



Ordinary Council Meeting

22 November 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 November 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's Plan for the Future (Council Plan 2023-2033) is the Community's Strategic Plan outlining the direction that the Shire is undertaking to meet the needs and aspirations of its community.

Our Vision

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

Our Purpose

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Our Values

We conduct ourselves in line with values the local community cares deeply about:

- **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; and
- **Commitment** – we translate our plans into actions and demonstrate the persistence that will provide results.

Community Aspirations

There are five core performance areas in this plan: People, Planet, Place, Prosperity, and Performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Toodyay.

For each area, there is an overarching aspirational statement and desired outcomes, summarised in the Council Plan which is available on the Shire's website at: <https://www.toodyay.wa.gov.au/documents/432/council-plan-plan-for-the-future-2023-2033>

Disclaimer

Any discussion regarding a planning matter 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 a notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

Availability of Meeting Agenda and its Attachments

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

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

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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**

Cr R Madacsi – 26 October 2023 to 28 November 2023 inclusive;

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

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

Nil.

4.2 PUBLIC QUESTION TIME**5 CONFIRMATION OF MINUTES****5.1 Ordinary Meeting of Council held on 25 October 2023****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 25 October 2023 be confirmed.

5.2 Special Meeting of Council held on 8 November 2023**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 8 November 2023 be confirmed.

5.3 Agenda Briefing held on 15 November 2023

OFFICER'S RECOMMENDATION

That the Notes of the Agenda Briefing held on 15 November 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 Lot 5 Mercy Retreat , Toodyay - "Mercy House" - Restoration and change of use – Convent to Single Dwelling and Short-Term Accommodation

Date of Report:	30 June 2023
File Reference:	P2023-26 / A5622/5MER
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Executive 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. P2023-26 - Application and Plans; 2. P2023-26- HCWA Submission; 3. P2023-26 - THS Submission; and 4. Plan tabled at Agenda Briefing by Cr McKeown

SUMMARY

Applicant: Kinross Creasy Investment Pty Ltd
 Owner: Kinross Creasy Investment Pty Ltd
 Proposal: “Mercy House” - Restoration and change of use – Convent to Single Dwelling and Short-Term Accommodation.
 Location: Lot 5 Mercy Retreat, Toodyay

PURPOSE OF THE REPORT

To consider an application for development approval for the restoration and change of use – convent to single dwelling and short-term accommodation, at “Mercy House” Lot 5 Mercy Retreat in Toodyay. As this application refers to a property located within the Roman Catholic Church precinct, it may only be determined by Council.

BACKGROUND

Lot 5 Mercy Retreat in Toodyay is a 2,210m² (0.2210 ha) property within the Central Toodyay Heritage Area. It is currently zoned ‘Mixed Business’ under the Shire of Toodyay’s *Local Planning Scheme No. 4* (LPS4).

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

Proposal

On 4 April 2023, the Shire of Toodyay received an application from Botica Architects on behalf of the owners Kinross Creasy Investment Pty Ltd for the restoration and change of use from convent to single dwelling and short-term accommodation for “Mercy House”.

Included in this application is refurbishment to verandahs, repainting, landscaping, new fencing, swimming pool, adaptation of former kitchen and laundry, and demolition of boiler room.

The development will consist of:

1. A holiday residence for the owners.
2. Four luxury short stay rooms with ensuite.
3. A one-bedroom studio “The Laundry”.

A maximum of ten guests at any time with a maximum of two guests per room.

The following works are proposed:

AREA	PROPOSED WORKS
All buildings	Remediation to address any subsidence to buildings and repointing existing brickworks using City of Fremantle’s <i>Technical Advice Sheet – Repointing lime mortar joints</i>
Exterior	<p>Balcony and verandahs repair and maintenance.</p> <p>Balcony balustrading to be removed and replaced with National Construction Code (NCC) compliant timber balustrading.</p> <p>Removal of timber staircase.</p> <p>Remove asbestos verandah frieze and replace with timber frieze.</p> <p>Removal of enclosures to all verandahs and balconies.</p> <p>Audio room door to verandah to be bricked in with matching bricks.</p> <p>Fenestrations (the arrangement of a window in a building) to be created in dining room and passage adjacent to library.</p> <p>West wall of dining room – removal of window and door to create wider opening for timber folding doors.</p>
Interior	<p>Ground Floor – replan internal rooms.</p> <p>Audio and computer rooms to create the kitchen.</p> <p>Meeting room and passage to create sitting room.</p> <p>Dining room to remain and walls to be removed from either side of fireplace to connect the dining and living spaces.</p> <p>Upper Floor – replan internal rooms.</p>

AREA	PROPOSED WORKS
	<p>Current northeast bathroom and all piping currently visible on the balcony to be removed and create a bedroom.</p> <p>Iron and linen store to be combined to create lounge and coffee room.</p> <p>Dividing timber partition between bedrooms F & G in southeast corner removed to create a single bedroom (bed 3).</p> <p>Dividing timber partition between bedrooms D & E in south side removed to create an ensuite for bed 3, shared bathroom and linen cupboard. Bed E door opening widened to facilitate the linen cupboard doors.</p> <p>Robe room replanned to an ensuite for bedroom 2.</p> <p>Dividing timber partition between bedrooms C & Sacristy in south side removed to create a single bedroom (bed 2) Sacristy doors closed off.</p> <p>Dividing timber partition between bedrooms A & B in north side removed to create a single bedroom (bed 5).</p> <p>Chapel on the west side was replanned within the existing walls to be the main bedroom with ensuite. A section of the southern side of the room will be partitioned to form the ensuite.</p> <p>Existing stairs to remain as is.</p>
Kitchen Building	<p>Replan within the existing walls a new country style alfresco kitchen.</p> <p>Extend the existing eastern verandah to wrap the building on the north and west.</p> <p>New timber decking to the verandahs</p>
Laundry Building	<p>It is proposed to replan and upgrade the interior of the building to a one-bedroom suite.</p> <p>Apart from remediation work, there are no changes planned for the external fabric.</p>
General Site	<p>Pergolas</p> <p>Two timber pergola / arbours are proposed, one is over the parking for 3 car spaces located adjacent to the Mercy Retreat boundary. The second is to the outdoor alfresco adjacent to the kitchen building.</p> <p>Parking areas</p>

AREA	PROPOSED WORKS
	<p>Paved hardstand parking for 6 cars is proposed, accessed from the Mercy Retreat crossover.</p> <p>Secure and screened paved hardstand adjacent the laundry building is provided for 2 cars.</p> <p>Swimming pool</p> <p>Swimming pool and associated metal spear barrier fencing is proposed to the west side of the site.</p> <p>New fencing is proposed for the site.</p> <p>Fencing to streets and fronting the Catholic buildings precinct. 1.2m high fencing is noted as wrought iron and brick piers in line with LPP 20.</p> <p>Dividing fencing</p> <p>Proposed 1.8m high brick dividing fence to pool area only.</p> <p>Remainder proposed as 1.8m high timber lap fencing.</p>

For more information, please refer to the **Attachment 1: P2023-26 - Application and Plans**.

Timeframe to determine

The Shire received this application on 4 April 2023, which required advertising. Pursuant to Schedule 2, clause 75(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application must be determined within 90 days, being 7 July 2023.

Due to additional information being requested by the Heritage Commission of Western Australia (HWCA), written consent has been sought from and provided by the applicant, to determine this application after the 90-day period.

COMMENTS AND DETAILS

This application proposes to preserve “Mercy House’s” character and history with extensive restorations and changing its use from a convent to a single dwelling and short-term accommodation.

Short term accommodation for guests with onsite facilities will be consistent with the proposed use of “Tourist Development” and may be approved subject to a period of advertising in accordance with Clause 64 of the deemed provisions.

The short-term accommodation is anticipated to create minimal disturbance to the other residents of the Catholic Church Precinct as “Mercy House” is accessed via Mercy Retreat. Guests using the accommodation will enter via Mercy Retreat and use the onsite parking provided. Additionally, proposed fencing and landscaping will provide privacy for both guests and the other residents within the precinct.

The change of use to a single dwelling is also supportable as there are already examples of single dwellings in the precinct.

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

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

IMPLICATIONS TO CONSIDER

Consultative:

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

The HCWA, in its submission, provided support for the proposed development subject to the following conditions:

1. Walls nibs and substantial down stand to be retained to interpret original configuration where internal masonry walls being removed.
2. Construction of early timber partitioning to the first floor to be documented prior to their removal.
3. Infill to internal door openings should be lightweight and capable of reversal.
4. Proposed works to minimise impact on original fabric and retain as much as practical.
5. Removed floorboards to be retained on site for potential future reinstatement or re-use.

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

In addition, the application was also referred to the Toodyay Historical Society (THS). The THS is supportive of the development proposal. Refer **Attachment 3: THS Submission**

The application was advertised in accordance with the Local Planning Policy – *Advertising for Planning Proposals*. Tourist Accommodation is an ‘A’ use in the Mixed Business zone and therefore this warrants an E- level consultation.

The consultation period ended on 12 June 2023 after being advertised for a period of thirty-three (33) days with no public submissions received.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 5. High Quality town planning complements our rural ambience and heritage.

O5.3: Preserve and showcase local history and heritage.

Shire of Toodyay Heritage Master Plan 2015

2.2.1 Place No.11; Catholic Church Precinct

Encourage the private owners to retain and conserve the area.

Shire of Toodyay Local Planning Strategy 2018

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

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

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

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

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

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

Shire of Toodyay – Local Planning Policy - Car Parking***Objectives***

- Ensure adequate and safe access to facilities and services, whilst maintaining and complementing the amenity and character of the Shire.

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

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

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

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

Principles of Development

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

- a) All development shall enhance and reinforce the historic character of the Central Toodyay Heritage Area.
- b) New construction, demolition, intrusions, or other changes that would adversely affect the setting or relationships within the Central Toodyay Heritage Area are not appropriate.
- c) Additions to heritage places must ensure that they do not visually intrude on the existing building or street context and that they are in sympathy with the character of the existing property. Additions should be distinguishable from the original building and the distinction may be subtle if desired.

Financial:

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

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

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Regulations 2009

Heritage Act 2018

Heritage Regulations 2019

Shire of Toodyay Local Planning Scheme No. 4

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

Risk related:

Should Council refuse the application, the applicants 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

OFFICER'S RECOMMENDATION

That Council, pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the development application for the restoration and change of use from convent to single dwelling and short-term accommodation for "Mercy House" at Lot 5 Mercy Retreat, Toodyay, subject to the following conditions:

- (a) The development hereby permitted must be commenced within two years from the date of this decision letter.
- (b) The development hereby permitted taking place in accordance with the approved plans.
- (c) Walls nibs and substantial down stand to be retained to interpret original configuration where internal masonry walls being removed.
- (d) Construction of early timber partitioning to the first floor to be documented prior to their removal.
- (e) Infill to internal door openings should be lightweight and capable of reversal.
- (f) Proposed works to minimise impact on original fabric and retain as much as practical. Removed floorboards to be retained on site for potential future reinstatement or re-use.
- (g) A photographic archival record shall be made according to the *Heritage Council - Guide to preparing an archival record - July 2019*.

9.1.2 Discussion on Local Planning Strategy Review and Omnibus Scheme Amendment

Date of Report:	6 November 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	H de Vos – Executive Manager Development and Regulation
Responsible Officer:	H de Vos – Executive Manager Development and Regulation
Previously Before Council:	SCM 29 March 2023 – Item 6.1.1
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Targeted Report of Review - November 2023

PURPOSE OF THE REPORT

To provide Council with information regarding the feasibility and necessity of a review of the Shire's Local Planning Strategy 2017 and a proposed Omnibus Scheme Amendment.

BACKGROUND

At the Special Council Meeting of 29 March 2023, Council reviewed and adopted the Shire's *Draft Local Planning Scheme No. 5*. The draft Scheme that was adopted by Council included some last-minute zoning changes in West Toodyay to address (amongst other things) the issue of keeping of livestock as a Rural Pursuit which would no longer be permitted under proposed rezoning from Special Residential R2.5 to Residential R2.5 in the advertised version of the draft Scheme. The change from Special Residential to Residential is being driven by the Western Australian Planning Commission (WAPC) to phase out Special Residential zones in Local Planning Schemes.

Council was aware at the time of adoption, that there was a chance that these additional changes may not be supported by the WAPC and if that were to be the case, the most appropriate approach would be to incorporate the changes in a future omnibus scheme amendment.

An omnibus amendment is a collection of small or minor amendment proposals that are combined into one scheme amendment. An omnibus amendment will typically occur when there is a collection of smaller matters that do not each warrant an individual scheme amendment process due to the administration time involved in progressing a scheme amendment.

Part of the discussion at the preceding workshops related to the age and suitability of the Shire's *Local Planning Strategy* which was adopted in 2017 by the Shire of Toodyay and endorsed by the WAPC in 2018.

Accordingly, the 29 March 2023 resolution contained the following conditions:

7. Requests that the CEO commence the preparation of an omnibus scheme amendment within six (6) months of the date of this resolution.
8. Requests that the CEO commence work on the preparation of a review of the Local Planning Strategy within six (6) months of the date of this resolution.
9. Requests that a report is brought back to the Council at the November 2023 Ordinary Council Meeting providing an update on the omnibus scheme amendment and local planning strategy review.

The Shire has conducted preliminary investigative work focusing on the Omnibus Scheme Amendment and the *Local Planning Strategy* Review in accordance with Conditions 7 and 8 of the Council resolution.

This report addresses Condition 9.

COMMENTS AND DETAILS

Report of Review

The [Local Planning Strategy Guidelines \(WAPC, 2023\)](#) states on the subject of a Report of Review:

Part 6 of the Regulations requires that a local planning scheme be reviewed every five years through a report of review. The 15-year timeframe recommended by the guidelines for a local planning strategy aligns with and allows for three five-yearly report of reviews.

It is not proposed that a local planning strategy is reviewed independently of the scheme review process, rather the review of the local planning strategy will form part of the five-yearly scheme review process. The local government must carry out a review of the local planning scheme (report of review) in a manner and form approved by the WAPC.

This Report of Review summarises the local planning framework of the Shire of Toodyay, including the *Local Planning Strategy* endorsed by the WAPC in 2018.

In consideration of the status of the *Local Planning Strategy*, it is recognised that it provides the long-term strategic plan guiding land use and development in the Shire over a 10–15 year period.

The *Local Planning Strategy* is therefore current and applicable as the overarching strategic framework of the Shire until 2028-2033.

It is relevant to note that the *Local Planning Strategy* identifies the need to review the local planning policies prepared under *Shire of Toodyay Local Planning Scheme No. 4* to ensure the content is current and applicable to the new *Local Planning Scheme No. 5*.

The Report of Review (**Attachment 1**) recommends that *Local Planning Scheme No. 5* be finalised and concludes that the *Local Planning Strategy* is satisfactory in its current form.

Amendments to the Local Planning Strategy

The Shire notes in the report that the *Local Planning Strategy* draws on its earlier policy framework and the statistical data available at the time it was prepared, which accords with r.66 of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#).

Since it has been endorsed in 2018, the Shire has continued to update its local planning framework to respond to the broad strategies of the *Local Planning Strategy*, which follows the correct orderly and proper planning process for this review.

The Council of the Shire seeks to ensure that the long-term strategic plan is however reviewed to respond to issues brought to its attention during the formal advertising of the draft *Local Planning Scheme No. 5*.

Amendments to the *Local Planning Strategy* are considered necessary by the Shire's Council to ensure that the first guiding principle of the endorsed strategic plan is satisfactorily met, i.e., the specific issues raised by the community are addressed to ensure that the *Local Planning Strategy* complies with principle that the plan reflects the aspirations of the Shire and its community.

To address this concern, the Shire may wish to consider progressing a formal amendment to the LPS, as suggested below.

1. Amend '7.0 – Strategic Direction, Strategies and Actions' of Part 1 of the *Local Planning Strategy*.

All actions listed in the sub-sections of Section 7.0 of Part 1 of the *Local Planning Strategy* to be reviewed and amendments proposed, where necessary, to ensure the land use changes introduced in *Local Planning Scheme No. 5* which do not reflect the overarching vision of the Shire as expressed in the *Plan for the Future (2023-2033)* are corrected.

2. Amend Part 2 of the *Local Planning Strategy* through an addendum document.

An addendum to Part 2 of the *Local Planning Strategy* be prepared to provide a current analysis of the population, housing and land supply statistics to support the updated rationale for the strategic direction and recommended actions listed in Part 1 of the *Local Planning Strategy*.

IMPLICATIONS TO CONSIDER

Consultative:

Community feedback is an essential part of the preparation of a *Local Planning Strategy* and a Scheme Review.

In each instance the requirements for community consultation are statutory and are set out in the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) (Regulations).

Local Planning Strategy

[Regulation 13](#) of the Regulations addresses advertising and notification of a *Local Planning Strategy*.

Scheme Amendments

Part 5 of the Regulations deals with amending a Local Planning Scheme. Depending on the classification given to any future Omnibus Scheme Amendment, the statutory requirements will be covered under [Regulation 38](#) for a complex amendment or [Regulation 47](#) for a standard amendment.

Notwithstanding any statutory requirements which must be met by the Shire, in each instance both the *Local Planning Strategy* review and a future Omnibus Scheme Amendment provide opportunities for comprehensive community engagement.

Here the Shire will determine the best options for which to conduct consultations. Either through workshops, surveys or discussion papers.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 5. High Quality town planning complements our rural ambience and heritage.

5.1. Provide responsible planning and development.

Shire of Toodyay Local Planning Strategy 2018

The [Local Planning Strategy Guidelines](#) (WAPC, 2023) recommend that a *Local Planning Strategy* should be a plan for a 15-year period and be reviewed every five years by the local government and the WAPC.

A well-prepared local planning strategy that is regularly reviewed (and amended where required) to apply State and regional planning frameworks, to inform local planning frameworks and maintain consistency with the guidelines and regulations could continue to operate beyond 15 years.

Given the current strategy is five years old – the review is timely.

Policy related:

[Local Planning Policy – Advertising for Planning Proposals.](#)

This policy is consistent with the statutory requirements for the advertising of Local Planning Strategies and Scheme Amendments as listed in the Regulations.

[Risk Management Policy](#)

This policy is intended to commit to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

Further details of identified risks are discussed in Risk section of this report.

Financial:

The Shire will be required to cover the costs associated with:

- Community and stakeholder engagement (including workshops and advertising costs).
- Consultant engagement to assist with this process if deemed necessary.
- Gazettal of any Scheme Amendment.

An estimate of these costs including the Gazettal and Consultancy fees is \$80,000 however a more accurate estimation will be provided once the Shire has had the opportunity to consider specific requirements.

These costs will need to be incorporated into any future budget (or budget review) and will be workshopped with elected members.

Legal and Statutory:

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations require a local planning strategy to be prepared in a manner and form prescribed by the WAPC.

Local Planning Strategy Guidelines (WAPC, 2023)

The guidelines outline the need and purpose of a local planning strategy, guiding principles, procedural steps and recommended content for a local planning strategy. The guidelines are supported by appendices which provide more detailed guidance on specific components of a local planning strategy.

Risk related:

In accordance with the Shire’s Risk Management Policy, the following Risks are considered relevant.

<i>Risk Type</i>	<i>Risk</i>	<i>Likelihood</i>	<i>Consequence</i>	<i>Score</i>
Financial Impact	These processes are costly from a consultation, consultancy point of view. The consultation process is vital and also unavoidable	Possible (3)	Moderate (3)	Moderate (9)
Reputational	Frequent review of the planning framework is an essential part of good governance. Where the community has expressed a desire for change, or the State government changes the overarching policy framework and the Shire does not act – it can have an impact on the reputation.	Possible (3)	Moderate (3)	Moderate (9)

Workforce related:

These processes can be significant in terms of workforce resourcing. Accordingly, the Shire will need to consider the services of a planning consultant to assist with these processes to ensure they are realised in a timely fashion.

VOTING REQUIREMENTS

Simple Majority

<p>OFFICER’S RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Determines that the Shire of Toodyay <i>Local Planning Strategy 2018</i> is generally current and applicable as the overarching strategic planning framework for the Shire of Toodyay until 2028-2033. 2. Determines that the Shire of Toodyay <i>Local Planning Strategy 2018</i> is generally satisfactory in its current form, however, requests the CEO to prepare a formal amendment to the Strategy as follows: <ol style="list-style-type: none"> (a) Amend ‘7.0 – Strategic Direction, Strategies and Actions’ of Part 1 of the <i>Local Planning Strategy</i>. <p>All actions listed in the sub-sections of Section 7.0 of Part 1 of the <i>Local Planning Strategy</i> to be reviewed and amendments proposed, where necessary, to ensure the land use changes introduced in <i>Shire of Toodyay</i></p>
--

Local Planning Scheme No. 5 which do not reflect the overarching vision of the Shire as expressed in the *Plan for the Future (2023-2033)* are corrected.

- (b) Amend Part 2 of the *Local Planning Strategy* through an addendum document.

An addendum to Part 2 of the *Local Planning Strategy* be prepared to provide a current analysis of the population, housing and land supply statistics to support the updated rationale for the strategic direction and recommended actions listed in Part 1 of the *Local Planning Strategy*.

3. Requests the CEO to arrange for preliminary research and preparation for a future Omnibus Scheme Amendment.
4. Requests a report be brought back to Council no later than six months from the date of this resolution to provide an update on the Strategy and Omnibus Scheme Review Process.

9.1.3 Lot 1 (No. 2A) Duke Street North, Toodyay - Single Dwelling - Variation to Local Planning Policy.

Date of Report:	7 November 2023
File Reference:	P2023-82
Author:	H de Vos – Executive Manager Development and Regulation
Responsible Officer:	H de Vos – Executive 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"> Map - Lot 1 Duke St North, Toodyay P2023-82 - Application Plans

SUMMARY

Applicant:	S. Palmer
Owner:	S. Palmer
Proposal:	Single Dwelling
Location:	Lot 1 (No. 2A) Duke Street North, Toodyay

PURPOSE OF THE REPORT

To consider an application for development approval for a single dwelling at Lot 1 Duke Street North in Toodyay. The proposal involves a request to vary the requirements of Local Planning Policy – *Central Toodyay Heritage Area* and therefore can only be determined by Council.

BACKGROUND

Land

Lot 1 Duke Street North in Toodyay is a vacant, 713m² triangular shaped lot in Toodyay townsite. It is zoned Town Centre under the Shire of Toodyay's Local Planning Scheme No. 4. The lot is adjacent to the railway line and falls within the Central Toodyay Heritage Area. For more details, please refer to **Attachment 1 – Map**.

Proposal

The applicant seeks development approval to construct a single dwelling with a patio and garage with a total area of 164.4m². The dwelling will be clad and the roof of 25-degree roof pitch made with zincalume.

The applicant has provided the following request for variations (and justifications) for Council to consider:

R10 Residential Codes

General Site Requirements:

- *The minimum site area for a Single House is 875m². The lot at 2A Duke Street North, Toodyay is 713m². A variation is sought to construct the house on a block of 713m².*

Local Planning Policy - Central Toodyay Heritage Area

Section 3 – Residential Development

- *3.4.8 This section requires that all window and door openings shall have a vertical emphasis, meaning they should be long and narrow in appearance.*

Where possible full length windows and doors are to be used. To comply with energy requirements, windows will be wider. A variation is therefore sought to install wider windows where necessary.

- *3.4.13 Variation is sought to locate the front entry on the left-hand side of the house. For practical and safety reasons, entry will be via the carport and will allow direct access to the kitchen.*

Bushfire Planning Requirements

I believe this lot is exempt from providing a BAL assessment as the proposed development is for a Single House on a lot less than 1,100m².

Outdoor Living Area (Patio)

- *Due to the unusual shape of the block (triangle) and the railway corridor running parallel to the left side of the triangle, the most practical location for a patio is at the rear of the house.*
- *A patio on the right side of the house would directly overlook the neighbouring property.*
- *A patio on the left side of the house would directly face the railway corridor.*
- *A 2m high garden shed near the left side boundary fence will screen the left side opening of the patio.*

The house design is simple and will use colours which will blend in with the surroundings and neighbouring properties. Overall the house has been designed to comply with the relevant policies.

I believe this proposal will not have any negative effect on the neighbouring properties.

For more details, please refer to **Attachment 2 – Application Plans**.

COMMENTS AND DETAILS

In Western Australia, an often referred to and important starting point for the exercise of discretion is the decision of *Marshall v Metropolitan Redevelopment Authority [2015] WASC 226* (Marshall), which articulates a clear expectation that for the exercise of discretion to be orderly and proper, it must be –

- i. Methodical and logical;
- ii. Informed by proper planning instruments as well as relevant contextual matters;

- iii. Objective in nature; and
- iv. Only exercised when there is a sound or cogent reason to depart from the baseline or standard.

In this instance Officers agree that the variations being sought are minor and acceptable - to provide better outcomes relating to other matters such as energy efficiency.

The heritage aspects are still largely apparent in the proposal.

Additional consideration must be given to the limitations that the shape and size of the block present.

Officers believe that the application presented strikes a balance between meeting heritage requirements of the policy and addressing the limitations of the lot.

It is recommended that this application be approved subject to conditions.

IMPLICATIONS TO CONSIDER

Consultative:

Part 4 of the *State Planning Policy 7.3 - Residential Design Codes (R-Codes)* requires that the Shire notify potentially affected neighbours in certain circumstances. In this instance the variation to the R-Codes sought are considered to be low-impact and therefore no public consultation was conducted. This is consistent with the Shire's *Local Planning Policy – Advertising of Planning Proposals*. In this instance the exercise of discretion in terms of the R-Codes and Policy provisions is not considered significant enough to warrant consultation.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 5. High quality town planning complements our rural ambience and heritage.

O5.1. Provide responsible planning and development.

O5.3. Preserve and showcase local history and heritage.

Outcome 9. Responsible and effective leadership and governance.

O9.1 Provide strong, clear, and accountable leadership.

Policy related:

[State Planning Policy 3.7 – Planning in Bushfire Prone Areas](#)

This development is exempt from the requirements as the lot size is less than 1,100m².

[State Planning Policy 5.4 – Road and Rail Noise](#)

This development falls within the area that triggers this policy. The applicant has supplied plans demonstrating that acoustic laminated glazing is to be installed to meet the Quiet House Requirements of the Policy.

[State Planning Policy 7.3 – Residential Design Codes Volume 1](#)

5.1.1 Site Area

C1.4 Subject to clause 5.1.1 C1.3 only, the following variations to the minimum and average site area set out in Table 1 may be made:

- iii. the area of any existing lot, survey strata lot or strata lot with permanent legal access to a public road, notwithstanding that the site area is less than that required in Table 1.

The lot is an existing lot and therefore meets the deemed to comply requirements.

5.3.1 Outdoor living areas

Due to the unusual shape of the block (triangle) and the railway corridor running parallel to the left side of the triangle, the most practical location for a patio is at the rear of the house.

[Local Planning Policy – Central Toodyay Heritage Area](#)

The applicant is seeking consideration for the following variations:

Section 3 – Residential Development

- *3.4.8 This section requires that all window and door openings shall have a vertical emphasis, meaning they should be long and narrow in appearance.

Where possible full length windows and doors are to be used. To comply with energy requirements, windows will be wider. A variation is therefore sought to install wider windows where necessary.*
- *3.4.13 Variation is sought to locate the front entry on the left-hand side of the house. For practical and safety reasons, entry will be via the carport and will allow direct access to the kitchen.*

[Local Planning Policy – Advertising of Planning Proposals](#)

No formal public consultation has occurred.

Financial:

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

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

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Regulations 2009

Shire of Toodyay Local Planning Scheme No. 4

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

Risk related:

In accordance with the Shire of Toodyay Risk Management Policy the following risks have been determined:

Risk Type	Risk	Likelihood	Consequence	Score
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.	Possible (3)	Moderate (3)	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, pursuant to Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; approves the application for **development approval** for the variations to *Local Planning Policy – Central Toodyay Heritage Area* and the *State Planning Policy 7.3 Residential Design Codes*; for a single dwelling at Lot 1 (No. 2A) Duke Street North, Toodyay as contained in application P2023-82 – subject to the following conditions:

1. The development hereby permitted must substantially commence within two years from the date of this approval.
2. The development hereby permitted taking place in accordance with the approved plans for application P2023-82 as contained in Attachment 2.
3. Prior to the occupation of the development, vehicle crossover(s) shall be constructed to the specification and satisfaction of the local government.
4. The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the local government.

9.2 CORPORATE AND COMMUNITY SERVICES**9.2.1 Monthly Financial Statements - October 2023**

Date of Report:	3 November 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	N Mwale – Finance Coordinator
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil.
Council's Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none"> 1. Monthly Financial Statements as at 31 October 2023 2. Supplementary Information as at 31 October 2023

PURPOSE OF THE REPORT

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

COMMENTS AND DETAILS

From 1 July 2023 all local governments are required to present to Council the Statement of Financial Activity to comply with Australian Accounting Standards (AAS) and the amended *Local Government (Financial Management) Regulations 1996*.

The Statement of Financial Activity, contained within the monthly financial statements, 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. Officers have also provided additional supplementary information.

Key Financial areas

The following information provides balances for key financial areas for the Shire of Toodyay's financial position for the month ending 31 October 2023.

Outstanding Rates

The notices for rates and charges levied for 2023/24 were raised in September 2023 after the adoption of the budget and Council approved new revised rates due dates as a result of challenges faced during notice production.

The *Local Government Act 1995* provides for ratepayers to pay rates by four instalments. The new due dates adopted for each instalment for 2023/24 were:

Instalment	Due Date
First Instalment	2 November 2023
Second Instalment	2 January 2024
Third Instalment	4 March 2024
Fourth Instalment	6 May 2024

The total outstanding rates balance at the end of October 2023 was \$4,552,870.50 as compared to September 2023 closing balance of \$7,592,855.70.

Outstanding Sundry Debtors

The total outstanding sundry debtors balance at the end of October 2023 was \$264,830.67 broken down as follows:

Category	30/09/2023	31/10/2023
> 90 days and over	\$ 20,718.60	\$ 103,447.62
> 60 days and over	\$ 88,033.87	\$ 782.69
> 30 days and over	\$ 3,879.69	\$ 13,807.18
Current	\$ 52,322.57	\$ 146,793.18
TOTAL	\$164,954.73	\$264,830.67

The table above shows an increase in the outstanding sundry debtor's balance. There is an amount of \$103,447.62 in the 90 days and over category. The officers have contacted the debtors and have made arrangements to make payments.

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

IMPLICATIONS TO CONSIDER**Consultative:**

Consultation with Datacom is ongoing in the preparation of the monthly financial statements.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Authorised Signatories

Purchasing

Corporate Credit Cards

Financial Governance

Delegation

CS1 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.

As at 31 October 2023, the total funds held in the Shire's operating accounts was \$490,771.50 and the total of all interest bearing term deposits invested for the period ended 31 October 2023 was \$6,945,276.99

Of the \$6,945,276.99 invested in interest bearing deposits, \$2,488,461.75 relates to reserve funds.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council receives, for the month ending 31 October 2023 the following:

- (a) Monthly Financial Statements; and
- (b) Supplementary information

9.2.2 List of Payments - October 2023

Date of Report:	6 November 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	N Mwale – Finance Coordinator
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	NA
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Creditors Payments Listing - October 2023

PURPOSE OF THE REPORT

To present the list of payments raised during October 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* (the regulations).

The regulations were recently amended to further include the requirement for a list of all payments made using a credit, debit, or purchasing card to be prepared each month, effective 1 September 2023.

COMMENTS AND DETAILS

The list of all invoices processed under delegated authority during October 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 payments made to employees on a fortnightly basis.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:***Plan for the Future: Shire of Toodyay Council Plan 2023-2033******Outcome 9. Responsible and effective leadership and governance.****09.1: Govern Shire finances, assets, and operations responsibly.***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; Authorised Signatories, and; Purchasing.

Financial:

Payments made in October 2023 total \$1,355,170.26.

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.

Regulation 13A requires that if any payments are made via purchasing cards, a list 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 October 2023 as attached to this report, summarised as follows:

Municipal Cheques	\$ 11,742.10
Electronic Funds Transfer Payments	\$ 1,084,076.00
Direct Debits	\$ 5,880.14
Payroll	\$ 249,936.89

	Purchasing Cards	\$ 3,535.13	
	TOTAL	\$ 1,355,170.26	

9.2.3 2024 Australia Day WA Community Citizen of the Year Awards

Date of Report:	7 November 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	EVT6
Author:	K Hardie – Economic Development Coordinator
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Advocacy
Attachments:	<ol style="list-style-type: none"> 1. 2024 Community Citizen of the Year Awards Nominations including ballot papers. (confidential) <i>Section 5.23(2)</i> <ol style="list-style-type: none"> (b) <i>the personal affairs of any person</i> (e)(iii)a <i>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> (e)(i) <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 (under separate cover)</i>

PURPOSE OF THE REPORT

To vote on nominations for the 2024 Community Citizen of the Year Awards categories.

BACKGROUND

The Community Citizen of the Year Awards (Awards) give local governments around the state the opportunity to acknowledge the contribution and celebrate community engagement of people within the community. These Awards are promoted and coordinated by Auspire, the Australia Day Council WA (ADCWA).

Local governments are encouraged to engage residents to nominate fellow citizens. There is no additional cost for the Shire to support the Awards, or for those wishing to submit a nomination.

The recipients are selected from people and groups who have made community contribution and participation rather than personal achievement.

The Awards recognise individuals and organisations making a notable contribution during the current year, and/or to those who have given outstanding service over a number of years.

The Awards consist of four categories for presentation as follows:

1. Community Citizenship of the year;

2. Young Community Citizen of the year (under 25 years);
3. Senior Community Citizen of the year (over 65 years); and
4. Active Citizenship (Group or Event).

ADCWA and participating local governments call for nominations from community groups and individuals. Nominations are submitted to ADCWA online via the website or using the form provided by the participating local government. All nominations received before the close-off date are provided to the relevant local government for consideration and selection.

In choosing the recipients of the Community Citizen of the Year Awards, regard is given to the nominee's achievements in the year immediately prior to receiving the award, as well as their past achievements and ongoing contribution to the community.

A nominee need only be nominated once to be considered. The number of nominations received per nominee bears no weight in their selection.

Nominees for the **individual** award categories (Community Citizen of the Year, Young and Senior) must demonstrate active positive community engagement and meet the following criteria:

1. Significant contribution to the local community.
2. Demonstrated leadership on a community issue resulting in the enhancement of community life.
3. A significant initiative which has brought about positive change and added value to community life.
4. Inspiring qualities as a role model for the community.

Nominees for the **group/event** award category must demonstrate community engagement and meet any or all of the following criteria:

1. Group/event that creates community engagement.
2. Group/event that creates initiatives for new employment.
3. Created significant initiative that brought positive change.

All nominees should uphold standards of conduct that will not risk placing the Award Program or Local Government's reputation into disrepute.

Consideration should also be given to gender, age, ethnicity, cultural background and field of endeavour to help ensure recipients are representative of our diverse society.

The eligibility criterion for these awards is as follows;

- A person must be nominated by another person to be considered for an Award. Self-nominations are not accepted.
- One nomination is sufficient; multiple nominations should not necessarily strengthen an individual's chances of selection.
- Individuals can be recognised in one category only, so if they cross over multiple categories, a decision needs to be made which category they will be awarded in.
- Nominees should reside or work principally within the local government authority presenting the award.
- Awards may be granted posthumously in recognition of recent achievements.
- Groups of people will not normally be eligible except when meeting the criteria for a community group.

- A couple or partnership with equal standing for the achievement/contribution may be recognised in an individual category.
- A person may receive an award more than once in recognition of outstanding continued community contribution or involvement in a different initiative.
- Individuals must be at least 16 years of age on 26 January, though younger nominees may be considered for exceptional contribution. Definition of exceptional contribution is at the discretion of the local government/council selection committee.
- Unsuccessful nominees/finalists may be nominated in future years.
- Sitting members of State, Federal, and Local Government are not eligible.
- Nominations must be apolitical in their nature.

Nominees are notified in writing by the Shire of Toodyay and will receive a Certificate of Nomination, produced by the Shire of Toodyay. The nominees are invited to attend and participate in the annual Australia Day celebrations in 2024, where they will receive their Certificate of nomination. Following the announcement of nominations, the winner will be announced. ADCWA provides certificates and medals to the selected recipients at no cost to the Shire of Toodyay.

COMMENTS AND DETAILS

The Community Citizen of the Year Awards are an opportunity for the Shire of Toodyay to recognise and honour the efforts of many residents who dedicate their own time to actively work for the betterment of our community.

This year, three nominations were received for the Community Citizen of the year. Two nominations were received for Senior Community Citizen of the year. Two nominations for Youth Community Citizen of the year were received, and 3 nominations (one group nominated twice) for Active Citizenship (Group).

Where there is more than one nomination for any category, Councillors will vote via secret ballot, with simple majority, to determine the winner.

Although it is customary for only one winner from each category to be awarded, the Shire of Toodyay has previously awarded joint recipients in Citizenship Awards.

The Shire is required to notify Auspire by early December 2023 who the award winners are to allow time for printing and forwarding of award certificates and medals to the Shire of Toodyay.

IMPLICATIONS TO CONSIDER

Consultative:

Nominations for the 2024 Community Citizenship Awards opened on 1 September 2023. The link to the nomination form was posted on the Shire of Toodyay website. Posters were displayed at the Toodyay Library and on Council notice boards and placed on the Shire of Toodyay Facebook. All Toodyay Community groups were sent details via email.

An article was included in the Toodyay Herald. Nominations closed on 31 October 2023.

Strategic:

Shire of Toodyay Plan for the Future: Council Plan 2023-2033

Outcome 2 – An inclusive, connected community

O 2.5 Celebrate cultural diversity through art, culture and community activities

Policy related:

Nil.

Financial:

There are minimal financial implications which include costs of printing certificates, and obtaining frames for those certificates, all of which can be covered through operational budgets.

Legal and Statutory:

Auspire Australia Day Council Community Citizen of the year awards criteria.

Risk related:

The reputational risk of Council choosing to not nominate by secret ballot, recipients for the 2024 Community Citizen of the Year Awards categories, is considered minor (2) however this report mitigates the risk.

Workforce related:

Officers will arrange for nomination certificates and inform nominees.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Selects by secret ballot, recipients for the 2024 Australia Day WA Community Citizen of the Year Awards, acknowledging that the ballot results will remain confidential until the announcement of the winners at the Australia Day breakfast which is held at the Toodyay Recreation Centre on 26 January 2024; and
2. Acknowledges that in the event of a tied ballot, the Shire President and CEO will determine the ultimate recipient based on the submissions provided in that category

9.3 EXECUTIVE SERVICES

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

Date of Report:	7 November 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. DLGSC Correspondence.

PURPOSE OF THE REPORT

To present details of correspondence with the Department of Local Government, Sport and Cultural Industries (DLGSC) from 12 October 2023 to 8 November 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 12 October 2023 (**Attachment 1**) includes the following:

Document Number	Date sent / received	File Ref	Description
ICR92983 and ICR92984	27/10/2023	GOV1	Improvement Action Plan Meeting
ICR92991 and OCR65625	23/10/2023	GOV1	Classifications to the Nature and Type Categories

Council is informed of any action undertaken regarding the above, through Council workshops and via notes of weekly Shire President/CEO meetings.

IMPLICATIONS TO CONSIDER**Consultative:**

Department of Local Government, Sport and Cultural Industries.

Strategic:

Plan for the future: Shire of Toodyay Council Plan – 2023 to 2033

Outcome 9: Responsible and effective leadership and governance

O9.1. Provide strong, clear, and accountable leadership.

Outcome 10: Happy community members who feel heard, valued and respected

O10.1 Keep community members informed and engaged on local matters.

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:

Council may invoke a high reputational and compliance risk if the recommendation below is not resolved.

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council notes the correspondence with the Department of Local Government, Sport and Cultural Industries from 12 October 2023 to 8 November 2023, as attached to this report.

9.3.2 Local Laws Review

Date of Report:	8 November 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW1
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	February 2023
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Adoption of Local Laws Checklist; and 2. Schedule of Submissions.

PURPOSE OF THE REPORT

To consider the Local Laws periodic review and determine Council's intent to:

- (a) Amend the following local laws:-
 - (i) Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;
 - (ii) Cat Local Law;
 - (iii) Dogs Local Law;
 - (iv) Extractive Industries Local Law;
 - (v) Fencing Local Law;
 - (vi) Health Local Laws;
 - (vii) Local Government Property Local Law;
 - (viii) Parking and Parking Facilities Local Law;
 - (ix) Standing Orders Local Law.
- (b) not change the following local law:
 - (x) Cemeteries (Toodyay and Jimperding);
- (c) Repeal the following local law:
 - (xi) Pest Plants Local Law.

BACKGROUND

s.3.16 of the *Local Government Act 1995* requires that within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under

this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

At the Ordinary Council Meeting held on 22 February 2023, Council resolved to undertake a review of the following Shire of Toodyay Local Laws in accordance with Section 3.16 of the *Local Government Act 1995*:

- Activities on Thoroughfares and Trading in Thoroughfares and Public Places;
- Cat Local Law;
- Cemeteries (Toodyay and Jimperding);
- Dogs Local Law;
- Extractive Industries;
- Health Local Law;
- Local Government Fencing;
- Local Government Property;
- Parking and Parking Facilities;
- Pest Plants; and
- Standing Orders.

The Shire advertised its intention, requesting community feedback by 20 April 2023. Please refer to the Consultation section of this report.

COMMENTS AND DETAILS

The process Officers followed for reviewing local laws involved reading local laws and completing review checklists.

The policy definitions template was updated with definitions from all local laws to ensure that all definitions used in corporate documents are consistent, or with minor variations, depending on local law requirements.

A comparison was made between the Shire's current local laws and the model local laws published by the Western Australian Local Government Association (WALGA). The recommendations made to Council will allow time for amendments where necessary and conclude the Shire's periodic review of local laws.

If the Officer's recommendation is resolved by Council, the process for making / repealing local laws will occur at each ordinary council meeting where the local laws will be amended.

Shire Officers who enforce the local laws have reviewed the local laws. A comparison was done with available WALGA Model local Laws. The table below provides an outline of proposed changes:

Type of Change	<i>From</i>	<i>Replaced by</i>
Heads of legislation or	<i>The Local Government (Miscellaneous Provisions) Act 1960</i>	<i>Building Act 2011</i>
	<i>Health Act 1911</i>	<i>Food Act 2008</i>

Type of Change	From	Replaced by
regulatory changes	<i>Dog Act Regulations 1976</i>	<i>Dog Act Regulations 2013</i>
Modified Penalties	<i>Current penalties</i>	<i>Information contained within WALGA model local laws</i>
	<i>Other information not contained in the current local laws</i>	<i>Information from a WALGA Model local law was added where necessary.</i>
Definitions / Terms	<i>Town Planning Scheme</i>	<i>Local Planning Scheme</i>
	<i>District Planning Scheme</i>	<i>Local Planning Scheme</i>
	<i>Dangerous dog was not in our current local law</i>	<i>The term was in the WALGA local law.</i>
	<i>Boundary fence</i>	<i>Dividing Fence</i>
	<i>Other definitions not contained in the local law</i>	<i>If in a WALGA Model Local Law, the definitions were added and checked against legislation.</i>
Differences	<i>What is in the local laws</i>	<i>Not necessarily remove from our current local laws, what is in the WALGA local laws.</i>
Provisions	<i>Health Local Law contains provisions about waste that are not valid</i>	<i>To be removed</i>
<i>Biodiversity and Agricultural Management Act 2007</i>	<i>Under s.193 local government authorities can prescribe any plant, other than a declared plant to be a pest plant, but it cannot be prescribed if it is already declared in that area.</i>	<i>Western Australian Organism List (WAOL) declares the pest plants on their list in this area.</i>
Submissions received during the review period	Standing Orders Local Law	Amendments proposed to update the Local Law. Regulatory changes are expected in 2024 (for implementation in 2025) from the Department of Local Government, Sport and Cultural Industries.

Officer recommendations for each local law are provided below.

Name of Local Law	Recommendation		
	Keeping, and making no changes	Keeping, but making the necessary changes to maintain	Repealing, and making a Repeal Local Law
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law		✓	
Cat Local Law		✓	
Dogs Local Law		✓	
Extractive Industries Local Law		✓	
Fencing Local Law		✓	
Health Local Laws		✓	
Parking and Parking Facilities local law		✓	
Local Government Property local law		✓	
Cemeteries Local Law	✓		
Pest Plants Local Law			✓
Standing Orders Local Law		✓	

In line with the Corporate Documents policy, Shire Officers placed a copy of the Shire's current local laws (amended with track changes) in the Councillors' Workshop teams environment on 2 November 2023.

Officers propose that although the Corporate Documents Policy indicates the process for review as being that members would read the local laws for a period of ten days and the Shire Officer responsible for the review of the individual local law would consider the feedback and take the local law straight to Council unless Members' feedback indicates a requirement for workshopping, it is proposed that the local laws be workshopped either individually, or together, up to a maximum of three local laws per workshop.

An indicative list of dates when workshopping may occur is below.

Local Law	Workshop Tentative Dates
Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law; Local Government Property Local Law; Parking and Parking Facilities Local Law.	Wed 6 December 2023
Cat Local Law; Dogs Local Law; Fencing Local Law;	Wed 7 February 2024

Local Law	Workshop Tentative Dates
Health Local Laws; Extractive Industries Local Law;	Wed 6 March 2024
Repeal Local Law 2023 and Meeting Procedures	Wed April 2024

After workshopping the local laws, they will then be the subject of a future report to Council.

IMPLICATIONS TO CONSIDER

Consultative:

A schedule of submissions was put together in May 2023 (refer to **Attachment 2**).

Officers contacted WALGA in June 2023 regarding the approach the Shire could take in its review of local laws.

At a Council Workshop held on 8 November 2023, it was communicated to Councillors (5 Councillors present) that Officers had reviewed the local laws and would seek to amend certain local laws, retain certain local laws, and repeal the By-Laws relating to Pest Plants; and that Council will be asked not to amend the Cemeteries (Toodyay and Jimperding) Local Law.

Strategic:

Shire of Toodyay Plan for the future - Council Plan 2023-2033

Outcome 9: Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

[Community Consultation and Engagement](#) Policy

Corporate Documents Policy

Financial:

This report will not yet have financial implications, since the recommendation is to hold workshops on each of the local laws before they come back to Council.

Local laws based on WALGA models are exempt from additional National Competition Policy (NCP) review, as these models are assessed against the NCP during their design. Local laws are also exempt if they address a subject that clearly has no impact on competition (e.g. meeting procedures, street address number local law etc). Accordingly, the Shire's local laws do not require an NCP review.

There will be costs associated with the gazettal of local laws which will be based on the length and complexity of each individual local law.

Legal and Statutory:

s.3.16 of the *Local Government Act 1995* (the Act) requires that after the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council. s.3.16 also states that when its

council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.

Risk related:

Delays have already been associated with the review of local laws due to lack of resources. It was initially planned to pay an external consultant to conduct a desk review of local laws. However, with the advice and assistance of the WALGA governance team, the review has been undertaken in-house by relevant officers. If the Council determines that the review of local laws is not complete, this is a high/moderate risk which is mitigated by this report.

Workforce related:

Officers have spent a great deal of time in reviewing the local laws. The length of time spent on the review of the local laws is necessary, given their impact upon the community.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Pursuant to section 3.16(4) of the *Local Government Act 1995* (the Act), resolves its intent to not change the Cemeteries Local Law; and
2. Pursuant to section 3.16(4) of the Act, resolves its intent to repeal the Pest Plants Local Law subject to the Repeal Local Law 2023 being workshopped by Council;
3. Pursuant to section 3.16(4) of the Act, resolves its intent to workshop and amend the following local laws:
 - (a) Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law;
 - (b) Cat Local Law;
 - (c) Dogs Local Law;
 - (d) Extractive Industries Local Law;
 - (e) Fencing Local Law;
 - (f) Health Local Laws;
 - (g) Local Government Property Local Law;
 - (h) Parking and Parking Facilities Local Law;
 - (i) Standing Orders Local Law.
4. Determines that the periodic review of the local laws for the Shire of Toodyay has concluded.

9.3.3 Committee Membership and Council Representation

Date of Report:	27 October 2023
Applicant or Proponent:	Shire of Toodyay, Wheatbelt Development Commission and the Government of Western Australia – Development Assessment Panels
File Reference:	GOV1/PLA1/MAN/LEG087
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	October 2023 OCM
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Committee Book (Amended); 2. Audit and Risk Committee Charter (with tracked changes); 3. Wheatbelt Development correspondence; 4. Expressions of Interest - Audit and Risk Committee; and (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person</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 (under separate cover)</i> 5. Expressions of Interest - Environmental Advisory Committee. (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person</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 (under separate cover)</i>

PURPOSE OF THE REPORT

To:

- seek Council's endorsement of the Committee Book;
- consider appointments of Elected Members and Community Representatives to Council Committees; and

- consider representation by Elected Members and Shire Officers to other organisations.

BACKGROUND

The 2023 Ordinary Election resulted in there being only seven elected members forming Council. The Shire of Toodyay historically appointed representatives to the following:

Committee/Group	Primary members	Deputy members	Other
Audit & Risk Committee (ARC) - statutory	4 elected members	2 elected members	4 community representatives
Environmental Advisory Committee (EAC)	2 elected members	2 elected members	Up to 6 community members
Museums Advisory Committee (MAC)	2 elected members	2 elected members	Up to 6 community members
Development Assessment Panels (DAP) - statutory	2 elected members	2 elected members	

The Shire has also previously appointed a single representative to Butterly Cottages Association; Safer Toodyay and the Toodyay Roadwise Committee.

A report on Committee Membership and Council Representation was presented to Council at the October 2023 Ordinary Council Meeting. At that meeting, Council (Resolution No. 245/10/23) deferred consideration of the following:

<ul style="list-style-type: none"> • 1. <i>Committee Book.</i> • 2. <i>Audit & Risk Committee.</i> • 3. <i>Environmental Advisory Committee;</i> 	<ul style="list-style-type: none"> • 8. <i>Development Assessment Panels.</i> • 9. <i>Museum Advisory Committee.</i>
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Council also requested the CEO to workshop the recommendations and bring them back to the November 2023 Council meeting.

At a Special Council Meeting held on 8 November 2023 Council resolved (Resolution No SCM258/11/23) the following:

That Council requests the Chief Executive Officer to publicly advertise for expressions of interest from community representatives to be appointed to the Audit and Risk Committee; and the Environmental Advisory Committee.

COMMENTS AND DETAILS

As all membership for Committees is contained within the Committee Book, it is recommended that Council endorses the Committee Book (**Attachment 1**).

Audit and Risk Committee

The Audit and Risk Committee Charter adopted by Council on 15 December 2020 (Resolution No. 361/12/20) was revised and is presented for adoption at this meeting (**Attachment 2**).

The Shire advertised, by local public notice, for community representatives to apply for the Audit and Risk Committee. The expressions of interest are provided as a separate confidential attachment (**Confidential Attachment 4**).

Local Government reform proposals that have not been formalised, recognise the practical difficulty in recruiting independent people. However, the Audit and Risk Committee had four community representatives appointed by Council (Mr Sean Hefferon, Ms Kirsten Barrack, Mrs Stephanie Clarke, and Mr Simon Rutter (the latter three representatives appointed in March 2023)).

Due to the lesser number of Councillors, and the proposed changes in the Audit and Risk Committee Charter, this committee can only have two community representatives.

Council is requested to appoint two community representatives to the Audit and Risk Committee.

Museum Advisory Committee (MAC)

Following a workshop held in October it was a consideration for this Committee to be disbanded. If the Committee is disbanded, the Museum Collection and Conservation Management Policy is to be amended to remove the words "Museum Advisory Committee is to be consulted on acquisition and deaccession of objects to and from the Museum." This is needed because technically the responsibility of acquisition and deaccession of objects to and from the Museum is operational. There is also a delegation that refers to this policy, but with the removal of the consultation with the MAC Committee the delegation will still be relevant.

It is recommended that Council disbands the Museum Advisory Committee, and requests the CEO to write to its former members to thank them for their service.

Proposed New Committee – Heritage Advisory Committee (HAC)

Officers are aware that from a compliance perspective the State Heritage Office requires that local governments:

- understand the basic principles for local government inventories; and the
- criteria for the Assessment of Local Heritage Places and Areas

Other local governments, such as the City of Greater Geraldton, have established a "Heritage Advisory Committee" whose terms of reference state that the committee's purpose is to provide advice to Council on heritage matters.

Officers see this as something that may be of benefit to the Shire.

The Shire's Governance Framework states that when Council establishes a committee, *it must determine in clear terms of reference the purpose, reporting and other accountability requirements that will apply in relation to that committee.*

It is recommended that Council establishes a Heritage Advisory Committee (HAC) and requests the CEO to develop Terms of Reference. If Council resolves to establish this Committee, the terms of reference and membership to this committee will be subject to a report at a future Council Meeting.

Environmental Advisory Committee

The Shire advertised, by local public notice, for community representatives to apply for the Environmental Advisory Committee. (Refer to **Confidential Attachment 5**).

The amendments made to this committee, in the Committee Book was the number of community members being reduced from six to five; and the inclusion of the responsibility below was added:

- (a) abide by the Shire of Toodyay's Code of Conduct for Council Members, Committee Members and Candidates.

It is recommended that Council appoints members and community representatives to this committee.

Development Assessment Panel

Toodyay is required to nominate two Development Assessment Panel (DAP) members and two alternative members listed with the DAP system; via the Government of Western Australia link: <https://www.wa.gov.au/system/files/2022-08/2022-2024-DAP-LG-Members.pdf> and their membership is listed until 26 January 2024.

To date the services of members have not been required because no application proposed has triggered the need for DAP assessment in the Shire of Toodyay.

It is recommended that Council appoints 2 primary and 2 deputy elected members to the DAP. Training will be arranged for elected members who have not been on the DAP before.

Butterly Cottages Association Inc

It was intended not to nominate a Councillor to the Committee of this association in recognition of the lesser number of elected members available to be appointed to outside groups. However, clause 6.2 of an agreement titled *Independent living units – 15 Anzac Avenue, Toodyay* between the Shire of Toodyay and Butterly Cottages Association Inc, the requires the Shire to nominate an ex-officio representative; at least until the end of the agreement term, being 11 March 2025.

It is recommended that Council nominates a representative to that Committee.

Roadwise Committee

It was intended to not nominate a Councillor to the Committee. This is because since the Shire of Toodyay has become a Roadwise Council, via Council Resolution, the Toodyay RoadWise Committee is a stand-alone locally administered committee. The Executive Manager Infrastructure, Assets and Services has been attending meetings of this committee and will continue to do so.

Wheatbelt Development Commission Board applications

The Wheatbelt Development Commission (WDC) facilitates long term development of the Wheatbelt by being a forward-thinking regional development agency. The WDC is committed to connecting government and the private sector to create practical solutions for our region.

The Wheatbelt Development Commission (WDC) is seeking nominations for two Local Government representative vacancies on its Board (**Attachment 3**). In accordance with the *Regional Development Commissions Act 1993*, nominees for the vacancies must be members of the Council of a Local Government in the region and are to be nominated by Local Governments in the region.

It is recommended that Council endorses the nomination of Cr Madacsi.

IMPLICATIONS TO CONSIDER

Consultative:

Council workshop - 11 October 2023 (six members in attendance, four of which were online.)

Council workshop – 8 November 2023 (five members in attendance)

Strategic:***Plan for the Future: Shire of Toodyay Council Plan 2023-2033*****Outcome 9. Responsible and effective leadership and governance.**

O9.1. Provide strong, clear and accountable leadership.

Policy related:

Governance Framework.

Committee Book.

Council's Museum Collection and Conservation Management Policy.

Financial:

Advertising costs in the Toodyay Herald or via local public notice will be minimal and can be managed within existing budget allocations.

Councillors nominated as members for the DAPs will be eligible for reimbursement at successful completion of training.

DAP Members are eligible for a payment for attendance at a meeting. They are also entitled to be reimbursed for motor vehicle and travel expenses at the rate decided from time to time by the Public Sector Commissioner for members of Government boards and committees. These fees mentioned are payable by the Department of Planning.

Legal and Statutory:

Following elections Council:

1. Must establish the Audit Committee - with membership of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. [Legislative references: s.7.1A, s.5.8, s.5.9, s.5.10, s.5.11A, and s.5.11 of the Local Government Act 1995](#); and
2. May establish committees (other than Audit) of 3 or more persons, by Absolute Majority, and appoint committee members and deputies. Each Elected Member is entitled to be a member of at least one committee. [Legislative reference: s.5.8, s.5.9, s.5.10, s.5.11A, and s.5.11 of the Local Government Act 1995](#)

s.5.8 Establishment of committees of the *Local Government Act 1995* states Council may establish, by absolute majority, committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

r.24. Local government members of LDAP of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

Risk related:**Development Assessment Panel**

If Council does not nominate any local government members, then r.26(4) of the *Planning and Development (Development Assessment Panel) Regulations 2011* states that "the Minister may instead include on the register a person who is an eligible voter of the district of the local government."

To date, the services of our members have not been required because no application proposed has triggered the need for DAP assessment in Toodyay Shire.

The DAP regulations prevent a DAP member from attending a meeting without first completing mandatory training. Any DAP member who successfully completes training is entitled to a payment from the Department.

Workforce related:

Once endorsed, Officers will publish the Committee Book and the Charter and updated policy to the Shire’s website and notify relevant external agencies. Community members will be notified of Council’s decisions and advertisements will be placed on the Shire’s website, and social media as well as the local newspaper where available.

The updated Committee Book will also be provided to all Councillors through their hub. A copy will also be provided to community members.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION 1

That Council:

1. Endorses the Committee Book, as attached to this Report (**Attachment 1**);
2. Authorises the CEO to make any typographical amendments to the committee book prior to it being published on the Shire’s website.

OFFICER'S RECOMMENDATION 2 – Audit & Risk Committee

That Council:

- (a) Appoints the following Primary Elected Members to the Audit and Risk Committee:
 - i. Cr Dival
 - ii. Cr McKeown
 - iii. Cr McCormick
- (b) Appoints the following Deputy Elected Members to the Audit and Risk Committee:
 - iv. Cr Prater
 - v. Cr _____
 - vi. Cr _____
- (c) Appoints the following Community Members to the Audit and Risk Committee:
 - vii. _____
 - viii. _____

OFFICER'S RECOMMENDATION 3 – Museum Advisory Committee

That Council:

1. Disbands the Museum Advisory Committee and requests the Chief Executive Officer to write to all members of the Committee to thank them for their contribution;
2. Amends the Museum Collection and Conservation Management Policy to remove the words *“Museum Advisory Committee is to be consulted on acquisition and deaccession of objects to and from the Museum.”*

OFFICER'S RECOMMENDATION 4 – Proposal of New Committee

That Council:

1. Establishes a Heritage Advisory Committee;
2. Requests the Chief Executive Officer develop a terms of reference for Council’s consideration and adoption at the December 2023 Ordinary Council Meeting.

OFFICER'S RECOMMENDATION 5 – Environmental Advisory Committee

That Council:

1. Appoints the following Members to the Environmental Advisory Committee:
 - (a) Cr Madacsi
 - (b) Cr McCormick
2. Appoints the following Deputy Elected Members to the Environmental Advisory Committee:
 - (c) Cr _____
 - (d) Cr _____
3. Appoints the following Community Members to the Environmental Advisory Committee:
 - (e) _____
 - (f) _____
 - (g) _____

OFFICER'S RECOMMENDATION 6 – Development Assessment Panels

That Council:

1. Nominates Cr Dival and Cr Duri as member of the Development Assessment Panel representing the Shire of Toodyay.
2. Nominates Cr Wrench and Cr Prater as alternate members of the Development Assessment Panel representing the Shire of Toodyay.

OFFICER'S RECOMMENDATION 7– Wheatbelt Development Commission

That Council endorses the nomination of Cr Madacsi to the board of the Wheatbelt Development Commission.

OFFICER'S RECOMMENDATION 8 – Butterly Cottages Association Inc.

That Council nominates Cr _____ to provide an ex-officio non-voting representative to attend all Butterly Cottages Association Inc Committee Meetings as per clause 6.2 of an agreement titled *Independent living units – 15 Anzac Avenue, Toodyay* until the end of the agreement term, being 11 March 2025.

OFFICER'S RECOMMENDATION 9 - Roadwise Committee

That Council notes that the Executive Manager, Infrastructure, Assets and Services will attend meetings of the Roadwise Committee.

9.3.4 Code of Conduct for Council Members, Committee Members and Candidates

Date of Report:	30 October 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	April 2021 – CRN: 87/04/21
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<ol style="list-style-type: none"> 1. CURRENT Code of Conduct; and 2. REVISED Code of Conduct.

PURPOSE OF THE REPORT

To review and adopt the Code of Conduct for Council Members, Committee Members and Candidates.

BACKGROUND

Following each election, it is best practice to provide Council with a report to enable the 'new' Council to review and adopt the Code of Conduct.

COMMENTS AND DETAILS

The current Code of Conduct was adopted by Council in April 2021 (**Attachment 1**).

The revised Code of Conduct (Attachment 2) has had the cover page amended; an associated form removed; links have been included, and the introduction has been revised.

The wording of the Code of Conduct (**Attachment 2**) from the Citation at Point 1 is directly from the *Local Government (Model Code of Conduct) Regulations 2021*.

The Code of Conduct is recommended to be adopted.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:

Shire of Toodyay Plan for the future - Council Plan 2023-2033

Outcome 9: Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

[Complaints of alleged breach of the Code of Conduct for Members, Committee Members and Candidates](#)

Financial:

Nil.

Legal and Statutory:

s.5.103, s.5.104 of the *Local Government Act 1995*.

Part 9 of the *Local Government (Administration) Regulations 1996*.

Local Government (Model Code of Conduct) Regulations 2021

Risk related:

If Council were not to adopt the Code of Conduct the risk implications are minor (2) as such a decision would be non-compliant and may damage the Council's reputation. This report mitigates the risk.

Workforce related:

Officers will update the website with the reformatted Code of Conduct.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council adopts the Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates (**Attachment 2**) as attached to this report.

9.3.5 Leases and Agreements Update

Date of Report:	30 October 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN12
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	27 May 2022 OCM 23 Nov 2022 OCM
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Extract of the Contracts and Agreements (Legal) Register - Priority 1 and 2.

PURPOSE OF THE REPORT

To receive an update regarding the Shire's contracts and agreements.

BACKGROUND

At an Ordinary Council Meeting held in May 2023, it was resolved that Council:

1. *Notes the contents of the 'Status Report on Lease Agreements and other legal documents' as attached to this report (**Attachment 1**).*
2. *Requests the CEO to continue to provide six monthly updates to Council on this matter.*

COMMENTS AND DETAILS

Attachment 1 contains the records listed as Priority 1 and Priority 2 on the 'Contracts and Agreements (Legal) Register' (the Register). The attachment includes a comments column in respect to what action has been taken.

It is recommended that the Attachment be received.

IMPLICATIONS TO CONSIDER**Consultative:**

Officers consult with community groups when appropriate.

Strategic:

Shire of Toodyay Plan for the future - Council Plan 2023-2033

Outcome 9: Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Financial Governance
Risk Management

Financial:

Financial implications arising from conditions of Shire leases and agreements are included in the annual budget as adopted each year.

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

3.58 *Disposing of property*

Part 6 *Financial Management Division 5 — Financing local government activities — Subdivision 2*

Delegations

ES12 Lease of Council Buildings
ES13 Tenancy Agreements
ES14 Contract Formalities

Risk related:

There are financial and reputational risks associated with not managing lease agreements, contracts, MOU's, licences and agreements appropriately.

Workforce related:

The administration of contracts and agreements can be managed within existing resources.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council receives the extract of the Contracts and Agreements (Legal) Register - Priority 1 and 2 as attached to this report (**Attachment 1**).

9.3.6 CEO Recruitment Process

Date of Report:	7 November 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	STR87
Author:	M Rebane – Executive Assistant T Bateman – Executive Manager Corporate and Community Services
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Local Government Operational Guidelines.

PURPOSE OF THE REPORT

To seek Council's endorsement of the proposed process for the recruitment of a Chief Executive Officer (CEO) to replace the incumbent whose contract of employment expires on 21 June 2024.

BACKGROUND

In accordance with Clause 2.2 of the CEO's employment contract, the CEO advised Councillors on 19 September 2023 that she wished to renew her contract for a further three years. Council is required to provide a response within two months of a request being received.

An item of urgent business was tabled at the Ordinary Council Meeting held on 27 September 2023 which included both the CEO's performance and remuneration review outcomes, and a recommendation to renew the CEO's employment contract. Council resolved not to consider the late item. At a Special Council Meeting held on 2 October 2023, Council endorsed the outcomes of the CEO's performance and remuneration review but did not consider the request for contract renewal given the impending local government elections on 21 October 2023.

On 6 November 2023, the CEO advised Councillors that she had withdrawn the request for renewal of her employment contract.

Clause 11.1 of the CEO's employment contract states *that unless the term is extended or terminated earlier in accordance with this contract the CEO's employment must conclude on the expiry date, without the requirement for either party to give notice.*

COMMENTS AND DETAILS

Council's policy *Standards for CEO recruitment, selection, performance and termination* provides the process to be followed for recruitment of a CEO and reflects the requirements

of Schedule 2 of the *Local Government (Administration) Regulations 1996* (the Regulations). The local government operational guidelines produced by the Department of Local Government, Sport and Cultural Industries also provide guidance (**Attachment 1**).

Employment of a CEO to implement the Shire's strategic and operational objectives is a fundamental role of Council. The process must be transparent, open and competitive. The engagement of an independent HR recruitment consultant to conduct and support Council in the recruitment process, is considered best practice to meet regulatory requirements and to attract applicants with the relevant knowledge, experience, qualifications and skills. Officers are proposing that a minimum of three quotations are sought from suitably qualified and experienced consultants to assist Council to:

- Review the CEO position description
- Agree on the selection criteria
- Undertake the recruitment process
- Identify the preferred candidate and negotiate the contract of employment.

Council's policy includes provision for the establishment of a selection panel. Council could if it wished, appoint selected Councillors to the selection panel or alternatively, determine that all elected members participate in the process. Officers are proposing the latter.

The Regulations require an independent person to be included on the panel to bring an impartial perspective to the process and reduce any perception of bias or nepotism. It is proposed that Council considers the appointment of an independent person when the recruitment consultant is chosen.

Proposed Timeline

November OCM	Council approval to seek quotations from suitably qualified recruitment consultants.
December OCM	Selection of recruitment consultant.
January 2024	Finalisation of methodology and timeline for recruitment process. Review of position description and selection criteria. Identification of 'independent person'.
February 2024 OCM	Council approval of position description, selection criteria and independent person.

IMPLICATIONS TO CONSIDER

Consultative:

WA Local Government Association

Department of Local Government, Sport & Cultural Industries

Strategic:

Shire of Toodyay Plan for the future - Council Plan 2023-2033

Outcome 9: Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

[Standards for Recruitment, Selection, Performance and Termination of CEO](#)

Financial:

There will be financial implications that will need to be considered as part of the Mid-Year Budget Review.

Council will need to consider the remuneration package to be offered to the new CEO in accordance with the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* (section 7A) which is required to be advertised as part of the recruitment process.

Council will also need to consider the cost of engaging a recruitment consultant and any fee required to be paid to an independent person to participate in the selection panel.

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

s.5.36. Local government employees

s.5.39. Contracts for CEO and senior employees

s.5.40 Principles affecting employment by local governments

Local Government (Administration) Regulations 1996

Reg. 18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

Reg. 18FA Model standards for CEO Recruitment, performance and termination (Act s.5.39A(1))

Schedule 2 — Model standards for CEO recruitment, performance and termination

Risk related:

The process to appoint a CEO is heavily regulated. Should Council choose not to engage an independent consultant to undertake an executive search, there is both a reputational and compliance risk to the Shire. These are both rated high.

Workforce related:

It is proposed that the Shire President is the principal liaison between the recruitment consultant and Council during the recruitment process. It is envisaged that the Executive Assistant will provide administrative support.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Notes:

- a) the advice from the CEO withdrawing the request to renew her contract of employment upon expiry on 21 June 2024.
- b) the proposed timeline for the engagement of a recruitment consultant to assist Council with approval of the position description, selection criteria and process for the recruitment of a new CEO.

2. Requests the CEO to:

- a) seek at least three quotations from suitably qualified recruitment consultants to assist Council to recruit a new CEO in accordance with Schedule 2 of the *Local Government (Administration) Regulations 1995*.
- b) present a report to Council at the December Ordinary Council Meeting for Council to select a recruitment consultant and approve the methodology for recruitment of a new CEO.

9.3.7 2024 Council and Committee Meeting Schedule

Date of Report:	9 November 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:	Nil.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Proposed 2024 Council and Committee Meeting Schedule.

PURPOSE OF THE REPORT

To consider adoption of the 2024 Council and Committee Meetings Schedule.

BACKGROUND

The calling of Council meetings is regulated by Section 5.4 of the *Local Government Act 1995*. The regulations about Council and Committee meetings are referred to in Section 5.25(1)(g) of the *Local Government Act 1995*, which specifically refers to the giving of public notice of the date for Council or Committee meetings.

COMMENTS AND DETAILS

This report proposes that Council and Committee meetings continue to be held on Wednesdays at the times specified on the attached schedule (**Attachment 1**).

It is proposed that Ordinary Council Meetings be held at 3pm on the fourth Wednesday of the month (except in December) with the Agenda Briefing held one week prior, and that no meeting (including workshops) is held in January. It is also proposed that Council Forums be held at 1.00pm, instead of after the Agenda Briefings. If Council chooses to accept the Officer's recommendation, the CEO will arrange for section 8.2.2 of the governance framework to be amended. The governance framework was adopted by Council on 27 September 2023.

The meeting times of some Committee Meetings have been amended to be able to fit into the schedule of meetings all the Council workshops, particularly those related to the development of the 2024/25 Budget.

The changes made to this schedule that differ from the 2023 schedule are:

- Workshops will be held on the first Wednesday of each month; and
- The Audit and Risk Committee and the Local Emergency Management Committee will commence their meetings at 10.00am.

It is recommended that Council adopts the 2024 Council and Committee Meetings Schedule.

IMPLICATIONS TO CONSIDER

Consultative:

The schedule was discussed at a Council workshop held on 8 November 2023, attended by five elected members.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

O9.1. Provide strong, clear and accountable leadership.

Outcome 10. Happy community members who feel heard, valued and respected.

O10.1. Keep community members informed and engaged on local matters.

Policy related:

Governance Framework

Council Forums

Financial:

Local public notice will be placed in the local print media which will incur a cost that can be met through the Shire's advertising budget.

Legal and Statutory:

Local Government Act 1995

5.4 Calling Council Meetings;

5.20 Decisions of councils and committees;

5.25 Regulations about council and committee meetings and committees

Local Government (Administration) Regulations 1996

Regulation 12 Meetings, public notice of (Act.s.5.25(1)(g))

Shire of Toodyay Standing Orders Local Law 2008

Parts 2.2 and 2.4

Risk related:

If the decision to set the schedule for 2024 is delayed, it may become a compliance issue because the calling of Council Meetings is regulated through Section 5.4 of the *Local Government Act 1995*. This report mitigates the risk.

Workforce related:

Once the meeting schedule is adopted by Council, Shire officers will create the meetings on the Shire's website, place them in relevant diaries and prepare advertisements for the local newspaper.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council:

1. Adopts the 2024 Council and Committee Meeting Schedule as attached to this report at **Attachment 1**.
2. Requests the CEO to publicly advertise the adopted 2024 Council and Committee Meeting Schedule.

9.4 INFRASTRUCTURE AND ASSETS

9.4.1 RFQ Evaluation – Resealing Clackline Toodyay Road SLK 5.55 to 10.55

Date of Report:	9 November 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	TEC3
Author:	AL Lamas – Coordinator Civil Works & Construction
Responsible Officer:	C Sullivan – Executive Manager Infrastructure, Assets & Services
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Submission 1 (confidential) Section 5.23(2) <i>(b) the personal affairs of any person</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> 2. Submission 2 (confidential) Section 5.23(2) <i>(b) the personal affairs of any person</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</i>

	<p><i>by, or is about, a person other than the local government</i></p> <p><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></p>
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PURPOSE OF THE REPORT

Approval is sought to award the sealing contract of a five kilometre section of the Clackline Toodyay Rd from SLK 5.55 to 10.55 as part of the capital works program for 2023-2024.

BACKGROUND

The Shire of Toodyay advertised requests for quotation from Wednesday 4 October 2023 to 30 October 2023 utilising WALGA’s Preferred Supplier Program. Under the program, the request for the re-sealing works on Clackline Toodyay Road was sent to 23 road sealing companies.

The timeframe provided gave sufficient time for contractors to submit their responses and schedule a site meeting to inspect the road and do any testing as required to determine the seal design.

COMMENTS AND DETAILS

When requests closed on 30 October 2023, two submissions (**Confidential Attachments 1 and 2**) were received from the following companies:

Business Name	Business Address
Colas	80 Miguel Road, Bibra Lake WA 6163
Fulton Hogan	158 Talbot St, Perth Airport WA 6105

Via discussions with WALGA procurement and other local authorities, it has been noted that sealing companies are currently unwilling to enter into long-term contracts and advertised Tenders are closing with no responses. Due to the high demand for sealing contractors, most are booked well in advance and have limited availability to conduct works.

Officers have also observed that should sealing works be delayed due to harvest/hot works bans and require rescheduling, this can delay a project for an additional estimated three to six months.

The overall evaluation was based on best value for money, as well as taking into consideration the price, company experience on similar projects, programming, and capacity to deliver.

When assessing the submissions, Officers considered the bar spray rate provided in each submission. The spray rate is critical to ensure that the seal is not compromised.

Sprayed seals are held in place by a combination of adhesion between binder and aggregate, mechanical interlock between adjoining aggregate particles, adhesion to the underlying base and the binder rising and filling the space between aggregates.

Deterioration can occur due to a loss of surface texture and reduced skid resistance, particularly in wet conditions. Deterioration may also occur due to loss of aggregate or

through flushing of binder because of incorrect design of application rates or poor work practices.

Insufficient spray rate of seal will cause stripping of the aggregate as there is insufficient seal to imbed the aggregate into the seal. This will reduce the life of the seal. Colas indicated a significantly higher bar spray rate.

Colas was the only contractor that attended site and conducted a test on the existing seal to be able to calculate the required amount of seal required for the design and spread rate.

It is noted that the difference in cost between the two quotes is \$53,100 with Colas being the higher quotation. The difference in price is directly related to the spray seal application rate. Considering previous works conducted and the quality of work, Colas is the preferred submission.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation has occurred with depot staff and Senior Management.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2022-2033

Outcome 1. A safe and healthy community

Facilitate community safety.

Outcome 6. Safe, sustainable, and affordable transport options

6.1 Keep a persistent focus on building a safe, efficient road network

Policy related:

Risk Management

Asset Management

Purchasing Policy

Financial:

The financial commitment for the sealing works on the Clackline Toodyay Road is included in the infrastructure budget for the 2023/2024 financial year.

Legal and Statutory:

Council is obligated to call tenders in accordance with the requirements of the Tender Regulations of the *Local Government Act 1995* where the value of the tender exceeds \$250,000.

The *Local Government (Functions and General) Regulations 1996*, Division 2, Regulation 11 (2)(b) states that "Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program."

Risk related:

The risks to Council of rejecting the recommendation are:

Safety – the road surface continues to deteriorate.

Financial – the Shire would forgo the grant funding component of the project (LRCI \$171,000)

Reputational – public reaction to both the above risks

Workforce related:

The project will be implemented by an external contractor so project management by staff from Infrastructure, Assets and Services is required.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council accepts the quotation from Colas for reseal works on the Clackline Toodyay Road SLK 5.55 to 10.55 for the sum of \$387,900.00 excluding GST.

9.5 COMMITTEE REPORTS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion

Date of Report:	10 November 2023
Applicant or Proponent:	Cr Madacsi
File Reference:	MTG7
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider a notice of motion provided by Councillor Madacsi.

BACKGROUND

On 6 November 2023 Councillor Madacsi provided the Chief Executive Officer a notice of motion for the 22 November 2023 Ordinary Council Meeting as follows:

That Council resolves that

1. *all correspondence addressed to councillors or local government employees that includes adverse reflection, denigrating, or abusive content is to be recorded and not dealt with;*
2. *the author of the offending correspondence is informed and provided the opportunity to resubmit without the offending material; and*
3. *these procedures become standard practice and endorsed in policy.*

Clause 4.4(4)(c) of the *Shire of Toodyay Standing Orders Local Law* states that the Chief Executive Officer “*may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law*”. This report is provided in accordance with such.

COMMENTS AND DETAILS

It is recommended that Council consider the notice of motion.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9 Responsible and effective leadership and governance.

O9.1 Provide strong, clear and accountable leadership.

Policy related:

[Community Complaints Policy.](#)

[Customer Service Charter – Feedback Form](#)

[Shire of Toodyay Code of Conduct](#)

[Shire of Toodyay Customer Service Charter](#)

[Guidelines on Complaint Handling – Ombudsman Western Australia](#)

Financial:

Nil.

Legal and Statutory:

[Local Government Act 1995](#)

[Local Government \(Model Code of Conduct\) Regulations 2021](#)

The *Shire of Toodyay Standing Orders Local Law* prescribes the manner in which motions of notice are to be given. The provision of notice by Councillor Madacsi is in accordance with said requirements.

Clause 4.4(6) of the Shire of Toodyay Standing Orders Local Law states,

'A motion of which notice has been given is to lapse unless:

- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or*
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.*

Risk related:

Vigilance in regard to assessment of the content and tone of incoming correspondence, in accordance with Council Policy, is needed. The risk is insignificant however this report mitigates the risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

CR MADACSI NOTICE OF MOTION

That Council resolves that:

1. All correspondence addressed to councillors or local government employees that include adverse reflection, denigrating, or abusive content is to be recorded and not dealt with;
2. The author of the offending correspondence is informed and provided the opportunity to resubmit without the offending material; and
3. These procedures become standard practice and endorsed in policy.

11 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****12.1 Questions taken on notice - October 2023 Ordinary Council Meeting**

The following questions were taken on notice at the above meeting and are responded to below:

List of Payments - September 2023**Question**

Page 247 (Bolgart Rural Merchandise): Can we not get that in Toodyay?

Response from Works Operations Officer

We have requested quotes from local and other suppliers. Currently, Bolgart Rural is cheaper. Should we require the product in the future, we will continue to request quotes and choose the best value for money.

Question

Page 247 (Bunnings Midland - floor cleaning products): Can we not get that in Toodyay?

Response from Works Operations Officer

For clarification, our account is based in Midland but 90% of our purchases are from Northam. Further to this, Shire Officers do endeavour to purchase locally and employ local contractors for works, in accordance with Council Policy.

The floor cleaning product was a specialised product that was not stocked or able to be obtained locally and as such was purchased at Bunnings Northam.

Question

TV Mount \$38: Can we not get that in Toodyay?

Response from Works Operations Officer

This item was not available locally and as such was purchased at Bunnings Northam.

Question

Page 248 (Gutter cleaning of shire buildings - \$5,415). What buildings were done? Could we not have someone local in Toodyay to do that work?

Response from Works Operations Officer

The Gutter Cleaning Guys have specialised equipment that can clean gutters that are at height such as the Memorial Hall, Library and the Administration Building.

We have previously obtained local quotes to have our gutters cleaned however, they cannot clean all the buildings at height and cost comparatively, the Gutter Cleaning Guys were cheaper.

The cost is associated with 13 Shire buildings and 5 fire stations.

Question

Page 249 (50% painting blue doors at the CRC - \$3,000): What is that?

Response from the Economic Development Coordinator

Earlier this year, Officers were successful in obtaining a grant called Stronger Communities.

The project was to refresh and upgrade the Community Centre by also introducing an art gallery to display artwork purchased by the Shire from the annual art exhibition held at the Toodyay Agricultural Show. The aim was to create a space that displayed the artwork for the community to enjoy. The project required the blue doors in the main corridor to be painted back to white and installation of art railing.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That the responses to the questions taken on notice be received and noted.

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

Environment Advisory Committee Meeting	29 November 2023
Audit & Risk Committee Meeting	6 December 2023
Agenda Briefing	13 December 2023
Ordinary Council Meeting	20 December 2023

16 CLOSURE OF MEETING