

INTRODUCTION	3
DEVELOPMENT SITE	3
THE PROPOSAL	1
PREVIOUS SUBDIVISION APPROVAL	1
PLANNING ASSESSMENT	3
FOGGATHORPE RESIDENTIAL ESTATE STRUCTURE PLAN	3
Residential Density	3
Movement Network	3
Public Open Space	5
Bushfire Risk Management	5
LIVEABLE NEIGHBOURHOODS	6
CONCLUSION	6
APPENDIX 1	7
PREVIOUS SUBDIVISION APPROVAL	7
APPENDIX 2	8
PROPOSED SUBDIVISION PLAN	8
APPENDIX 3	9
BUSHFIRE MANAGEMENT PLAN	9
APPENDIX 4	10
FOGGATHORPE RESIDENTIAL ESTATE STRUCTURE PLAN	10
APPENDIX 5	11
FOGGATHORPE RESIDENTIAL ESTATE STRUCTURE PLAN:	11
TRAFFIC IMPACT ASSESSMENT	11

INTRODUCTION

Urbanista Town Planning have been engaged by the landowners of Lot 9011 and 9507 Drummond Street, Toodyay, to prepare and submit an application to subdivide the two lots into 100 residential freehold lots and the creation of several roads.

The residential lots have been designed in accordance with the residential density and provides a road network that is consistent with the Amendment to the Structure Plan map (Figure 5) to identify land for the Toodyay Recreation Precinct and to correct a zoning anomaly relating to portions of Lot 9011 in the Foggarthorpe Residential Estate Structure Plan. The amendment was approved by the Western Australian Planning Commission on 23 November 2016.

DEVELOPMENT SITE

The subject site is known as Lot 9011 and 9507 Drummond Street, Toodyay. Each parcel has a land area of 13.32 hectares and 8,974m² respective. The combined lot area is 14.2174 hectares.

Under the Structure Plan, Lot 9011 was previously identified as Lot 3 on Deposited Plan 25741, being Volume 2516, Folio 977. The site is currently identified as Lot 9011 on Plan 062847, being Volume 2825, Folio 399. The second lot is identified as Lot 9507 on Plan 062847, being Volume 2825, Folio 400. These two lots form the '**subject site**'.

The subject site slopes approximately 33 metres downwards from the north of the lot to the southern boundary. The Avon River is located approximately 680 metres south-east of the subject site.

Low density residential ranging from R2.5 to R10 is located approximately 500 west of the subject site and R10 to R30 is located approximately 680 south-west of the subject site.

The site is also located in close proximity to the Toodyay Recreation Centre and Toodyay District Highway (~150 metres south-east).

Access to the Toodyay Town Centre (~500 south-east) is gained via Drummond Street East. The Toodyay Town Centre provides for a range of services and facilities including but not limited to, Toodyay IGA, a bakery, the local parish, the Victoria Hotel, Toodyay Manor, the Cola Café and Museum, the Toodyay Garden and Outdoor Centre, the Toodyay Herald and public toilet and parking facilities.

Lot 9011 Drummond Street, Nunile 3



Figure 1: Site Aerial (Source: MNG Maps)

The site forms part of the wider Foggarthorpe Residential Estate Structure Plan, which provides the strategic framework to guide the coordinated subdivision and development and use of land with the structure plan area.



Figure 2: Doley Road Local Structure Plan Area Bordered Black (Source: Foggarthorpe Structure Plan)

Lot 9011 Drummond Street, Nunile 4

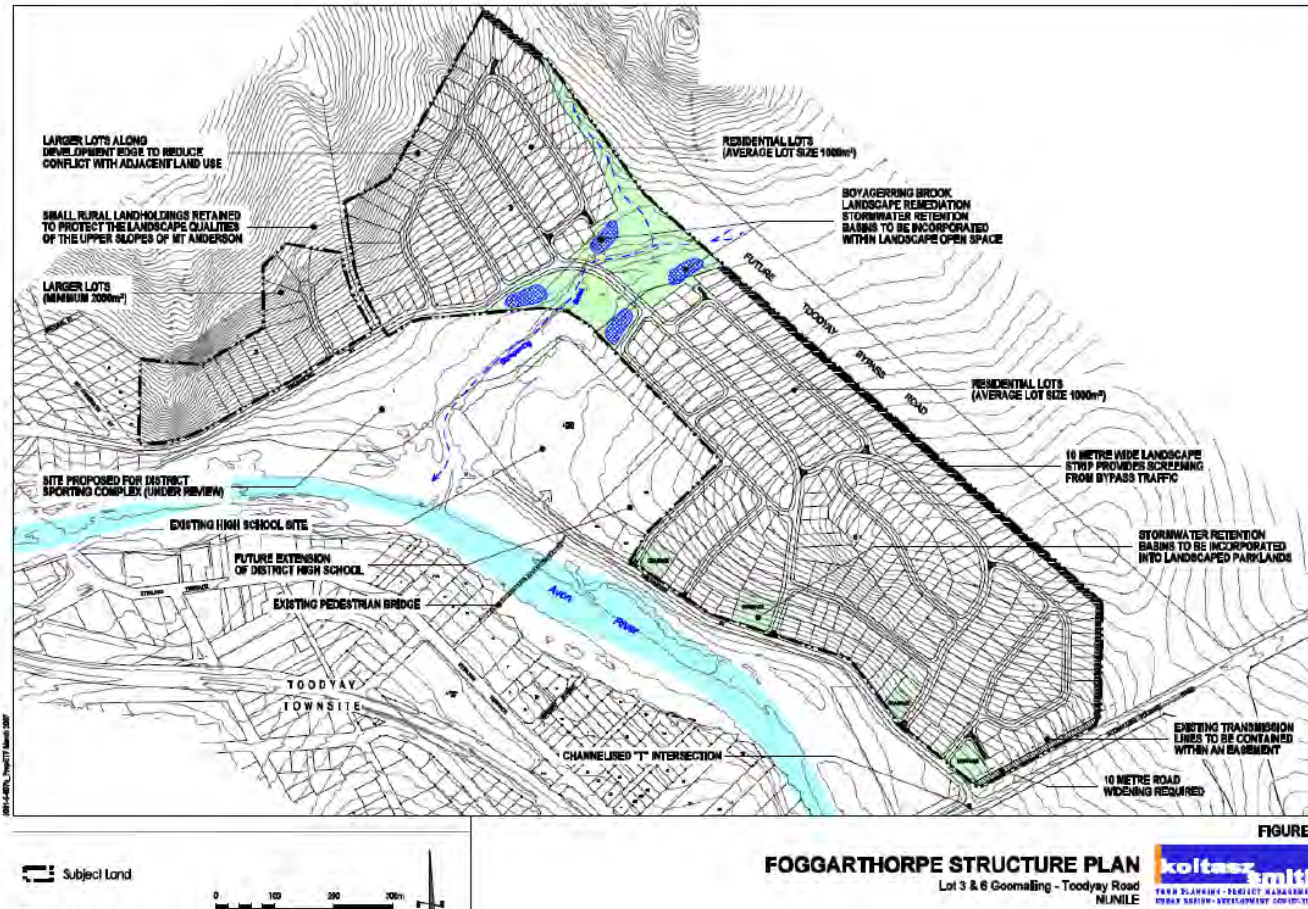


Figure 3: Doley Road Local Structure Plan Map

Lot 9011 Drummond Street, Nunile 1

THE PROPOSAL

The subject application proposes 100 freehold residential lots, which range in size from a minimum of 874.93 sqm to a maximum of 3,002 sqm in accordance with the LSP.

The structure plan does not specify a density for the area but rather identifies the predominant portion of the site as being “residential lots (average lot size 1,000m²)”.

The LSP also identifies the lots that border the northern boundary as being “larger lots along development edge to reduce conflict with adjacent land use”.

The proposed subdivision provides for an average lot size of 1,115m². None of the proposed lots can be further subdivided under the current planning framework, as they are subject to the structure plan’s identified average lot size, unless the discretion of the WAPC is applied.

The subject site can be connected to the existing road network via Lot 9507 and into the constructed portion of Drummond Street to the west of the property. Drummond Street provides a further connection to the Toodyay Recreation Centre to the south-east.

PREVIOUS SUBDIVISION APPROVAL

In 2015 the Western Australian Planning Commission approved a 181 residential lot subdivision across the subject lot and six other lots within the structure plan area. Portions of this subdivision have since been developed; however, some areas were not. Given the 2015 subdivision approval has now expired, a new application is required for the subject site.

The below image depicts the outline of the area associated with the previous subdivision. As depicted in the below aerial image, the lots to the south-east have been created as a result of the 2015 subdivision, with Lot 9010 and Lot 9011 (the subject site), not yet having been subdivided in accordance with the lot layout depicted in the structure plan.



Lot 9011 Drummond Street, Nunile 1

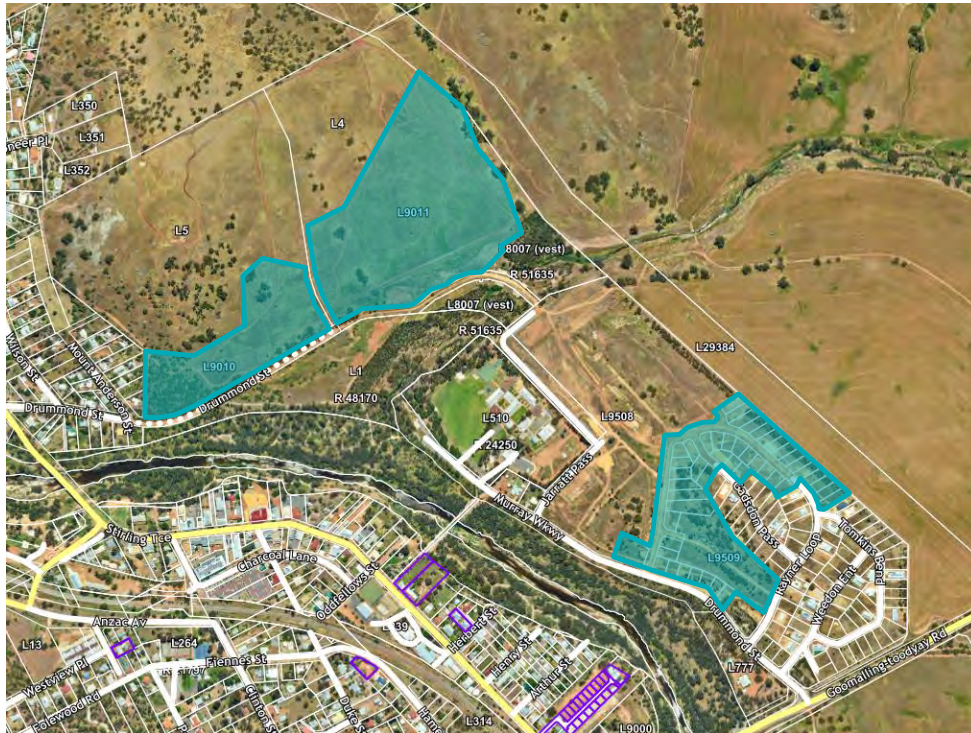


Figure 4: Areas of Previous Subdivision and Current Lot Arrangement

The subject application for the subdivision of lot 9011 is identical to the application previously approved by the Western Australian Planning Commission in 2015. A copy of the previous subdivision approval is provided as **Appendix 1**.

PLANNING ASSESSMENT

FOGGARTHORPE RESIDENTIAL ESTATE STRUCTURE PLAN

Residential Density

Clause 4.2.1.1 of the approved structure plan states that “residential subdivision remains the predominant land use element of the Structure Plan.... (which) shows a variety of housing/density choices, with the maximum density based on standards applied under the Urban 6 Zone (average lot size 1000m2, minimum lot size 875m2), but with larger lots between 1,250m2 and 2,859m2 on the external periphery adjoining the lower lots of Mount Anderson.”

The structure plan report includes a detailed plan of subdivision for the residential component of the structure plan area, labelled as figure 8. This plan depicts the density distribution is designed to take maximum advantage of the natural landform, to capitalise on the visual and physical accessibility on the site.

The below images depict that the proposed subdivision is consistent with the subdivision concept plan provided in the endorsed structure plan.



Subdivision Guide Plan in Foggarthorpe Structure Plan



Proposed Plan of subdivision

Figure 5: Subdivision Design

Movement Network

The layout of the internal road network associated with the proposed subdivision is consistent with the approved Foggarthorpe Residential Estate Structure Plan as well as the attached Revised Traffic Assessment, which formed part of the amended Structure Plan.

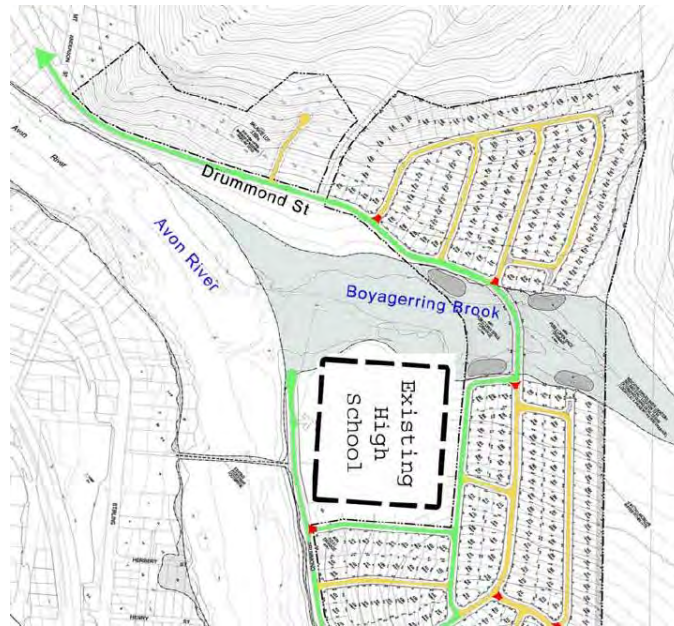


Figure 6: Road Hierarchy from TIA (Source: Revised Traffic Report)

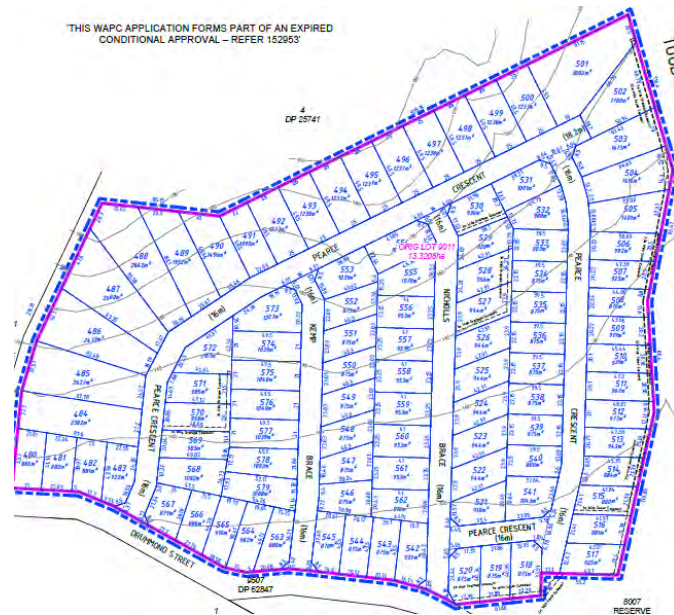


Figure 7: Proposed Movement Network

To summarise, Pearce Road, Kemp Brace and Nicholls Brace are all identified as being 'Access Street D' with the existing Drummond Street to the south of the property, being an 'Access Street C'.

Lot 9011 Drummond Street, Nunile 4

As per the Traffic Assessment, Access Street D is identified as being a minimum width of 16 metres wide. This reservation would typically allow for a 6 metre carriageway and two 4 metre verges for street planting with a 2 metre footpath on one side of the street.

As per the plan of subdivision, the application proposes road reservations of 16m.

Public Open Space

The proposed subdivision complies with the specific requirements of the endorsed structure plan which strategically identifies the location for public open space throughout the structure plan area. Specifically, the Structure Plan identifies a total Public Open Space contribution of 15.62% and is calculated as follows:

	Previous (DP25741)	2007 Plan
Structure Plan Area	99.7678 ha	
Less		
• Rural Lots	27.0563 ha	-
• High School Expansion	1.385 ha	-
• Special Site	1.7048 ha	-
Gross Subdivisible Area		69.6217 ha
10% POS Provision		
Total Public Open Space		
• Lot 1 POS ceded	9.2401 ha	-
• POS – Surrounding Boyagerring Brook (usable – external to floodline)		0.94154 ha
• 4 Drainage Sites in Drummond St		0.445 ha
Public Open Space Provided	9.2401 ha	1.38654 ha
Total POS	10.62664 ha or 15%	

In this regard, the subject landholding has not been identified as being required to incorporate public open space on the structure plan map.

Bushfire Risk Management

The subject site is located with a Bushfire Prone Area and therefore requires a Bushfire Management Plan to be prepared and submitted with any subdivision and/or development application. At the time the structure plan was adopted, the deemed provisions for bushfire risk management had not yet been implemented and by virtue of this, it was not considered as part of the assessment of the structure plan.

Accordingly, a Bushfire Management Plan (BMP) has been prepared to support this application. The BMP concludes the following:

- All lots except for Lots 517 and 518 can achieve a BAL 29 or below.
- Lots 517 and 518 cannot achieve a suitable BAL and should be quarantined until such a time as a suitable setback from the reserve to the south can be established. Additionally, a firebreak between the vegetation in the reserve adjacent to the lots can be established to ensure these lots achieve a BAL 29 or below.

Lot 9011 Drummond Street, Nunile 5

- An assessment against the bushfire protection criteria (Appendix 4 of the guidelines) was undertaken. The assessment concludes that the proposed compliance methods are acceptable solutions.

In summary, compliance with the BMP will require action prior, during and after development. Overall, the proposed subdivision can be supported.

LIVEABLE NEIGHBOURHOODS

The proposed subdivision appropriately responds to the principle aims, objectives and relevant requirements of the Design Elements of Liveable Neighbourhoods as reflected in the overall development concept in the structure plan.

The subdivision proposal incorporates the following design elements as illustrated in Liveable Neighbourhoods:

- The subdivision design incorporates a permeable street network which allows for integration with the external road network (Drummond Street to the south) and future road connections to the south-east of the site.
- The subdivision design allows for a seamless connection to the surrounding lots.
- The internal road network is designed to accord with the requirements of an Access Street D.
- The proposed width of the internal roads is 16 metres. This is consistent with the Traffic Impact Assessment provides as part of the approved structure plan.
- The endorsed structure plan does not include any public open space on Lot 9011, however 15% POS has been accounted for within the broader structure plan area.

CONCLUSION


The proposed subdivision of Lot 9011 and 9507 Drummond Street is consistent with the endorsed Foggarthorpe Residential Estate Structure Plan and all other relevant policy requirements of the Shire and the WAPC.

We therefore respectfully seek the WAPC's conditional approval of this application.



APPENDIX 1

PREVIOUS SUBDIVISION APPROVAL



Lot 9011 Drummond Street, Nunile 7



Your Ref :
Enquiries : Ryan Shaw (Ph 6551 9769)

Ironbridge Holdings Pty Ltd
114 Forrest Street
COTTESLOE WA 6011

Approval Subject To Condition(s) Freehold (Green Title) Subdivision

Application No : 152953

Planning and Development Act 2005

Applicant	:	Ironbridge Holdings Pty Ltd 114 Forrest Street COTTESLOE WA 6011
Owner	:	Ironbridge Holdings Pty Ltd 114 Forrest Street COTTESLOE WA 6011
Application Receipt	:	30 November 2015

Lot Number	:	9006, 9009, 9010, 9011, 9012, 9013, 9500, 9507
Diagram / Plan	:	Deposited Plans 63018, 60730, 62847, 77718, 60729, 62847
Location	:	-
C/T Volume/Folio	:	2823/400, 2823/697, 2825/398, 2825/399, 2823/850, 2823/851, 2818/157, 2825/400
Street Address	:	Gadson Pass, Drummond Street, Bindi-Bindi Toodyay Road & Rayner Loop, Nunile
Local Government	:	Shire of Toodyay

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped **30 November 2015** once the condition(s) set out have been fulfilled.

This decision is valid for **four years** from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by **22 April 2020** or this approval no longer will remain valid.

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: corporate@planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
ABN 35 482 341 493



Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, PERTH, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: corporate@planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
ABN 35 482 341 493



If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITIONS:

Drainage and site works

1. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - a) lots can accommodate their intended use; and
 - b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.

(Local Government)

2. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: corporate@planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
ABN 35 482 341 493



3. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*. (Local Government)

Transport / movement

4. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)

5. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or
 - b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or
 - c) temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or

to the satisfaction of the Western Australian Planning Commission.
(Local Government)

6. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the portions of Drummond Street in the locations as shown on the plan dated 24 March 2016 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007. (Local Government)
7. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of the Boyagerring Brook crossing in the location as shown on the plan dated 24 March 2016 (attached) to an 'Access Road C' standard, as per the requirements of the Revised Traffic Assessment dated March 2007. (Local Government)

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: corporate@planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
ABN 35 482 341 493



8. Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the approved plan of subdivision and engineering drawings and specifications, for the construction of dual-use path(s) in the locations as shown on the plan dated 24 March 2016 (attached). (Local Government)
9. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to serve the lots shown on the approved plan of subdivision. (Local Government)
10. Pursuant to Section 150 of the *Planning and Development Act 2005* and Division 3 of the *Planning and Development Regulations 2009* a covenant preventing vehicular access onto the future Toodyay Bypass being lodged on the certificate(s) of title of the proposed lots 323-337 and 501-517 at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of Main Roads Western Australia, in accordance with the plan dated 30 November 2015 (attached) and the covenant is to specify:

"No vehicular access is permitted from the future Toodyay Bypass."
(Main Roads Western Australia)

Environment

11. Prior to the commencement of subdivision works a foreshore management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)
12. Prior to the commencement of subdivision works a drainage and nutrient management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)
13. Prior to the commencement of subdivision works a landscape management plan for the site is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Local Government)
14. Satisfactory arrangements with the local government for a 10 metre wide landscape strip in the area shown on the dated 24 March 2016 (attached). (Local Government)



Reserves

15. The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for 'Drainage' and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

Servicing

16. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
17. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation)
18. The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation being granted free of cost to that body. (Water Corporation)
19. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)
20. The transfer of land as a Crown reserve free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)

Notifications

21. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lots 246 - 254, 323 - 337 and 498 - 518. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise. Special controls may apply to development.' (Local Government)

22. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lot is subject to the Shire of Toodyay Local Planning Policy No. 5 Foggarthorpe Residential Estate Design Guidelines (as amended).' (Local Government)

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 9000; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: corporate@planning.wa.gov.au; web address <http://www.planning.wa.gov.au>
ABN 35 482 341 493

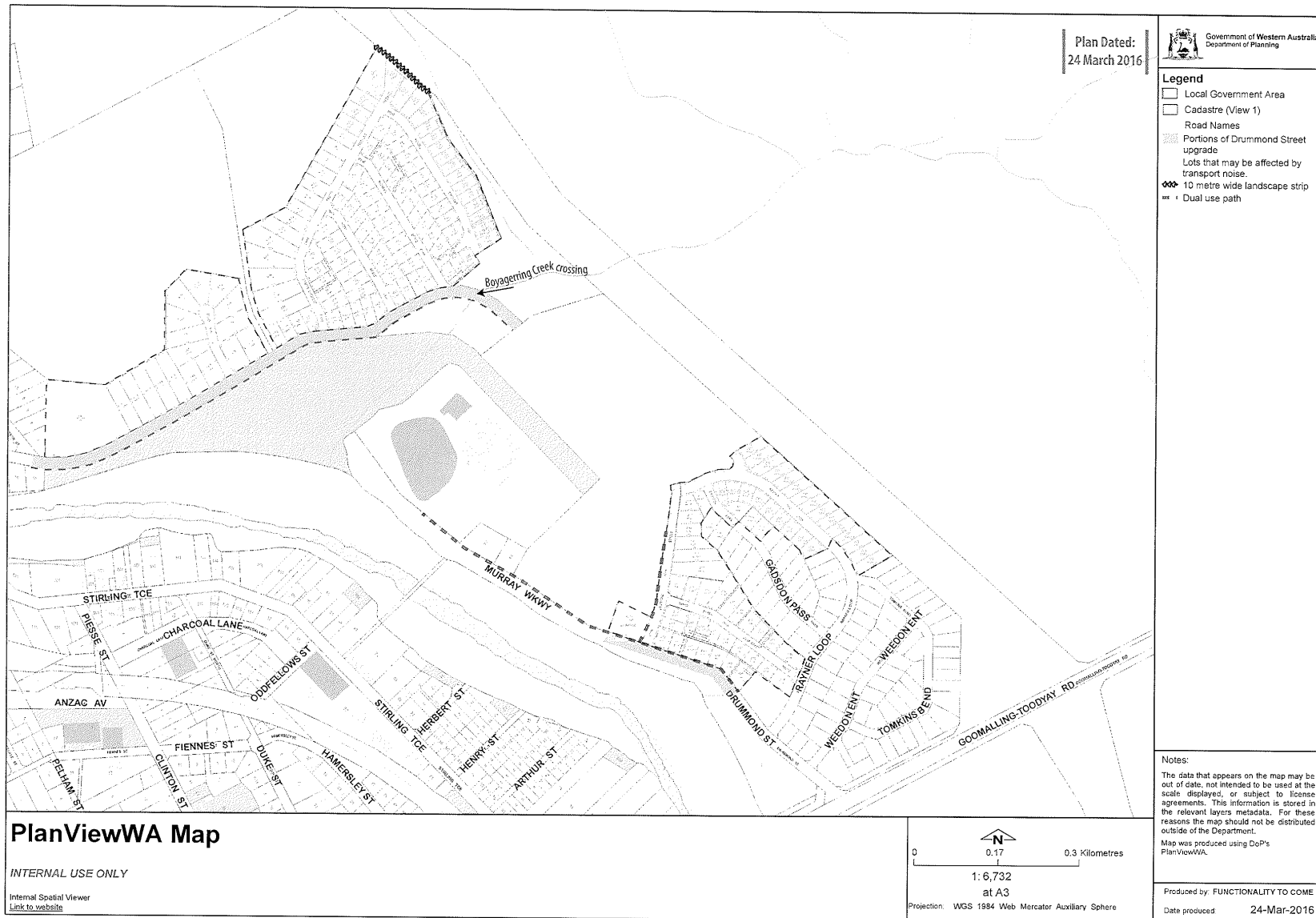


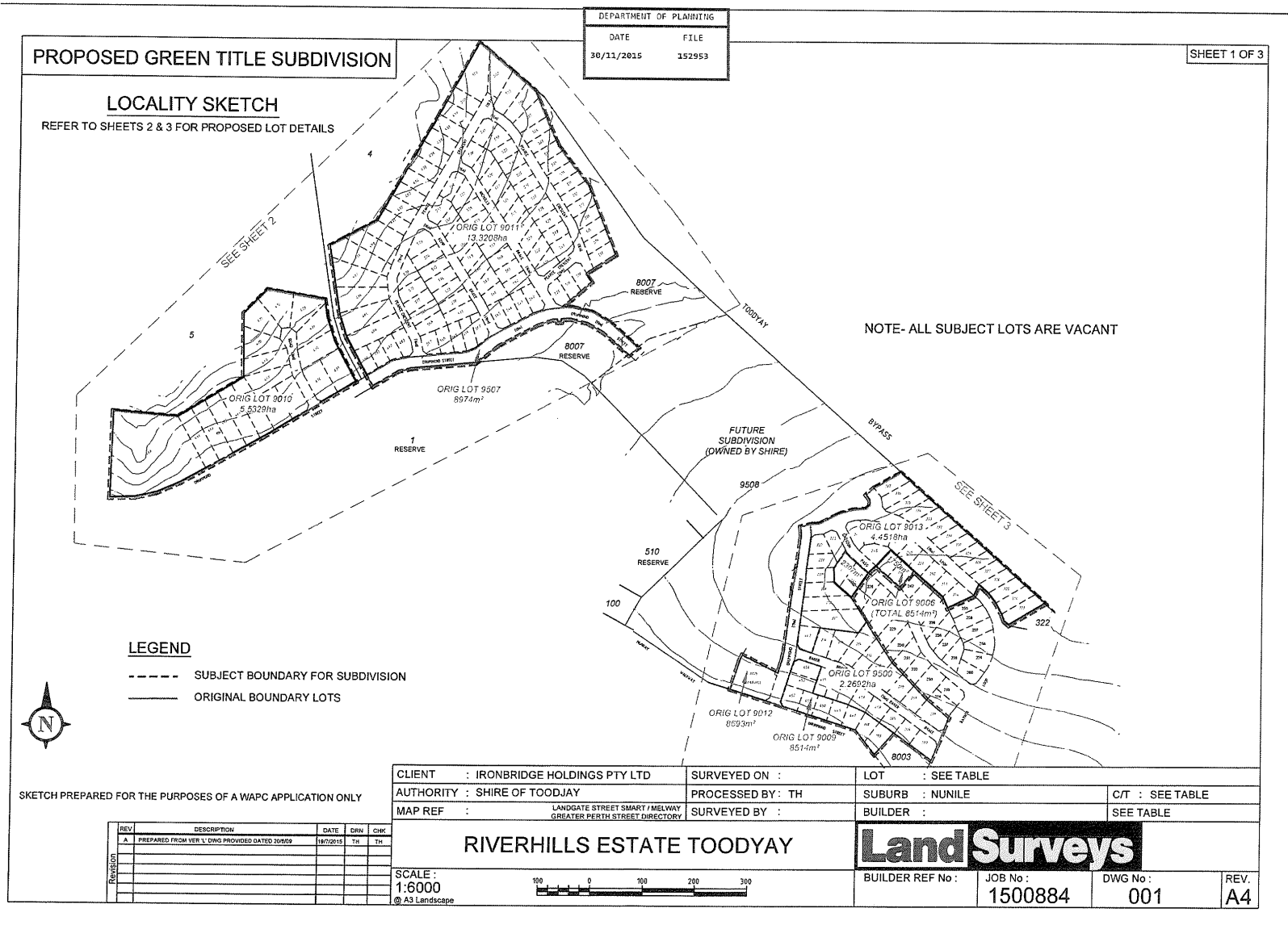
ADVICE

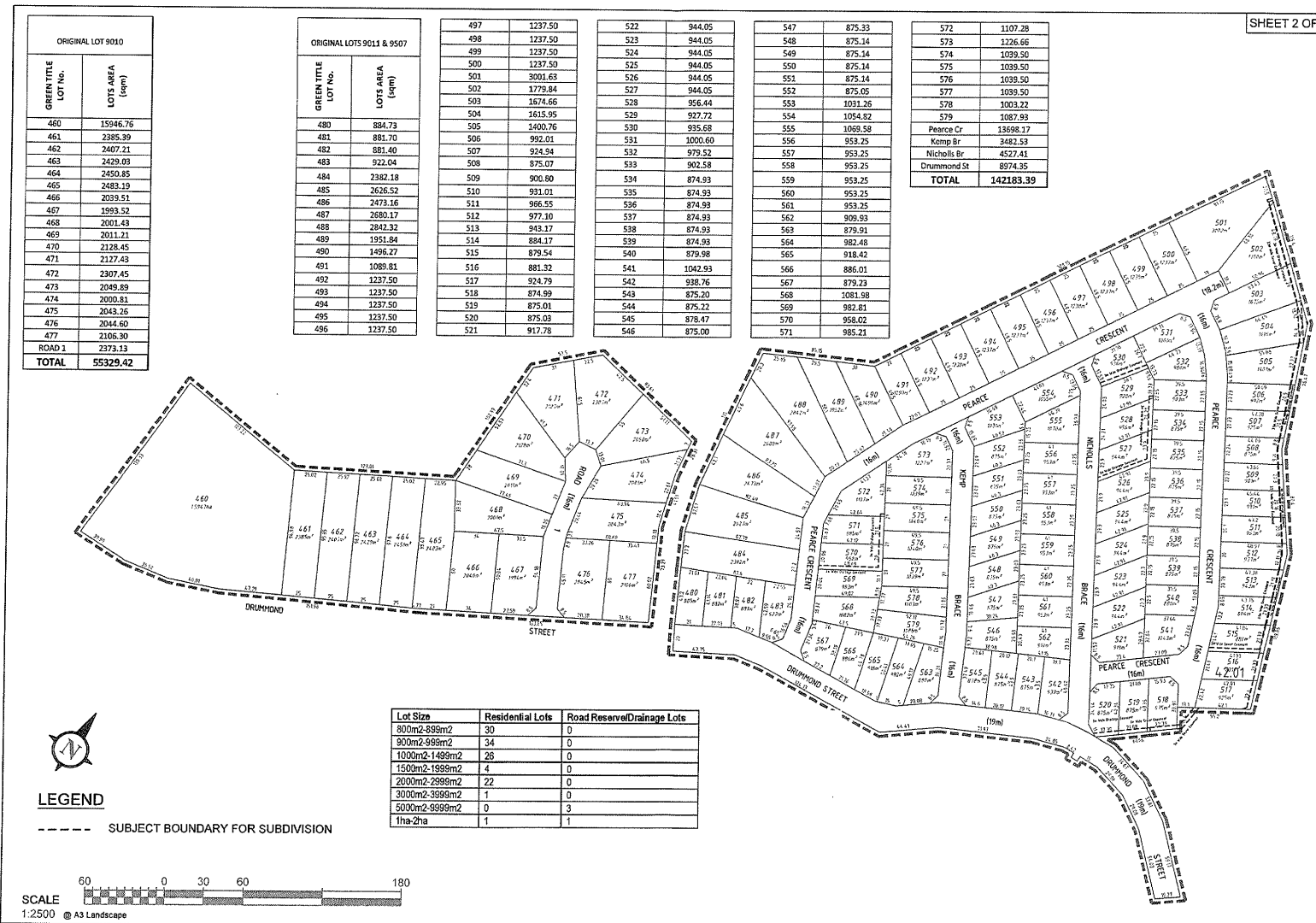
1. The landowner/applicant and the local government are advised that portions of proposed lots 518-520, 542-545 and 563-566 fall within an area classified as 'Recreation and conservation: Parks and recreation' reserve under the Shire of Toodyay's Local Planning Scheme No. 4. It is advised that the landowner/applicant liaise with the local government in regards to a scheme amendment, which if initiated and approved, will rezone the portion of land from 'Recreation and conservation: Parks and recreation' to 'Residential Development'.
2. Condition 2 has been imposed in accordance with *Better Urban Water Management Guidelines (WAPC 2008)*. Further guidance on the contents of urban water management plans is provided in *'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Department of Water 2008)*.
3. In regard to Conditions 4, 5, 6, 7 and 8, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.
4. In regard to Condition 14, vegetation should consist of appropriate native species to the specifications of the local government.
5. In regard to Conditions 16, 17 and 18, the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 83 of the *Water Services Act 2012* will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.
6. In regard to 19, Western Power provides only one underground point of electricity supply per freehold lot.

A handwritten signature in black ink, appearing to read 'Kerrine Blenkinsop'.

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
22 April 2016





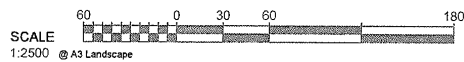


SHEET 3 OF 3



LEGEND

----- SUBJECT BOUNDARY FOR SUBDIVISION



ORIGINAL LOTS 9013, 9009 9006, 9012 & 9500	
GREEN TITLE LOT No.	LOTS AREA (sqm)
198	891.20
199	1126.37
203	1170.46
204	874.97
205	874.97
208	1323.18
209	959.70
210	952.83
211	1030.85
212	1047.24
213	1231.53
214	1740.32
215	1400.34
216	1089.78
217	2842.45
218	1842.82
219	1386.89
220	1042.26
221	1001.37
222	890.74
223	901.29
224	1098.97
225	1208.04
243	874.92
244	874.92
245	965.51
246	875.32
247	876.26
248	875.43
249	875.37
250	874.92
251	874.92
252	874.92
253	874.92
254	1002.29


323	1241.76
324	1192.68
325	1078.71
326	1033.21
327	1036.04
328	1036.04
329	1036.04
330	1036.04
331	1036.04
332	1036.04
333	1041.36
334	1088.82
335	1226.35
336	1206.47
337	1029.57
447	1135.87
448	892.59
449	875.00
450	875.00
451	875.00
452	1014.56
453	956.83
454	1007.77
455	891.01
456	886.84
457	959.08
458	955.38
459	875.00
8006	3394.03
Drummond St	5299.35
Baker Br	4428.60
Gadsdon Pass	1446.56
Rayer Loop	6603.19
TOTAL	88475.10

Lot Size	Residential Lots	Road Reserve/Drainage Lots
800m2-899m2	21	0
900m2-999m2	7	0
1000m2-1499m2	32	1
1500m2-1999m2	2	0
2000m2-2999m2	1	0
3000m2-3999m2	0	1
4000m2-4999m2	0	1
5000m2-9999m2	0	1



APPENDIX 2

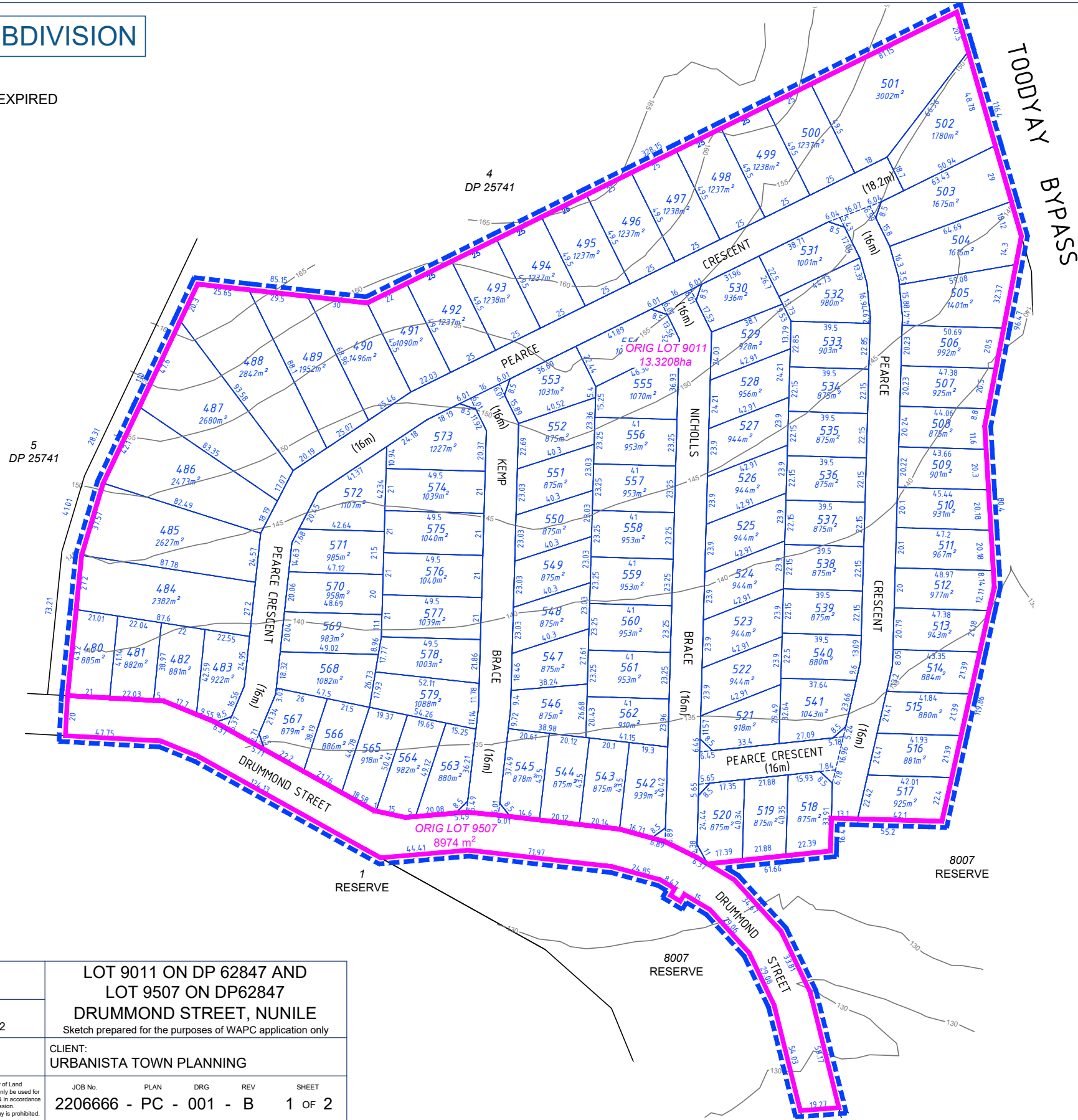
PROPOSED SUBDIVISION PLAN



Lot 9011 Drummond Street, Nunile 8

PROPOSED GREEN TITLE SUBDIVISION

THIS WAPC APPLICATION FORMS PART OF AN EXPIRED
CONDITIONAL APPROVAL – Ref 152953



NOTE- ALL SUBJECT LOTS ARE VACANT

NO SEWER, WATER, POWER & COMMS
INFORMATION WAS AVAILABLE AT TIME OF
PREPARING THIS SKETCH.

LEGEND

- SUBJECT BOUNDARY FOR SUBDIVISION
- ORIGINAL BOUNDARY LOTS

Land Surveys
19 Brennan Way Belmont WA 6104
T (08) 9477 4477
E admin@landsurveys.net.au
www.landsurveys.net.au

SURVEYED BY:	LOT 9011 ON DP 62847 AND LOT 9507 ON DP62847 DRUMMOND STREET, NUNILE										
SURVEYED ON:	Sketch prepared for the purposes of WAPC application only										
DRAWN BY: NN	CLIENT: URBANISTA TOWN PLANNING										
DRAWN ON: 10/11/22											
HOR DATUM:											
VERT DATUM:											
<table border="1"> <tr> <td>JOB No.</td> <td>PLAN</td> <td>DRG</td> <td>REV</td> <td>SHEET</td> </tr> <tr> <td>2206666 - PC - 001 - B</td> <td></td> <td></td> <td></td> <td>1 OF 2</td> </tr> </table>		JOB No.	PLAN	DRG	REV	SHEET	2206666 - PC - 001 - B				1 OF 2
JOB No.	PLAN	DRG	REV	SHEET							
2206666 - PC - 001 - B				1 OF 2							

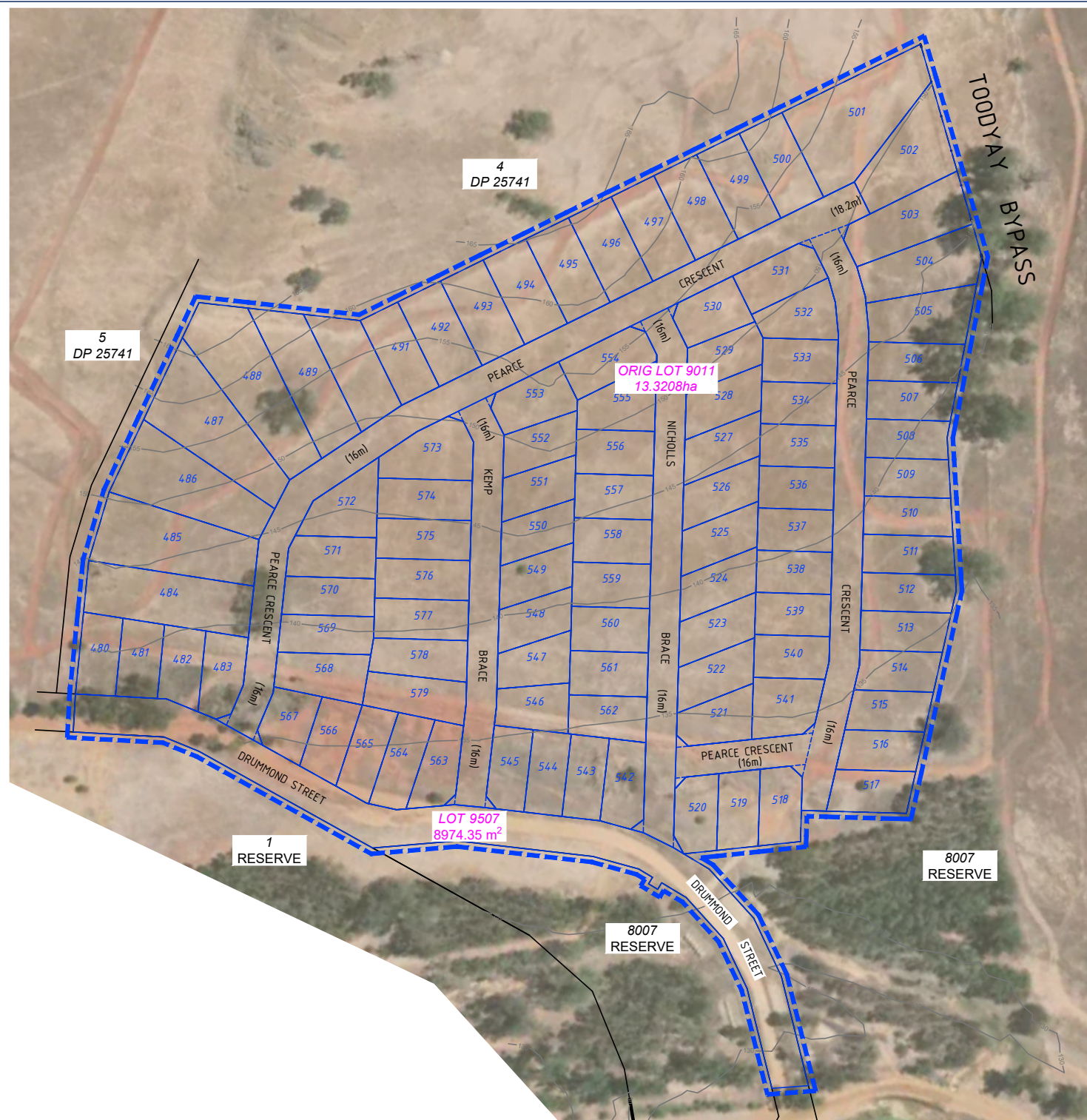
C:\12dS\data\12dSynergyServe\2206666-Urbanista Town Planning-Lot 9011 Drummond Street, Toodyay_5892\06 Drafting\061 Cadastral Plans\Preliminary\2206666-PC-001-B.dwg

ORIGINAL LOTS 9011	
GREEN TITLE LOT No.	LOTS AREA (sqm)
480	884.73
481	881.70
482	881.40
483	922.04
484	2382.18
485	2626.52
486	2473.16
487	2680.17
488	2842.32
489	1951.84
490	1496.27
491	1089.81
492	1237.50
493	1237.50
494	1237.50
495	1237.50
496	1237.50
497	1237.50
498	1237.50
499	1237.50
500	1237.50
501	3001.63
502	1779.84
503	1674.66
504	1615.95
505	1400.76
506	992.01
507	924.94
508	875.07
509	900.80
510	931.01
511	966.55
512	977.10
513	943.17
514	884.17

515	879.54
516	881.32
517	924.79
518	874.99
519	875.01
520	875.03
521	917.78
522	944.05
523	944.05
524	944.05
525	944.05
526	944.05
527	944.05
528	956.44
529	927.72
530	935.68
531	1000.60
532	979.52
533	902.58
534	874.93
535	874.93
536	874.93
537	874.93
538	874.93
539	874.93
540	879.98
541	1042.93
542	938.76
543	875.20
544	875.22
545	878.47
546	875.00
547	875.33
548	875.14
549	875.14
550	875.14
551	875.14
552	875.05
553	1031.26
554	1054.82
555	1069.58
556	953.25
557	953.25

558	953.25
559	953.25
560	953.25
561	953.25
562	909.93
563	879.91
564	982.48
565	918.42
566	886.01
567	879.23
568	1081.98
569	982.81
570	958.02
571	985.21
572	1107.28
573	1226.66
574	1039.50
575	1039.50
576	1039.50
577	1039.50
578	1003.22
579	1087.93
Pearce Cr	13698.17
Kemp Br	3482.53
Nicholls Br	4527.41
TOTAL	133208

LOT 9507 DRUMMOND STREET	8974.35
-----------------------------	---------



LEGEND

--- SUBJECT BOUNDARY FOR SUBDIVISION

REV	DESCRIPTION	DRN	DATE	APP

Land Surveys
 19 Brennan Way Belmont WA 6104 T (08) 9477 4477 E admin@landsurveys.net.au
 www.landsurveys.net.au
 SCALE @ A3: 1:2000
 20 0 20 40 60 80 100

SURVEYED BY:	
SURVEYED ON:	
DRAWN BY:	NN
DRAWN ON:	10/11/22
HOR DATUM:	
VERT DATUM:	

WAPC SKETCH				
LOT 9011 ON DP 62847 AND LOT 9507 ON DP62847 DRUMMOND STREET, NUNILE				
CLIENT: URBANISTA TOWN PLANNING				
JOB No.	PLAN	DRG	REV	SHEET
2206666	- PC -	001 -	B	2 OF 2


C:\12dS\data\12dSynergyServe\2206666-Urbanista Town Planning-Lot 9011 Drummond Street, Toodyay_5892\06 Drafting\061 Cadastral Plans\Preliminary\2206666-PC-001-B.dwg

LS F 219



APPENDIX 3

BUSHFIRE MANAGEMENT PLAN



Lot 9011 Drummond Street, Nunile 9

Bushfire management plan/Statement addressing the Bushfire Protection Criteria coversheet

Site address:

Site visit: Yes No

Date of site visit (if applicable): Day Month Year

Report author or reviewer:

WA BPAD accreditation level (please circle):

Not accredited Level 1 BAL assessor Level 2 practitioner Level 3 practitioner

If accredited, please provide the following.

BPAD accreditation number: Accreditation expiry: Month Year

Bushfire management plan version number:

Bushfire management plan date: Day Month Year

Client/business name:

	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the bushfire protection criteria elements)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>


	Yes	No
Is the proposal any of the following (see SPP 3.7 for definitions)?		
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input type="checkbox"/>	<input type="checkbox"/>
High risk land-use	<input type="checkbox"/>	<input type="checkbox"/>
Vulnerable land-use	<input type="checkbox"/>	<input type="checkbox"/>
None of the above <input checked="" type="checkbox"/>		

Note: Only if one (or more) of the above answers in the tables is yes should the decision maker (e.g. local government or the WAPC) refer the proposal to DFES for comment.

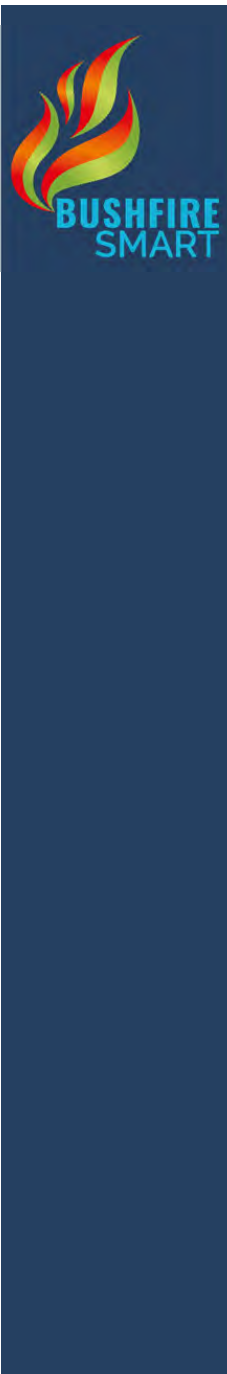
Why has it been given one of the above listed classifications (E.g. Considered vulnerable land-use as the development is for accommodation of the elderly, etc.)?

The information provided within this bushfire management plan to the best of my knowledge is true and correct:

Signature of report author or reviewer



Date



Bushfire Management Plan (Subdivision)

Proposed subdivision at

Lot 9011 Drummond Street, Toodyay

Client: Urbanista Town Planning

November 2022

Bushfire Management Plan (Subdivision)



Document Control

Doc name:	Bushfire Management Plan (DA) - Lot 9011 Drummond Street, Toodyay				
Version	Date	Author		Reviewer	
1	08.11.22	Nathan Peart	NP	Nathan Peart	NP
	Draft Report issued for client comment.				
2	21.11.22	Nathan Peart	NP	Nathan Peart	NP
	Updated Access and site plan.				

Disclaimer and Limitation

This report is prepared solely for the client, any future landowners of the subject lot and is not for the benefit of any other person and may not be relied upon by any other person. Bushfire Smart accepts no liability or responsibility whatsoever for or in respect of any use or reliance upon this report and its supporting material by any third party.

The mitigation strategies contained in this report are considered to be prudent minimum standards only, based on the writer's experience as well as standards prescribed by relevant authorities. It is expressly stated that Bushfire Smart and the writer do not guarantee that if such standards are complied with or if a property owner exercises prudence, that a building or property will not be damaged or destroyed by bushfire or that lives will not be lost in a bush fire. Fire is an extremely unpredictable force of nature. Changing climatic factors (whether predictable or otherwise) either before or at the time of a fire can also significantly affect the nature of a fire and in a bushfire prone area it is not possible to completely guard against bushfire.

Further, the growth, planting or removal of vegetation; poor maintenance of any fire prevention measures; addition of structures not included in this report; or other activity can and will change the bushfire threat to all properties detailed in the report. Further, the achievement of the level of implementation of fire precautions will depend on the actions of the landowner or occupiers of the land, over which Bushfire Smart has no control.

This report does not negate the need to follow Local government authority requirements for Firebreak and Fuel Hazard Reduction. The client agrees that in submitting this report they approve of and will comply with all requirements detailed.

About the author:

Bushfire Smart has been providing bushfire risk management reports and advise for over 7 years and undertake assessments of planning and land development applications to verify compliance with State Planning Policy 3.7 and associated bushfire regulations.

Nathan Peart is the bushfire lead and has over 20 years' experience in the construction and planning fields. Nathan has completed a Graduate Diploma in Bushfire Protection at the University of Western Sydney, the educational requirement to become a Level 3 Bushfire Planning and Design (BPAD) accredited practitioner.

Nathan is supported by several other team members with varying levels of accreditation.

Bushfire Smart hold Professional Indemnity Insurance to the value of \$2,000,000 which includes cover for bushfire attack level assessments, planning, design and advice services as prescribed in FPA Australia's Bushfire Planning and Design Accreditation Scheme for a BPAD - Level 3 practitioner.

Author/Reviewer	
Nathan Peart	BPAD 38808
Level 3 Bushfire Planning and Design (BPAD) Accredited Practitioner	
E: BAL@BushfireSmart.com.au	Ph: 9555 9444

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

3 | Page

Bushfire Management Plan (Subdivision)



Executive Summary

The proposal is at Lot 9011 Drummond Street, Toodyay, with this BMP created to support a subdivision application for 102 lots.

The proposal is in an area that has been designated as bushfire prone and must therefore comply with State Planning Policy 3.7(SPP3.7). Guidelines for Planning Bushfire Prone Areas Version 1.4 (the Guidelines) has been used to determine the proposals compliance with SPP3.7.

The subject lot has small amount of native vegetation.

Lots 517 and 518 CANNOT achieve a suitable BAL and should therefore be quarantined until such time as a suitable setback from the reserve to the south can be established. All other lots can achieve BAL 29 or below.

An assessment against the bushfire protection criteria (Appendix Four of the guidelines) is required to be undertaken. The following table summarises the outcome of this assessment

Table A.1: Summary of assessment against bushfire protection criteria

Element	Acceptable Solution	Compliance Method	Compliance notes.
1: Location	A1.1 Development location	Acceptable Solution	On completion the application will be in an area subject to a moderate bushfire threat.
2: Sitting of development	A2.1 Asset Protection Zone(APZ)	Acceptable Solution	The entire subject lot is to be maintained to APZ requirements.
	A3.1 Public Roads	Acceptable Solution	Public roads are to meet the minimum technical requirements of guidelines.
3: Vehicular Access	A3.2a Multiple access routes	Acceptable Solution	Access is provided in at least two different directions.
	A3.2b Emergency access ways	N/A	
	A3.3 Through-roads	Acceptable Solution	All roads are through-roads.
	A3.4a Perimeter roads	Acceptable Solution	The adjoining classified vegetation is Class G Grassland. Except to lots 516-518 – see below.
	A3.4b Fire service access routes	Acceptable Solution	Access to classified vegetation is to be provided via a fire service access route meeting the requirements of the guidelines.
	A3.5 Battle axes	N/A	
	A3.6 Private driveways	Acceptable Solution	Private driveways can meet the requirements of the guidelines.
4: Water	A4.1 Identification of future water supply	Acceptable Solution	Hydrants provided to comply with Water Corporation's No. 63 Water Reticulation Standard.
	A4.2 Provision of water for firefighting purposes	Acceptable Solution	Hydrants provided to comply with Water Corporation's No. 63 Water Reticulation Standard.

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Compliance with this BMP, and therefore SPP3.7, will require action prior, during and after development. The items requiring implementation include:

- Entre subject lot and all proposed lots to be maintained to the APZ requirements as per this BMP throughout the life of the proposal
- Roads to be constructed to the standard stated in this BMP.
- Fire service access routes to be constructed and maintained to the standard stated in this BMP
- Hydrants to be installed to comply with Water Corporation requirements.

The entire report should be read in conjunction with the guidelines to ensure all requirements are understood.

Bushfire Management Plan (Subdivision)



Table of Contents

1.	PROPOSAL AND SITE DETAILS	7
1.1	PROPOSAL DETAILS	7
2.	ENVIRONMENTAL CONSIDERATIONS	9
2.1	NATIVE VEGETATION – MODIFICATION AND CLEARING	9
2.2	REVEGETATION/LANDSCAPE PLAN	10
3.	BUSHFIRE ASSESSMENT	10
3.1	SITE ASSESSMENT	10
3.2	VEGETATION CLASSIFICATION	13
4.	ASSESSMENT AGAINST THE BUSHFIRE PROTECTION	17
	ELEMENT 1: LOCATION	17
	ELEMENT 2: SITING AND DESIGN OF DEVELOPMENT	17
	ELEMENT 3: VEHICULAR ACCESS	19
	ELEMENT 4: WATER	21
5.	IMPLEMENTATION	22
5.1	ACKNOWLEDGEMENT	22
6.	GENERAL REFERENCES	23
7.	ONLINE REFERENCES	23
8.	APPENDICES	24

Table of Figures

Figure 1:	Site Plan	7
Figure 2:	Location Plan	8
Figure 3:	Map of Bushfire Prone Area for Subject Site	8
Figure 4:	Map of Native Vegetation Extents for Subject Site	10
Figure 5:	Vegetation Classification	11
Figure 6:	BAL Contours (Attainable)	12
Figure 7:	Access to reserve	20

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

6 | Page

Bushfire Management Plan (Subdivision)

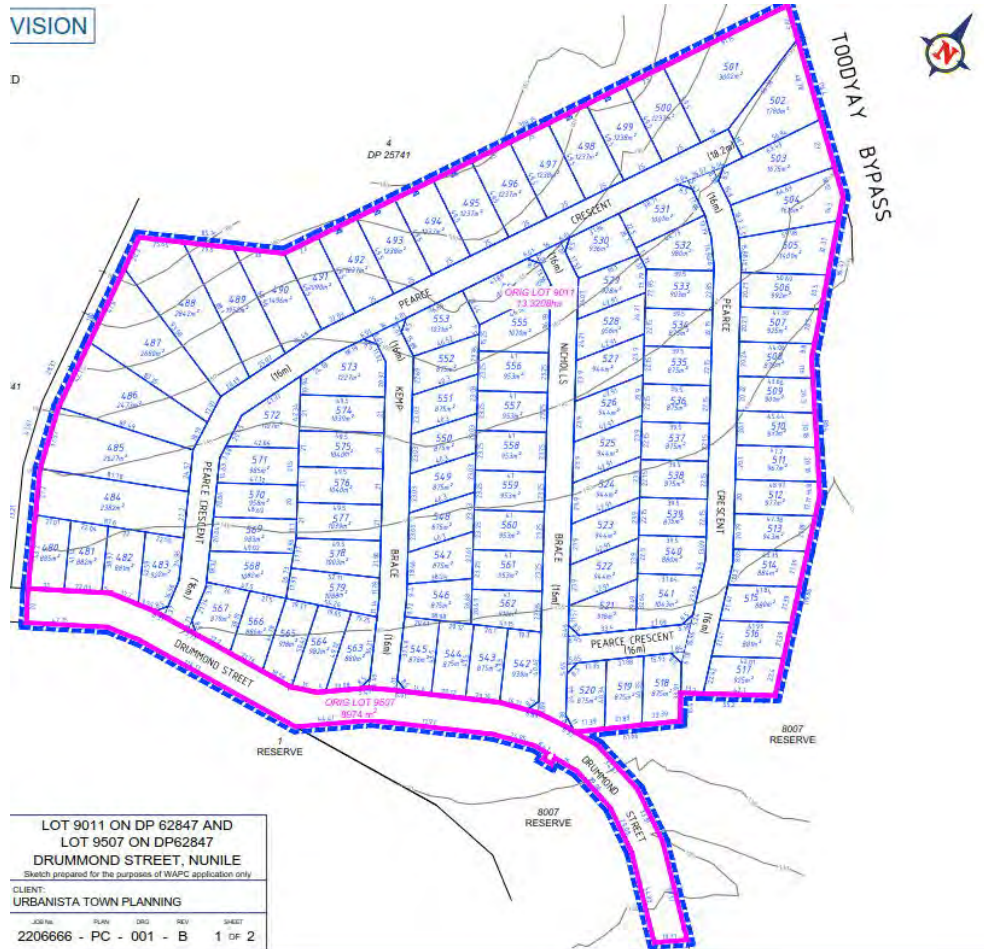


1. Proposal and Site Details

1.1 Proposal Details

Lot 9011 Drummond Street, Toodyay (subject lot) is a 13.3208 ha parcel presently vacant and predominantly grasslands.

The proposal is to subdivide the lot into 100 lots ranging from 874.93m² to 2842.32m².



08 9555 9444
BAI@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



08 9555 9444
BAL@bushfiresmart.com.au
Address: 71 Allnutt Street, Mandurah, 6210
Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



2. Environmental Considerations

In order to identify environmental, biodiversity of conservation values on the subject site, the site has been examined against the following databases as shown in table 2.

Object	Database	Identified	Details
Conservation category wetlands and buffer	DBCA-019/ DBCA-017	No	Site not identified within database.
RAMSAR wetlands	DBCA-010	No	Site not identified within database.
Threatened and priority flora	DBCA-036	No	Site not identified within database.
Threatened and priority fauna	DBCA-037	No	Site not identified within database.
Threatened Ecological Communities	DBCA-038	In the vicinity	Site identified within area – further action required.
Bush Forever areas 2000	DPLH-019	No	Site not identified within database.
Clearing regulations – Environmentally Sensitive Areas	DWER-046	No	Site identified within area – further action required.
Swan Bioplan Regionally Significant Natural Areas 2010	DWER-070	No	Site not identified within database.
Local government biodiversity/planning	-	No	-

Table 1: Assessment against environmental considerations

The subject site is in the vicinity of areas that have been identified by the Department of Biodiversity, Conservation and Attractions (DBCA) as being within a threatened ecological community.

The applicant will need to seek clarification from the appropriate authorities to ensure site is not captured within this classification.

2.1 Native vegetation – modification and clearing

The site has been checked against the Native Vegetation mapping conducted by the Department of Primary Industries and Regional Development (DPIRD-005). Native vegetation has not been found on the site, as shown in the image below.

The subdivision proposed by this plan may require the clearing of native vegetation. Clearing will be subject to the requirements listed above and will be in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

08 9555 9444

BAI@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



5/2/23

2.2 Revegetation/landscape plan

There are no revegetation or landscaping plans attached to this proposal. However any future landscaping for the site may need to comply with the APZ requirements of this report.

3 Bushfire Assessment

3.1 Site Assessment

The assessment of this site/development was undertaken on 27 September 2022 by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959-2018 Simplified Procedure (Method 1).

08 9555 9444

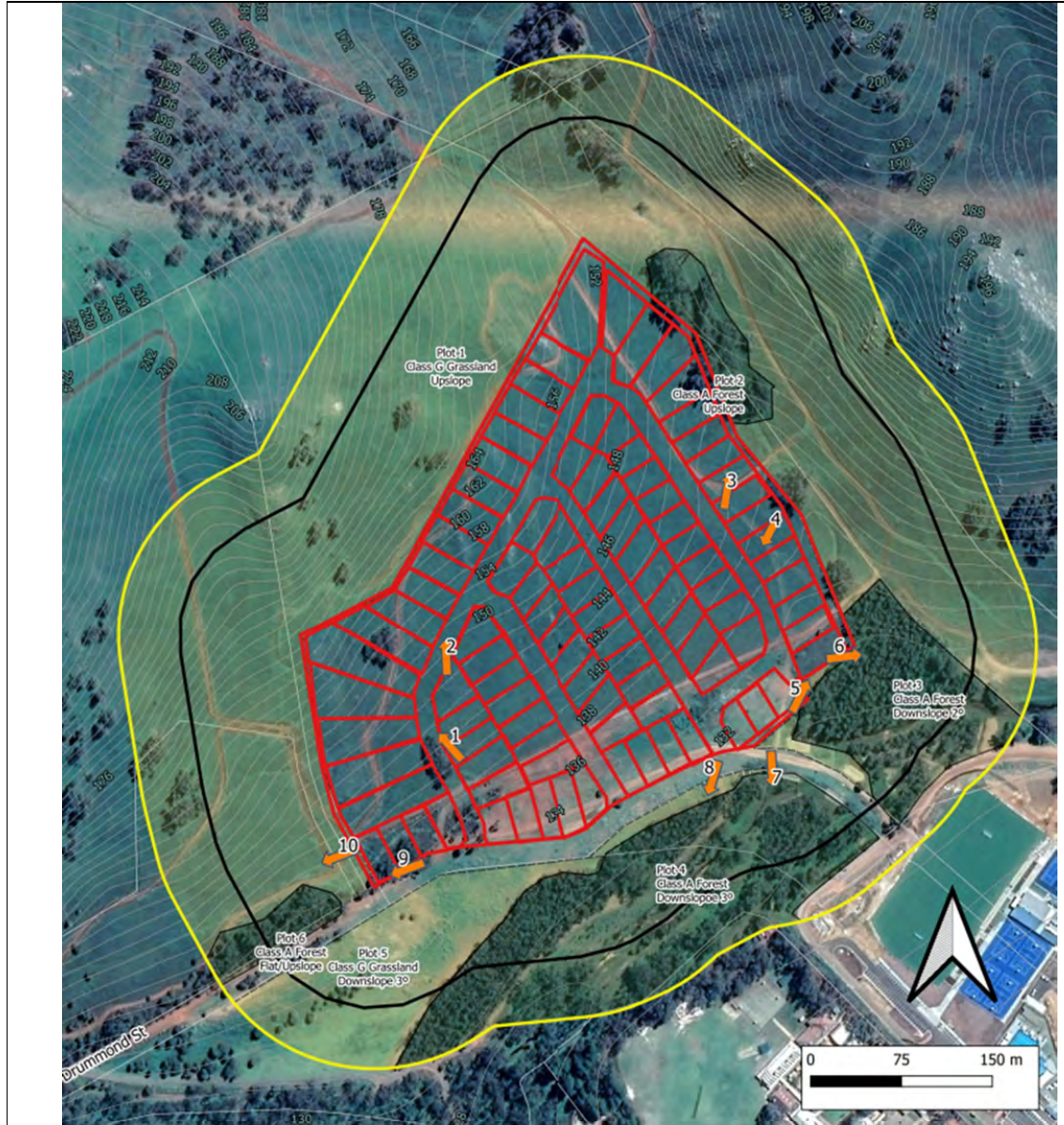
BAI@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

10 | Page

Bushfire Management Plan (Subdivision)



<p>Figure 5: Vegetation Classification</p>	Legend		
<p>Lot 9011 Drummond Street, Toodyay</p>	Subject Lot	Class A Forest	Class G - Grassland
<p>Assessment Date: 27 September 2022</p>	150 Metre Line	Class B - Woodland	Excludable
<p>Prepared by: Nathan Peart</p>	100 Metre Line	Class C - Shrubland	Photos
<p>Accreditation Level: 3 Accreditation Number: 38808</p>	Class D - Scrub		

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Figure 6: BAL Contours (Attainable)

Lot 9011 Drummond Street, Toodyay

Assessment Date: 27 September 2022

Prepared by: Nathan Peart

Accreditation Level: 3

Accreditation Number: 38808

Legend

Proposed Lot Bdy	150m area assessment	BAL FZ	BAL 19
Site boundary	Photo point	BAL 40	BAL 12.5
100m area assessment	Plot Label	BAL 29	BAL Low
			Plot / Veg Class. & Slope

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



3.2 Vegetation Classification

All vegetation within 100m of the site / proposed development was classified in accordance with Clause 2.2.3 of AS 3959-2018. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below.

Plot:	1	Vegetation Classification or Exclusion Clause	Class G Grassland – Open herbfield G-27
Description / Justification for Classification			
Cleared pasture, long grass, with isolated trees, less than 10% foliage cover.			
Photo ID: 1		Photo ID: 2	

Plot:	2	Vegetation Classification or Exclusion Clause	Class A Forest - Low open forest A-04
Description / Justification for Classification			
Small outcrop of trees, foliage cover greater than 30%.			
Photo ID: 3		Photo ID: 4	

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Plot:	3	Vegetation Classification or Exclusion Clause	Class A Forest - Low open forest A-04
Description / Justification for Classification			
Remnant vegetation with trees to 10 metres tall and thick understorey.			
Photo ID: 5		Photo ID: 6	

Plot:	4	Vegetation Classification or Exclusion Clause	Class A Forest - Low open forest A-04
Description / Justification for Classification			
Remnant vegetation with trees to 10 metres tall and thick understorey.			
Photo ID: 7		Photo ID: 8	

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Plot:	5	Vegetation Classification or Exclusion Clause	Class G Grassland – Open herbfield G-27
Description / Justification for Classification			
Cleared area along road verge, grasses longer than 100 mm, no trees or bushes present.			
Photo ID: 7		Photo ID: 8	

Plot:	6	Vegetation Classification or Exclusion Clause	Class A Forest - Low open forest A-04
Description / Justification for Classification			
Small outcrop of trees, foliage cover greater than 30%.			
Photo ID: 9		Photo ID: 10	

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



All vegetation within 100 metres of the site was classified in accordance with clause 2.2.3 of AS3959-2018.

The Fire Danger Index (FDI) – 80-and table 2.4.3 AS3959-2018 applied.

Potential Bushfire Impacts

The potential bushfire impact to the site / proposed development from each of the identified vegetation plots are identified below.

Plot	Vegetation Classification	Effective Slope
1	Class G Grassland	Flat/Upslope
2	Class A - Forest	Flat/Upslope
3	Class A - Forest	Downslope 2°
4	Class A - Forest	Downslope 3°
5	Class G Grassland	Downslope 3°
6	Class A - Forest	Flat/Upslope

Table 2: BAL Analysis

Lot(s)	Highest BAL Contour	Boundary Offset Required	Modified BAL Contour
480	BAL – FZ	8 metres from Western Boundary	BAL – 29
481-483	BAL – 12.5	N/A	BAL – 12.5
484-501	BAL – FZ	12 Metres from rear boundary	BAL – 19
502-508	BAL – FZ	21 Metres from rear boundary	BAL – 29
509	BAL – FZ	19 Metres from rear boundary	BAL – 29
510-513	BAL – FZ	8 Metres from rear boundary ¹	BAL – 29
514	BAL – FZ	8 Metres from rear boundary ¹	BAL – 29
515-516	BAL – FZ	21 Metres from rear boundary	BAL – 29
517	BAL – FZ	Non-Compliant Block	BAL – FZ
518	BAL – FZ	Non-Compliant Block	BAL – 40
519	BAL – FZ	20 Metres from rear boundary	BAL – 29
520	BAL – FZ	7 Metres from rear boundary	BAL – 29
521-522	BAL – 12.5	N/A	BAL – 12.5
523-530	BAL – LOW	N/A	BAL – LOW
531-537	BAL – 12.5	N/A	BAL – 12.5
538	BAL – LOW	N/A	BAL – LOW
539-541	BAL – 12.5	N/A	BAL – 12.5
542-545	BAL – 19	N/A	BAL – 19
546-547	BAL – 12.5	N/A	BAL – 12.5
548-561	BAL – LOW	N/A	BAL – LOW
562	BAL – 12.5	N/A	BAL – 12.5
563-567	BAL – 19	N/A	BAL – 19
568	BAL – 12.5	N/A	BAL – 12.5
569-578	BAL – LOW	N/A	BAL – LOW
579	BAL – 12.5	N/A	BAL – 12.5

Table 3: BAL Analysis with APZ requirements

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



4 Assessment against the Bushfire Protection

An assessment against the bushfire protection criteria (Appendix Four of the guidelines) is required to be undertaken for any strategic planning proposal, subdivision and development application for a site that has or will, on completion, have a bushfire hazard level above 'Low' or a BAL rating above BAL LOW. The following section details the measure to be taken so that this proposal complies with these .

Element 1: Location

Intent:

The intent of this element is to ensure the proposal is located in the least possible risk of bushfire to facilitate the protection of people, property and infrastructure. To satisfy the intent, the proposal is required to be located in an area where the bushfire hazard assessment is or will, on completion, be moderate or low, or a BAL-29 or below, and the risk can be managed.

The development is not considered to be unavoidable.

Proposed bushfire management strategies:

Element 1 will be satisfied using Acceptable Solution A1.1. The proposal is located in an area that on completion, will be in an area that is a moderate bushfire level. All lots except two (517 and 518) can achieve a BAL rating of 29 or below. Lots 517 and 518 should not be released for sale until a suitable buffer is established between these lots and the reserve.

Element 2: Siting and design of development

Intent:

The intent of this element is to ensure that the siting and design of development minimises the level of bushfire impact.

Proposed bushfire management strategies:

Element 2 will be satisfied using Acceptable Solution A2.1 Asset Protection Zone (APZ). APZ distances are to be:

The entire subject lot is to be maintained as an APZ throughout the life of the project. The developer must maintain all grass to less than 100mm at all times prior to sale, new owners must maintain their lots into perpetuity.

The APZ is to be managed as per Schedule 1 of the guidelines, extract shown below.

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Schedule 1: Standards for asset protection zones (WAPC 2021)

Object	Requirement
Fences within the APZ	Should be constructed from non-combustible materials (for example, iron, brick, limestone, metal post and wire, or bushfire-resisting timber referenced in Appendix F of AS 3959)
Fine fuel load (Combustible, dead vegetation matter <6 millimetres in thickness)	<ul style="list-style-type: none"> Should be managed and removed on a regular basis to maintain a low threat state. Should be maintained at <2 tonnes per hectare (on average). Mulches should be non-combustible such as stone, gravel or crushed mineral earth or wood mulch >6 millimetres in thickness.
Trees* (>6 metres in height)	<ul style="list-style-type: none"> Trunks at maturity should be a minimum distance of six metres from all elevations of the building. Branches at maturity should not touch or overhang a building or powerline. Lower branches and loose bark should be removed to a height of two metres above the ground and/or surface vegetation. Canopy cover within the APZ should be <15 per cent of the total APZ area. Tree canopies at maturity should be at least five metres apart to avoid forming a continuous canopy. Stands of existing mature trees with interlocking canopies may be treated as an individual canopy provided that the total canopy cover within the APZ will not exceed 15 per cent and are not connected to the tree canopy outside the APZ. <p>Figure 19: Tree canopy cover – ranging from 15 to 70 per cent at maturity</p>
Shrub* and scrub* (0.5 metres to six metres in height). Shrub and scrub >6 metres in height are to be treated as trees.	<ul style="list-style-type: none"> Should not be located under trees or within three metres of buildings. Should not be planted in clumps >5 square metres in area. Clumps should be separated from each other and any exposed window or door by at least 10 metres.
Ground covers* (<0.5 metres in height. Ground covers >0.5 metres in height are to be treated as shrubs)	<ul style="list-style-type: none"> Can be planted under trees but must be maintained to remove dead plant material, as prescribed in 'Fine fuel load' above. Can be located within two metres of a structure, but three metres from windows or doors if >100 millimetres in height.
Grass	Grass should be maintained at a height of 100 millimetres or less, at all times. Wherever possible, perennial grasses should be used and well-hydrated with regular application of wetting agents and efficient irrigation
Defendable space	Within three metres of each wall or supporting post of a habitable building, the area is kept free from vegetation, but can include ground covers, grass and non-combustible mulches as prescribed above.
LP Gas Cylinders	<ul style="list-style-type: none"> Should be located on the side of a building furthest from the likely direction of a bushfire or on the side of a building where surrounding classified vegetation is upslope, at least one metre from vulnerable parts of a building. The pressure relief valve should point away from the house. No flammable material within six metres from the front of the valve. Must sit on a firm, level and non-combustible base and be secured to a solid structure.

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Element 3: Vehicular Access

Intent:

To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event.

Proposed bushfire management strategies:

Element 2 will be satisfied using Acceptable Solutions:

A3.1 Public Roads

The minimum requirements under this acceptable solution are applicable to all proposed and existing public roads.

Public roads are to meet the minimum technical requirements in Table 6, Column 1.

The trafficable (carriageway/pavement) width is to be in accordance with the relevant class of road in the local Government Guidelines for Subdivisional Development (IPWEA Subdivision Guidelines), Liveable Neighbourhoods, Austroad standards and/or any applicable standards for the local government area.

A3.2a Multiple access routes

Public road access is provided in two different directions to at least two different suitable destinations with an all-weather surface (two-way access). Note Drummond Road must comply with the public roads requirements in A3.1 through to Jaratt Pass.

A3.2b Emergency access way

Not applicable

A3.3 Through-roads

All public roads are through roads.

A3.4a Perimeter Roads

The adjoining vegetation is Class G Grassland therefore, a perimeter road is not required however there are two small points where vegetation other than grassland adjoins the lots. See A3.4b for further information.

08 9555 9444

BAI@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

19 | Page

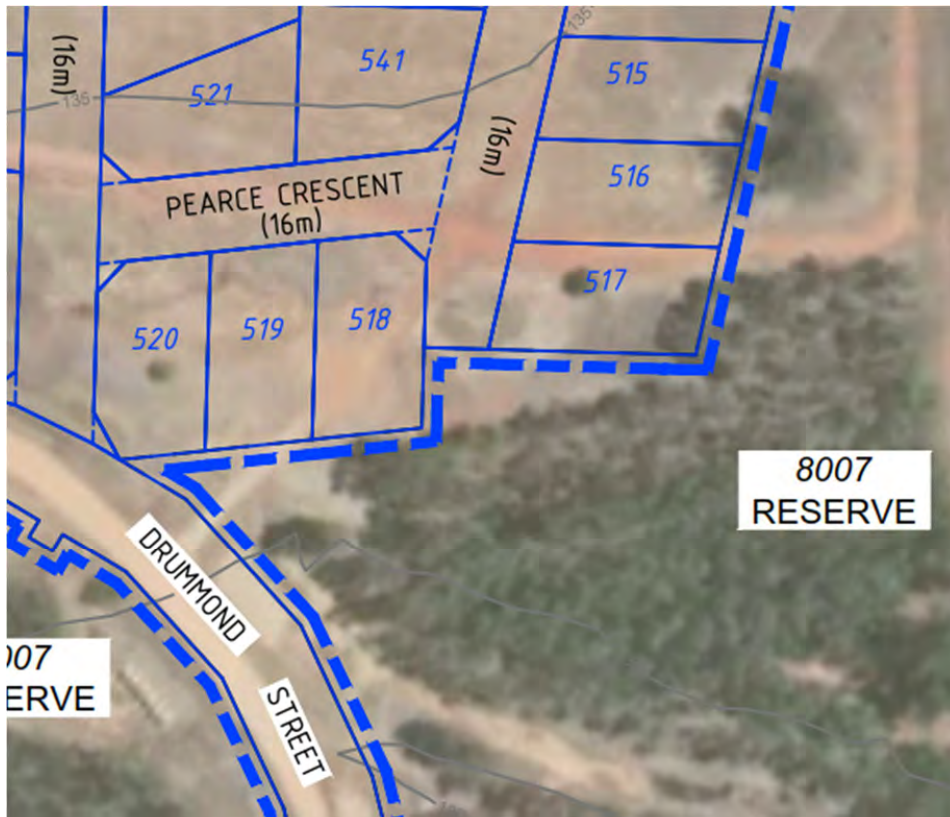
Bushfire Management Plan (Subdivision)



A3.4b Fire service access route

A fire service access route is to provide access for emergency services to classified vegetation for firefighting and fire management purposes.

The current layout allows for emergency services to access the classified vegetation via Pearce Crescent which continues, to abut the reserve, allowing emergency services access to the reserve. Additionally, Drummond Street gives access to the reserve from the west.



08 9555 9444
BAI@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



A3.5 Battle-axe access legs

There are no battle-axe legs in this proposal

A3.5 Private Driveways

The proposal is within a reticulated area, speed limit on the road is 70km/h or less and all driveways are 70 metres long or less. Therefore, there are no requirements.

Element 4: Water

Intent:

To ensure that water is available to enable people, property and infrastructure to be defended from bushfire.

Proposed bushfire management strategies:

Element 4 will be satisfied using Acceptable Solutions:

A4.1 Identification of future water supply

Water supply will be through a reticulated water supply as detailed in A4.2

A4.1 Provision of water for firefighting purposes

Water supply will be through a reticulated water with hydrant connections provided in accordance with Water Corporation's No. 63 Water Reticulation Standard.

A plan showing hydrant location by an appropriate professional must be created and form part of the approval.

08 9555 9444

BAI@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

21 | Page

Bushfire Management Plan (Subdivision)



5 Implementation

The following tables set out the responsibilities of the developer(s), landowner(s) and local government for the initial implementation and ongoing maintenance associated with this proposal.

Management Action	Timing
Proponent/Landowner	
Establish the entire lots to the Asset Protection Zone (APZ) standard stated in this BMP	Prior to issue of titles
Establish vehicular access routes to the required surface condition and clearances	Prior to issue of titles
Install hydrant connections in accordance with Water Corporation's No. 63 Water Reticulation Standard.	Prior to issue of titles
Developer/Occupants	
Maintain vehicular access routes to the required surface condition and clearances	Ongoing
Maintain all lots to the Asset Protection Zone (APZ) standard stated in this BMP	Ongoing
Shire of Toodyay	
Maintain vehicular access routes to the required surface condition and clearances	Ongoing

5.1 Acknowledgement

Acknowledgement - Proponent

The proponent acknowledges the responsibilities as listed above and the requirement to ensure that should the land transfer to a new owner, that the new owner is aware of the BMP and their ongoing responsibility.

08 9555 9444

BAI@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

22 | Page

Bushfire Management Plan (Subdivision)



6 General References

WA Department of Planning 2016, *Visual Guide for bushfire risk assessment in Western Australia*

Standards Australia 2009, *AS 3959-2018 Construction of buildings in bushfire-prone areas*, Sydney

Western Australian Planning Commission (WAPC) 2015, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, Western Australian Planning Commission, Perth, Perth

Western Australian Planning Commission and (WAPC) 2021, *Guidelines for Planning in Bushfire Prone Areas Version 1.4*, Western Australia

7 Online references

Office of Bushfire Risk management (OBRM) 2017, Map of Bush Fire Prone Areas, Viewed September 22, <
<https://maps.slip.wa.gov.au/landgate/bushfireprone/>>

Office of Bushfire Risk Management (OBRM), Bushfire Risk Management (BRM) Plan Guidelines, Viewed September 22.

WA Local Government Association (WALGA), Environmental Planning Tool, Viewed September 22, <
pbp.walga.asn.au/Tools/EnvironmentalPlanningTool.html>

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210


Postal: PO Box 4160, Mandurah North, WA, 6210

23 | Page



APPENDIX 4

FOGGATHORPE RESIDENTIAL ESTATE STRUCTURE PLAN



Lot 9011 Drummond Street, Nunile 10



FOGGARTHORPE RESIDENTIAL ESTATE STRUCTURE PLAN

Lots 3 & 6 Goomalling-Toodyay Rd, Nunile

Original Approval: 30 March 2007

Amendment No. 1 Approval: 23 November 2016

Prepared for **Ironbridge Holdings**

Prepared by Koltasz Smith, Development Consultants,

Town Planners & Project Managers, A.C.N. 009 161 139

141 Burswood Road, BURSWOOD WA 6100

Telephone: (08) 9486 2222, Facsimile: (08) 9486 223, Email: perth@ksap.com.au

IT IS CERTIFIED THAT AMENDMENT NO. 1 TO FOGGARTHORPE
RESIDENTIAL ESTATE STRUCTURE PLAN WAS APPROVED BY
RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING
COMMISSION ON: **23 NOVEMBER 2016**

Signed for and on behalf of the Western Australian Planning Commission



an officer of the Commission duly authorised by the Commission pursuant
to Section 16 of the *Planning and Development Act 2005* for that purpose.

RECORD OF AMENDMENTS MADE TO THE
FOGGARTHORPE RESIDENTIAL ESTATE STRUCTURE PLAN

Amendment No.	Summary of the Amendment	Date approved by WAPC
1	Amendment to the Structure Plan map (Figure 5) to identify land for the Toodyay Recreation Precinct and to correct a zoning anomaly relating to portions of Lot 9011.	23 November 2016

Contents

List of Figures	2
FOREWORD	3
1. INTRODUCTION	4
2. SITE DESCRIPTION	5
2.1 LOCATION & SITE AREA.....	5
2.2 SURROUNDING CONTEXT	5
2.3 PHYSICAL DESCRIPTION	8
2.3.1 Topography	8
2.3.2 Soils	9
2.3.3 Climate	9
2.3.4 Vegetation.....	9
2.3.5 Groundwater and Hydrology	9
2.3.6 Fauna.....	9
3. PLANNING CONSIDERATIONS	10
3.1 TOWN PLANNING SCHEME NO. 1 (TPS1).....	10
3.2 AMENDMENT NO. 56 TO TPS 1.....	12
3.3 DRAFT TOWN PLANNING SCHEME NO. 4 (TPS4)	12
3.4 DRAFT LOCAL PLANNING STRATEGY (LPS)	12
3.5 AVON ARC SUB-REGIONAL STRATEGY (2001).....	13
3.6 FOGGARTHORPE RESIDENTIAL STRUCTURE PLAN (2001).....	13
3.7 PT AVON LOCATION U3 SUBDIVISION (WAPC 113772)	13
(i) District Sporting Complex Site	14
(ii) Community Purpose Site.....	14
(iii) High School Extension.....	14
(iv) Rural Lots / Mount Anderson.....	14
(v) Residential Super Lots – the subject land (Lots 3 and 6)	14
4. STRUCTURE PLAN.....	15
4.1 DESIGN PHILOSOPHY	15
(i) Relationship to Toodyay Township	15
(ii) Social Infrastructure.....	15
(iii) Development Form	15
4.2 PROPOSED STRUCTURE PLAN	19
4.2.1 Land Use.....	19
4.2.2 Movement System	21
4.3 ENVIRONMENTAL IMPACTS AND MANAGEMENT	23

4.4 NOISE IMPACT ASSESSMENT 23

4.5 EARTHWORKS 24

4.6 SERVICES 25

 4.6.1 Roads..... 25

 4.6.2 Drainage 25

 4.6.3 Reticulated Sewerage 27

 4.6.4 Water Reticulation 27

 4.6.5 Underground Power 28

 4.6.6 Gas Reticulation 28

 4.6.7 Telecommunications..... 28

4.7 STAGING..... 28

5. IMPLEMENTATION 30

List of Figures

Figure 1 - Location Plan..... 6

Figure 2 - Existing Aerial Photograph 7

Figure 3 - TPS No. 1 Zoning Map 11

Figure 4 - Opportunities and Constraints..... 16

Figure 5 - Foggarthorpe Original Structure Plan 17

Figure 6 - Amendment No. 1 Structure Plan Map 18

Figure 7 - Movement Network..... 22

Figure 8 - Subdivision Plan 26

Figure 9 - Proposed Staging Plan 29

FOREWORD

The 'Foggarthorpe Estate' land has been the subject of a number of plans and associated subdivision approvals. Similarly several Structure Plan documents have been prepared both in the past (2001) and as part of current proposals to develop the land for urban residential purposes (2006). The present extent of the Foggarthorpe Structure Plan comprises two lots, namely Lots 3 and 6 Drummond Street, Nunile.

Two applications for subdivision for the land covered by the Structure Plan were also lodged in 2006. These comprised:

- An 18 lot 'Stage 1' application, being Western Australian Planning Commission (WAPC) reference 132135, and comprising portion of Lot 2 being land fronting Drummond Street (West). This application is the subject of State Administrative Tribunal DR396 of 2006; and
- A balance of project application for 357 lots, being WAPC reference 132536, and comprising the balance of Lot 3 and all of Lot 6 Drummond Street. This application is the subject of State Administrative Tribunal DR397 of 2006.

Given the finalisation of additional technical work, and in accordance with an agreed course of processing between the client, Shire of Toodyay and the WAPC under the related subdivision application Reviews, this document has been issued. It comprises the most up to date technical work undertaken for the land and is submitted for Structure Plan approval by the Shire of Toodyay and the WAPC.

For the purposes of clarity, the extent of work comprises:

PART A – Foggarthorpe Structure Plan

PART B – Foggarthorpe Structure Plan – Sub-Consultant Technical Reports

- Environmental Assessment Report (EAR), RPS Environmental Consultants (Dated: March 2007)
- Traffic Assessment Report, Transcore Traffic & Transportation Consultants (Dated: March 2007)
- Noise Impact Assessment, Lloyd Acoustics (Dated: February 2007)
- Report on Geotechnical Investigation, Douglas Partners (Dated: February 2007)
- Progress Report 1 (Drainage), JDA (Dated: 1 March 2007)

1. INTRODUCTION

The subject land comprising Lots 3 and 6 Drummond Street, Nunile was originally part of the Foggarthorpe Estate previously known as Part Avon Location U3, Toodyay.

In 1991, Amendment No. 56 to the Shire of Toodyay Town Planning Scheme No. 1 (TPS1) was gazetted to rezone portions of the Foggarthorpe Estate which adjoined the Avon River (including the subject land) to "Urban 6". Following this the WAPC approved application 113772 to subdivide Part Avon Location U3 into 5 lots. The subdivision application was designed to facilitate the proposed Toodyay Bypass and to accommodate a district-sporting complex proposed to be situated next to the High School site, while also providing for the High School's expansion. This application resulted in the creation of the subject lots, 3 and 6, that form the basis of this Structure Plan document.

In order to fully re-canvas the development of the land, this report has been prepared on behalf of the client, Ironbridge Holdings, by:

- Koltasz Smith (Town Planners and Urban Designers)
- Wood & Grieve (Consulting Engineers)
- RPS Bowman Bishaw Gorham (Environmental Consultants)
- Transcore (Traffic and Transport)
- Lloyd Acoustic (Noise Modelling and Mitigation)
- Jim Davies & Associates (Consultant Hydrologists)
- Douglas Partners (Geotechnical Consultants)

2. SITE DESCRIPTION

2.1 LOCATION & SITE AREA

Part Avon Location U3 was the original landholding, comprising a farming property traditionally known as Foggarthorpe Estate. The total area was 1,001.72ha.

Following the subdivision of Part Avon Location U3 as described in Part 1 of this report, the subject Lots 3 and 6 were created and may be legally described as:

- Lot 3 on Deposited Plan 25741, being Volume 2516, Folio 977 and comprising 23.9347 hectares; and
- Lot 6 on Deposited Plan 34990, being Volume 2536, Folio 31 and comprising 35.5121 hectares.

Lot 3 comprises two land parcels at the western side of the project area divided by access legs to adjoining Lots 4 and 5 to the north-west. Lots 4 and 5, originally part of the parent land holding have no subdivision potential and were retained as separate rural lots. Lot 3 adjoins a small existing residential area to its west and fronts Drummond Road on its southern boundary. Lot 3 is particularly steep at its western end with the gradient of the slope becoming less significant moving east. Lot 3 abuts Lot 6 at its eastern edge, which coincides with the general location of Boyagerring Brook, a creek line into the Avon River on this northern side.

Lot 6 comprises the eastern extent of the project area from its boundary with Lot 3 at Boyagerring Brook, to the Goomalling-Toodyay Road on its eastern edge. Lot 6 adjoins the Toodyay District High School site as well as Drummond Road on its southern boundary opposite the Avon River.

Both lots are presently cleared rural land within the Toodyay townsite, on the northern side of the Avon River with views south across the river to the 'main street' of Toodyay (Stirling Terrace). The site slopes from its northern edges southwards towards the Avon River. Drummond Street separates the land from the river. Limited vegetation remains on site, save for several small areas of vegetation within outcrops of rock which were not cleared for grazing.

2.2 SURROUNDING CONTEXT

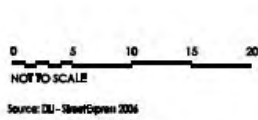
Figures 1 and 2 show the subject land in context, relative to the wider Perth and Avon region, and also more locally, relative to the Toodyay townsite.

The site is situated directly adjacent to the existing Toodyay townsite, although it is physically separated from the town centre by the Avon River, and has Mount Anderson and the proposed Toodyay By-pass Road to its immediate north.



3091-5-005 August 2006

FIGURE 1



LOCATION PLAN

Lot 3 & 6 Goomalling - Toodyay Road
NUNILE



TOWN PLANNING - PROJECT MANAGEMENT
URBAN DESIGN - DEVELOPMENT CONSULTING
PERTH Tel: (08) 9484 2222 Email: perth@kscop.com.au

Figure 1 - Location Plan



FIGURE 2



Figure 2 - Existing Aerial Photograph

EXISTING AERIAL PHOTOGRAPH
Lot 3 & 6 Goomalling - Toodyay Road
NUNILE



The main features in the immediate vicinity of the site as detailed in the 2001 Structure Plan and updated here are as follows:

- Toodyay Town Centre – the subject land is situated immediately north of the town centre. Although physically separated by the Avon River, the site enjoys relatively direct access to the town centre as it is situated between the two main river crossings (from the east and north) into Toodyay.
- A direct pedestrian link to the Town Centre exists joining the land via the existing footbridge river crossing to the Toodyay Town Centre.
- Toodyay District High School – the school adjoins the south west corner of the site in proximity to the Avon River. This site and adjoining land provided for expansion were excised from the original Foggarthorpe farm property and acquired by DET.
- Residential Development – the western end of the site abuts an old established part of Toodyay. The Shire of Toodyay has recently upgraded Drummond Street in proximity to this residential area, and at its frontage to the western portion of Lot 3.
- Avon River – the Avon River generally defines the southern boundary of Lots 3 and 6, with Lot 3 physically divided by Boyagering Brook, a creek line feeding into the Avon from the north.
- Goomalling Toodyay Road – this road, which marks the south eastern boundary of the site, is the main entrance into town from the eastern agricultural regions, connecting Toodyay with numerous smaller rural settlements including Goomalling, Dowerin and Wongan Hills. The road provides one of two road crossings over the Avon River within the Toodyay townsite.
- Toodyay By-pass Road – the proposed Toodyay By-pass Road alignment forms the north western boundary of Lots 3 and 6. Whilst the Toodyay By-pass Road offers excellent connections to the surrounding region and ultimately through to Perth, both the Shire and Main Roads WA have indicated that they would not support any direct road access from individual lots onto the Bypass and, appropriately, the Structure Plan reflects this. Detailed consideration of the By-pass Road is provided in separate accompanying reports by Transcore Traffic Consultants and Lloyd Acoustics.

2.3 PHYSICAL DESCRIPTION

The following summary comments are drawn from the Environmental Assessment Report (EAR) of the land comprising part of the Part B technical reports. Site conditions are analysed in detail in the accompanying Geotechnical report by Douglas Partners also within Part B.

2.3.1 Topography

The land and immediate surrounds drops from the granite dome of Mount Anderson in the west, at an elevation 235 m AHD, down to 110 m in Boyagering Brook before rising up a low ridge at 160 m in the east.

Detailed consideration of the geology and geomorphology is included in the assessment undertaken comprising Appendix 1. Specific site assessment of Lots 3 and 6 in this regard has included:

- Survey pick-up of rock outcrops; and
- Assessment of gradient / slope analysis for site access and drainage.

In addition to the more visible rock outcrops, alluvial terraces and flood deposits are associated with the central creek, through this creek area the areas generally forming part of the floodplain are not proposed to be developed.

2.3.2 Soils

Both the EAR by RPS environmental consultants and the Geotechnical report by Douglas Partners examine in detail the soil types across Lots 3 and 6, as well as the original Foggarthorpe land holding. The soils on the site, in summary, are red brown loams with moderate to high inherent fertility and nutrient retention capability, though this is reduced by the steepness of the slopes and common occurrence of basement rock outcrop.

In this context, engineering works for the land will be minimised to retain natural slopes and avoid cut/fill retaining. Similarly rock outcrops will remain in the rear of lots. Reticulated sewer will be provided to service all lots and drainage considerations undertaken by Wood & Grieve engineers and JDA Consulting Hydrologists take into account soil conditions.

2.3.3 Climate

Summer maximum temperatures average about 31°C in the hottest months of January/February down to an average of 15°C in the winter. Maximum temperatures range down to 4°C in the coldest months. Evaporation exceeds rainfall for eight months of the year.

Wind directions are predominantly from the east to south east on summer mornings, an afternoon sea breeze occurs on most summer days. Winds are more variable in winter.

2.3.4 Vegetation

Given the historic rural use of the land, the land has been cleared and the remainder grazed. The grazing has removed all the under storey species. Only small areas of vegetation remain along drainage lines and around rocky outcrops, where farming was too difficult.

2.3.5 Groundwater and Hydrology

The RPS Environmental Assessment Report indicates the depth to groundwater across the site varies from approximately 5m at the lowest point near Boyagerring Brook, to 30m in the north west and south.

At the time of earlier assessment in May 2000, water quality in the brook was 510mSm which is brackish and of stock quality only (i.e. not suitable for drinking – non-potable). There is no proposal to utilise this water for drinking, as all lots will be serviced by normal reticulated water.

Flood mapping of the Avon River by the then Water Authority is reflected on the proposed Structure Plan and plan of subdivision and shows portions of the land affected by the 1-100 year floodway. This is in proximity to Boyagerring brook where the river can 'back-up' during heavy flow events. No development is proposed in this floodway area. This mapping is also incorporated into the JDA Consulting Hydrologist's drainage considerations contained within the Part B technical reports.

2.3.6 Fauna

Given the absence of vegetation, there is little significant habitat value. Some opportunities exist in remnant trees and along two creek and adjoining river. No changes are proposed here.

3. PLANNING CONSIDERATIONS

3.1 TOWN PLANNING SCHEME NO. 1 (TPS1)

The project site is subject to the provisions of the Shire of Toodyay Town Planning Scheme No. 1 (TPS1) (**Figure 3**). Under TPS1 the land is zoned "Urban 6". To the north / northwest the project site adjoins "Rural 1" and "Rural 3" zoned land. To the south the site adjoins land reserved for "Recreation & Landscape Protection" (the Avon River and Boyagerring Brook) and "Public Purpose – Government Requirements" (Toodyay District High School).

The "Urban" zones under TPS1 relate to the various categories of urban townsite development and include:

- Urban 1 Zone: Central Business Area
- Urban 2 Zone: Living Area (basic residential / institutional character)
- Urban 3 Zone: Living Area (basic residential / historic buildings & landscape)
- Urban 4 Zone: Living Area (basic residential)
- Urban 5 Zone: Living Area (landscape character)
- Urban 6 Zone: Future Development

Section 3.16 of TPS1 deals with the Urban 6 Zone, and specifically, Clause 3.16.2 of TPS1 states:

"3.16.2 Development for urban uses will be in accordance with a structure plan for the area adopted by Council."

In addition clause 3.16.5 of TPS1 reads:

"3.16.5 The land zoned Urban 6 – Future Development located between the Avon River and the proposed Toodyay Bypass, being portion of Avon Location U3, shall be subject to the preparation of a Structure Plan, approved by the Western Australian Planning Commission and Council, prior to the subdivision and development of the land.

The Structure Plan shall provide an assessment of traffic noise levels from the Toodyay Bypass and suitable noise mitigation measures, if required, to be implemented at subdivision and/or development stage."

Table 13 of TPS1 details the land uses permissible within the "Urban 6" Zone and indicates, in respect to residential use:

"All residential uses subject to the provisions of the R10 Residential Planning Code."

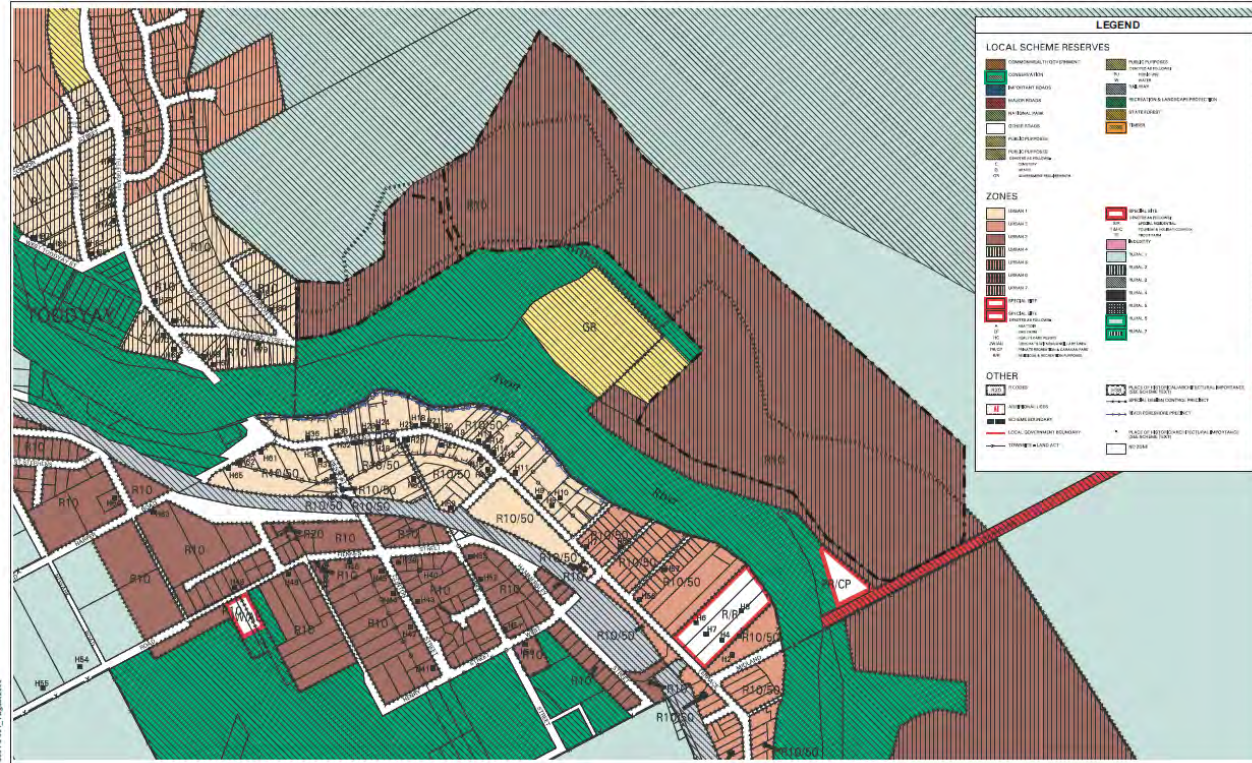


FIGURE 3

Subject Land

Source: WAPQ Shire of Toodyay NOT TO SCALE

SHIRE OF TOODYAY TPS No:1
 Lot 3 & 6 Goomalling - Toodyay Road
 NUNILE

koltas smith
 TOWN PLANNING - PROJECT MANAGEMENT
 DESIGN - DEVELOPMENT CONSULTING

PERTH TEL: (08) 9486 2222 Email: perth@kespo.com.au

Figure 3 - TPS No. 1 Zoning Map

3.2 AMENDMENT NO. 56 TO TPS 1

The parent land holding (Avon Location U3), including Lots 3 and 6, was the subject of Amendment No. 56 to TPS1 (endorsed by the Minister for Planning in June 2003). Amendment No. 56 rezoned Lots 3 and 6 to "Urban 6" and rationalised zoning boundaries in accordance with the accompanying "Foggarthorpe Residential Structure Plan".

The Amendment No. 56 report indicates, at its conclusion:

"The intended rezoning represents the culmination of an extensive assessment of the most current environmental and planning issues and constraints of the area and in accordance with the provisions for the Urban 6 zone under Clause 3.16.2 of TPS1, presents a modified Structure Plan to guide future development of the land."

In the context of this previous material, and the zoning of the land which provides for Residential R10 development, this submission provides the required comprehensive Structure Plan for the land.

3.3 DRAFT TOWN PLANNING SCHEME NO. 4 (TPS4)

In February 2001, the Shire of Toodyay resolved to prepare a draft TPS4, which was intended to replace TPS1 and the Shire of Toodyay Town Planning Scheme No. 3 (TPS3). The draft TPS4 was advertised in 2003, and adopted by the Shire subject to modifications. In 2005, the draft TPS4 was forwarded to the WAPC for consideration and final approval. The draft TPS4 is presently being held in-abeyance, however, pending finalisation and WAPC endorsement of the Shire's associated Local Planning Strategy by the WAPC.

It is understood that, TPS4 intends to retain the same residential development potential for the subject land, in the form of "Residential Development" zone.

3.4 DRAFT LOCAL PLANNING STRATEGY (LPS)

In February 2001, the Shire resolved to prepare an LPS in conjunction with its town planning scheme review (draft TPS4) to guide the Shire in the planning of its urban and rural areas for the next 10 to 15 years. The Shire advertised the LPS in 2003, and following further work, adopted it on 23 February 2006. Thereafter the LPS was advertised for public comment, ending on 2 June 2006. Final modifications to the LPS were made in August 2006 and endorsed by Council thereafter. The draft LPS is presently with the WAPC for its assessment and ultimately endorsement.

Aside from acknowledging the development potential of the subject land, the LPS also:

- Identifies the requirement for "Road Vistas", whereby the existing rural vista on entry roads to the townsite are maintained through the use of setbacks;
- Recognises Goomalling-Toodyay Road as the main transport link between Goomalling and Toodyay and is a state road controlled by Main Roads WA. Additional residential development will therefore need to consider traffic volumes and intersection locations;

- The draft LPS also identifies a potential new Industrial Area to the north of the Toodyay Bypass from the subject land. This area does not exist at present with no zoning in place to provide for any such development, notwithstanding its identification to address long term need. Ultimately the rezoning and development of this area will require its own structure plan, including consideration of appropriate land uses, impacts and buffers, including recognition of what will be an existing residential area on the subject land.
- Recognises the Toodyay By-pass and the need to consider appropriate buffering to residential development.

3.5 AVON ARC SUB-REGIONAL STRATEGY (2001)

This study, completed by the WA Planning Commission provides a broad framework for the use and development of land at the western edge of the wheat belt, and at the gateway to the Perth Metropolitan Region. The Strategy recognises the subject land as “Areas Zoned for Urban/Residential Development” (p49).

3.6 FOGGARTHORPE RESIDENTIAL STRUCTURE PLAN (2001)

The Foggarthorpe Structure Plan was prepared in 2001, to accompany Amendment No. 56 and form the basis for further subdivision. The plan dealt with the entirety of Pt Avon Location U3, and allocated land for expansion of the high school, public open space, and a district sporting site.

Other elements of the 2001 Structure Plan included:

- Generally 1000m² minimum residential lots (although above the R10 minimum);
- Landscape remediation at Boyagerring Brook (stormwater/flow containment);
- Possible local shop sites;
- 10m wide vegetated buffer along Bypass Road to provide screening / rural vista
- Road connection across Boyagerring Brook.

Based on more recent discussion with the Shire, it is apparent that the inclusion of local commercial shops would not be viable and only serve to detract from the main Town Centre uses.

3.7 PT AVON LOCATION U3 SUBDIVISION (WAPC 113772)

This subdivision approval was granted to facilitate a variety of land requirements for community purposes reflected in the 2001 Foggarthorpe Structure Plan. The main elements of the subdivision are described as follows (and remain relevant as context to surrounding land use and assessment of public open space and structure plan requirements):

(i) District Sporting Complex Site

In 2003, the requirement for this site had been identified by the Shire of Toodyay and was the primary factor behind the subdivision application. The site had been the subject of discussion and negotiation between the Shire and the landowners for some time, during which time Council had also been seeking state government funding to assist the development. At the time, the Council had concluded that the site is well positioned for the use, and features the following locational attributes:

- It is situated at the periphery of the Shire's main population centre (i.e., Toodyay townsite);
- It is located adjacent to other complementary community amenities – principally the District High School and the Toodyay River Foreshore;
- It features direct accessibility to the main arterial road system, via Drummond Street, with minimal disruption to existing residential areas;
- It is close to the existing pedestrian footbridge crossing over the Avon River, Adjacent to the District High School, which provides a direct pedestrian link to the Town Centre
- It is situated within one of the main areas of intended future growth, which will improve its centrality to the main population base.

Notwithstanding that the above points all remain accurate and valid, the sporting complex has never been developed and discussion with Council staff suggests there is no certainty regarding its development or timing. Issues of site works and construction cost appear to have prevented progression of the project.

(ii) Community Purpose Site

In 2003, or thereabouts, the then land owners also agreed to set aside additional land for other community purposes, adjacent to the eastern boundary of the high school. The Shire recognised the opportunity to plan for the facilitation of other community uses which may have direct relevance to the adjacent high school and would certainly serve to reinforce the recognition of this area as a community precinct.

(iii) High School Extension

As with the above land uses, the Department of Education and Training (DET) previously identified that the District High School would, in the short to medium term, need to expand beyond its existing site boundaries. The then landowners agreed to set land aside for acquisition by the Education Department. At the time of writing the DET could not provide any plans for expansion and were not able to confirm the timing of any expansion works or forecasted school numbers. Notwithstanding this, it is acknowledged that growth of High School attendance is expected, though this has already been provided for in land acquisition.

(iv) Rural Lots / Mount Anderson

Two rural lots to the north of Lots 3 and 6, encompassing the visually prominent southern and south western slopes of Mount Anderson, were created as a result of the super lot subdivision. This land will remain within the Rural zoning, within which no further subdivision will be permitted, to protect the visual integrity of Mount Anderson as a prominent part of the Rural landscape.

(v) Residential Super Lots – the subject land (Lots 3 and 6)

The balance of the original farming property was divided into two super lots being the subject Lots 3 and 6. These super lots were identified to form the primary parameters for future residential development.

4. STRUCTURE PLAN

4.1 DESIGN PHILOSOPHY

The 2001 Foggarthorpe Structure Plan sought to respond to a number of opportunities and constraints identified on the site. This document and the Structure Plan contained herein seeks to evolve the same Structure Plan given the additional technical reporting material now at hand. The following comments outline current opportunities and constraints (**Figure 4**) and detail the original and amended Foggarthorpe Structure Plans (**Figures 5 and 6**).

The originally identified broad development philosophies for this land may be summarised as follows and are reflected in detail in **Figure 4**:

(i) Relationship to Toodyay Township

With the established alignment of the proposed Toodyay By-pass Road, and the proximity and connectivity of the land with the Toodyay town centre, this zoned land now shows a stronger physical relationship to the urban and social structure of the townsite than it does with its broad acre farming origins, and demonstrates attractive attributes for the future urban expansion of the Toodyay townsite.

(ii) Social Infrastructure

An important part of the original structure plan was the identification of opportunities for the development of social infrastructure, including a District Sporting Complex, other community amenities, and an expansion of the existing District High School site. These uses were subsequently facilitated, and this Structure Plan continues to provide connectivity and recognition of them.

(iii) Development Form

Whilst it is recognised that the site will perform an important function in accommodating future urban growth within the Toodyay townsite, it is important to ensure the land use and subdivision pattern also respects the surrounding context, the physical and environmental constraints of the site, and provides a residential land product consistent with site context and local market requirements.

The 2001 Foggarthorpe Structure Plan sought to produce a land use and subdivisional framework which makes efficient use of the residential land resource, but in a manner which respects the physical and environmental characteristics of the land and its environs, ensuring that the subdivisional pattern is sufficiently robust to meet the varying and changing demands of the local residential market. The Structure Plan proposed for approval herein continues to remain consistent with the earlier plan, retaining a base of Residential R10 lot size, albeit with a particularly robust street layout that is sufficiently flexible in respect to review of lot size or staging of development if ever required.

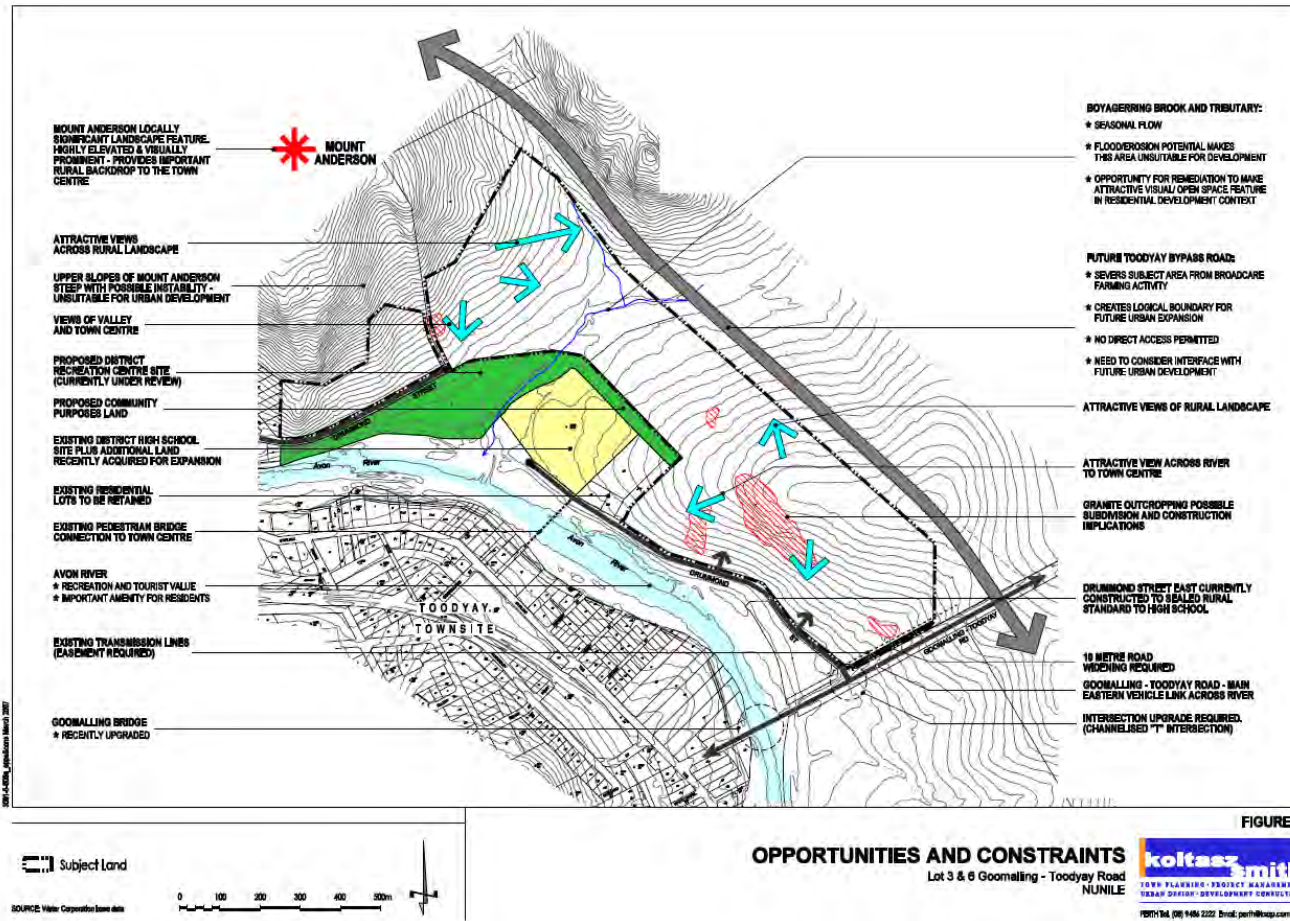


Figure 4 - Opportunities and Constraints

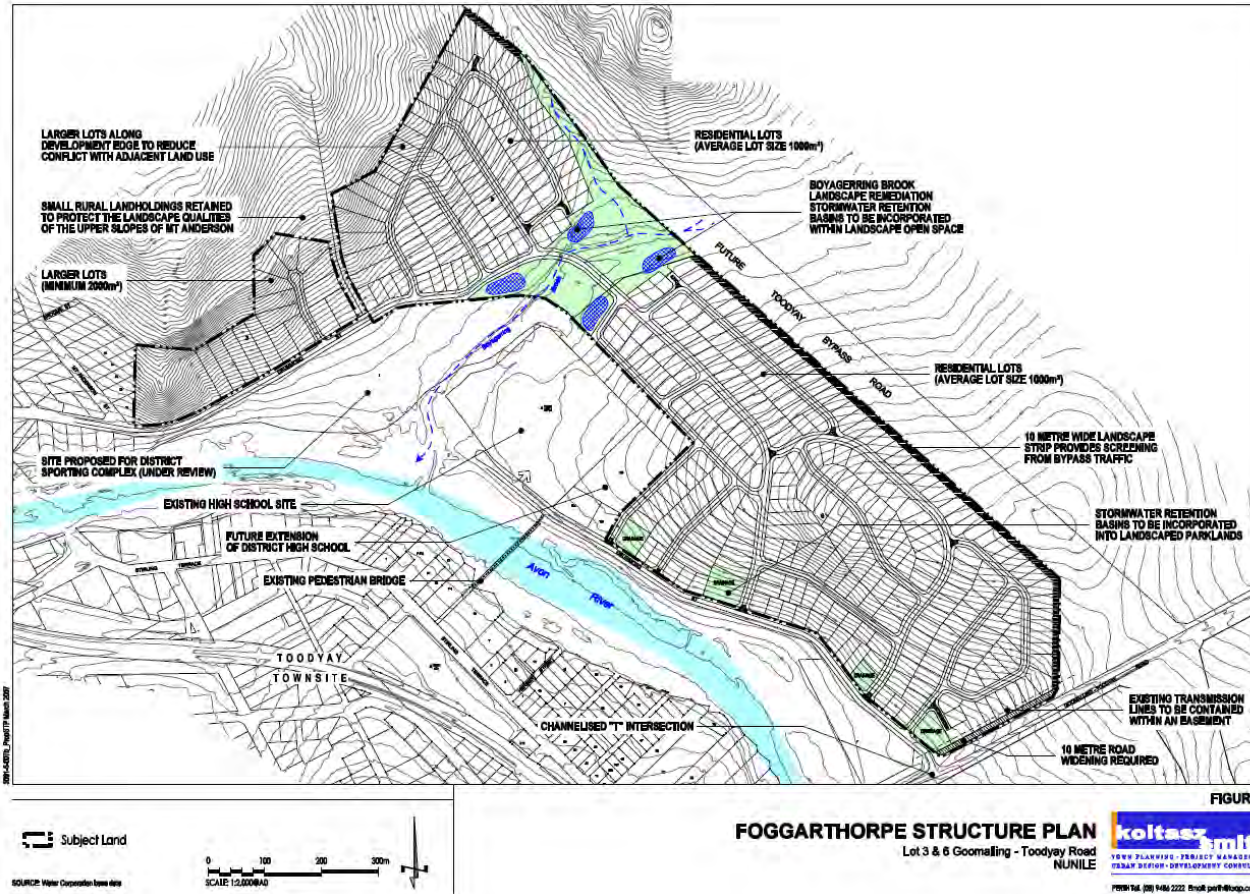


Figure 5 - Foggarthorpe Original Structure Plan

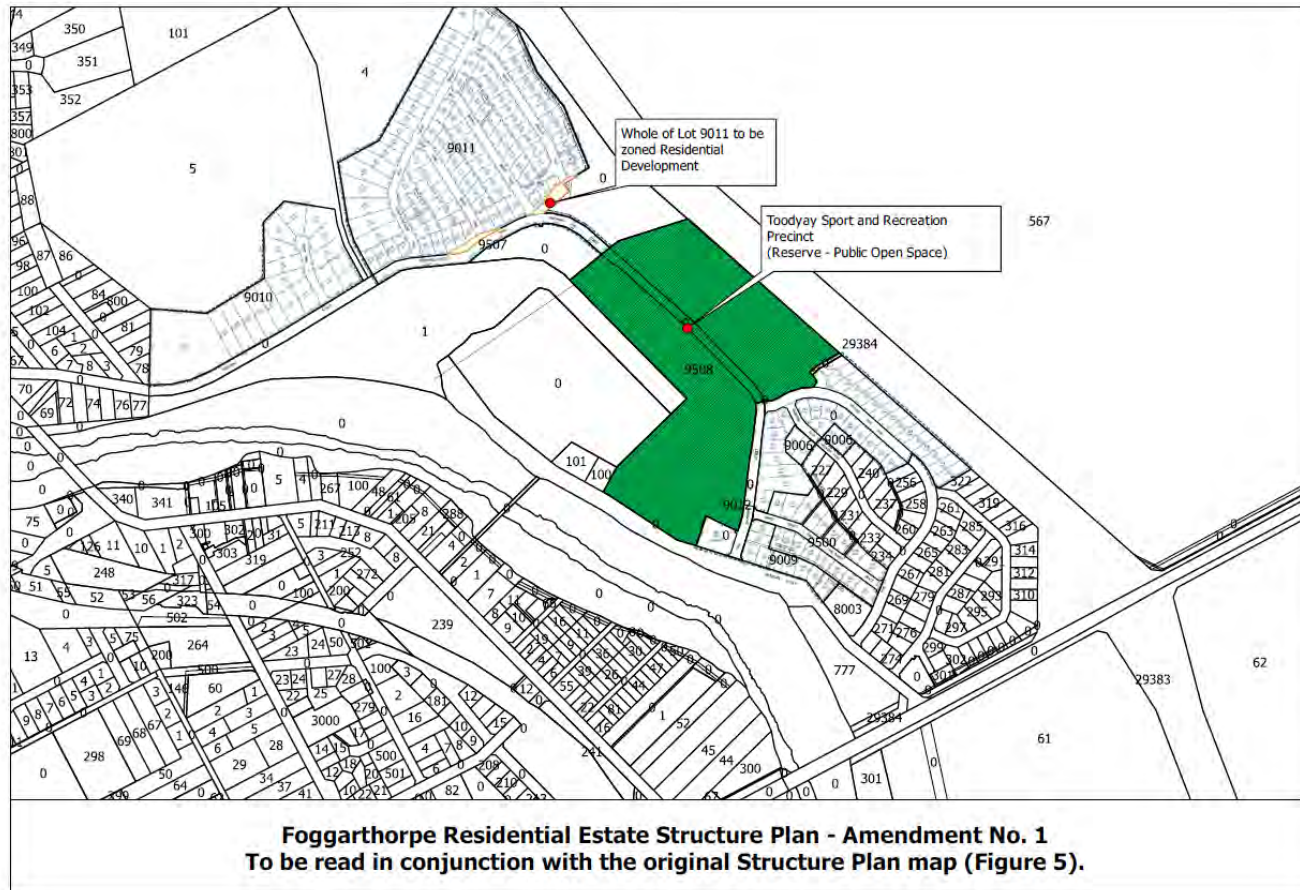


Figure 6 - Amendment No. 1 Structure Plan Map

4.2 PROPOSED STRUCTURE PLAN

The original Structure Plan (**Figure 5**) reflected the design review undertaken and the input of engineering, environmental, traffic and acoustic consulting expertise. The overall layout is entirely consistent with the earlier versions, albeit reflective of more detailed assessment now undertaken to accompany subdivision of the land. The Structure Plan, as amended, (**Figure 6**) reflects the Shire's proposed recreation precinct.

4.2.1 Land Use

4.2.1.1 Residential

Residential subdivision remains the predominant land use element of the Structure Plan. The subdivision pattern shows a variety of housing/ density choices, with the maximum density based on the standards applied under the Urban 6 Zone (average lot size 1000m²; minimum lots size 875m²), but with larger lots of between 1,250 and 2,859m² on the external periphery adjoining the lower slopes of Mt Anderson.

The detailed plan of subdivision for the land comprises **Figure 8** and shows the density distribution is designed to take maximum advantage of the natural landform, to capitalise on the visual and physical accessibility on the site and the proximity to Boyagerring Brook and the Avon River.

In terms of total dwelling yield, the Structure Plan and proposed subdivision will ultimately produce 378 residential lots (not including four sites to be set aside for drainage), with one additional lot to be set aside as Goomalling – Toodyay Road widening.

The subdivisional pattern features a robust semi-gridded design which will continue to enable flexibility in lot density and configuration, acknowledging that trends and community expectations may vary over the life of the Structure Plan.

4.2.1.2 Community Infrastructure

(i) District Sporting Complex

The 2001 Foggarthorpe Structure Plan included provision for a District Sporting Complex site of approximately 7 ha adjacent to the Toodyay District High School and the Avon River foreshore. While this site has been ceded and does not form part of the update report's landholding, it remains relevant given both the land was the subject of conditions for its ceding in the related WAPC subdivision approval and in legal agreements reached between the landowner and the Shire.

In short, the Sporting Complex land was ceded to the Crown free of cost, pursuant to Section 28A of the Town Planning and Development Act, for recreational purposes, on the understanding that it will, in turn, be vested in Council for District Recreational Purposes. This agreement was secured on the understanding that the contribution would fulfil the 10% public open space requirement for the residential subdivision component of the Structure Plan area. Notwithstanding this agreement, this Structure Plan Report acknowledges the need to allocate separate land areas for the protection of Boyagerring Brook as well as for drainage purposes.

(ii) Community Purpose Site

The 2001 Structure Plan also made provision for additional Community Purpose land to be set aside immediately east of the High School Site. This was also part of the privately owned farm and the then landowners agreed to cede this land to the Crown to be vested in the Shire. Notably, when

considering the allocation of District Sporting site, and Community Purpose land, the Foggarthorpe land has contributed significantly to the betterment of the Toodyay townsite.

4.2.1.3 Public Open Space

Whilst the minimum 10% open space contribution is fulfilled by the provision of the District Sporting Complex and Community Purposes Site, additional public open space areas have been set aside in recognition of other specific requirements, including environmentally sensitive land, poor capability for housing construction, and drainage management. Three areas have been identified:

(i) Boyagerring Brook

The section of the Boyagerring Brook extending between the District High School and the proposed Toodyay Bypass Road is to be encompassed within Public Open Space. The Boyagerring Brook performs an important natural drainage function, is prone to occasional flooding during extreme storm events and its flood plain contains soil characteristics which are not desirable for housing construction.

The water course, which only runs seasonally is presently in a degraded state; it is considered that urban development will not place any increased pressure on the water course. In fact, it presents opportunities to substantially improve its environmental and water management qualities through, firstly, the removal of stock intrusion, and secondly, landscape remediation which will transform the Brook into an attractive parkland feature within its future residential setting.

The open space also provides the opportunity to establish drainage compensation basins to manage stormwater run-off into Brook from future urban development. The land allocated to Boyagerring Brook reflects both the current mapping for the Avon River and Boyagerring Brook and has been verified by detailed on-site survey.

(ii) Drummond Road (East) and Goomalling-Toodyay Road Entrance

Drainage / public open space areas have been shown at the southern estate entrance (i.e., the junction of Goomalling-Toodyay Road and Drummond Street East) and along Drummond Road East. These areas will be designed for storm water management purposes, though each is also strategically positioned so that it may be suitably designed and landscaped as an attractive entrance feature and passive park facility for immediately adjoining residents, thereby providing additional passive recreation opportunities where possible.

The total Public Open Space contribution is 15.62% calculated as follows:

	Previous (DP25741)	2007 Plan
Structure Plan Area	99.7678 ha	
Less		
• Rural Lots	27.0563 ha	-
• High School Expansion	1.385 ha	-
• Special Site	1.7048 ha	-
Gross Subdivisible Area		69.6217 ha
10% POS Provision		
Total Public Open Space		
• Lot 1 POS ceded	9.2401 ha	-
• POS – Surrounding Boyagerring Brook (usable – external to floodline)		0.94154 ha
• 4 Drainage Sites in Drummond St		0.445 ha
Public Open Space Provided	9.2401 ha	1.38654 ha
Total POS	10.62664 ha or 15%	

4.2.1.4 Commercial Land Uses

One of the few changes to the 2001 Structure Plan proposed herein, is the removal of proposed local retail.

The original structure plan identified a location for a possible local shop situated central to the Structure Plan area, and adjacent to the Community Purposes Site, in close proximity to the High School and District Sporting Complex.

Clearly, however, the local resident population of the Structure Plan area will not, in its own right, be sufficient to sustain a local shop in this location and upon further review and discussion with Council it is seen as more appropriate to avoid land uses which may detract from the main Town Centre retail activities.

4.2.2 Movement System

Figure 7 shows a conceptual illustration of the key pedestrian and vehicle movement structure. The following comments provide a summary of traffic movement considerations, though this is examined in detail within the Transcore traffic report accompanying this submission separately in Part B.

The vehicle movement system is defined by a main connecting road linking Drummond Street East and Drummond Street West across Boyagerring Brook. This connection provides internal connectivity while linking back to Drummond Street and, on the east edge, to Goomalling-Toodyay Road. The Local Distributor Road alignments are also positioned to provide direct access/frontage for the existing and proposed district recreation, community and educational uses.

The semi-gridded road pattern combined with the generally linear nature of the Structure Plan area provides for a highly permeable movement system, providing direct accessibility from all parts of the sub-division. The road network provides for logical movement in either an easterly or westerly direction.

Pedestrian movement generally adheres to the permeable road system, providing legibility and connectivity for pedestrians throughout the estate. The subdivisional pattern emphasises strong connections to the public spaces and facilities within the Structure Plan area, as well as links to the external facilities, in particular the Avon River foreshore and Toodyay Town Centre.

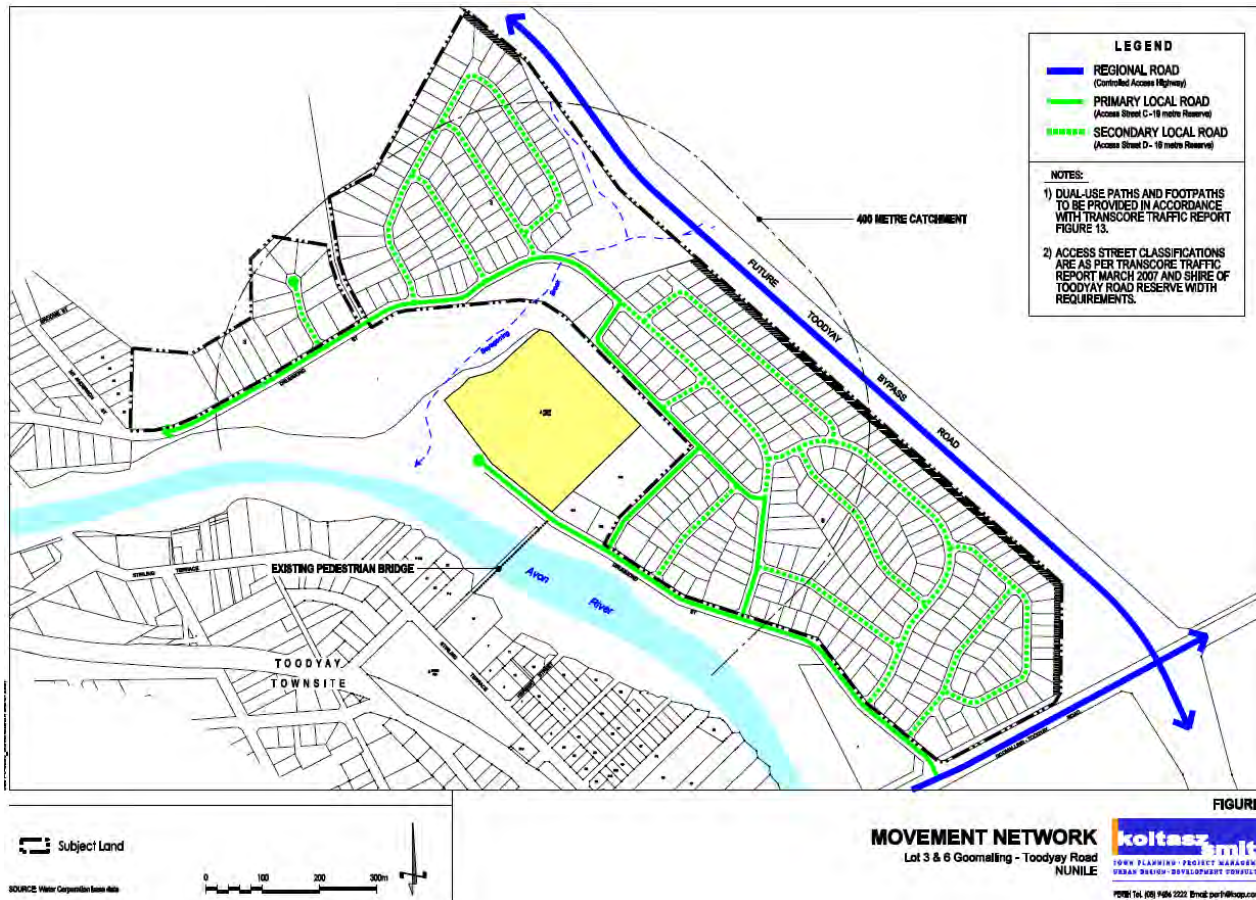


Figure 7 - Movement Network

4.3 ENVIRONMENTAL IMPACTS AND MANAGEMENT

The Structure Plan design has been based on a thorough analysis of the environmental characteristics of the land and its surrounds. A separate report, prepared by RPS Bowman Bishaw Gorham and forming part of the Part B technical material details the extent of any management requirements. These are summarised as context, and as the key features of the Structure Plan design which respond to environmental conditions:

- The development area includes a portion of Boyagerring Brook which is a tributary of the Avon River that feeds the Swan River and therefore development is required to be consistent with the Environmental Protection (Swan and Canning Rivers) Policy 1997 (EPP). Notwithstanding this, Boyagerring Brook is highly degraded from historical 'river training' and agricultural land use. Revegetation will take place in Boyagerring Brook within the project area to improve bank stability, water quality and habitat value. This will take the form of a Revegetation Management Plan.
- The site contains a number of steeply sloping areas that will need to be considered during development to prevent erosion and drainage issues and a Construction Management Plan will address this.
- Acid Sulphate Soils are not considered a significant risk for to the project.
- With increased salinity of the Avon River an issue, revegetation of the Brook will assist in reducing further risk of salinisation of the area, though this is a regional problem.
- Development will be setback external to the identified 1-100 year flood level.
- A Drainage and Nutrient Management Plan will be prepared to deal with issues of drainage treatment, infiltration basins, stormwater flow paths and the like.
- A Foreshore Management Plan will be prepared to deal with issues of foreshore protection and enhancement, access and interface.
- Viewscapes from the Toodyay Town Centre will not be significantly affected, with key areas of visual prominence such the slopes of Mount Anderson already separately protected. The RPS Bowman Bishaw Gorham Environmental Assessment Report (EAR) concludes that no environmental issues exist that preclude subdivision from occurring as proposed in accordance with normal Council, Government agency and environmentally accepted standards. The report foreshadows in greater detail the above mentioned Foreshore Management Plan, which has been commenced by RPS Bowman Bishaw Gorham, although would ultimately be expected to be a condition of approval.

4.4 NOISE IMPACT ASSESSMENT

Lloyd Acoustics have completed a noise impact assessment contained within Part B to this report. A summation of the report is provided below:

- Assessment was undertaken to test against 'Statement of Planning Policy: Road and Rail Transportation Noise';
- Toodyay Bypass and Goomalling-Toodyay Roads are assumed, for the purposes of this modelling, to be 14mm chop seal;

- As the Toodyay Bypass does not exist, logging was taken at 68 Telegraph Road to establish current levels;
- Traffic volumes show night-time noise volumes to vary. Data logging shows this as in the order of 10dB less than day time levels;
- Given neither residences nor the road exist, a joint approach can be taken to minimise noise levels. This implies that either noise control to the road (smoother road surface) or to the intervening path (noise bunds/walls) could be constructed to achieve 'Exposure Level 1' noise levels (i.e. the target level under the policy);
- As the report shows, the majority of the proposed residences would fall within Exposure Level 1 with some lots closest to the Bypass or Goomalling-Toodyay Road within Exposure Level 2. This shows that walling or a bund will significantly reduce noise impact, though for those lots at Exposure Level 2 Design Guidelines would be used to address 'quiet house' design measures;
- Most importantly, the modelled noise levels may be considered a 'worst case' in respect to the road surface. The use of 14mm chip seal results in the highest levels of tyre noise compared to other road surfaces. The advantage of this is safety and minimal maintenance. Alternatively, surfaces such as open graded asphalt would also be safe while quieter though maintenance would be required every 7 years. Further discussion with MRWA is being undertaken regarding the use of open graded asphalt.

Lloyd Acoustics' recommended wall/bund design suggests an alignment whereby use of open graded asphalt by MRWA is supported in addition to the installation of the wall/bund. The combined effect of both these treatments indicates all lots would fall within required noise exposure levels and there would be no obligations on the residents and no required memorials on title.

The range of options presented by Lloyd Acoustics, reflected in Table 6.1 of their report, highlights that use of both a wall/bund and open graded asphalt is preferred. It is acknowledged that the Shire of Toodyay seek use of bunding rather than walls in order to retain the rural vistas reflective of Toodyay. With this in mind further discussion with MRWA to obtain support for the combined bunding/open graded asphalt is being undertaken. Confirmation on the outcome of these discussions will then provide both the Shire and WAPC with confirmation as to the collectively agreed approach. Notwithstanding this, Structure Plan approval is sought subject to the issue being finalised as a condition given the extent of modelling undertaken.

4.5 EARTHWORKS

Wood and Grieve engineers advise that bulk earthworks will be minimal due to the existing topography and ground conditions which include subsurface rock. Consistent with typical development within the Shire of Toodyay, the developed lots will typically be left at their natural gradient and no retaining walls will be constructed at subdivision stage.

It is intended that the buildings within the proposed subdivision have a minimum finished floor level that is 0.5m above the 100 year flood level of Boyagering Brook and the Avon River. The topography of the site accommodates this requirement for the majority of lots without the need for any filling. The slope of the existing surface enables the residential areas to be served by gravity sewers and stormwater drainage to flood route out to the Avon River in a major storm event.

4.6 SERVICES

4.6.1 Roads

The proposed subdivision will incorporate a road network as detailed on the subdivision plan (**Figure 8**). All roads will be designed to a kerbed and drained urban standard in accordance with the Shire of Toodyay's requirements and the geotechnical characteristics of the site.

Drummond Road West is currently being upgraded by the Shire of Toodyay and will provide access to the western portion of the site. The Toodyay Goomalling Road and Drummond Road East will provide access to the eastern portion of the site. Subdivision of the land in the manner proposed will result in these two external connections being linked across Boyagerring Brook.

The road connection between the east and west sides of the subdivision will provide a road, pedestrian and services crossing of Boyagerring Brook. The final configuration of this crossing would be determined in detailed design and would be anticipated to be a box culvert or bridge structure. It is anticipated that this would be constructed with the required servicing connection to the lots to the west of the Brook.

MRWA advice indicates a 10m wide road-widening strip is required for the purposes of widening the Goomalling-Toodyay Road adjoining the subject land. This 10m strip is to be set aside as a separate lot, pending acquisition.

Suitable intersection treatment of the Drummond Road East and Toodyay-Goomalling Road intersection will be provided in accordance with traffic engineering advice. At the time of writing Transcore traffic consultants have advised that MRWA's position is to oppose a round-a-bout at this location in preference for an upgraded intersection with turning lanes. MRWA consider this will better cater to heavier freight trucks using Goomalling-Toodyay Road. Ultimately, this issue can be a condition of Structure Plan and subsequent subdivision approval. It is understood further discussion to finalise intersection detail will take place between Transcore, MRWA and the DPI traffic branch as organised by DPI.

4.6.2 Drainage

JDA Consultant Hydrologist have been engaged by the client to undertake a hydrological study of the site. A key component of their study is to determine the final stormwater drainage strategy including final basin sizes, Boyagerring Brook flow characteristics and the like. Wood and Grieve engineers provide the following additional advice.

It is proposed that drainage stormwater runoff be collected by an urban standard kerbed road and piped drainage system. Side entry pits and gullies along the drainage network will be trapped to minimize the transportation of pollutants and sediments.

Due to the low permeability of the ground, lot connections will be provided for each lot connecting to the piped drainage network.

Subject to the outcomes of the Drainage and Nutrient Management Plan which is currently being prepared for the development by JDA Consultant Hydrologist, it is anticipated that the piped drainage network will discharge into a number of detention basins located along the Boyagerring Brook, the Avon River and Drummond Street. The intent of these basins is to provide a nutrient stripping facility and water quality treatment. Major stormwater events will be flood routed to the Avon River and Boyagerring Brook.

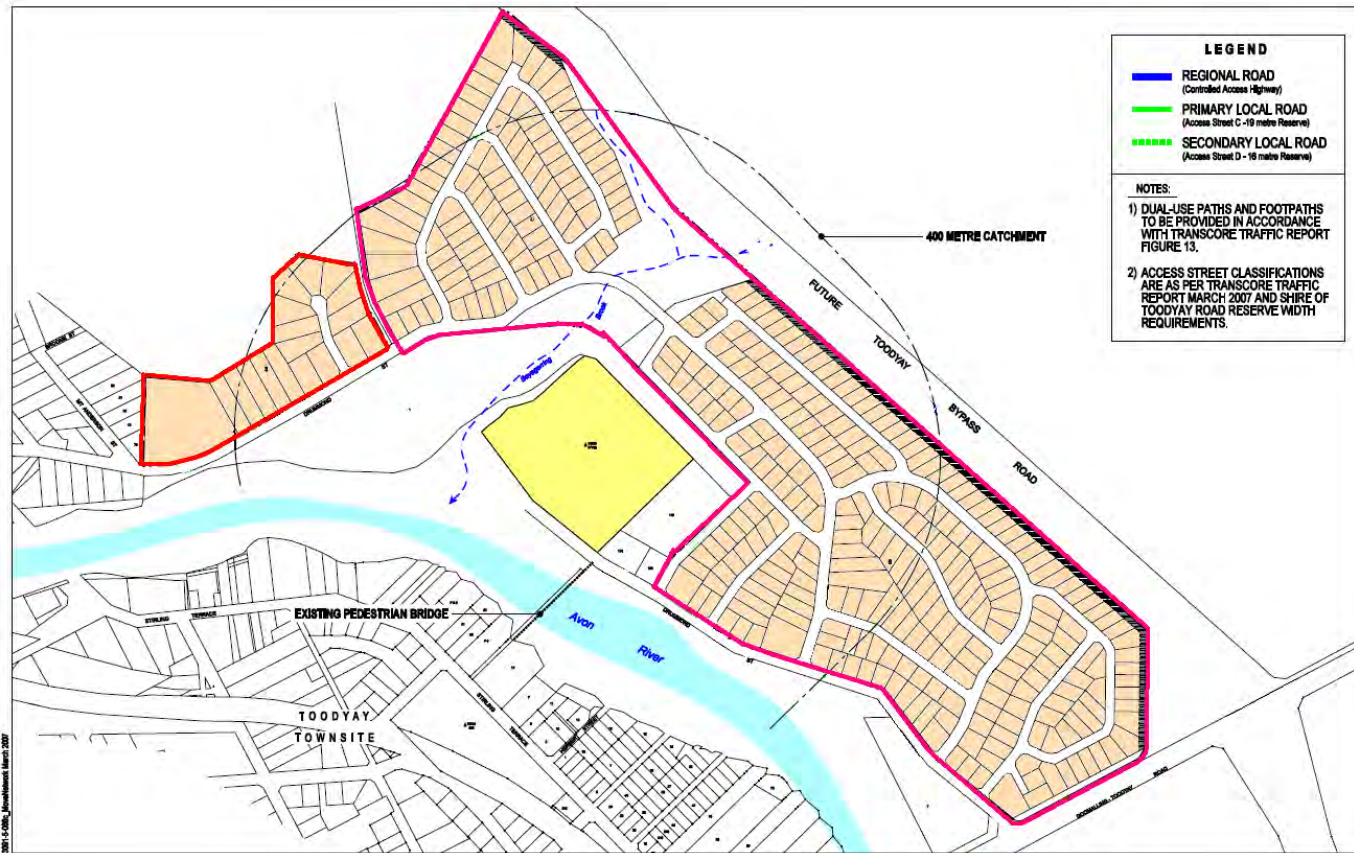


Figure 8 - Subdivision Plan

Preliminary advice from JDA Consultant Hydrologists, which has been included within Part B of the Structure Plan, indicates the location and size of the proposed drainage areas included on the Structure Plan are sufficient to accommodate the drainage runoff from the development.

Appropriate Best Management Practices in accordance with Department of Environment and Conservation's Stormwater Management Manual for Western Australia will be implemented. The JDA progress report 1 is contained within the Part B technical material.

4.6.3 Reticulated Sewerage

Wood and Grieve engineers has provided the following advice:

The Water Corporation's long term planning caters for the proposed subdivision by means of a gravity scheme discharging into two proposed permanent Wastewater Pumping stations, which will in turn discharge into the existing Toodyay gravity wastewater scheme.

Preliminary review with the Water Corporation has indicated that the majority of the proposed development can be gravitated to Toodyay Pump Station B which is located adjacent to the Goomalling-Toodyay Road and the Avon River. It is intended to be a Type 40 pumping station which discharges via a proposed DN150 pressure main to existing gravity sewers within the Toodyay townsite. This will require the pressure main to cross the Goomalling-Toodyay Road Avon River Bridge.

Toodyay Pump Station C will generally provide a sewage outfall to the portion of the proposed development to the east of the Boyagerring Brook. This is also intended to be a Type 40 pumping station, discharging into a proposed DN150 pressure main to existing gravity sewers within the Toodyay townsite.

This Structure Plan is proposed on the basis that all residential lots proposed in the manner shown will be provided with reticulated sewer. This position has been taken by the client given government agency and Shire feedback. This feedback has been provided notwithstanding engineering advice regarding the prohibitive cost of servicing the lots to the extreme west of the project area (those lots the subject of the initial Stage 1 application - WAPC 132135), and environmental advice that those same lots are capable of accommodating Alternative Treatment Units (ATU's) to handle wastewater. Further detailed on-site infiltration testing by RPS Bowman Bishaw Gorham demonstrating infiltration capability is contained within the environmental assessment report comprising Part B. As stated, all lots as proposed are to be sewered.

4.6.4 Water Reticulation

Wood and Grieve engineers has provided the following advice:

The Water Corporation has advised that the water supply for the development will utilise the existing water reticulation network located in the Toodyay townsite. The existing Toodyay gravity scheme is fed from the Toodyay Water Storage Tank which has a top water level of RL216. It is estimated that all areas of the subdivision under RL190 can be served under static head. All subdivision lots are below RL190.

The Water Corporation have advised that a number of existing mains within the Toodyay townsite will be required to be upgraded to ensure adequate pipe capacity to service the proposed development.

The connection to the existing water reticulation mains requires a crossing of the Goomalling-Toodyay Road Avon River Bridge.

4.6.5 Underground Power

Underground power distribution is subject to the final requirements of Western Power though it will be reticulated about the site through a network of high and low voltage power infrastructure. Underground power connections would be provided to all proposed lots, with overhead lines expected to be underground within Drummond Street where it abuts the development. Overhead high voltage power lines are currently situated within the site, adjoining Goomalling Toodyay Road, in Telegraph Road and across the Avon River adjacent to the wooden footbridge used to access the school, and would provide a high voltage connection to the site.

4.6.6 Gas Reticulation

Reticulated gas will not be provided within the subdivision as there are currently no reticulated gas mains that extend to Toodyay.

4.6.7 Telecommunications

Telstra mains and distribution networks exist within the vicinity of the subdivision. It is anticipated that minor offsite trenching will be required to bring Telstra infrastructure to the site.

4.7 STAGING

The planning and development of Lots 3 and 6 are proposed to be undertaken in generally two stages, namely 18 lots adjoining Drummond Road (West) and the balance project area of 357 lots in subsequent stages to the east. The applications for subdivision accompanying this report have been submitted to the WAPC to coincide with this proposed staging. **Figure 9** shows the stage boundaries for land release.

Notwithstanding this, the crossing of Boyagerring Brook will be constructed as part of initial subdivision works, and as part of the first release of lots.

Given the significant demand for affordable residential land in the current housing market the landowner seeks the support of Council to achieve implementation of the project as soon as practicable. Notably the WAPC has actively sought the support of the development industry in this regard to achieve the release of additional residential land to market.

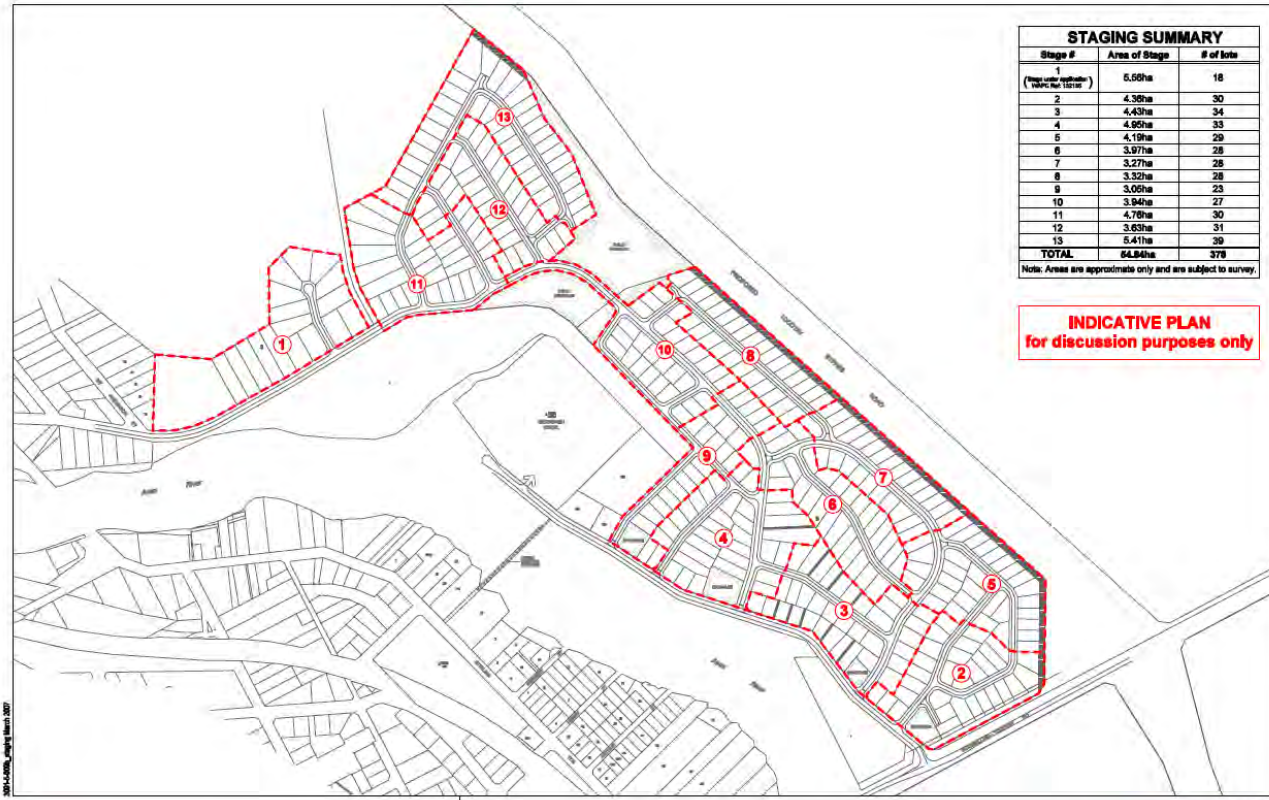


FIGURE 8
PROPOSED STAGING PLAN
 Lot 3 & 6 Goomalling - Toodyay Road
 NUNILE
 koltasz
 TOWN PLANNING - PROJECT MANAGEMENT
 URBAN DESIGN - DEVELOPMENT CONSULTING
 POB: Tel: (81) 946 2222 Email: po@koltasz.com.au

Figure 9 - Proposed Staging Plan

5. IMPLEMENTATION

This report reflects the previous 2001 Structure Plan and subsequent 2006 reports, while recognising the need to address various matters highlighted during discussion on the current applications for subdivision of the land.

The approach is intended to achieve Structure Plan approval to this document and plan as per agreed processing by the Shire of Toodyay and WAPC in relation to DR396 and DR397. The document and accompanying technical reports are intended to provide those assessing with all necessary information to approve or conditionally approve.

Under the provisions of the Urban 6 zone in TPS 1, Clause 3.16.2 requires that development for urban uses be in accordance with a Structure Plan adopted by Council. Similarly, Clause 3.16.5 requires the specific Structure Plan for this land consider traffic noise levels and potential mitigation requirements from the Toodyay Bypass.

The notion of future urban expansion over the subject land has been acknowledged for over 15 years as is evidenced by the existence of Urban 6 zone since 1991. Similarly, subdivision approvals have been granted in 1992 (190 lots) and more recently in 2001 (super lot subdivision).

Given recent discussion regarding Structure Plan material prepared during 2006 and the resolution of previously outstanding matters regarding that document, it is requested that Council endorse this Structure Plan and recommend its similar endorsement by the WAPC at the earliest opportunity.



APPENDIX 5

FOGGATHORPE RESIDENTIAL ESTATE STRUCTURE PLAN: TRAFFIC IMPACT ASSESSMENT



Lot 9011 Drummond Street, Nunile 11

Lot 3 & 6 Goomalling – Toodyay Road, Nunile
Residential Subdivision Plan

Revised Traffic Assessment

Prepared for:
Ironbridge Holdings

March 2007

Prepared by:
TRANSCORE PTY LTD
3 Kimberley Street, West Leederville WA 6007
PO Box 42, Subiaco WA 6904
Telephone (08) 9382 4199
Facsimile (08) 9382 4177

TABLE OF CONTENTS

1.0	INTRODUCTION.....	3
2.0	EXISTING SITUATION AND TRANSPORT NETWORK.....	4
3.0	PROPOSED SITUATION.....	9
3.1	FUTURE ROAD NETWORK	9
3.2	SUBJECT LANDS - LOT 3 & 6 GOOMALLING-TOODYAY ROAD RESIDENTIAL SUBDIVISION.....	10
4.0	TRAFFIC ANALYSIS	11
4.1	PROPOSED RESIDENTIAL SUBDIVISION TRAFFIC GENERATION/DISTRIBUTION..	11
4.2	DRUMMOND STREET EAST/GOOMALLING-TOODYAY ROAD INTERSECTION	15
5.0	STRUCTURE PLAN ROAD NETWORK	19
5.1	ROAD HIERARCHY AND RESERVES.....	19
5.2	INTERSECTION AND LANE TREATMENTS	19
5.3	PEDESTRIAN AND CYCLIST FACILITIES.....	20

1.0 INTRODUCTION

Ironbridge Holdings through Koltasz Smith requested Transcore to undertake a traffic assessment for the Lot 3 & 6 Goomalling-Toodyay Road residential subdivision plan in Nunile. The original traffic assessment was completed in August 2006. The subdivision plan has been subsequently revised and as a result this Revised Traffic Assessment has been undertaken.

The subject site is generally located along the northern side of the Avon River, directly adjacent to the Toodyay townsite. The site has access from Goomalling-Toodyay Road to the south, Drummond Street East to the south-west and Drummond Street to the north-west. The eastern perimeter has been defined by the proposed Toodyay Bypass Road alignment.

During the preparation of the traffic assessment process, Transcore has liaised with the Shire of Toodyay, Main Roads Western Australia, the Department for Planning and Infrastructure, and the Public Transport Authority. Transcore has also worked closely with Koltasz Smith to ensure that the internal movement network and external connectivity within the revised subdivision plan have been accounted for. This plan has been developed with due regard to the *Livable Neighbourhoods* guidelines and principles.

2.0 EXISTING SITUATION AND TRANSPORT NETWORK

The subject site is located adjacent to the Toodyay townsite and approximately 85km north-east of the Perth Central Business District. It is bounded by Mount Anderson to the north, the proposed Toodyay Bypass Road alignment to the east, Goomalling-Toodyay Road to the south and the Avon River to the west. Boyagerring Brook runs through the subject site approximately 1km north of Goomalling-Toodyay Road, creating two sections of the residential subdivision.

The Toodyay District High School is located on the northern end of Drummond Street and currently has an enrolment of 521 students from kindergarten to Year 10. There is a 200m long 1.5m wide footbridge (Avon River footbridge) connecting this end of Drummond Street to the Toodyay Town Centre located on the eastern side of Avon River.

Goomalling-Toodyay Road is a two-lane undivided road with a posted speed of 60 km/hr in the vicinity of the subject site. According to recent counts sourced from Main Roads WA, this road is currently carrying approximately 1,300 vehicles per day. Drummond Street East is a two-lane undivided road with a posted speed of 60 km/hr with a school zone speed limit of 40km/hr in the vicinity of the Toodyay District High School. There are a few residential properties with crossovers on Drummond Street East. It currently carries approximately 600 vehicles per day. The intersection of Drummond Street East/Goomalling-Toodyay Road is currently a Give-way priority controlled intersection. Refer Figure 1. The crash statistics sourced from Main Roads WA showed that over the 5 year period from 2001 to 2005, this intersection has a State crash frequency rank of No. 7462 with only one recorded crash (side-swipe).

Figure 1 – View of Goomalling-Toodyay Road / Drummond Street East intersection looking South



There is no footpath on either side of Goomalling-Toodyay Road and Drummond Street East. However, there is a pedestrian crossing facility and an 85m long 3m wide footpath at the end of Drummond Street East to allow school children to access the Avon River footbridge. Refer Figures 2 - 4.

Figure 2 - View of School Crossing Facility at the northern end of Drummond Street East



Figure 3 - View of Existing Footpath at the northern end of Drummond Street East leading to the Avon River Footbridge



The school car park with angled car bays is located at the end of Drummond Street East and is used for pick-up and drop-off in the form of a clockwise loop-system for ease of circulation.

Figure 4 – View of Existing Avon River Footbridge towards Toodyay District High School from Town Centre



Drummond Street is located on the north-western corner of the proposed development. It is currently a two-lane undivided graded road between its intersection with Telegraph Road and Mount Anderson Street and has no footpath on either side of the road. To the east of Mount Anderson Street, Drummond Street is a gravel road. This road has a speed limit of 50km/hr. Refer Figures 5 and 6. The crash statistics sourced from Main Roads WA showed that over the 5-year period from 2001 to 2005, there have been no recorded crashes at this intersection.

Figure 5 – View of Drummond Street looking towards Telegraph Street



Figure 6 – View of Drummond Street / Mount Anderson Street intersection looking towards West



Telegraph Street is a two-lane undivided road with a posted speed limit of 50km/hr and leads to the Town Centre. There is an existing 2.0m wide footpath on its eastern verge. Figures 7 and 8 illustrate the existing Telegraph Street/Drummond Street intersection.

Figure 7 – View of Telegraph Street looking south from its intersection with Drummond Street



Figure 8 – View of Telegraph Street looking north from its intersection with Drummond Street



There are currently no regular public bus transportation services in the locality. However, the Toodyay District High School has engaged privately operated bus services to pick-up and drop-off school children at the school. There is a Transwest Railway Station located on Anzac Avenue within the Town Centre for regional train commuters.

3.0 PROPOSED SITUATION

3.1 *Future Road Network*

The submission made by the Shire of Toodyay to the Western Australian Planning Commission in relation to the *State Infrastructure Strategy* in 2006 resulted in the development of a series of future population projections for the Shire. The 2001 Census Data identified an existing population base of 4,102 in the Shire, and based on the growth in ABS population figures for 1993 to 2001, the population of the Shire in ten years time has been extrapolated to an estimate of 6,500.

This submission also stated that Toodyay Road is “...the main conduit for persons living in and transporting produce from the Goomalling and Toodyay Shires to access Perth”. As part of the State Government’s lime haul program, six lime haul routes were identified, with one of the priority routes identified to be the southern most route which traversed the Shire of Toodyay via Bindoon Dewars Pool Road and Bindi Bindi Toodyay Road.

The Toodyay Bypass road is now proposed as part of this route and planning and land acquisition has been undertaken. However, due to funding constraints, the construction of the Toodyay Bypass road has not progressed and has not been programmed into the short-term Main Roads Western Australia capital works programme.

Transcore’s liaison with Main Roads Western Australia has indicated that no proposed upgrading works are planned for the section of Goomalling-Toodyay Road near the proposed subdivision.

The recent vehicle counts indicate that Stirling Terrace carried 2,993 vpd in February 2004, and Toodyay Road carried 2,600vpd in June 2001. The Shire is currently working to obtain funding for the upgrading of Stirling Terrace.

Main Roads Western Australia would typically require the land developers of the subdivisions with access off Goomalling-Toodyay Road to fund the costs associated with these necessary intersection access points and/or to fund the required improvements to the boundary road system in order to accommodate the additional traffic generated by the proposed abutting developments.

The planned residential subdivision to the south of Goomalling-Toodyay Road is proposed to entail approximately 600 residential lots and is proposed to have one primary crossover onto Goomalling-Toodyay Road. Main Roads Western Australia has reviewed the plans for this development and has granted conditional preliminary approval for a crossover to be located approximately 150m to the east of Drummond Street East/Goomalling-Toodyay Road intersection, and approximately 100m west of the planned Toodyay Bypass Road.

Main Roads Western Australia has also indicated that roundabout intersection treatments on Goomalling-Toodyay Road, in the vicinity of the planned development, would not be an acceptable traffic control measure as due to the high proportion of heavy vehicle traffic along this priority route.

3.2 Subject Lands - Lot 3 & 6 Goomalling-Toodyay Road Residential Subdivision

According to the information provided by Koltasz Smith Town Planners, the proposed revised residential subdivision development for on Lots 3 & 6 Goomalling-Toodyay Road in Nunile consists of a gross land area of 61.15 hectares and a planned dwelling unit yield of 360 lots. This subdivision would be developed in two stages. Stage 1 is comprised of 19 lots of minimum lot size of 1,500m² and Stage 2 is comprised of 341 lots of average lot sizes ranging between 800m² and 1,500 m²

The revised subdivision plan indicates that the Avon River will divide the subject site into two portions with the northern portion comprising of 100 lots, and the southern portion comprising the balance of 260 lots. The northern and southern portions are proposed to be connected by a road structure over Boyagerring Brook, the north-western area directly accessible to Drummond Street West, and the southern portion directly accessible to Drummond Street East/Goomalling-Toodyay Road.

The existing high school would maintain its primary access to Drummond Street East via the Goomalling-Toodyay Road intersection.

4.0 TRAFFIC ANALYSIS

In order to estimate the traffic that would be generated from the proposed revised residential subdivision, a traffic generation and distribution exercise was undertaken. The aim of this exercise was to establish the traffic on the internal road network and to ensure that the proposed movement network would operate satisfactorily. This assessment has accounted for the new proposed road connection between the north-western and south-eastern areas of the subdivision and has resulted in revised traffic projections based upon the revised subdivision layout, and has considered the potential increase in the existing high school student population over the long term. The assessment has also included an estimate of the traffic anticipated to be generated by the proposed residential subdivision to the south of Goomalling-Toodyay Road.

4.1 Proposed Residential Subdivision Traffic Generation/Distribution

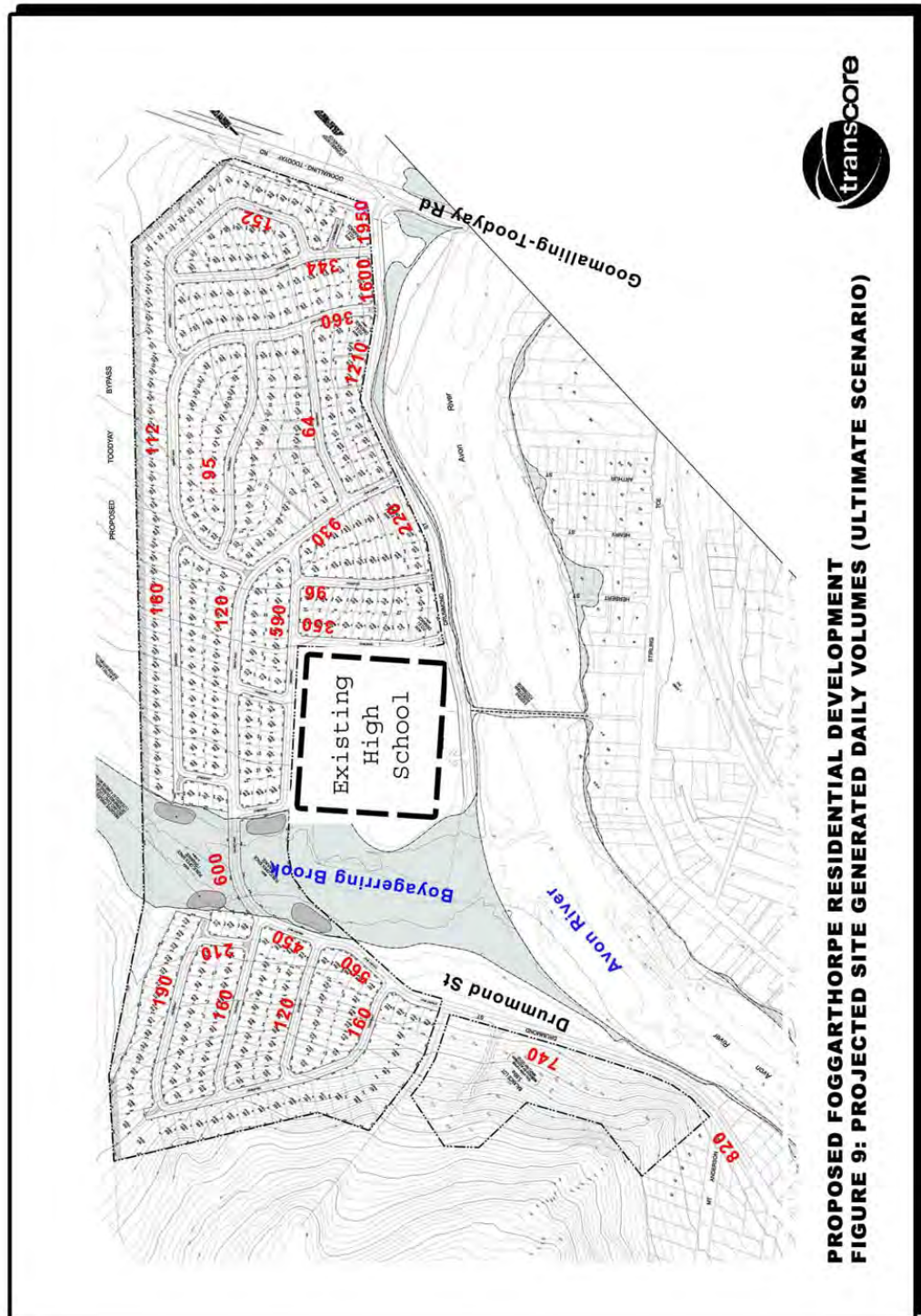
As the peak traffic periods for the residential subdivisions, school and road network would coincide over a typical weekday morning, the morning peak hour has been deemed as the critical peak hour for the purpose of the traffic analysis.

To establish the traffic generation rates for the revised residential subdivision plan, rates were obtained from the "Land Use Traffic Generation Guidelines" (Director-General of Transport South Australia, March 1987)". The northern portion of the residential subdivision with 100 lots would generate 800 daily vehicle trips and 60 peak hour vehicles trips. As the number of peak hour trips generated by the northern portion is relatively low, these trips can be accommodated by not only the Drummond Street/Telegraph Street priority-controlled intersection but also the proposed road connection to the south-east area of the development. The existing sight lines at the Drummond Street West/Telegraph Street intersection is acceptable, as illustrated in Figures 7 and 8. Therefore, the traffic from the northern portion of the subdivision is not anticipated to have any significant impact on the existing operations and traffic safety at this location.

With 260 lots within the revised southern portion of the subdivision, the trips generated are estimated to be 2,080 daily vehicle trips and 156 peak hour vehicle trips. The estimated weekday daily traffic generated from the proposed residential subdivision is shown in Figure 9. A 30%-70% inbound-outbound residential trip ratio was applied for the morning peak period.

The Department of Education and Training (DET) - Midlands District Education Office has advised that Toodyay District High School currently holds approximately 521 students from kindergarten to Year 10, after which education for Years 11 and 12 would be continued at Northam Senior High School. Based on the trip generation rates sourced from the "Trip Generation 7th Edition, Institute of Traffic Engineering" (2003), the existing school is generating approximately 215 trips. A 70%-30% inbound-outbound trip ratio was applied

for the morning peak period, resulting in approximately 150 inbound trips and 65 outbound trips. Although the DET has no immediate plans to increase the school enrolment capacity, the Shire of Toodyay has advised that it is likely that due to the population growth in the Shire, this School's enrolments would be doubled by 2015. This future scenario would be considered as part of the second scenario of the traffic analysis.



**PROPOSED FOGGARTHORPE RESIDENTIAL DEVELOPMENT
FIGURE 9: PROJECTED SITE GENERATED DAILY VOLUMES (ULTIMATE SCENARIO)**

The morning peak trip generation rates for a school were sourced from the “*Trip Generation 7th Edition, Institute of Transportation Engineers*” (2003). Based on these rates, it was determined that the school is generating approximately 845 trips on a typical weekday, with 276 trips (152 inbound and 124 outbound trips) during the morning peak hour. It is assumed that 10% of the school trips originate from the proposed residential subdivision and the balance of the school trips (external school trips) would access the school from Goomalling-Toodyay Road.

Based on the layout and connectivity of the surrounding road network, land uses (full development), and geographical location of the site, the following assumptions were made for the distribution and assignment of the school and subdivision traffic:

- 30% of the external school trips are destined to the east;
- 70% of the external school trips are destined to the west;
- 35% of the external school trips are originating from the east;
- 65% of the external school trips are originating from the west;
- 30% of residential trips are destined to or originate from the east;
- 70% of residential trips are destined to or originate from the west; and,
- The trips from the future residential subdivision located south of Goomalling-Toodyay Road would also be split 30% east/70% west.

4.2 Drummond Street East/Goomalling-Toodyay Road Intersection

In order to establish the traffic operation of the Drummond Street East/Goomalling-Toodyay Road intersection, a capacity analysis using the SIDRA computer package was undertaken. This package is a commonly used intersection-modelling tool by traffic engineers for all types of intersections. SIDRA outputs are presented in the form of Degree of Saturation, Level of Service, Average Delay and 95% Queue. These items are defined as following:

- **Degree of Saturation:** is the ratio of the arrival traffic flow to the capacity of the approach during the same period. The Degree of Saturation ranges from close to zero for varied traffic flow up to one for saturated flow or capacity.
- **Level of Service:** is the qualitative measure describing operational conditions within a traffic stream and the perception by motorists and/or passengers. In general, there are 6 levels of services, designated from A to F, with Level of Service A representing the best operating condition (i.e. free flow) and Level of Service F the worst (i.e. forced or breakdown flow).
- **Average Delay:** is the average of all travel time delays for vehicles through the intersection.
- **95% Queue:** is the queue length below which 95% of all observed queue lengths fall.

The results of the SIDRA analysis for the Drummond Street East/Goomalling-Toodyay Road intersection for the short-term (interim) and 2015 (ultimate) scenarios are detailed in Tables 1 and 2 below respectively. The short-term scenario includes the full-development of both subdivisions north and south of Goomalling-Toodyay Road and the existing school enrolment of 521 students. The 2015 scenario entails the increase of the enrolment figure to an ultimate figure of 1,042 students. It has been assumed that the southbound (Goomalling-Toodyay North) approach will require a localised widening at the approach to Drummond Street to accommodate inbound right-turns destined to the subdivision and to the school.

For both scenarios it was also assumed that the Goomalling-Toodyay Road would remain as a single undivided carriageway, and that Drummond Street East would operate as a single undivided carriageway with a short (50m) segregated left-turn lane. The traffic counts sourced from the Shire showed that in February 2004, a 2.18% of daily vehicles on Stirling Terrace are comprised of heavy vehicles. With the proposed Toodyay Bypass Road and the diversion of these heavy vehicles to Goomalling-Toodyay Road towards Toodyay Bypass Road, it can be expected that this percentage would decrease along Stirling Terrace. For the purpose of a conservative traffic analysis, it has been assumed that 10% of the peak hour traffic volumes in both scenarios would be attributed to heavy vehicles. It has also been assumed that traffic along the Goomalling-Toodyay Road would increase to 6,000vpd by 2015.

Table 1: SIDRA Output – Drummond Street East/Goomalling-Toodyay Road Intersection: Traffic During Critical Morning Peak Hour for Short Term Scenario (Residential Subdivision + Existing School Traffic)

MORNING PEAK HOUR					
Approach	Movement Type	Degree of Saturation	Level of Service	Average Delay (sec)	95 % Queue (m)
Goomalling-Toodyay Road South	L	0.069	A	7.9	0
	T	0.295	A	0	0
Goomalling-Toodyay Road North	T	0.345	A	0.6	2
	R	0.345	A	0.6	2
Drummond Street East	L	0.129	B	10.8	3
	R	0.432	C	17.7	13

T - through lane, - R - right turn lane, - L - left turn lane

Table 2: SIDRA Output – Drummond Street East/Goomalling-Toodyay Road Intersection: Traffic During Critical Morning Peak Hour for 2015 Scenario (Residential Subdivision + Expanded School)

MORNING PEAK HOUR					
Approach	Movement Type	Degree of Saturation	Level of Service	Average Delay (sec)	95 % Queue (m)
Goomalling-Toodyay Road West	L	0.129	A	7.9	0
	T	0.295	A	0	0
Goomalling-Toodyay Road East	T	0.361	A	1.0	3
	R	0.361	A	1.0	3
Drummond Street East	L	0.165	B	11.2	4
	R	0.849	D	29.1	41

T - through lane, - R - right turn lane, - L - left turn lane

The results of the SIDRA analysis indicate that the Drummond Street East/Goomalling-Toodyay Road intersection would operate at acceptable levels of service during the critical morning peak period under both the short term and 2015 scenarios. The levels of delay and queuing, particularly for the Drummond Street East approach, will likely be of a compressed period only during the a.m.

peak hour as a result of the ingress and egress of school traffic through this location and will result in only minimal delays during the a.m. peak hour.

In order to improve safety at this intersection, it is recommended that, a short 3.5m wide rural right-turn auxiliary lane (50m plus 60m taper length) be added to the eastern leg of Goomalling-Toodyay Road intersection so that traffic can bypass a vehicle waiting to turn right into Drummond Street East. This recommendation is in accordance with the AUSTRROADS Rural Road Design: A Guide to the Geometric Design of Rural Roads (2003) and AUSTRROADS Guide To Traffic Engineering Practice: Intersections at Grade (2005). Similarly, a short 3.5m wide left-turn deceleration lane of minimum 95m (including 60m taper length) should be added to the western leg of Goomalling-Toodyay so that left-turning traffic would be able to decelerate and turn left into Drummond Street East without significantly impeding on straight-through traffic. These right-turn auxiliary lane and left turn deceleration lane should be demarcated with the appropriate line marking at the intersection. This concept is detailed in the Transcore sketch number t06.096-sk01a.

The intersection and the crossover entail good sight lines and geometry (which is noted in Figures 10 and 11). As a result, the proposed development of the residential subdivision is not anticipated to undermine traffic safety and traffic operations at the intersection of Goomalling-Toodyay Road and Drummond Street East.

Figure 10 – View of Goomalling-Toodyay Road looking west from its intersection with Drummond Street East



Figure 11 – View of Goomalling-Toodyay Road looking east from its intersection with Drummond Street East



5.0 STRUCTURE PLAN ROAD NETWORK

5.1 *Road Hierarchy and Reserves*

Based on the estimated daily traffic volumes and the anticipated function of the roads within the proposed subdivision, Figure 12 outlines the proposed revised road classifications for the proposed residential subdivision key road network. For this purpose, the road hierarchy defined in the WAPC Liveable Neighbourhoods policy document has been adopted for the subdivision road network. It should be noted that the assignment of these road classifications has been based on the ultimate traffic generated within the residential subdivision including the expanded school.

All of the local roads within the northern portion of the development and most of the roads within the southern portion of the development are designated as Access Street D. In line with the Shire of Toodyay's Subdivisional and Development Guidelines, Access Street D roads would have a 16 metre road reserves. This reservation would typically allow for a 6m carriageway and two 4m verges for street planting with a 2.0m footpath on one side of the street.

The upgraded Drummond Street East is likely to be required to be designed as Access Street C standard. Applying the Shire of Toodyay's Subdivisional and Development Guidelines, this type of roads would have 19m road reservation to cater for both the residential and school traffic. This reservation would typically allow a 7.5m carriageway, a 4m verge and a 4.5 m verge (including a 3.0 m dual use path) on either side, respectively. On street parking along Drummond Street East would not be necessary as the school has sufficient parking within its grounds and an off-site pick-up/drop-off car park system located at the cul-de-sac of Drummond Street East. However, the proposed road reserve would be able to accommodate on-street parking if required.

5.2 *Intersection and Lane Treatments*

All internal intersections of the subdivision area will be basic priority-controlled T-intersections because of the relatively low traffic volumes. The subdivision roads connect with Drummond Street East at four locations along straight sections.

As the traffic volumes along the internal road network is relatively low, any significant local area traffic management would not be necessary. However, to improve traffic operations and safety, it is recommended that perimeter threshold treatments (coloured and/or texture pavement surface that contrasts with adjacent higher-priority street alerting drivers they are entering a local traffic area) be provided at key intersections to delineate priorities. These locations are also shown in Figure 12.

The existing intersection of Telegraph Street/Drummond Street does not have any lane markings, holding lines or a Give-Way sign. It is recommended that with

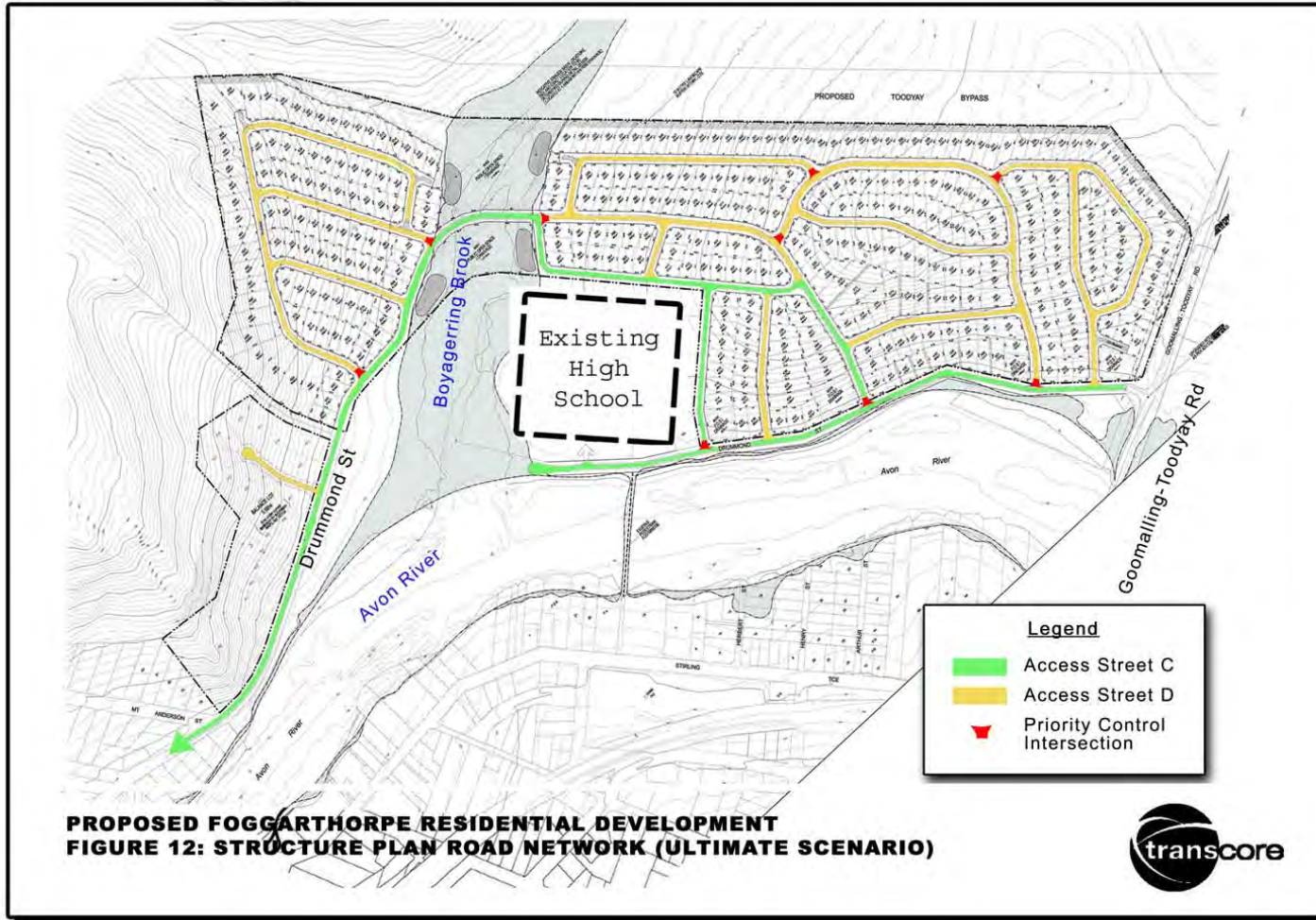
the increasing volume of traffic turning at this intersection, the intersection should be upgraded to include a splitter island, a holding line and a Give-Way sign.

5.3 Pedestrian and Cyclist Facilities

Figure 13 outlines the proposed pedestrian and cyclist network for the proposed revised subdivision. The proposed path system comprises 3.0m Shared Paths for pedestrians and cyclists and 2.0m wide footpaths, as per the Shire of Toodyay's Subdivisional and Development Guidelines. The proposed subdivision road network would also entail as a minimum a 2.0m wide footpath on one side of each road.

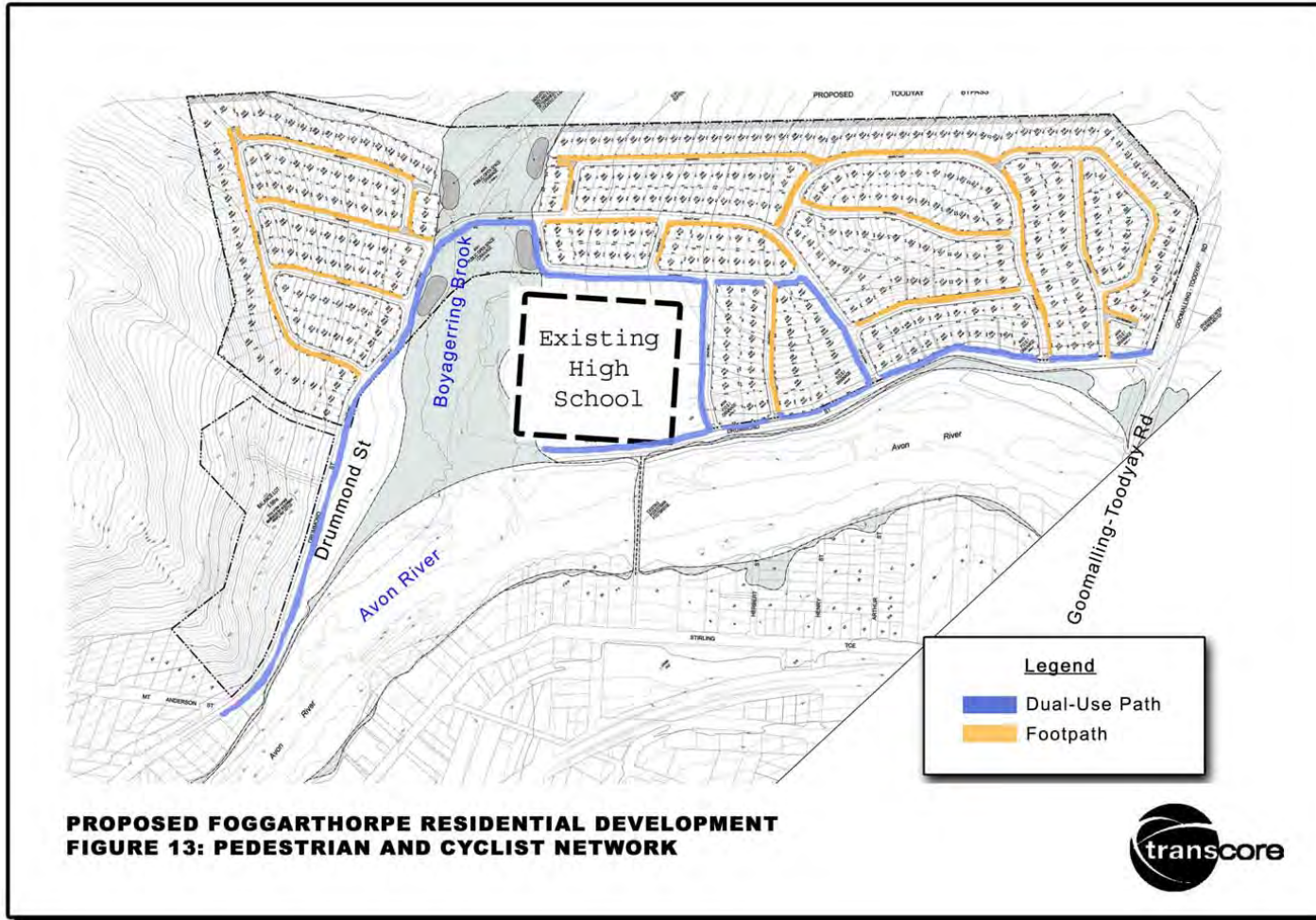
The Shared Path network is designed to provide connectivity between the residential areas and the Public Access Way, the expanded District High School, the pedestrian footbridge at Avon River (towards the Town Centre) and the road bridge entailing pedestrian/cyclist facilities at Boyagginger Brook. As the existing Avon River footbridge is quite old and has a maximum capacity for 250 pedestrians, cyclists should be prohibited from accessing this bridge, and should instead be directed towards the proposed pedestrian/cyclist crossing at Boyagginger Brook. The Shared Path network is designed to provide connectivity through the subdivision, and should traverse the perimeter of the school site so as to minimise the number of road-crossing movements by the school students walking and cycling to and from the school.

t06.096.mw.r03.doc



21


t06.096.mw.r03.doc



22

APPENDIX 6

CERTIFICATE OF TITLE AND DEPOSITED PLAN



Lot 9011 Drummond Street, Nunile 12

WESTERN



AUSTRALIA

REGISTER NUMBER 9507/DP62847	
DUPLICATE EDITION 2	DATE DUPLICATE ISSUED 14/3/2017

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2825** FOLIO **400**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 9507 ON DEPOSITED PLAN 62847

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

AUSTRALIA Q8 PTY LTD OF 26 BROOMFIELD ARCADE CANNING VALE WA 6155
(T N573681) REGISTERED 10/3/2017

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- 1. M472322 EASEMENT TO SHIRE OF TOODYAY FOR ACCESS PURPOSES SEE DEPOSITED PLAN 62847 REGISTERED 25/11/2013.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP62847
PREVIOUS TITLE: 2516-977
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF TOODYAY

LANDGATE COPY OF ORIGINAL NOT TO SCALE 08/11/2022 04:57 PM Request number: 64346068

www.landgate.wa.gov.au
Landgate

AMENDMENTS TABLE			
VERSION	AMENDMENT	AUTHORISED BY	DATE
2	Remove Road and Amend Lot Layout and add new WAPC Number 144729	Stuart Torode	1/4/2010
3	Landgate Audit Requirements	Stuart Torode	01/03/2012
4	FSC & Survey Sheet Added	Landgate	25/10/2013

SPECIAL SURVEY AREA SUBDIVISION

INTERESTS AND NOTIFICATIONS						
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
2	MINERAL RESERVATION	SECTION 15 OF THE PUBLIC WORKS ACT		LOT 8007		
3	EASEMENT	SEC 195 & 196 OF THE LAA VESTS IN THE CROWN UNDER SEC 152 OF THE P. & D. ACT	DOC	LOT 9507	SHIRE OF TOODYAY & THE PUBLIC AT LARGE	
LOT 8007	RESERVE FOR RECREATION		THIS PLAN			

SCALE 1: 2500 @ A2
ALL DISTANCES ARE IN METRES

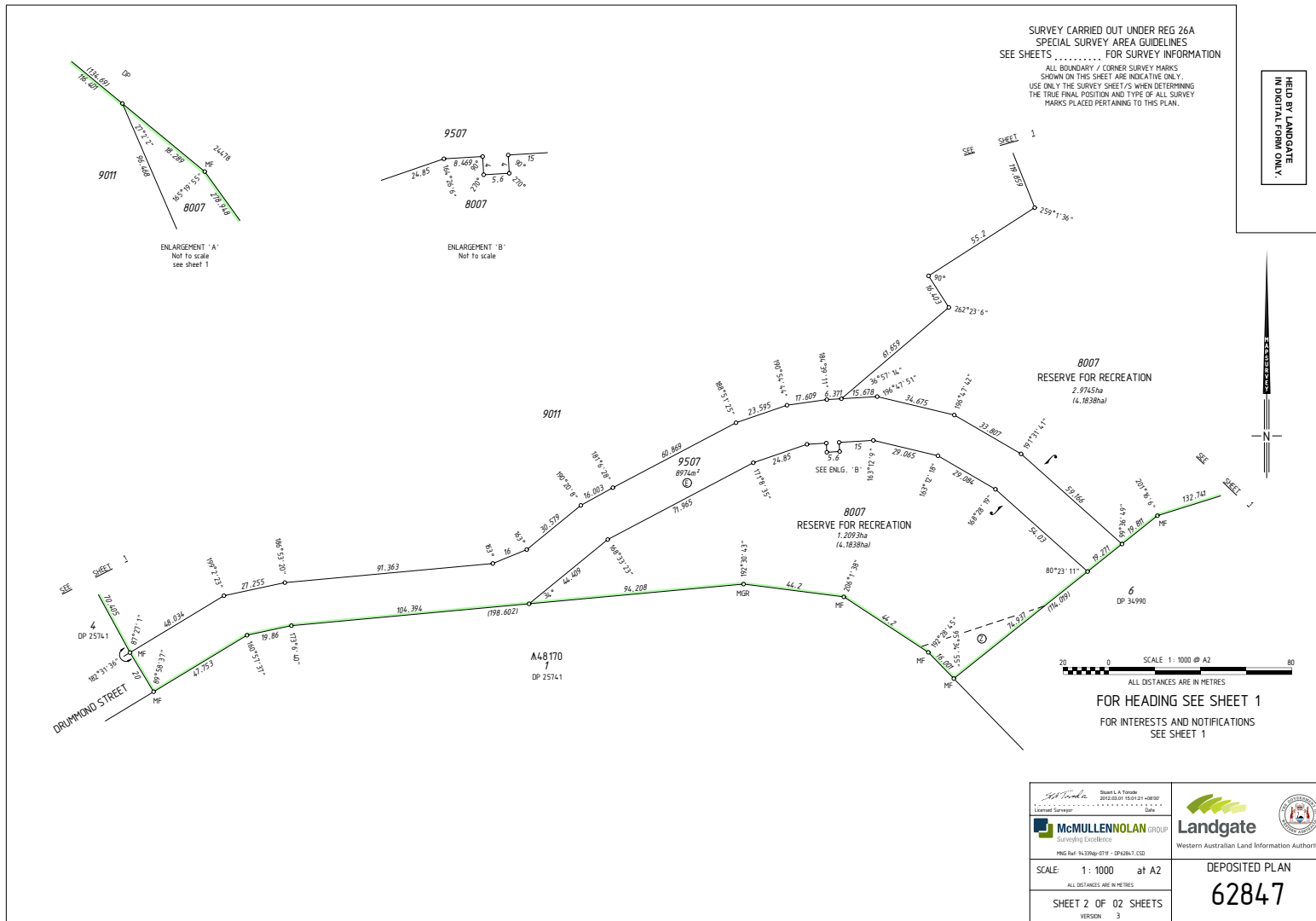
SURVEY CARRIED OUT UNDER REG 26A
SPECIAL SURVEY AREA GUIDELINES
SEE SHEETS FOR SURVEY INFORMATION

ALL BOUNDARY / CORNER SURVEY MARKS SHOWN ON THIS SHEET ARE INDICATIVE ONLY. USE ONLY THE SURVEY SHEET/S WHEN DETERMINING THE TRUE FINAL POSITION AND TYPE OF ALL SURVEY MARKS PLACED PERTAINING TO THIS PLAN.

TYPE		FREEHOLD
PURPOSE		SUBDIVISION
PLAN OF		LOTS 8007, 9010, 9011 AND 9507
DISTRICT	AVON	S.S.A.
TOWNSITE		YES
D.P.I. FILE No.		FORMER TENURE
LOCALITY	MANLE	LOT 3 ON
LOCAL AUTHORITY	SHIRE OF TOODYAY	DP 2574.1 C/7 2516-977
FIELD BOOK	106076	ON INDEX SEE SPATPLAN
SURVEYOR'S CERTIFICATE - Reg 54		
I, Stuart L. TORODE, hereby certify that this plan is accurate and is a correct representation of the "as" survey and/or "to" variations from measurements. I declare it is my professional undertaking for the purposes of this plan and that it complies with the relevant written law in relation to which it is lodged.		
Stuart L Torode 2012.03.01 15:01:15 +0800		Date
McMULLENANOLAN GROUP PO Box 5526, Seefeld WA 6054 Telephone: (08) 9434 1500 Facsimile: (08) 9434 1500 Email: info@mcmlennanolan.com.au		
SCALE: 1: 2500 at A2	MAPS Ref: 94339g-071f	DP62847.CSD
LOGGED DATE: 17-Feb-10	TYPE OF VALIDATION	DATE: 10-Jul-2013
FEES: \$260.00	REGISTRATION	DATE: 25-Oct-2013
6545850	TRIM	DATE: 25-Oct-2013
APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE: 144729		
SUBJECT TO IN ORDER FOR DEALINGS		
APPROVED REG26A (4)		
Landgate Western Australian Land Information Authority		
DEPOSITED PLAN 62847		
SHEET 1 OF 2 SHEETS		
VERSION 3		

LANDGATE COPY OF ORIGINAL NOT TO SCALE 08/11/2022 04:57 PM Request number: 64346068

www.landgate.wa.gov.au

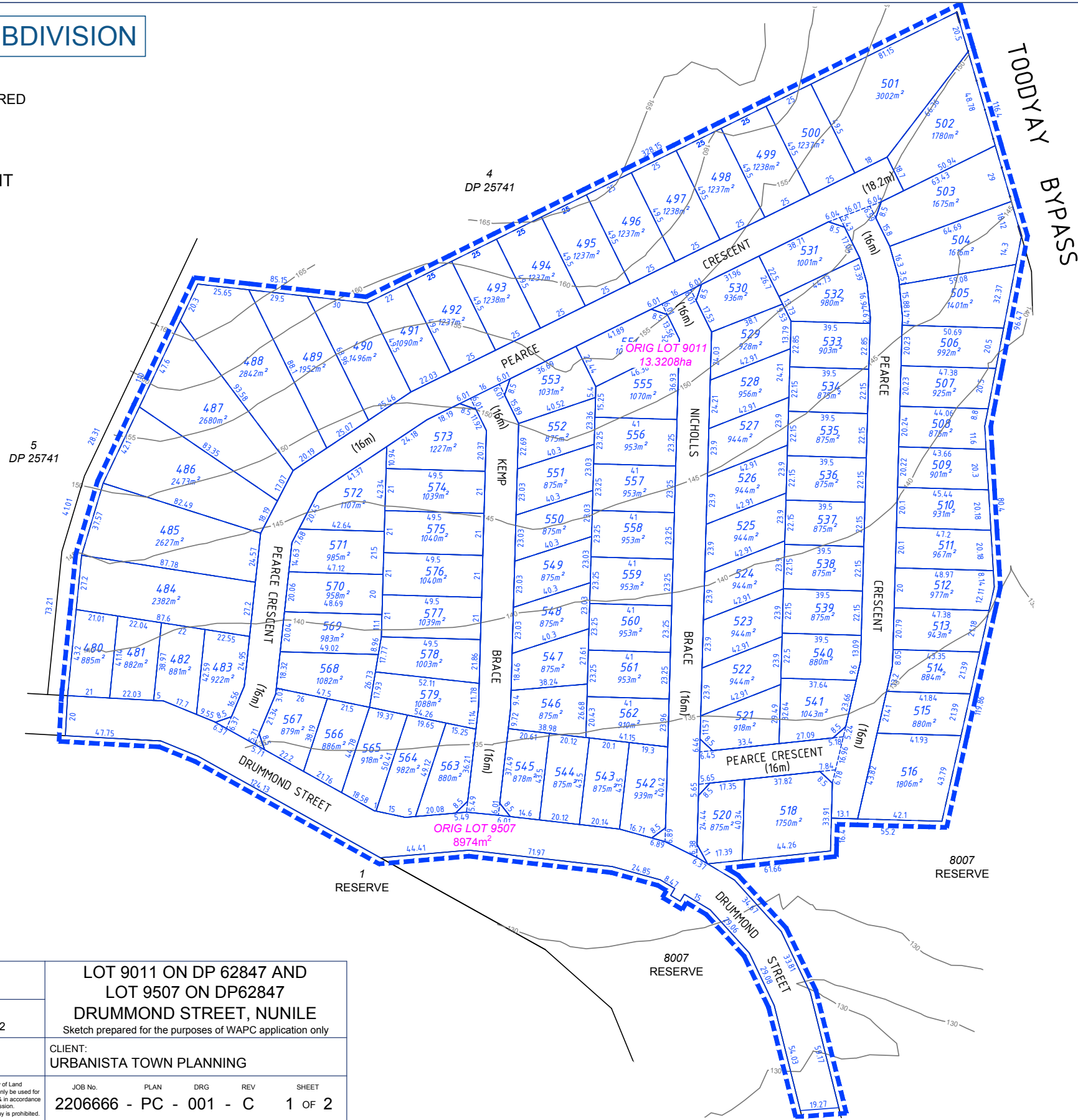


PROPOSED GREEN TITLE SUBDIVISION

THIS WAPC APPLICATION FORMS PART OF AN EXPIRED
CONDITIONAL APPROVAL – REF 152953

NOTE- ALL SUBJECT LOTS ARE VACANT

NO SEWER, WATER, POWER & COMMS
INFORMATION WAS AVAILABLE AT TIME OF
PREPARING THIS SKETCH.



LEGEND

- - - - - SUBJECT BOUNDARY FOR SUBDIVISION
- ORIGINAL BOUNDARY LOTS

REV	DESCRIPTION	DRN	DATE	APP
C	AMALGAMATED LOT 516 & 517 AS NEW LOT 516 AND LOT 518 & 519 AS NEW LOT 518	NN	17/02/23	TH

19 Brennan Way T (08) 9477 4477
Belmont WA 6104 E admin@landsurveys.net.au

www.landsurveys.net.au

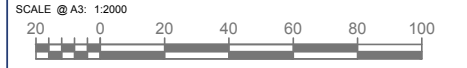
SURVEYED BY:
SURVEYED ON:

DRAWN BY: NN
DRAWN ON: 10/11/22

HOR DATUM:
VERT DATUM:

CLIENT:
URBANISTA TOWN PLANNING

**LOT 9011 ON DP 62847 AND
LOT 9507 ON DP62847
DRUMMOND STREET, NUNILE**
Sketch prepared for the purposes of WAPC application only



This document is & shall remain the property of Land Surveys NPJS Pty Ltd. The document may only be used for the purpose for which it was commissioned & in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited.	JOB No.	PLAN	DRG	REV	SHEET
	2206666 - PC - 001 - C				1 OF 2

C:\12dS\data\12dSynergyServe\2206666-Urbanista Town Planning-Lot 9011 Drummond Street, Toodyay_5892\06 Drafting\061 Cadastral Plans\Preliminary\2206666-PC-001-C.dwg

ORIGINAL LOTS 9011	
GREEN TITLE LOT No.	LOTS AREA (sqm)
480	884.73
481	881.70
482	881.40
483	922.04
484	2382.18
485	2626.52
486	2473.16
487	2680.17
488	2842.32
489	1951.84
490	1496.27
491	1089.81
492	1237.50
493	1237.50
494	1237.50
495	1237.50
496	1237.50
497	1237.50
498	1237.50
499	1237.50
500	1237.50
501	3001.63
502	1779.84
503	1674.66
504	1615.95
505	1400.76
506	992.01
507	924.94
508	875.07
509	900.80
510	931.01
511	966.55
512	977.10
513	943.17

514	884.17
515	879.54
516	1806.11
518	1749.95
520	875.03
521	917.78
522	944.05
523	944.05
524	944.05
525	944.05
526	944.05
527	944.05
528	956.44
529	927.72
530	935.68
531	1000.60
532	979.52
533	902.58
534	874.93
535	874.93
536	874.93
537	874.93
538	874.93
539	874.93
540	879.98
541	1042.93
542	938.76
543	875.20
544	875.22
545	878.47
546	875.00
547	875.33
548	875.14
549	875.14
550	875.14
551	875.14
552	875.05
553	1031.26
554	1054.82
555	1069.58
556	953.25
557	953.25

558	953.25
559	953.25
560	953.25
561	953.25
562	909.93
563	879.91
564	982.48
565	918.42
566	886.01
567	879.23
568	1081.98
569	982.81
570	958.02
571	985.21
572	1107.28
573	1226.66
574	1039.50
575	1039.50
576	1039.50
577	1039.50
578	1003.22
579	1087.93
Pearce Cr	13698.17
Kemp Br	3482.53
Nicholls Br	4527.41
TOTAL	133208

LOT 9507 DRUMMOND STREET	8974.35
-----------------------------	---------



LEGEND

--- SUBJECT BOUNDARY FOR SUBDIVISION

REV	DESCRIPTION	DRN	DATE	APP
C	AMALGAMATED LOT 516 & 517 AS NEW LOT 516 AND LOT 518 & 519 AS NEW LOT 518	NN	17/02/23	TH

Land Surveys
 19 Brennan Way Belmont WA 6104 T (08) 9477 4477 E admin@landsurveys.net.au
 www.landsurveys.net.au
 SCALE @ A3: 1:2000

SURVEYED BY:	
SURVEYED ON:	
DRAWN BY:	NN
DRAWN ON:	10/11/22
HOR DATUM:	
VERT DATUM:	

WAPC SKETCH				
LOT 9011 ON DP 62847 AND LOT 9507 ON DP62847 DRUMMOND STREET, NUNILE				
CLIENT: URBANISTA TOWN PLANNING				
JOB No.	PLAN	DRG	REV	SHEET
2206666	- PC -	001 -	C	2 OF 2

C:\12d\sd\data\12d\SynergyServe\2206666-Urbanista Town Planning-Lot 9011 Drummond Street, Toodyay_5892\06 Drafting\061 Cadastral Plans\Preliminary\2206666-PC-001-C.dwg

Bushfire management plan/Statement addressing the Bushfire Protection Criteria coversheet

Site address:

Site visit: Yes No

Date of site visit (if applicable): Day Month Year

Report author or reviewer:

WA BPAD accreditation level (please circle):

Not accredited Level 1 BAL assessor Level 2 practitioner Level 3 practitioner

If accredited, please provide the following.

BPAD accreditation number: Accreditation expiry: Month Year

Bushfire management plan version number:

Bushfire management plan date: Day Month Year

Client/business name:

	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the bushfire protection criteria elements)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>


	Yes	No
Is the proposal any of the following (see SPP 3.7 for definitions)?		
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input type="checkbox"/>	<input type="checkbox"/>
High risk land-use	<input type="checkbox"/>	<input type="checkbox"/>
Vulnerable land-use	<input type="checkbox"/>	<input type="checkbox"/>
None of the above <input checked="" type="checkbox"/>		

Note: Only if one (or more) of the above answers in the tables is yes should the decision maker (e.g. local government or the WAPC) refer the proposal to DFES for comment.

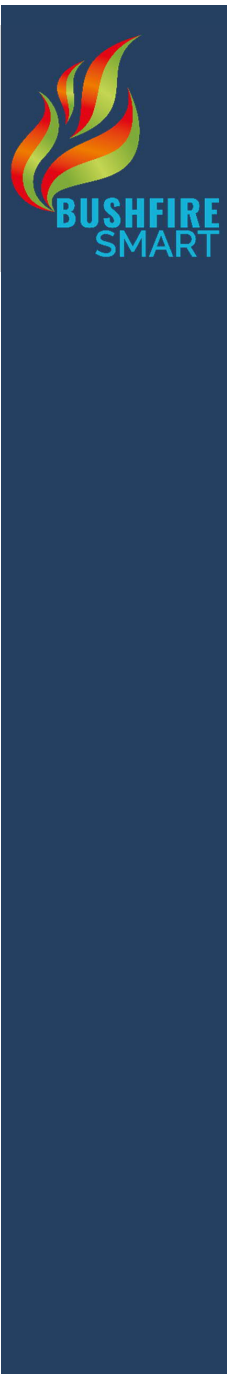
Why has it been given one of the above listed classifications (E.g. Considered vulnerable land-use as the development is for accommodation of the elderly, etc.)?

The information provided within this bushfire management plan to the best of my knowledge is true and correct:

Signature of report author or reviewer



Date



Bushfire Management Plan (Subdivision)

Proposed subdivision at

Lot 9011 Drummond Street, Nunile

Client: Urbanista Town Planning

February 2023

Bushfire Management Plan (Subdivision)



Document Control

Doc name:	Bushfire Management Plan (DA) - Lot 9011 Drummond Street, Nunile				
Version	Date	Author		Reviewer	
1	08.11.22	Nathan Peart	NP	Nathan Peart	NP
	Draft Report issued for client comment.				
2	21.11.22	Nathan Peart	NP	Nathan Peart	NP
	Updated Access and site plan.				
3	17.02.23	Nathan Peart	NP	Nathan Peart	NP
	Updated site layout				

Disclaimer and Limitation

This report is prepared solely for the client, any future landowners of the subject lot and is not for the benefit of any other person and may not be relied upon by any other person. Bushfire Smart accepts no liability or responsibility whatsoever for or in respect of any use or reliance upon this report and its supporting material by any third party.

The mitigation strategies contained in this report are considered to be prudent minimum standards only, based on the writer's experience as well as standards prescribed by relevant authorities. It is expressly stated that Bushfire Smart and the writer do not guarantee that if such standards are complied with or if a property owner exercises prudence, that a building or property will not be damaged or destroyed by bushfire or that lives will not be lost in a bush fire. Fire is an extremely unpredictable force of nature. Changing climatic factors (whether predictable or otherwise) either before or at the time of a fire can also significantly affect the nature of a fire and in a bushfire prone area it is not possible to completely guard against bushfire.

Further, the growth, planting or removal of vegetation; poor maintenance of any fire prevention measures; addition of structures not included in this report; or other activity can and will change the bushfire threat to all properties detailed in the report. Further, the achievement of the level of implementation of fire precautions will depend on the actions of the landowner or occupiers of the land, over which Bushfire Smart has no control.

This report does not negate the need to follow Local government authority requirements for Firebreak and Fuel Hazard Reduction. The client agrees that in submitting this report they approve of and will comply with all requirements detailed.

About the author:

Bushfire Smart has been providing bushfire risk management reports and advise for over 7 years and undertake assessments of planning and land development applications to verify compliance with State Planning Policy 3.7 and associated bushfire regulations.

Nathan Peart is the bushfire lead and has over 20 years' experience in the construction and planning fields. Nathan has completed a Graduate Diploma in Bushfire Protection at the University of Western Sydney, the educational requirement to become a Level 3 Bushfire Planning and Design (BPAD) accredited practitioner.

Nathan is supported by several other team members with varying levels of accreditation.

Bushfire Smart hold Professional Indemnity Insurance to the value of \$2,000,000 which includes cover for bushfire attack level assessments, planning, design and advice services as prescribed in FPA Australia's Bushfire Planning and Design Accreditation Scheme for a BPAD - Level 3 practitioner.

Author/Reviewer		
Nathan Peart	BPAD 38808	
Level 3 Bushfire Planning and Design (BPAD) Accredited Practitioner		
E: BAL@BushfireSmart.com.au	Ph: 9555 9444	

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Executive Summary

The proposal is at Lot 9011 Drummond Street, Nunile, with this BMP created to support a subdivision application for 102 lots.

The proposal is in an area that has been designated as bushfire prone and must therefore comply with State Planning Policy 3.7(SPP3.7). Guidelines for Planning Bushfire Prone Areas Version 1.4 (the Guidelines) has been used to determine the proposals compliance with SPP3.7.

The subject lot has a small amount of native vegetation.

All other lots can achieve a buildable area of BAL 29 or below.

An assessment against the bushfire protection criteria (Appendix Four of the guidelines) is required to be undertaken. The following table summarises the outcome of this assessment.

Table A.1: Summary of assessment against bushfire protection criteria

Element	Acceptable Solution	Compliance Method	Compliance notes.
1: Location	A1.1 Development location	Acceptable Solution	On completion the application will be in an area subject to a moderate bushfire threat.
2: Sitting of development	A2.1 Asset Protection Zone(APZ)	Acceptable Solution	The entire subject lot is to be maintained to APZ requirements.
3: Vehicular Access	A3.1 Public Roads	Acceptable Solution	Public roads are to meet the minimum technical requirements of guidelines.
	A3.2a Multiple access routes	Acceptable Solution	Access is provided in at least two different directions.
	A3.2b Emergency access ways	N/A	
	A3.3 Through-roads	Acceptable Solution	All roads are through-roads.
	A3.4a Perimeter roads	Acceptable Solution	The adjoining classified vegetation is Class G Grassland. Except to lots 516-518 – see below.
	A3.4b Fire service access routes	Acceptable Solution	Access to classified vegetation is via Pearce Crescent.
	A3.5 Battle axes	N/A	
	A3.6 Private driveways	Acceptable Solution	Private driveways can meet the requirements of the guidelines.
4: Water	A4.1 Identification of future water supply	Acceptable Solution	Hydrants provided to comply with Water Corporation's No. 63 Water Reticulation Standard.
	A4.2 Provision of water for firefighting purposes	Acceptable Solution	Hydrants provided to comply with Water Corporation's No. 63 Water Reticulation Standard.

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Compliance with this BMP, and therefore SPP3.7, will require action prior, during and after development. The items requiring implementation include:

- Entire subject lot and all proposed lots to be maintained to the APZ requirements as per this BMP throughout the life of the proposal.
- Roads to be constructed to the standard stated in this BMP.
- Fire service access routes to be constructed and maintained to the standard stated in this BMP.
- Hydrants to be installed to comply with Water Corporation requirements.

The entire report should be read in conjunction with the guidelines to ensure all requirements are understood.

Bushfire Management Plan (Subdivision)



Table of Contents

1.	PROPOSAL AND SITE DETAILS	7
1.1	PROPOSAL DETAILS	7
2.	ENVIRONMENTAL CONSIDERATIONS	9
2.1	NATIVE VEGETATION – MODIFICATION AND CLEARING	9
2.2	REVEGETATION/LANDSCAPE PLAN	10
3.	BUSHFIRE ASSESSMENT	10
3.1	SITE ASSESSMENT	10
3.2	VEGETATION CLASSIFICATION	13
4.	ASSESSMENT AGAINST THE BUSHFIRE PROTECTION	17
	ELEMENT 1: LOCATION	17
	ELEMENT 2: SITING AND DESIGN OF DEVELOPMENT	17
	ELEMENT 3: VEHICULAR ACCESS	19
	ELEMENT 4: WATER	21
5.	IMPLEMENTATION	22
5.1	ACKNOWLEDGEMENT	22
6.	GENERAL REFERENCES	23
7.	ONLINE REFERENCES	23

Table of Figures

Figure 1:	Site Plan	7
Figure 2:	Location Plan	8
Figure 3:	Map of Bushfire Prone Area for Subject Site	8
Figure 4:	Map of Native Vegetation Extents for Subject Site	10
Figure 5:	Vegetation Classification	11
Figure 6:	BAL Contours (Attainable)	12
Figure 7:	Access to reserve	20

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



1. Proposal and Site Details

1.1 Proposal Details

Lot 9011 Drummond Street, Nunile (subject lot) is a 13.3208 ha parcel presently vacant and predominantly grasslands.

The proposal is to subdivide the lot into 98 lots ranging from 874.93m² to 2842.32m².

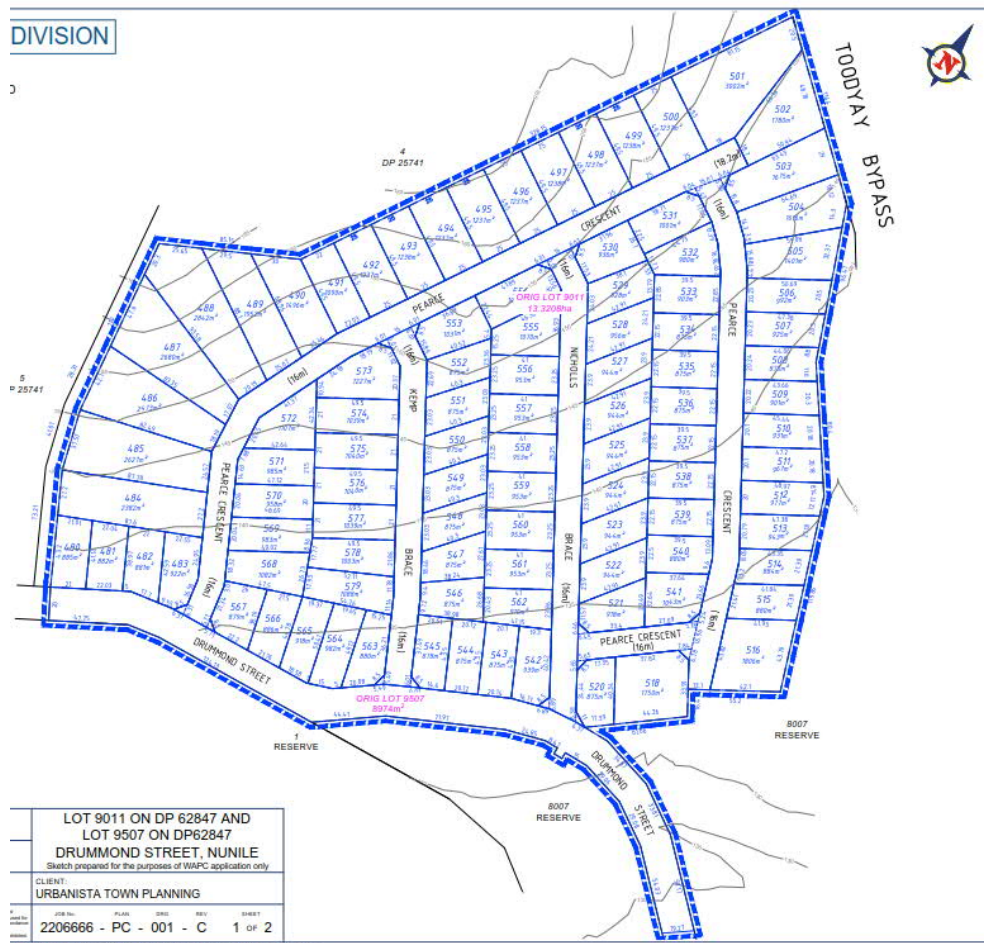


Figure 1: Site Plan

08 9555 9444
BAI@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Figure 2: Location Plan



Figure 3: Map of Bushfire Prone Area for Subject Site

08 9555 9444
BAL@bushfiresmart.com.au
Address: 71 Allnutt Street, Mandurah, 6210
Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



2. Environmental Considerations

In order to identify environmental, biodiversity of conservation values on the subject site, the site has been examined against the following databases as shown in table 2.

Object	Database	Identified	Details
Conservation category wetlands and buffer	DBCA-019/ DBCA-017	No	Site not identified within database.
RAMSAR wetlands	DBCA-010	No	Site not identified within database.
Threatened and priority flora	DBCA-036	No	Site not identified within database.
Threatened and priority fauna	DBCA-037	No	Site not identified within database.
Threatened Ecological Communities	DBCA-038	In the vicinity	Site identified within area – further action required.
Bush Forever areas 2000	DPLH-019	No	Site not identified within database.
Clearing regulations – Environmentally Sensitive Areas	DWER-046	No	Site identified within area – further action required.
Swan Bioplan Regionally Significant Natural Areas 2010	DWER-070	No	Site not identified within database.
Local government biodiversity/planning	-	No	-

Table 1: Assessment against environmental considerations

The subject site is in the vicinity of areas that have been identified by the Department of Biodiversity, Conservation and Attractions (DBCA) as being within a threatened ecological community.

The applicant will need to seek clarification from the appropriate authorities to ensure site is not captured within this classification.

2.1 Native vegetation – modification and clearing.

The site has been checked against the Native Vegetation mapping conducted by the Department of Primary Industries and Regional Development (DPIRD-005). Native vegetation has not been found on the site, as shown in the image below.

The subdivision proposed by this plan may require the clearing of native vegetation. Clearing will be subject to the requirements listed above and will be in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

9 | Page

Bushfire Management Plan (Subdivision)



Figure 4: Map of Native Vegetation Extents for Subject Site

2.2 Revegetation/landscape plan

There are no revegetation or landscaping plans attached to this proposal. However, any future landscaping for the site may need to comply with the APZ requirements of this report.

3 Bushfire Assessment

3.1 Site Assessment

The assessment of this site/development was undertaken on 27 September 2022 by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959-2018 Simplified Procedure (Method 1).

08 9555 9444

BAI@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

10 | Page

Bushfire Management Plan (Subdivision)

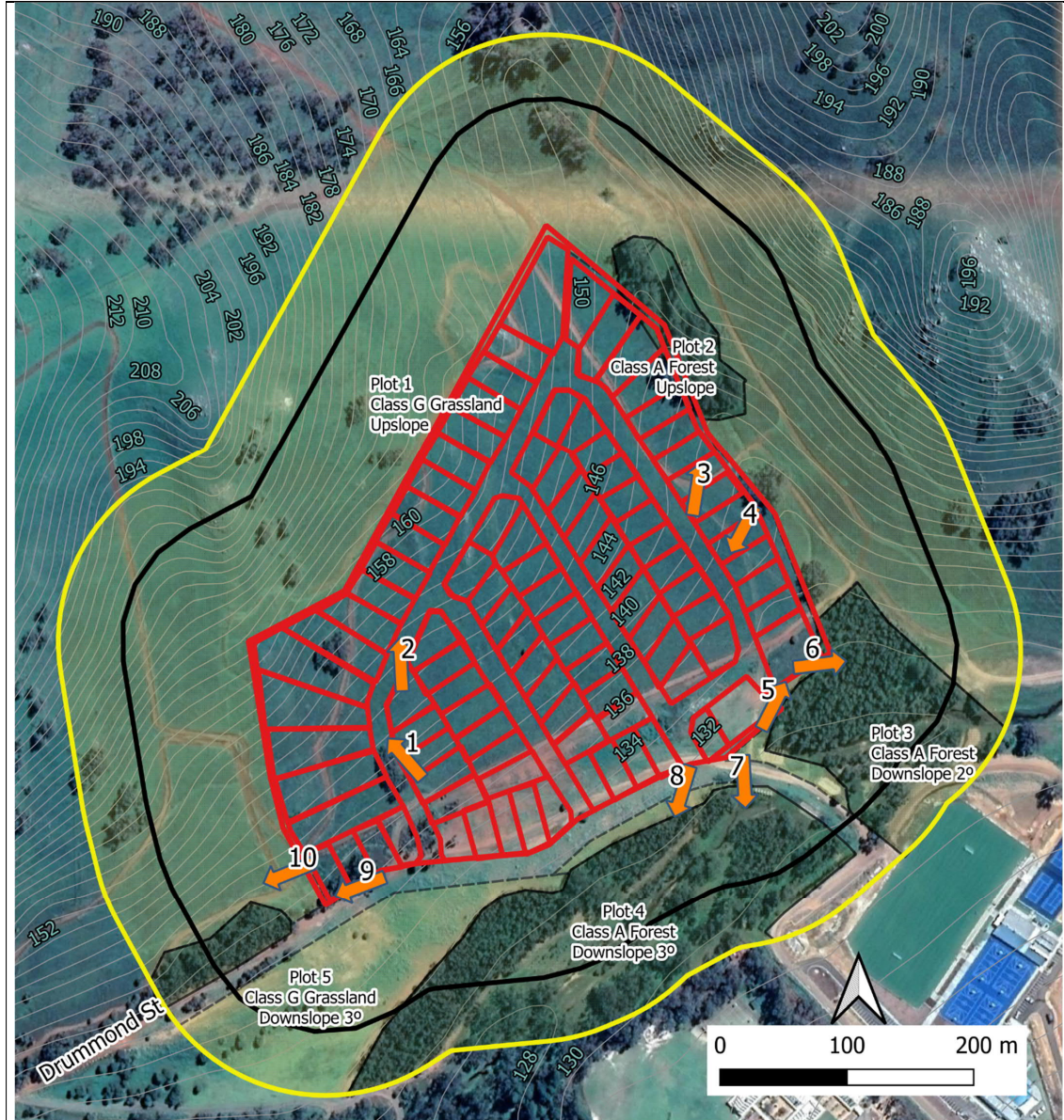


Figure 5: Vegetation Classification	Legend	
Lot 9011 Drummond Street, Nunile	Subject Lot	Class A Forest
Assessment Date: 27 September 2022	150 Metre Line	Class B - Woodland
Prepared by: Nathan Peart	100 Metre Line	Class G - Grassland
Accreditation Level: 3	Excludable	Photos
Accreditation Number: 38808	Class C - Shrubland	Class D - Scrub

08 9555 9444
BAI@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)

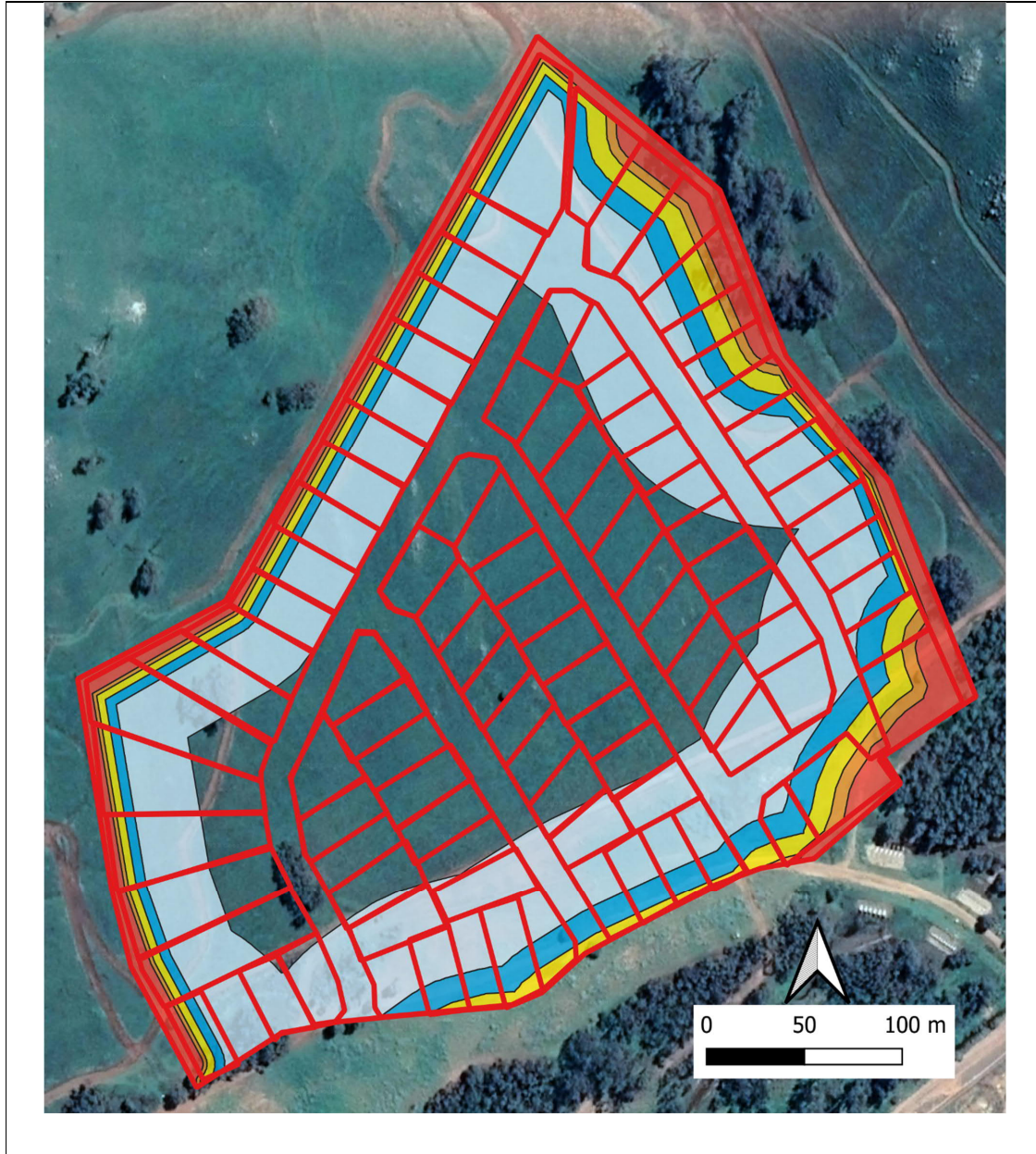


Figure 6: BAL Contours (Attainable)

Lot 9011 Drummond Street, Nunile

Assessment Date: 27 September 2022
 Prepared by: Nathan Peart
 Accreditation Level: 3
 Accreditation Number: 38808

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Legend

Proposed Lot Bdy	150m area assessment	BAL FZ	BAL 19
Site boundary	Photo point	BAL 40	BAL 12.5
100m area assessment	Plot Label	BAL 29	BAL Low
	Plot / Veg Class. & Slope		

Bushfire Management Plan (Subdivision)



3.2 Vegetation Classification

All vegetation within 100m of the site / proposed development was classified in accordance with Clause 2.2.3 of AS 3959-2018. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below.

Plot:	1	Vegetation Classification or Exclusion Clause	Class G Grassland – Open herbfield G-27
Description / Justification for Classification			
Cleared pasture, long grass, with isolated trees, less than 10% foliage cover.			
Photo ID: 1		Photo ID: 2	

Plot:	2	Vegetation Classification or Exclusion Clause	Class A Forest - Low open forest A-04
Description / Justification for Classification			
Small outcrop of trees, foliage cover greater than 30%.			

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Photo ID: 3

Photo ID: 4

Plot: 3 Vegetation Classification or Exclusion Clause Class A Forest - Low open forest A-04

Description / Justification for Classification

Remnant vegetation with trees to 10 metres tall and thick understorey.



Photo ID: 5

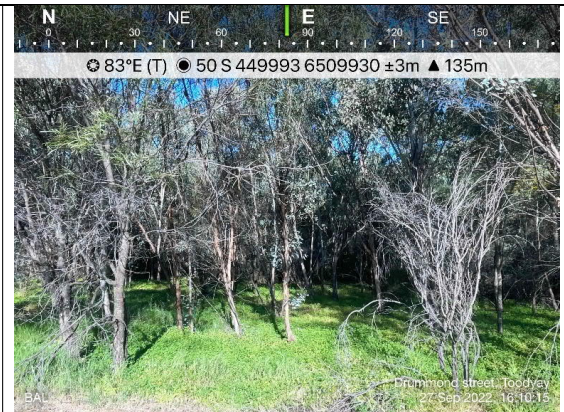


Photo ID: 6

Plot: 4 Vegetation Classification or Exclusion Clause Class A Forest - Low open forest A-04

Description / Justification for Classification

Remnant vegetation with trees to 10 metres tall and thick understorey.



Photo ID: 7



Photo ID: 8

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Plot: 5	Vegetation Classification or Exclusion Clause	Class G Grassland – Open herbfield G-27
Description / Justification for Classification		
Cleared area along road verge, grasses longer than 100 mm, no trees or bushes present.		
Photo ID: 7	Photo ID: 8	

Plot: 6	Vegetation Classification or Exclusion Clause	Class A Forest - Low open forest A-04
Description / Justification for Classification		
Small outcrop of trees, foliage cover greater than 30%.		
Photo ID: 9	Photo ID: 10	

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



All vegetation within 100 metres of the site was classified in accordance with clause 2.2.3 of AS3959-2018.

The Fire Danger Index (FDI) – 80-and table 2.4.3 AS3959-2018 applied.

Potential Bushfire Impacts

The potential bushfire impact to the site / proposed development from each of the identified vegetation plots are identified below.

Plot	Vegetation Classification	Effective Slope
1	Class G Grassland	Flat/Upslope
2	Class A - Forest	Flat/Upslope
3	Class A - Forest	Downslope 2°
4	Class A - Forest	Downslope 3°
5	Class G Grassland	Downslope 3°
6	Class A - Forest	Flat/Upslope

Table 2: BAL Analysis

Lot(s)	Highest BAL Contour	Boundary Offset Required	Modified BAL Contour
480	BAL – FZ	8 metres from Western Boundary	BAL – 29
481-483	BAL – 12.5	N/A	BAL – 12.5
484-501	BAL – FZ	12 Metres from rear boundary	BAL – 19
502-508	BAL – FZ	21 Metres from rear boundary	BAL – 29
509	BAL – FZ	19 Metres from rear boundary	BAL – 29
510-513	BAL – FZ	8 Metres from rear boundary	BAL – 29
514	BAL – FZ	8 Metres from rear boundary	BAL – 29
515-516	BAL – FZ	21 Metres from rear boundary	BAL – 29
518	BAL – FZ	20 Metres from rear boundary	BAL – 29
520	BAL – FZ	7 Metres from rear boundary	BAL – 29
521-522	BAL – 12.5	N/A	BAL – 12.5
523-530	BAL – LOW	N/A	BAL – LOW
531-537	BAL – 12.5	N/A	BAL – 12.5
538	BAL – LOW	N/A	BAL – LOW
539-541	BAL – 12.5	N/A	BAL – 12.5
542-545	BAL – 19	N/A	BAL – 19
546-547	BAL – 12.5	N/A	BAL – 12.5
548-561	BAL – LOW	N/A	BAL – LOW
562	BAL – 12.5	N/A	BAL – 12.5
563-567	BAL – 19	N/A	BAL – 19
568	BAL – 12.5	N/A	BAL – 12.5
569-578	BAL – LOW	N/A	BAL – LOW
579	BAL – 12.5	N/A	BAL – 12.5

Table 3: BAL Analysis with APZ requirements

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

16 | Page

Bushfire Management Plan (Subdivision)



4 Assessment against the Bushfire Protection

An assessment against the bushfire protection criteria (Appendix Four of the guidelines) is required to be undertaken for any strategic planning proposal, subdivision and development application for a site that has or will, on completion, have a bushfire hazard level above 'Low' or a BAL rating above BAL LOW. The following section details the measure to be taken so that this proposal complies with these .

Element 1: Location

Intent:

The intent of this element is to ensure the proposal is located in the least possible risk of bushfire to facilitate the protection of people, property and infrastructure. To satisfy the intent, the proposal is required to be located in an area where the bushfire hazard assessment is or will, on completion, be moderate or low, or a BAL-29 or below, and the risk can be managed.

The development is not considered to be unavoidable.

Proposed bushfire management strategies:

Element 1 will be satisfied using Acceptable Solution A1.1. The proposal is located in an area that on completion, will be in an area that is a moderate bushfire level. All lots can achieve a buildable area with a BAL rating of 29 or below.

Element 2: Siting and design of development

Intent:

The intent of this element is to ensure that the siting and design of development minimises the level of bushfire impact.

Proposed bushfire management strategies:

Element 2 will be satisfied using Acceptable Solution A2.1 Asset Protection Zone (APZ). APZ distances are to be:

The entire subject lot is to be maintained as an APZ throughout the life of the project. The developer must maintain all grass to less than 100mm at all times prior to sale, new owners must maintain their lots into perpetuity.

The APZ is to be managed as per Schedule 1 of the guidelines, extract shown below.

Schedule 1: Standards for asset protection zones (WAPC 2021)

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Object	Requirement
Fences within the APZ	Should be constructed from non-combustible materials (for example, iron, brick, limestone, metal post and wire, or bushfire-resisting timber referenced in Appendix F of AS 3959)
Fine fuel load (Combustible, dead vegetation matter <6 millimetres in thickness)	<ul style="list-style-type: none"> Should be managed and removed on a regular basis to maintain a low threat state. Should be maintained at <2 tonnes per hectare (on average). Mulches should be non-combustible such as stone, gravel or crushed mineral earth or wood mulch >6 millimetres in thickness.
Trees* (>6 metres in height)	<ul style="list-style-type: none"> Trunks at maturity should be a minimum distance of six metres from all elevations of the building. Branches at maturity should not touch or overhang a building or powerline. Lower branches and loose bark should be removed to a height of two metres above the ground and/or surface vegetation. Canopy cover within the APZ should be <15 per cent of the total APZ area. Tree canopies at maturity should be at least five metres apart to avoid forming a continuous canopy. Stands of existing mature trees with interlocking canopies may be treated as an individual canopy provided that the total canopy cover within the APZ will not exceed 15 per cent and are not connected to the tree canopy outside the APZ. <p>Figure 19: Tree canopy cover – ranging from 15 to 70 per cent at maturity</p> <p>The figure consists of three 2x2 grids of circles representing tree canopies. The first grid is labeled '15%' and shows sparse, small circles. The second grid is labeled '30%' and shows a moderate density of circles. The third grid is labeled '70%' and shows a high density of overlapping circles.</p>
Shrub* and scrub* (0.5 metres to six metres in height). Shrub and scrub >6 metres in height are to be treated as trees.	<ul style="list-style-type: none"> Should not be located under trees or within three metres of buildings. Should not be planted in clumps >5 square metres in area. Clumps should be separated from each other and any exposed window or door by at least 10 metres.
Ground covers* (<0.5 metres in height. Ground covers >0.5 metres in height are to be treated as shrubs)	<ul style="list-style-type: none"> Can be planted under trees but must be maintained to remove dead plant material, as prescribed in 'Fine fuel load' above. Can be located within two metres of a structure, but three metres from windows or doors if >100 millimetres in height.
Grass	Grass should be maintained at a height of 100 millimetres or less, at all times. Wherever possible, perennial grasses should be used and well-hydrated with regular application of wetting agents and efficient irrigation
Defendable space	Within three metres of each wall or supporting post of a habitable building, the area is kept free from vegetation, but can include ground covers, grass and non-combustible mulches as prescribed above.
LP Gas Cylinders	<ul style="list-style-type: none"> Should be located on the side of a building furthest from the likely direction of a bushfire or on the side of a building where surrounding classified vegetation is upslope, at least one metre from vulnerable parts of a building. The pressure relief valve should point away from the house. No flammable material within six metres from the front of the valve. Must sit on a firm, level and non-combustible base and be secured to a solid structure.

08 9555 9444
BAL@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



Element 3: Vehicular Access

Intent:

To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event.

Proposed bushfire management strategies:

Element 2 will be satisfied using Acceptable Solutions:

A3.1 Public Roads

The minimum requirements under this acceptable solution are applicable to all proposed and existing public roads.

Public roads are to meet the minimum technical requirements in Table 6, Column 1.

The trafficable (carriageway/pavement) width is to be in accordance with the relevant class of road in the local Government Guidelines for Subdivisional Development (IPWEA Subdivision Guidelines), Liveable Neighbourhoods, Austroad standards and/or any applicable standards for the local government area.

A3.2a Multiple access routes

Public road access is provided in two different directions to at least two different suitable destinations with an all-weather surface (two-way access). Note Drummond Road must comply with the public roads requirements in A3.1 through to Jaratt Pass.

A3.2b Emergency access way

Not applicable

A3.3 Through-roads

All public roads are through roads.

A3.4a Perimeter Roads

The adjoining vegetation is Class G Grassland therefore, a perimeter road is not required however there are two small points where vegetation other than grassland adjoins the lots. See A3.4b for further information.

A3.4b Fire service access route

08 9555 9444

BAI@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



A fire service access route is to provide access for emergency services to classified vegetation for firefighting and fire management purposes.

The current layout allows for emergency services to access the classified vegetation via Pearce Crescent which continues, to abut the reserve, allowing emergency services access to the reserve. Additionally, Drummond Street gives access to the reserve from the west.

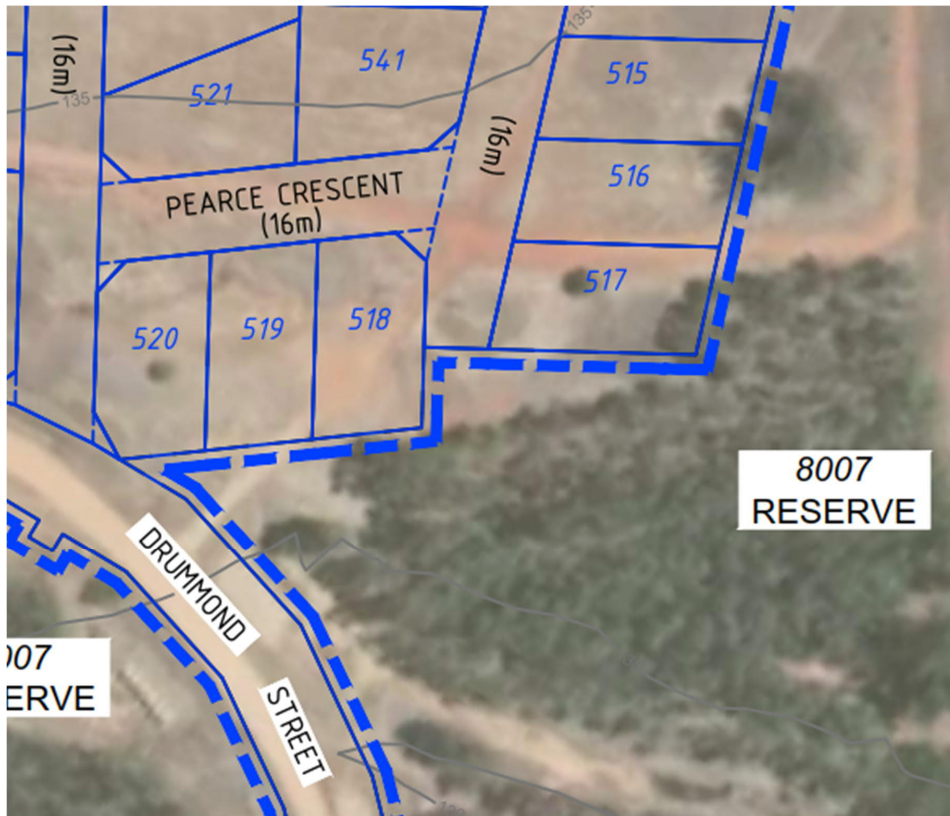


Figure 7: Access to reserve

08 9555 9444
BAI@bushfiresmart.com.au
 Address: 71 Allnutt Street, Mandurah, 6210
 Postal: PO Box 4160, Mandurah North, WA, 6210

Bushfire Management Plan (Subdivision)



A3.5 Battle-axe access legs

There are no battle-axe legs in this proposal.

A3.5 Private Driveways

The proposal is within a reticulated area, speed limit on the road is 70km/h or less and all driveways are 70 metres long or less. Therefore, there are no requirements.

Element 4: Water

Intent:

To ensure that water is available to enable people, property and infrastructure to be defended from bushfire.

Proposed bushfire management strategies:

Element 4 will be satisfied using Acceptable Solutions:

A4.1 Identification of future water supply

Water supply will be through a reticulated water supply as detailed in A4.2

A4.1 Provision of water for firefighting purposes

Water supply will be through a reticulated water with hydrant connections provided in accordance with Water Corporation's No. 63 Water Reticulation Standard.

A plan showing hydrant location by an appropriate professional must be created and form part of the approval.

08 9555 9444

BAI@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

21 | Page

Bushfire Management Plan (Subdivision)



5 Implementation

The following tables set out the responsibilities of the developer(s), landowner(s) and local government for the initial implementation and ongoing maintenance associated with this proposal.

Management Action	Timing
Proponent/Landowner	
Establish the entire lots to the Asset Protection Zone (APZ) standard stated in this BMP	Prior to issue of titles
Establish vehicular access routes to the required surface condition and clearances	Prior to issue of titles
Install hydrant connections in accordance with Water Corporation's No. 63 Water Reticulation Standard.	Prior to issue of titles
Developer/Occupants	
Maintain vehicular access routes to the required surface condition and clearances	Ongoing
Maintain all lots to the Asset Protection Zone (APZ) standard stated in this BMP	Ongoing
Shire of Toodyay	
Maintain vehicular access routes to the required surface condition and clearances	Ongoing

5.1 Acknowledgement

Acknowledgement - Proponent

The proponent acknowledges the responsibilities as listed above and the requirement to ensure that should the land transfer to a new owner, that the new owner is aware of the BMP and their ongoing responsibility.

08 9555 9444

BAI@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

22 | Page

Bushfire Management Plan (Subdivision)



6 General References

WA Department of Planning 2016, Visual Guide for bushfire risk assessment in Western Australia

Standards Australia 2009, AS 3959-2018 Construction of buildings in bushfire-prone areas, Sydney

Western Australian Planning Commission (WAPC) 2015, State Planning Policy 3.7 Planning in Bushfire Prone Areas, Western Australian Planning Commission, Perth, Perth

Western Australian Planning Commission and (WAPC) 2021, Guidelines for Planning in Bushfire Prone Areas Version 1.4, Western Australia

7 Online references

Office of Bushfire Risk management (OBRM) 2017, Map of Bush Fire Prone Areas, Viewed September 22, <
<https://maps.slip.wa.gov.au/landgate/bushfireprone/>>

Office of Bushfire Risk Management (OBRM), Bushfire Risk Management (BRM) Plan Guidelines, Viewed September 22.

WA Local Government Association (WALGA), Environmental Planning Tool, Viewed September 22, <
pbp.walga.asn.au/Tools/EnvironmentalPlanningTool.html>

08 9555 9444

BAL@bushfiresmart.com.au

Address: 71 Allnutt Street, Mandurah, 6210

Postal: PO Box 4160, Mandurah North, WA, 6210

TOODYAY PUMPS

Additional details pertaining to Application for expansion of business at 55 Railway Road, Toodyay WA 6566.

Re: Proposal for expansion of business activities at 55 Railway Road, Toodyay WA 6566 known as Toodyay Pumps to include Mechanical Repairs.

It is our intention to expand into light mechanical work and light fabrication (exhaust systems)

This will entail using all existing equipment at the workshop i.e. car hoist, lathe and welder.

Proposed operating hours will be Monday – Friday 8am – 5pm & Saturday 8am – 1pm

This will involve 1 extra person to operate.

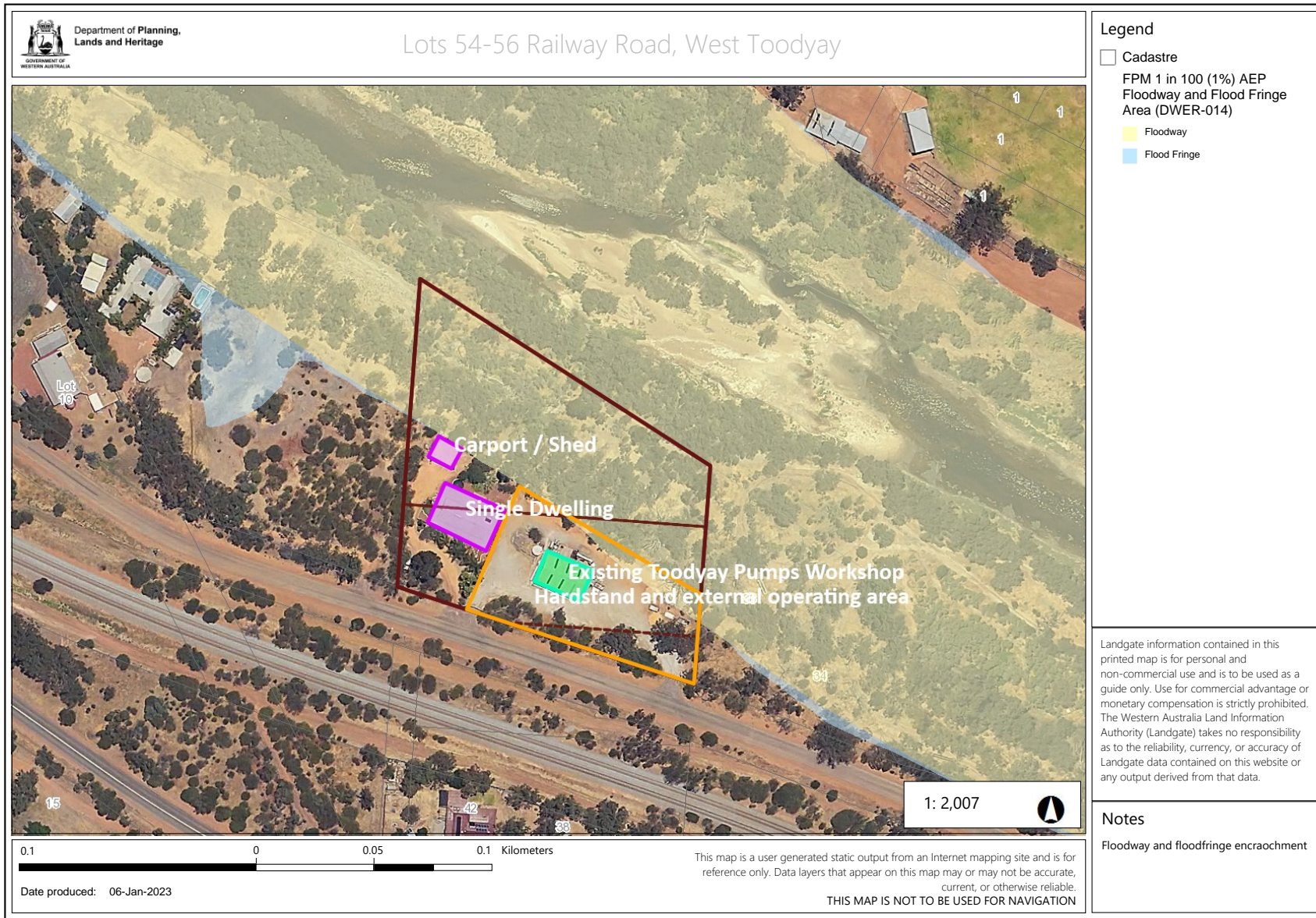
Ample parking on site and there will be no significant increase in traffic.

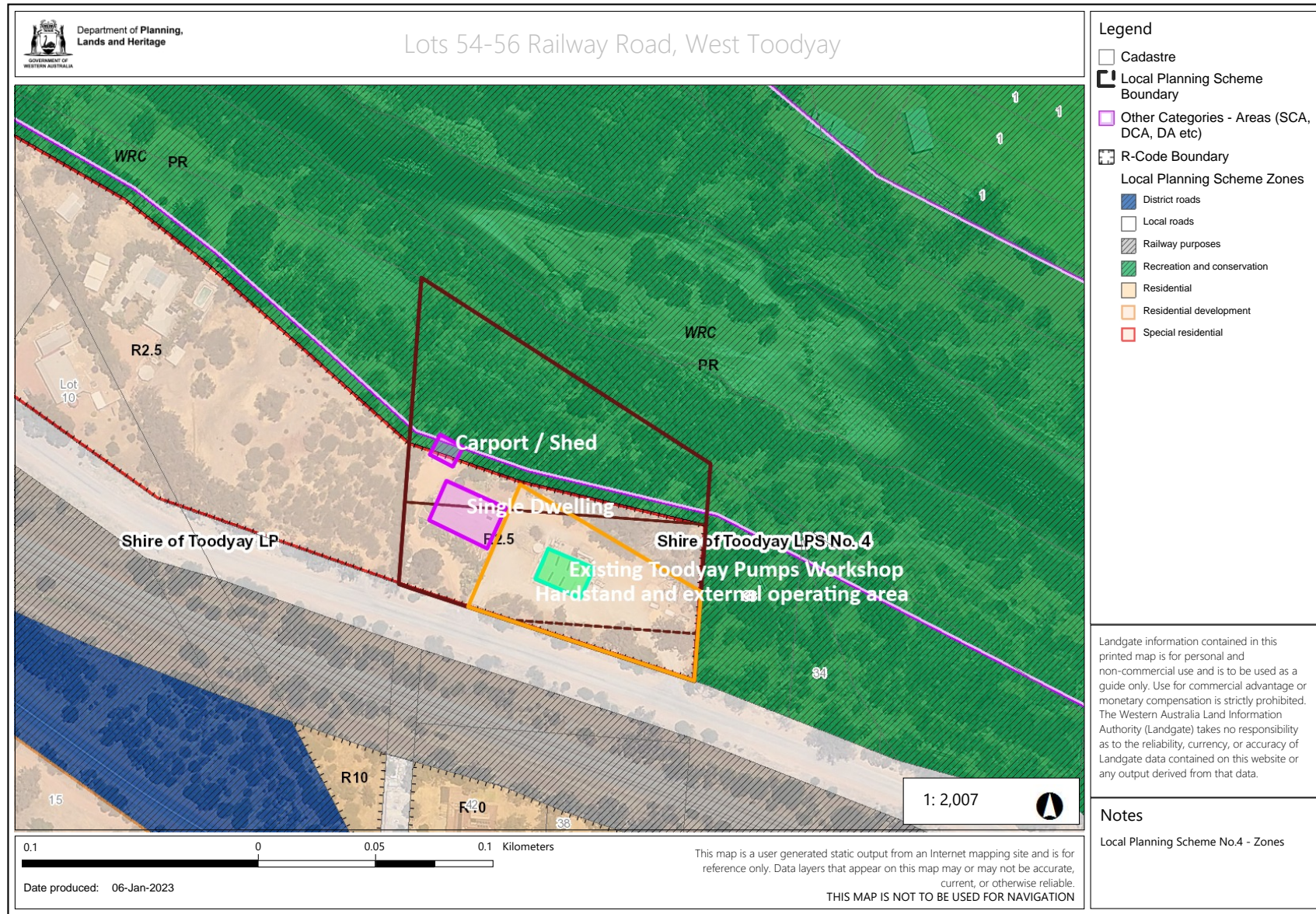
Thank you for your consideration.

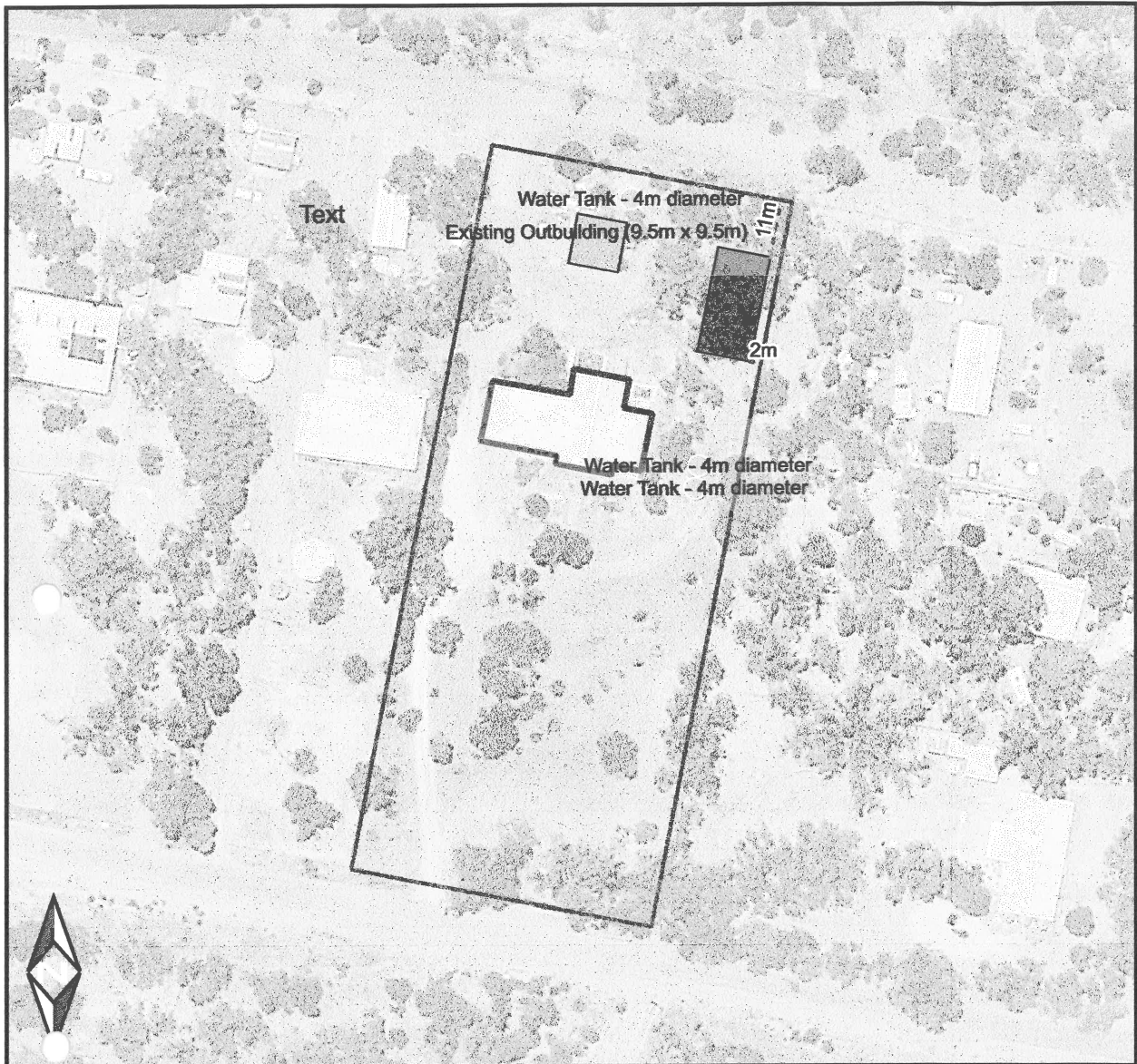


P - parking









0 10 20 30 40 50 60 70 m









LOT 122 TOODYAY WEST ROAD
WEST TOODYAY

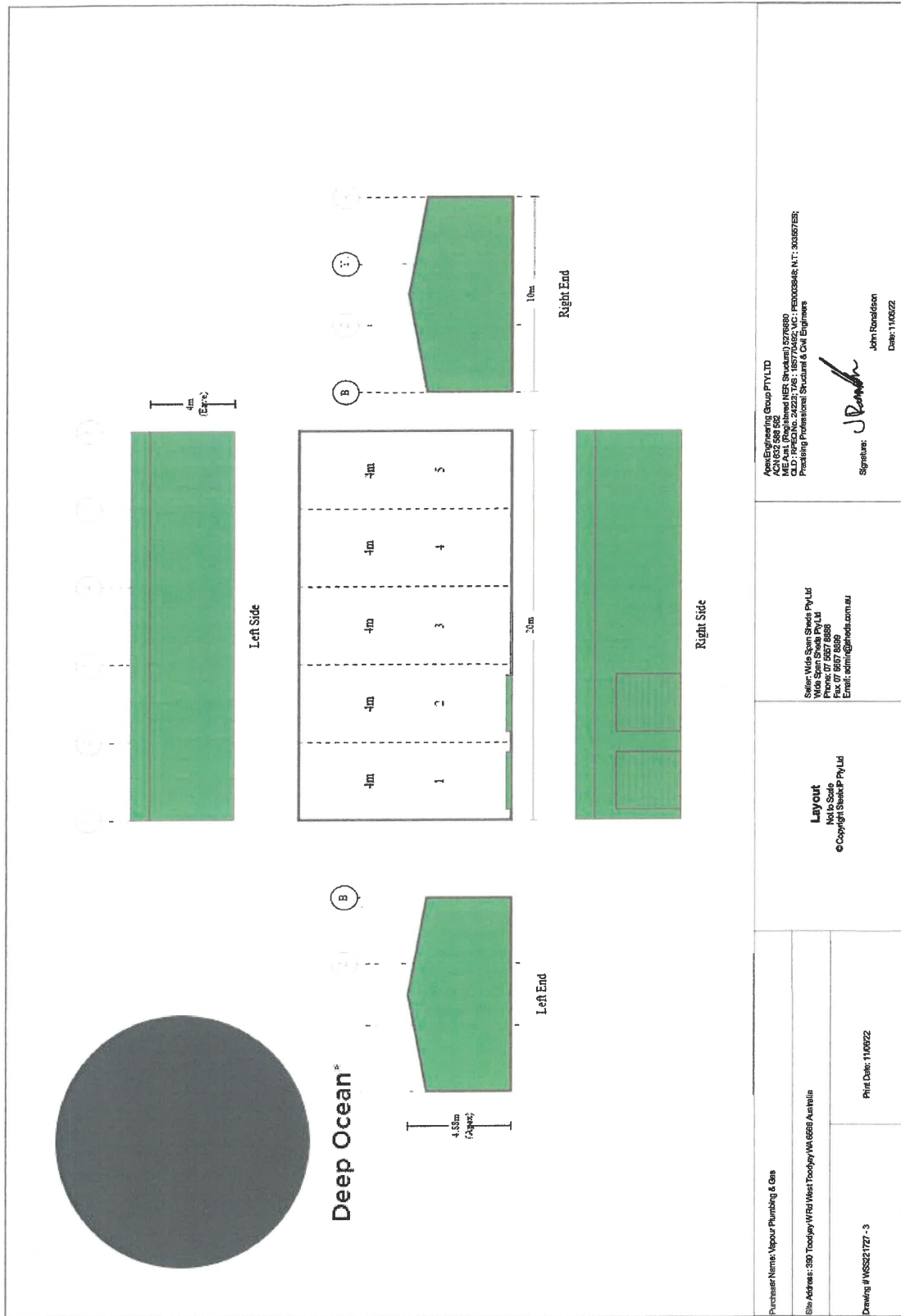
PROPOSED OUTBUILDING

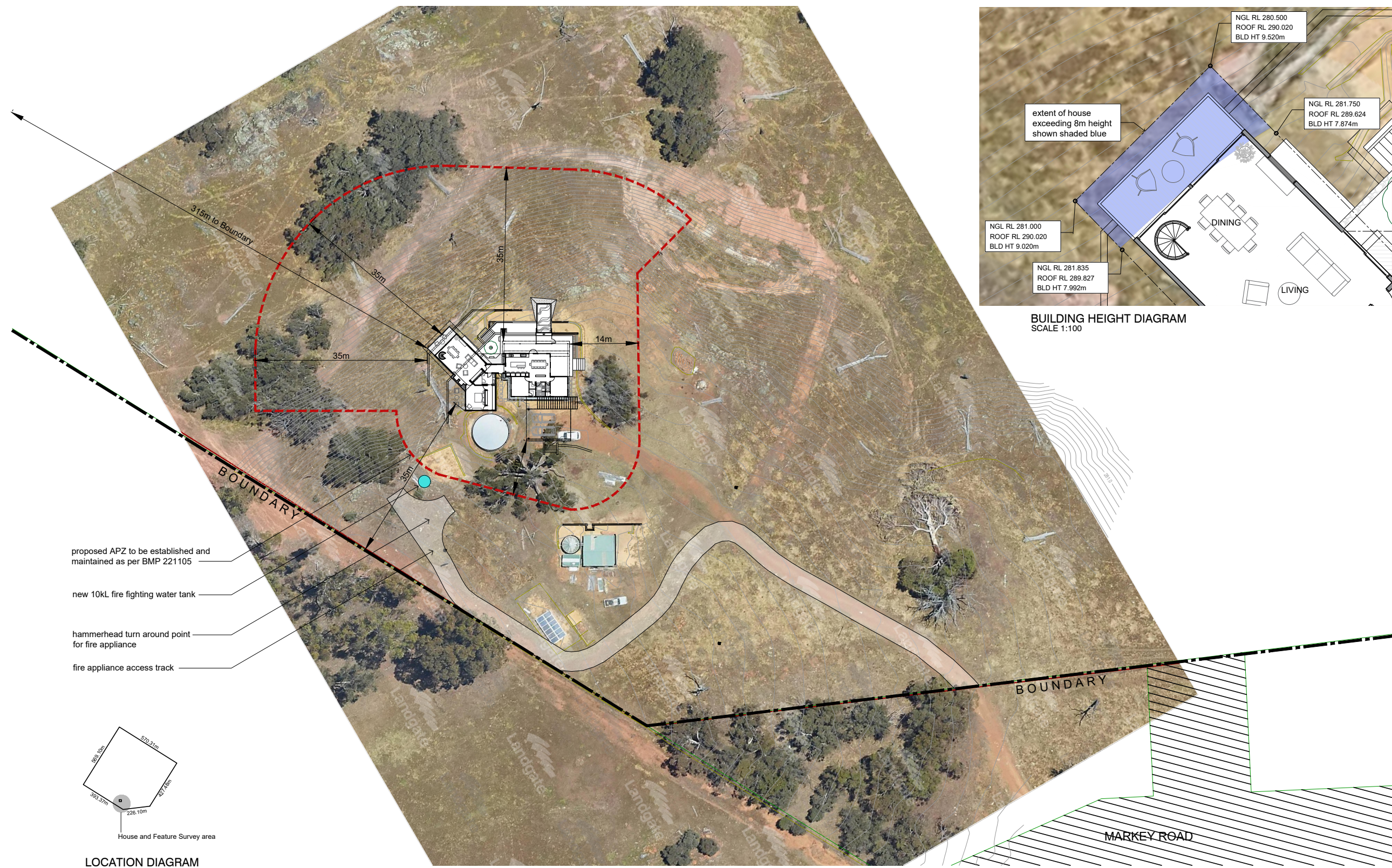
20M X 10M

APPLICANT: B.JENKINS

Legend

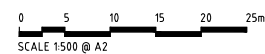
-  Lot 122 Toodyay West Road
-  Existing Outbuilding
-  Water Tanks
-  Proposed Outbuilding
-  Lot 122 Toodyay West Road - Existing House
-  Existing Dwelling





Revision 1. 3/01/2023

DANCKERT FARMHOUSE
LOT 394 MARKEY ROAD, TOODYAY

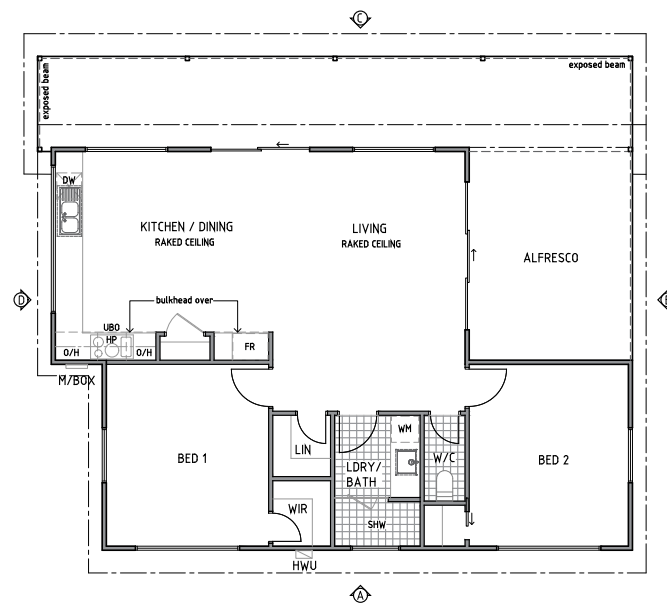


SITE PLAN

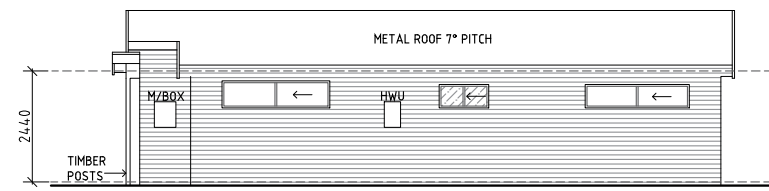
Jan 2023
Job 221010
Scale 1:500 @ A2

LYONS
ARCHITECTS
Copyright belongs to Lyons Architects Holdings Pty Ltd

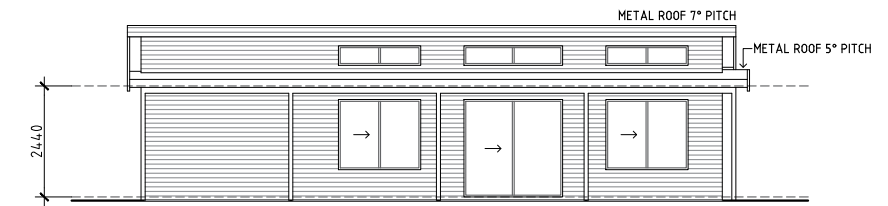
Sheet
SK01



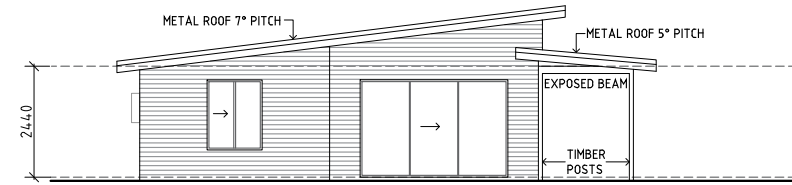
EXISTING PLAN
1:100



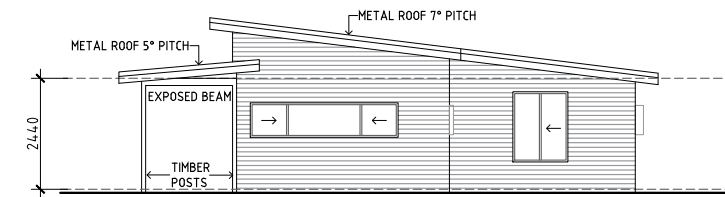
ELEVATION A
1:100



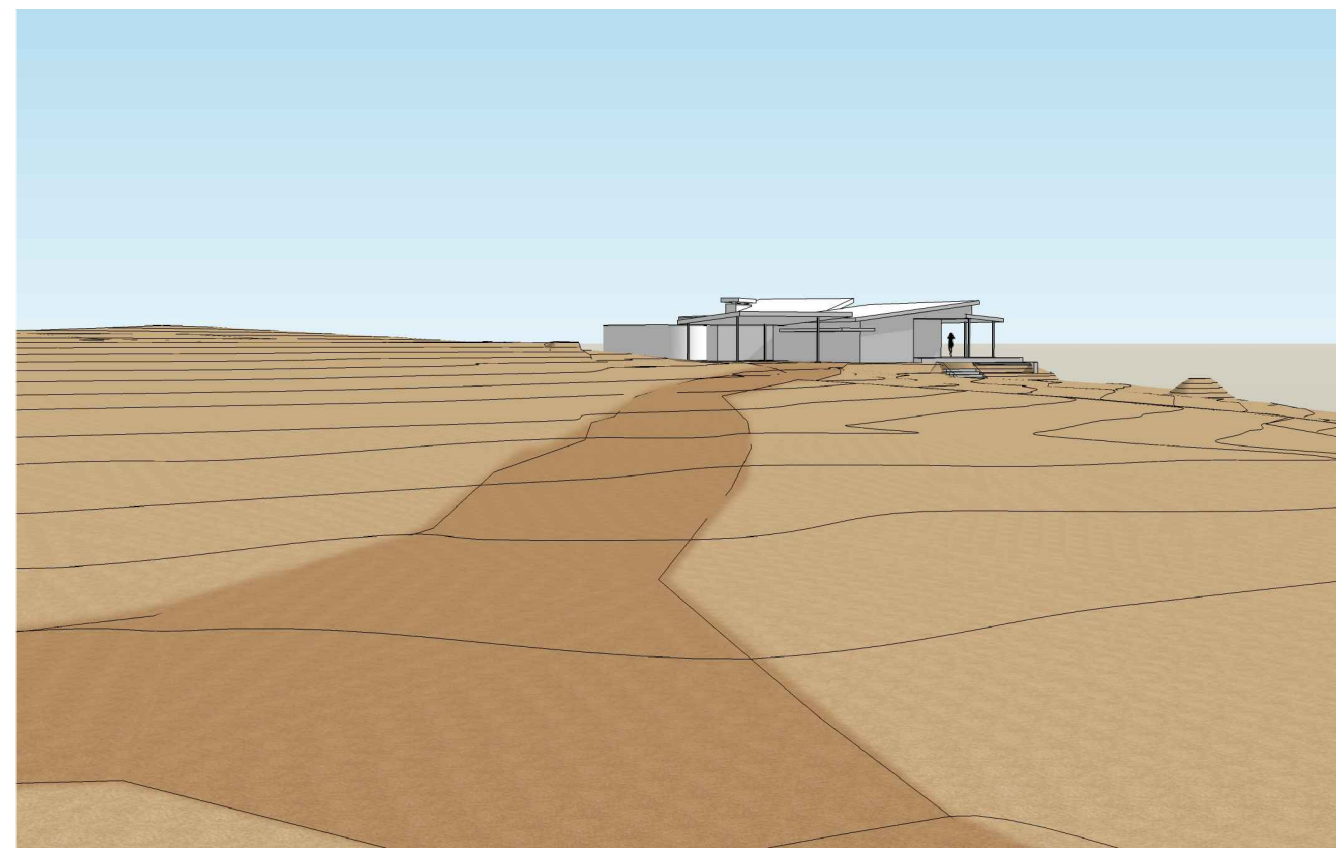
ELEVATION C
1:100



ELEVATION B
1:100



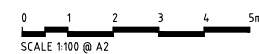
ELEVATION D
1:100



PROPOSED 3D VIEW - VIEW FROM MARKEY ROAD
NTS

Revision 1. 3/01/2023

DANCKERT FARMHOUSE
LOT 394 MARKEY ROAD, TOODYAY

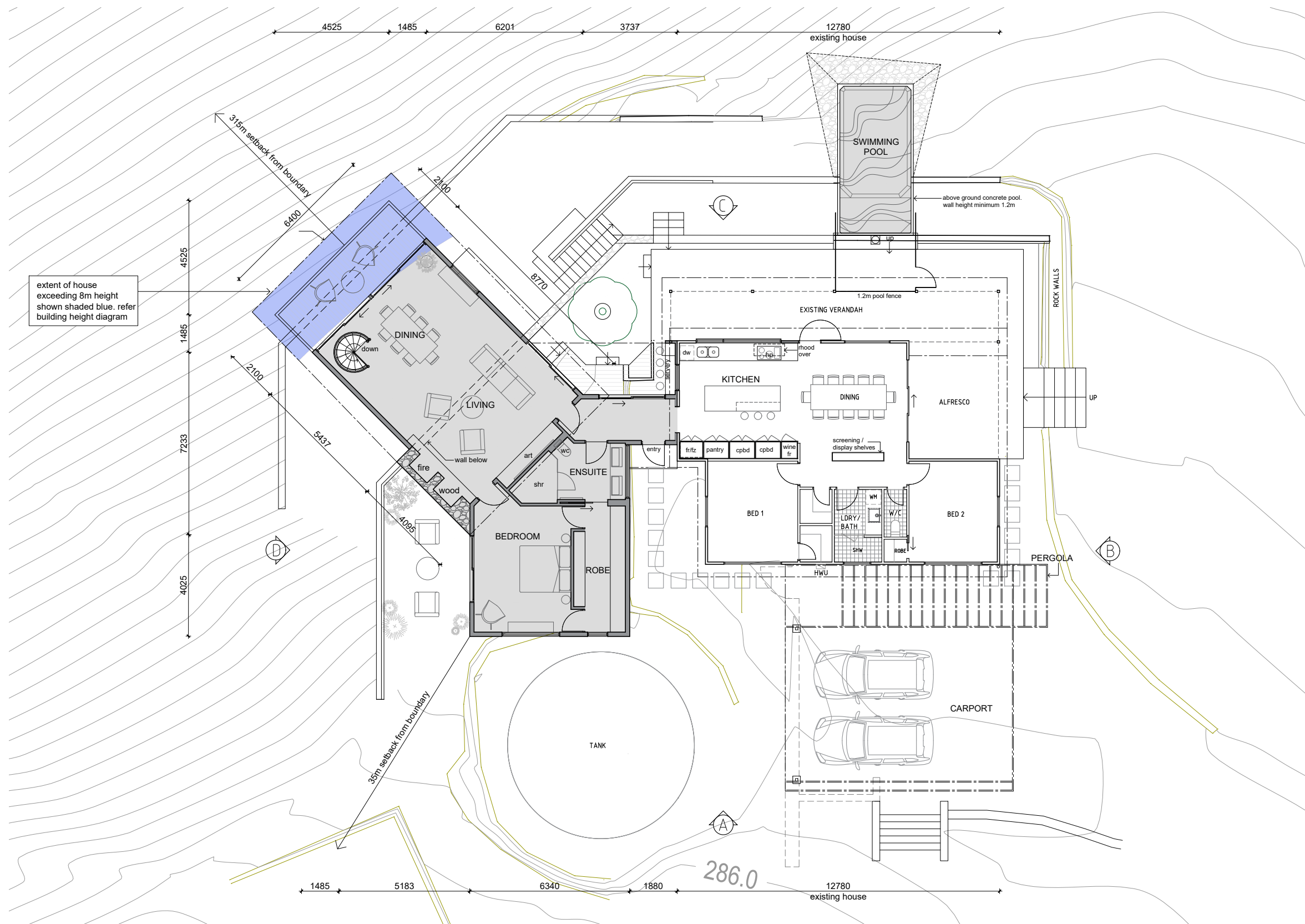


EXISTING FLOOR PLAN, EXISTING ELEVATIONS & 3D VIEW


Jan 2023
Job 221010
Scale 1:100 @ A2

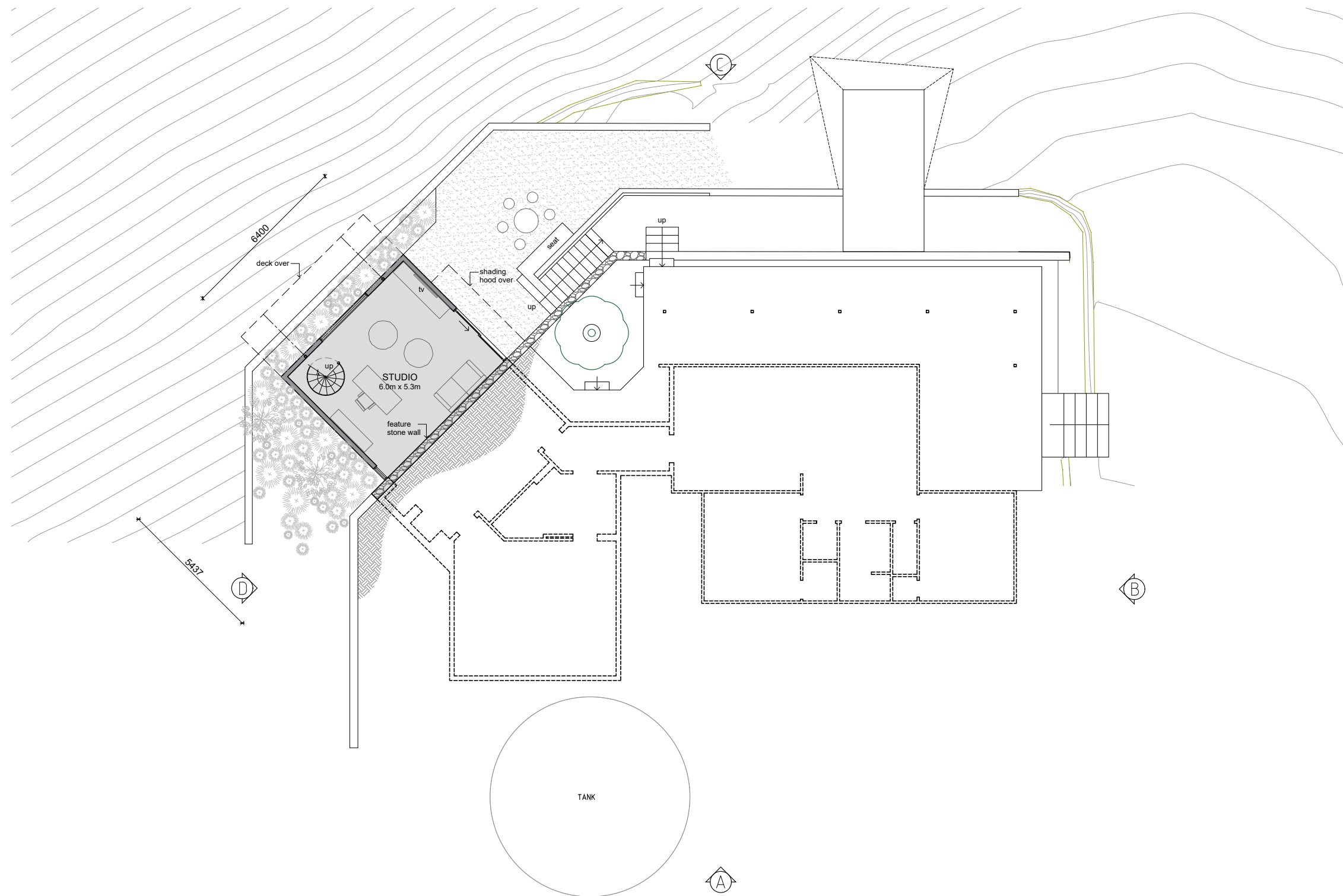
LYONS
ARCHITECTS
Copyright belongs to Lyons Architects Holdings Pty Ltd

Sheet
SK02



Revision 1. 3/01/2023

<p>DANCKERT FARMHOUSE LOT 394 MARKEY ROAD, TOODYAY</p>	 <p>SCALE 1:100 @ A2</p>	<p>PROPOSED GROUND FLOOR PLAN</p>	<p>Jan 2023 Job 221010 Scale 1:100 @ A2</p> <p>LYONS ARCHITECTS</p> <p><small>Copyright belongs to Lyons Architects Holdings Pty Ltd</small></p> <p>Sheet SK03</p>
--	--	-----------------------------------	--



LEGEND
 █ new wall

Revision 1. 3/01/2023

DANCKERT FARMHOUSE
 LOT 394 MARKEY ROAD, TOODYAY

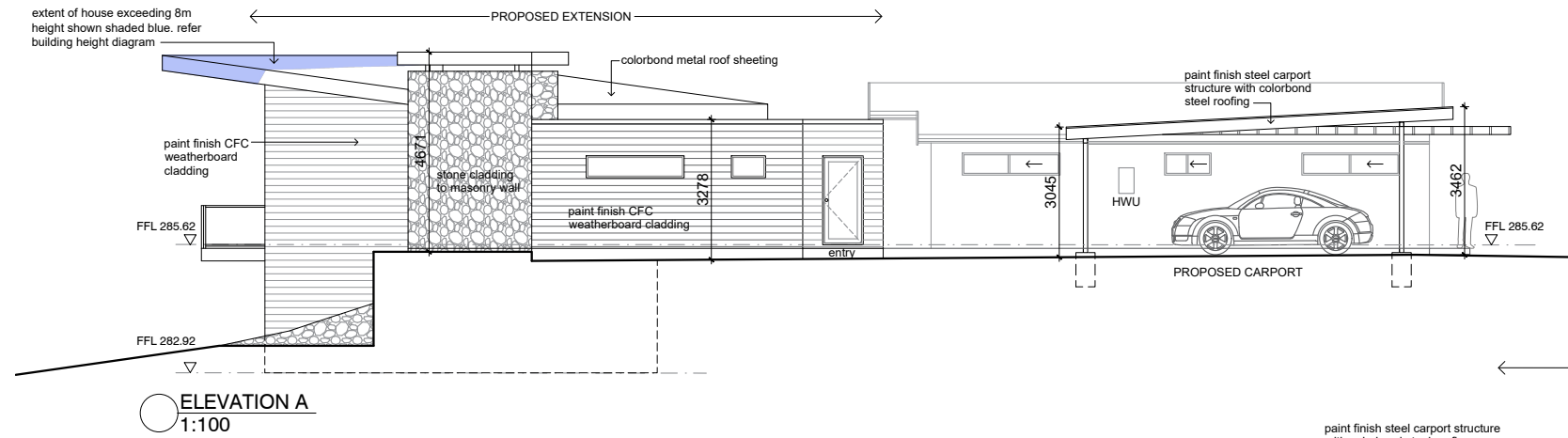


PROPOSED UNDERCROFT FLOOR PLAN

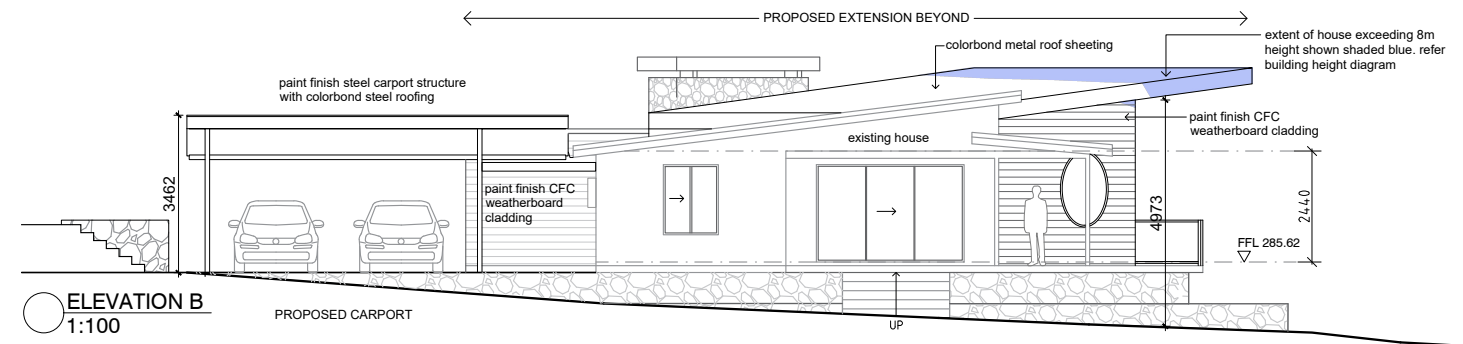
Jan 2023
 Job 221010
 Scale 1:100 @A2

LYONS
 ARCHITECTS
Copyright belongs to Lyons Architects Holdings Pty Ltd

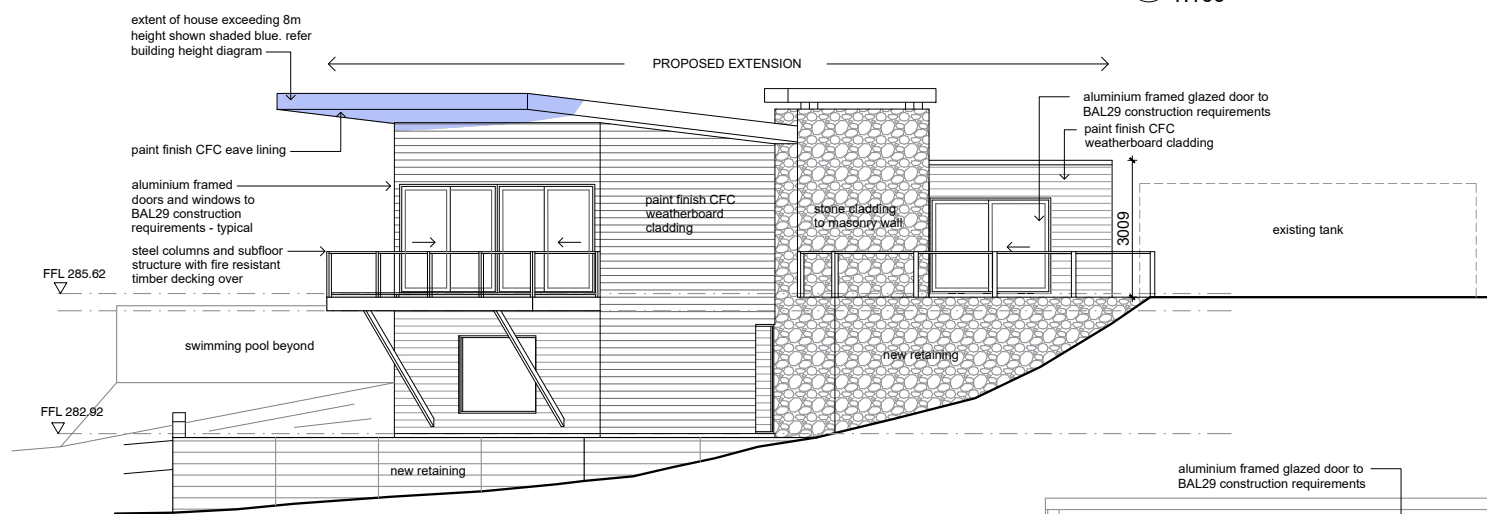
Sheet
SK04



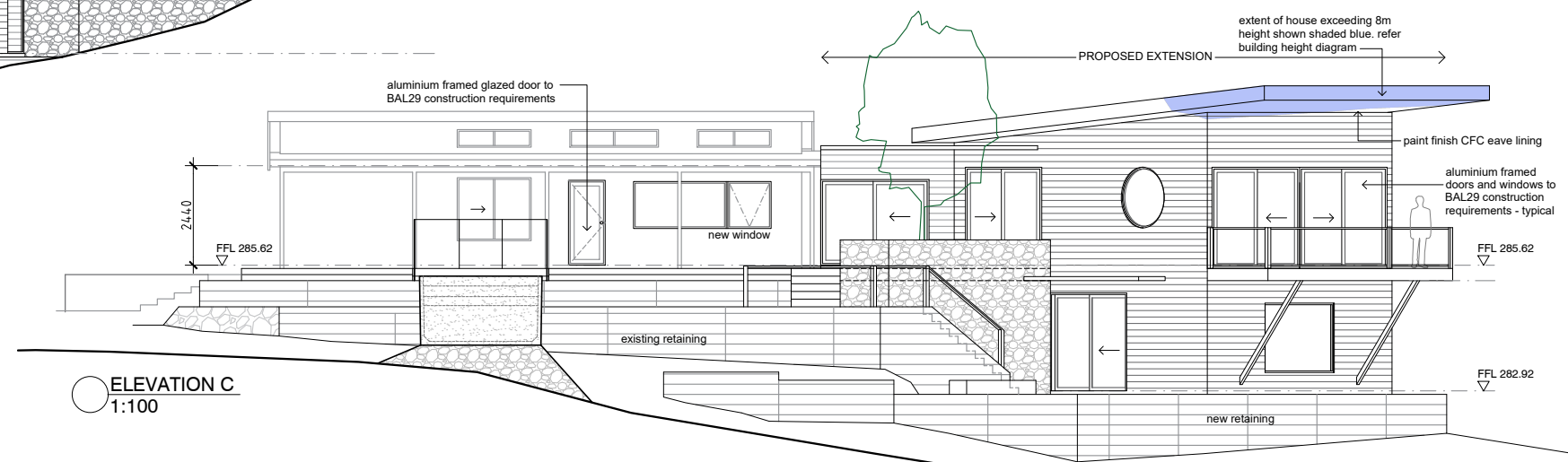
ELEVATION A
1:100



ELEVATION B
1:100



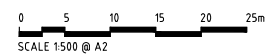
ELEVATION D
1:100



ELEVATION C
1:100

Revision 1. 3/01/2023

DANCKERT FARMHOUSE
LOT 394 MARKEY ROAD, TOODYAY



PROPOSED ELEVATIONS

Jan 2023
Job 221010
Scale 1:100 @A2

LYONS
ARCHITECTS
Copyright belongs to Lyons Architects Holdings Pty Ltd

Sheet
SK05



Shire of Toodyay
PO Box 96
TOODYAY WA 6566

Via email: dso@toodyay.wa.gov.au

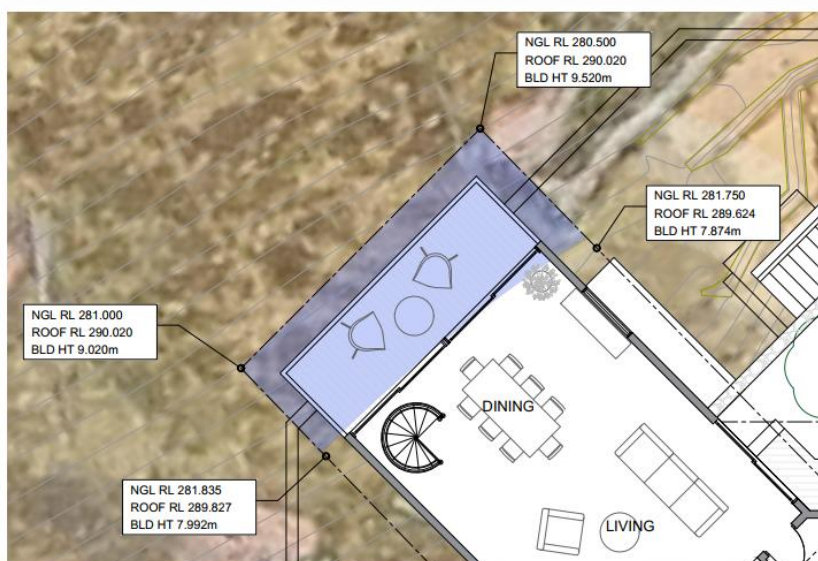
Dear Tobie,

**LOT 394 MARKEY ROAD, TOODYAY
ALTERATIONS AND ADDITIONS TO SINGLE HOUSE**

Further to your email dated 21/12/2022, notifying us that our request for planning approval for the above application, due the scheme variation governing building height (LPS Clause 4.12), would need to proceed to the February 2023 Council meeting for a decision, we provide the following clarifying information for the consideration of Council.

The proposed alterations and additions feature a new Living/Dining Room with skillion roof which is situated over an area of the site falling at a steep gradient away from the house. The result of this extreme topography is a maximum building height of 9.52m, as measured from this skillion roof down to natural ground level below. With such extreme topography, measured building heights can escalate quickly even for a relatively flat skillion roof.

The extent of the proposed building which exceeds a height of 8m is essentially contained to a small portion of the Living/Dining Room skillion roof extending over the open balcony, as identified in the below diagram.



We provide the following justifications of the proposed alterations and additions against the performance criteria of LPS Clause 4.12.2;

Lyons Architects
ABWA Reg. No. 1516

ARCHITECTURE + INTERIORS + LANDSCAPE
11A Outram Street, West Perth, Western Australia 6005 . PO Box 1745, Subiaco Western Australia 6904
P: 9481 2225 . F: 9481 2224 . E: info@lyonsarchitects.com.au . W: www.lyonsarchitects.com.au

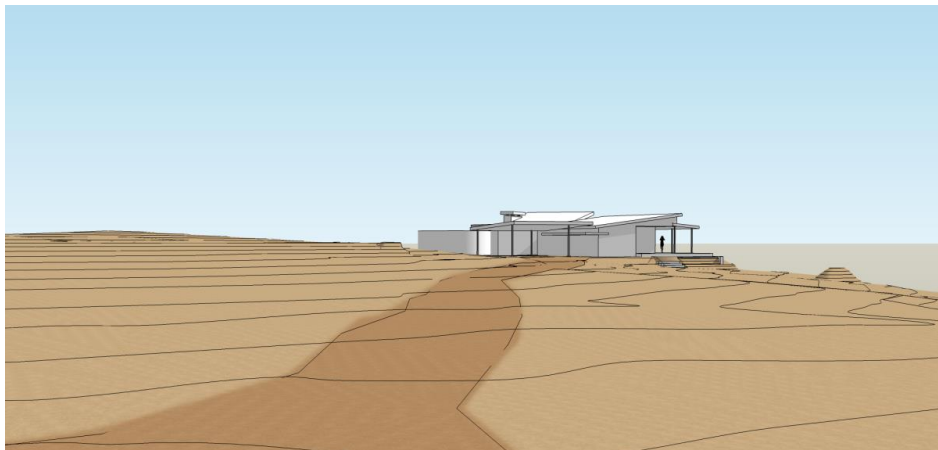
(a) will be in harmony with buildings within the locality.

The existing residence is a considerable distance from any nearby residences. Most residences in the area are spaced 1-2km apart and given the undulating topography of the area these disparate buildings do not visually relate with one another as would be the case for building in the town centre. The scale of the proposed alterations and additions result in a single residence that is still consistent with other the residences in the area.

(b) Will not be detrimental to the amenity or character of the locality or the town or district in general.

The proposed alterations and additions are essentially an extension of the single storey scale of the existing residence. The topography quickly falls away from the existing house on the North-west and this has been utilised to create a second storey space, essentially as an 'undercroft' to the single storey residence.

As viewed from the primary street (Markey Road) the proposed residence retains a single storey appearance as shown in the below 3D illustration;



(c) Will not affect the development potential of adjoining lots by affecting design, aspect, outlook, views and privacy.

The proposed alterations and additions are located a considerable distance from the boundaries adjoining other sites. There would be no loss of amenity for adjoining landowners in terms of views, privacy, solar access etc. There would be no adverse impact on development potential of adjoining lots resulting from the height variation being sought for the small part of the proposed residence.

We trust the above clarifications and justifications, and updated drawings identifying the extent of the proposed alterations which exceed 8m in height, suitable identify the minor nature of the height variation in question and hope Council will decide favourably on the matter of this variation.

Yours sincerely,

Alistair Dickinson.



Signage Outside the Central Toodyay Heritage Area

Introduction

Advertising signs are a significant element of the Shire's built environment. The proliferation of inappropriate signage can detract from the visual amenity of the Shire's commercial, residential and rural areas.

Objective

- To provide a consistent approach to signage within the Shire of Toodyay.
- To provide guidelines which will assist in the regulation and control of signage within the Shire.
- To encourage advertising which complements the natural and urban landscapes and minimises any negative impacts.
- To encourage the orderly location of signs.

Scope

This policy provides direction and guidance on signage within the Shire of Toodyay and will provide the basis for determining applications for signage.

This policy relates to signage on private property and is not applicable to signage within thoroughfares (roads, footpaths etc) or within the Central Toodyay Heritage Area.

Definitions

Term	Definition
Advertisement	Has the same meaning as a sign.
Amenity	All those factors which combine to form the character of an area and include the present and likely future amenity.
Bill	Any material on which words, numbers or figures are written, placed, printed, illustrated or painted.
Fascia	The cladding or panel erected to enclose or finish the edge of the roof of a building and which may be incorporated as an architectural feature.
Fly Posting	Advertising by means of posters placed on fences, walls, trees and like structures.
Freestanding Sign	A sign that is displayed on an advertising structure that is mounted on the ground on one or more supports.

DATE YOU LAST REVIEWED

Page 1

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

Term	Definition
Hoarding	A detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and includes a poster panel or an illuminated panel; but does not include a hoarding within the meaning of Section 377 of the Local Government (Miscellaneous Provisions) Act 1960.
Monolith Sign	A sign that is not attached to a building or any other structure and with its largest dimension being vertical. Such signs may consist of a number of modules and is generally uniform in shape from ground level to the top of the sign.
Public Place	Includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property.
Pylon Signs	A sign supported by one or more piers and not attached to a building and includes detachable sign frameworks supported by one or more piers to which sign infill's may be added.
Signage or Signs	Any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, used for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure used for the display of advertisements. The term includes any airborne device anchored to any land or building, the painting of any building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.
Temporary Community Service Sign	A sign to or giving directions to a charitable, cultural, educational, recreational or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain.
Tower Sign	A sign affixed to or placed on a tower, chimneystack or open structural mast.
Wall Sign	A sign that is painted or affixed on the front, side or rear elevation of a building or structure,

Policy Statement

1.0 Application of Policy

- 1.1 This policy applies to all existing and proposed signage or advertising devices on private property located outside the Central Toodyay Heritage Area which can be viewed from any public place, thoroughfare, or adjoining property.

DATE YOU LAST REVIEWED

Page 2

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only

***** This Document is not controlled once it has been printed *****

- 1.2 Signage in thoroughfares is addressed within the Thoroughfares and Trading in Thoroughfares and Public Places Local Law. Signage within the Central Toodyay Heritage Area is subject to the Local Planning Policy – Central Toodyay Heritage Area.

2.0 Exempt Signs

- 2.1 An exempt sign for the purpose of this policy is:
- a) Any sign which is classified as exempt under the provisions of the Local Planning Scheme in force at the time of the application.
 - b) Any sign which is subject of an existing approval made prior to the date of effect of this policy;
 - c) A sign which cannot be viewed from any thoroughfare or public place or an adjoining property.
 - d) Temporary Community Service Signs which comply with the provisions of this policy; and
 - e) A pre-existing sign which bears the property name and property owner's names and that is erected completely on private land that is so named and owned by that named person(s).
- 2.2 Exempt signs do not require the formal planning approval of the Shire of Toodyay but are still required to comply with the provisions of this policy.
- 2.3 Pre-existing approved signs are not required to comply with the provisions of this policy.

3.0 Sign Standards

- 3.1 Signs or advertising devices erected or displayed within the Shire shall:
- a) be securely fixed to any structure which supports it.
 - b) be structurally sound and capable of withstanding any forces to which it would be reasonably subjected without collapsing, deforming or moving from the position on which it was erected or displayed. The Shire reserves the right to request engineering certification that signs or advertising devices are structurally sound where required;
 - c) be maintained in good order and clean condition.
 - d) be directly associated with the approved use on the property on which it is displayed.
 - e) not contain any offensive material; and
 - f) not be erected or displayed in a position:
 - i. so as to obstruct the passage of, or so as to create a hazard for,

DATE YOU LAST REVIEWED

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

Page 3

vehicles or pedestrians.

- ii. that in the opinion of the Shire adversely affects the local amenity.
- iii. so as to significantly obstruct or impede all or part of a view of a river or other place of feature which in the Shire's opinion, is of significance to the district.

4.0 Sign Design and Information

- 4.1 Every sign shall be designed to be compatible with the proposed surroundings, including buildings, landscape and other signs.
- 4.2 Signs, including commercial and industrial signs, shall contain some or all of the following information only:
- a) the name of the occupier.
 - b) the business carried out on the property.
 - c) the occupier's contact details.
 - d) hours of operation of the business.
 - e) the trademark or logo of the business or products offered for sale on the premise.
 - f) a description of the goods sold or offered for sale on the property to which the sign is affixed or which it relates.
 - g) a description of the premise to which the sign is affixed to or it relates; or
 - h) any other information specific to the business or use undertaken on site
- 4.3 Signage, including commercial and industrial signs, which does not relate to an approved business or use undertaken on site will not be supported.
- 4.4 With the exception of commercial and industrial signs, signs or advertising devices shall be a maximum size of:
- a) 1m² for holiday accommodation/tourist related uses.
 - b) 1m² for ownership details/property name.
 - c) 2m² for rural related uses and extractive industries.
 - d) 0.2m² for home occupations.
 - e) 0.4m² for home businesses, unless otherwise approved by Council.
- 4.5 A maximum of one (1) sign per street frontage will be supported, except where the property has a long street frontage, a second sign can be considered under the following circumstances:

DATE YOU LAST REVIEWED

Page 4

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

- a) the sign is used to advise traffic that the entrance to the business or use on the property is approaching.
- b) the sign must be positioned a minimum 300m from the entrance to the property.
- c) the sign shall be a maximum size of 0.8m²; and
- d) the information contained on the sign is limited to the name of the business, the logo of the business and directions to the business.

4.6 If a sign is freestanding, it must comply with the following:

- a) the sign shall not exceed a width of 2.4m.
- b) the sign shall not exceed a height above natural ground level of 3m.
- c) the sign shall be permanently fixed to the ground; and
- d) the sign must be positioned in a suitable location so that pedestrian and vehicular movement and visibility is not impaired.

4.7 For the purpose of measurement of a sign, the measurement shall be the horizontal and vertical extremities of any text or in script or any coloured or textured background that is part of the sign.

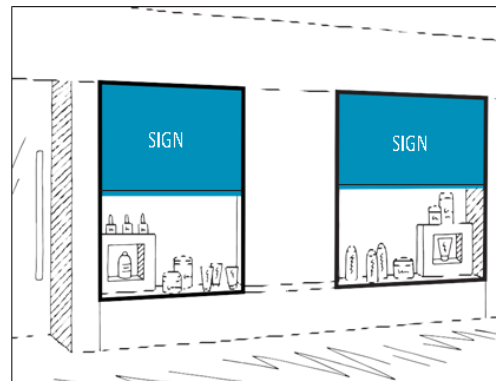
Commercial and Industrial Signs

NOTE: This section applies to the 'Light Industry' and 'Mixed Business' zones only. All signs within the 'Town Centre' zone are required to comply with the Local Planning Policy – Central Toodyay Heritage Area and signage in all other zones is to comply with section 4.0 of this policy.

5.1 Window Signs

5.1.1 A window sign shall:

- a. only be fixed to or painted on a ground floor window of a building.
- b. not exceed in area, 25% of the area of all windows on the ground floor frontage of the building; and
- c. not exceed 50% of the area of the window on which it is painted or fixed.



5.2 Wall and Fascia Signs

5.2.1 The total aggregate of all walls and/or fascia signs shall not exceed 25% of the area of the wall or fascia on which it is to be placed.

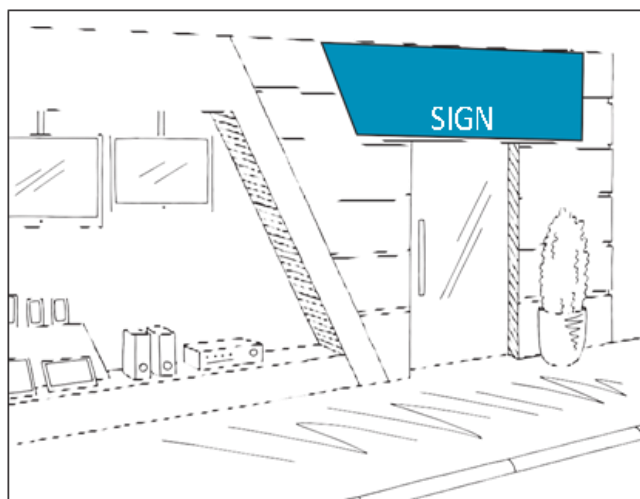
DATE YOU LAST REVIEWED

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

Page 5

- 5.2.3 The total number of signs on each wall and/or fascia shall not exceed four (4). Wall signs shall not extend vertically or horizontally to cover more than 75% of the height or length of the wall or fascia and shall be positioned a minimum of 250mm from the edge of the wall or fascia.
- 5.2.3 Any wall and/or fascia sign shall not project above the eaves or the ridge of the roof of the building on which it is to be affixed.



5.3 Pylon Signs

5.3.1 Pylon signs will only be supported on a lot with a factory tenement or where a number of businesses are co-located on one lot.

5.3.2 Only one pylon sign will be permitted on each lot.

5.3.3 A pylon sign shall:

- a) not have any part more than 3m above the level of ground immediately below it;
- b) not exceed 4.5m² in area unless approved by Council.
- c) be supported on one or more piers or columns of brick, stone, timber or steel of sufficient size and strength to support the signs under all conditions. The Shire of Toodyay may require engineering certification for the construction of a pylon sign.

Not be within 2m of the side boundaries of the lot on which it is erected. have all of the constituent or infill signs

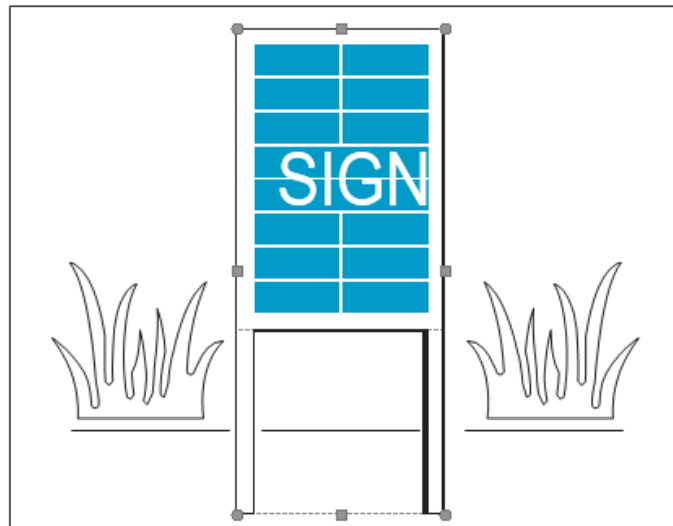
DATE YOU LAST REVIEWED

Page 6

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

- of an equal size; have only one (1) constituent or infill signs for each business, shop or unit on the lot; and
- d) be positioned so people cannot walk underneath the sign.



5.4 Freestanding signs

- 5.4.1 A maximum of one (1) freestanding sign per road frontage will be supported and must comply with the following:
- the sign shall not exceed a width of 2.4m and a total area of 4m².
 - the sign shall not exceed a height above natural ground level of 1.8m.
 - the sign shall be permanently fixed to the ground; and
 - the sign must be positioned in a suitable location so that pedestrian and vehicular movement and visibility is not impaired.
- 5.4.2 A freestanding sign will not be supported if the property already has a pylon sign.

6.0 Temporary Community Service Signs

NOTE: The Shire of Toodyay has two events notice boards positioned on main entry points advising of upcoming events. People are encouraged to advertise an upcoming community event within these notice boards. A works request form must be completed and submitted with the Shire of Toodyay for the boards to be updated.

- 6.1 Temporary Community Service Signs may be erected subject to the following:

DATE YOU LAST REVIEWED

Page 7

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

- a) no sign shall exceed 2m² in area.
- b) shall be professionally designed and made.
- c) if a Temporary Community Service Sign is freestanding it shall not:
 - i) exceed 1m in height above ground level.
 - ii) have more than two faces; and
 - iii) exceed 2.5m in width.
- d) the information contained on the Temporary Community Service Signs shall refer to the name, date, location of the event and the logos of any sponsors.
- e) the lettering used on Temporary Community Service Signs shall be a minimum height of 300mm.
- f) there shall be no more than seven (7) such signs relating to the same event or function displayed within the district.
- g) the sign or signs can be erected within thirty (30) days of the event/function being held and must be removed within seven (7) days of the event/function being held; and
- h) no more than two (2) Temporary Community Service Signs advertising the same event or activity shall be closer together than 500m; and
- i) no more than two (2) Temporary Community Service Signs each advertising different events or functions shall be erected or displayed closer than 2m.

7.0 Bill & Fly Posting

- 7.1 A person shall not post a bill or paint, stencil, place or affix an advertisement on a building, structure, fence, wall, sign, post or awning.
- 7.2 No person shall fly post at any place or location within the Shire.

8.0 Hoardings

- 8.1 No person shall erect or display a hoarding at any place or location within the Shire.

9.0 Signage Abutting a Main Roads WA Road

- 9.1 It is the responsibility of the applicant to ensure that all appropriate approvals have been obtained from Main Roads WA prior to the erection of the signage or advertising device on land abutting Main Roads WA roads.
- 9.2 The roads under the control of Main Roads WA in the Shire of Toodyay are Toodyay Road, Northam Toodyay Road and Goomalling Toodyay Road.

DATE YOU LAST REVIEWED

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

Page 8

Reference Information

- [Local Planning Policy – Advertising of Planning Proposals](#)

Legislation

[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](#)

Associated documents

[Main Roads Western Australia - Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves](#)

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	18 September 2008	Last Reviewed 13 May 2010	Planning and Development	Council
V2				


Document control information	
Document Theme	
Document Category	
Document Title	
Document ID	
Document Owner (position title)	
Author (position title)	
Date of approval	
Approving authority	
Access restrictions	

DATE YOU LAST REVIEWED

Page 9

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only

***** This Document is not controlled once it has been printed *****



Document control information	
Date Published	
Date of last review	
Date of next review	
Archived antecedent documents and previous versions	
Location	

DATE YOU LAST REVIEWED

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only***** This Document is not controlled once it has been printed *****

Page 10



Directional Signage and Signage Within Thoroughfare Policy

Introduction

This policy is designed to provide a guide for the assessment and determination of applications for permits for directional street signage and other signage within thoroughfares. The Shire of Toodyay's intention is to reduce the proliferation of signage and to ensure that directional signage serves its purpose of directing traffic.

Objective

- To provide guidelines which will assist in the regulation and control of directional signage within the Shire of Toodyay.
- To ensure signage serves the purpose of directing traffic rather than a means of advertising.
- To avoid the proliferation of signage within thoroughfares.

Definitions

Term	Definition
Advertising sign	Means a sign used for the purpose of advertisement and includes an 'election sign'.
Carriageway	Means the paved or made portion of a thoroughfare used or intended for use by vehicles.
Directional signs	Are signs erected within thoroughfares or public places to indicate the direction to places, services and tourist destinations within the Shire but do not include signs erected by the Council or Commissioner of Main Roads.
Footpath	Means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists.
Hoarding	A temporary boarded fence in a public place, usually erected around a building site.
Portable direction sign	Means a portable free standing direction sign.

DATE YOU LAST REVIEWED

Page 1

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

Term	Definition
Public place	Includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include – (a) Premises on private property from which trading is lawfully conducted under a written law; nor (b) Local government property.
Signage or Signs	Means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, used for the purposes or advertisement, announcement or direction and includes any hoarding or similar structure used for the display of advertisements. The term includes any airborne device anchored to any land or building, the painting of any building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.
Thoroughfare	Means a road and includes structures or other things appurtenant to the thoroughfare including footpaths, kerbs and verges.

Policy Statement

1. Application of Policy

- 1.1 This policy applies to all existing signage on thoroughfares and public places within the Shire of Toodyay with the exception of signs which are attached to verandah's constructed over a thoroughfare.
- 1.2 This policy is not applicable to signage on private property or signage on verandah's over thoroughfares which are guided by Council's Policy LPP.1-Signage Outside the Central Toodyay Heritage Area and LPP.20 – Central Toodyay Heritage Area section 5.

2. Exempt Signs


- 2.1 Election signs are exempt from the need to obtain a permit subject to the following:

DATE YOU LAST REVIEWED

Page 2

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

- 
- a) The sign is erected at least 30m from any intersection;
 - b) The sign is freestanding and not being affixed to any existing sign, post, power or light pole, or similar structure;
 - c) The sign is placed so as to not obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
 - d) The sign is placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
 - e) The sign is being maintained in good condition;
 - f) Election signs are not to be erected until the election to which it relates has been officially announced;
 - g) Election signs are to be removed within 24 hours of the close of polls on voting day;
 - h) The sign is not placed within 100m of any works on the thoroughfare;
 - i) The sign is securely installed;
 - j) The sign is not an illuminated sign;
 - k) The sign is not incorporating reflective or fluorescent materials; and
 - l) The sign is not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.
- 2.2** Portable direction signs are exempt from the need to obtain a permit subject to the following:
- a) The sign neither exceeds 500mm in height nor 0.5m² in area;

DATE YOU LAST REVIEWED

Page 3

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

- b) The sign is not placed on a footpath;
- c) The sign is not in a location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; and
- d) The sign is not affixed on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3. Directional Signs


- 3.1 Maintenance and replacement costs of direction signs to a non-shire facility are the responsibility of the original sign applicant, their nominated representative or subsequent facility owner where ownership has changed.
- 3.2 The Shire of Toodyay must be satisfied that the proposed signage will perform a necessary function and will reflect the desired effect of directing traffic and is not merely an extended form of advertising.
- 3.3 Directional signage must relate to an approved land use or business.
- 3.4 Directional signage that is positioned over a footpath on any location within the Toodyay town site will not be supported.
- 3.5 Subject to compliance with clause 3.3 above, the placement/positioning of directional signage shall satisfy the following:
 - a) A maximum of four (4) directional signs per business shall be permitted; and
 - b) Stand-alone directional signage will not be supported, except where situated opposite to a crossover that provides entry to a property.
- 3.6 The council will establish mini-information bays at the intersection of Harper Road and Anzac Terrace and Bindi Bindi Toodyay Road, adjacent to the

DATE YOU LAST REVIEWED

Page 4

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***



cemetery, to erect directional signage. Only directional signage relating to tourist associated land uses will be permitted within these two locations.

3.7 All directional signage is to be at the applicants cost and is to be installed by the Shire of Toodyay. Directional signage erected will conform with the following

standards:

- a) Name plate signs must be a maximum height of 150mm with a maximum Length of 900mm.
- b) Signs may be double sided if required.
- c) Signs to be in white letters on a reflective blue background.
- d) Signs must relate to an approved land use or business; and
- e) The only information to be contained on the directional signage is the business name.

3.8 Procedure for applying for directional signage:

- a) An application form for a permit for directional signage and details of the proposed wording must be completed and returned to the Shire of Toodyay.
- b) The application will be referred to the Shire of Toodyay's Planning Department to ensure directional signage relates to an approved land use.
- c) Application will be referred to the Shire of Toodyay Works Depot to cost works.
- d) Applicants will be advised whether signs will be supported and given an estimate of costs.

DATE YOU LAST REVIEWED

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

Page 5

*** This Document is not controlled once it has been printed ***

- e) Once payment is received the Shire of Toodyay will order and then erect signage.

4. Advertising signs

- 4.1 Advertising signs with the exception of 'election signs' will not be permitted within thoroughfares.

5. Main Roads

- 5.1 Any directional signage proposed on a Main Roads Western Australia controlled road will need to contact Main Roads Western Australia for approval.

Reference Information

[Local Planning Policy Advertising of Planning Proposals.](#)

Legislation

[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](#)

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	9 December 2010	Never Reviewed	Planning and Development	Council
V2				

DATE YOU LAST REVIEWED

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only

Page 6

***** This Document is not controlled once it has been printed *****

Document control information	
Document Theme	
Document Category	
Document Title	
Document ID	
Document Owner (position title)	
Author (position title)	
Date of approval	
Approving authority	
Access restrictions	
Date Published	
Date of last review	
Date of next review	
Archived antecedent documents and previous versions	
Location	

DATE YOU LAST REVIEWED

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only

Page 7

***** This Document is not controlled once it has been printed *****



Local Planning Policy - Non-habitable structures

(I.E. OUTBUILDINGS, SHEDS, GAZEBOS, CARPORTS, SHADE HOUSES AND SHIPPING CONTAINERS)

Introduction

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy Non-habitable structures, an LPP.

Objective

- To achieve a balance between providing for various legitimate storage needs of residents whilst minimising any adverse impacts non-habitable structures may have on the locality.
- To establish guidelines for the assessment of proposals to place shipping containers or other similar relocatable storage units on land within the Shire of Toodyay.

Scope

Non-habitable structures include structures that are not attached to a dwelling and commonly known as outbuildings, sheds, gazebos, carports and shade houses.

Garden structures (i.e. structures without a solid roof - pergolas with shade cloth and arbours) are considered exempt from the provisions of the policy.

This policy applies to non-habitable structures on all zones pursuant to the current Shire of Toodyay Local Planning Scheme in force at the time of application.

Setbacks for non-habitable structures in the following zones:

- Residential;
- Special Residential and
- Town Centre

are to conform to the Table 1, 2a or 2b of [State Planning Policy 7.3 – Residential Design Codes](#) (R Codes).

Setbacks for non-habitable structures in the following zones:

- Rural Residential;
- Rural Living; and

DATE YOU LAST REVIEWED

Draft v2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

- Rural

are to comply with the provisions listed in the scheme applicable to each zone.

In all other zones not listed above where the requirements are not clearly defined, compliance shall be in accordance with the objective of this policy.

A non-habitable structure with a floor area of 10m² or less and under 2.4m in height is considered exempt from the provisions of the policy (i.e. small garden shed). A second non-habitable structure with a floor area of 10m² or less and under 2.4m in height is to be assessed in accordance with the Non-habitable structure Policy.

Definitions

Term	Definition
'A' Use	In relation to a zone, 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
Act	Planning and Development Act 2005
Carport	A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.
'D' Use	(a) 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; but (b) does not include a class A use;
Deemed-to-comply	A proposal, or a component of a proposal, that complies with the deemed-to-comply provisions of the R-Codes, or an adopted local planning policy.
Deemed provisions	The Regulations introduce a set of deemed provisions that form part of every local planning scheme in the State.
Development	Development means the development or use of any land, including —

DATE YOU LAST REVIEWED

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only

***** This Document is not controlled once it has been printed *****

Term	Definition
	<ul style="list-style-type: none"> a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; b) the carrying out on the land of any excavation or other works; c) in the case of a place to which a protection order made under the Heritage Act 2018 Part 4 Division 1 applies, any act or thing that — <ul style="list-style-type: none"> i. is likely to change the character of that place or the external appearance of any building; or ii. would constitute an irreversible alteration of the fabric of any building;
Development application	An application under a planning scheme, or under an interim development order, for approval of development;
Dwelling	A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.
Garage	Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.
Gazebo	Are outdoor shade structures with a solid roof and partially open sides, that can be screened in.
Greenhouse	A greenhouse is a structure with a glass or plastic roof and frequently glass or plastic walls. Its roof and sides have to allow light to penetrate.
Height	Is the height of the non-habitable structure as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the Residential Design Codes of Western Australia, and not the measurement taken above the proposed finished floor level of the non-habitable structure.
Heritage place	As defined under clause 1A of the deemed provisions – Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 .

DATE YOU LAST REVIEWED

Draft **v2** – REVISED/NEW/REFORMATTED Name of Policy only***** This Document is not controlled once it has been printed *****

Term	Definition
Maximum floor area	The combined total floor area of all existing and proposed non habitable structures on a lot.
Natural Ground Level (NGL)	The levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development.
Outbuilding	An enclosed non-habitable structure that is detached from any dwelling.
Pergola	An open-framed structure covered in water permeable material, or operable louvred roofing, which may or may not be attached to a dwelling.
'P' Use	In relation to a zone, a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is permitted in the zone if it complies with any relevant development standards and requirements of this Scheme
R-Codes	State Planning Policy 7.3 – Residential Design Codes – Volume 1 . The R-Codes control the design of most residential development throughout Western Australia. The R-Codes aim to address emerging design trends, promote sustainability, improve clarity and highlight assessment pathways to facilitate better outcomes for residents.
Regulations	Planning and Development (Local Planning Schemes) Regulations 2015
Reflective materials	Includes factory applied finishes such as zincalume, galvabond and light colorbond colours such as white, off-white and surfmist
Scheme	The local planning scheme that specifies zoning and development standards gazetted pursuant to the <i>Planning and Development Act 2005</i> , as amended.
Shade house	A shade house is a mesh (or shade-cloth) structure that protects plants from the sunlight.
Shed	Is a non-habitable structure which is not associated with a single or grouped dwelling. i.e. not an outbuilding. It can be used for commercial purposes but must be associated with an approved or permitted land use under the Scheme.

DATE YOU LAST REVIEWED

Draft v2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

Term	Definition
Shire	The Shire of Toodyay.
Shire President	A mayor or president elected by the Council from amongst the councillors.
Unenclosed	An area bounded on no more than two sides by a permanent wall and covered in a water impermeable material.
'X' Use	In relation to a zone, 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
Zone	A portion of the Scheme area identified on the Scheme Map as a zone for the purpose of indicating the controls imposed by this Scheme on the use of, or the carrying out of works on, land, but does not include a reserve or special control area

PART I – OUTBUILDINGS

Exemptions

Pursuant to clause 61 of the deemed provisions development approval is not required for works if the works are of a class specified in Column 1 of an item in the Table below; and if conditions are set out in Column 2 of the Table below opposite that item – all of those conditions are satisfied in relation to the works.

	Column 1 - Works	Column 2 - Conditions
1.	The demolition or removal of any of the following — <ul style="list-style-type: none"> a) an outbuilding; b) a pergola; c) a garage; d) a carport; e) a gazebo 	The works are not located in a heritage-protected place.
2.	The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling — <ul style="list-style-type: none"> a) an outbuilding; 	<ul style="list-style-type: none"> a) The R-Codes apply to the works. b) The works comply with the deemed-to-comply provisions of the R-Codes.

DATE YOU LAST REVIEWED

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***



	b) a pergola; c) a garage; d) a carport; e) a gazebo	Or c) On the on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied. d) The works are not located in a heritage-protected place.
--	---	--

Standard Conditions of Approval for Outbuildings

1. Use of the outbuilding shall be for domestic purposes only and not for human habitation.

Deemed-to-comply provisions of the R-Codes

The codes set criteria specific to each R-Code, including provisions for boundary setbacks, open space and outdoor living areas. The *design principles* outline the intent of each section, while the *deemed-to-comply* provisions set standards that are considered to satisfy the design principles. A proposal that meets the deemed-to-comply provisions is considered compliant and does not require development approval. If the deemed-to-comply provisions cannot be met, variations may be considered if compliant with the design principles and the Shire’s local planning policies.

NOTE: A building that does not require development approval will still require a building permit.

The R-codes can be accessed here:

[R-Codes](#)

Policy Statement - Outbuildings

- 1) Outbuildings do not require development approval except under the following circumstances:
 - a) Where the Local Planning Scheme in force at the time of application requires planning scheme consent or a proposal varies from a Scheme or Residential Design Code provision.
 - b) For the development of a non-habitable structure on a vacant lot that is zoned Residential, Special Residential, Town Centre.

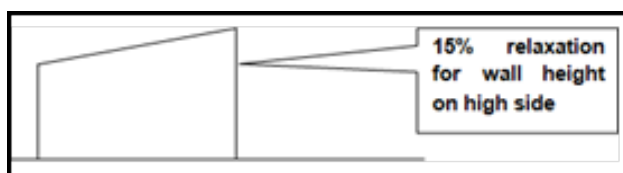
DATE YOU LAST REVIEWED

Draft v2 – REVISED/NEW/REFORMATTED Name of Policy only

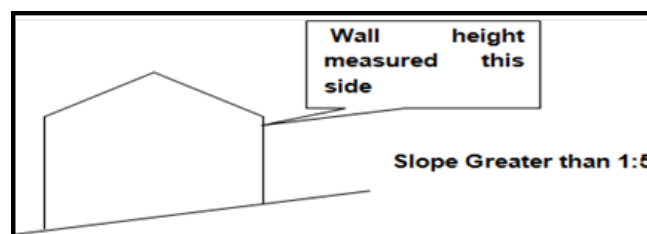
*** This Document is not controlled once it has been printed ***

Approval will be conditional upon:

- i. A Building Permit for a dwelling being issued by the Shire; and
 - ii. Referral to neighbours (neighbours comments). Screening by planting trees or shrubs or by any other methods may be required to reduce the visual impact of the non-habitable structure on the vacant lot.
- c) Where development varies from standards defined in Table 1 and the following provisions (i-iv):
- i. For mono-pitched (skillion) roofed non-habitable structures (not ridged roofs), a relaxation of the height of the wall (on high side - up to 15%) may be supported; or



- ii. Where the land upon which the non-habitable structure is to be erected has a slope greater than 1 in 5, the height of the wall shall be measured on the wall that is located at the higher point of the site where the land has not been subject to cut and/or fill; or

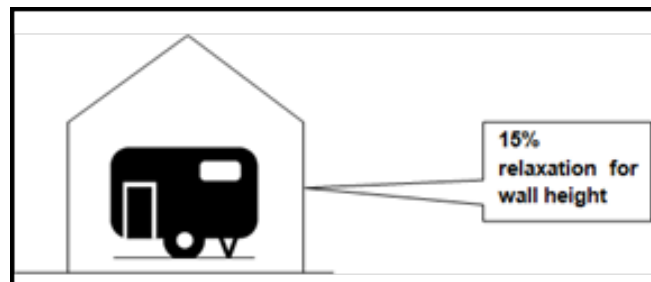


- iii. Where in order to accommodate larger boats, caravans or motor-homes, a relaxation of the height of the wall (up to 15%) may be supported on Residential Zone lots that are less than 4,000m²; or

DATE YOU LAST REVIEWED

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***



- iv. A discretionary allowance of an extra 5m² over the maximum permitted floor area may be considered in cases where the stated maximum floor area allowed is unworkable due to the dimensions of a standard design.
- d) Non-habitable structures shall be located away from the primary or secondary street areas (i.e. to the rear of the lot).
- e) Non-habitable structures that exceed 60m² in floor area shall be constructed out of non- reflective materials.

PART II – SHIPPING CONTAINERS AND SIMILAR STORAGE STRUCTURES

Exemptions

- 1) Shipping containers and other similar structures used for temporary storage during the conduct of building works will be exempt from these requirements, provided that the following criteria are achieved:
 - a) The structure is only being used for the secure storage of materials, plant, machinery or building equipment on a building site;
 - b) The building site has a current planning approval and building permit;
 - c) Construction works are actively being undertaken on the site and do not lapse for any period greater than 60 days;
 - d) The structure does not impact on pedestrian or vehicle movements in any way or obstruct vehicle sight lines;
 - e) The structure may not be permitted on the building site for a period longer than 6 months, unless the approval of Council is obtained; and

DATE YOU LAST REVIEWED

Draft V2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

- f) The structure is removed from the building site within four weeks from the completion of building works.

Policy Statement - Shipping Containers And Similar Storage Structures

- 1) This policy applies to the whole of the Shire of Toodyay.
- 2) All shipping containers and other similar structures require development approval prior their location on a property.
- 3) In determining applications for the use of shipping containers, Council will require the following information to be provided by the applicant:
 - a) The necessary development application forms;
 - b) Site plan showing the proposed location of the structure in relation to boundary setbacks, natural features and existing buildings;
 - c) A written submission detailing the proposed works to be undertaken to improve the visual amenity of the structure; and
 - d) Any elevation drawings to the satisfaction of the Shire of Toodyay.
 - e) As shipping containers and other similar structures may have an adverse effect on the visual amenity of an area, their location in Residential or Town Centre zones will not be supported unless the structure is for temporary building site works, as described in Exemptions.
- 4) All shipping containers and other similar structures shall comply with the following design and location criteria:
 - a) The structure should be located so it has low visibility from any road and/or adjoining property, observing all setback requirements of the Local Planning Scheme in force at the time of the application.
 - b) The structure should be located behind existing buildings and/or screening vegetation and not be located in front of the established or proposed building line.
 - c) Council may consider the location of the structure in a position where it may be visible from any road or adjoining residence, or isolated from the existing buildings on a property, when the external appearance of the structure is substantially modified (which may include roofing, cladding and/or painting) so as to conceal its appearance as a shipping container.
 - d) No more than one shipping container or similar storage structure will be permitted on a property, except for properties that have a lot size greater than one hundred hectares (100ha).

DATE YOU LAST REVIEWED

Draft v2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***



- e) Structures not exceeding a length of 6m will generally be approved on land other than on properties zoned 'Industrial' or 'Rural'. A structure length of up to 12m will be permitted on properties zoned 'Industrial' or on properties zoned 'Rural' that have a lot size greater than one hundred hectares (100ha).
- f) Shipping Containers or similar structures shall not be used for habitation purposes. The structure shall not compromise or obstruct vehicle access ways, vehicle truncations, access to parking areas or the parking bays provided on a site.
- 5) The structure shall not compromise or obstruct vehicle or pedestrian sight lines, for the avoidance of creating a public safety concern.
- 6) The Council reserves the right to approve the siting of a shipping container or other similar structure on a property for a fixed period of time. Following the expiry of this approval period, the property owner is responsible for seeking the renewal of the temporary approval or effecting its removal.

- 7) The Council reserves the right to revoke any approval for the siting of a shipping container or other similar structure on a property where it is compromising the amenity of an area or impacts on public safety.
- 8) The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the case.

Bond

As part of the development approval of a shipping container, the Council may impose conditions that require any work considered necessary to improve the appearance of the structure, including painting, landscaping, adding a pitched roof and screening.

The approval of a shipping container will require the lodgment of a bond to the value of \$2,000 as a condition of approval. This bond can be in the form of a Bank Guarantee. This bond will be used to remove the shipping container if the owner and/or occupier default on the conditions of this policy, or any conditions of approval.

The bond will be returned upon demonstrated compliance with all conditions of development approval, to the satisfaction of the Shire of Toodyay.

DATE YOU LAST REVIEWED

Draft v2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***

PART III – STORAGE SHEDS, FARM SHEDS, MACHINE SHEDS AND SHEDS FOR COMMERCIAL PURPOSES

This section applies to all other non-habitable structures that cannot be classified as an outbuilding or a shipping container. Outbuildings must be linked to single dwellings – either already erected or if there is a valid building permit and/or development approval in place for a single dwelling.

All other uses must be associated with a permitted land use, or in the instance where development approval is required, this must for part of the application for the structure.

Exemptions

Development approval is not required for this section of non-habitable structures if the following can be demonstrated to the satisfaction of the Shire of Toodyay:

- 1) Where the non-habitable structure is for a 'P' (Permitted) land use for a particular zone applicable to the Local Planning Scheme in force at the time of application to the Shire; and
- 2) The land is not in a special control area; and
- 3) The land is not a heritage protected place; and
- 4) The land is not an aboriginal heritage site; and
- 5) The development meets the general development requirements of the Local Planning Scheme in force at the time of application to the Shire – for example setbacks; and
- 6) Complies with the objectives and provisions (including any development standards) of this Local Planning Policy.
- 7) A non-habitable structure with a floor area of 10m² or less and under 2.4m in height is considered exempt from the provisions of the policy (i.e. small garden shed). However, a second non-habitable structure with a floor area of 10m² or less and under 2.4m in height is to be assessed in accordance with the Non-habitable structure Policy.
- 8) Garden structures (i.e. structures without a solid roof - pergolas with shade cloth and arbours) are considered exempt from the provisions of the policy.

Policy Statement - Storage Sheds, Farm Sheds, Machine Sheds And Sheds for commercial purposes.

- 1) This policy applies to the whole of the Shire of Toodyay
- 2) Development approval is required for all structures not covered under the Exemptions above.
- 3) The structure must be associated with an approved land use or the application of the land use must be considered as part of the whole application.
- 4) The land use must not be for an x-use.

Table 1: Non-Habitable Structure Specifications

DATE YOU LAST REVIEWED

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only

***** This Document is not controlled once it has been printed *****



Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all non-habitable structures on lot)
Residential Zone (Lots < 450m ²)	2.4 metres	3 metres	<60m ² in area or 10% in aggregate of the site area, whichever is the lesser
Residential Zone (Lots 450m ² - 600m ²)	3 metres	4.2 metres	<60m ² in area or 10% in aggregate of the site area, whichever is the lesser
Residential Zone (Lots 600m ² - 1000m ²)	3 metres	4.2 metres	100m ²
Residential Zone (Lots 1000m ² – 2000m ²)	3 metres	4.2 metres	120m ²
Residential Zone (Lots 2000m ² – 4000m ²)	3 metres	5.0 metres	150m ²
Residential Zone (Lots > 4000m ²)	3.5 metres	5.0 metres	170m ²
Special Residential Zone (Lots < 4000m ²)	4.2 metres	4.8 metres	150m ²
Special Residential (Lots > 4000m ²)	4.2 metres	4.8 metres	170m ²
Rural Residential Zone (Lots < 2ha)	4.2 metres	4.8 metres	200m ²
Rural Residential Zone (Lots 2ha to 4ha)	4.2 metres	4.8 metres	220m ²
Rural Residential Zone (Lots 4ha to 6ha)	4.2 metres	4.8 metres	240m ²
Rural Residential Zone (Lots > 6ha)	4.2 metres	4.8 metres	300m ²
Rural Living Zone (Lots < 1ha)	4.2 metres	4.8 metres	220m ²
Rural Living Zone (Lots 1 - 4ha)	4.2 metres	4.8 metres	240m ²
Rural Living Zone (Lots > 4ha)	4.2 metres	4.8 metres	300m ²
Rural Zone (Lots < 2ha)	4.2 metres	4.8 metres	220m ²
Rural Zone (Lots 2ha to 3.99ha)	4.2 metres	5.0 metres	300m ²

Consultation

In the event an application proposes a variation to the provisions of this policy and in the opinion of the Shire of Toodyay there is a potential impact on adjoining landowners, the application will be advertised in accordance with the adopted *Local Planning Policy – Advertising of Planning Proposals*.

DATE YOU LAST REVIEWED

Draft v2 – REVISED/NEW/REFORMATTED Name of Policy only

*** This Document is not controlled once it has been printed ***



Reference Information

[Local Planning Policy Advertising of Planning Proposals.](#)

Legislation

[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](#)

Associated documents

[State Planning Policy 7.3 - Residential Design Codes – Volume 1](#)

[State Planning Policy 7.3 - Residential Design Codes - explanatory guidelines](#)

Version control information


Version No.	Date Issued	Review position	Developed by	Approved by
V1	24 November 2005	Last reviewed 13 May 2010	Planning and Development	Council
V2				

Document control information	
Document Theme	
Document Category	
Document Title	
Document ID	
Document Owner (position title)	
Author (position title)	

DATE YOU LAST REVIEWED

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only

***** This Document is not controlled once it has been printed *****



Document control information	
Date of approval	
Approving authority	
Access restrictions	
Date Published	
Date of last review	
Date of next review	
Archived antecedent documents and previous versions	
Location	

DATE YOU LAST REVIEWED

Draft **V2** – REVISED/NEW/REFORMATTED Name of Policy only

***** This Document is not controlled once it has been printed *****

STATUS REPORT

LOCAL LAWS

Name of Local Laws	Status	Last Review Date	Next Review Date	Council Decision Date	Year Gazetted	Gazette Pages / Page No.	Page No.	Priority	Repeal of Local Laws published in Govt Gazette	Heads of Power	Comments
Activities on Thoroughfares and Trading in Thoroughfares and Public Places	Active	22/04/2014	22/04/2021	8/11/2001	25/10/2001	page 5684 Page 138 - 190	1	next 6 months	(a) Numbering of Houses and Buildings By law on January 5, 1961. (b) Prevention of Damage to Streets No.15 By Law on February 8, 1972. (c) Streets Lawns and Gardens No.11 By Law on February 8, 1972. (d) Control of Hawkers By Law on May 2, 1972. (e) Parks, Public Reserves, Sports Grounds, Recreation Grounds By Law on June 16, 1978. (f) Depositing and Removal of Refuse, Rubbish and Litter By Law on February 15, 1980.	LOCAL GOVERNMENT ACT 1995	
Cat Local Law	Active	12/10/2018	22/04/2021	25/09/2018	12/10/2018	(No. 155) Page 334 - 350	54	NFA - no further action	not applicable	CAT ACT 2011 LOCAL GOVERNMENT ACT 1995	
Cemeteries Model (Toodyay and Jimperding)	Active	22/04/2014	22/04/2021	1/11/1999	1/11/1999	page 5467 / Page 35-76	71	next 3 months	(a) By-Laws for the Management of the Toodyay Public Cemetery - Reserve 22143 on July 26, 1940. (b) Toodyay and Jimperding Cemetery (Reserves 22143 and 20702) on June 4, 1970; and on October 14, 1983.	CEMETERIES ACT 1986	
Dogs Local Law	Active	22/04/2014	22/04/2021	28/10/1999	5/05/2000	page 2135-2136	113	next 6 months	By Laws relating to Dogs on December 13, 1929; October 22, 1937, on January 17, 1986 and on December 5, 1986. Draft Model By Law No.7 relating to Obstructing Animals and Vehicles on February 20, 1966. By Laws relating to Control of Dogs on October 12, 1979 and on December 8, 1989, and on 23 December, 1994. By Laws relating to Dog Exercise Areas on April 7, 1989.	LOCAL GOVERNMENT ACT 1995 DOG ACT 1976	
Extractive Industries	Active	22/04/2014	22/04/2021	24/06/1999	1/11/1999	page 1368-9 / Page 1-18	132	next 3 months	The local laws of the Shire of Toodyay relating to Extractive Industries on October 26, 1984; July 18, 1986; and November 12, 1993.	LOCAL GOVERNMENT ACT 1995	
Health	Active	22/12/2017	22/04/2021	28/11/2017	22/12/2017	whole - Page 351 - 414	150	NFA - no further action	not applicable	LOCAL GOVERNMENT ACT 1995	

Location: O:\Compliance\Compliance Register.xlsx
Modified: 4/01/2023 10:21 AM

STATUS REPORT

LOCAL LAWS

Name of Local Laws	Status	Last Review Date	Next Review Date	Council Decision Date	Year Gazetted	Gazette Pages / Page No.	Page No.	Priority	Repeal of Local Laws published in Govt Gazette	Heads of Power	Comments
Local Government Fencing	Active	22/04/2014	22/04/2021	22/07/1999	1/11/1999	page 5461/5466 / Page 19-34	217	next 3 months	Shire of Toodyay By-laws Relating to Fencing on 12 July 1972, are repealed.	LOCAL GOVERNMENT ACT 1995	
Local Government Property	Active	22/04/2014	22/04/2021	27/09/2001	25/10/2001	page 5681-5683 / Page 191 - 227	233	next 6 months	Toodyay Memorial Hall By Laws on October 12, 1979 and March 17, 1989. Management and Use of Toodyay Memorial Hall By Laws on October 14, 1983.	LOCAL GOVERNMENT ACT 1995	
Parking and Parking Facilities	Active	22/04/2014	22/04/2021	27/04/2000	5/05/2000	page 2136	270	next 6 months	Relating to Parking Facilities of 2 December 1983 and 12 May 1995, are repealed. Relating to Vehicles on roads of March 22, 1951. Relating to Stands and parking for vehicles of November 9, 1956. Relating to Commercial vehicles on street verges No.20 of February 8, 1972.	LOCAL GOVERNMENT ACT 1995	The Parking and Parking Facilities Local Law refers to the definition of taxi as: "taxi" has the same meaning as "taxi-car" in section 47Z of the Transport Co-ordination Act 1966, which means that we will need to change our Local Law. We have the option of doing a minimalist change or doing a full review. 22.04.19 SMG - better to find a more contemporary version and repeal our old local law and adopt the new contemporary one MPD and MWS working together on making this happen.
Pest Plants	Active	22/04/2014	22/04/2021	19/2/1979 and 20/09/1982	31/12/1999	page 7077 - Page 77-83	305	next 3 months	not applicable	LOCAL GOVERNMENT ACT, 1960 - 1982 AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976	ENVIRONMENTAL ADVISORY COMMITTEE RESOLVED AS FOLLOWS: That Council consider an amendment to the Shire of Toodyay Pest Plant Local Law 1979 that would expand upon the List of Pest Plants currently listed in this Local Law and caltrop be removed from the Pest Plants List. At the EAC meeting held on 04.06.2019 points raised as follows: • Management of caltrop on pathways in reserves; • Other pest plants that can be controlled; • Budget for Weed Control for pest weeds; • Identify corridors of high priority and prioritise those as part of the budget; and • Dumping garden waste in bushland areas: Notice on Shire's website to make clear to community not to dump garden waste in bushland areas. Was an EAC Recommendation that was not taken to Council but needs to be considered when the local law comes up for review.
Repeal of Local Laws 2014	Active	22/04/2014	22/04/2021	26/08/2014			312	NFA - no further action	The By-laws Relating to Stalls as published in the Government Gazette on 11 March 1983 is repealed.	LOCAL GOVERNMENT ACT 1995	
Standing Orders	Active	22/04/2014	22/04/2021	27/03/2008	21/05/2008	pages 1959-1983	322	NFA - no further action	Shire of Toodyay Standing Orders Local Law 1999 on 1 November 1999.	LOCAL GOVERNMENT ACT 1995	

Location: O:\Compliance\Compliance Register.xlsx
Modified: 4/01/2023 10:21 AM



Department of
**Local Government, Sport
and Cultural Industries**

Local government operational guidelines

Local laws
May 2022



Local Government Operational Guidelines

1. Introduction

The Department of Local Government, Sport and Cultural Industries (DLGSC) assists and monitors the process of making local laws in Western Australia. The DLGSC works closely with the Western Australian Local Government Association (WALGA), and the Parliamentary Joint Standing Committee on Delegated Legislation in coordinating advice to local governments on the making of good local laws. This operational guideline covers many issues on local laws including:

- assessing the need for a local law
- the process for making a local law, from policy decisions and council meetings to final publication
- the process for reviewing local laws
- the impact of National Competition Policy
- the role of the Department, Joint Standing Committee on Delegated Legislation and other bodies which scrutinise local laws
- the content of local laws
- common problems with local laws.

The Parliament's Joint Standing Committee on Delegated Legislation has prepared numerous reports commenting on the standard of local government local laws, including Report No 16 which is available on Parliament's website at www.parliament.wa.gov.au.

2. Overview

Section 3.5 of the Local Government Act 1995 (the Act) provides the power for local governments to make local laws to help perform their functions. Section 3.7 of the Act states that a local law is inoperative to the extent that it is inconsistent with the Act or any other written law.

3. Procedure For Making Local Laws

In making a local law, a local government must follow the steps which are set out below and in section 3.12 of the Act (see Appendix 1 which provides a flow chart of the steps for making a local law):

- At a council meeting, the person presiding is to give notice to the council meeting of the purpose and effect of the proposed local law
- Local public notice is to be given stating that:
 1. The local government proposes to make the local law (a summary of the purpose and effect of the local law is included in the notice)
 2. A copy of the proposed local law can be inspected or obtained from the local government
 3. Submissions about the proposed local law may be made to the local government, before a date given in the notice, being not less than six weeks after the publication of the notice (Note: in calculating the six week period, add extra days for both publishing day and closing day, and when closing day falls on a public holiday, Saturday or Sunday).

- As soon as the notice is given, a copy of the proposed local law, together with the public notice and the National Competition Policy (NCP) form, must be given to both the Minister for Local Government and to any other Minister administering the Act under which the local law is made
- A copy of the proposed local law is to be provided to any person requesting it
- After the last day for submissions, the local government must consider any submissions and may, by an absolute majority, proceed with the local law as proposed or make alterations that are not significantly different from what was first proposed
- The adopted local law is published in the Government Gazette
- After the local law is published, provide a signed and sealed copy of the adopted local law to the Minister(s)
- Another local public notice is given:
 4. Stating the title of the local law
 5. Summarising its purpose and effect
 6. Specifying the date on which it comes into operation
 7. Advising that copies of the local law may be inspected or obtained from the office of the local government
- Documents (Explanatory Memorandum, checklist etc) are sent to the Parliament's Joint Standing Committee on Delegated Legislation.

4. Resources

Local law information is accessible from the DLGSC's website at www.dlgsc.wa.gov.au

The Local Law Register is a database of all local law titles made by each local government. It has a search facility to allow local governments to look for gazettal information.

For information on the Joint Standing Committee on Delegated Legislation, visit the Parliamentary website at <https://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/index>

The website also contains a list of committee reports and the undertakings requested from local governments regarding local laws.

For additional assistance on local law-making processes, please contact the DLGSC via email at legislation@dlgsc.wa.gov.au

While information and suggestions can be provided, local governments will at times need to obtain independent legal advice on specific issues.

WALGA operates a local laws service to its member local governments. It has published a series of Model Local Laws, which were developed in conjunction with the DLGSC.

5. Adoption Procedures

5.1 Public Consultation

Section 3.12(3)(a)(iii) of the Act requires local governments to advertise their proposed local laws and provide the public with a statutory period of 'not less than six weeks after the notice is given' in which to lodge submissions. For the purposes of a written law, the *Interpretation Act 1984* provides that the computation of time does not include the first and last day of the event.

When calculating the closing date on which submissions can be made, there must be a minimum of 42 clear days to meet the requirement of 'not less than six weeks'. Remember to exclude both the first day of advertising the public notice and the last day on which submissions can be lodged, a requirement of section 61(1)(f) of the *Interpretation Act 1984*.

Also, the last day on which submissions can be lodged cannot fall on a Saturday, Sunday or public holiday, but rather the next possible working day. It is far better to provide a longer public consultation period than to risk invalidating the local law.

The following is an example of calculating the minimum public consultation period. If your notice is to be advertised in the paper on Thursday, 14 October 2021, exclude this day from the six-week period; then add 42 days to the date on which the notice is to be published. The 42nd day falls on Thursday, 25 November 2021. The next day shall be the latest day by which submissions must be lodged, that is, Friday, 26 November 2021.

Similarly, ensure that all the required information is included in the public notice.

The requirements are set out at section 3.12(3)(a)(i)–(iii) of the Act for the first public notice (proposed local law) and at section 3.12(6)(a)–(c) of the Act for the final public notice (adoption of local law).

The DLGSC monitors local law advertisements to check for compliance with the requirements of the Act. Should statutory requirements not be met, local governments will be advised to re-advertise to ensure that the local law is made within power (see Appendix 2 for examples of notices).

5.2 Submitting Copy of Proposed Local Law to Minister (DLGSC)

Section 3.12(3)(b) of the Act requires local governments to give the Minister for Local Government (and another Minister, where applicable) a copy of the proposed local law. The proposed local law should be exactly as it is intended to be published (gazetted format) in the Government Gazette so that assistance can be given to eliminate problems before the adoption process is substantially advanced and the local government unnecessarily expends its resources.

If your local government intends to adopt local laws by reference (that is, adopt local laws already published by another local government), you need to supply a copy of the abridged version (in gazetted format) as well as the full text version of the local law. Checking the full text will assist to ensure that your local government will not be adopting clauses that are not pertinent to your district.

If your local government is substantially adopting a WALGA model, it would be appreciated if you would indicate by underlining or highlighting in colour, or by similar means, the variations being undertaken. If you are preparing an amendment local law, please also supply the consolidated version of the local law, that is, the full text of the law with the amendments incorporated.

Where another Minister administers other written laws (e.g. *Bush Fires Act 1954* and *Biosecurity and Agriculture Management Act 2007*), a copy of the proposed local law must be provided to that Minister in addition to the copy for the Minister for Local Government (see sections 3.12(3)(b) and 3.12(5) of the Act). Where the Act requires an additional Minister to be provided with a copy of the draft, a failure to do so may invalidate the local law.

5.3 Submitting National Competition Policy Review Forms

An NCP review involves looking at a local law to see if any clauses (including amendments to principal local laws) restrict competition and, if so, that the restrictions can be justified in terms of overall public benefit outweighing the disadvantages. It should also be established that the objectives of the proposed local law can only be achieved by the restrictions to competition.

Completed NCP forms should be submitted at the same time as the proposed local laws are submitted to the Minister. Your local government needs to make a statement that competition policy restrictions, where applicable, have been assessed during the preparation of the proposed local laws. Please note that the NCP report should be available for inspection and comment by the public, along with the proposed local law.

The list of local laws that are exempt from NCP review are available from the Department's website via reference to local government, local laws, overview, key circulars, Circular No. 916 or Circular No. 824 for a blank NCP review form.

A failure to conduct a NCP review will not automatically result in a proposed local law being invalid. However, if a local law contains anti-competition issues this may result in the local law being disallowed by Parliament. Conducting an NCP review is helpful to identify any unintended impacts the local law may contain.

5.4 Drafting Standards and Terms

i. Drafting Style

There are two principal styles used by local governments when drafting local laws. One is the style used in the WALGA local laws manual and the other is the style used by government for Acts and Regulations. Either style is acceptable.

ii. Drafting Errors

Some local governments prepare proposed local laws with problems such as:

- grammatical and typographical errors
- inconsistent formatting
- inconsequential numbering of clauses and sub-clauses
- self-referencing clauses
- attempting to confer the council with the power to make additional subsidiary legislation (e.g. policies with the force of law)
- under the wrong governing Act (e.g. a Dog Local Law made under the *Cat Act 2011* instead of the *Dog Act 1976*)
- providing incorrect publication dates of earlier gazetted principal and amendment local laws, and by-laws, when listing them for repeal
- the inclusion of unreasonable or vague wording
- not specifying what is being deleted, or repealed
- providing inaccurate titles of obsolete local laws and by-laws for repeal
- errors of law (e.g. incorrect impounding provisions; incorrect appeal rights)
- erroneous dates in the preamble of the draft proposed local law – the date of resolution of intention to commence the process for making a proposed local law is not required in the preamble.

Care needs to be taken to ensure that these problems do not occur. Remember that it is a cost to your local government when amendment local laws are made to correct errors in the gazetted laws that could have been avoided at the drafting stage.

iii. 'Enabling Act' or 'Head of Power'

The Enabling Act or Head of Power refers to the Act such as the *Local Government Act 1995* under which the legislation is made. The name of the Act must appear first in the local law, followed by the name of the local government and then the title of the local law.

iv. Preamble

The drafting of the preamble depends on the stage at which the local law is at in the local law making process. For example, when the first copy of the proposed local law is sent to the Department (section 3.12(3)(b)), the date in the preamble is left blank as follows:

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Treetops resolved on <date> 2021 to make the *Shire of Treetops Repeal Local Law 2021*.

A couple of months later, when the council decides to proceed and make the local law (section 3.12(4)), the date of that particular meeting (e.g. 28 May 2021) will be inserted into the preamble as follows and will be in the final copy of the local law that is sent to the Department of Premier and Cabinet for printing and to the Department (Minister) (section 3.12(5)):

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Treetops resolved on 28 May 2021 to make the *Shire of Treetops Repeal Local Law 2021*.

5.5 Correcting

If a local law with an error has been published, it cannot be corrected by simply publishing a correction notice in the Gazette. A correction notice can only be used where the Department of Premier and Cabinet made a printing error or the error is something different to what the local government submitted for publishing. Any other changes to the published law, however small, must be made by way of a new proposed amendment local law, requiring fresh and full compliance with all of the steps of the process in section 3.12 of the Act.

5.6 Gazettal by Reference

If your local government is adopting the text of another local government's local law, be careful to check the accuracy and details of the law you will be adopting. Several local governments using this method have had to make amendment local laws to rectify the transmission of errors from the preceding gazettals. It is important to ensure that you are not adopting outdated text of another local government's local law.

Another problem is adopting another local government's local laws by reference where that local government has already adopted the local law by reference.

This creates a 'doubling' effect that is confusing to the reader and often unintended errors occur.

Local governments should confirm that the gazettal date of the local law being adopted by reference is the date the law was actually published in the Gazette and not the date it was passed by that council; otherwise, your local law will attempt to adopt a law that does not legally exist.

If you want to adopt both the text of another local government's local law and a later amendment (possibly a correction) to this law, you need to specify both dates in the preamble.

Local governments are advised against the practice of adopting gazettals by reference to a local law 'as amended in the future'. Under section 3.8 of the Act, this practice may apply for the adoption of model local laws (section 3.9 of the Act) but not for adopting another local government's local laws. Also, by including their future amendments, you would incorporate another local government's decisions about their local law into your local law without your council having any input, consultation or (often) knowledge of these decisions whenever they occur in the future.

5.7 Amending (section 3.12 of the Act), Repealing (section 3.12 of the Act), or Reviewing (section 3.16 of the Act)

Local governments should be aware that when amending or repealing a local law, it needs to be done in accordance with section 3.12 of the Act, which is the same procedure for 'making' a local law. This is because amendment or repeal local laws are new local laws themselves and must follow the full statutory process to be made within power.

Section 3.16 of the Act requires that all of the local laws of local governments must be reviewed within an eight-year period after their commencement to determine if they should remain unchanged or be repealed or amended.

The eight-year period is taken to be from either when the local law commenced or when the last review of the local law (using section 3.16 of the Act) was completed.

Section 3.16 of the Act provides for reviewing the currency and suitability of gazetted local laws – this section cannot be used for amending or repealing legislation. When the outcome of the review finds that it is necessary to change an outdated aspect of the law or that the subsidiary legislation has become defunct or obsolete, the local government must then commence the process outlined in section 3.12 of the Act to implement any changes.

5.8 Time Limits

While the Act does not expressly prescribe a timeframe in which the procedural requirements for making local laws are to be completed, the procedures should be undertaken with 'all convenient speed' in line with the *Interpretation Act 1984*. It is the DLGSC's understanding that local law procedures that take more than a year could be subject to questions of legal validity. Accordingly, if the local law process has had delays of more than a year, then the procedure for making a local law should be restarted.

5.9 Adoption and Gazettal of Local Law

Section 3.12(4) and (5) requires a local government:

- to consider any submissions received about the proposed local law
- by absolute majority to make the local law that is not significantly different from what was proposed
- to publish the local law in the Government Gazette

- to give a copy (second copy) to the Minister for Local Government and any other Minister administering the Act under which the local law was made.

6. Role of the DLGSC

The DLGSC examines the proposed local laws on behalf of the Minister. This is done when, pursuant to section 3.12(3)(b) of the Act, local governments provide a copy of the proposed local law and a copy of the notice to the Minister. The DLGSC gives specific consideration to the following:

- whether the proposal is adopted under the correct Act of Parliament
- whether the proposal is in conflict with the Act and any other law
- National Competition Policy issues
- whether an application for the extension of a local government boundary, to enable a local law to apply outside its district, has received approval by the Governor
- matters raised previously by the Joint Standing Committee on Delegated Legislation
- State Government policy issues.

The DLGSC works closely with WALGA and the Joint Standing Committee on Delegated Legislation of the Parliament to ensure that the proposed content of the local laws will be generally acceptable to all concerned.

7. Role of the Joint Standing Committee on Delegated Legislation

The Joint Standing Committee on Delegated Legislation is a joint committee of the Parliament of Western Australia comprising eight members with equal representation from the Legislative Council and the Legislative Assembly.

The Committee has been delegated, by Parliament, the task of scrutinizing subsidiary legislation in accordance with its terms of reference. These terms of reference were set in May 2021. The terms of reference and copies of all reports tabled by the Committee (and former Committees) can be downloaded from the Parliament of Western Australia's website.

The Committee can be contacted by email on delleg@parliament.wa.gov.au or by telephoning the Legislative Council Committee Office on (08) 9222 7428.

Local laws are subsidiary legislation that are capable of disallowance by either House of Parliament under section 42 of the *Interpretation Act 1984*. Disallowance is the device by which the Parliament maintains control of the power it has delegated to local governments, State Departments and other agencies of the Government to make subsidiary legislation. In the case of local governments, this power is granted by the Act and other particular Acts including the *Cat Act 2011* and the *Dog Act 1976*.

Scrutiny by the Committee and disallowance are accountability mechanisms to guard against the making of local laws that are either unlawful by going beyond the power that is delegated or contravening one of the Committee's terms of reference.

The other accountability mechanisms impacting on local laws are:

- the local community, who under the Act are required to be consulted on proposed local laws

- the Minister for Local Government, who is charged with administering the Department of Local Government, Sport and Cultural Industries which monitors local law making
- the Government, which can request the Governor to make regulations or local laws under the Act that repeal or amend local laws or prevent certain local laws being made
- the courts, which can pronounce on the validity of local laws.

Because it is Parliament that delegates the power to make local laws, the Parliament can, by disallowance, ensure that the power is not abused or exercised inappropriately. The Committee, through being empowered by Parliament to scrutinise local laws on its behalf, can recommend to Parliament that a local law be disallowed if it contravenes one of its terms of reference.

The Committee recommends disallowance as a last resort. Such action will usually only occur in circumstances where the local government does not satisfy the concerns of the Committee. In the majority of cases to date, where the Committee has expressed concerns about a local law, the relevant local government has provided the Committee with a satisfactory written undertaking to address the concerns by amending or repealing parts of the local law.

7.1 Explanatory Memoranda Directions

The Committee's Explanatory Memoranda Directions (see Ministerial Circular No.04-2010) set out the information to be sent directly to the Committee (not the DLGSC) as soon as a local government has gazetted a local law. After completing the procedural steps from sections 3.12(1) to 3.12(6) of the *Local Government Act 1995*, section 3.12(7) requires local governments to provide explanatory material for each local law gazetted. Preparing an Explanatory Memorandum forms part of the process of making a local law (section 3.12(7) of the Act).

Ministerial Circular 04-2010 provides examples and a checklist of the material to send, which must occur within 10 working days of the Gazette publication date.

7.2 Committee's Address

Hard copies of the completed Explanatory Memorandum and other required materials must be sent to:

Committee Clerk
Joint Standing Committee on Delegated Legislation
Legislative Council Committee Office
GPO Box A11
PERTH WA 6837

and electronic copies are to be sent to delleg@parliament.wa.gov.au however, if a submission is emailed, an electronic signature is required.

For queries about submitting the explanatory material, the Legislative Council Committee can be contacted on (08) 9222 7231.

7.3 Explanatory Memorandum must be signed

The Committee requires the Explanatory Memorandum to be signed by both the Chief Executive Officer (CEO) and the President/Mayor. The reason is that the President/Mayor is the representative of the legislative arm of the local government that enacted the local law, and the CEO is the head of the executive arm of local government, responsible for administering the local law.

7.4 Late Responses

It is essential to respond to the Committee's requests within the advised timeframes. The Committee works under strict time limits governed by the *Interpretation Act 1984* and the Standing Orders of the Legislative Council. In cases where the time limit set by the Committee for a response cannot be met, local government officers should immediately contact Committee staff to determine whether an extension of time can be granted. In circumstances where an extension of time is not possible, the Committee recommends that the council convene a special meeting under Part 5, Division 2 of the Act to resolve the matter and inform the Committee of the council's decision by the requested date.

Submitting material late or failing to address the Committee's concerns may result in the Committee recommending disallowance of the local law.

8. Other Common Local Laws Problems

8.1 Adoption of Policies

The Joint Standing Committee will not approve local laws which attempt to adopt policies and make them enforceable. Adopting policies and making them enforceable is often done in planning schemes, however, that is done under the *Planning and Development Act 2005*, not the Act.

The Joint Standing Committee position is that the powers of the Act do not permit local laws to empower a local government to adopt internal policies as laws other than by inclusion of the matter in a local law (eg policies for advertising signs or codes of conduct). Attempting to adopt policies in local laws and make them enforceable is considered an attempt to avoid the process in section 3.12 of the Act and the scrutiny of Parliament.

The section 3.12 procedure is mandatory and must be followed in chronological order. Failure to do this will render the local law invalid and will likely result in the Joint Standing Committee recommending the law for disallowance.

8.2 Extending Boundaries

Extending a local government boundary is usually only a procedure for coastal local governments that need to apply bathing or boating laws beyond the boundary of the coast.

Those local governments should note that it is necessary to obtain approval from the Governor under section 3.6 of the Act to any extension of their boundary, prior to submitting the final version of the local law to the council under section 3.12(4). If this approval is not obtained, any clause in the local law which purports to apply outside the local government's district boundary will be invalid.

8.3 Ouster Clauses

In the past, a number of local governments have attempted to create local laws that limit or abolish a person's common law right to claim damages from or initiate other legal proceedings against a local government.

On all occasions, the Joint Standing Committee has not approved such local laws and its position remains that such local laws are not permissible.

8.4 Shifting Onus of Proof

As with the ouster clauses described in section 8.3 of this guideline, some local governments have attempted to create local laws that reverse the onus of proof for prosecution purposes.

Similarly, on all occasions the Joint Standing Committee has not approved such local laws and its position remains that such local laws are not permissible.

The exception to the above is parking local laws under which, under the Act, an owner of a vehicle is deemed to be liable for parking infringements unless they can prove otherwise.

8.5 Powers of Entry

A local government's power of entry to rectify nuisances is contained in Schedules 3.1 and 3.2 of the Act.

Some local governments have sought to extend their power of entry to rectify nuisances beyond Schedules 3.1 and 3.2 by attempting to create local laws to that effect. The Act does not provide for this extension of powers and any attempt to do so will be unenforceable.

8.6 Signs

Some local governments are attempting to deal with signage on private land through their signs local laws, whereas the correct place for dealing with this issue is under their town planning scheme. Signs local laws should only deal with the issue of signage on local government property.

In relation to election signage, the Joint Standing Committee requires that signs local laws do not absolutely restrict the placement of signs as attempting to do so contravenes the Australian Commonwealth Constitution. However, local laws placing conditions on the erection of election signs and restricting their location are permissible.

8.7 Codes of Conduct

Many local governments have recently considered making local laws to provide a code of conduct for their council members. The Joint Standing Committee recently reported that such local laws could be made only under particular provisions of an Act of Parliament and would be invalid unless made under such laws.

8.8 Impounding Goods

Under the *Local Government (Functions and General) Regulations 1996*, local governments are restricted to impounding goods involved in a contravention of a local law or a regulation where it occurs in a public place and the goods either are an obstruction, present a hazard or are placed in a location contrary to the law.

The regulations also apply to the impounding of animals, whether they are on a private or public place.

Local governments should ensure that their local laws do not conflict with the impounding provisions of the regulations because to the extent that they do conflict, they will be held unenforceable.

8.9 Indemnities

Similar to attempting to make local laws that limit or abolish a person's common law right to claim damages against a local government, some local governments have proposed to make local laws which would indemnify the local government against claims for damages.

Local laws are not capable of providing such an indemnity as damages are awarded by the Courts subject to the *Civil Liability Act 2002*.

8.10 Determinations

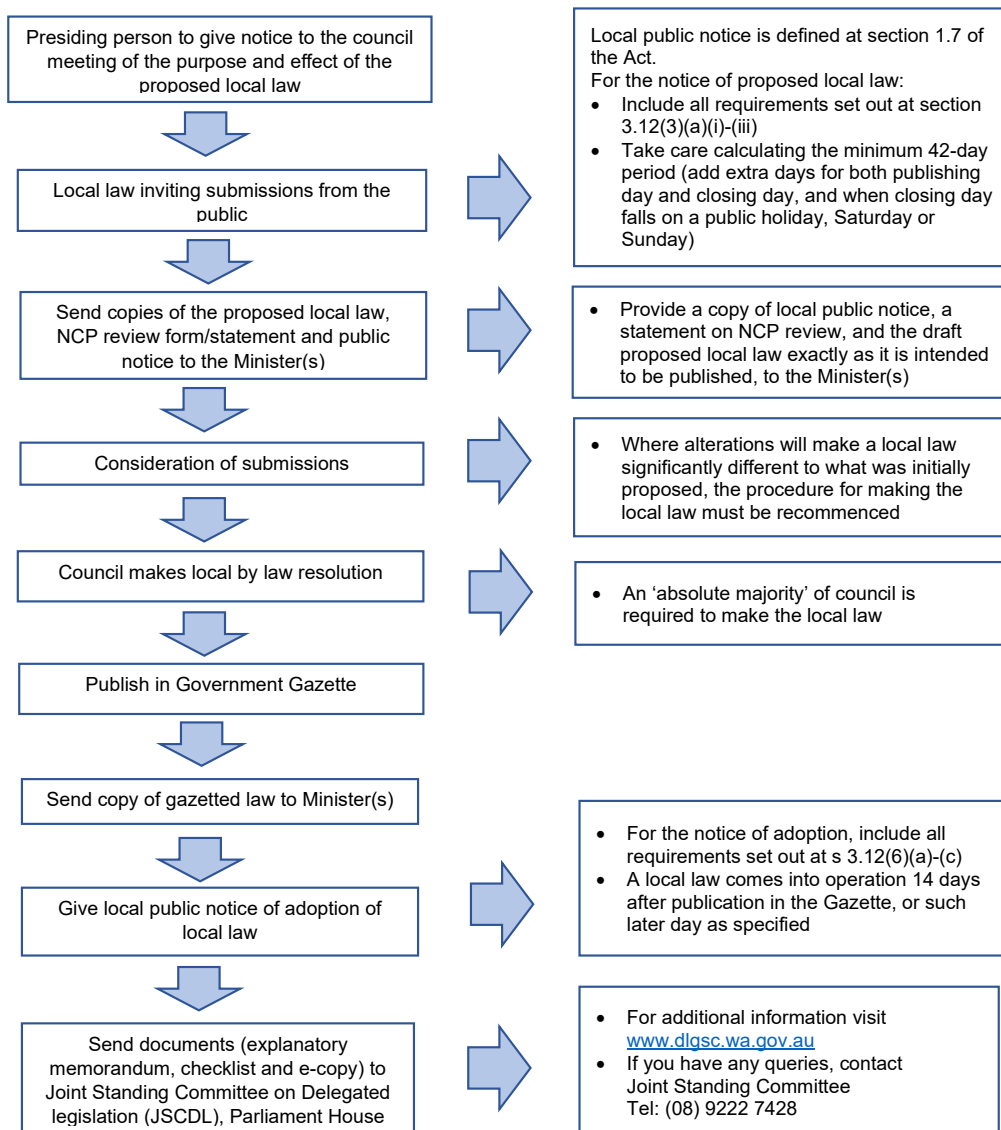
This is a device used in the WALGA model local government property local law to specify the times and places that certain contraventions in local laws apply. These council decisions are not contained in the actual local law.

The Parliament's Delegated Legislation Committee does not support such devices in principle. However, it has advised that it will accept this practice only for this type of local law for practical reasons. Local governments will need to ensure that they do not use this practice to any greater extent than this.

Appendix 1

Local Government Act 1995 – Section 3.12 and NCP review requirements

Flow chart of law-making process



Appendix 2

Example of public notice

(Under section 3.12 of the *Local Government Act 1995*)

First Notice

Refer to section 3.12(3) – local public notice

Local Government Act 1995

Shire of Treetops

Proposed Local Government Property Local Law

The Shire of Treetops proposes to make a local law relating to local government property.

The **purpose** of this local law is to regulate the care, control and management of property of the local government.

The **effect** of this local law is to control the use of local government property; it provides that some activities are permitted only under a permit or under determination, and that some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

A **copy** of the proposed local law may be inspected at or obtained for the Shire's offices at 2 Treetops Avenue, Community Vale, between 8:00am and 4:30pm, Monday to Friday, and at any public library within the Shire of Treetops during normal opening hours.

Submissions about the proposed local law may be made to the Chief Executive Officer, Shire of Treetops, PO Box 101, Community Vale WA 6484 by **Friday 2 September 2021**.

Joe Smith

Chief Executive Officer

Final Notice

Refer to section 3.12(6) – local public notice

Local Government Act 1995

Shire of Treetops

Adoption of Local Government Property Local Law

The Shire of Treetops has resolved to adopt the *Shire of Treetops Local Government Property Local Law 2021*.

The **purpose** of this local law is to regulate the care, control and management of property of the local government.

The **effect** of this local law is to control the use of local government property; it provides that some activities are permitted only under a permit or under determination, and that some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

A [copy](#) of the proposed local law may be inspected at or obtained for the Shire's offices at 2 Treetops Avenue, Community Vale, between 8:00am and 4:30pm Monday to Friday, and at any public library within the Shire of Treetops during normal opening hours.

This local law was gazetted on 14 October 2021 and will come into operation on [28 October 2021](#).

Joe Smith

Chief Executive Officer

About the Guideline series

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on DLGSC officer knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the DLGSC's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

For more information about this and other guidelines, contact the Local Government Support and Engagement Branch at:

Department of Local Government, Sport and Cultural Industries

140 William Street

Perth WA 6000

PO Box 8349

Perth Business Centre 6849

Telephone (08) 6552 7300

Freecall (Country only) 1800 634 541

Email: info@dlgsc.wa.gov.au

Website: www.dlgsc.wa.gov.au

Translating and Interpreting Service (TIS) – Tel: 13 14 50

Local Government Advisory Hotline (for local governments only)

Email: lghotline@dlgsc.wa.gov.au

1300 762 511

8:30am to 5:00pm, Monday to Friday

For local law process enquiries:

Email: legislation@dlgsc.wa.gov.au

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
12972	15-12-2022	DEPARTMENT OF TRANSPORT	12 month vehicle registration renewal T0023	406.70	
12973	15-12-2022	OLD GAOL MUSEUM	Old Gaol Honorariums - January 2023	400.00	
12974	15-12-2022	SHIRE OF TOODYAY	VC Petty Cash - Dec 2022	200.00	
12974	15-12-2022	SHIRE OF TOODYAY	Admin Petty Cash - Dec 2022	482.80	
12975	15-12-2022	TELSTRA CORPORATION LTD	Telstra account 7852285500 - Services and equipment rental to 01 Jan 2023	54.20	
12975	15-12-2022	TELSTRA CORPORATION LTD	Telstra Mobiles & Data account - 2608284176 - 02 Dec 2022 to 01 Jan 2023	1,299.53	
12975	15-12-2022	TELSTRA CORPORATION LTD	Telstra Telephone and Internet account 0293288400 - Dec 2022	4,900.36	
12976	15-12-2022	WATER CORPORATION -	Water account - 19B Clinton St 26 Aug 2022 - 20 Oct 2022	250.22	
12976	15-12-2022	WATER CORPORATION -	Water account - Admin Gardens Fiennes St Toodyay Lot 60 1 Sep 2022 - 31 Oct 2022	123.07	
12977	22-12-2022	DEPARTMENT OF TRANSPORT	12 month vehicle registration T0026	406.70	
12977	22-12-2022	DEPARTMENT OF TRANSPORT	12 month vehicle registration - T0007	263.65	
12978	22-12-2022	WATER CORPORATION	Water account - Northam Toodyay Rd Standpipe 9007933760 1 Sep 2022 - 1 Nov 2022	13,012.47	
1	01-12-2022	BENDIGO & ADELAIDE BANK LTD	Bpay biller fee	374.94	
2	01-12-2022	HP FINANCIAL SERVICES PTY LTD	Printer Lease	1,116.84	
3	01-12-2022	BENDIGO & ADELAIDE BANK LTD	Bank fee	10.56	
4	01-12-2022	BENDIGO & ADELAIDE BANK LTD	Bank fee	2.24	
5	01-12-2022	BENDIGO & ADELAIDE BANK LTD	Overdraft fee	15.00	
6	01-12-2022	BENDIGO & ADELAIDE BANK LTD	Monthly Service fee	15.00	
7	01-12-2022	BENDIGO & ADELAIDE BANK LTD	Transfer fees	10.00	
8	05-12-2022	COMMONWEALTH BANK OF AUSTRALIA	Merchant fee	96.13	
9	05-12-2022	COMMONWEALTH BANK OF AUSTRALIA	Merchant fee	73.33	
10	05-12-2022	COMMONWEALTH BANK OF AUSTRALIA	Merchant fee	246.49	
11	05-12-2022	COMMONWEALTH BANK OF AUSTRALIA	Merchant fee	143.86	
12	05-12-2022	PAYMATE	Community standpipe controller - Usage fee	0.36	
13	05-12-2022	PAYMATE	Community standpipe controller - Monthly fee	82.50	
14	06-12-2022	BENDIGO & ADELAIDE BANK LTD	Bank fee	0.88	
15	06-12-2022	Charmeine Gail DURİ	Councillor Attendance Allowance - Nov 2022	1,188.30	
16	06-12-2022	Danielle Kim WRENCH	Councillor Attendance Allowance - Nov 2022	1,188.30	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
17	06-12-2022	Elizabeth June RUTHVEN	Councillor Attendance Allowance - Nov 2022	1,859.13	
18	06-12-2022	Michael Vincent MCKEOWN	Councillor Attendance Allowance - Nov 2022	1,188.30	
19	06-12-2022	Philip David HART	Councillor Attendance Allowance - Nov 2022	1,188.30	
20	06-12-2022	Rosemary June MADACSI	Councillor Attendance Allowance - Nov 2022	4,523.25	
21	06-12-2022	Steven John MCCORMICK	Councillor Attendance Allowance - Nov 2022	1,188.30	
22	06-12-2022	Susan Caroline PEARCE	Councillor Attendance Allowance - Nov 2022	1,188.30	
23	07-12-2022	BENDIGO & ADELAIDE BANK LTD	Bank fee	6.93	
24	07-12-2022	QPC GROUP	Freight charges for toner	27.50	
25	07-12-2022	COMMONWEALTH BANK OF AUSTRALIA	Equigroup - IT Hardware & Software Lease	148.19	
26	08-12-2022	BENDIGO & ADELAIDE BANK LTD	Bank fee	1.43	
27	09-12-2022	PAYMATE	Community standpipe controller - Usage fee	0.66	
28	12-12-2022	CNH INDUSTRIAL CAPITAL AUST PTY LTD	Iveco Truck Lease	3,207.70	
29	12-12-2022	COMMONWEALTH BANK OF AUSTRALIA	Equigroup - IT Hardware & Software Lease	2,635.05	
30	13-12-2022	PAYMATE	Community standpipe controller - Usage fee	0.82	
31	14-12-2022	WESTERN AUSTRALIAN TREASURY CORPORATION	Loan 71 Repayment	31,168.06	
32	14-12-2022	CREDIT CARD CEO	Credit card - CEO - S Haslehurst Nov 2022	1,236.18	
			<i>Crown Promenade Hotel Accommodation 01/11/22-04/11/22 LGP conference</i>		514.34
			<i>EG Fuelco Unleaded - LGP Conference</i>		20.00
			<i>Bloomy's Nursety & Florist - Wreath for Remembrance Day</i>		70.00
			<i>Monthly Adobe subscription</i>		627.84
			<i>Monthly card fee</i>		4.00
33	14-12-2022	CREDIT CARD MCCS	Credit card - T Bateman - MCCS - November 2022	521.79	
			<i>Accommodation at Crown Promenade 01/11/22-03/11/22</i>		342.89
			<i>Sonic Health - Audiometry test for Ricky Thompson</i>		75.90
			<i>Registration of "Toodyay International Food Festival"</i>		99.00
			<i>IKEA - Shelving for storage</i>		100.00
			<i>IKEA - Shelving for storage - refund</i>		-100.00

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
			Monthly card fee		4.00
34	14-12-2022	CREDIT CARD CESM	Credit Card - CESM - R Koch - Nov 2022	304.99	
			Dunnings Goomalling - Meals/soft drinks - Catering relating to SoG Rural Fire Awareness Course 05/11/2022		102.39
			Dunnings - Diesel - BFS INC#599520		147.35
			Dunnings - Meals/Soft drinks - BFS INC#499443		51.25
			Monthly card fee		4.00
35	14-12-2022	CREDIT CARD MAS	Credit Card - MAS - Augustin - November 2022	934.09	
			SPOT network maintenance fee for 12 month		755.15
			Soap dispenser for Coondle Fire Shed		107.79
			Remake of damaged/faded licence plate T0013		44.50
			Monthly card fee		4.00
			International Transaction fee		22.65
36	15-12-2022	BENDIGO & ADELAIDE BANK LTD	Bank fee	9.90	
37	15-12-2022	PAYMATE	Community standpipe controller - Usage fee	0.01	
38	15-12-2022	COMMONWEALTH BANK OF AUSTRALIA	Bpoint fee	34.81	
39	15-12-2022	1SPATIAL	FME License Annual Maintenance Renewal	858.00	
40	15-12-2022	ADVANCED TRAFFIC MANAGEMENT	Traffic controllers with signs and cones to worksite Bindi Bindi Rd Toodyay	1,416.36	
41	15-12-2022	ADVANCED TRAFFIC MANAGEMENT	Traffic controllers with signs and cones to worksite Bindi Bindi Rd Toodyay	1,359.44	
42	15-12-2022	ADVANCED TRAFFIC MANAGEMENT	Traffic controllers with signs and cones to worksite Traffic controllers with signs and cones to worksite	1,358.56	
43	15-12-2022	AFGRI EQUIPMENT AUSTRALIA PTY LTD	Parts to re-shim circle on JD Grader	3,381.12	
44	15-12-2022	AFGRI EQUIPMENT AUSTRALIA PTY LTD	Replacement cutting blades for mid deck mower	302.54	
45	15-12-2022	AQUARIUS WATER CARTING	3 x 15k litres of Potable Water	900.00	
46	15-12-2022	AQUARIUS WATER CARTING	Standby on 30/11/2022 – extreme fire danger rating day	60.00	
47	15-12-2022	AUTOPRO NORTHAM	50mm Trailer Coupling	39.31	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
48	15-12-2022	BIRDS OF THE PERTH HILLS	Birds of Perth Hills	192.00	
49	15-12-2022	BORAL CONSTRUCTION MATERIALS (BORAL RESOURCES WA LTD)	Coondle West Rd seal variation due to increase in m2 to cover intersection and sharp bends, Coondle West Rd reseal	118,997.21	
50	15-12-2022	BRODERICK WASTE SOLUTIONS	Cartage of waste from Toodyay Transfer Station to Northam for the month of November 2022	5,385.60	
51	15-12-2022	BRODERICK WASTE SOLUTIONS	Cartage of EWaste 8/11/22 and 11/11/22	1,320.00	
52	15-12-2022	BRODERICK WASTE SOLUTIONS	Management of Waste Transfer Station - Fixed Rate of Service per fortnight. Includes handling of hazardous waste removal for the fortnight ended 13 December 2022	5,610.00	
53	15-12-2022	C & F BUILDING APPROVALS	NCC Compliance Assessment & Issue of Class 10a CDC 11 Meadow Place, Issue of Building Permit on pre Certified Application 355 Railway Road, Compliance Assessment & Issue of Class 10a CDC 10 Telegraph Road	1,045.00	
54	15-12-2022	C & F BUILDING APPROVALS	Compliance Assessment & Issue of Class 10a CDC 291 Morangup Road, Morangup	385.00	
55	15-12-2022	CHARLES SERVICE COMPANY	Cleaning of the rooms at the Community Centre 4/11/22 to 18/11/22	798.60	
56	15-12-2022	CHARLES SERVICE COMPANY	Clean and service the Admin Building Monday to Thursday, 24/10/22-18/11/22, clean the Youth Hall and community depot toilets on Mondays	2,173.60	
57	15-12-2022	CLUBLINKS MANAGEMENT PTY LTD	Venue hire Local Government Induction Training Thursday 24th November 2022	262.50	
58	15-12-2022	CORSIGN (WA) PTY LTD	Guard Rail Delineators for Shire Bridges	825.00	
59	15-12-2022	D CLEMENTS SMASH REPAIRS	Insurance Excess - 1HQF952 MCCS - Kangaroo Damage	300.00	
60	15-12-2022	DATAKOM SOLUTIONS (AU) PTY LTD	Datapay Fortnightly PE 08/11/2022, PE 22/11/2022, Direct Access - Per Employee	322.98	
61	15-12-2022	Deborah TERMANN	Consignment sales - Nov 2022 Deborah TERMANN	22.00	
62	15-12-2022	DOWNER EDI WORKS LIMITED	Bridge 4081 Julimar - Bridge Maintenance Repairs 22/23	65,659.31	
63	15-12-2022	DUNNING INVESTMENTS PTY LTD	Unleaded fuel for Shire Vehicles	120.50	
64	15-12-2022	DUNNING INVESTMENTS PTY LTD	21,000 lt Diesel and 1,900 lt Unleaded	48,248.83	
65	15-12-2022	EASIFLEET	Payroll Salary Deductions PPE PPE 06/12/2022	852.18	
66	15-12-2022	ENCHANTED STILTWALKING	Winter Wonder Stilt Duo for December 2nd from 7-9pm (2x45min sets)	1,270.50	
67	15-12-2022	ESSELMONT ESTATE	Consignment sales - Nov 2022 Esselmont estate	73.62	
68	15-12-2022	EZI-FIX WELDING & HANDYMAN SERVICES	Manufacture of trafficable drainage grate and framework for Telegraph Rd and Harper Rd intersection	950.00	
69	15-12-2022	FEIDI PTY LTD ATF WANG & WU FAMILY TRUST	Close-up magic - Toodyay Christmas Street Party	1,040.00	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
70	15-12-2022	FIRE MITIGATION SERVICES PTY LTD	Mitigation Works Chemical	10,047.13	
71	15-12-2022	FIRE MITIGATION SERVICES PTY LTD	Mitigation Works Mechanical/Track	15,925.64	
72	15-12-2022	FIRE MITIGATION SERVICES PTY LTD	Mitigation Works Chemical	5,417.28	
73	15-12-2022	FIRE MITIGATION SERVICES PTY LTD	Mitigation Works Mechanical/Track	3,278.00	
74	15-12-2022	FRAMES WEST	supply steal for workshop floor extension.	780.00	
75	15-12-2022	G & C STEYTLER	Consignment sales - Nov 2022 G & C Steytler	16.00	
76	15-12-2022	Gary HORSFIELD	Window cleaning at Community Centre and VC	400.00	
77	15-12-2022	GE & IJ DOYLE	WA Reptile Park Display - Toodyay Christmas Street Party Friday 2 December 2022, 6pm - 9pm	750.00	
78	15-12-2022	GJW'S INSTALLATIONS	Cabling installation for CRC rooms	3,714.45	
79	15-12-2022	HESPERIAN PRESS	Historical Books on Toodyay VC Stock	226.45	
80	15-12-2022	JIM VAUGHAN	Consignment sales Nov 2022 Jim Vaughan	56.00	
81	15-12-2022	JOMAR (WA) PTY LTD	Emergency Propping - Bridge 4081 - Telegraph Road	242.00	
82	15-12-2022	Kimberley Anne HARDIE	Supplies for Staff Christmas Party and Christmas Street Party 02.12.2022	391.63	
83	15-12-2022	KLEEN WEST DISTRIBUTERS	Toilet roll and hand towel	116.00	
84	15-12-2022	KLEEN WEST DISTRIBUTERS	Nitrile Blax Glove Medium and Large	495.00	
85	15-12-2022	Leah Imelda CARVELL	Consignment sales - Nov 2022 Leah Imelda	18.00	
86	15-12-2022	LEYLAND ENGINEERING SERVICES	Bejoording mirror replacement, CESM Hilux - drive light repairs	475.00	
87	15-12-2022	Lindsay BURKE	Consignment sales Nov 2022 Lindsay Burke	11.53	
88	15-12-2022	LUPTONS LIQUID WASTE	Portable toilets For Toodyay Agricultural Show 2022	1,430.00	
89	15-12-2022	MACRI, TAHLIA ELIZABETH	Winter Wonderland Sign Painting, Toodyay Christmas street party	80.00	
90	15-12-2022	Margaret BRADFORD SEELEY	Consignment sales Nov 2022 Margaret Bradford	11.54	
91	15-12-2022	MARKET CREATIONS	Council connect website notifications advanced feature add on's	990.00	
92	15-12-2022	MARKETFORCE	Local Government Tender Saturday 05/11/2022 fee	570.98	
93	15-12-2022	MAYDAY RENTAL	Water cart hire - November 2022	10,164.00	
94	15-12-2022	MCLEODS BARRISTERS & SOLICITORS	Professional legal services - unauthorised living in sheds and caravans	1,019.15	
95	15-12-2022	METAL ARTWORK CREATIONS	Brushed gold aluminium desk name plaque - de Vos - with double-sided tape - customer to affix to own base	18.70	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
96	15-12-2022	NORTHAM HOLDEN	Replacement damaged parts for T0002	487.03	
97	15-12-2022	NUTRIEN WATER - MIDLAND	Aluminium camlock fittings - 100mm and Camlock washer	2,208.09	
98	15-12-2022	OFFICEWORKS	V/C & Depot Stationery	281.05	
99	15-12-2022	OFFICEWORKS	Ergonomic chair	369.00	
100	15-12-2022	OLD MACDONALD'S TRAVELLING FARM	Walk-in Farm Visit - Toodyay Christmas street party 2022	800.00	
101	15-12-2022	PROFESSIONAL PC SUPPORT PTY LTD	Toners Morangup colocation centre printer	1,220.87	
102	15-12-2022	PROFESSIONAL PC SUPPORT PTY LTD	Managed ICT support agreement December 2022	17.56	
103	15-12-2022	QPC GROUP	Toner freight	27.50	
104	15-12-2022	QUILTS BY ROBYN	Consignment sales - Nov 2022 - Quilts by Robin	25.00	
105	15-12-2022	R.L BORROMEI & J.J CAPENER	x2 Roving Entertainment, Toodyay Christmas Street Party 2022, Fri 2nd Dec	800.00	
106	15-12-2022	ROAD AND TRAFFIC SERVICES	Dewars Pool Bindoon line marking	4,455.00	
107	15-12-2022	S F FITZGERALD PLUMBING & GAS	Repairs at Duidgee Park	99.00	
108	15-12-2022	S F FITZGERALD PLUMBING & GAS	Replace leaking shower cartridge in men's shower block at Aquatic Centre	148.50	
109	15-12-2022	S F FITZGERALD PLUMBING & GAS	Clinton Street Unit 19A - Investigate leak on existing hot water system. Supply and install one new trough outlet, Unit 19B - Install new tap washers in shower, basin, and kitchen sink	318.40	
110	15-12-2022	S F FITZGERALD PLUMBING & GAS	Repair leaking dog water tap at recreation precinct	407.65	
111	15-12-2022	SAKAL Q MAINTENNANCE PTY LTD	Public address equipment for Christmas street party 2022	1,500.00	
112	15-12-2022	SCAVENGER SUPPLIES PTY LTD	Structural fire boot	371.80	
113	15-12-2022	SECURUS	Upload alarm codes to Community Centre building - separate code for hires	71.50	
114	15-12-2022	SHAWMAC TRAFFIC & SAFETY PTY LTD	RAV truck route safety audit and risk assessment	11,294.00	
115	15-12-2022	SHIRE OF NORTHAM	Tipping fee Oct 2022	14,798.11	
116	15-12-2022	SHIRE OF NORTHAM	Tipping fee Sep 2022	14,500.94	
117	15-12-2022	SHIRE OF TRAYNING	Dinner at Market & Co for CEO and MCCS	57.14	
118	15-12-2022	SIX SEASONS CONNECT	Welcome to Country - Toodyay Christmas street party 2022	300.00	
119	15-12-2022	SOUTHERN CROSS AUSTEREO PTY LTD	Around the towns advertising authority	99.00	
120	15-12-2022	ST JOHN AMBULANCE WA	Annual servicing of first aid kits	3,877.85	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
121	15-12-2022	STEWART & HEATON CLOTHING CO PTY LTD	5 x Cargo with R/Tape (Stout)	918.39	
122	15-12-2022	STEWART & HEATON CLOTHING CO PTY LTD	BFS PPE jackets	29.08	
123	15-12-2022	STEWART & HEATON CLOTHING CO PTY LTD	2-Line name badges	34.96	
124	15-12-2022	SYNERGY	Streetlights for period: 25/09/2022 - 24/11/2022	4,009.23	
125	15-12-2022	SYNERGY	Electricity account - Coondle Nunile fire station 775 Bindi-Bindi-Toodyay Rd 01/10/2022 - 29/11/2022	516.10	
126	15-12-2022	SYNERGY	Synergy grouped account 802970900 27/08/22 - 25/11/22	11,568.36	
127	15-12-2022	TAMMAR PUBLICATIONS	Consignment sales Nov 2022 Tammar Publications	27.95	
128	15-12-2022	TENDERLINK	Tender for the supply and delivery of spray seal works and sprayed bituminous surfacing for the Shire of Toodyay	203.50	
129	15-12-2022	TOLL	Delivery from Stewart & Heaton Clothing to Shire of Toodyay (Uniforms)	45.49	
130	15-12-2022	TOLL	Freight charges	69.05	
131	15-12-2022	TOODYAY BAKERY & CAFE	Assorted salad rolls for induction to local Government training 24/11/2022	255.00	
132	15-12-2022	TOODYAY BAKERY & CAFE	Refreshments fo Forget-Me-Not Cafe 11/10/22	72.10	
133	15-12-2022	TOODYAY HARDWARE & FARM	Bolts, washer, portable toilet sanitiser	24.32	
134	15-12-2022	TOODYAY HARDWARE & FARM	Bolt cup 3/8	2.70	
135	15-12-2022	TOODYAY HARDWARE & FARM	Cable ties and screws - Toodyay Christmas street party	44.85	
136	15-12-2022	TOODYAY HERALD	Shire of Toodyay monthly news Dec 2022	783.28	
137	15-12-2022	TOODYAY HERALD	Advert (December issue) - Signage outside heritage areas	154.70	
138	15-12-2022	TOODYAY HERALD	Advert (December) - Council meetings schedule	117.72	
139	15-12-2022	TOODYAY HERALD	Shire of Toodyay monthly news Nov 2022	783.28	
140	15-12-2022	TOODYAY IGA	Staff amenities - Nov 2022	1,392.37	
			<i>Environmental health officer - Spring water</i>		10.99
			<i>VC - Spring water, milk</i>		97.71
			<i>BFS - Food for BFS Training (sausages, fruits, milk, muffins, choc bar, nuts, salads), soft drinks, Glad snap lock large storage resealable bags</i>		499.34
			<i>Admin - Milk, coffee, catering for Melbourne Cup, cleaning suppliers, council meeting refreshments, Staff Training refreshments</i>		311.34
			<i>Depot - Milk, d/washing liquid</i>		10.49

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
			<i>Museum - Milk</i>		2.69
			<i>CRC - Food for CRC opening (sausages, onions, butter, sauce, cleaning suppliers, soft drinks), milk, snacks for Kids club</i>		363.48
			<i>Library - Newspapers, coffee, d/washing liquid, milk, tea bags</i>		96.33
141	15-12-2022	TOODYAY MEN'S SHED INC	Timber sign board for winter Wonderland signage	20.00	
142	15-12-2022	TOODYAY TRADERS	Water bottle 10L	35.75	
143	15-12-2022	TOODYAY TRADERS	Socket, coupling repair compression, blade	73.05	
144	15-12-2022	TOODYAY TRADERS	Hay baled	23.80	
145	15-12-2022	TOODYAY TRADERS	Red Dye marker 1lt	50.70	
146	15-12-2022	TOODYAY TRADERS	Red Dye marker 1lt	50.70	
147	15-12-2022	TOODYAY TRADERS	Key cutting one side	18.00	
148	15-12-2022	TOODYAY TRADERS	Water Bottles for Staff	143.00	
149	15-12-2022	TOODYAY TRADERS	Blue tape	8.40	
150	15-12-2022	TOODYAY TRADERS	25 mm poly ratchet clamp pack	8.75	
151	15-12-2022	TOODYAY TRADERS	Heavy duty battery 9v, punch and spanner, PVC green solvent cement 125 ml. director 19mmx25mm	14.60	
152	15-12-2022	TOODYAY TRADERS	Clamps 19mm poly	6.00	
153	15-12-2022	TOODYAY TRADERS	Hinge gate b/bearing	19.75	
154	15-12-2022	TOODYAY TRADERS	Cable and micro switch	45.45	
155	15-12-2022	TOODYAY TRADERS	Hay baled	11.90	
156	15-12-2022	TOODYAY TRADERS	2 x pallets of grey cement	1,415.20	
157	15-12-2022	TOODYAY TRADERS	Half nozzle	1.45	
158	15-12-2022	TOODYAY VOLUNTEER FIRE BRIGADE	Pack up after Toodyay Christmas Street Party, Fri 2nd Dec 2022	250.00	
159	15-12-2022	TORY'S POTS	Consignment sales Nov 2022 Tory's Pots	42.00	
160	15-12-2022	TOTAL TOOLS MIDLAND	Pallet jack for mezzanine floor 2500kg P/N GUARDPT2500	449.00	
161	15-12-2022	TOURISM COUNCIL OF WA	2023 Membership renewal - Golden i Visitor Centre	1,430.00	
162	15-12-2022	TRANSWEST WA	Drainage gravel for Drummond St	1,066.01	
163	15-12-2022	TRUCKLINE	A new air valve / road ranger gear knob	225.01	
164	15-12-2022	UNIFORMS @ WORK	Shirts - Shire logo - Wesley Sutton	180.84	
165	15-12-2022	URL NETWORKS PTY LTD	SIP Trunk (Per Channel) PAYG -(07/12/2022 - 06/01/2023), Calls (01/Nov/2022 - 30/Nov/2022)	303.48	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
166	15-12-2022	VERIS AUSTRALIA PTY LTD - CORPORATE OFFICE (HEAD OFFICE)	Toodyay - Bindi Bindi Rd Road Reconstruction Road Set Out	6,956.40	
167	15-12-2022	WALGA	Town planning courses, elected member courses	1,681.00	
168	15-12-2022	Wendy CRAFT	Consignment sales Nov 2022 Wendy Craft	25.00	
169	15-12-2022	WHEATBELT BUSINESS NETWORK (INC)	Wheatbelt Business Network Membership for CRC	1,500.00	
170	15-12-2022	WOBM - WHEATBELT OFFICE OF BUSINESS MACHINES - NORTHAM	Rental of Photocopier Fuji Xerox DocuCentre Location: Shire of Toodyay Library	117.59	
171	15-12-2022	XTREME BOUNCE PARTY HIRE	Inflatables and Dunk Machine - Toodyay Christmas Street Party 2022, Fri 2nd Dec 2022	1,820.00	
172	15-12-2022	Graham Richard MARTIN	Refund of standpipe key bond	262.50	
173	15-12-2022	Michael Francis Robert SIMONETTI, Helen Jane SIMONETTI	Rates over payment - A4133 - Lot 98 Telegraph Road, Toodyay	4,890.00	
174	16-12-2022	GEAR SELECT	Drum Roller Lease	2,296.91	
175	16-12-2022	PAYMATE	Community standpipe controller - Usage fee	0.99	
176	16-12-2022	KOMATSU AUSTRALIA CORPORATE FINANCE PTY LTD	Front Wheel Loader Lease	4,901.37	
177	19-12-2022	WESTERN AUSTRALIAN TREASURY CORPORATION	Loan 67 Repayment	26,508.74	
178	21-12-2022	PAYMATE	Community standpipe controller - Usage fee	0.02	
179	21-12-2022	BENDIGO & ADELAIDE BANK LTD	Bank fee	7.04	
180	22-12-2022	ADVANCED TRAFFIC MANAGEMENT	Traffic controllers with signs and cones to worksite Julimar Rd - Edge Break Repairs - Traffic Management	2,160.51	
181	22-12-2022	ADVANCED TRAFFIC MANAGEMENT	Traffic controllers with signs and cones to worksite. Traffic Management - Toodyay Bindi Bind Rd	1,403.82	
182	22-12-2022	ADVANCED TRAFFIC MANAGEMENT	Traffic controllers with signs and cones to worksite. Traffic Management - Toodyay Bindi Bind Rd	3,082.75	
183	22-12-2022	CHARLES SERVICE COMPANY	Consumables 18/11/22 hand towel, roll towel, tissues	1,057.72	
184	22-12-2022	CHARLES SERVICE COMPANY	Admin building and Youth Hall Cleaning 21/11/22-16/12/22	1,742.40	
185	22-12-2022	CHARLES SERVICE COMPANY	Cleaning at the Community Centre From 21/11/22/22 to 16/12/22 - Big meeting room, little office, public computer room	1,452.00	
186	22-12-2022	Charmeine Gail DURİ	Councillor Telecommunications Oct - Dec 2022 Charmeine Gail DURİ	250.00	
187	22-12-2022	Charmeine Gail DURİ	Councillor Attendance Allowance - Dec 2022 Charmeine Gail DURİ	1,188.30	
188	22-12-2022	CHRISTMAS 360 - SEAN BYRON	Christmas tree for 2022 Christmas street party	8,800.00	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
189	22-12-2022	COUNTRY COPIERS	Colour Copier Service Meter Reading	244.75	
190	22-12-2022	Danielle Kim WRENCH	Councillor Telecommunications Oct - Dec 2022 Danielle Kim WRENCH	250.00	
191	22-12-2022	Danielle Kim WRENCH	Councillor Attendance Allowance - Dec 2022 Danielle Kim WRENCH	1,188.30	
192	22-12-2022	EASIFLEET	Payroll Salary Deductions PPE 20/12/2022	345.94	
193	22-12-2022	Elizabeth June RUTHVEN	Councillor Telecommunications Oct - Dec 2022 Elizabeth June RUTHVEN	250.00	
194	22-12-2022	Elizabeth June RUTHVEN	Councillor Attendance Allowance - Dec 2022 Elizabeth June RUTHVEN	1,859.13	
195	22-12-2022	FULTON HOGAN INDUSTRIES PTY LTD	Telegraph - Bindi Bindi Toodyay Rd SLK 0.00-3.00 - Federal Black Spot - Two Coat Seal - Spray Seal	116,556.00	
196	22-12-2022	Grant SCOBIE	The Julinquents band performance at Toodyay Christmas Street Party - Fri 2nd Dec 2022	275.00	
197	22-12-2022	HOLMES, SALLY ELIZABETH	Facilitation of Kids Creative workshop - TCRC school holiday program	220.31	
198	22-12-2022	KAKADU TRADERS (WG TRUNK CO)	VC Stock	186.89	
199	22-12-2022	LAVAN	Professional services from 14/11/22 to 21/11/22 - 21 Hibbertia Place, Toodyay conservation covenant	185.35	
200	22-12-2022	Michael Vincent MCKEOWN	Councillor Telecommunications Oct - Dec 2022 Michael Vincent MCKEOWN	250.00	
201	22-12-2022	Michael Vincent MCKEOWN	Councillor Attendance Allowance - Dec 2022 Michael Vincent MCKEOWN	1,188.30	
202	22-12-2022	MIDLAND TROPHIES	Supply of material and update Australia Day Honour Board	936.00	
203	22-12-2022	OVERWATCH SECURITY AUSTRALIA	2 x Body Worn Camera	1,280.00	
204	22-12-2022	PENTANET LIMITED	NBN - Commercial - Business Select 100Mbps/20Mbps Unlimited Data 01/10/2022 - 31/10/2022	114.00	
205	22-12-2022	PENTANET LIMITED	NBN - Commercial - Business Select 100Mbps/20Mbps Unlimited Data 01/12/2022 - 31/12/2022	114.00	
206	22-12-2022	PENTANET LIMITED	NBN - Commercial - Business Select 100Mbps/20Mbps Unlimited Data 01/11/2022 - 30/11/2022	121.50	
207	22-12-2022	Philip David HART	Councillor Telecommunications Oct - Dec 2022 Philip David HART	250.00	
208	22-12-2022	Philip David HART	Councillor Attendance Allowance - Dec 2022 Philip David HART	1,188.30	
209	22-12-2022	PROFESSIONAL PC SUPPORT PTY LTD	Managed phone agreement January 2023	1,208.92	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
210	22-12-2022	PROFESSIONAL PC SUPPORT PTY LTD	Agreement managed ICT Support January 2023	10,076.73	
211	22-12-2022	PUBLIC TRANSPORT AUTHORITY OF WA	TransWA Ticket sales - Nov 2022	663.68	
212	22-12-2022	PUBLIC TRANSPORT AUTHORITY OF WA	TransWA Ticket sales - Oct 2022	308.91	
213	22-12-2022	Rosemary June MADACSI	Councillor Telecommunications Oct- Dec 2022 Rosemary June MADACSI	250.00	
214	22-12-2022	Rosemary June MADACSI	Councillor Attendance Allowance - Dec 2022 Rosemary June MADACSI	4,523.25	
215	22-12-2022	RUGGED PHONE STORE PTY LTD	2 x Blackview BL8800 Pro 8 GB 128 GB Rugged Smartphones, 10 x Tempered Glass Screen Protectors	1,663.94	
216	22-12-2022	Steven John MCCORMICK	Councillor Telecommunications Oct - Dec 2022 Steven John MCCORMICK	250.00	
217	22-12-2022	Steven John MCCORMICK	Councillor Attendance Allowance - Dec 2022 Steven John MCCORMICK	1,188.30	
218	22-12-2022	Susan Caroline PEARCE	Councillor Telecommunications Oct - Dec 2022 Susan Caroline PEARCE	250.00	
219	22-12-2022	Susan Caroline PEARCE	Councillor Attendance Allowance - Dec 2022 Susan Caroline PEARCE	1,188.30	
220	22-12-2022	SYNERGY	Electricity account 149993610 Lot 301 Railway Rd, Toodyay WA 6566. Supply period 10 Nov 2022 - 14 Dec 2022	445.46	
221	22-12-2022	THE TRUSTEE FOR M & P UNIT TRUST	Statutory audit of TCRC 1 July 2021 to 30 June 2022	1,628.00	
222	22-12-2022	TOLL	Freight charges	111.12	
223	22-12-2022	TOODYAY FIBRE FESTIVAL INC	Community funding support	8,800.00	
224	22-12-2022	TOODYAY HARDWARE & FARM	Bolt Cutters Toodyay Central 4.4	63.06	
225	22-12-2022	TOODYAY HERALD	Advert - Directional Signage	139.91	
226	22-12-2022	TOODYAY HERALD	Advert - Non-habitable structures	139.91	
227	22-12-2022	TOODYAY HERALD	Proposed road closure advert (for public comment) - November edition	132.52	
228	22-12-2022	VERNICE PTY LTD	2 X loads of gravel for Drummond street behind school	916.30	
229	22-12-2022	VERNICE PTY LTD	Semi-truck water cart for Bindi Bindi Toodyay Rd 8 Days Hire	2,024.00	
230	22-12-2022	WILLIAMS HIGHLANDS PTY LTD	7 x Family Sized Pizzas	182.00	
231	22-12-2022	Kevin BURNS, MANRIKI CONSTRUCTION CO	Pension Rebate Refund, 16 Stirlinga Drive, A607	722.00	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 December to 31 December 2022					
Pay Type	Date	Name	Description	Amount	Breakdown
		Aware Super	Superannuation Payroll PPE 06/12/2022	23,027.74	
		Payroll PPE 06/12/22	Payroll PPE 06/12/2022	106,801.83	
		Aware Super	Superannuation Payroll PPE 07/12/2022 - Back Pay	1,897.82	
		Payroll PPE 07/12/22	Payroll PPE 07/12/2022 - Back Pay	12,743.70	
		Aware Super	Superannuation Payroll PPE 20/12/2022	24,755.01	
		Payroll PPE 20/12/22	Payroll PPE 20/12/22	117,607.92	
				\$1,008,211.78	\$4,389.42

Direct Debit \$ 76,141.31
 Trust Chqs \$ 21,799.70
 EFT \$ 623,436.75
 DD Payroll \$ 286,834.02
 DD Loans
 Muni Chqs
TOTAL \$ 1,008,211.78

**STATEMENT OF COMPREHENSIVE INCOME
BY NATURE OR TYPE**

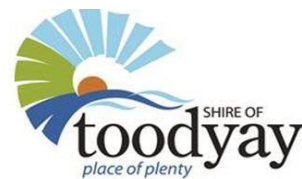
FOR THE PERIOD ENDING 31 December 2022



	2022/23	2022/23	Dec-2022	2021/22	Var.\$
	Actual(b)	Adopted Budget	YTD Budget(a)	Actual	(b)-(a)
Revenue					
Rates	7,227,859	7,221,919	7,230,781	6,893,468	(2,922)
Fees and charges	1,011,216	1,420,409	661,556	1,183,114	349,660
Operating grants, subsidies and contributions	708,364	1,810,514	938,485	3,466,671	(230,121)
Interest earnings	36,860	50,000	23,863	50,950	12,997
Other Revenue	308,104	140,428	112,649	907,875	195,455
	9,292,403	10,643,270	8,967,334	12,502,078	325,069
Expenses					
Employee costs	(1,932,358)	(4,273,688)	(2,093,344)	(3,683,215)	160,986
Materials and contracts	(2,455,079)	(4,419,708)	(2,164,577)	(4,569,976)	(290,502)
Utility charges	(130,228)	(450,650)	(214,550)	(373,792)	84,322
Depreciation on non-current assets	0	(4,436,148)	(2,016,420)	(192,543)	2,016,420
Interest expenses	(83,168)	(155,813)	(70,825)	(172,887)	(12,343)
Insurance expenses	(220,046)	(394,666)	(251,412)	(372,519)	31,366
Other expenditure	(146,480)	(291,946)	(142,487)	(210,716)	(3,993)
	(4,967,359)	(14,422,619)	(6,953,615)	(9,575,648)	1,986,256
Non-Operating grants, subsidies and Contributions	723,975	3,776,923	1,811,585	2,142,882	(1,087,610)
Net Result For The Period	5,049,019	(2,426)	3,825,304	5,069,312	1,223,715
Total Comprehensive Income For The Period	5,049,019	(2,426)	3,825,304	5,069,312	1,223,715

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDING 31 December 2022



	2022/23 Actual(b)	2022/23 Adopted Budget	Dec-2022 YTD Budget(a)	2021/22 Actual	Var.\$ (b)-(a)
OPERATING ACTIVITIES					
Net Current assets at start of financial year-surplus/(deficit)	3,510,934	3,223,000	0	1,111,677	3,510,934
	3,510,934	3,223,000	0	1,111,677	3,510,934
Revenue from Operating Activities					
Fees and charges	1,011,216	1,420,409	553,887	1,148,632	457,329
Operating grants, subsidies and contributions	708,364	1,810,514	910,032	3,466,671	(201,668)
Interest earnings	36,860	50,000	22,828	50,950	14,032
Other Revenue	308,104	140,428	141,860	1,007,045	166,244
	2,064,544	3,421,351	1,628,607	5,673,298	435,937
Expenditure from Operating Activities					
Employee costs	(1,932,358)	(4,273,693)	(1,973,262)	(3,613,679)	40,904
Materials and contracts	(2,455,079)	(4,419,707)	(2,371,193)	(5,035,115)	(83,886)
Utility charges	(130,228)	(450,649)	(204,756)	(373,792)	74,528
Depreciation on non-current assets	0	(4,436,148)	(1,109,043)	(192,543)	1,109,043
Interest expenses	(83,168)	(155,813)	(64,920)	(172,887)	(18,248)
Insurance expenses	(220,046)	(394,663)	(172,591)	(372,519)	(47,455)
Other expenditure	(146,480)	(291,946)	(16,440)	(37,699)	(130,040)
	(4,967,359)	(14,422,619)	(5,912,205)	(9,798,234)	944,846
Non-cash amounts excluded from operating activities	0	4,436,148	2,016,420	192,543	(2,016,420)
Amount attributable to operating activities	608,119	(3,342,120)	(2,267,178)	(2,820,716)	2,875,297
Cash Flows from Investing Activities					
Non-Operating grants, subsidies and Contributions	723,975	3,776,923	1,811,585	2,142,882	(1,087,610)
Proceeds from sale of Property, Plant and equipment	348,972	593,000	267,958	298,068	81,014
Payments for Property, Plant and equipment	(42,000)	(1,309,184)	(42,000)	(303,207)	0
Payments for of Land and Buildings	(80,437)	(979,125)	(80,437)	0	0
Purchase of intangible assets	0	0	0	(192,510)	0
Payment for construction/purchase of Infrastructure	(1,522,331)	(5,144,065)	(1,522,331)	(2,279,259)	0
	(571,821)	(3,062,451)	434,775	(141,516)	(1,006,596)
Cash Flows from Financing Activities					
Principal elements of finance lease payments - separate c	0	(139,662)	0	0	0
Transfer from Reserves	0	56,000	0	624,879	0
Repayment of Borrowings	(150,748)	(317,686)	0	(306,787)	(150,748)
Transfer to Reserves	0	(406,000)	0	(721,406)	0
	(150,748)	(807,348)	0	(403,314)	(150,748)
Amount attributable to financing activities	(150,748)	(807,348)	0	(403,314)	(150,748)
Budgeted deficiency before general rates	(114,450)	(7,211,919)	(1,832,403)	(3,365,546)	1,717,953
Estimated amount to be raised from general rates	7,225,283	7,221,919	7,237,377	6,876,480	(12,094)
Net current assets at end of financial year - surplus/(deficit)	7,110,833	10,000	5,404,974	3,510,934	1,705,859

**SHIRE OF TOODYAY
VARIANCE REPORT**

FOR THE PERIOD ENDED 31 December 2022

Local Government (Financial Management) Regulations 1996

Reg 34. Financial activity statement required each month (Local Government Act s6.4)

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
Revenue			\$	%
Rates	7,230,781	7,227,859	(2,922)	-0.04%
No Material Variance to report. The rates revenue includes \$200,000 from mining tenements, which were held back and will be reissued in February. A revised budget was adopted by Council at a Special Council Meeting held on 1 February 2023, reducing the rates revenue by \$152,715 and the road maintenance budget by the same.				
Fees and charges	661,556	1,011,216	349,660	52.85%
There is an overstated income of \$349,660 due to timing in variance of waste collection fees raised and application fees. There is also misallocation of operating grants to be allocated via a journal to correct accounts.				
Operating grants, subsidies and contributions	938,485	708,364	(230,121)	-24.52%
There is variance of \$230,121 attributable to timing variance in operating grants for Emergency Management not yet received .				
Interest earnings	23,863	36,860	12,997	54.47%
A favourable variance of Interest earnings for \$12,997. The variance is mainly due to higher interest received from rates instalment plan.				
Other Revenue	112,649	308,104	195,455	173.51%
A variance of \$195,455 in other revenue is attributable to timing variance due to revenue received from roads maintenance, recoupments from CESM and standpipe revenue.				

	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
			\$	%
Expenses				
Employee costs	(2,093,344)	(1,932,358)	160,986	-7.69%
Permanent /Timing variances relating to employment costs as a result of payroll costing allocations,under spend in staff training costs and vacant staff positions within business units, yet to be filled.				
Materials and contracts	(2,164,577)	(2,455,079)	(290,502)	13.42%
There is a variance of \$290,502 attributed to timing variance relating to contractors expenses and infrastructure maintenance.				
Utility charges	(214,550)	(130,228)	84,322	-39.30%
There is a timing variance of \$84,322 contributed by cumulative variances of utility charges from various business units.				
Depreciation on non-current assets	(2,016,420)	0	2,016,420	-100.00%
Depreciation, though a non cash cost, is under than YTD due to depreciation not yet processed. Depreciation to be processed after June 2022 Financials audit.				
Interest expenses	(70,825)	(83,168)	(12,343)	17.43%
There is a variance of \$12,343 attributed to Libraries interest not budgeted for and timing variance in payment of loan fees to WATC. To be reviewed under Mid Year budget review.				
Insurance expenses	(251,412)	(220,046)	31,366	-12.48%
There is a saving of \$31,366 for Insurance expenses attributed to a rebate from LGIS insurance.				
Other expenditure	(142,487)	(146,480)	(3,993)	2.80%
No material variance to report.				
Non-operating grants	1,811,585	723,975	(1,087,610)	-60.04%
A variance of \$1,087,610 for non-operating grants and contributions mainly due to the timing variance of receiving roads grants and completion of capital projects.				

Capital Activities	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
Land and Buildings	(80,437)	(80,437)	0	0.00%
YTD Budget is based on Capital Works during the Year. There was no YTD Capital Budget that was adopted. However, Capital works to building is tracking under budget due to timing of projects				
Infrastructure - Roads	(1,353,206)	(1,353,206)	0	0.00%
YTD Budget is based on Capital Works during the Year. Expenditure on Infrastructure Assets-Roads is less than YTD budget, mainly due to work in progress and timing issue. This variance is spread across various roads.				
Infrastructure - Bridges & Drainage	(168,347)	(168,347)	0	0.00%
Capital Expenditure on Infrastructure Assets-Drainage & Bridge is tracking under budget, due to timing of projects. YTD Budget is based on actual Capital Works. To be reviewed at Mid Year budget review.				
Infrastructure - Other	(778)	(778)	0	0.00%
Capital Expenditure on Infrastructure Assets-Other is under budget. This is due to timing projects. YTD Budget is based on Capital Works during the Year. To be reviewed at Mid Year review.				
Plant and Equipment	(42,000)	(42,000)	0	0.00%
No Material Variance to report. YTD Budget is based on Capital Works during the Year. To be reviewed under Mid Year Budget review				
Loans				
Loan Repayments	0	(150,748)	(150,748)	0.00%
Principal and interest repayments processed for period ending 31 December 2022 in accordance with WATC Schedule. YTD Budget is based on actual loan repayments. To be reviewed and amended at Mid Year review				



RATES AGED TRIAL BALANCE

As at 31 December 2022

Rates Account Reconciliation As At 31 December 2022

		Amount	Journals	Debtors	Creditors	Utilities	Total	Ledger Balance	Variance
Rates Control	199.710.10	2,552,870.85	0.00	0.00	0.00	0.00	2,552,870.85	2,552,870.85	0.00
Rates Deferment	199.740.50	284,870.85	0.00	0.00	0.00	0.00	284,870.85	284,870.85	0.00
Rates PrePayment	199.750.10	-93,769.78	142.04	-0.02	202.83	0.00	-93,424.93	-93,424.93	0.00
Total		2,743,971.92	0.00	-0.02	202.83	0.00	2,744,316.77	2,744,316.77	0.00

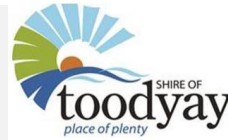
Account Reconciliation	
Rates Accounts Total	2,743,971.92
Rates Control Accounts Total	2,743,971.92
Variance	0.00

NOTE

Rates Control account is a summary account presenting the balances of all rates payers transactions for the period.

Rates Deferment is when the pensioners don't have to pay their Shire rates each Year. (Deferment only applies to Rates and Emergency Service Levy only.)

Rates Prepayment is when rates payers makes excess payment for their rates, resulting in the Shire owing the rates payers.



AGED DEBTORS TRIAL BALANCE

As at 31 December 2022

Debtors Account Reconciliation As At 31 December 2022

Description	Current	31-59 Days	60-89 Days	Over 90 Days	Balance
Debtor Control-Facility Hire	535.00	20.00	0.00	0.00	555.00
Debtor Control-Miscellaneous Debtors	19,408.72	19,166.64	3,938.81	46,987.16	89,501.33
Debtor Control-Libraries	636.05	0.00	0.00	0.00	636.05
Debtor Control-Community Services	126.00	0.00	0.00	0.00	126.00
Debtor Control-Infringements	245.75	0.00	1.55	146.75	394.05
Debtor Control-Other Debtors	-9,967.78	0.00	-1,566.86	-7.68	-11,542.32
Total	10,983.74	19,186.64	2,373.50	47,126.23	79,670.11

Account Reconciliation

Debtors Accounts Total	79,670.11	
Debtors Control Accounts Total	79,670.11	
Variance	0.00	

SHIRE OF TOODYAY

**Bank Account Balances and Investments
For the Period Ended 31 December 2022**



FUNDS	30/11/2022	31/12/2022	Interest Rate	Period of Investment	Investment Date	Maturity Date
Municipal	90,955.34	67,039.73				
Reserve	1,781,984.00	1,781,984.00	4.10%	216 days	25/11/2022	29/06/2023
Bendigo Bank - At Call Account	2,400,000.00	1,900,000.00	2.75%	N/A	25/11/2022	N/A
Bendigo Bank - Term Deposit	1,000,000.00	1,000,000.00	3.45%	92 days	25/11/2022	25/02/2023
National Australia Bank - Term Deposit	2,400,000.00	2,400,000.00	3.00%	92 days	25/11/2022	25/02/2023
	<u>7,672,939.34</u>	<u>7,149,023.73</u>				

	Balance
Bonds and deposits held	
633 000 110 482 783	163,226.12
Term deposits - held for rehabilitation bonds	
633 000 137 945 127 - T100 BGC	142,317.47
633 000 152 237 145 - T214 TOODYAY STONE	49,720.49
633 000 152 238 135 - T4 OPAL VALE P/L-SAM MANGIONE	125,713.01
633 000 152 238 176 - T114 VERNICE P/L	209,425.15
633 000 152 238 218 - T458 BORAL RESOURCES	454,038.63
633 000 152 240 834 - T797 IRONBRIDGE PROPERTY	33,049.16
633 000 158 622 798 - T805 VERNICE PTY LTD	24,492.08
633 000 165 467 309 - T809 OPAL VALE LANDFILL BOND	124,073.08
633 000 173 945 890 - T811 TAQWA HOLDINGS-LANDSACPE BOND	9,573.63
633 000 184 647 550 - T820 AVON EARTHWORKS	1,020.86
Total	<u>1,336,649.68</u>

Shire of Toodyay					
Capital Works Schedule 2022/2023 as at 31 December 2022					
	ADOPTED BUDGET 2022/23	YEAR TO DATE ACTUALS	STATUS	COMMENT	
LAND AND BUILDINGS	979,125	80,437			
Emergency Water Facilities	24,340	-			
Julimar Bush Fire Station (LGGS)	15,000	-			
Bejoording Fire Station	668,426	-		Budget amendment - Grant not received	
Butterly House - Veranda Repairs	10,000	-			
Works Depot - Painting	7,798	-	Not Yet started	Delayed to later half 2022/2023	
Donegans Cottage - Structural Repair	30,000	-	In Progress	To be finalised by June 2023	
Library Drainage & Brickwork Repair and Painting	23,000	-	In Progress	To be finalised by June 2023	
Parkers Cottage - Structural Repair	6,000	-	In Progress	To be finalised by June 2023	
Duidgee Park Toilet Replacement	155,561	80,437	In Progress	To be completed in February 2023	
Duke Street Toilet Upgrade	21,000	-	In Progress	To be finalised by June 2023	
Lee Steere Pavillion	10,000	-	In Progress	Journal required to correct postings	
Depot Material Bunkers	8,000	-	Delayed	Work not started	
PLANT AND EQUIPMENT	1,448,846	42,000			
HEAVY VEHICLE/PLANT REPLACEMENT SCHEDULE	923,280	42,000			
Backhoes / Loaders / Tractors					
Komatsu WA320-6 Front End Loader	50,000		On going lease payments	Monthly lease payment costed to operations	
Graders					
John Deere 670GP	400,000		Delayed	Tenders to be evaluated Feb 2023	
Komatsu GD655-5	59,000		On going lease payments	Monthly lease payment costed to operations	
Trucks					
2014 Hino FS2844 Tipper	41,988		Awaiting delivery	New lease vehicle - ordered	
2012 Hino FS2844 Diesel Truck	44,638		To be delivered	New lease vehicle - ordered	
2018 Iveco Stralis 450 Prime Mover	47,000		On going lease payments	Monthly lease payment costed to operations	
Trailers & Dollys					
Side Tip Trailer - 1	100,000		Delayed	Proposed to be carried forward 2023/24	
Rollers & Brooms					
Wacker Neuson Vibrating Roller	25,000		On going lease payments	Monthly lease payment costed to operations	
Tow Behind Sweeper	50,000		Delayed	Proposed to be carried forward 2023/24	
Ride On Mowers/Mulchers					
Mini Excavator	42,000	42000	Completed	Purchase complete 2022/2023	

Slide in Water Cart	52,154	Completed	Budget Amendment - Slide-in Water Cart rec'd 2021/2022
Barrow Lights (Pair) - Mtce	11,500	Delayed	Procurement
LIGHT VEHICLE REPLACEMENT SCHEDULE	525,566	-	
Holden Colorado Cab Chassis (R1)	55,000	Ordered	Not expected to be received prior to 30 June 2023
Holden Colorado Space Cab 4x4 (R2)	55,000	Ordered	Not expected to be received prior to 30 June 2023
Mitsubishi Triton GL Utility (P&G)	46,655	On track	
Mitsubishi Triton GL Utility	41,800	On track	
Mitsubishi Triton Utility	43,400	On track	
Mitsubishi Triton GL Utility (P&G)	46,655	On track	
Mitsubishi Triton 4x4 D/Cab (Constr)	42,000	On track	
Mitsubishi Triton GL Utility (Grader)	43,400	On track	
Toyota Camry (PO) Pajero	45,000	Disposed of	Vehicle sold through auction
Mitsubishi Triton GL Utility	42,000	On track	
Toyota Hilux 4x2 Cab Chassis (BMO)	39,836	Disposed of	Vehicle sold through auction
Vehicle Asset Tracking System	14,820	On track	
Fire Danger Rating System	10,000		Amendment required to fund install only - \$5,000
INFRASTRUCTURE	5,144,065	1,522,331	
ROADS	4,503,199	1,353,206	
Dewars Pool-Bindoon Road 11.68-14.30	160,000	106,119 On track	Underway and expected to finish in couple of weeks
Bejoording Road - Second seal	340,000	1,286 On track	Underway and expected to finish in February
Telegraph Rd - Bindi Bindi Toodyay Road (From Connor St) SLK 0.	1,016,856	674,757	
Bindi Bindi Toodyay Road Widening & Clearing RRSP	354,345	Schedule to start March 2023	Underway and expected to be finalised by June 2023
Bindi Bindi Toodyay Road 9.18-20.33	475,129	103,427 Schedule to start March 2023	Underway and expected to be finalised by June 2023
Julimar Road Rehabilitation - SLK 17.56 - 19.81	537,049	4,524 Deferred	Waiting on clearing permit. Carry over to 2023/2024
Julimar Road Rehab - Black Spot - SLK 14.11 - 15.96	711,000	11,270 Deferred	Waiting on clearing permit. Carry over to 2023/2025
Chitty Road Upgrade - SLK 4.34 - 6.34	274,365	14,611 Deferred	Waiting on clearing permit. Carry over to 2023/2026
Julimar Road Edge Break Repairs	100,000	102,025 Completed	Project completed
Clackline Road - Road Repairs and Reseal	52,942	210	
Toodyay Street - Second Coat Seal	67,721	49,439 On track	Underway and expected to finish in couple of weeks
Asphalt Repairs - Stirling Terrace, Anzac Ave, Hamersley St & Odd	77,683		
Stirling Terrace & Piesse St Line Marking	10,002		
Coondle West Road Reseal - SLK 6.79 - 9.35	116,705	109,243 On track	Underway and expected to finish in couple of weeks
Retford Road	89,402	107,842 Completed	Project Finalised
Maintenance of Roadside Vegetation - Contract Works - Pruning	70,000	68,452 Completed	Project Finalised
Verge Spray Program	50,000		

<u>DRAINAGE</u>	130,000	21,760		
Drainage improvement - 7 Harcourt Street	-	1,413		
Drainage repair - Range Road	-	1,497		
Floodway repair - Telegraph Road	60,000	(58)	Schedule to start March 2023	Underway and expected to be finalised by June 2023
Stirling Terrace Drainage Upgrades - 22 Stirling Terrace	20,000	10,200	Completed	Project Finalised
Cleaning of Stormwater Drainage	50,000	8,708	On track	Underway and expected to be finalised by June 2023
<u>BRIDGES</u>	239,248	146,586		
Bridge No. 4081 - Telegraph Road - Bridge Repair	47,500		On track	Underway and expected to finish in February
Bridge No. 4089 - Wattening Road	26,731		On track	Underway and expected to finish in February
Bridge No. 9025 - Footbridge	90,326	80,524	On track	Underway and expected to be finalised by June 2023
Bridge No. 4080 - Julimar Road	74,691	66,063	Completed	Project Finalised
<u>FOOTPATHS</u>	122,500	-		
Harcourt Street - Shared Pathway	66,500		Not yet started	Expected to be finalised in June 2023
Reserve Street - Shared Pathway	56,000		Not yet started	Expected to be finalised in June 2023
<u>OTHER INFRASTRUCTURE</u>	149,118	778		
Duidgee Park - Pendulum Swing	-	403		
Newcastle Park - Upgrade	149,118		Schedule to start March 2023	Expected to be finalised in June 2023
Community Standpipe Controller - Capital Works Infrastructure Other		375		
TOTAL CAPITAL EXPENDITURE	7,572,036	1,644,768		

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
12979	16-01-2023	DEPARTMENT OF TRANSPORT	12 Month Vehicle Registration - T0009	406.70	
12979	16-01-2023	DEPARTMENT OF TRANSPORT	12 Month Vehicle Registration T0000	436.40	
12980	16-01-2023	OLD GAOL MUSEUM	Old Gaol Honorariums - February 2023	400.00	
12981	16-01-2023	SHIRE OF TOODYAY	Fencing brackets - Duidgee park, Leaving cards	89.94	
12982	16-01-2023	TELSTRA CORPORATION LTD	Telstra account 7852285500 - Services and equipment rental to 01 Feb 23	54.20	
12982	16-01-2023	TELSTRA CORPORATION LTD	Telstra Mobiles & Data account - 2608284176 - 02 Jan to 01 Feb	1,299.55	
12982	16-01-2023	TELSTRA CORPORATION LTD	Telstra Telephone and Internet account 0293288400 - Jan 2023	4,913.28	
12983	16-01-2023	WATER CORPORATION	Water account - Northam-Northam-Toodyay Rd Avon Hills Fl Lot ADJ LOT 10 Standpipe 9007933760 1 Nov 2022 - 03 Jan 2023	51,848.10	
12984	16-01-2023	WATER CORPORATION	Water account 9007935360 - 19A Clinton St 26 Aug 2022 - 20 Oct 2022	259.75	
12984	16-01-2023	WATER CORPORATION	Water account 9007935379 - 19B Clinton St Lot 14 - 20 Oct 2022 - 21 Dec 2022	255.94	
12984	16-01-2023	WATER CORPORATION	Water account 9023377637 - Lot 241 Stirling Tce Community Standpipe 2	250.34	
12985	31-01-2023	SHIRE OF TOODYAY	Depot Petty Cash - Jan 2023	88.28	
12986	31-01-2023	WATER CORPORATION	VC & Connors Mill - Water use charges 18 Oct 2022 - 20 Dec 2022 98l Stirling Tce Toodyay Lot 2.	406.75	
12987	31-01-2023	WATER CORPORATION	Water use charges 20 Oct 2022 - 21 Dec 2022 Fiennes St Toodyay Lot 60 RES 2281, Admin gardens	612.55	
12987	31-01-2023	WATER CORPORATION	Water account 9007935635 - Pelham Reserve toilets Henry St West Toodyay Lot 99 RES 27698 26 Aug 2022 - 20 Oct 2022	41.96	
12987	31-01-2023	WATER CORPORATION	Water account 26 Aug 2022 - 20 Oct 2022 - Shire Admin Fiennes St Toodyay Lot 60 RES 2281.	22.38	
12987	31-01-2023	WATER CORPORATION	Water account 20 Oct 2022 - 21 Dec 2022 - Shire Admin Fiennes St Toodyay Lot 60 RES 2281.	27.97	
1	01-01-2023	BENDIGO & ADELAIDE BANK LTD	Bpay Monthly Fee	649.83	
2	01-01-2023	BENDIGO & ADELAIDE BANK LTD	Overdraft fee	15.00	
3	01-01-2023	BENDIGO & ADELAIDE BANK LTD	Monthly Service Fee	15.00	
4	01-01-2023	BENDIGO & ADELAIDE BANK LTD	Interest fee	17.64	
5	01-01-2023	BENDIGO & ADELAIDE BANK LTD	Transfer fees	10.00	
6	03-01-2023	ALLEASING	Solar lease Depot Library	1,407.46	
7	03-01-2023	HP FINANCIAL SERVICES PTY LTD	Printer lease	1,116.84	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
8	03-01-2023	COMMONWEALTH BANK OF AUSTRALIA	Merchant fee	501.35	
9	03-01-2023	COMMONWEALTH BANK OF AUSTRALIA	Merchant fee	173.67	
10	03-01-2023	COMMONWEALTH BANK OF AUSTRALIA	Merchant fee	378.21	
11	03-01-2023	COMMONWEALTH BANK OF AUSTRALIA	Merchant fee	70.57	
12	03-01-2023	BENDIGO & ADELAIDE BANK LTD	Bank fee	4.04	
13	04-01-2023	BENDIGO & ADELAIDE BANK LTD	Bank fee	6.71	
14	04-01-2023	PAYMATE	Community standpipe controller - Usage fee	0.02	
15	04-01-2023	QPC GROUP	Freight charges for toner	33.00	
16	05-01-2023	PAYMATE	Community standpipe controller - Monthly fee	82.50	
17	05-01-2023	BENDIGO & ADELAIDE BANK LTD	Bank fee	0.11	
18	06-01-2023	PAYMATE	Community standpipe controller - Usage fee	0.35	
19	11-01-2023	PAYMATE	Community standpipe controller - Usage fee	0.06	
20	12-01-2023	CNH INDUSTRIAL CAPITAL AUST PTY LTD	Iveco Truck Lease	3,207.70	
21	14-01-2023	CREDIT CARD MAS	Credit Card - MAS - J. Augustin	821.74	
			<i>Spot device subscription</i>		366.97
			<i>Stainless steel full port ball valve</i>		289.97
			<i>Ball valve, 5kg airbag</i>		149.79
			<i>Monthly card fee</i>		4.00
			<i>International Transaction fee</i>		11.01
22	14-01-2023	CREDIT CARD CESM	Credit Card - CESM - R Koch	305.50	
			<i>Catering Related to Bush Fire Incident 603152 Anderson Road Fire 23/12/2022</i>		301.50
			<i>Monthly card fee</i>		4.00
23	14-01-2023	CREDIT CARD CEO	Credit Card CEO	6,042.64	
			<i>Parking for LG Pro Advocacy workshop,</i>		15.00

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
			CEO Vehicle Fuel, for LG Pro workshop		50.00
			Burst SMS - Credit top-up for harvest ban SMS system		5,095.00
			Safety culture iAuditor annual plan subscription		250.80
			Adobe subscription		627.84
			Monthly card fee		4.00
24	16-01-2023	KOMATSU AUSTRALIA PTY LTD	Front Wheel Loader Lease	4,901.37	
25	16-01-2023	COMMONWEALTH BANK OF AUSTRALIA	Bpoint fee	53.33	
26	16-01-2023	BENDIGO & ADELAIDE BANK LTD	Bank fee	7.15	
27	16-01-2023	ADVANCED TRAFFIC MANAGEMENT	Traffic Management for Bridge Maintenance - Footbridge	1,849.65	
28	16-01-2023	ADVANCED TRAFFIC MANAGEMENT	Traffic Management for Bridge Maintenance - Footbridge	560.73	
29	16-01-2023	ADVANCED TRAFFIC MANAGEMENT	Traffic Management for Bridge Maintenance - Footbridge	354.20	
30	16-01-2023	ADVANCED TRAFFIC MANAGEMENT	Traffic Management - Toodyay Bindi Bind Rd - FBS - SLK 0.00-3.00	2,839.49	
31	16-01-2023	AFGRI EQUIPMENT AUSTRALIA PTY LTD	Replacement air ratter tines for John Deere mower.	944.86	
32	16-01-2023	AFGRI EQUIPMENT AUSTRALIA PTY LTD	Supply service kit for mini Excavator.	712.17	
33	16-01-2023	Alison Barbara DOWNIE	Consignment sales - Nov-Dec 2022 - Alison Barbara DOWNIE	30.21	
34	16-01-2023	AUSTRALIA POST	Postage charges for November 2022	1,173.99	
35	16-01-2023	AUTOPRO NORTHAM	Radio for emergency situations - rangers road traffic management and livestock management	540.20	
36	16-01-2023	AUTOPRO NORTHAM	Slime Tubeless Sealant	97.35	
37	16-01-2023	AUTOPRO NORTHAM	36 piece tyre repair toolkit, Slime Tubeless Sealant	250.59	
38	16-01-2023	AVON SKIP BINS	Depot Front Load Bin Hire for the Months - October, November & December	105.00	
39	16-01-2023	AVON SKIP BINS	Memorial Hall Front Load Bin Hire for the Months - October, November & December	105.00	
40	16-01-2023	AVON SKIP BINS	Sports Oval Bin Hire for the Months - October, November, December	105.00	
41	16-01-2023	AVON SKIP BINS	Skip Bin empty Works Depot 02/12, 13/12, 23/12	150.00	
42	16-01-2023	AVON SKIP BINS	Skip Bin empty Memorial Hall 06/12, 13/12, 20/12, 30/12	200.00	
43	16-01-2023	AVON SKIP BINS	Skip Bin Sportsground 13/12, 26/12	100.00	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
44	16-01-2023	AVON VALLEY NISSAN & MITSUBISHI	Supply new front bumper for T0013	826.64	
45	16-01-2023	AVON WASTE - STONDON PTY LTD	Fortnightly Domestic and Commercial General Waste Services, Recycling Services, Street Bin Services, from 02/01/23 to 13/01/23	14,885.46	
46	16-01-2023	Barry Graham KEENS	Consignment sales - Nov-Dec 2022 - Barry Graham KEENS	40.89	
47	16-01-2023	BIGSTEP HOLDINGS PTY LTD T/AS PACIFIC SAFETY WEAR	Work Safety Boots - Oliver AT45 Wheat - Size 8.5 - B Glyde and Postage	195.55	
48	16-01-2023	BORAL CONSTRUCTION MATERIALS (BORAL RESOURCES WA LTD)	Shoulder Sealing Works/Edge Breaks - Julimar Rd	44,010.12	
49	16-01-2023	BRODERICK WASTE SOLUTIONS	Cartage of waste from Toodyay Transfer Station to Northam for the month of December 2022	4,963.20	
50	16-01-2023	BRODERICK WASTE SOLUTIONS	Management of Waste Transfer Station - Fixed Rate of Service per fortnight. Includes handling of hazardous waste removal for the fortnight ended 10 January 2023	5,610.00	
51	16-01-2023	CADDS FASHIONS SPORTFIRST NORTHAM	PPE for Depot staff	4,644.31	
52	16-01-2023	CHARLES SERVICE COMPANY	Monthly Cleaning Services November 22 for Library, Public Toilets, Depot, Community Centre Memorial Hall, Pavillion, VC, Museum	11,215.39	
53	16-01-2023	CORNERSTONE LEGAL PTY LTD	Legal advice – Adoption of Rates 2022/23 Financial Year	1,771.00	
54	16-01-2023	CORNERSTONE LEGAL PTY LTD	Legal advice for Shire of Toodyay - Differential Rates 2022-2023	3,113.00	
55	16-01-2023	CORNERSTONE LEGAL PTY LTD	Legal advice for Shire of Toodyay Differential Rates 2022-2023	2,420.00	
56	16-01-2023	CORSIGN (WA) PTY LTD	Signs , name tags	939.40	
57	16-01-2023	CORSIGN (WA) PTY LTD	Wildlife Signs	105.60	
58	16-01-2023	DAIMLER TRUCKS PERTH	Fire Truck Part - Radiator Cap - Bejoording	58.29	
59	16-01-2023	DATAKOM SOLUTIONS (AU) PTY LTD	Direct Access December 2022	332.65	
60	16-01-2023	DATAKOM SOLUTIONS (AU) PTY LTD	Datascape Monthly SaaS Fee December 2022	3,468.33	
61	16-01-2023	Deborah TERMANN	Consignment sales - Dec 2022 Deborah Termann	18.00	
62	16-01-2023	DESTINATION PERTH	Collaborative marketing funds for the Avon Valley collaboration	5,000.00	
63	16-01-2023	DORMA AUSTRALIA PTY LTD	Automatic door service Admin, VC, Library, Bendigo Bank, VC replacement of battery due to to fault	761.26	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
64	16-01-2023	DOWNER EDI WORKS LIMITED	Installation Bracing plate to half cap at pier 1 A2 - Footbridge 9025	1,474.65	
65	16-01-2023	DOWNER EDI WORKS LIMITED	Footbridge 9025 Maintenance - 1 x Half cap replacement at Pier	5,964.20	
66	16-01-2023	EAG ELECTRICAL AIR-CONDITIONING & GAS	Repairs to Evaporative Air Con - 19 Clinton Street	382.80	
67	16-01-2023	ESSLEMONT ESTATE	Consignment sales - Nov 2022 Esslemont Estate	37.53	
68	16-01-2023	FRAMES WEST	Supply 50x50 SHS for mulcher safety frame.	370.00	
69	16-01-2023	FRONTLINE FIRE & RESCUE EQUIPMENT	Helmet Surname Stickers. Names: DRURY, DRURY, RAYNER	33.00	
70	16-01-2023	Geoffrey DANIELS	Rates refund, A1722-136 Dryandra Rd, Morangup	1,658.65	
71	16-01-2023	GLENORAN LEATHER	Consignment sales Nov 2022 Glenoran Leather	11.54	
72	16-01-2023	JIM VAUGHAN	Consignment sales Dec 2022 Jim Vaughan	10.00	
73	16-01-2023	JOMAR (WA) PTY LTD	Emergency Propping - Bridge 4081 - Telegraph Road	242.00	
74	16-01-2023	KOMATSU AUSTRALIA PTY LTD	Parts and labour to repair Komatsu Grader	16,711.15	
75	16-01-2023	LANDGATE	Copy of certificate of title	84.60	
76	16-01-2023	LANDWORX	Removal of dead tree - cnr Charcoal Lane & Oddfellow Street	550.00	
77	16-01-2023	MANRIKI CONSTRUCTION CO	Refund of Development Application job N P2022-127	147.00	
78	16-01-2023	MAYDAY RENTAL	Water Cart Hire - December 2022	5,544.00	
79	16-01-2023	MM MECHANICAL PTY LTD	Clutch Investigation Toodyay Central, Gear Selector Cable Investigation and Rocker cover gasket replacement	1,152.36	
80	16-01-2023	NATURAL AREA CONSULTING MANAGEMENT SERVICES	Flora & Vegetation Survey - Julimar Road	4,576.00	
81	16-01-2023	Nicola COWIE	Consignment sales Nov-Dec 2022 Nicola Cowie	37.24	
82	16-01-2023	NORTHAM TOWING	Towing of Ford Ranger (SES - T7857) to Northam for Repairs	236.50	
83	16-01-2023	ONE MUSIC AUSTRALIA - AUSTRALASIAN PERFORMING RIGHT ASSOC LTD	Councils Music Rural for period from 1 January 2023 to 31 March 2023	158.32	
84	16-01-2023	PENTANET LIMITED	01/01/2023 - 31/01/2023 NBN - Commercial - Business Unlimited Data for 15 Fiennes St and for 67 Stirling Tce	695.90	
85	16-01-2023	PENTANET LIMITED	Pentanet Custom Fibre - 100Mbps download/100Mbps upload, Unlimited data 15 Fiennes St 21/12/2022 - 31/12/2022	344.36	
86	16-01-2023	PITCHERS SADDLERY	Pitchers Saddlery Consignment sales - Dec 2022	80.00	
87	16-01-2023	QUALITY PRESS	Qty 10 x 10 Pack Guidelines for Operating Private Equipment at Fires	99.00	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
88	16-01-2023	S F FITZGERALD PLUMBING & GAS	Repairs to leak at TRC Change Rooms	214.50	
89	16-01-2023	S F FITZGERALD PLUMBING & GAS	Replacement Hot Water System - 19A Clinton Street (existing unit ceased and not repairable)	1,973.80	
90	16-01-2023	Sandra Faye HARMS	Concept design and Artists impression of proposed Toodyay Trails Hub (Mia Mia)	250.00	
91	16-01-2023	SHARONS OUTBACK POTTERY	Consignment sales Dec 2022 Sharon's Outback Pottery	20.00	
92	16-01-2023	SPACETOCO PTY LTD	Host ParterPro Bundle (Reporting and Service) - Online Booking facilities Jan 2023	165.00	
93	16-01-2023	SPACETOCO PTY LTD	Host ParterPro Bundle (Reporting and Service) - Online Booking facilities Dec 2022	165.00	
94	16-01-2023	SPACETOCO PTY LTD	Host ParterPro Bundle (Reporting and Service) - Online Booking facilities Nov 22	165.00	
95	16-01-2023	SYNERGY	Synergy Grouped Account 802970900 07.10.22 - 07.12.22 180 Nottingham Rd, Toodyay and Lot 101 Bejoording Rd, Toodyay	460.85	
96	16-01-2023	SYNERGY	Streetlights 174585790 - 25 Nov 24 Dec 2022	3,879.97	
97	16-01-2023	SYNERGY	Electricity account 149993610 Lot 301 Railway Rd, Toodyay WA 6566. Supply period 15 Dec 2022 - 10 Jan 2023	327.00	
98	16-01-2023	Tanya Michelle STUART	Consignment sales - Nov-Dec 2022 Tanya Stuart	48.10	
99	16-01-2023	THEA COMMINS WHOLESALE	VC Stock - gold gift bookmarks	266.20	
100	16-01-2023	TOLL	Freight charges	29.78	
101	16-01-2023	TOLL	Freight cahrges on Dec 14th, 16th, 20th, and 21th 2022	536.47	
102	16-01-2023	TOLL	Freight charges 23/12/2022	15.69	
103	16-01-2023	TOODYAY CLUB INC	Catering Shire Christmas Party, Food & Drinks	3,310.00	
104	16-01-2023	TOODYAY HARDWARE & FARM	Extension Lead, Cool Room Trailer	39.45	
105	16-01-2023	TOODYAY IGA	Staff amenities -Dec 2022	805.27	
			<i>BFS - Food for BFS Training (fruits, milk, jam, cupcakes)</i>		19.48
			<i>Museum - Items for the Thank a Volunteer event held at the Toodyay Manor art gallery</i>		47.85
			<i>VC & Tourism Amenities</i>		76.08
			<i>Depot - milk, tea bags, cleaning suppliers</i>		35.71
			<i>Admin Staff - supplies for the evacuation centre, milk</i>		442.92
			<i>CRC - suppliers for kids club, street party</i>		71.57
			<i>Library - Newspapers, coffee, milk, spring water</i>		111.66

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
106	16-01-2023	TOODYAY TYRE & EXHAUST	Replacement Battery - 55 D23L - T0015	176.00	
107	16-01-2023	TOODYAY TYRE & EXHAUST	Small truck tyre disposal from Central FESA truck	18.00	
108	16-01-2023	TOODYAY TYRE & EXHAUST	Replace front tyre and disposal of old tyre - JCB Backhoe	282.50	
109	16-01-2023	TOODYAY TYRE & EXHAUST	Replacement of Valve Extensions, 10R 22.5 Michelin XZY tyres	3,071.00	
110	16-01-2023	TORY'S POTS	Consignment sales Dec 2022 Tory's Pots	158.00	
111	16-01-2023	TOTAL GREEN RECYCLING	Waste Transfer Station e-Waste Recycling Nov 2022	937.22	
112	16-01-2023	TOTAL GREEN RECYCLING	Waste Transfer Station e-Waste Recycling 2022/2023	1,120.96	
113	16-01-2023	TRANSWEST WA	Drainage gravel for Drummond St	579.59	
114	16-01-2023	URL NETWORKS PTY LTD	URL Networks - SIP Trunks for all Shire of Toodyay business numbers - Linked to Phone management system	374.52	
115	16-01-2023	VERNICE PTY LTD	Gravel Supply - Bejoording Rd from Sheen Rd to Shire Boundary, Bindi Bindi Rd, Wet hire of semi trailer for material cartage from Bindi Bindi Rd to Red Gully Rd gravel pit	100,809.70	
116	16-01-2023	VERNICE PTY LTD	Gravel Supply to Julimar Rd (Plunkett Rd and Ferguson Rd)	1,962.02	
117	16-01-2023	VERNICE PTY LTD	Supply Gravel to Bindi Bindi Toodyay Rd, Gravel Supply - Julimar Edge Break Repairs	118,863.76	
118	16-01-2023	VICTORIA HOTEL	Accommodation for Maurice Werder 04-Jan-23 - 05-Jan-23	165.00	
119	16-01-2023	VICTORIA HOTEL	Catering BFS Inc: 602804 20/12/2022 Louisa Circ and Inc: 602829 20/12/2022 Timber Creek	578.00	
120	16-01-2023	VICTORIA HOTEL	Maurice Werder Accommodation 11-Jan-23 - 12-Jan-23	165.00	
121	16-01-2023	WACWIL LANDSCAPING & EARTHWORKS PTY LTD	Drainage Improvement Works - 22 Stirling Terrace	11,220.00	
122	16-01-2023	WEST WIDE AUTO ELECTRICS	Repair to Morangup 2.4 Transfer case	1,817.50	
123	16-01-2023	WEST WIDE AUTO ELECTRICS	Installation of handheld charges for yellow high band radio with voltage reduction system (12v>11v) \$470 per Shire Ranger vehicle	940.00	
124	16-01-2023	WEST WIDE AUTO ELECTRICS	T7030 Ute - Replace damaged beacons	717.50	
125	16-01-2023	WEST WIDE AUTO ELECTRICS	T0012 Iveco Prime Mover - Replace faulty switch and replace solenoid junction box	1,303.00	
126	16-01-2023	WEST WIDE AUTO ELECTRICS	T0011 Hino Prime Mover - Replace faulty beacon switches and check trailer hydraulic control	375.00	
127	16-01-2023	WEST WIDE AUTO ELECTRICS	T6098 Steel Drum Roller - Replace and repair lights	1,242.00	
128	16-01-2023	WEST WIDE AUTO ELECTRICS	Portable Traffic Lights - Julimar Road Edge Breaks	5,940.00	
129	16-01-2023	WEST WIDE AUTO ELECTRICS	T0017 Komatsu Grader - Supply & Install Starter Motor	1,405.00	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
130	16-01-2023	WOBM - WHEATBELT OFFICE OF BUSINESS MACHINES - NORTHAM	Rental of Photocopier Fuji Xerox Shire of Toodyay Library	117.59	
131	16-01-2023	ZONE 50 ENGINEERING SURVEYS PTY LTD	Spotting survey for Sealing Works - Telegraph Bindi Bindi Toodyay Rd - SLK 0.00-3.00 FBS	1,650.00	
132	17-01-2023	PAYMATE	Community standpipe controller - Usage fee	0.33	
133	18-01-2023	GEAR SELECT	Drum Roller Lease	2,296.91	
134	18-01-2023	BENDIGO & ADELAIDE BANK LTD	Bank fee	6.71	
135	19-01-2023	PAYMATE	Community standpipe controller - Usage fee	0.01	
136	24-01-2023	KOMATSU AUSTRALIA CORPORATE FINANCE PTY LTD	Grader Lease	4,560.99	
137	31-01-2023	ADVANCED TRAFFIC MANAGEMENT	Traffic Management warning signs - Bejoording Rd - Seal Programme	378.40	
138	31-01-2023	ADVANCED TRAFFIC MANAGEMENT	Traffic Management - Telegraph Toodyay Bindi Bindi Rd	5,766.75	
139	31-01-2023	ADVANCED TRAFFIC MANAGEMENT	Bridge 4081 Telegraph Rd - Traffic Management for Bridge Closure	2,200.66	
140	31-01-2023	AFGRI EQUIPMENT AUSTRALIA PTY LTD	Supply trench bucket for mini excavator	548.90	
141	31-01-2023	AFGRI EQUIPMENT AUSTRALIA PTY LTD	Supply 2 x new Moils for mini excavator	520.30	
142	31-01-2023	ALLIED FORKLIFTS	Service Kit for T0018 Forklift	186.00	
143	31-01-2023	Andrew Brett WATSON	Security bond refund for 19B Clinton Street to Andrew Watson	720.00	
144	31-01-2023	ASTROTOURISM WA	Planishperes for Ballardong and Yued Nations for the Visitors Centre	239.80	
145	31-01-2023	AUSTRALIA POST	Postage charges for December 2022	290.44	
146	31-01-2023	AUTOMATIC GATE SOLUTIONS	Quarterly Maintenance for Depot Gate	292.50	
147	31-01-2023	AVON VALLEY SHOTOKAN KARATE CLUB (USKU)	Assisting With Event Set Up - 2023 Australia Day Event	500.00	
148	31-01-2023	AVON WASTE - STONDON PTY LTD	Fortnightly Rubbish collection charges from 24/10/21 to 21/11/21	16,713.08	
149	31-01-2023	AVON WASTE - STONDON PTY LTD	Fortnightly Rubbish collection charges from 05/12/22 to 16/12/22	16,787.31	
150	31-01-2023	AVON WASTE - STONDON PTY LTD	Fortnightly Rubbish collection charges 19/12/22 to 30/12/22 \$	16,798.65	
151	31-01-2023	AVON YARD & MAINTENANCE SERVICES	Fire Break Tree Lopping 3 x Shire Reserves	5,000.00	
152	31-01-2023	AVON YARD & MAINTENANCE SERVICES	Information Bay weekly maintenance 31/12/2022 - 30/6/2023.	3,750.00	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
153	31-01-2023	AVON YARD & MAINTENANCE SERVICES	Weekly Maintenance of Pelham Reserve Lookout area from 31/12/22 to 30/6/23	3,750.00	
154	31-01-2023	AVON-MIDLAND COUNTRY ZONE WALGA	Zone membership subscription 2022/2023	1,760.00	
155	31-01-2023	BELINGARNI FABRICATION HOME & PROPERTY SERVICE	Firebreak compliance work 434 Julimar Road, West Toodyay, 80 Ridley Circle, West Toodyay	1,760.00	
156	31-01-2023	BELINGARNI FABRICATION HOME & PROPERTY SERVICE	Firebreak compliance work 132 Macpherson Drive, Coondle, 63 Toodyay Road, Toodyay	880.00	
157	31-01-2023	BILYA CAPITAL INVESTMENTS PTY LTD	Pension Rebate Refund, 255 Forest Road, Nunile, A4597	796.50	
158	31-01-2023	BRODERICK WASTE SOLUTIONS	Management of Waste Transfer Station for the fortnight ended 24 January 2023	5,610.00	
159	31-01-2023	C & F BUILDING APPROVALS	Compliance Assessment for 29 Rayner Loop, Nunile, 4 Marri Road, Julimar, Clarke Road, Wattening, 17 North Place, Morangup, 31 Katta Rise, Coondle	1,815.00	
160	31-01-2023	C & F BUILDING APPROVALS	Compliance Assessment and Issue of Class 10a for 26 Goonaring Road, Morangup and for 935 Coondle West Road, Coondle	1,155.00	
161	31-01-2023	CADDS FASHIONS SPORTFIRST NORTHAM	Work Safety Boots - C Wacura	199.99	
162	31-01-2023	CADDS FASHIONS SPORTFIRST NORTHAM	5 x Large Bisley Cool Light Weight LS Mens Shirt	180.25	
163	31-01-2023	CHARLES SERVICE COMPANY	Cleaning of the following rooms at the Community Centre: Big meeting room, Little office, Public com	1,089.00	
164	31-01-2023	CHARLES SERVICE COMPANY	Clean and service the Admin Building 19/12/22 - 20/01/23, clean the Youth Hall and community depot toilets	1,645.60	
165	31-01-2023	CHARLES SERVICE COMPANY	Classic 72L Bin Liners Black, Toilet Tissue	589.13	
166	31-01-2023	CHARLES SERVICE COMPANY	Clean and service of admin building and Youth Hall	2,227.50	
167	31-01-2023	CHARLES SERVICE COMPANY	Monthly cleaning services December 2022: VC, Old Gaol Museum, Pavillion, Memorial Hall, Library, Community Centre, Public Toilets, Depot,	11,215.39	
168	31-01-2023	Charmeine Gail DURİ	Councillor Attendance Allowance - Jan 2023 - Charmeine Gail DURİ	1,188.30	
169	31-01-2023	CLOUD COLLECTIONS PTY LTD	Rates Recovery Legal Expenses Macknoe	319.00	
170	31-01-2023	CORSIGN (WA) PTY LTD	Traffic Hazard Signs	858.00	
171	31-01-2023	CRAFTDOJO AUSTRALIA	Craft Dojo Minecraft Event Deposit - School Holiday Program Friday 14th April 2023	200.00	
172	31-01-2023	CTI SECURITY	Alarm System monitoring - Community Centre and VC Jan to March 2023	405.84	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
173	31-01-2023	Danielle Kim WRENCH	Councillor Attendance Allowance - Jan 2023 - Danielle Kim WRENCH	1,188.30	
174	31-01-2023	DOWNER EDI WORKS LIMITED	Bridge #9025 Footbridge - Bridge Maintenance Repairs 22/23	97,433.63	
175	31-01-2023	DRAINFLOW SERVICES PTY LTD	Sweeping Truck for Toodyay St - Part of the Sealing Works	1,485.00	
176	31-01-2023	EAG ELECTRICAL AIR-CONDITIONING & GAS	Replace faulty light switch - Administration Donga	144.10	
177	31-01-2023	Elizabeth June RUTHVEN	Councillor Attendance Allowance - Jan 2023 Elizabeth June RUTHVEN	1,859.13	
178	31-01-2023	EZI-FIX WELDING & HANDYMAN SERVICES	Repairs to workshop hoist	900.00	
179	31-01-2023	FIRE & SAFETY WA	Boots, gloves, laces	2,363.13	
180	31-01-2023	FIRE MITIGATION SERVICES PTY LTD	Treatments - 14612 & 14716 - Mitigation Works Mechanical/Track - MAF 2022/23 Round 1	15,092.00	
181	31-01-2023	FORPARK AUSTRALIA	Replacement playground equipment due to tree damage - Insurance claim	4,250.40	
182	31-01-2023	FRAMES WEST	Mesh for Storage Workshop	151.00	
183	31-01-2023	FRONTLINE FIRE & RESCUE EQUIPMENT	Boots - Size 13	248.64	
184	31-01-2023	FRONTLINE FIRE & RESCUE EQUIPMENT	Face Respirators, flagging tape, gear stow bag, helmets, reflective stickers	6,407.48	
185	31-01-2023	FUEL DISTRIBUTORS OF WESTERN AUSTRALIA	Diesel 23,999 ltr - Shire Depot	44,638.14	
186	31-01-2023	GRUNDMANN & ASSOCIATES	Desktop rental valuation for 1 room at 67 Stirling Tce, Toodyay (Toodyay Child Health Clinic)	495.00	
187	31-01-2023	HILLS FIRE EQUIPMENT SERVICE	Level 1 Fire Extinguisher Service and Pressure Testing	2,563.00	
188	31-01-2023	INDUSTRIAL AUTOMATION GROUP	25 Standpipe Swipe Cards	511.50	
189	31-01-2023	Jennifer BOYES, Peter Edwin BOYES	Pension Rebate Jennifer & Peter Boyes 5 Lugano Edge Binningup WA 6233	796.50	
190	31-01-2023	John HARLOCK	Workcover WA Hearing Assessment for Malcolm Smith	625.00	
191	31-01-2023	JOMAR (WA) PTY LTD	Emergency Propping - Bridge 4081 - Telegraph Road	242.00	
192	31-01-2023	Kimberley Anne HARDIE	Reimbursement of supplies for Australia Day 2023	716.69	
193	31-01-2023	KLEEN WEST DISTRIBUTERS	Admin cleaning products	215.66	
194	31-01-2023	KOMATSU AUSTRALIA PTY LTD	New mirror and indicator for Komatsu Grader.	342.67	
195	31-01-2023	Kyla BROWNE	Reimbursement of supplies and materials for event school holiday program	368.53	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
196	31-01-2023	LANDMARK ENGINEERING & DESIGN PTY LTD -T/A MODUS AUSTRALIA	New Byron-6 Custom Built Toilet Facility - Duidgee Park	55,751.30	
197	31-01-2023	LANDWORX	Clearing overhanging trees along Pelham Reserve low fuel buffer Henry Street West.	1,485.00	
198	31-01-2023	LANDWORX	Bindi Bindi - Toodyay Rd - Cut logs and plunge stumps	1,100.00	
199	31-01-2023	LGIS RISK MANAGEMENT	Regional Risk Co-ordinator Fee December 2022	8,195.00	
200	31-01-2023	LGISWA	LGIS Membership Scheme policies for period 30/06/2022 to 30/06/2023	173,318.84	
201	31-01-2023	MANE ESPRESSO	Hiring of mobile coffee van service for Australia Day Event 2023	1,600.00	
202	31-01-2023	MERGER CONTRACTING PTY LTD	Racecourse Rd - Asphalt Pavement Works	6,812.41	
203	31-01-2023	MERGER CONTRACTING PTY LTD	Telegraph Bridge 4081 - Asphalt Pavement Works	12,058.20	
204	31-01-2023	METROPOLITAN CASH REGISTER COMPANY	12 month support extension for IdealPos cash register	495.00	
205	31-01-2023	Michael Vincent MCKEOWN	Councillor Attendance Allowance - Jan 2023 - Michael Vincent MCKEOWN	1,188.30	
206	31-01-2023	MM MECHANICAL PTY LTD	BFB Truck Repairs - a/c belt	132.00	
207	31-01-2023	MM MECHANICAL PTY LTD	BF Truck Repairs - Pump throttle	132.00	
208	31-01-2023	MM MECHANICAL PTY LTD	Repairs to Bush fire Truck Coondle	132.00	
209	31-01-2023	NORTH STREET MUSIC	Musicians and PA Hire including operator for Australia Day 2023 on Australia Day 26 January 2023	4,015.00	
210	31-01-2023	Peter HANCKOCK	Reimbursement for Fuel for Bush Fire Inc: 603152	54.75	
211	31-01-2023	Philip David HART	Councillor Attendance Allowance - Jan 2023 - Philip David HART	1,188.30	
212	31-01-2023	PROFESSIONAL LOCKSERVICE	Fit all new locks and supply keys for community centre	2,785.20	
213	31-01-2023	PROFESSIONAL LOCKSERVICE	Supply keys for Ag pens and buildings	102.30	
214	31-01-2023	PROFESSIONAL PC SUPPORT PTY LTD	Agreement Managed Phones Monthly Billing for February 2023	1,208.92	
215	31-01-2023	PROFESSIONAL PC SUPPORT PTY LTD	Library services down over Christmas - site visit and phone support to try and rectify the issues	550.00	
216	31-01-2023	PROFESSIONAL PC SUPPORT PTY LTD	ICT Support Agreement February 2023	10,076.73	
217	31-01-2023	PROFESSIONAL PC SUPPORT PTY LTD	Travel to site CRC and VC ICT Assistance	550.00	
218	31-01-2023	PROFESSIONAL PC SUPPORT PTY LTD	Server maintenance 24/12/2022	160.88	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
219	31-01-2023	PROFESSIONAL PC SUPPORT PTY LTD	Managed ICT Support Agreement: Software Faronics Deep Freeze Standard Maintenance 3 years	172.82	
220	31-01-2023	PUBLIC TRANSPORT AUTHORITY OF WA	TransWA Ticket sales - Dec 2022	639.60	
221	31-01-2023	QPC GROUP	Freight - Delivery Charge	30.80	
222	31-01-2023	RAECO	Genre spine labels for library items	240.35	
223	31-01-2023	Rosemary June MADACSI	Councillor Attendance Allowance - January 2023 Rosemary June MADACSI	4,523.25	
224	31-01-2023	SCAVENGER SUPPLIES PTY LTD	Magnum Strike Force MSF 640 Leather Uppers	212.61	
225	31-01-2023	SHIRE OF NORTHAM	Old Quarry Rd tipping fee December 2022	13,568.05	
226	31-01-2023	SHIRE OF NORTHAM	Old Quarry Rd tipping fee November 2022	14,223.72	
227	31-01-2023	SOUTHERN CROSS AUSTEREO PTY LTD	Around the towns advertising Dec 2022	99.00	
228	31-01-2023	ST JOHN AMBULANCE - WHEATBELT - NORTHAM	2 day first aid training for Depot staff	3,300.00	
229	31-01-2023	STATE LIBRARY OF WA	Freight recoup for July to December 2022	694.07	
230	31-01-2023	Steven John MCCORMICK	Councillor Attendance Allowance - Jan 2023 - Steven John MCCORMICK	1,188.30	
231	31-01-2023	STEWART & HEATON CLOTHING CO PTY LTD	Jackets, belts, t-shirts	111.54	
232	31-01-2023	Susan Caroline PEARCE	Councillor Attendance Allowance - Jan 2023 Susan Caroline PEARCE	1,188.30	
233	31-01-2023	SWAN MARQUEES & PARTY HIRE (SWAN EVENTS)	Marquee and furniture for Australia Day 2023	7,000.00	
234	31-01-2023	TOLL	Freight charges 10/01/2023	29.22	
235	31-01-2023	TOLL	Freight charges on 23.12.22, 23.01.23, 24.01.23	49.93	
236	31-01-2023	TOLL	Freight charges Nov 2022	86.65	
237	31-01-2023	TOM'S HYDRAULICS PTY LTD	Couplings for Skid Steer - 1GQE539	359.48	
238	31-01-2023	TOODYAY HARDWARE & FARM	Summer Splash Party Hose, plastic pistol	29.95	
239	31-01-2023	TOODYAY IGA	Staff amenities - Dec 2022 (new owner)	294.34	
			<i>BFS - Soft drinks for BFS training</i>		56.25
			<i>VC & Tourism - milk</i>		3.59
			<i>Admin Staff - supplies for BBQ breakfast</i>		221.52
			<i>Library - Newspapers, milk</i>		12.98

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
240	31-01-2023	TOODYAY TRADERS	Fuel pump	24.00	
241	31-01-2023	TOODYAY TRADERS	Bolts & nuts	7.50	
242	31-01-2023	TOODYAY TRADERS	Chain, clips, shackle bow	21.75	
243	31-01-2023	TOODYAY TRADERS	Rubbish bin	15.50	
244	31-01-2023	TOODYAY TRADERS	Oil, Bar & Cutter Lube	51.95	
245	31-01-2023	TOODYAY TRADERS	Jug no tap 5L	35.75	
246	31-01-2023	TOODYAY TRADERS	Adaptor, tape	13.15	
247	31-01-2023	TOODYAY TRADERS	Pine 140X19MM X 2.4	30.85	
248	31-01-2023	TOODYAY TRADERS	Metal mech timer, leaf scoops	47.45	
249	31-01-2023	TOODYAY TRADERS	Leaf scoops	12.95	
250	31-01-2023	TOODYAY TRADERS	Hay paled	23.80	
251	31-01-2023	TOODYAY TYRE & EXHAUST	Tyres for SES Ute, CESM Vehicle, SES Ute, tyre disposal fee, Wheel Alignment	3,957.50	
252	31-01-2023	TOODYAY TYRE & EXHAUST	2 x 265/60R18 Tyres and Disposal	905.50	
253	31-01-2023	TOODYAY TYRE & EXHAUST	Wheel alignment SES Ute	75.00	
254	31-01-2023	TOODYAY TYRE & EXHAUST	Replace 4 x Drive Tyres, Valve replacement, Disposal of tyres	2,045.00	
255	31-01-2023	TOTAL TOOLS MIDLAND	Tools for BMO ute	444.95	
256	31-01-2023	TPG NETWORK PTY LTD	Usage charges for Virtual PBX - phone system 01 Nov 22 to 30 Nov 22	196.95	
257	31-01-2023	WACWIL LANDSCAPING & EARTHWORKS PTY LTD	Grading Maintenance Works - Gravel Roads	11,431.75	
258	31-01-2023	WALGA	Registration Shire President to Local Government Convention	1,405.00	
259	31-01-2023	WALGA	Emergency Management training for a Welfare Liaison Officer - Kimberley Hardie	759.00	
260	31-01-2023	WAY SIGNS	Reserve Signage	275.00	
261	31-01-2023	WEST WIDE AUTO ELECTRICS	Replace Battery, Install Charger Cool Room Trailer	1,392.50	
262	31-01-2023	WEST WIDE AUTO ELECTRICS	Flir Charger Repair Morangup 2.4	517.50	
263	31-01-2023	WEST WIDE AUTO ELECTRICS	Pump Actuator Repair Julimar	442.50	
264	31-01-2023	WEST WIDE AUTO ELECTRICS	Replace Tail Light, Replace and Relocate Inverter	2,380.29	
265	31-01-2023	WEST WIDE AUTO ELECTRICS	Repair Pump Start Circuit Toodyay Central	997.66	
266	31-01-2023	WEST WIDE AUTO ELECTRICS	Trailer Plug Replacement CESM Vehicle	279.50	
267	31-01-2023	WEST WIDE AUTO ELECTRICS	Fix Light in Bullbar Toodyay Central 1.4	508.50	
268	31-01-2023	WEST WIDE AUTO ELECTRICS	Replace Battery Pumpset Toodyay	372.50	
269	31-01-2023	WEST WIDE AUTO ELECTRICS	Flir Charger Repair Coondle-Nunile	317.50	

Shire of Toodyay					
List of Payments Presented to Council for Period 1 January to 31 January 2023					
Pay Type	Date	Name	Description	Amount	Breakdown
270	31-01-2023	WEST WIDE AUTO ELECTRICS	Repair Charger/Radio Charger Julimar 1.4	972.50	
271	31-01-2023	WEST WIDE AUTO ELECTRICS	Light Check/Repair Toodyay Central	74.50	
272	31-01-2023	WEST WIDE AUTO ELECTRICS	SES Gator Battery/Charging Issue SES Gator	342.50	
273	31-01-2023	WILDFLORA FACTORY P/L TA AUSTRALIAN WILDFLOWER SEEDS P/L	Australian wildflower seeds for Visitors Centre	678.69	
274	31-01-2023	William David Charles SHEPHERD, Catherine Chevalier O'CONNELL	Sale of 285 Howard Rd, Julimar - pension rebate	796.50	
275	31-01-2023	WREN OIL	Collection of waste oil and used filters from Toodyay Works Depot and Toodyay Waste Transfer Station for 2022/23.	379.50	
276	31-01-2023	WREN OIL	Collection of waste oil and used filters from Toodyay Works Depot and Toodyay Waste Transfer Station for 2022/23.	16.50	
277	31-01-2023	XTREME BOUNCE PARTY HIRE	Summer Splash Party Inflatables Hire - Fri 20th Jan 2023	1,190.00	
278		Payroll 03/01/2023	Payroll PPE 03/01/2023	102,237.31	
279		Aware Super	Superannuation Payrol PPE 03/01/2023	21,780.58	
280		Payroll 03/01/2023	Payroll PPE 03/01/2023 - Termination	8,927.71	
281		Aware Super	Superannuation Payrol PPE 17/01/2023	21,693.13	
282		Payroll PPE 17/01/2023	Payroll PPE 17/01/2023	105,591.44	
				1,428,038.61	8,269.49

Direct Debit	\$	26,686.74
Trust Chqs	\$	61,414.09
EFT	\$	1,079,707.61
DD Payroll	\$	260,230.17
DD Loans		
Muni Chqs		
TOTAL	\$	1,428,038.61

**STATEMENT OF COMPREHENSIVE INCOME
BY NATURE OR TYPE**

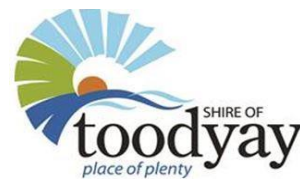
FOR THE PERIOD ENDING 31 January 2023



	2022/23	2022/23	Jan-2023	2021/22	Var.\$
	Actual(b)	Adopted Budget	YTD Budget(a)	Actual	(b)-(a)
Revenue					
Rates	7,230,542	7,221,919	7,229,008	6,893,468	1,534
Fees and charges	1,069,915	1,420,409	790,683	1,183,114	279,232
Operating grants, subsidies and contributions	805,973	1,810,514	1,103,077	3,466,671	(297,104)
Interest earnings	45,944	50,000	28,409	50,950	17,535
Other Revenue	394,676	140,428	125,416	907,875	269,260
	9,547,050	10,643,270	9,276,593	12,502,078	270,457
Expenses					
Employee costs	(2,667,723)	(4,273,688)	(2,481,863)	(3,683,215)	(185,860)
Materials and contracts	(2,740,928)	(4,419,708)	(2,566,369)	(4,569,976)	(174,559)
Utility charges	(186,594)	(450,650)	(255,516)	(373,792)	68,922
Depreciation on non-current assets	0	(4,436,148)	(2,419,704)	(192,543)	2,419,704
Interest expenses	(83,168)	(155,813)	(84,990)	(172,887)	1,822
Insurance expenses	(377,608)	(394,666)	(287,288)	(372,519)	(90,320)
Other expenditure	(159,993)	(291,946)	(169,028)	(210,716)	9,035
	(6,216,014)	(14,422,619)	(8,264,758)	(9,575,648)	2,048,744
Non-Operating grants, subsidies and Contributions	909,165	3,776,923	2,154,942	2,142,882	(1,245,777)
Net Result For The Period	4,240,201	(2,426)	3,166,777	5,069,312	1,073,424
Total Comprehensive Income For The Period	4,240,201	(2,426)	3,166,777	5,069,312	1,073,424

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDING 31 January 2023



	2022/23 Actual(b)	2022/23 Adopted Budget	Jan-2023 YTD Budget(a)	2021/22 Actual	Var.\$ (b)-(a)
OPERATING ACTIVITIES					
Net Current assets at start of financial year-surplus/(deficit)	3,510,934	3,223,000	0	1,111,677	3,510,934
	3,510,934	3,223,000	0	1,111,677	3,510,934
Revenue from Operating Activities					
Fees and charges	1,069,915	1,420,409	651,457	1,148,632	418,458
Operating grants, subsidies and contributions	805,973	1,810,514	922,949	3,466,671	(116,976)
Interest earnings	45,944	50,000	26,711	50,950	19,233
Other Revenue	394,676	140,428	167,874	1,007,045	226,802
	2,316,508	3,421,351	1,768,991	5,673,298	547,517
Expenditure from Operating Activities					
Employee costs	(2,667,723)	(4,273,693)	(2,298,738)	(3,613,679)	(368,985)
Materials and contracts	(2,740,928)	(4,419,707)	(2,744,465)	(5,035,115)	3,537
Utility charges	(186,594)	(450,649)	(239,886)	(373,792)	53,292
Depreciation on non-current assets	0	(4,436,148)	(1,109,043)	(192,543)	1,109,043
Interest expenses	(83,168)	(155,813)	(77,904)	(172,887)	(5,264)
Insurance expenses	(377,608)	(394,663)	(204,315)	(372,519)	(173,293)
Other expenditure	(159,993)	(291,946)	(19,092)	(37,699)	(140,901)
	(6,216,014)	(14,422,619)	(6,693,443)	(9,798,234)	477,429
Non-cash amounts excluded from operating activities	0	4,436,148	2,419,704	192,543	(2,419,704)
Amount attributable to operating activities	(388,572)	(3,342,120)	(2,504,748)	(2,820,716)	2,116,176
Cash Flows from Investing Activities					
Non-Operating grants, subsidies and Contributions	909,165	3,776,923	2,154,942	2,142,882	(1,245,777)
Proceeds from sale of Property, Plant and equipment	348,972	593,000	314,392	298,068	34,580
Payments for Property, Plant and equipment	(42,000)	(1,309,184)	(42,000)	(303,207)	0
Payments for of Land and Buildings	(80,437)	(979,125)	(80,437)	0	0
Purchase of intangible assets	0	0	0	(192,510)	0
Payment for construction/purchase of Infrastructure	(1,557,530)	(5,144,065)	(1,557,530)	(2,279,259)	0
	(421,830)	(3,062,451)	789,367	(141,516)	(1,211,197)
Cash Flows from Financing Activities					
Principal elements of finance lease payments - separate out from	0	(139,662)	0	0	0
Transfer from Reserves	0	56,000	0	624,879	0
Repayment of Borrowings	(150,748)	(317,686)	0	(306,787)	(150,748)
Transfer to Reserves	0	(406,000)	0	(721,406)	0
	(150,748)	(807,348)	0	(403,314)	(150,748)
Budgeted deficiency before general rates	(961,150)	(7,211,919)	(1,715,381)	(3,365,546)	754,231
Estimated amount to be raised from general rates	7,230,542	7,221,919	7,229,008	6,876,480	1,534
Net current assets at end of financial year - surplus/(deficit)	6,269,392	10,000	5,513,627	3,510,934	755,765
All 2020/2021 and 2021/2022 are subject to audit adjustment.					

**SHIRE OF TOODYAY
VARIANCE REPORT**

FOR THE PERIOD ENDED 31 January 2023

Local Government (Financial Management) Regulations 1996

Reg 34. Financial activity statement required each month (Local Government Act s6.4)

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
			\$	%
Revenue				
Rates	7,229,008	7,230,542	1,534	0.02%
No Material Variance to report. The rates revenue includes \$200,000 from mining tenements, which were held back and will be reissued in February. A revised budget was adopted by Council at a Special Council Meeting held on 1 February 2023, reducing the rates revenue by \$152,715 and the road maintenance budget by the same.				
Fees and charges	790,683	1,069,915	279,232	35.32%
There is an overstated income of \$279,232 relating to fees and charges due to timing variance in cumulative fees from various categories. There is also misallocation of operating grants to be allocated via a journal to correct accounts.				
Operating grants, subsidies and contributions	1,103,077	805,973	(297,104)	-26.93%
There is variance of \$279,104 attributable to timing variance in operating grants for Emergency Management not yet received .				
Interest earnings	28,409	45,944	17,535	61.73%
A favourable variance of Interest earnings for \$17,535. attributed to more than higher expected interest received from rates instalment plan.				
Other Revenue	125,416	394,676	269,260	214.69%
A variance of \$269,260 in Other Revenue due to timing variance of revenue received from roads maintenance, recoupments from CESM and other aggregate result of minor variances from individual income categories.				

	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
			\$	%
Expenses				
Employee costs	(2,481,863)	(2,667,723)	(185,860)	7.49%
Permanent /Timing variances relating to employment costs as a result of payroll costing allocations and position vacancies throughout the year.				
Materials and contracts	(2,566,369)	(2,740,928)	(174,559)	6.80%
There is a variance of \$174,559 attributed to timing variance relating to contractors expenses and infrastructure maintenance.				
Utility charges	(255,516)	(186,594)	68,922	-26.97%
There is a timing variance of \$84,322 contributed by cumulative variances of utility charges from various business units.				
Depreciation on non-current assets	(2,419,704)	0	2,419,704	-100.00%
Depreciation, although a non cash cost, is under budget due to depreciation not yet processed. Depreciation to be processed after June 2022 Financials audit.				
Interest expenses	(84,990)	(83,168)	1,822	-2.14%
No material variance to report.				
Insurance expenses	(287,288)	(377,608)	(90,320)	31.44%
There is a variance of \$90,320 for Insurance expenses as compared to the YTD Budget attributed to timing variance This will be reviewed and revised at Mid Year review.				
Other expenditure	(169,028)	(159,993)	9,035	-5.35%
There is a variance of \$9,035 attributed to cumulative timing variances of other expenditure in various business units and Community Sponsorship.				
Non-operating grants	2,154,942	909,165	(1,245,777)	-57.81%
A variance of \$1,245,777 for non-operating grants and contributions mainly due to the timing variance of receiving roads grants and completion of capital projects.				

	YTD BUDGET	YTD ACTUALS	VAR TO YTD BUDGET	VAR TO YTD BUDGET
Capital Activities				
Land and Buildings	(80,437)	(80,437)	0	0.00%
YTD Budget is based on Capital Works during the Year. There was no YTD Capital Budget that was adopted. However, Capital works to building is tracking under budget due to timing of projects. Budget will be amended at Mid Year Budget review.				
Infrastructure - Roads	(2,635,959)	(1,380,202)	1,255,757	-47.64%
YTD Budget is based on Capital Works during the Year. Expenditure on Infrastructure Assets-Roads is less than YTD budget, mainly due to work in progress and timing issue. This variance is spread across various roads. Budget will be amended at Mid Year Budget review				
Infrastructure - Bridges & Drainage	(29,600)	(176,550)	(146,950)	496.45%
Capital Expenditure on Infrastructure Assets-Drainage & Bridge is tracking under budget, due to timing of projects. YTD Budget is based on actual Capital Works. Budget will be amended at Mid Year Budget review				
Infrastructure - Other	(2,100)	(778)	1,322	-62.94%
Capital Expenditure on Infrastructure Assets-Other is under budget. This is due to timing projects. YTD Budget is based on Capital Works during the Year. To be reviewed at Mid Year review.				
Plant and Equipment	(42,000)	(42,000)	0	0.00%
No Material Variance to report. YTD Budget is based on Capital Works during the Year. To be reviewed under Mid Year Budget review				
Loans				
Loan Repayments	0	(150,748)	(150,748)	0.00%
Principal and interest repayments processed for period ending 31 January 2023 in accordance with WATC Schedule. YTD Budget is based on actual loan repayments. To be reviewed and amended at Mid Year review				



RATES AGED TRIAL BALANCE

As at 31 January 2023

Rates Account Reconciliation As At 31 January 2023

		Amount	Journals	Debtors	Creditors	Utilities	Total	Ledger Balance	Variance
Rates Control	199.710.10	2,375,166.85	0.00	0.00	0.00	0.00	2,375,166.8	2,375,166.85	0.00
Rates Deferment	199.740.50	284,870.85	0.00	0.00	0.00	0.00	284,870.85	284,870.85	0.00
Rates PrePayment	199.750.10	-105,117.90	142.04	-0.02	202.83	0.00	-104,773.05	-104,773.05	0.00
Total		2,554,919.80	0.00	-0.02	202.83	0.00	2,555,264.6	2,555,264.65	0.00

Account Reconciliation

Rates Accounts Total	2,554,919.80
Rates Control Accounts Total	2,554,919.80
Variance	0.00

NOTE

Rates Control account is a summary account presenting the balances of all rates payers transactions for the period.

Deferment of the payment of Shire rates means that the pensioner does not have to pay their Council rates each year (Deferment only applies to Rates, Water Rates and Emergency Service Levy only, all other charges must be paid in full) .

Rates Prepayment is when rates payers makes excess payment for their rates, resulting in the Shire owing the rates payers.



AGED DEBTORS TRIAL BALANCE

As at 31 January 2023

Debtors Account Reconciliation As At 31 January 2023

Description	Current	31-59 Days	60-89 Days	Over 90 Days	Balance
Debtor Control-Facility Hire	0	285.00	20.00	0.00	305.00
Debtor Control-Miscellaneous Debtors	255871.5	7875.99	22,819.91	46,839.20	333,406.60
Debtor Control-Libraries	0.00	31.00	0.00	0.00	31.00
Debtor Control-Community Services	85.00	2.00	0.00	0.00	87.00
Debtor Control-Infringements	0.00	185.75	1.55	146.75	334.05
Debtor Control-Other Debtors	-100.00	-9,967.78	-1,540.00	-34.54	-11,642.32
Total	255,856.50	-1,588.04	21,301.46	46,951.41	322,521.33

Account Reconciliation	
Debtors Accounts Total	322,521.33
Debtors Control Accounts Total	322,521.33
Variance	0.00

SHIRE OF TOODYAY

**Bank Account Balances and Investments
For the Period Ended 31 January 2023**



FUNDS	31/12/2022	31/01/2023	Interest Rate	Period of Investment	Investment Date	Maturity Date
Municipal	67,039.73	64,496.17				
Reserve	1,781,984.00	1,781,984.00	4.10%	216 days	25/11/2022	29/06/2023
Bendigo Bank - At Call Account	1,900,000.00	1,100,000.00	2.75%	N/A	25/11/2022	N/A
Bendigo Bank - Term Deposit	1,000,000.00	1,000,000.00	3.45%	92 days	25/11/2022	25/02/2023
National Australia Bank - Term Deposit	2,400,000.00	2,400,000.00	3.00%	92 days	25/11/2022	25/02/2023
	7,149,023.73	6,346,480.17				
Bonds and deposits held		Balance				
633 000 110 482 783		163,226.12				
Term deposits - held for rehabilitation bonds						
633 000 137 945 127 - T100 BGC		142,317.47				
633 000 152 237 145 - T214 TOODYAY STONE		49,720.49				
633 000 152 238 135 - T4 OPAL VALE P/L-SAM MANGIONE		125,713.01				
633 000 152 238 176 - T114 VERNICE P/L		209,425.15				
633 000 152 238 218 - T458 BORAL RESOURCES		454,038.63				
633 000 152 240 834 - T797 IRONBRIDGE PROPERTY		33,049.16				
633 000 158 622 798 - T805 VERNICE PTY LTD		24,492.08				
633 000 165 467 309 - T809 OPAL VALE LANDFILL BOND		124,073.08				
633 000 173 945 890 - T811 TAQWA HOLDINGS-LANDSACPE BOND		9,573.63				
633 000 184 647 550 - T820 AVON EARTHWORKS		1,020.86				
Total		1,336,649.68				

**Shire of Toodyay
Capital Works Schedule 2022/2023 as at 31 January 2023**

	ADOPTED BUDGET 2022/23	YEAR TO DATE ACTUALS	Status	COMMENT
LAND AND BUILDINGS	979,125	80,437		
Emergency Water Facilities	24,340	-		
Julimar Bush Fire Station (LGGS)	15,000	-		
Bejoording Fire Station	668,426	-		Budget amendment - Grant not received
Butterly House - Veranda Repairs	10,000	-		
Works Depot - Painting	7,798	-	Not Yet started	Delayed to later half 2022/2023
Donegans Cottage - Structural Repair	30,000	-	In Progress	To be finalised by June 2023
Library Drainage & Brickwork Repair and Painting	23,000	-	In Progress	To be finalised by June 2023
Parkers Cottage - Structural Repair	6,000	-	In Progress	To be finalised by June 2023
Duidgee Park Toilet Replacement	155,561	80,437	In Progress	To be completed in February 2023
Duke Street Toilet Upgrade	21,000	-	In Progress	To be finalised by June 2023
Lee Steere Pavillion	10,000	-	In Progress	Journal required to correct misposting
Depot Material Bunkers	8,000	-	Delayed	Work not started
PLANT AND EQUIPMENT	1,448,846	42,000		
HEAVY VEHICLE/PLANT REPLACEMENT SCHEDULE	923,280	42,000		
Backhoes / Loaders / Tractors				
Komatsu WA320-6 Front End Loader	50,000	-	On going lease payments	Monthly lease payment costed to operations
Graders				
John Deere 670GP	400,000	-	Delayed	Tenders to be evaluated Feb 2023
Komatsu GD655-5	59,000	-	On going lease payments	Monthly lease payment costed to operations
Trucks				
2014 Hino FS2844 Tipper	41,988	-	Awaiting delivery	New lease vehicle - ordered
2012 Hino FS2844 Diesel Truck	44,638	-	To be delivered	New lease vehicle - ordered
2018 Iveco Stralis 450 Prime Mover	47,000	-	On going lease payments	Monthly lease payment costed to operations
Trailers & Dollies				
Side Tip Trailer - 1	100,000	-	Delayed	Proposed to be carried forward 2023/2024
Rollers & Brooms				
Wacker Neuson Vibrating Roller	25,000	-	On going lease payments	Monthly lease payment costed to operations
Tow Behind Sweeper	50,000	-	Delayed	Proposed to be carried forward 2023/2024
Ride On Mowers/Mulchers				
Mini Excavator	42,000	42000	Completed	Purchase complete 2022/2023
Slide in Water Cart	52,154	-	Completed	Budget Amendment - Slide-in Water Cart rec'd 2021/2022
Barrow Lights (Pair) - Mtce	11,500	-	Delayed	Procurement

LIGHT VEHICLE REPLACEMENT SCHEDULE	525,566	-		
Holden Colorado Cab Chassis (R1)	55,000		Disposed of	Vehicle Sold through auction
Holden Colorado Space Cab 4x4 (R2)	55,000		Ordered	Not expected to be received prior to 30 June 2023
Mitsubishi Triton GL Utility (P&G)	46,655		Ordered	Not expected to be received prior to 30 June 2023
Mitsubishi Triton GL Utility	41,800		On track	
Mitsubishi Triton Utility	43,400		On track	
Mitsubishi Triton GL Utility (P&G)	46,655		On track	
Mitsubishi Triton 4x4 D/Cab (Constr)	42,000		On track	
Mitsubishi Triton GL Utility (Grader)	43,400		On track	
Toyota Camry (PO) Pajero Mitsubishi	45,000		Disposed of	Vehicle Sold through auction
Triton GL Utility	42,000		On track	
Toyota Hilux 4x2 Cab Chassis (BMO)	39,836		Disposed of	Vehicle Sold through auction
Vehicle Asset Tracking System	14,820			
Fire Danger Rating System	10,000			Amendment required to fund install only -\$5,000
INFRASTRUCTURE	5,144,065	1,557,530		
ROADS	4,503,199	1,380,202		
Dewars Pool-Bindoon Road 11.68-14.30	160,000	106,119	On track	Underway and expected to finish in couple of weeks
Bejoording Road - Second seal	340,000	1,630	On track	Underway and expected to finish in February
Telegraph Rd - Bindi Bindi Toodyay Road (From Connor St) SLK 0.	1,016,856	689,324		
Bindi Bindi Toodyay Road Widening & Clearing RRSP	354,345			Schedule to start March 2022 Underway and expected to be finalised by June 2023
Bindi Bindi Toodyay Road 9.18-20.33	475,129	103,787		Schedule to start March 2022 Underway and expected to be finalised by June 2023
Julimar Road Rehabilitation - SLK 17.56 - 19.81	537,049	4,524	Deferred	Waiting on clearing permit. Carry over to 2023/2024
Julimar Road Rehab - Black Spot - SLK 14.11 - 15.96	711,000	11,270	Deferred	Waiting on clearing permit. Carry over to 2023/2025
Chitty Road Upgrade - SLK 4.34 - 6.34	274,365	14,611	Deferred	Waiting on clearing permit. Carry over to 2023/2026
Julimar Road Edge Break Repairs	100,000	102,025	Completed	Project completed
Clackline Road - Road Repairs and Reseal	52,942	210		
Toodyay Street - Second Coat Seal	67,721	50,965	On track	Underway and expected to finish in couple of weeks
Asphalt Repairs - Stirling Terrace, Anzac Ave, Hamersley St & Oddi	77,683			
Stirling Terrace & Piesse St Line Marking	10,002	10,200		
Coondle West Road Reseal - SLK 6.79 - 9.35	116,705	109,243	On track	Underway and expected to finish in couple of weeks
Retford Road	89,402	107,842	Completed	Project Finalised
Maintenance of Roadside Vegetation - Contract Works - Pruning	70,000	68,452	Completed	Project Finalised
Verge Spray Program	50,000		On track	Project underway
DRAINAGE	130,000	21,760		
Drainage improvement - 7 Harcourt Street	-	1,413		
Drainage repair - Range Road	-	1,497		
Floodway repair - Telegraph Road	60,000	(58)		Schedule to start March 2022 Underway and expected to be finalised by June 2023

Stirling Terrace Drainage Upgrades - 22 Stirling Terrace	20,000	10,200	Completed	Project Finalised
Cleaning of Stormwater Drainage	50,000	8,708	On track	Underway and expected to be finalised by June 2023
BRIDGES	239,248	154,789	On track	Underway and expected to finish in February
Bridge No. 4081 - Telegraph Road - Bridge Repair	47,500	151	On track	Underway and expected to finish in February
Bridge No. 4089 - Wattening Road	26,731		On track	Underway and expected to be finalised by June 2023
Bridge No. 9025 - Footbridge	90,326	88,576	Completed	Project Finalised
Bridge No. 4080 - Julimar Road	74,691	66,063		
FOOTPATHS	122,500		- Not yet started	Expected to be finalised in June 2023
Harcourt Street - Shared Pathway	66,500		Not yet started	Expected to be finalised in June 2023
Reserve Street - Shared Pathway	56,000			
OTHER INFRASTRUCTURE	149,118	778		
Duidgee Park - Pendulum Swing	-	403	Schedule to start March 202	Expected to be finalised in June 2023
Newcastle Park - Upgrade	149,118			
Community Standpipe Controller - Capital Works Infrastructure Other		375		
TOTAL CAPITAL EXPENDITURE	7,572,036	1,679,967		

NCR16664

262



PARKING SPACE LEASE AGREEMENT

TOODYAY COMMUNITY DEPOT

SHIRE OF TOODYAY

15 Fiennes Street
(PO Box 96)
TOODYAY WA 6566

and

AVIVO: LIVE LIFE INC.

149 Fitzgerald Street
NORTHAM WA 6401

PARKING SPACE LEASE AGREEMENT

This Agreement is made on 25 January 2018.

The **SHIRE OF TOODYAY** of 15 Fiennes Street Toodyay in the State of Western Australia (the **Lessor**)

and

AVIVO: LIVE LIFE INC. (ABN: 21 515 661 040) of 149 Fitzgerald Street, Northam in the said State (the **Lessee**)

RECITALS

- A. The Lessor, agrees to lease to the Lessee, 2 (two) marked parking spaces located at the Toodyay Community Junction Lot 301 Railway Terrace Toodyay in the State of Western Australia.
- B. The following terms and conditions shall apply to this Parking Space Lease Agreement (**Agreement**).

TERMS AND CONDITIONS**1. TERM OF LEASE**

- (a) The initial lease will be for a 12 month period commencing on the date of execution of this Agreement.
- (b) The Lessee will have an option to renew for a further term of 12 months at the conclusion of the initial 12 month period.

2. ACCESS

- (a) Access to the premises will be via a keyed gate and will be the responsibility of the Lessee.
- (b) Keys will be the responsibility of the Lessee and are to be used by authorised personnel only.
- (c) Duplicate keys may not be created without the written permission of the Lessor.
- (d) A refundable key bond as per the Shire's current Schedule of Fees and Charges will be charged for each key.
- (e) The Lessee will be responsible for all costs associated with replacing any lost key/s.

3. INDEMNIFICATION

- (a) The Lessee indemnifies the Lessor against any liability or loss arising from and/or any costs charges and expenses incurred in connection with:

- (i) damage to the Premises, or any loss of or damage to anything on it; and
- (ii) injury or damage to any person or thing on the Premises, whether or not arising from the use of the Premises.

and for which the Lessor becomes liable.

(b) Items Left in Vehicle

The Lessor will not be responsible for damage or loss to possessions or items personal or otherwise left in Lessee's vehicle(s).

(c) Damage to Vehicle

The Lessor shall not be responsible for damage to Lessee's vehicle(s), whether or not such damage is caused by other vehicle(s) or person(s) in the parking lot and surrounding area.

4. PAYMENTS BY LESSEE

(a) Rent

The Lessee agrees to pay \$2,000.00 (exclusive of GST) per annum payable in advance on receipt of the Lessors invoice.

(b) Rent Review

The Lessor will review the rent payable on the anniversary of the Lease.

5. PUBLIC LIABILITY INSURANCE

The Lessee will maintain public liability insurance to the value of twenty million dollars (\$20,000,000.00).

6. TERMINATION

- (a) Either party may terminate this Agreement by providing 30 (thirty) days written notice to the other party.
- (b) If the Lessee terminates this Agreement prior to the end of the first term of 12 months, the Lessee accepts any balance of the remaining lease amount will be forfeit.

7. ADDRESS FOR NOTICES

Shire of Toodyay
15 Feens Street (PO Box 96)
TOODYAY WA 6566
Ph: (08) 9574 9300

Avivo: Live Life Inc.
30 Hasler Road
OSBORNE PARK WA 6017
Ph: (08) 9621 7900

Executed as an Agreement

The COMMON SEAL of the)
SHIRE OF TOODYAY)
was hereunto affixed by authority)
of Council and in the presence of)



[Signature]
Shire President

[Signature]
Chief Executive Officer

Brian Rayner
Name of Shire President
(PLEASE PRINT)

Stan Scott
Name of Chief Executive Officer
(PLEASE PRINT)

25th January 2018
Date

25 Jan 2018
Date

Signed for and on behalf of)
AVIVO: LIVE LIFE INC.)

[Signature]
Authorised Officer

[Signature]
Authorised Officer

Silvana Oxenbridge-Pidhirnyj
Office Services Administrator
Jandakot, Mandurah, and Northam Offices
(PLEASE PRINT)

Darrin Leggett
Name
(PLEASE PRINT)

22/01/2018
Date

22/1/2018
Date



LOCAL GOVERNMENT ACT 1995

Shire of Toodyay

Parking and Parking

Facilities Local Law



Gazette Date: 05/05/2000, page 2136

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

TABLE OF CONTENTS

PART 1 - DEFINITION AND OPERATION	5
1.1 Commencement	5
1.2 Repeal.....	5
1.3 Interpretation.....	5
1.4 Application and pre-existing signs	10
1.5 Classes of vehicles.....	11
1.6 Part of thoroughfare to which sign applies	11
PART 2 -METERED ZONES	11
2.1 Determination of metered zones.....	11
2.2 Parking fee to be paid	12
2.3 Limitation on parking in metered space.....	12
2.4 No parking when meter is expired	12
2.5 Suspension of requirement to pay fee	12
2.6 Vehicles to be within metered space.....	12
2.7 Permitted insertions in parking meters.....	12
2.8 Parking ticket to be clearly visible	13
2.9 One vehicle per metered space.....	13
2.10 No parking when hood on meter	13
PART 3 -PARKING STALLS AND PARKING STATIONS.....	13
3.1 Determination of parking stalls and parking stations	13
3.2 Vehicles to be within parking stall on thoroughfare.....	14
3.3 Payment of fee to park in parking station	14
3.4 Suspension of parking station restrictions.....	14
3.5 Vehicle not to be removed until fee paid	14
3.6 Entitlement to receipt	15

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

3.7	<i>Parking ticket to be clearly visible</i>	15
3.8	<i>Vehicles to be within parking stall in parking station</i>	15
3.9	<i>Parking prohibitions and restrictions</i>	15
PART 4 -PARKING GENERALLY		16
4.1	<i>Prohibition and regulation of parking by signs</i>	16
4.2	<i>Restrictions on parking in particular areas</i>	16
4.3	<i>Parking vehicle on a carriageway</i>	17
4.4	<i>Vehicle to be wholly within parking area</i>	17
4.5	<i>When parallel and right-angled parking apply</i>	18
4.6	<i>When angle parking applies</i>	18
4.7	<i>General prohibitions on parking</i>	18
4.8	<i>Parking on verges</i>	20
4.9	<i>Limitation on parking of vehicles with tare in excess of 3,000 kg's on carriageway.....</i>	20
4.10	<i>Limitation on parking of over length vehicles on carriageway</i>	21
4.11	<i>Authorized person may order vehicle on thoroughfare to be moved</i>	21
4.12	<i>Authorized person may mark tyres</i>	21
4.13	<i>No movement of vehicles to avoid time limitation</i>	21
4.14	<i>No parking of vehicles exposed for sale and in other circumstances</i>	22
4.15	<i>Parking on private land</i>	22
4.16	<i>Parking on reserves.....</i>	22
4.17	<i>Suspension of parking limitations for urgent, essential or official duties.....</i>	23
PART 5 -RESIDENTIAL PARKING PERMITS.....		23
5.1	<i>Residential parking permit.....</i>	23
5.2	<i>Conditions of exemption for residential parking permits</i>	24
5.3	<i>Removal and cancellation of residential parking permit</i>	24
PART 6 –MISCELLANEOUS.....		25
6.1	<i>Removal of notices on vehicle</i>	25
6.2	<i>Unauthorized signs and defacing of signs</i>	25

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

6.3 *Signs must be complied with* 25

6.4 *General provisions about signs* 25

6.5 *Special purpose and emergency vehicles* 26

6.6 *Vehicles not to obstruct a public place*..... 26

PART 7 • PENALTIES 26

7.1 *Offences and penalties*..... 26

7.2 *Averment on complaint as to clause 1.4 (2) agreement*..... 27

7.3 *Form of notices*..... 27

FIRST SCHEDULE - PARKING REGION..... 28

SECOND SCHEDULE - PRESCRIBED OFFENCES 29

THIRD SCHEDULE - FORM 1 31

THIRD SCHEDULE - FORM 2 32

THIRD SCHEDULE - FORM 3 33

FOURTH SCHEDULE 35

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

Under the powers conferred by the Local Government Act 1995 and under all other powers, the Council of the Shire of Toodyay resolved to make the following Local Law on the 27th day of April 2000

Part 1 - Definition and Operation

1.1 Commencement

This Local Law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

1.2 Repeal

The Shire of Toodyay Local Law Relating to Parking Facilities published in the Government Gazettes of 2 December 1983 and 12 May 1995, are repealed.

The Shire of Toodyay Local Law Order in Council - Vehicles on roads published in the Government Gazette of March 22, 1951.

The Shire of Toodyay Local Law Order in Council - Stands and parking for vehicles published in the Government Gazette of November 9, 1956.

The Shire of Toodyay Local Law Commercial vehicles on street verges No.20 published in the Government Gazette of February 8, 1972.

1.3 Interpretation

(1) In this Local Law unless the context otherwise requires:

"Act" means the Local Government Act 1995;

"Authorized Person" means a person authorized by the local government under section 9.10 of the Act, to perform any of the functions of an Authorized Person under this Local Law;

"authorized vehicle" means a vehicle authorized by the local government, Chief Executive Officer, Authorized Person or by any written law to park on a thoroughfare or parking facility;

"bicycle" means any wheeled vehicle that is designed to be propelled solely by human power;

"bus" means an omnibus as defined by the Road Traffic Act;

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

"**bus embayment**" has the meaning given to it in the Code;

"**caravan**" means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

"**carriageway**" means a portion of thoroughfare that is improved, designed or ordinarily used for vehicles and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the parking of vehicles; and where a thoroughfare has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

"**centre**" in relation to a carriageway, means a line or a series of lines, marks or other indications placed at, or near, the middle of the carriageway or, in the absence of any such lines, marks or other indications, the middle of the main travelled portion of the carriageway;

"**children's crossing**" has the meaning given to it in the Code;

"**CEO**" means the Chief Executive Officer of the local government;

"**Code**" means the Road Traffic Code 1975;

"**commercial vehicle**" means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

"**district**" means the district of the local government;

"**driver**" means any person driving or in control of a vehicle;

"**emergency vehicle**" has the meaning given to it in the Code;

"**footpath**" includes every footpath, pedestrian access way or other place -

- (a) intended for the use of pedestrians only, or in the case of a dual use path, for the use of pedestrians and bicyclists only; or

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

- (b) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

"Loading Zone" means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'Loading Zone';

"local government" means the [Shire of Toodyay];

"median strip" has the meaning given to it in the Code;

"metered space" means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

"metered zone" means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

"motorcycle" means a motor vehicle that has two wheels or, where a sidecar is attached, three wheels;

"motor vehicle" means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

"no parking area" means a portion of a carriageway that lie

-
- (a) between two consecutive signs inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
- (b) between a sign inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose, and the end of the carriageway or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

"occupier" has the meaning given to it in the Act;

"owner" where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession; and where used in relation to land has the meaning given to it by the Act;

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

"park", in relation to a vehicle, means to permit a vehicle, whether occupied or not by any person, to remain stationary for any period of time except for the purpose of - avoiding conflict with other traffic; or complying with the provisions of any law when the vehicle is being driven;

"parking area" means a portion of a carriageway-

- (a) between two consecutive signs inscribed with the word "Parking" or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
- (b) extending from a sign inscribed with the word "Parking" or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign. to any other sign inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose, or to the end of the carriageway or an area in which the parking of vehicles is prohibited. and is on that side of the carriageway of the thoroughfare nearest the sign;

"parking facilities" includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge, and signs, notices and facilities used in connection with the parking of vehicles;

"parking meter" includes the stand on which the meter is erected and a ticket issuing machine;

"parking region" means the area described in the First Schedule;

"parking stall" means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

"parking station" means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

"pedestrian crossing" has the meaning given to it in the Code;

"public place" means any place to which the public has access whether or not that place is on private property;

"reserve" means any land -which belongs to the local government; of which the local government is the

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

management body under the Land Administration Act 1997; or which is an "otherwise unvested facility" within section 3.53 of the Act;

"Road Traffic Act" means the Road Traffic Act 1974;

"Schedule" means a Schedule to this Local Law;

"sign" includes a traffic sign, inscription, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles; "special purpose vehicle" means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Service, a motor breakdown service vehicle or a vehicle being used by a government authority or a local government in connection with its functions, but does not include an emergency vehicle;

"symbol" includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

"taxi" has the same meaning as "taxi-car" in section 47Z of the Transport Co-ordination Act 1966;

"thoroughfare" has the meaning given to it in the Act;

"ticket issuing machine" means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

"trailer" means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

"vehicle" includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels by any means; and

"verge" means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

- (2) For the purposes of the application of the definitions "**no parking area**" and "**parking area**" an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (3) Unless the context otherwise requires, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.4 Application and pre-existing signs

Subject to subclause (2), this Local Law applies to the parking region. This Local Law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this Local Law will apply to that facility or station.

The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

Where a parking facility or a parking station is identified in the Fourth Schedule, then the facility or station shall be deemed to be a parking station to which this Local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

A sign that-

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and
- (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.
- (6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the standing of vehicles, it shall be deemed for the purposes of this Local Law to operate and have effect as if it related to the parking of vehicles.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

1.5 Classes of vehicles

For the purpose of this Local Law, vehicles are divided into classes as follows-

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.6 Part of thoroughfare to which sign applies

Where under this Local Law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which –

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

Part 2 -Metered Zones

2.1 Determination of metered zones

- (1) The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones.
- (2) In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs –
 - (a) permitted times and conditions of parking depending on and varying with the locality;
 - (b) classes of vehicles which are permitted to park;
 - (c) the amount payable for parking; and
 - (d) the manner of parking.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

2.2 Parking fee to be paid

Subject to clause 2.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

2.3 Limitation on parking in metered space

The payment of a fee under clause 2.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorize the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this Local Law.

2.4 No parking when meter is expired

Subject to clause 2.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign "Expired" or a negative time.

2.5 Suspension of requirement to pay fee

The local government may from time to time by a resolution declare that the provisions of clauses 2.2 and 2.4 shall not apply during the periods and days specified in the resolution.

2.6 Vehicles to be within metered space

A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.

2.7 Permitted insertions in parking meters

2.7 (1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.

2.7 (2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

2.8 Parking ticket to be clearly visible

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an Authorized Person examining the ticket from outside the vehicle.

2.9 One vehicle per metered space

A person shall not park or attempt to park a vehicle in a metered space in which another vehicle is parking.

2.10 No parking when hood on meter

Notwithstanding any other provision of this Local Law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked "No Parking", "Reserved Parking" or "Temporary Bus Stand" or equivalent symbols depicting these purposes except with the permission of the local government or an Authorized Person.

Part 3 -Parking Stalls and Parking Stations

3.1 Determination of parking stalls and parking stations

The local government may by resolution constitute, determine and vary and also indicate by signs –

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

3.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than –
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

3.3 Payment of fee to park in parking station

A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless –

- (a) in the case of a parking station having an Authorized Person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

3.4 Suspension of parking station restrictions

The local government may by resolution declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking stations as specified in such resolution.

3.5 Vehicle not to be removed until fee paid

A person shall not remove a vehicle which has been parked in a parking station until there has been paid the appropriate fee for the period for which the vehicle has been parked.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

3.6 Entitlement to receipt

A person paying a fee at a parking station is to be entitled to receive a receipt on demand showing the period of parking covered by such payment.

3.7 Parking ticket to be clearly visible

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an Authorized Person examining the ticket from outside the vehicle.

3.8 Vehicles to be within parking stall in parking station

Unless otherwise directed by an Authorized Person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall

3.9 Parking prohibitions and restrictions

- (1) A person shall not-
 - (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
 - (b) except with the permission of the local government or an Authorized Person park a vehicle on any part of a parking station contrary to a sign referable to that part;
 - (c) permit a vehicle to park on any part of a parking station, if an Authorized Person directs the driver of such vehicle to move the vehicle; or
 - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C", if the bicycle is parked in accordance with subclause (2).

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

- (2) No person shall park any bicycle –
 - (a) in a parking stall other than in a stall marked "M/C";
and
 - (b) in such stall other than against the kerb.

Part 4 -Parking Generally

4.1 Prohibition and regulation of parking by signs

The local government may by resolution prohibit or regulate by signs or otherwise the parking of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

4.2 Restrictions on parking in particular areas

- (1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station –
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) A person shall not park a vehicle –
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;
 - (c) in a stall marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (3) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked "M/C".

A person shall not, without the prior permission of the local government, the CEO, or an Authorized Person, park a

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

vehicle in an area designated by a sign stating "Authorized Vehicles Only",

- (5) In a Loading Zone, a person shall not -park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or park a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.
- (6) In paragraph (b) of subclause (5) "goods" means an article or collection of articles weighing at least 13.6kg and of which the cubic measurement is not less than 0.17m³.

4.3 Parking vehicle on a carriageway

A person parking a vehicle on a carriageway shall park it –

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law;
- (e) so that it does not obstruct any vehicle on the carriageway; and
- (f) so that it is entirely within the confines of any parking stall marked on the carriageway.

4.4 Vehicle to be wholly within parking area

A person shall not park a vehicle partly within and partly outside a parking area.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

4.5 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates or marks on the carriageway indicate that vehicles have to park in a different position where the parking area is –

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

4.6 When angle parking applies

(1) This clause does not apply to-

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

4.7 General prohibitions on parking

- (1) (a) This clause does not apply to a vehicle parked in a metered space or a parking stall nor to a bicycle in a bicycle rack.
- (b) Paragraphs (c), (e) and (g) of subclause (2) do not apply to a vehicle which parks in a bus embayment.
- (2) A person shall not park a vehicle so that any portion of the vehicle is –
 - (a) between any other stationary vehicles and the centre of the carriageway;

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

- (b) on or adjacent to a median strip;
 - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
 - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
 - (e) on or within 9 metres of any portion of a carriageway bounded by a traffic island;
 - (f) on any footpath or pedestrian crossing;
 - (g) on a bridge or other elevated structure or within a tunnel or underpass;
 - (h) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (j) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
 - (k) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
 - (l) within 6 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked.
- (3) A person shall not park a vehicle so that any portion of the vehicle is within 9 metres of the departure side of –
- (a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here" (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

- (b) a children's crossing established on a two-way carriageway; or
 - (c) the nearest rail of a railway level crossing.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 18 metres of the approach side of –
- (a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here" (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
 - (b) a pedestrian crossing or children's crossing; or
 - (c) the nearest rail of a railway level crossing.

4.8 Parking on verges

A person shall not-

- (1) (a) park a vehicle
 - (b) park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle;
 - (c) or park a vehicle during any period when the parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge, so that any portion of it is on a verge.

Subclause 1 (a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge. or is a person authorised by the occupier of those premises to park the vehicle so that any portion of it is on the verge.

Subclause 1 (b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.

4.9 Limitation on parking of vehicles with tare in excess of 3,000 kg's on carriageway

A person shall not park a vehicle having a tare in excess of 3,000 kg's on a carriageway for more than two hours consecutively.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

4.10 Limitation on parking of over length vehicles on carriageway

A person shall not park a vehicle or any combination of vehicles that together with anything in or on that vehicle is more than 8 metres in length, on a carriageway for more than two hours consecutively.

4.11 Authorized person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this Local Law after an Authorized Person has directed the driver to move it.

4.12 Authorized person may mark tyres

- (1) An Authorized Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an Authorized Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

4.13 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

4.14 No parking of vehicles exposed for sale and in other circumstances

A person shall not park a vehicle on any portion of a thoroughfare

-
- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

4.15 Parking on private land

In this clause a reference to "land" does not include land-which belongs to the local government; of which the local government is the management body under the Land Administration Act 1997; which is an "otherwise unvested facility" within section 3.53 of the Act; which is the subject of an agreement referred to in clause 1.4 (2); or which is identified in the Fourth Schedule.

- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise. consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

4.16 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorized by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

4.17 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorized Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an Authorized Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

Part 5 -Residential Parking Permits

5.1 Residential parking permit

- (1) A person may apply for a permit to park a vehicle on a thoroughfare if the person is-an occupier of a lot fronting the thoroughfare; the holder of the requisite vehicle licence under the Road Traffic Act for the vehicle; and subject to subclause (2), described on the vehicle licence as residing at the lot.
- (2) An applicant for a permit who is not described in accordance with subclause (1)(c), may apply for a temporary permit by stating (by way of statutory declaration) on an application for such that he or she resides at that lot.
- (3) An application for a permit shall be made in the form determined by the local government.
- (4) The local government may in respect of an application for a permit for the purpose of subclause (1) or (2)-

approve it;
approve it subject to such conditions as the local government considers appropriate;
or refuse to approve it.
- (5) Where the local government makes a decision under paragraph (a) or (b) of subclause (4), it shall issue a permit

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

in the form determined by it to the person who applied for the permit.

- (6) A temporary permit issued for the purpose of subclause (2)- will expire 3 months after it is issued; and is not renewable.
- (7) A permit issued for the purpose of subclause (1) may be either-an annual permit, issued for a period not exceeding one year and expiring on 31 December in the year of issue; or a temporary permit, issued for a period not exceeding 6 months from the date of issue.
- (8) Every permit issued for the purpose of subclause (1) is to specify-
 - a permit number;
 - the registration number of the vehicle;
 - the name of the thoroughfare to which the exemption granted by clause 5.2 applies; and
 - the date on which it expires.

5.2 Conditions of exemption for residential parking permits

Where parking of a vehicle on any part of a thoroughfare within the district is prohibited for more than a specified time, or without an unexpired parking ticket being displayed within the vehicle, the holder of a permit issued under clause 5.1 is exempted from such prohibitions if:-

the vehicle is parked on a thoroughfare specified in the permit, but not adjacent to retail premises where the parking of all vehicles is subject to a time restriction; the permit is affixed to the windscreen of the vehicle in a prominent position; the period in respect of which the permit was issued has not expired; and if the holder of the permit at the time of parking the vehicle still resides at the lot in respect of which the permit was issued.

5.3 Removal and cancellation of residential parking permit

The holder of a permit issued under clause 5.1 who changes residence shall remove the permit from the vehicle to which it is affixed, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

Part 6 –Miscellaneous

6.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorized Person.

6.2 Unauthorized signs and defacing of signs

A person shall not without the authority of the local government –

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law.

6.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this Local Law.

6.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

6.5 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this Local Law, the driver of-

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

6.6 Vehicles not to obstruct a public place

A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorized under any written law.

A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

Part 7 • Penalties

7.1 Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of the Second Schedule directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

7.2 Averment on complaint as to clause 1.4 (2) agreement

An averment on a complaint that this Local Law applies to a parking facility or a parking station under an agreement referred to in clause 1.4 (2), shall be sufficient proof that this Local Law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.'

7.3 Form of notices

For the purposes of this Local Law –

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the Third Schedule;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in the Third Schedule;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in the Third Schedule; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in the Third Schedule.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

FIRST SCHEDULE - PARKING REGION

The parking region is the whole of the district, but excludes the following portions of the district –

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

SECOND SCHEDULE - PRESCRIBED OFFENCES

PARKING AND PARKING FACILITIES LOCAL LAW

ITEM NO	CLAUSE NO	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to pay fee for metered space	50
2	2.4	Parking when meter has expired	50
3	2.8	Failure to display ticket clearly in metered zoned	50
4	2.1	Parking contrary to a meter hood	50
5	3.3	Failure to pay parking station fee	50
6	3.5	Leaving without paying parking station fee	50
7	3.7	Failure to display ticket clearly in parking station	50
8	3.9 (1) (a)	Causing obstruction in parking station	50
9	3.9 (1) (b)	Parking contrary to sign in parking station	50
10	3.9 (1) (c)	Parking contrary to directions of Authorised Person	50
11	4.2 (1) (a)	Parking wrong class of vehicle	40
12	4.2 (1) (b)	Parking by persons of a different class	40
13	4.2 (1) (c)	Parking during prohibited period	60
14	4.2 (2) (a)	Parking in no parking area	60
15	4.2 (2) (b)	Parking contrary to signs or limitations	60
16	4.2 (2) (c)	Parking vehicle in motor cycle only area	40
17	4.2 (3)	Parking motor cycle in stall not marked "M/C"	40
18	4.2(5) (a)	Parking in Loading Zone	60
19	4.3 (a)	Fail to park on the left of two-way carriageway	60
20	4.3 (b)	Fail to park on boundary of one-way carriageway	60
21	4.3 (a) + (b)	Parking against the flow of traffic	60
22	4.3 (c)	Parking when distance from farther boundary less than 3 metres	50
23	4.3 (e.)	Causing obstruction.	100
24	4.7 (2) (a)	Double parking.	60
25	4.7 (2) (c)	Denying access to private drive or right of way	100
26	4.2 (2) (d)	Parking beside excavation or obstruction so as to obstruct traffic	50

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

27	4.7 (2) (e)	Parking within 9 metres of traffic island	50
28	4.7 (2) (f)	Parking on footpath / pedestrian crossing	100
29	4.7 (2) (g)	Parking on bridge or in tunnel	50
30	4.7 (2) (i)	Parking on intersection	60
31	4.7 (2) (l)	Parking within 6 metres of intersection	60
32	4.7 (3) (a)	Parking vehicle within 9 metres of departure side of bus stop	60
33	4.7 (4) (a)	Parking vehicle within 18 metres of approach side of bus stop	50
34	4.7 (4) (b)	Parking vehicle within 18 metres of approach side of pedestrian/children's crossing	50
35	4.8 (1) (b)	Parking commercial vehicle, bus or caravan on verge	40
36	4.8 (1) (c)	Parking on verge contrary to sign	60
37	4.9	Parking vehicle with tare of over 2000kgs for over 2 hours	50
38	4.10.	Parking over length vehicle in excess of 2 hours	50
39	4.11	Parking contrary to direction of Authorised Person	50
40	4.14 (c)	Parking a trailer/caravan on a thoroughfare	40
41	4.15 (2)	Parking on land that is not a parking facility without consent	50
42	4.15 (3)	Parking on land not in accordance with consent	40
43	4.16	Driving or parking on reserve	50
44	5.3	Failure to remove permit when residence changed	40
45	6.6 (1)	Leaving vehicle so as to obstruct a public place	60
46		All other offences not specified	40

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

THIRD SCHEDULE - FORM 1
PARKING AND PARKING FACILITIES LOCAL LAW NOTICE TO
OWNER OF VEHICLE INVOLVED IN OFFENCE

To: (1) Date / /

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle:

make:

model:

registration:

was involved in the commission of the following offence –

contrary to clause of the **Parking and Parking Facilities Local Law**.

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

- (a) within 28 days after being served with this notice;
 - (i) you inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5)

(6)

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorized person
- (6) Name and title of authorized person giving notice

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

THIRD SCHEDULE - FORM 2
PARKING AND PARKING FACILITIES LOCAL LAW
INFRINGEMENT NOTICE

Serial No

To: (1)

Date / /

.....
of: (2)

.....
It is alleged that on / / at (3)

.....
at (4)

.....
in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence -

.....
.....
.....

contrary to clause of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)

(7)

Insert:

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

THIRD SCHEDULE - FORM 3

PARKING AND PARKING FACILITIES LOCAL LAW
INFRINGEMENT NOTICE

Serial No

To: (1)

Date / /

of: (2)

It is alleged that on / / at (3)

at (4)

in respect of vehicle:

make: ;
model: ;
registration: ,

you committed the following offence -

contrary to clause of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice -(a) you pay the modified penalty; or (b) (i) you: inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay.
Parking and Parking Facilities Local Law

by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)

(7)

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

 Shire of Toodyay Policy Manual

ENGINEERING POLICY

POLICY NO:	E.4
POLICY SUBJECT:	STREET LIGHTING POLICY
ADOPTION DATE:	18 October 2007
LAST REVIEW	13 May 2010

STATEMENT OF INTENT

This policy is to formalise the provision of street lighting within the Shire of Toodyay's subdivisional areas where street lighting is required and areas where powerlines are placed underground. The policy will allow a consistent approach to be applied to the requirements for street lighting.

OBJECTIVES

- To provide effective and efficient street lighting throughout the Shire.
- To provide a mechanism by which street lighting requests and designs can be assessed.

DEFINITIONS

Access Roads – Roads where the main function is to provide access to abutting properties including those used for residential purposes and the vehicle movements per day is less than 3,000.

District Distributor Road A – Arterial roads carrying moderate to heavy volumes from through traffic, together with significant local traffic, including pedestrians, generated by abutting land use activities.

Laneways – Provide access to the side or rear of lots principally for access to garages.

Local Distributor Road B – Roads which carry traffic between the arterial or distributor roads and local roads. Vehicle volumes are moderate to low (3,000 – 6,000 vehicle movements per day).

Pedestrian Access Ways (PAW) – Access ways provided exclusively for pedestrian activity.

Primary Distributor Road – generally roads with full control of access which carry a high volume of traffic (up to 15,000 vehicle movements per day).

 Engineering Policy No E.4 – Street Lighting Policy

Shire of Toodyay Policy Manual

POLICY STATEMENT**General provisions**

1. All new street lighting within the Shire of Toodyay is to be installed in accordance with the current Australian and New Zealand Standard, as outlined in Attachment 1 to this policy.
2. All street lighting equipment shall be selected from the Western Power range and all poles shall be painted "Heritage Red".
3. All luminaires shall be "Parkville" or "Bourke Hill" and shall be painted "Heritage Red".

Street Lighting within Subdivisions

4. Where subdivisions require the installation of street lighting, lighting proposals shall be submitted to the Shire of Toodyay for review and be subject to Shire approval; and lighting shall be consistent throughout the subdivision.
5. All lighting equipment shall be consistent with the provisions of this policy.

Lighting within Public Open Spaces

6. The minimum pole height for lighting within Public Open Spaces shall be 4.5m except for the Bega 8200 luminaire, or equivalent luminaire that may be mounted at 3.5m.
7. Bollard lighting will not be allowed.
8. Any uplighting shall use stainless steel in ground uprights complying with IEC 60598-2 Category C and with 75°C maximum surface temperature (at 40°C ambient).
9. Electricity supply shall be controlled from an unmetered supply pit or, from any pump control panel and lighting shall be controlled by a seven day programmable time switch.

Reviewed Council Meeting 15 November 2007
Reviewed Council Meeting 21 May 2009
Reviewed Council Meeting 13 May 2010

Engineering Policy No E.4 – Street Lighting Policy

Shire of Toodyay Policy Manual

Attachment No 1

Public lighting shall be installed in accordance with the current AS/NZS 1158 using the following table for guidance:

ROAD/AREA	AS/NZS1158 Category	Typical Equipment & Geometry (lamp \varnothing /height/spacing/width)
Primary and District Distributor A Roads (>15 000vpd) •	V3	250 W HPS/10.5 m/55 m/2 lanes- \subseteq
		250 W HPS/9 m/40 m/2 lanes- ϵ
District Distributor B Roads, (6 000-15 000vpd)	V5	150 W HPS/10.5 m/55 m/2 lanes- \subseteq
		150 W HPS/9 m/40 m/2 lanes- ϵ
Local Distributor Roads (3 000 – 6 000 v.p.d.)	P3	70 W MH/6.5 m/60 m/20 m road reserve- \subseteq
		70 W MH/7.86 m/40m/20 m road reserve- ϵ
Access Roads (<3 000 v.p.d)	P4	70 W MH /6.5 m/60 m/20 m road reserve- \subseteq
		70 W MH/7.86 m/80.5 m/20m road reserve- ϵ
PAW's, Laneways (<300 v.p.d.) ÷	P4	70 W MH/5.2 m/40 m/3-5 m laneway
	P5	42 W CF/5.2 m/40 m/3-5 m laneway
Intersections: Distributor Road Access Road Isolated intersections & bends	V3/V5	250 W HPS/10.5 m- \subseteq
	P3	70 W MH/6.5 m- \subseteq
	P4	70 W MH/6.5 m- \subseteq
Local Area Traffic Management Devices	Clause 3.2.6 of AS1158.3.1	3.5 lux, or 25% spacing
Car Parks low use/risk	P11c	42 W CF, 70 W MH or 70 W HPS/6 m
Car Parks medium use/risk	P11b white light	70 W MH/6 m/15 m X 17 m
Car Parks high use/risk	P11a white light	150 W MH/6 m/15 m X 17 m
Car Parks (disabled bays)	P12 white light	150 W MH/6 m
Pathways in Passive Open Spaces	P4	70 W MH/6.5 m/60 m, 42 W CFL/4.5 m/30 m, or 70 W MH Bega 8200/3.5 m

Notes:

- \subseteq HPS = high pressure sodium, MH = metal halide, MV = mercury vapour, CF = compact fluorescent.
- ÷ Pedestrian/vehicle conflict and presence of heavy vehicles also influences selection of V3/V5.
- \subseteq Busy PAW's P4, quiet PAW's P5.
- \subseteq Underground power
- ϵ Overhead power



Sage Consulting Engineers Pty Ltd
©2007

W:\CEOSEC\Policies, Procedures, Codes & Plans\Policy Manual\01 Current Master Policies (Shire)\04 Engineering\E.4 - Street Lighting.doc



This Page has been Left Blank "Intentionally"



Street Lighting

Introduction

This policy will provide a consistent approach to the requirement of street lighting within the Shire of Toodyay and formalises the provision of street lighting within subdivisional areas where street lighting is required.

Objective

The objective of this policy is to:

- provide general information regarding lighting design and performance standards; and
- provide a consistent approach to the assessment of street lighting requests.

Scope

This policy applies to all roads, streets and public places lighting under the jurisdiction of the Shire of Toodyay.

Definitions

Term	Definition
Australian/International Standards	AS/NZS 1158 Set: 2010 Lighting for Roads and Public Spaces
Access Roads	Roads where the main function is to provide access to abutting properties including those used for residential purposes and the vehicle movements per day is less than 3,000.
Pedestrian Access Ways (PAW)	Access ways provided exclusively for pedestrian activity.
Public Place	A place, or that part of a place, that: <ul style="list-style-type: none"> (a) is open to the public; or (b) is used by the public; or (c) the public is entitled to use; Whether or not on payment of money. (as per section 125(5) of the <i>Local Government Act 1995</i>)
Road	As per section 59 of the <i>Local Government Act 1995</i> : <ul style="list-style-type: none"> (a) an area of land that is dedicated to public use as a road; or (b) an area of land that:

Term	Definition
	<ul style="list-style-type: none"> (i) is developed for, or has as one of its main uses, the driving or riding of motor vehicles; and (ii) is open to, or used by, the public; or (c) a footpath or bicycle path; or (d) a bridge, culvert, ford, tunnel or viaduct.
Street	A public thoroughfare, usually paved, in a village, town or city, including the sidewalk or sidewalks.
Shire	Shire of Toodyay

Policy Statement

1. General provisions

- (a) All new street lighting within the Shire is to be installed, in accordance with the current Australian and New Zealand Standards, as outlined in Attachment 1 to this policy.
- (b) All street lighting equipment shall be selected from the Western Power range and all poles shall be painted "Heritage Red".
- (c) All luminaires shall be "Parkville" or "Bourke Hill" and shall be painted "Heritage Red".

2. Street Lighting within Subdivisions

- (a) Where subdivisions require the installation of street lighting, lighting proposals shall be submitted to the Shire for review and be subject to Shire approval; and lighting shall be consistent throughout the subdivision.
- (b) All lighting equipment shall be consistent with the provisions of this policy.

3. Lighting within Public Open Spaces

- (a) The minimum pole height for lighting within Public Open Spaces shall be 4.5m except for the Bega 8200 luminaire, or equivalent luminaire that may be mounted at 3.5m.
- (b) Bollard lighting will not be allowed.
- (c) Any uplighting shall use stainless steel in ground uprights complying with IEC 60598-2 Category C and with 75°C maximum surface temperature (at 40°C ambient).

- (d) Electricity supply shall be controlled from an unmetered supply pit, or from any pump control panel and a seven-day programmable time switch shall control lighting. Off-grid lighting solutions (e.g. solar powered lighting) shall be exempt from this requirement.

Reference Information

Australian Standard of Public Lighting AS1158

Version control information


Version No.	Date Issued	Review position	Developed by	Approved by
V1	18 Oct 2007	Adopted	Manager Works & Services	Council
V2	21 May 2009	Reviewed	Manager Works & Services	Council
V3	13 May 2010	Reviewed	Manager Works & Services	Council
V4	21 Nov 2022	Reviewed	Manager Infrastructure & Assets	Council

Document control information	
Document Theme	Infrastructure
Document Category	Infrastructure
Document Title	Street Lighting
Document ID	INF03
Document Owner (position title)	Manager Infrastructure & Assets
Author (position title)	Manager Infrastructure & Assets
Date of approval	t.b.a.
Approving authority	Council
Access restrictions	Nil
Date Published	t.b.a.
Date of last review	21 November 2022
Date of next review	t.b.a.

05/01/2023 (47.7)
Street Lighting

Page 3

*** This Document is not controlled once it has been printed ***



Document control information	
Archived antecedent documents and previous versions	

05/01/2023 (47.7)
Street Lighting

Page 4

***** This Document is not controlled once it has been printed *****

Attachment No.1

Public lighting shall be installed in accordance with the current AS/NZS 1158 using the following table for guidance:

ROAD/AREA	AS/NZS1158 Category	Typical Equipment & Geometry (lamp \varnothing /height/spacing/width)
Primary and District Distributor A Roads (>15 000vpd) •	V3	250 W HPS/10.5 m/55 m/2 lanes-☐
		250 W HPS/9 m/40 m/2 lanes-ε
District Distributor B Roads, (6 000-15 000vpd)	V5	150 W HPS/10.5 m/55 m/2 lanes-☐
		150 W HPS/9 m/40 m/2 lanes-ε
Local Distributor Roads (3 000 – 6 000 v.p.d.)	P3	70 W MH/6.5 m/60 m/20 m road reserve-☐
		70 W MH/7.86 m/40m/20 m road reserve-ε
Access Roads (<3 000 v.p.d)	P4	70 W MH /6.5 m/60 m/20 m road reserve-☐
		70 W MH/7.86 m/80.5 m/20m road reserve-ε
PAW's, Laneways (<300 v.p.d.) ÷	P4	70 W MH/5.2 m/40 m/3-5 m laneway
	P5	42 W CF/5.2 m/40 m/3-5 m laneway
Intersections: Distributor Road Access Road Isolated intersections & bends	V3/V5	250 W HPS/10.5 m-☐
	P3	70 W MH/6.5 m-☐
	P4	70 W MH/6.5 m-☐
Local Area Traffic Management Devices	Clause 3.2.6 of AS1158.3.1	3.5 lux, or 25% spacing
Car Parks low use/risk	P11c	42 W CF, 70 W MH or 70 W HPS/6 m
Car Parks medium use/risk	P11b white light	70 W MH/6 m/15 m X 17 m
Car Parks high use/risk	P11a white light	150 W MH/6 m/15 m X 17 m
Car Parks (disabled bays)	P12 white light	150 W MH/6 m
Pathways in Passive Open Spaces	P4	70 W MH/6.5 m/60 m, 42 W CFL/4.5 m/30 m, or 70 W MH Bega 8200/3.5 m

Notes:

- ☐ HPS = high pressure sodium, MH = metal halide, MV = mercury vapour, CF = compact fluorescent.
- ε Pedestrian/vehicle conflict and presence of heavy vehicles also influences selection of V3/V5.
- ☐ Busy PAW's P4, quiet PAW's P5.
- ☐ Underground power
- ε Overhead power



Sage Consulting Engineers Pty Ltd
©2007

W:\CEOSEC\Policies, Procedures, Codes & Plans\Policy Manual\01 Current Master Policies (Shire)\04 Engineering\E.4 - Street Lighting.doc



05/01/2023 (47.7)
Street Lighting

Page 5

***** This Document is not controlled once it has been printed *****

Shire of Toodyay Policy Manual

ADMINISTRATION POLICY

POLICY NO:	A.8
POLICY SUBJECT:	OVERSIZE VEHICLES
ADOPTION DATE:	27 April 2006
REVIEW DATE:	13 May 2010

STATEMENT OF INTENT'

This policy is designed to provide guidelines for Council and Council Officers in granting approval for the issuing of Main Roads Western Australia permits to allow oversized vehicles to travel on Shire controlled roads.

DEFINITIONS

"CEO"	Chief Executive Officer of the Shire of Toodyay
"GCM"	Is the gross combination mass of a combination vehicle and as such is the sum of the axle masses of all of the axle groups in the combination.
"MRWA"	Main Roads Western Australia
"Notice"	"Blanket approval from the Commissioner of MRWA for a particular class of restricted access vehicle to operate under specific conditions on a specified network of roads without the requirement to obtain individual permits."
"Combination"	A group of vehicles consisting of a motor vehicle connected to one or more vehicles.
"Permit"	Instrument used by Main Roads Western Australia to grant approval to operate on the road network within Western Australia
"Shire"	Shire of Toodyay

GENERAL INFORMATION

- MRWA is the only authority approved to issue permits for oversized vehicles - **Road Traffic (Vehicle Standard) Regulation 2002 (Sections 25, 30 & 34)**
- The maximum gross mass permitted on a twin steer 27.5 metre road train combination is 84 tonnes unless concessional loading is approved by both

Administration Policy A.8 – Oversize Vehicles

 Shire of Toodyay Policy Manual

the Shire of Toodyay and Main Roads WA. **Road Traffic (Vehicle Standard) Regulation 2002 (Sections 25) + MRWA guidelines**

- Any route requested for combination vehicles must be fully assessed by MRWA prior to the issuance of any Main Roads WA permits – **MRWA Guidelines**

POLICY STATEMENT

1. The Shire of Toodyay as of the 1 May 2006 agrees that the Commissioner of Main Roads may issue approvals for roads owned and maintained by the Shire of Toodyay.
2. The following restrictions and conditions apply for permitted combinations operating on Shire Roads:
 - a) Combination Specifications: Class 2 and Class 3 combinations only.
 - i. Maximum length 27.5 metres
 - ii. Maximum GCM 84 tonnes
 - iii. Maximum height 4.60 metres
 - iv. Maximum width 2.50 metres
 - b) School bus and permit combinations to have headlights burning in the 'dipped' position.
 - c) No overtaking an operational school bus.
 - d) Permit combinations to slow and move to the left when approaching an operational school bus.
 - e) Maximum speed being limited to 70 kph or less if determined by Main Roads assessment.
 - f) During or following a period of heavy rain operators must contact the Shire of Toodyay for advice on road conditions and road closures.
 - g) Routes may be restricted should bridges on the route be sub standard in terms of load carrying capacity.
3. Main Roads WA to advise the Shire of Toodyay within 72 hours of the issue of a permit.
4. The only exception to this policy applies to permitted combinations of:
 - i. Maximum length 25.0 metres
 - ii. Maximum GCM 64.0 tonnes
 - iii. Maximum height 4.60 metres
 - iv. Maximum width 2.50 metres

 Administration Policy A.8 – Oversize Vehicles

Shire of Toodyay Policy Manual

- a. Only these shorter and lighter trucks may use the Toodyay Bindi Bindi Road south of the Coondle West Road intersection, Telegraph Road, Harper Road, Anzac Terrace, Clinton Street, Hamersley Street, Stirling Terrace and Julimar Road within the townsite of Toodyay.
- b. No permitted combinations are to travel on Stirling Terrace between Harper Road and Hamersley Street.
- c. Operators to travel at half the legal speed limit within the Toodyay townsite, i.e. 25kph, while loaded or empty.

Amended Council Meeting 16 November 2007
Reviewed Council Meeting 15 November 2007
Reviewed Council Meeting 21 May 2009
Reviewed Council Meeting 13 May 2010

Administration Policy A.8 – Oversize Vehicles

This Page has been Left Blank "Intentionally"



Restricted Access Vehicles

Introduction

The Shire of Toodyay recognises the need to regulate Restricted Access Vehicle (RAV) operations to protect its road infrastructure from being damaged. The Shire currently maintains 658 km of sealed and unsealed road network in a rural context.

Objective

The objective of this policy is:

- to identify the roads that are approved for RAV operation;
- to ensure that roads are suitable for the requested RAV access;
- to ensure that roads comply with Route Assessment Guidelines;
- to manage heavy freight operations;
- to ensure efficiency of road network and consistent travel times;
- to protect and sustain road assets; and
- to ensure community expectations are met.

Scope

This policy will allow Responsible Officers to identify roads that are approved by Main Roads Western Australia for RAV operations. The policy will also assist in determining road network links that should be nominated by the Shire as a preferred RAV route. This process will enable selecting appropriate design parameters for road and intersection types under consideration of current and future traffic requirements.

Definitions

Term	Definition
Act	<i>Road Traffic Act 1974</i>
Combined Vehicle	A towing vehicle in combination with one or more trailers.
Gazetted Road	A road which has been named and published as a public road by local council or state government.
General Access Vehicle	General Access Vehicles (GAV) are rigid and combination vehicles that meet a set of standard design requirements, sit within mass and dimension limits, and generally don't need a permit to operate on roads.
HVS	Main Road WA's Heavy Vehicle Services (HVS) is responsible for safe, efficient, and suitable heavy vehicle access to WA's road network.

04/11/2022 (44.6)

Page 1

Draft V1 – NEW Restricted Access Vehicles

***** This Document is not controlled once it has been printed *****

Term	Definition
Quad Axle Group	Refers to a group of four axles in which the horizontal distance between the centrelines of the end axles is between 3.2 and 4.9 metres.
Regulations	Road Traffic Regulations
Responsible Officer	Shire Officer responsible for a project, or a department that will respond to enquiries about the subject matter.
Restricted Access Vehicle	Restricted Access Vehicles (RAV) consist of all combinations of vehicles exceeding 19 metres in length or 42.5 tonnes gross mass including B-Doubles, road trains and truck -and trailer combinations. This includes Class 1, 2 or 3 vehicles that operate under a notice or permit and vehicles operating under higher mass limits (HML) that can generally only access certain parts of the road network (a vehicle that is not a GAV).
Rigid Vehicle	A rigid truck is a vehicle built mainly as a load carrying vehicle.
Road Widths	refers to the sealed road widths.
Route Assessment Guidelines	Refers to Main Roads WA guidelines required to ensure that proposed routes are safe and suitable for RAV operation.
Shire	the Shire of Toodyay.
Steer Axle	Refers to one of the components of a vehicle that contributes to its ability to be directed towards a desired route.
Tandem Axle Group	Refers to a combination of two axles which are not less than 1 meter or more than 2 metres apart.
Triaxle Group	Refers to a group of three axles in which the front and rear axles are not less than 2 metres or more than 3.2 metres apart.

Policy Statement

This policy applies to all roads within the Shire where Restricted Access Vehicles (RAV) are allowed to operate. Consideration shall also be given to road safety and RAV network continuity in adjoining local governments to protect their road infrastructure.

1. Application

The Commissioner of Main Roads, Western Australia is responsible for granting road access to RAVs.

A permit or order is required from Main Roads when driving a RAV on a public road. Applicants should apply directly to Main Roads WA. A vehicle or vehicle combination

04/11/2022 (44.6)

Page 2

Draft V1 – NEW Restricted Access Vehicles

*** This Document is not controlled once it has been printed ***

exceeding any of the limits (refer to the definition table above – Restricted Access Vehicle) is an RAV and must be operated in accordance with a permit or order.

2. Operation

Restricted Access Vehicles are permitted to operate only on roads that are shown on Main Roads WA's HVS Network Maps and in accordance with

- (a) Conditions applied by Main Roads WA; and
- (b) Conditions applied by the Shire of Toodyay for Shire owned roads.

Any requests to add or amend a road on the HVS Network Maps shall be submitted directly to Main Roads WA by the applicant.

All vehicles on the Shire roads must comply with the *Road Traffic Act 1974* and the *Road Traffic Code 2000*.

3. Approval Procedure

When approval is required from the Shire (as the road owner), a 'Restricted Access Vehicle (RAV) Approval Application Form' must be submitted. This application form may include additional terms and conditions applied by the Shire.

- (a) Submit a 'Restricted Access Vehicle Application Form' ('Application') to the Shire.
- (b) The Shire will assess the Application Form based on the information provided.
- (c) If the Application is approved, the Shire will send a 'Restricted Access Vehicle Approval Letter' ('Approval') to the applicant.
- (d) The Approval may be subject to additional conditions determined by the Shire.
- (e) Granted approvals expire on 30 June of each year.
- (f) The Shire reserves the right:
 - to request Main Roads WA to remove any roads under the management of the Shire from the RAV Network.
 - to cancel or suspend any granted approval if operators are not adhering to the Shire's terms and condition as listed in the Restricted Access Vehicle Application Form.

RAV operators in breach of this policy should be reported by quoting the vehicle registration number to Main Roads WA on phone 138 486.

Reference Information

- Strategic Community Plan;
- [Main Roads WA, Heavy Vehicles Services](#);
- [Main Roads WA, Route Assessment Guidelines](#);
- [Main Roads WA, Information Mapping System](#); and
- [Main Roads WA, Heavy Vehicle Network Map](#).

Legislation

- *Road Traffic Act 1974;*
- *Road Traffic (Vehicles) Act 2012;*
- *Road Traffic (Vehicles) Regulations 2014;*
- *Road Traffic Code 2000.*

Associated documents

- *Restricted Access Vehicle Application Form.*

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V0	04/11/2022	New	Manager Infrastructure and Assets	Council


Document control information	
Document Theme	Governance
Document Category	Infrastructure and Assets
Document Title	Restricted Access Vehicles
Document ID	INF# (t.b.a.)
Document Owner (position title)	Manager Infrastructure and Assets
Author (position title)	Manager Infrastructure and Assets
Date of approval	(t.b.a.)
Approving authority	Council
Access restrictions	Nil
Date Published	t.b.a.
Date of last review	29 November 2022
Date of next review	3 years from approval of Council
Archived antecedent documents and previous versions	Oversize Vehicle Pol. replaced with RAV Pol. OCM 22 Feb 2023 Oversized Vehicle Policy cancelled OCM 22 Feb 2023 Amended Council Meeting 16 November 2007

04/11/2022 (44.6)

Page 4

Draft V1 – NEW Restricted Access Vehicles

***** This Document is not controlled once it has been printed *****



Document control information	
	Reviewed Council Meeting 15 November 2007 Reviewed Council Meeting 21 May 2009 Reviewed Council Meeting 13 May 2010

DRAFT

04/11/2022 (44.6)

Draft V1 – NEW Restricted Access Vehicles

Page 5

***** This Document is not controlled once it has been printed *****

Shire of Toodyay Policy Manual

ADMINISTRATION POLICY

POLICY NO:	A.13
POLICY SUBJECT:	TEMPORARY ROAD CLOSURES
ADOPTION DATE:	19 January 2006
LAST REVIEW:	19 June 2012

STATEMENT OF INTENT

This policy will provide clarity and guidance on the process to achieve the temporary closure of a road. The policy will facilitate the improved processing of temporary road closure requests.

OBJECTIVES

- To ensure adequate consultation is undertaken prior to the temporary closure of the road;
- To ensure that all requirements of the *Local Government Act 1995* are achieved for the temporary closure of a road; and
- To provide advice to the community on how to achieve the temporary closure of a road.

DEFINITIONS

All terms shall have the meanings applied to them in the *Local Government Act 1995*, the *Road Traffic Act 1974* and the *Road Traffic (Events on Roads) Regulations 1991*.

STATUTORY POWER

The policy is made pursuant to Section 2.7(2)(b) of the *Local Government Act 1995* and relates to Section 3.50 of the *Local Government Act 1995*. Clause 5.42 of the *Local Government Act 1995* allows a local government to delegate to the Chief Executive Officer the exercise of any of its powers under the Act. The policy also considers the requirements of the *Road Traffic Act 1974* and the *Road Traffic (Events on Roads) Regulations 1991*.

POLICY STATEMENT

1. A request to temporarily close a road for a public event shall be lodged with the Council at least three (3) months prior to the event with a traffic management plan which details the following information:
 - a) The road or portion of the road proposed to be closed;
 - b) The date and time of the road closure;
 - c) The signage, barriers and other equipment that will be used to close the road;

Administration Policy A.13 – Temporary Road Closures

Shire of Toodyay Policy Manual

- d) A map showing traffic diversions.
2. The Shire of Toodyay will undertake all necessary works to erect and remove the signage, barriers and other equipment for the road closure. The Shire reserves the right to pass on all staffing and equipment costs to the person or body who applied to close the road.
- Note: It should not be assumed that the Shire will provide employees to staff the road closure during the course of the event. This is a matter to be negotiated with the Shire. Suitable adult staff that affects a road closure should be aware of an emergency vehicle or pass holder and they should be permitted to access a closed road.*
3. Following receipt of the temporary road closure request, the Shire of Toodyay will place an advertisement in the Toodyay Herald (and additionally in another locally circulated newspaper if time constraints dictate), providing a 28 day period to make comment on the proposed road closure. The comment period to commence from the time the first locally circulated newspaper carrying the advertisement is available to the public. The proposal will also be referred to the Commissioner for Main Roads for comment as and when required. The proponent shall be responsible for the advertising costs associated with these actions.
4. The proponent will be responsible for liaising with all affected landowners by writing a letter to all affected landowners and providing them with an opportunity to object, to the Shire of Toodyay to the proposed closure. The consultation must occur with the following landowners:
- a) Owners with direct frontage to the road which is being closed; and
- b) Owners that would need to pass through the closed road in order to access their property.
5. In the case of a temporary road closure within the Toodyay Town Centre (Stirling Terrace, Duke Street, Piesse Street, Oddfellows Street and Charcoal Lane), consultation shall occur with **all** businesses within the Town Centre that directly abut or would have access restricted by the road closure.
6. The Chief Executive Officer is delegated authority to approve the temporary closure of a road in the following circumstances:
- a) The road closure shall not be for a period longer than 48 hours;
- b) The road closure is for a public event to be held within the Shire of Toodyay;
- c) No adverse comments were received during the public advertising period; and
- d) For applications in the Toodyay Town Centre, the proponent provided evidence that at least 75% of all owners affected by the proposed road closure had granted their consent to the action.

Administration Policy A.13 – Temporary Road Closures

Shire of Toodyay Policy Manual

In the event that a road closure request falls outside of the above parameters, the proposal shall be referred to the Council for determination.

7. Nothing in this policy shall excuse compliance with or supersede the requirements of the provisions of the Road Traffic Act 1974 and the Road Traffic (Events on Roads) Regulations 1991.

Note: The Road Traffic Act 1974 and the Road Traffic (Events on Roads) Regulations requires that an application also be made to the Commissioner of Police, however this application must be accompanied by the approval of the local authority and the Commissioner of Main Roads. The proponent is encouraged to contact the local Police to discuss the proposed temporary road closure.

Amended Council Meeting 16 November 2006
Amended Council Meeting 15 November 2007
Amended Council Meeting 21 May 2009
Amended Council Meeting 13 May 2010
Amended Council Meeting 19 June 2012

Administration Policy A.13 – Temporary Road Closures

This Page has been Left Blank "Intentionally"



Temporary Road Closure for Public Events

Introduction

This policy is intended to provide clarity and guidance on the process to achieve the temporary closure of a road. The policy will facilitate the improved processing of temporary road closure requests.

Objective

- To ensure adequate consultation is undertaken prior to the temporary closure of the road;
- To ensure that all requirements of the *Local Government Act 1995* are achieved for the temporary closure of a road; and
- To provide advice to the community on how to achieve the temporary closure of a road.

Scope

This policy applies to all organisers of events within the Shire of Toodyay.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i> <i>Road Traffic Act 1974</i>
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Public Event	Any organized gathering of people for sporting, entertainment, or other common purpose (for example, outdoor concerts, shows, fairs, festivals, exhibitions etc.) that is open to the public, but does not cover private functions such as weddings or parties.
Regulations	<i>Road Traffic (Events on Roads) Regulations 1991</i>
Shire	The Shire of Toodyay.

05/01/2023 (39.7)

Page 1

Draft V6 – REVISED Temporary Road Closures for Public Events

*** This Document is not controlled once it has been printed ***

Policy Statement

This policy applies to Temporary Road Closures for Public Events.

1. A request to temporarily close a road for a public event shall be lodged with the Shire at least three (3) months prior to the event with a traffic management plan, which details the following information:
 - (i) The road or portion of the road proposed to be closed;
 - (ii) The date and time of the road closure;
 - (iii) The signage, barriers and other equipment that will be used to close the road;
 - (iv) A map showing traffic diversions
2. The event organiser will undertake all necessary works to erect and remove the signage, barriers, and other equipment for the road closure. The event organiser is to ensure that only traffic personnel, accredited through Main Roads WA, with a basic worksite traffic management ticket are permitted to erect and remove signage, barriers and other equipment.

Note: suitably accredited personnel are required for the duration of the event to monitor signage.
3. Following receipt of the temporary road closure request, the Shire of Toodyay will place an advertisement in the Toodyay Herald (and additionally in another locally circulated newspaper if time constraints dictate), providing a 28-day period to make comment on the proposed road closure. The comment period to commence from the time the first locally circulated newspaper carrying the advertisement is available to the public. The proposal will also be referred to the Commissioner for Main Roads for comment as and when required. The proponent shall be responsible for the advertising costs associated with these actions.
4. The proponent will be responsible for liaising with all affected landowners by writing a letter to all affected landowners and providing them with an opportunity to object, to The Shire of Toodyay to the proposed closure. The consultation must occur with the following landowners:
 - (i) Owners with direct frontage to the road which is being closed; and
 - (ii) Owners that would need to pass through the closed road, in order to access their property
5. In the case of a temporary road closure within the Toodyay Town Centre (Stirling Terrace, Duke Street, Piesse Street, Oddfellows Street and Charcoal Lane), consultation shall occur with all businesses within the Town Centre that directly abut or would have access restricted by the road closure.
6. The Chief Executive Officer is the delegated authority to approve the temporary closure of a road in the following circumstances:
 - (i) The road closure shall not be for a period longer than 48 hours;
 - (ii) The road closure is for a public event to be held within the Shire of Toodyay;
 - (iii) No adverse comments were received during the public advertising period; and

05/01/2023 (39.7)

Page 2

Draft V6 – REVISED Temporary Road Closures for Public Events

***** This Document is not controlled once it has been printed *****

(iv) For applications in the Toodyay Town Centre, the proponent provides evidence that at least 75% of all owners affected by the proposed road closure had granted their consent to the action.

7. In the event that a road closure request falls outside of the above parameters, the proposal shall be referred to the Council for determination

Nothing in this policy shall excuse compliance with or supersede the requirements of the provisions of the *Road Traffic Act 1974* and the *Road Traffic (Events on Roads) Regulations 1991*.

Note: The *Road Traffic Act 1974* and the *Road Traffic (Events on Roads) Regulations 1991* requires that an application also be made to the Commissioner of Police, however this application must be accompanied by the approval of the local authority and the Commissioner of Main Roads. The proponent is encouraged to contact the local Police to discuss the proposed temporary road closure.

Legislation

Local Government Act 1995

- Section 2.7(2)(b) Role of Council
- Section 3.50 Closing certain thoroughfares to vehicles
- Section 5.42 Delegation of some powers and duties to CEO

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	16/11/2006	Reviewed	CEO	Council
V2	15/11/2007	Reviewed	CEO	Council
V3	21/5/2009	Reviewed	CEO	Council
V4	13/05/2010	Reviewed	CEO	Council
V5	19/06/2012	Reviewed	CEO	Council
V6	05/01/2023	Reviewed	MIA	

Document control information	
Document Theme	Regulatory
Document Category	Regulatory
Document Title	Temporary Road Closures for Public Events

05/01/2023 (39.7)

Page 3

Draft V6 – REVISED Temporary Road Closures for Public Events

***** This Document is not controlled once it has been printed *****

Document control information	
Document ID	REG01
Document Owner (position title)	Manager Infrastructure & Assets
Author (position title)	Manager Infrastructure & Assets
Date of approval	T.B.A.
Approving authority	Council
Access restrictions	Nil
Date Published	T.B.A.
Date of last review	22 November 2022
Date of next review	t.b.a.
Archived antecedent documents and previous versions	OCM 19 January 2006 (CRN 4/01/06) OCM Amended 16 November 2006 OCM Amended 15 November 2007 OCM Amended 21 May 2009 OCM Amended 13 May 2010 OCM Amended 19 June 2012 (A13)

05/01/2023 (39.7)

Page 4

Draft V6 – REVISED Temporary Road Closures for Public Events

***** This Document is not controlled once it has been printed *****