



Ordinary Council Meeting

22 March 2023

Commencing at 1.00 pm

AGENDA

Notice of Meeting.

To: The President and Councillors.

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

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

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

An Agenda Briefing will be held at the same venue as above on 15 March 2023, commencing at 1.00pm to discuss the contents of this agenda.

Suzie Haslehurst

CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

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

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

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

Community Values: We value highly:

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

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

Integrity: We behave honestly to the highest ethical standard.

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

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

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

Disclaimer

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

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

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

2 RECORDS OF ATTENDANCE**2.1 APOLOGIES****2.2 APPROVED LEAVE OF ABSENCE**

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE**2.3.1 Cr Hart Application for leave of absence**

Cr Hart requested to be granted Approved Leave of Absence from Sunday 9 April 2023 to Friday 14 April 2023 inclusive.

OFFICER'S RECOMMENDATION

That the Application for Leave of Absence by Cr Hart from Sunday 9 April 2023 to Friday 14 April 2023 inclusive be granted.

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

Nil.

4.2 PUBLIC QUESTION TIME**5 CONFIRMATION OF MINUTES****5.1 Ordinary Meeting of Council held on 22 February 2023****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 22 February 2023 be confirmed.

5.2 Agenda Briefing held on 15 March 2023**OFFICER'S RECOMMENDATION**

That the Notes of the Agenda Briefing held on 15 March 2023 be received.

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

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

6.2 DEPUTATIONS

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

6.3 PRESENTATIONS

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

6.4 SUBMISSIONS

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

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9 OFFICER REPORTS**9.1 DEVELOPMENT AND REGULATION****9.1.1 Draft Local Planning Policy - Alfresco Dining**

Date of Report:	2 March 2023
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:	13 May 2010
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. CURRENT LPP No.12 - Alfresco Dining; and 2. DRAFT LPP - Alfresco Dining

PURPOSE OF THE REPORT

To review the revised *Local Planning Policy – Alfresco Dining* with a view to adopt for formal advertising.

BACKGROUND

This revised Local Planning Policy (LPP) has been developed as part of the current review of the Shire's policy framework. The existing LPP.12 – Alfresco Dining was last reviewed by the Council on 13 May 2010 (**Attachment 1**).

COMMENTS AND DETAILS

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

This LPP will now be known as *Local Planning Policy – Alfresco Dining* (**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 a Council workshop in March 2023, 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. 12 – Alfresco Dining

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 the revised policy addresses these factors.

Financial:

It is a requirement that Local Planning Policies undergo a formal advertising process which includes publication in a locally circulating newspaper. This cost to the Shire is approximately \$250 for one advertisement and is 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. (9)

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Adopts the revised *Local Planning Policy – Alfresco Dining* 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 revised *Local Planning Policy – Alfresco Dining* is brought back to the May 2023 Ordinary Council Meeting for final review.

9.1.2 Draft Local Planning Policy - Extractive Industries

Date of Report:	8 March 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

PURPOSE OF THE REPORT

To review the new draft *Local Planning Policy – Extractive Industries* with a view to adopt for formal advertising.

BACKGROUND

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

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

COMMENTS AND DETAILS

Managing the development and compliance of Extractive Industries within the Shire of Toodyay has proven to be a difficult task. Whilst the Shire has an adopted *Local Planning Policy for Extractive Industries – Road Maintenance Contributions*, it, as the title indicates, is very narrow in its scope. It is clear that the Shire would benefit from developing a new, all-encompassing Local Planning Policy which will provide a formal position on a range of factors – not just road maintenance.

The main factors that have contributed to the difficulties in regulating this form of development are as follows:

- Lack of policy position;
- Inconsistency of management reports;
- Inconsistency in the method data has been supplied;
- Lack of a clear process and expectations between the Shire and operators;
- Lack of clear methodology to determine calculations for road maintenance contributions;
- Change of staff;
- Reduction in staff numbers;

- Change in land tenure;
- Change in licensee;
- Old, outdated and substandard plans make it difficult to create a clear picture of previous approvals.

The development of this policy has been designed to incorporate the existing *Local Planning Policy – Extractive Industries (Road Maintenance Contributions)* whilst also providing a policy position on all aspects of the life of an extractive industry. This includes:

- Application requirements;
- Exemptions;
- Approval requirements;
- Consultation;
- Classification of Extractive Industries;
- General Development Requirements;
- Compliance, Auditing and Monitoring;
- Cost recovery;
- Road Maintenance; and
- Rehabilitation.

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

Prior to being presented to the Council at this meeting for consideration, the draft Local Planning Policy has undergone an extensive collaborative exercise. A Shire of Toodyay Extractive Industry Policy Working Group was assembled to work on the development of this policy in a holistic manner. The group is comprised of a combination of members – each with a specific expertise/interest which is considered to be valuable to the drafting of this policy.

The make-up of the group is as follows:

Name	Title / Other Detail
Hugo de Vos	Manager Development and Regulation, Shire of Toodyay
Tobie Prater	Planning and Compliance Officer, Shire of Toodyay
Cr Madacsi	Elected Member, Shire of Toodyay

Name	Title / Other Detail
Cr Wrench	Elected Member, Shire of Toodyay
Bob Neville	Toodyay Roadwise
Cliff Simpson	Regional Road Safety Advisor WALGA
Bob Huston	Department of Biodiversity Conservation and Attractions
Michael Ferguson	Vernice Pty Ltd (Extractive Industry – Medium operator)
Nathan Blackwell	Midland Brick (Extractive Industry – Major operator)
Caragh Sinclair (Graduate Planning and Environment)	
Robert Pearce	Landowner in proximity to a lot of Extractive Industry activity.
Frank Panizza	Toodyay Agricultural Alliance

This is the first time the Shire of Toodyay has used such a collaborative, holistic and inclusive approach to policy development. The aim of this approach is to design a policy that is well considered from all angles, and to foster buy-in from the community and stakeholders.

Additionally, this draft Local Planning Policy was workshopped with the elected members over a period of time on the MS Teams workspace, and also at a number of Council workshops, the last being held on 7 March 2023.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

Governance: The way the Shire Leads and Operates

O 1: Provide accountable and transparent leadership for the community

O 2: Consistently improve our governance practices

Policy related:

Local Planning Policy – Advertising of Planning Proposals.

Local Planning Policies are required to be advertised for a period of 21 days. This will involve an advertisement in the Toodyay Herald, placement of a notice on the Shire's website and Facebook page with links to the draft policy, and physical copies of the policy being available for inspection at the Shire's Administration Office and the Visitor's Centre.

Local Planning Policy Extractive Industries – Road Maintenance Contribution

The current policy has been incorporated into the draft policy and as such, this policy shall be revoked upon final adoption of the Extractive Industry Policy.

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 \$250 for one advertisement and this has been allocated for in the Shire's adopted budget.

Legal and Statutory:

Planning and Development Act 2005 – Part 5

Planning and Development (Local Planning Schemes) Regulations 2015 - Division 2 of Schedule 2

Local Planning Policies

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

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

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

Risk related:

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

Review of a policy framework is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary and relevant.

If the Shire ignores this requirement and does not engage in routine review of this framework it risks reputational damage which is rated medium (9).

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Adopts the draft *Local Planning Policy – Extractive Industries* as per **Attachment 1** for the purpose of public advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy, prior to advertising.
3. Requests that the draft *Local Planning Policy – Extractive Industries* is brought back to the May 2023 Ordinary Council Meeting for final adoption.

9.1.3 Request to close unconstructed portion of Isotoma Road, Dumbarton.

Date of Report:	1 March 2023
Applicant or Proponent:	T Tucker & C Hull
File Reference:	00ISO/A
Author:	H de Vos – Manager Development and Regulation
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. Plan and applicant justification

PURPOSE OF THE REPORT

Council is requested to consider the permanent closure of an unconstructed portion of Isotoma Road reserve, alongside Lot 101 Nockdominie Road, Dumbarton. The request has been submitted by T Tucker and C Hull.

The road is proposed to be closed as part of a concurrent lot consolidation process involving the amalgamation of this parcel of road reserve with Lot 101 Nockdominie Road, Dumbarton on P402728.

BACKGROUND

On 21 September 2022, the Shire of Toodyay received correspondence from Ms Tess Tucker and Mr Cody Hull formally applying to have the unconstructed portion of Isotoma Road road reserve closed.

The portion of the road proposed to be closed is 15,810m² in area and is to be excised from the existing Isotoma Road road reserve.

For more details, please refer to the **Attachment 1** – Map and **Attachment 2** – Letter from Applicant.

COMMENTS AND DETAILS

The section of Isotoma Road, Dumbarton in question was not constructed at the time of subdivision clearance. The road does not service any properties and becomes overgrown in the summer months, posing a fire hazard.

The road closure proposal involves closing an area of the existing Isotoma Road reserve. This portion measures 527m x 30m or 15,810m² (1.581 hectares).

This portion of land was dedicated as a road reserve through subdivisional processes and was initially intended to allow for further expansion. While further subdivision of this area is not currently anticipated, in the event that a developer wanted to subdivide and conditions allowed for it, it would be their responsibility to ensure that new lots had access to a road.

However, whilst it will be shown in the Consultation section of this report below that no objections were received from external consultation – the proposal is not supported by Shire Officers due to the fact that opportunities for future connectivity will be lost, and this could have implications in the event of an emergency.

While the subject road reserve is not currently specifically referenced in the Shire's Bush Fire Preparedness and Resilience Strategies Report, the need for southerly egress from Walkley Heights and Wicklow subdivision areas is noted. Retention of the subject land as road reserve would support improved future road connectivity providing southern egress from Boyagerring and potentially Dawson Road towards Whitfield Road.

Boyagerring Road and Dawson Road are cul-de-sacs of around 800m and 900m respectively. The Guidelines for Planning in Bushfire Prone Areas Version 1.4, Element 3.2a Multiple Access Routes, recommends against cul-de-sacs of greater than 200m in length. While the guidelines are not intended to be applied in a retrospective fashion, they offer guidance to best practice road network connectivity for bush fire safety. Closure of the subject road reserve would significantly impact future opportunity to improve local road connectivity and bush fire safety, in the area which is at odds with the issue identified in the Bush Fire Preparedness and Resilience Strategies Report.

Therefore, it is recommended that Council resolves not to support the permanent closure of the portion of road reserve as outlined in **Attachment 1**.

IMPLICATIONS TO CONSIDER

Consultative:

The application was advertised in accordance with section 58 of the *Land Administration Act* 1997.

An advertisement was placed in the November 2022 edition of the *Toodyay Herald*.

Additional mailouts were done to adjoining properties and servicing authorities.

A 35-day consultation period was conducted in accordance with section 58 of the Act. This period ended on 29 December 2022. Please note that the advertising in the newspaper was 35 days until 9 December 2022 and the mailouts to servicing authorities and adjoining landowners was 29 December 2022.

The Shire has received three (3) submissions all in support of the proposal.

The matter was also referred to the Shire's Community Emergency Services Manager, Emergency Management Officer, and the Reserves Management Officer. All three have opposed the proposal noting that the road reserve offers access to the edge of the subdivision and potential future links to the end of Boyagerring and Dawson Roads. Closing this road could lead to lost connectivity and egress safety in the future. This is expanded on above in Comments and Details.

With respect to the proponent's concern with respect to bush fire risk of the land itself, the officers noted this piece of land is not currently part of any Shire bush fire mitigation program, however its Crown tenure makes it eligible for Mitigation Activity Fund application, and advocates for including this site in current and future mitigation programs as the preferred management approach.

Additional consultation was conducted with the Shire's Infrastructure and Assets department who advised that the closure of the unconstructed portion Isotoma Rd is not recommended at this stage as this section of road reserve has potential to provide future connectivity to Boyagerring Road and Dawson Road. Rather than closing this section of the road, the Shire

should consider options for a connecting road (130-meter corridor) to extend to Boyagerring Road in the northeast.

Strategic:

Shire of Toodyay Strategic Community Plan – Toodyay 2028

- Build a positive culture of engagement between the Shire and the community.
- Improve internal and external communication to maximise transparency.

Policy related:

Community Consultation and Engagement

This policy states that for permanent road closures a level C consultation is required.

However, it notes that in this instance consultation procedures are set out in accordance with existing legislation which is in s.58 of the *Land Administration Act 1997*.

Financial:

There are no avenues to lodge an appeal through the State Administrative Tribunal.

There are future financial impacts associated with the purchase of additional land and ongoing responsibility for the upkeep and maintenance if the Shire decides to pursue the option to connect with Boyagerring Road.

Legal and Statutory:

Road closures are regulated by s.58 of the *Land Administration Act 1997*. In accordance with the Land Administration Act and Regulations, there are three main steps involved in closing a road:

1. The Local Government must advertise the proposed road closure to adjoining landowners and servicing authorities in accordance with s.58 of the *Land Administration Act 1997* and r.9 of the *Land Administration Regulations 1998*.
2. The Local Government then considers submissions received during the advertising period and must resolve to close the road and request the Department of Planning, Lands and Heritage to proceed with the road closure.
3. The Minister is then to choose whether to grant a request and if granted the land can be purchased by private parties or can become Unallocated Crown Land.

At this point in time Council is requested to consider Stage 2 of the process.

Risk related:

The only risk considered here would be the Shire not complying with the statutory process set out in s.58 of the *Land Administration Act 1997*. However, as this is a very straight forward process and it has been demonstrated that the application has been advertised in accordance with the Act, this risk is of insignificant consequence. However, experience has shown that such a situation may arise making the risk possible. Overall, the risk attracts a low score of 3.

Workforce related:

This process is administrative and does not create any extraordinary demand on Officer time.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Notes the submissions received relating to the application to close a portion of Isotoma Road; and
2. Resolves not to support the permanent closure of Isotoma Road as indicated in the attachment, as the closure would remove opportunities for the Shire to improve connectivity and safe egress in the location in the future.

9.1.4 Lot 80 Grevillea Place, Morangup - Ancillary Accommodation.

Date of Report:	2 March 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	P2023-11 - A1866/80GRE
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. P2023 -11 - Application and Plans; 2. P2023-11- BAL and Bushfire Management Plan.

PURPOSE OF THE REPORT

Council is requested to consider an application for development approval for a proposed ancillary accommodation at Lot 80 Grevillea Place, Morangup. 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 Accommodation*. There is no delegated authority to determine this application at an Officer level.

BACKGROUNDProperty Information

Lot 80 (No. 111) Grevillea Place, Morangup is a 47,985 m² (4.79ha) property in Morangup.

The property is zoned Rural Residential 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, water tank, two outbuildings, and a swimming pool.

Proposal

The applicant seeks development approval to construct an ancillary accommodation. The proposed ancillary accommodation will have off white cladding with contrasting charcoal accents and a cream coloured colorbond roof. The main dwelling which is a combination of different finishes and colours is proposed to be painted to match the ancillary accommodation.

The proposed application has the following variations to *Local Planning Policy No. 2 – Ancillary Accommodation*, and *Local Planning Scheme No. 4*

The proposal is a variation to the following provisions of the policy:

- (a) *Be located within 20m of the main house.*

The proposed accommodation is located 34m from the main dwelling.

And a variation to the following provision of the *Local Planning Scheme No. 4*.

(b) Setback variation 20m in lieu of 30m.

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

Time to determine

The application was received on 21 February 2023. 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 22 May 2023.

COMMENTS AND DETAILS

The *State Planning Policy 3.7 - Planning in Bushfire-prone areas* relates to the residential design codes and outlines the requirements for building in a bushfire-prone area. A Bushfire attack Level (BAL) assessment is conducted when a single dwelling is proposed to be built in a bushfire-prone area. The BAL is determined by an assessment of the 100m around proposed build site and surrounding vegetation type, density, and potential ignition sources. The highest BAL level that a single dwelling can be built to is a BAL-29.

In this application the proposed location of the ancillary accommodation is a BAL-FZ (Flame Zone) the highest BAL rating. For development to be permitted, a Bushfire Management Plan must be produced, outlining strategies and actions that the landowners need to be taken to reduce the risk of bushfires, reducing the impact on human life, property, and the environment. This includes fuel reduction in the form of an asset protection zone, onsite water for firefighting and designated access with vehicle turn around areas, in the event of a fire. The bushfire management plan is to be maintained for the life of the development.

Attachment 2 – BAL & Bushfire Management Plan

Bearing this in mind, this application proposes to position the ancillary accommodation at 20m in lieu of 30m required from the boundary as per *Local Planning Scheme No.4* and 34m in lieu of 20m from the main dwelling, which is a variation to *the Local Planning Policy – Ancillary Accommodation*.

This location has been chosen as it takes advantage of an area already partially cleared of vegetation and would require less clearing to comply with the asset protection zone specified in the Fire Management Plan and achieving a BAL-29.

This application is consistent with the remaining requirements listed in *Local Planning Policy Ancillary Accommodation*.

It is recommended that Council approves this development with conditions.

IMPLICATIONS TO CONSIDER

Consultative:

Local Planning Policy – Advertising for Planning Proposals.

This application has been advertised in accordance with the local planning policy and to the affected adjoining landowner with no submissions 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 Ancillary Accommodation

Clause 1.0 of the policy states:

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

- (a) be located within 20m of the main house.

Under Section 3.0 of the policy:

Council may vary the requirements of this *Local Planning Policy 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 may 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)
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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

<p>OFFICER'S RECOMMENDATION 1</p> <p>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</p>
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accommodation at Lot 80 (No. 111) Grevillea Place in Morangup, 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) Prior to the occupation of the development, the approved Bushfire Management Plan (prepared by Bushfire Smart and dated 25 October 2021) shall be implemented, to achieve a rating of BAL-29 (or less) for the dwelling, and thereafter complied with by the landowner(s) for the life of the development and to the satisfaction of the Shire. Specifically, implementation of the BMP requires the following:
 - (l) A minimum 27m wide Asset Protection Zone surrounding the dwelling in accordance with Section 5.3 Figure 6A;
- (e) Prior to the occupation of the development, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered on the Certificate of Title of the subject land at the landowner's cost and to the satisfaction of the Shire to notify owners and prospective purchasers of the following factor affecting the use of the land.

“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.”
- (f) All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
- (g) All storm water discharge from the development shall be contained and disposed of onsite unless otherwise approved by the Shire of Toodyay.
- (h) Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.

9.1.5 Lot 500 (No. 40) Salt Valley Road, Hoddys Well - Shipping Container

Date of Report:	3 March 2023
File Reference:	P2023-3
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. P2023-3- Application & Plans

SUMMARY

Applicant:	Front Door Building Design
Owner:	A Vaughan & SA Stacey
Proposal:	Shipping Container
Location:	Lot 500 (No. 40) Salt Valley Road, Hoddys Well

PURPOSE OF THE REPORT

Council is requested to consider an application for development approval for a shipping container at Lot 500 (No. 40) Salt Valley Road in Hoddys Well. Council is being requested to determine this application due to recent development and compliance issues on the property.

BACKGROUNDLand

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

The property is vegetated with native woodland and remains largely uncleared except for a cleared area of approximately 2 hectares which contains all existing development, and which is the subject of this application.

The existing built structures on the property are a single dwelling and associated outbuildings and water tanks.

The development

On 24 January 2023, Front Door Design, on behalf of Mr SA Stacey and Ms A Vaughan (Applicant) applied to the Shire of Toodyay (Shire) for development approval for a permanent shipping container at Lot 500 (No. 40) Salt Valley Road, Hoddys Well (subject land). The applicant seeks approval of a permanent shipping container for domestic storage.

For further details, please refer to **Attachment 1**.

COMMENTS AND DETAILS

The proposed shipping container meets setback requirements, will be located behind an existing shed and due to the property's topography and bushland will not be visible from adjoining landowners or Salt Valley and Strahan Roads.

It is considered that this application is therefore consistent with the Local Planning Policy – *Non Habitable Structures* and it is recommended that Council approves this application.

IMPLICATIONS TO CONSIDER

Consultative:

The application has undergone community consultation in accordance with the Shire's adopted *Local Planning Policy – Advertising of Planning Proposals* with no submissions received.

Strategic:

Shire of Toodyay Community Strategic Plan – Toodyay 2028

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

Policy related:

Local Planning Policy – Non Habitable Structures

The application complies with this policy.

Local Planning Policy Advertising of Planning Proposals

The application was advertised in accordance with this policy.

Financial:

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

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

Legal and Statutory:

Planning and Development Act 2005

Planning and Development Regulations 2009

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme Number 4

Risk related:

Financial Impact	The Applicant has the right of appeal through the State Administrative Tribunal of Council's decision on this matter. This would potentially expose the Shire to increased legal costs.	9
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Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to Clause 68(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the development application of a shipping container at Lot 500 (No. 40) Salt Valley Road in Hoddys Well, subject to the following conditions:

1. The development hereby permitted taking place in accordance with the approved plans.
2. The development hereby permitted must substantially commence within two years from the date of this decision letter.

9.1.6 P2022-122-113 Lot 3506 (No.58) Harvester Drive, Toodyay - Dam

Date of Report:	7 March 2023
File Reference:	P2022-113/A4345/3506HARV
Author:	H de Vos – Manager Development and Regulation
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. P2022-113 - Application; 2. Water Quality Protection Note 53 - Dam construction and operation in rural areas; 3. Submission from DWER; 4. P2022-113 - Supporting Document for Development Application - March 2023.

SUMMARY

Applicant:	Main Roads WA
Owner:	MT Bastick
Proposal:	Dam
Location:	Lot 3506 (No. 58) Harvester Drive, Toodyay

PURPOSE OF THE REPORT

To determine an application from Main Roads WA (MRWA) for development approval for an on-stream dam. No delegated authority exists for determination of applications for dams which vary the requirements of the Local Planning Policy

BACKGROUND

Lot 3506 (No. 58) Harvester Drive in Toodyay is an 11.32-hectare property in the Lozanda Heights subdivision estate. It is zoned Rural Residential under the Shire's Local Planning Scheme No. 4.

Main Roads is upgrading Toodyay Road within the Shire of Toodyay between Dryandra Road and the Toodyay Townsite. To support these works, land is being acquired for road widening purposes. This included land acquired from 58 Harvester Drive Toodyay (Lot 3506) to support a realignment between Salt Valley and Toodyay Clackline Roads including a westbound overtaking lane.

Although Main Roads minimised the land required from Lot 3506, the existing dam on the property is within the road design footprint and will be filled in during construction works. Subsequently, Main Roads committed to working with the landowner to identify a suitable

alternative location for a new dam and manage design, approvals and construction of the replacement dam.

The new dam is proposed to be about 833m² surface area or generally 31m x 27m as a gully catchment design. This will replace the existing dam of about 1700m² surface area or 52m x 33m.

The dam will be located on a minor, non-perennial watercourse approximately 160m upstream of the existing dam. The concept for the dam is to construct an earth embankment that crosses a small gully, using material from a borrow pit dug directly upstream of the new embankment location, and within the planned footprint of the dam. The geotechnical investigation found the proposed site contained in-situ low permeability materials favourable for dam construction (GHD, 2019).

The dam capacity is estimated to be 1,332m³, which is substantially smaller than the existing dam (6,700m³).

This application was received in November 2022 and has been delayed allowing for Christmas holidays, advertising in the Toodyay Herald where there was no January edition, and for additional time for responses to the submission received. Therefore, it has gone beyond the 90-day determination period. However, the applicant and the Shire have been in regular written communication over this time and the Shire has received consent to extend determination beyond the 90-day period.

For more details, please view **Attachment 1 & 4**.

COMMENTS AND DETAILS

The Shire's Local Planning Policy – Dams lists under (2.3) that the placement of a dam within a watercourse should be avoided if possible.

The policy's objectives are to:

- a) ensure that dams do not have a significant negative impact on the environment;
- b) ensure that dams are properly designed and constructed;
- c) and ensure that dam sizes relate to the capability and catchment of the site and the use.

The assessment of this proposal against the provisions of the Local Planning Policy have determined that this is a high-impact proposal due to the on-stream positioning.

This has been identified in the community consultation period from a submission from DWER noting that there will be an impact. The Department's position is that on stream dams require provision to maintain low stream flows (*refer page 6, point 13 in the attached Water Quality Protection Note 53 - Dam Construction and Operation in Rural Areas*) **Attachment 2**.

The applicant has provided:

At the time we were investigating a diversion structure to maintain low summer flow.

Subsequent to this, Main Roads developed a drainage model that determined removing the dam will increase downstream flow which will counterbalance constructing the new dam. Furthermore, the landowner has never observed any summer flows in this drainage line. Accordingly, we propose not to install a diversion structure.

This is summarised in the supporting document.

It is recommended that this development be approved with conditions.

IMPLICATIONS TO CONSIDER

Consultative:

The application was advertised in accordance with the Shire of Toodyay's Local Planning Policy - Advertising of Planning Proposals and Local Planning Policy – Dams.

This involved mailouts to downstream landowners and the Department of Water and Environmental Regulation (DWER).

Additionally, as the proposed dam has been classified as high impact it was advertised in the February edition of the Toodyay Herald.

The Shire of Toodyay has received one submission from DWER. The Department has identified that the proposed development will impact on water values and management. For more details, please refer to **Attachment 3**.

The proposal was also workshopped with Councillors on 7 March 2023 with 7 Councillors in attendance. Prior to this, Councillors and Shire Officers were also given a presentation on the proposal by MRWA.

Questions were raised by Councillors at the time regarding the due diligence undertaken by the applicant regarding development potentially developing Aboriginal Heritage sites.

The Manager Development and Regulation provided that there are no registered Aboriginal Heritage sites identified in the development area.

Further advice was provided by MRWA as follows:

As part of our planning and design of the Harvester Drive dam, and in line with Main Roads' Heritage Risk Assessment process, Main Roads undertook the necessary due diligence checks to ensure the project would not disturb a heritage site. This included a review of registered aboriginal heritage sites, which confirms there are no registered sites within the development area.

As we will not be disturbing or altering a registered Aboriginal heritage site, Main Roads is not required to seek Aboriginal heritage approval.

Strategic:

Shire of Toodyay Strategic Community Plan – Toodyay 2028

Protecting where we live

O1: Preserve and protect our natural assets for future generations.

O2: Ensure sustainable operating practices.

Shire of Toodyay Local Planning Strategy 2017

Incorporate natural resource management and environmental conservation into the Shire's planning processes.

Policy related:

Shire of Toodyay – Risk Management Policy

The proposal is given a moderate risk score of (9). This means the risk is acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring.

Local Planning Policy – Advertising of Planning Proposals

This application has been advertised in accordance with this policy.

Local Planning Policy – Dams

This proposal has been assessed as being high impact in accordance with this policy due to the proposed dam being located on-stream. MRWA has provided additional supporting documentation which can be viewed in **Attachment 4**.

Financial:

The applicant has paid the applicable fee for development approval pursuant to the *Planning and Development Regulations 2009*.

Should the proponents be aggrieved by Council's decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the Shire could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development Regulations 2009

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 4

A dam is an 'A' use for the Rural Residential zone under the Shire's Local Planning Scheme No. 4 which means a use that is not permitted in the zone unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64.

Risk related:

The proposal has been identified as high impact per the Local Planning Policy – Dams as it is on-stream. In accordance with the Shire's Risk Management Policy, this proposal carries environmental risks. These are moderate with a contained, reversible impact managed by external agencies. Score: (3). The likelihood of this happening is a risk event may occur at some time. Score (3). Total risk score: 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

That Council

1. Notes the submission received for the application for a dam at Lot 3506 (No. 58) Harvester Drive in Toodyay.
2. Pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the application for development approval for a dam at Lot 3506 (No. 58) Harvester Drive in Toodyay, subject to the following conditions:

- (a) This approval relates only to the development as indicated on the plans received by the Shire of Toodyay as attached to this report.
- (b) The development, including the use approved by this development approval, must be implemented (and where relevant maintained in implementation) only in accordance with the approved plans.
- (c) The development must be substantially commenced within the period of two years commencing on the date of the Shire of Toodyay Council's decision to grant development approval. The development approval lapses if the development has not substantially commenced within that period.
- (d) All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Monthly Financial Statements - February 2023

Date of Report:	1 March 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 28 February 2023

PURPOSE OF THE REPORT

This report provides Council with monthly financial information for the period ending 28 February 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 28 February 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

Note	Description	Page
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 28 February 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 adopted 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 February 2023 was \$1,941,993.70 compared to January 2023 closing balance of \$2,554,919.80

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 revenue budget was reduced by \$152,715. The issuing of rates notices for mining properties has been delayed until March.

Outstanding Sundry Debtors

The total outstanding sundry debtors balance at the end of February 2023 was \$761,946.08 broken down as follows:

Category	31/01/2023	28/02/2023
> 90 days and over	\$49,289.73	\$50,031.22

Category	31/01/2023	28/02/2023
> 60 days and over	\$18,963.14	\$-8,244.62
> 30 days and over	\$-1,588.04	\$20,278.53
Current	\$255,856.50	\$699,880.95
TOTAL	\$322,521.33	\$761,946.08

The table above shows an increase in the outstanding sundry debtors balance from \$322,521.33 to \$761,946.08. This increase is largely the result of road grants raised during the month.

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 28 February 2023, the total funds held in the Shire's operating accounts (including an 11AM At Call account) is \$1,809,565.31 and the total of all interest bearing term deposits invested for the period ended 28 February 2023 was \$4,181,984.00.

Legal and Statutory:

Local Government Act 1995

Section 6.4 requires a local government to prepare financial reports.

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

Local Government (Financial Management) Regulations 1996

Regulation 34 sets out the form and content of the financial reports.

Risk related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council receives the Monthly Financial Statements for the month ending 28 February 2023.

9.2.2 List of Payments - February 2023

Date of Report:	3 March 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 Payment February 2023

PURPOSE OF THE REPORT

To present cheques and electronic payments raised during February 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 February 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 February 2023 total \$1,081,302.31

Legal and Statutory:

Local Government Act 1995

Section 5.42 allows the local government to delegate its powers to the Chief Executive Officer.

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

Local Government (Financial Management) Regulations 1996

Regulation 13 states that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared for each month and presented to Council.

Risk related:

There is a legislative requirement to present the list of payments to Council. Failure to do so would pose a minor compliance risk. This report and its attachments help to mitigate this risk and gives Council the opportunity to review and question any payments made.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

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

Direct Debits	\$ 21,504.09
EFTs	\$ 771,214.49
DD Loans	\$ 0.00
Payroll	\$ 264,946.66
Municipal Cheques	\$ 23,637.07
TOTAL	\$1,081,302.31

9.2.3 Mid-Year Budget Review 2022/2023

Date of Report:	7 March 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN28
Author:	T Bateman – Manager Corporate and Community Services
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Budget Amendments 2022/23 Summary 2. Mid Year Budget Review 2022/23 - Revised Capital Program

PURPOSE OF THE REPORT

This report presents the Mid-Year Budget Review for the period ending 31 December 2022 for Council's consideration and adoption.

BACKGROUND

In accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, Council is required to review the adopted budget and assess actual values against budgeted values for the period at least once a year, after the December quarter. The results of the mid-year budget review assist with not only forecasting the year-end position but also the following year's budget planning process by highlighting variations to estimated income and expenditure.

The 2022/23 annual budget was adopted by Council on 10 August 2022. At the time of adopting the budget, the following was also resolved:

"That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, resolves that the level to be used in statements of financial activity in 2021/2022 for reporting material variances shall be 10% for variances with a dollar value greater than \$5,000."

Officers use the above resolution as a guide for highlighting any variations and as a basis for any budget amendment requests.

A review of the 2022/23 Revised Adopted Budget and year to date actuals to 31 December 2022 has been undertaken. Officers have reported on major variances in accordance with the above resolution and provided comments where applicable.

COMMENTS AND DETAILS

As part of the annual budget preparation, Officers across the organisation are assigned projects and accounts within the budget for which they are responsible to monitor and manage.

During February, responsible Officers met with the Executive Management Group to analyse budgets and consider any variations to the adopted budget. The review takes into account a number of factors including what has occurred during the first half of the financial year, the likely operating environment over the remaining months and the estimated impact on the Shire's financial position at year-end.

That being said, the budget review maintained a conservative budget approach but at the same time, budgets were proposed to be increased or decreased to a more realistic estimate where necessary. The budget amendments from this review totalling \$605,304 incorporate the following adjustments as per **Attachment 1**:

- An estimated overall deficit in the operating budget of \$88,292 represented largely by;
 - The cost of additional water expenses at the TRC where Council resolved to contribute 50% of the budget overrun totalling \$27,748;
 - The costs expected to be incurred this financial year of \$37,500 for the upgrade and management of the Alma Beard Medical Centre; and
 - The costs to undertake statutory asset revaluations which were not included in the adopted budget totalling \$50,000.
- An estimated surplus in the capital budget of \$693,596 comprising the following;
 - Projects anticipated to be deferred or carried forward inclusive of expected grant revenue totalling \$675,734
 - Net decrease in actual costs compared to budget of \$17,862

Major capital projects to be carried forward to the 2023/24 budget include;

Project	Expenditure	Revenue
Bejoording Fire Station	\$ 668,426	\$ 586,889
Telegraph Bindi-Bindi Toodyay Road	\$ 253,000	\$ 253,000
Julimar Road Projects	\$ 1,248,049	\$ 998,283
Chitty Road upgrade	\$ 274,365	\$ 274,365
Plant & Equipment purchases	\$ 389,000	\$ 117,000
	\$ 2,832,840	\$ 2,229,537

Construction of the Bejoording Fire Station has been delayed as a result of an unsuccessful grant application for the 2022/23 financial year. Officers are confident, however, that this project will be considered for funding by DFES in 2023/24.

In relation to the major road projects, adjustments are attributed mainly to extended delays in the processing of necessary clearing permits. Proposed adjustments to the plant and equipment purchases are a result of high demand for vehicles. All vehicles have been ordered but are unavailable for delivery prior to 30 June 2023.

Further information is provided in **Attachment 2**.

IMPLICATIONS TO CONSIDER**Consultative:**

Workshops were held with responsible officers. The results of these discussions assisted in the development of the proposed budget amendments as attached to this report.

A workshop to discuss the proposed budget amendments was attended by relevant staff and seven Councillors on Tuesday, 7 March 2023.

Strategic:

The way the Shire leads and operates:

○ 2: Consistently improve our governance practices.

○ 3: Ensure rigorous organisational systems.

Policy related:

F6 Significant Accounting Policy

F16 Financial Governance Policy

Financial:

The financial impact of the mid-year budget review for the period ending 31 January 2023 is outlined within Attachment 1. A year end surplus of \$615,304 is anticipated following the review.

Legal and Statutory:

Local Government Act 1995

Section 6.2 Local government to prepare annual budget

Section 6.10 Financial management regulations

Local Government (Financial Management) Regulations 1996

Part 2. Reg 5(g) CEO's duties as to financial management

Part 3. Reg 33A Review of budget

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a Local Government to conduct a mandatory review between 1 January and 31 March each year and a copy to be forwarded to the Department of Local Government within 30 days.

Risk related:

It is a legislative requirement to undertake a review of the budget and to lodge it with the Department of Local Government, Sport and Cultural Industries. Failure to monitor and financially manage budgeted projects exposes the Shire to significant financial risk. This report helps to mitigate this risk.

It is critical that any projects required to be carried forward are identified and quarantined in order that expenditure is catered for in development of the 2023/24 annual budget. Additionally, grant income received to date for these projects must be recognised as a contract liability at year end and included in the upcoming budget. These funds must not be recognised as revenue for the current year.

The review does not seek to make amendments below the materiality threshold unless strictly necessary. The materiality threshold is set at \$5,000 as adopted by Council. Should a number of accounts exceed their budget within these thresholds, it poses a risk that the forecasted year end position may be understated.

Workforce related:

The budget review process has been managed within current resources.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION 1

That Council

1. Adopts the mid-year budget review and supporting information as attached to this report.
2. Requests the Chief Executive Officer to forward the adopted 2022/23 mid-year budget review to the Department of Local Government, Sport and Cultural Industries within 30 days of Council's adoption.

9.3 EXECUTIVE SERVICES

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

Date of Report:	3 January 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Correspondence from DLGSC.

PURPOSE OF THE REPORT

To present details of correspondence with the Department of Local Government, Sport and Cultural Industries (DLGSC) from 9 December 2022 to 8 March 2023.

BACKGROUND

Council resolved in 2018 the following:

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

COMMENTS AND DETAILS

Governance correspondence with the DLGSC since 9 December 2022 (**Attachment 1**) includes the following:

- Shire of Toodyay – Ward and Representation Review;
- Advertising new rate for the quashed mining differential rates; and
- Allowance for Heavy Traffic on gravel roads.

Council will be informed through Council workshops of any action undertaken in regard to the above.

In addition, officers liaised by phone on three occasions with the DLGSC regarding the decision of Council about the sea container at 19A Clinton Street, and publication of the of the Employee Code of Conduct on the Shire's website, as a result of queries raised in February. These matters have now been resolved.

IMPLICATIONS TO CONSIDER**Consultative:**

Department of Local Government, Sport and Cultural Industries.

Strategic:

Governance: The way the Shire leads and operates

Objective 1 Provide accountable and transparent leadership for the community

Objective 2 Consistently improve our governance practices

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

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

Risk related:

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

Workforce related:

Officers are required by Council resolution to formally report on all correspondence with the DLGSC.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council notes the correspondence with the Department of Local Government, Sport and Cultural Industries from 9 December 2022 to 8 March 2023, as attached to this report.

9.3.2 National General Assembly Proposed Motion Regarding GP Shortages

Date of Report:	9 March 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	M Rebane – Executive Assistant S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	Nil.
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider submitting a motion to the 2023 National General Assembly of Local Government (NGA).

BACKGROUND

The Australian Local Government Association (ALGA) is the national voice of local government, representing 537 councils across the country. Each year ALGA hosts a National General Assembly (NGA) to bring together Local Governments from across the Country and deliver professional development and networking forum.

This year the NGA will include a meeting of the Australian Council of Local Government meeting on 16 June 2023 – the first meeting of this group in more than a decade.

This event provides WA Local Governments with an opportunity to visit Canberra and interact more directly with Federal Members of Parliament.

The Shire of Toodyay receives considerable grant funding from the Federal Government in many forms, a few examples below:

- Financial Assistance Grants;
- Roads to Recovery;
- Load Road and Community Infrastructure Program (LRCIP);
- Blackspot Initiatives; and
- Disaster Recovery Funding Arrangements.

The Conference provides an opportunity for the Shire to directly interact with one our key funding bodies and provide inputs in relation to initiatives and programs for the future.

The theme for this year’s NGA will be “Our Communities, Our Future”. ALGA is seeking motions that align with this theme and identify opportunities for new federal programs and

policies that will support councils to build stronger communities. Motions are due by Friday 24 March 2023.

COMMENTS AND DETAILS

It is proposed to raise the issue of the provision and shortage of General Practitioners (GPs) in outer metropolitan, regional, and rural areas.

The Shire of Morawa is putting a similar motion up to the NGA.

The Shire is still in liaison with the tenderer for the Alma Beard Medical Centre which has not reopened since the departure of the Wheatbelt Health Network in November 2022.

The distribution of the primary health workforce is a significant issue in Australia's health system, and it is well known that those living in outer-metropolitan, regional, and rural areas have less access to timely and affordable primary health care and experience worse health outcomes than those in metropolitan areas.

Discussions with GPs and other local governments demonstrate that the burden of providing access to medical services in rural and regional areas is increasingly being devolved to local governments and their ratepayers.

Consultation with other local governments has identified that GPs in rural and regional local government areas are seeking the following as a minimum;

- Fully subsidised and maintained premises with furniture, best practice IT, communications and medical equipment included;
- Fully subsidised housing for 1-2 doctors;
- Provision of a fully maintained vehicle for 1-2 doctors; and
- A cash subsidy/income guarantee up to \$200,000 per annum.

At best, this would incur a cost of around \$160,000 per annum for one doctor (not including start-up costs) even if housing were available, which it is not in Toodyay.

Toodyay's population has an average age of 54 years, one of the oldest demographics in Western Australia, consisting mostly of retirees. The importance of access to medical services for this cohort of people cannot be underestimated and yet, to access a GP, they face a rate increase of up to 5% for the provision of a single, necessary service.

Located so close to Perth, Toodyay has more chance than most Wheatbelt towns of attracting a doctor. However, like much of the country, Toodyay and surrounds suffer from a chronic lack of available housing. Therefore, even if a GP can be persuaded to start up a practice, there is no accommodation available in town.

The motion is intended to raise awareness of the challenges faced in regional and remote areas and the unsustainable burden being placed on local governments to provide what city residents would consider an essential service.

It is imperative that Federal decisions regarding funding and services for the provision of GPs consider the additional challenges that regional and remote communities face in attracting and retaining medical services.

Australians are increasingly accessing primary health care at a rate that is outstripping supply, particularly in relation to appointments with general practitioners (GP). A functioning and well-distributed primary health system can prevent more serious illnesses, reduce presentations at hospital emergency departments, and improve health outcomes for individuals and communities; however, this is failing to occur.

The Senate Committee Inquiry Interim Report recognised that the responsibility for health care is multi-jurisdictional. However, it is clear that the current division between Commonwealth, State and Territory governments is failing to recognise and meet the needs of communities with the burden falling increasingly on local governments.

Local Governments are being forced to fill the gaps caused by a lack of Federal and State ownership being taken for the responsibility to provide primary health services. The costs of providing medical services vary across Local Governments but the argument remains that Local Councils should not have to fundraise or impose rate increases on their communities to support these services which are the responsibility of the Federal government.

Officers are also proposing a maximum contribution that should be payable by local governments for the provision of GP services should be defined.

The ALGA guidelines for submitting motions indicate that there is an expectation that a representative from the local government submitting the motion will be present to speak to the motion. This matter has been raised at the Avon-Midland Country Zone of WALGA (AMCZ) but there is not time for a motion to be passed by the AMCZ prior to the deadline for motions on 24 March 2023. However, Cr Ken Seymour will attend the NGA in his capacity as President of the AMCZ and will speak to the motion.

IMPLICATIONS TO CONSIDER

Consultative:

ALGA

Shire President

Shire of Morawa

Avon-Midland Country Zone of WALGA

Strategic:

Strategic Community Plan 2018-2028

Social: Our community wellbeing and connection

O1: Maintain and develop services that meet the requirements of our diverse community

This report seeks to advocate regarding a matter of significance to the community of Toodyay and the wider Wheatbelt.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Nil.

Risk related:

Nil.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Submits a motion to the 2023 National General Assembly of Local Government that reads as follows:

This National General Assembly calls on the Australian Government to:

- 1. Urgently address critical shortages of general practitioners in regional, rural and remote Australia.*
 - 2. Refer the Report of the Senate Community Affairs References Committee Inquiry into the provision of general practitioner and related primary health services to outer metropolitan, rural, and regional Australians, tabled in April 2022, to this Parliament.*
 - 3. Define and enforce a maximum subsidy amount to be paid by local governments for the provision of general practitioners to halt the increasing burden on regional, rural and remote Australian communities.*
2. Notes that Cr Ken Seymour will speak to the above motion at the National General Assembly in Canberra in his capacity as President of the Avon-Midland Country Zone of WALGA.

9.3.3 Update on sale of properties

Date of Report:	8 March 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	OCM 22 June 22 June 2022 – Item 9.1.3 Update on Sale of Properties; OCM 22 June 2021 – Item 9.3.4 Disposal of Property via Public Auction – Various; OCM 24 November 2015 Item 9.2.4; OCM 26 July 2016 Item 9.2.6.
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Review
Attachments:	Nil

PURPOSE OF THE REPORT

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

BACKGROUND

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

That Council:

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

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

2. *Requests the CEO to*

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

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

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

On 9 December 2022, a Council workshop was held, attended by 6 elected members, to provide an update and discuss potential further action in regard to the sale of properties owned and not intended for future use, by the Shire. This report provides recommendation by Officers following that discussion.

COMMENTS AND DETAILS

An auction was conducted by Tony Maddox at the CWA Hall on Saturday 3 September 2022. Four out of six properties were sold at auction. An offer was subsequently received and accepted for the property at 17 Wilson Street, Toodyay on 12 September 2022. An offer was received and accepted for the final property at 15 Wilson Street, Toodyay on 8 September 2023. The table below provides details.

Street Address	Lot #	Sold	Sale Price
26 Hamersley St Toodyay	15	03/09/2022	\$65,000
28 Hamersley St Toodyay	14	03/09/2022	\$65,000
30 Hamersley St Toodyay	13	03/09/2022	\$65,000
32 Hamersley St Toodyay	12	03/09/2022	\$65,000
17 Wilson St Toodyay	246	12/09/2022	\$55,000
15 Wilson St Toodyay	247	08/03/2023	\$55,000

Council requested further investigation regarding the following properties:

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

While Council has resolved to sell these properties, there are still doubts about the viability of them having any meaningful development potential. The key issues are the size of the lots, the zoning, and proximity to the railway corridor. Given the need to amalgamate the properties and the associated costs, and the restrictions related to building on the lots in proximity to the railway, Officers are recommending no action is taken at this time. It is proposed that future consideration be given to utilising these lots for possible staff / contractor / rental accommodation.

At the workshop held on 9 December 2022, Officers provided an outline of further properties that could be considered for disposal that are excess to requirements. The following properties were discussed:

- Lot 409 Church Gully Rd, Coondle
- Lot 405 Coondle Dve, Coondle

- Lot 40 McKnoe Dve, Morangup
- Lot 75 Timber Creek Cr, Toodyay
- Lot 9508 Burt Pwy, Nunile
- Lot 1 Red Gully Rd, Nunile
- 59 Telegraph Rd, Toodyay
- Lot 61 Telegraph Rd, Toodyay
- Lot 410 Ferguson Rd, Coondle
- Lot 42 Kane Rd, West Toodyay
- Lot 107 Stirling Tce, Toodyay

Officers have made recommendations based on the outcome of those discussions.

IMPLICATIONS TO CONSIDER

Consultative:

Tony Maddox Real Estate

A Council workshop was held on 9 December 2022 attended by Executive Managers and six Councillors.

Strategic:

Governance: The way the Shire leads and operates

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

Policy related:

F.12 Disposal of Property Policy.

Financial:

Council has previously agreed that the proceeds of any sales of properties are transferred to the Asset Development Reserve for the purpose of maintaining and upgrading Shire assets.

Proceeds were not accounted for in the adopted 2022/23 Budget, but proceeds received have been included in the mid-year budget review which is the subject of a separate report to this agenda.

The Shire is responsible for the costs associated with independent valuations, conveyancing services, marketing, auctioneer costs and commission on sales. Those estimated costs per property are in the table below:

Services provided	Cost (ex GST) per property
Independent valuations	\$660 to \$1,600 (dependent upon the property)
Conveyancing	From \$1,000
Real Estate Fees including Auctioneer costs and commission on sales	Is a percentage of the property sale (past percentage has been between 3% and 5%)

Services provided	Cost (ex GST) per property
Marketing	\$500 to \$1,500 (dependent upon the property)

Legal and Statutory:**Local Government Act 1995****3.58. Disposing of property**

(1) *In this section —*

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

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

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

Risk related:

Real estate house price guide for Toodyay (Wheatbelt WA 6566) as listed on the internet at this link: <https://www.realestate.com.au/wa/toodyay-6566/> suggests that the median price for houses is \$339,000 and over the past twelve months the growth has decreased by 4.5%. In the last 12 months there were 31 houses sold and currently there are 12 houses available on the market in the past month but they have been on the market for 84 days. The ramifications of the above anecdotal evidence would suggest that properties in Toodyay may have difficulty in achieving a strong price due to the downturn in the market. There is a moderate risk (9) that the properties for sale may be on sale for many months prior to them achieving a sale, particularly if they do not meet the reserve price set by auction.

Workforce related:

The impact on the workforce is minimal and largely confined to Executive management level to coordinate the preparation and auction of these sites through local real estate agencies.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Notes the sale of the following properties:
 - 26 Hamersley Street, Toodyay;
 - 28 Hamersley Street, Toodyay;
 - 30 Hamersley Street, Toodyay;
 - 32 Hamersley Street, Toodyay;

- 15 Wilson Street, Toodyay; and
 - 17 Wilson Street, Toodyay.
2. Determines to take no further action for the time being, in relation to:
- 1 Duke Street, Toodyay;
 - 42 Hamersley St Toodyay; and
 - 44 Hamersley St Toodyay.

3. Authorises the CEO to dispose of the following properties:

Street Address	Lot Number	Plan	Volume	Folio
Lot 409 Church Gully Rd, Coondle	409	D063251	1903	700
Lot 405 Coondle Dve, Coondle	405	P012216	1489	432
Lot 40 McKnoe Dve, Morangup	40	PO14525	1664	932
Lot 75 Timber Creek Cr, Toodyay	75	PO16764	1837	617

4. Determines to retain the following properties for the immediate future:
- Lot 9508 Burt Pwy, Nunile – potential key worker housing;
 - Lot 1 Red Gully Rd, Nunile – possible solar farm or other renewable energy options;
 - 59 Telegraph Rd, Toodyay – potential future cemetery development / parking; and
 - Lot 61 Telegraph Rd, Toodyay – Agricultural Show parking.
5. Requests the CEO to further investigate the following:
- Lot 410 Ferguson Rd, Coondle – access issues and planning restrictions;
 - Lot 42 Kane Rd, West Toodyay – requirement for access to water tanks; and
 - Lot 107 Stirling Tce, Toodyay – potential public art laneway project.
- and provide an update to Council no later than December 2023.

9.4 INFRASTRUCTURE AND ASSETS

9.4.1 Bush Fire Mitigation Works Program Tender

Date of Report:	3 March 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	TEN92/2023
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	J Augustin – Manager Infrastructure and Assets
Previously Before Council:	Nil
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Bush Fire Mitigation Program of Works (Treatments) MAF 2022/23 Round 2; 2. Evaluation Report – Bush Fire Mitigation Works Program Tender (TEN92/2023). (confidential) <i>Section 5.23(2)</i> <i>(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting</i> <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</i> <i>(e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government</i> <i>(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)</i>

PURPOSE OF THE REPORT

To consider an Officer’s recommendation for awarding the tender for the Shire’s Bush Fire Mitigation Works Program utilising the Mitigation Activity Fund (MAF) Grant funding.

BACKGROUND

The Shire of Toodyay (the Shire) is an extreme bushfire risk area, as highlighted in the Shire’s Bush Fire Risk Management Plan (BRMP), and associated Bush Fire Risk Management Software (BRMS) assessments.

To assist in managing these risks, the Shire successfully secured external funding of \$221,975 (ex GST) through the Mitigation Activity Fund (MAF) for the 2022/23 financial year. This funding is part of the 'Round 2' grant and is in addition to the 'Round 1' previously secured. The Shire is transitioning its annual program to 'Round 2' as timelines for works are more suited to the seasonal conditions which are critical to best practice mitigation.

The Shire recently publicly advertised a tender (TEN92/2023) for the execution of bush fire mitigation program of works over 49 individual treatments around the Shire. These works encompass firebreak and access track construction/upgrades, and vegetation management via a number of methods including mechanical, chemical, biological (grazing) and hazard reduction burning.

COMMENTS AND DETAILS

The tender was advertised with each of the 49 treatments assigned to one of four categories of work:

- Fuel Reduction - Prescribed Burning
May include mechanical elements in creating and maintaining control lines.
- Fuel Reduction - Mechanical Works
May also involve elements of chemical treatment(s).
- Fuel Reduction - Chemical Works
May also involve elements of mechanical treatment techniques (i.e., slashing).
- Fire Access Track Works
Includes associated manual or mechanical vegetation management.

Tenders were invited for all treatments in one or more of the above categories.

Details of the program of works and category allocation is included as **Attachment 1** - Bush Fire Mitigation Program of Works (Treatments).

Four tenders were received from four different firms:

- Entire Fire Management (Maddington, WA);
- Fire Mitigation Services (Northam, WA);
- Martins Environmental Services (Harvey, WA);
- Working on Fire Australia (Orange, NSW).

All tenders were within overall and category allocation estimates, and thus the evaluation focused on the tender with best capabilities to deliver.

Evaluation Summary:

A tender evaluation process was conducted. The following Officers participated:

- Community Emergency Services Manager;
- Coordinator Works and Maintenance; and the
- Reserves Management Officer.

A tender evaluation process rated the tenders on the following factors and weightings:

Item	Evaluation Criteria	Weight (%)	Scoring Methodology
1	Company experience on similar projects	30	A score out of 30 will be assigned to each Tenderer based on the evidence provided by the Tenderer of their firm's previous experience.
2	Nominated Project Team	10	A score out of 10 will be assigned to each Tenderer based on the evidence provided by the Tenderer of the experience and capabilities of their nominated project team members.
3	Regional Price Preference	10	A score out of 10 will be assigned to each Tenderer based on the evidence provided by the Tenderer where the whole or part of the contract is provided by and from regional sources.
4	Program	20	A score out of 20 will be assigned to each Tenderer based on the evidence provided by the Tenderer in the form or a proposed construction program to undertake the Works.
5	Tendered price	30	A score out of 20 will be assigned to each Tenderer based on the best value for money offer by the Tenderer.
	TOTAL	100%	

The evaluation criteria weightings emphasis experience and capability with bush fire mitigation projects. Funding for the project is fixed by the MAF Funding allocation and thus overall value within the budget, accounting for experience, project team, regional price preference and program timeline was the objective of the tender.

IMPLICATIONS TO CONSIDER

Consultative:

A number of Shire Officers were consulted in respect to the works contained in this tender including the Community Emergency Services Manager, the Reserves Management Officer, the Coordinator of Works and Maintenance, and the Chief Executive Officer.

A number of external agencies were also consulted in respect to the works contained in this tender including the Department of Fire and Emergency Services Regional Superintendent (MAF application approval), the Department of Fire and Emergency Services Goldfields-Midlands Bush Fire Risk Management Officer and Department of Fire and Emergency Services Bush Fire Risk Mitigation Branch (assessment of MAF application and awarding of grant).

Strategic:

This program of works addresses actions in the Shire of Toodyay *Bush Fire Risk Management Plan*. The program also uses a range of methods best suited to various

vegetation and terrain types as per the council endorsed *Bush Fire Preparedness and Strategies Report*.

Policy related:

Nil.

Financial:

There will be budget expenditure of \$153,117.00 (excluding GST) based on the Officers' recommendation in this report. This amount is fully funded by the \$221,975.00 Mitigation Activity Fund 2022/23 Round 2 grant awarded by Department of Fire and Emergency Services. The difference in the tendered amount and grant funds acts a contingency for any potential additional scope of works.

Legal and Statutory:

All works will be carried out under *Bush Fires Act 1954 Section 33 Notice to the Shire of Toodyay* which provides clearing of vegetation exemption under Schedule 6, Clause 1 of the *Environmental Protection Act 1986*. The *Bush Fires Act 1954 Section 36* also applies to these works which provides clearing of vegetation exemption under Schedule 6, Clause 1 of the *Environmental Protection Act 1986*.

Checks in relation to Declared Rare Flora and Fauna (DRF) are to be carried out prior to commencement of works and appropriate permits sought from the Department of Water and Environmental Regulation where the treatments cannot be modified to avoid the taking of the identified DRF.

Risk related:

The program of mitigation works related to this tender and report is designed to minimise the severity and impacts of bush fire.

There is a risk that not awarding this Bushfire Mitigation Works Tender would severely affect the Shire's obligation to mitigate land which it manages leading to increased bush fire impact severity and impact on property and life.

Consequence: Catastrophic (5)

Likelihood: Possible (3)

Calculated Risk: High (15)

There is a risk that not awarding this Bushfire Mitigation Works Tender would severely affect the Shire's obligation to mitigate land which it manages leading to a negative public perception (reputation) of the Shire.

Consequence: Moderate (3)

Likelihood: Almost Certain (5)

Calculated Risk: High (15)

Workforce related:

While the mitigation works are directly and fully funded by the Mitigation Activity Grant, project management costs are not. These are borne by the Shire in the form of in-kind resourcing from existing staff (in this case Community Emergency Services Manager, Reserves Management Officer). MAF projects of this size and scale represent a significant added workload on officers. Selection of Fire Mitigation Services, who have previously completed MAF treatments for the Shire (in all four treatment type categories), will reduce

this overhead by selection of contractors with existing local knowledge of the Shire, treatment sites and treatments.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council awards tender TEN92-2023 to Fire Mitigation Services Pty Ltd to the value \$153,117.00 excluding GST.

9.5 COMMITTEE REPORTS

9.5.1 Bush Fire Advisory Committee Recommendations

Date of Report:	10 February 2023
Applicant or Proponent:	Bush Fire Advisory Committee
File Reference:	FIR3
Author:	M Rebane – Executive Assistant J Augustin – Manager Infrastructure and Assets S Haslehurst – Chief Executive Officer
Responsible Officer:	J Augustin – Manager Infrastructure and Assets
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Extract BFAC Minutes from 8 Feb 2023 BFAC Meeting.

PURPOSE OF THE REPORT

To receive the minutes (**Attachment 1**) from the Bush Fire Advisory Committee Meeting (BFAC) held on 8 February 2023 and consider recommendations made by the BFAC.

BACKGROUND

The BFAC made three recommendations to Council at their February 2023 meeting as follows:

Recommendation 1 – Preventative Building Maintenance Program

The Bush Fire Advisory Committee recommends to Council the following:

That Council requests the CEO to provide a comprehensive preventative building maintenance program to the BFAC meeting in May 2023 that includes, but is not limited to the following:

- Pest management;
- Roller and personnel door maintenance for security;
- Water filter servicing;
- Pest filters;
- Gutter cleaning.

Recommendation 2 – Access to Consumables and Facilities at Depot

1. The Bush Fire Advisory Committee notes that:

- (a) the Shire of Toodyay recently agreed that Bush Fire Brigades (BFB's) should remain under local government control;

- (b) Supplies of consumables including but not limited to drinking water, fire fighting foam, kerosene, which were formerly “easily accessible and available” from the Shire depot are no longer available from the Shire depot; and
 - (c) During the recent fire on the Toodyay Bindi Bindi Road, fire-fighting foam was not readily available.
2. The Bush Fire Advisory Committee recommends to Council the following:

That Council:

- (a) Ensure short-term / long-term clear and safe access to those items mentioned at point 1 from the Shire depot site in an appropriate and safe location (i.e. not back in a sea container and not stored in the sun and able to be accessed 24/7);
- (b) Ensure short-term / long-term 24/7 clear and safe access to the Shire depot wash bay; and
- (c) Ensure prompt, in-person accessibility at the Shire Depot to contact and liaise with the Community Emergency Services Manager and the Emergency Management Officer;
- (d) Requests the Chief Executive Officer to provide Toodyay VFRS with two key fobs for emergency access to the Shire depot for their fire fighting vehicles.

Recommendation 3 – Chainsaw Funding

The Bush Fire Advisory Committee recommends to Council the following:

That Council:

1. requests the Chief Executive Officer write to the District Operations Advisory Committee requesting that the DOAC write to the State Bush Fire Operations Committee, seeking that the Minister allow for Chainsaw Course Funding to be funded through the LGGs system as an eligible funding source for the reason that brigades operate in a remote environment and chainsaw use is included in the Shire of Toodyay’s Standard Operating Procedures and business of the brigades; and
2. approves expenditure for training to be offered to at least six members and up to 50% of any brigade equipped with chainsaws in the interim; and
3. requests the Chief Executive Officer arrange for recognised nationally accredited training, in accordance with Shire of Toodyay Standard Operating Procedures, for relevant brigade members by 31 March 2023.

COMMENTS AND DETAILS

Comments have been provided below by the Executive Management team in response to the recommendations made which are primarily operational in nature. It is noted that the role of the BFAC is to provide advice to Council rather than to direct operations.

Recommendation regarding the Preventative Building Maintenance Program

This matter is an operational matter which has been acknowledged and agreed to be incorporated into the Shire’s Building Maintenance Program.

Recommendation regarding Access to Consumables and Facilities at Depot

These matters are being discussed internally for resolution and are operational in nature.

It should be noted that the security and effectiveness of the Depot building, supplies, and Shire plant and equipment, are the responsibility of the Executive Manager who has

introduced improvement measures in this area. It is now considered normal procedure for all visitors to announce themselves at the front gate prior to admission and to report to the front office. This is a risk mitigation measure for the purposes of security and safety and is considered reasonable.

The current storage of consumables is still accessible to brigades and is a short-term solution. The option of storing some consumables at individual fire stations will also be explored as will be the power supply to the current storage container to provide light and further ventilation. A proposal for long term storage is being developed and costed for inclusion in the 2023/24 budget process.

It is noted that VFS vehicles have 24/7 access to the Depot and generally, to the washdown bay. It has been agreed to provide two key fobs to the Toodyay Volunteer Fire and Rescue to enable emergency access to the Depot.

Recommendation regarding Chainsaw Funding

Again, this is matter that should be dealt with at an operational level and included as an action in the BFAC minutes rather than a recommendation to Council. Officers will investigate this request.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

- As the Strategic Community Plan indicates:
“The Shire actively supports five Volunteer Bush Fire Brigades, a DFES Fire and Rescue Brigade and a State Emergency Service Unit in Morangup. The Shire gains excellent service from a committed force of volunteers, both in emergency service units and as volunteer Fire Control Officers. Our Local Emergency Management Committee ensures that the Shire is well prepared in the event of an emergency.
- Bush Fire Preparedness and Resilience Strategies.

Policy related:

Bush Fire Operating Procedures.

Financial:

There are no financial implications to the Shire for preventative maintenance of fire stations, as building maintenance is covered by the Local Government Grant Scheme (LGGS) which fund BFS and SES. Also covered by LGGS funding are ancillary items such as first aid kit servicing, fire extinguisher servicing and electrical testing and tagging.

The development of a long-term storage solution for emergency consumables will be considered as part of the annual budget process.

Costs associated with provision of chainsaw training are estimated at \$300/person. Officers are satisfied that if current operational budget allocations are maintained, this can be managed within the annual budget.

Legal and Statutory:

The Shire is an employer that is defined as a PCBU (Person conducting a Business or Undertaking) as per the *Work Health and Safety Act 2020* and its subsidiary legislation – the *Work (Health and Safety) General Regulations 2022*.

All BFAC recommendations in this report are complementary, in full or in part, in achieving legislative requirements and in doing so reduces exposure to risk.

Risk related:

Safe and effective management of Bush Fire Brigades is a responsibility of Local Government under the *Bush Fires Act 1954* and other legislation, most notably the *Workplace Health and Safety Act 2020*.

Improving and reviewing procedures and standards in relation to the operation of Bush Fire Brigades supports compliance with relevant legislation and in doing so reduces exposure to risk.

Workforce related:

To be managed within existing resources.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council receives the extract of the Bush Fire Advisory Committee Minutes of meeting (**Attachment 1**) held on 8 February 2023.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 2

That Council notes:

1. The recommendations made by the Bushfire Advisory Committee meeting held on 8 February 2023 regarding:
 - Preventative maintenance of fire stations in the Shire of Toodyay;
 - Access to the Depot for consumables, vehicle washdown, access to emergency services officers, and Volunteer Fire and Rescue vehicles; and
 - Chainsaw training.
2. That the above items are being dealt with as operational matters by the Chief Executive Officer.
3. Requests the Chief Executive Officer to ensure direct and regular communication with relevant stakeholders regarding operational issues relating to bushfire operations as they arise.

9.5.2 Audit & Risk Committee Recommendations

Date of Report:	6 December 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. ARC Minutes of Meeting held on 1 March 2023 (extract); 2. REVISED Asset Management Policy; 3. REVISED Borrowing Management Policy; 4. REVISED Debt Collection Policy; 5. REVISED Corporate Uniforms and Personal Protective Equipment Policy; 6. 2022 Compliance Audit Return; and 7. Expressions of interest received. (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person (under separate cover)</i>

PURPOSE OF THE REPORT

To receive the minutes (**Attachment 1**) from the last Audit & Risk Committee (ARC) Meeting held on 1 March 2023, and consider recommendations made by the ARC.

BACKGROUND

At the ARC Meeting held on 1 March 2023, the ARC Committee made the following recommendations;

Recommendation No. 1 – Policy Review: Asset Management

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

That Council:

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

Recommendation No. 2 – Policy Review: Borrowing Management

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

That Council:

1. Adopts the Borrowing Management Policy, as amended and discussed (**Attachment 3**) subject to further clarification of Item 10(d); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

Recommendation No. 3 – Policy Review: Debt Collection

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

That Council:

1. Adopts the Debt Collection Policy, as amended and discussed (**Attachment 4**) subject to clarification of Item 3.15 of the policy; and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

Recommendation No. 4 – Policy Review: Corporate Uniforms and Personal Protective Equipment

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

That Council:

1. Adopts the Corporate Uniforms and Personal Protective Equipment Policy, as amended and discussed (**Attachment 5**) subject to the following amendments being made:
 - (a) An amendment to the policy statement to reflect that workers will become eligible for a uniform contribution following successful completion of probation; and
 - (b) At Item 1.1 an additional sentence being included to read that part time workers are entitled to a pro-rata contribution.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

Recommendation No. 5 – Compliance Audit Return 2022

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

That Council adopts the attached Compliance Audit Return (**Attachment 6**) for the period 1 January 2022 to 31 December 2022, pursuant to Regulation 14(3) of the *Local Government (Audit) Regulations 1996*.

Recommendation No. 6 – Expressions of Interest - Community Members on the Audit and Risk Committee

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

That Council:

1. Notes the expressions of interest received for community membership of the Audit and Risk Committee (**Attachment 7**); and
2. Appoints Ms Kirsten Barrack, Mrs Stephanie Clarke, and Mr Simon Rutter as community representatives on the Audit and Risk Committee.

COMMENTS AND DETAILS

The minutes of the ARC Meeting held on 1 March 2023 are attached. The minutes extract contains comments and details specific to each of the recommendations made by the ARC at their March 2023 meeting. In the background information area of this report, the Attachment numbers have been revised to match the attachments to this report.

A summary of each of the recommendations made by the Committee is provided below:

Policy Review:

Council resolved to implement a review of all Shire policies at an Ordinary Council Meeting held in February 2022. An extract of the financial policies is provided below:

Old Ref	New Ref	Policy Name	Adoption Date	Most recent Council Resolution No. where applicable
SP.1	FIN23	Asset Management Policy	27/10/2020	CRN: 291/10/20
F.17	FIN17	Borrowing Management	27/10/2020	CRN: 291/10/20
F.5	FIN5	Debt Collection	27/10/2020	CRN: 291/10/20
F.8	zHR3	Uniforms Policy – renamed the <i>Corporate Uniforms and Personal Protective Equipment Policy</i>	26/06/2018	CRN: 111/06/18

The changes proposed by the Audit and Risk Committee at their meeting held in March 2023, have been incorporated in the attached revised policies, as presented.

There was a question taken on notice with regard to item 10(d) of the Borrowing Management Policy, where members of the ARC Committee sought clarification on the definition of “real property”. The definition subsequently provided in the policy is derived from the Australian Law Reform Commission’s definition of property. Examples of real property means the land plus anything growing on it, attached to it, or erected on it, including man-made objects, such as buildings, structures, roads, sewers, and fences, but excluding anything that may be removed from the land without injury to the land.

Clarification was sought in regard to Item 3.15 of the Debt Collection Policy, however at the Council Workshop it was explained that Delegations DS1 and CS4 cover this clause, and possession of land decisions are referred to Council. It was also explained that Schedule 2 in the Act talks about the process that local governments have to follow with regard to taking possession of land or leasing and selling land.

Compliance Audit Return 2022

The Compliance Audit Return is a checklist of the Shire of Toodyay’s (the Shire) statutory compliance with the *Local Government Act 1995* and its Regulations, which focuses on high-risk areas of statutory reporting as prescribed in Regulation 14 of the *Local Government (Audit) Regulations 1996*.

The Compliance Audit Return, having been presented at the ARC Meeting in March 2023, is presented for consideration and adoption by Council.

Information is contained in the minutes of the ARC meeting (**Attachment 1**).

Once adopted, the Compliance Audit Return will be signed off by the Presiding Member and the Chief Executive Officer and returned to the Department of Local Government, Sport and Cultural Industries (DLGSCI) with a copy of the relevant Council minutes by 31 March 2023.

Expressions of Interest - Community Members on the Audit and Risk Committee

The Audit & Risk Committee received four expressions of interest applications (**Attachment 7**). The Committee recommended three of the applications be accepted as community members to the ARC.

Whilst the charter limits the number of Councillors, it does not limit the number of community members that can sit on the ARC. The charter states the minimum membership shall “comprise of at least 3 members of whom at least 2 members must be independent, appointed by the Council.”

It is recommended that Ms Kirsten Barrack, Mrs Stephanie Clarke, and Mr Simon Rutter are appointed to the ARC.

IMPLICATIONS TO CONSIDER

Consultative:

The revised policies were provided to Executive Managers in August 2022.

Policies were provided to Councillors and Committee members, through MS Teams on 24 February 2023.

The policies were discussed further by Councillors at a Council Workshop held on 7 March 2023. There were seven Councillors in attendance.

The expressions of interest and the Compliance Audit Return were considered by the ARC at their meeting held in March 2023.

Strategic:

In governance, the community want transparency and openness between the Shire and the community and a strong focus on community cohesion, led by the elected Councillors.

A key factor in the Strategic Community Plan, Toodyay 2028 is Governance: The way the Shire leads and operates.

O 3: Ensure rigorous organisational systems

O 2: Consistently improve our governance practices

Policy related:

Legislative Compliance Policy.

The Committee Book was endorsed by Council Resolution 241/11/21 at an Ordinary Council Meeting held on 23 Nov 2021.

The Audit & Risk Committee Charter is on the Shire's website: https://www.toodyay.wa.gov.au/Profiles/toodyay/Assets/ClientData/Documents/Page_Centre/20042021104418-0001.pdf

Financial:

In the event the Corporate Uniform Policy is approved by Council, there will be a reduction in employee costs in the annual budget of approximately \$4,500.

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

Sections 5.10 provides for the types of committees and their membership.

s.2.7 Role of Council – determining local government’s policies.

Local Government (Administration) Regulations 1996

Regulation 14C relates to attendance at meetings via electronic means.

Local Government (Audit) Regulations 1996

r.14 Compliance Audits by local government

Local Government (Functions and General) Regulations 1996

r.11A. Purchasing policies for local governments

Local Government (Financial Management) Regulations 1996

r.11. Payments, procedures for making etc.

Risk related:

There are compliance risks involved with not adopting the policies that are being presented to Council in this report.

The Office of the Auditor General recommends that Local Government entities should ensure they maintain the integrity of their financial control environment by:

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

The requirement to lodge an adopted Compliance Audit Return with DLGSCI is a legislative obligation. Failure to do so exposes the Shire to significant risk.

There is a minor risk in terms of whether the Council choose to not appoint additional community members to the Committee. The risk is reputational, given the fact that the charter does specify a minimum of two independent community members and if no further appointments were made there would be a non-compliance with respect to the charter.

This report mitigates all risks noted above.

Workforce related:

The policies will be updated on the website by a Shire Officer and amended on the hub.

The Compliance Audit Return was completed in-house within existing resources and will be sent to the DLGSCI once it is adopted.

Once the appointment(s) are ratified by Council, a Shire Officer will formally advise the community members of Council's decision and schedule appointments for their induction and training. The Shire's website will be updated accordingly.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council receives the extract of the Audit and Risk Committee Minutes of meeting (**Attachment 1**) held on 1 March 2023.

AUDIT & RISK COMMITTEE RECOMMENDATION 1

That Council:

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

AUDIT & RISK COMMITTEE RECOMMENDATION 2

That Council:

1. Adopt the Borrowing Management Policy, as amended (**Attachment 3**); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

AUDIT & RISK COMMITTEE RECOMMENDATION 3

That Council:

1. Adopt the Debt Collection Policy, as amended (**Attachment 4**); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

AUDIT & RISK COMMITTEE RECOMMENDATION 4

That Council:

1. Adopt the Corporate Uniforms and Personal Protective Equipment Policy, as amended (**Attachment 5**); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy, prior to publication.

AUDIT & RISK COMMITTEE RECOMMENDATION 5

That Council adopts the attached Compliance Audit Return for the period 1 January 2022 to 31 December 2022, pursuant to Regulation 14(3) of the *Local Government (Audit) Regulations 1996* (**Attachment 6**).

AUDIT & RISK COMMITTEE RECOMMENDATION 6

That Council:

1. Notes the expressions of interest received for community membership to the Audit and Risk Committee (**Attachment 7**); and
2. Appoints Ms Kirsten Barrack, Mrs Stephanie Clarke, and Mr Simon Rutter as community representatives on the Audit and Risk Committee.

9.5.3 Museum Advisory Committee Recommendations

Date of Report:	8 March 2023
Applicant or Proponent:	Museum Advisory Committee
File Reference:	HER9
Author:	M Eberle – Museum Curator and Cultural Heritage Officer
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. MAC Minutes - 1 March 2023.(extract).

PURPOSE OF THE REPORT

To consider recommendations made by the Museum Advisory Committee (MAC) at its meeting held on 1 March 2023.

BACKGROUND

At the March 2023 MAC meeting they made the following recommendations:

Recommendation 1: Museum Advisory Committee Update

That the Museum Advisory Committee recommends to Council the following:

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

COMMENTS AND DETAILS

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

Recommendation 1: Museum Advisory Committee Update

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

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

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

Social: Our community well-being and connection

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

Policy related:

Committee Recommendations Policy

Financial:

Nil

Legal and Statutory:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council receives the extract of the Museum Advisory Committee Minutes (**Attachment 1**) from the meeting held on 1 March 2023.

MUSEUM ADVISORY COMMITTEE RECOMMENDATION 1

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

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS

Nil.

15 NEXT MEETINGS

Ordinary Council Meeting	26 April 2023
Agenda Briefing	19 April 2023

16 CLOSURE OF MEETING