



# Ordinary Council Meeting

## 25 September 2024

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.

Aaron Bowman

**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

Information about Council Meetings is located on the website

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

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



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

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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

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

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

Nil

**2.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**3 DISCLOSURE OF INTERESTS**

## 4 PUBLIC QUESTIONS

### 4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 28 August 2024, the following questions were taken on notice:

#### 4.1.1 Community Questions taken on notice at the August 2024 Council Meeting

The following question on notice was received from B Ruthven.

##### Question

##### Question 9

Page 18 of document on website: There is an increase of \$1.1m in property, plant and equipment however there is a reduction of \$1.1m in Infrastructure spending. Why has infrastructure planning dropped?

##### Response from the Executive Manager Infrastructure, Assets and Services

*The difference in infrastructure expenditure between 2023/24 and 2024/25 is shown on page 33 of the draft budget document – the majority of the decrease is under Road Construction. The proposed spend in 2024/25 is \$3,451,074 and the spend in 2023/24 was \$4,403,977. This represents a decrease of \$952,903.*

#### 4.1.2 Business from Elector's General Meeting

The following question on notice was received from Mrs E Ruthven.

##### Question

Has there been any correspondence of a governance nature or any non-compliance matter between the Shire and the Department since 26 March 2024?

##### Response

*Up until the holding of the Elector's General Meeting there was no correspondence.*

The following questions on notice was received from Mr R Mills.

##### Question 1

Given that there was no summary provided by Council regarding the consolidation of reserve funds and especially the funds set aside for the Community Hall Upgrade in 2019. Can I ask, why the reserve was terminated and why there was a lack of conversation before and after the council voted.

##### Response

*During budget deliberations for the 2021/2022 Annual Budget funds of approximately \$353,306 were removed from the Morangup Community Centre Reserve and reallocated to:*

- *Asset Development Reserve;*
- *Recreation Development Reserve; and the*
- *Drainage and Sewerage Reserve.*

The reason why the reserve was repurposed was from research into the necessity of the upgrades required for the Morangup Community Hall during general budget deliberations.

## Question 2

During the 21/22 period, what capital works spending was done on the Morangup Hall as it was noted in the financial reports (Capital Works Infrastructure) on three separate occasions on February, March and May 2022.

## Response

*There is nothing listed in the Capital Works specifically for Morangup Hall in the 2021/2022 financial period.*

## Question 3

Can you please confirm that the \$150k funds set aside for the purpose of the “Morangup Hall Improvements Funded” as it was referred to, is still sitting somewhere out in one of the other reserves in error?

## Response

*There are no funds set aside for the development of the Morangup Community Centre (Morangup Reserve).*

<b>4.1.3 Toodyay Herald (Questions received)</b>
--

The following questions were received from Sean Hefferon, Editor of the Toodyay Herald:

## Question

Is the facility at 14 Fiennes Street included in the Facilities and Building review?

## Response

*Yes.*

## Question

What is the total cost of the review (Consultants fee)?

## Response

*\$18,528.40*

**4.2 PUBLIC QUESTION TIME****5 CONFIRMATION OF MINUTES****5.1 Ordinary Meeting of Council held on 28 August 2024****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 28 August 2024 be confirmed.

**5.2 Agenda Briefing held on 18 September 2024****OFFICER'S RECOMMENDATION**

That the Notes of the Agenda Briefing held on 18 September 2024 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 Local Biodiversity Strategy - Request to advertise**

Date of Report:	9 September 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	Local Biodiversity Strategy
Author:	Z Azam – Environmental Sustainability Officer
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:	Review
Attachments:	1. Draft Local Biodiversity Strategy; and <a href="#">⇒</a> 2. President's Message. <a href="#">⇒</a>

**PURPOSE OF THE REPORT**

To consider the adoption of the draft Local Biodiversity Strategy for the purpose of public consultation.

**BACKGROUND**

Previously, the Shire had engaged external consultants to develop a draft Local Biodiversity Strategy. Subsequently, the draft was submitted to the Environmental Advisory Committee, and feedback from committee members was incorporated through necessary revisions.

In 2024, the Shire of Toodyay was successful in a grant funding application through the Western Australian Local Government Association (WALGA) and State NRM program specifically to do with the delivery of Local Biodiversity Strategies in Local Governments.

The Shire has used this funding to create an Environmental Sustainability Officer (ESO) role. The new ESO has the responsibility for the priority delivery of the strategy.

**COMMENTS AND DETAILS**

The development of the draft Local Biodiversity Strategy involved several key steps to ensure its relevance and effectiveness for the Shire of Toodyay including:

1. Detailed mapping and geographic information system (GIS) data analysis tailored specifically for the Shire.
2. Extensive research on biodiversity and established productive networks with stakeholders to gather valuable insights

3. The original biodiversity draft of the Shire of Toodyay was thoroughly reviewed. During this review, several significant issues were identified that could potentially impact regional operations. Notably, some aspects of the draft were found to be financially burdensome for the Shire. Additionally, the complexity of the original draft posed challenges for effective implementation by stakeholders.
4. In response to the identified issues, a new draft of the biodiversity strategy was developed. This revised draft is designed to be more user-friendly and less cost-intensive for the Shire. The new draft focuses on actionable steps rather than detailed and complex information, aligning with the needs and capabilities of the Shire's community.

This revised draft Local Biodiversity Strategy aims to address the previously identified challenges and optimise opportunities for the Shire of Toodyay, facilitating effective implementation and community engagement.

## IMPLICATIONS TO CONSIDER

### Consultative:

The draft strategy is required to undergo a public consultation process in accordance with the Shire's *Community Consultation and Engagement Policy*.

This requires that the strategy is advertised for a minimum of 21 days, and this includes advertisements in two publications. The advertisement will be in the *Toodyay Herald* and *The Northam Advertiser* to meet this policy requirement. The Shire is unable to advertise in the *Toodyay Herald* in two consecutive months due to time constraints.

In addition to the above, the draft strategy will also be made available for viewing on the Shire's website and through its social media. Key stakeholders will also be notified in writing and invited to comment.

On 4 September 2024, the draft Local Biodiversity Strategy was discussed with Elected Members in a presentation at the Council Workshop.

### Strategic:

#### **Australia's Strategy for Nature 2019-2032**

Australia's Strategy for Nature 2019-2032 sets out objectives and actions to conserve biodiversity across all levels of government, encouraging states and territories to develop complementary strategies.

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

Outcome 3. Our natural assets and ecosystems are being maintained and protected for future generations.

##### *3.1. Preserve our land, water, and biological systems*

#### **Shire of Toodyay Environmental Management Strategy 2015**

The key strategies of the environmental management strategy aimed at biodiversity protection are to:

- Develop policies to assist in the protection and enhancement of biodiversity values.

Provide information to assist in the management of threats to biodiversity and protection of local species.

**Policy related:****Community Consultation and Engagement Policy**

The draft Local Biodiversity Strategy requires a Level D consultation which specifies a minimum of 21 days.

Another report will be coming to Council at the Ordinary Council Meeting in November which will update on the outcomes of this consultation process.

**Risk Management Policy**

The Shire of Toodyay may be exposed to a broad range of risks which could adversely affect its operations and impact the achievement of strategic, operational and community objectives. For more details on this please refer to the Risk section of this report and also to the **Attachment 1 – Risk Matrix**.

**Financial:**

The funding for the current local biodiversity strategy is derived from allocations within the Shire's existing budget and anticipated provisions in future budget cycles.

**Legal and Statutory:**

Nil

**Risk related:**

The biodiversity of Shire of Toodyay faces extreme risks from habitat destruction due to development and agriculture, invasive species (like feral cats and polyphagous beetles), Biosecurity threats, and climate change. Increased wildfires and urban expansion pose additional threats, while pollution affects aquatic ecosystems.

Implementing a Local Biodiversity Strategy is critical. Key measures include creating restoring habitats, managing invasive species, and enhancing fire management. Sustainable urban development, pollution control, visitor management, and disaster preparedness are essential. Integrating biodiversity considerations into local policies ensures informed decision-making for sustainable growth and biodiversity conservation in the Shire.

**Workforce related:**

The project has been boosted by the recent recruitment of the Environmental Sustainability Officer who is providing dedicated and priority attention to the delivery of this project.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council adopts the draft Local Biodiversity Strategy as contained in Attachment 1 for the purposes of community consultation.

**Additional Information**

The President's message included in the agenda was the draft message, written for the Shire President to review and provide feedback and then approval, which was inadvertently

not undertaken. The Shire President has now reviewed the message and an updated version is now included.

**REVISED OFFICER'S RECOMMENDATION**

That Council adopts the draft Local Biodiversity Strategy as contained in Attachment 1 for the purposes of community consultation with the following amendment:

Replace the President's Message with **Attachment 2**.

**9.1.2 Request to permanently close portion of unmade road reserve**

Date of Report:	10 September 2024
File Reference:	P2024-34/A1366/3LOV
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:	1. <a href="#">P2024-34 - Map of proposed permanent road closure</a>

**SUMMARY**

<b>Applicant:</b>	Mr Alex Paul
<b>Owner:</b>	Mr Alex Paul
<b>Proposal:</b>	Request to permanently close portion of unmade road reserve
<b>Location:</b>	Lot 3 Lovers Lane, Morangup

**PURPOSE OF THE REPORT**

To consider a request to permanently close an unconstructed portion of a public road reserve which is bisecting land at Lot 3 on P9330 (No. 411 Lovers Lane) in Morangup.

**BACKGROUND**

The Shire of Toodyay has received a request from the landowner of Lot 3 on P9330 (No. 411 Lovers Lane) in Morangup seeking to permanently close a 2.14-kilometre portion of unmade public road reserve which bisects his property. **Attachment 1 – Map.**

**COMMENTS AND DETAILS**

The proposed permanent closure of the 2.14-kilometre portion of unmade public road reserve, which bisects the landowner's property, represents a positive planning outcome. By consolidating the land into a single parcel, the closure reduces fragmentation of the property, improving land management and usability. This action also eliminates any potential future pressure to construct or maintain an unnecessary road, saving public resources. Additionally, there is no adverse impact on traffic flow or access for neighbouring properties, as the road reserve has remained unused. The closure enhances the landowner's ability to manage the property cohesively, aligning with efficient land use and planning principles.

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

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

An advertisement was placed in the July 2024 edition of the Toodyay Herald. Additional mailouts were done to adjoining properties and servicing authorities.

A 35-day consultation period was conducted in accordance with section 58 of the Act. This period ended on 9 August 2024. The mailouts to servicing authorities and adjoining landowners ran from 8 May 2024 – 12 June 2024.

The Shire has received two (2) submissions:

1. Water Corporation

*The Water Corporation has no assets within this road reserve so has no objection to the proposal.*

2. Landowner in proximity

*We do not have any objections to the proposal, which should be of not inconsiderable benefit to the owner of Lot 3.*

Additional internal consultation was had with the Shire's Community Emergency Services Manager and the Executive Manager Infrastructure Assets and Services. Each have indicated no objection to the proposal.

The applicant has acknowledged that there will be a cost to him to initiate the closure.

**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.*

**Policy related:**

Community Consultation and Engagement

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

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

**Financial:**

The applicant will be responsible for all costs including:

- Land purchase;
- Surveying costs; and
- Conveyance and Amalgamation Order costs.

**Legal and Statutory:**

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

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

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

**Risk related:**

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

**Workforce related:**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council:

1. Notes and considers the submissions received in relation to the application for permanent road closure for a portion of the unconstructed public road reserve bisecting Lot 3 on P9330 (P2024-34).
2. Pursuant to Section 58(1) of the *Land Administration Act 1997*, requests the Chief Executive Officer to seek the approval of the Minister for Lands for permanent closure of the portion of unconstructed public road reserve bisecting Lot 3 on P9330 (P2024-34).as depicted in Attachment 1.

**9.2 CORPORATE AND COMMUNITY SERVICES****9.2.1 List of Payments - August 2024**

Date of Report:	10 September 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	D Jones – Accounts Payable Officer
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:	1. List of Payments - August 2024. <a href="#">↗</a>

**PURPOSE OF THE REPORT**

That the accounts for 1 August 2024 to 31 August 2024, as submitted, be received.

**BACKGROUND**

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

A Local Government is to develop procedures for the authorisation of any payment of accounts to ensure that there is effective security for which money or other benefits may be obtained.

**COMMENTS AND DETAILS**

The schedule of payments has been compiled for the month of July 2024 and is attached.

These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

**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: Govern Shire finances, assets, and operations responsibly.

**Policy related:**

Purchasing Policy

Delegation CS1

**Financial:**

Payments are made in accordance with the adopted budget. Expenditure is in accordance with s6.8(1) (a) of the *Local Government Act 1995*.

**Legal and Statutory:**

Local Government Act 1995

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

s.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

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

**Risk related:**

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

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council receives the list of accounts as presented, and listed below, for the month of July 2024:

Municipal Cheques	\$ 2,987.23
Electronic Funds Transfer Payments	\$1,013,757.04
Direct Debits	\$ 0.00
Payroll	\$ 377,580.13
Purchasing Cards	\$ 624.83
<b>TOTAL</b>	<b>\$1,394,949.23</b>

**9.2.2 Monthly Financial Statements - July 2024**

Date of Report:	12 September 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	T Bateman – Executive Manager Corporate and Community Services
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:	1. Monthly Financial Statements and Supplementary Information - July 2024 <a href="#">⇒</a>

**PURPOSE OF THE REPORT**

The purpose of this report is to present to Council the Monthly Financial Report for the month ended 30 June 2024.

**BACKGROUND**

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity including the sources and applications of funds, comparing actuals against annual budget and year-to-date budget.

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 were 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. Officers have also provided additional supplementary information.

**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.***

9.2 Govern Shire finances, assets and operations responsibly.

**Policy related:**

Purchasing

Transaction 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 in accordance with the approved material variances reporting threshold as adopted by Council; (+) or (-) \$10,000 or 10%, whichever is the greater.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives the Monthly Financial Statements and Supplementary Information as attached for the month ending 31 July 2024.

**9.3 EXECUTIVE SERVICES****9.3.1 Council Meeting Schedule 2025**

Date of Report:	11 September 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Proposed Council Meeting Schedule 2025. <a href="#">↗</a>

**PURPOSE OF THE REPORT**

To determine the Council meeting Schedule for 2025 (Refer to **Attachment 1**).

**BACKGROUND**

Historically Council has met at 4.00pm, and in recent times at 3.00pm, with the current meeting cycle being Council Workshops at 3.00pm on the 1<sup>st</sup> Wednesday of the month, Concept Forums at 1.00pm and Agenda Briefings at 3.00pm on 3rd Wednesday of the month and Council Meetings at 3.00pm on the 4<sup>th</sup> Wednesday of the month.

**COMMENTS AND DETAILS**

The Act requires that ordinary and special council meetings and committee meetings that have delegated authority must be open to the public.

For proper decision-making, elected members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the council on which they must vote. It is reasonable for elected members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following ordinary council meetings. The complexity of many items means that elected members may need to be given information additional to that in an Officer's report and/or they may need an opportunity to ask questions of relevant Shire Officers. Many local governments have determined that this can be achieved by the elected members convening as a body to become better informed on issues listed for council decision. Such assemblies have been termed agenda forums. It is considered they are much more efficient and effective than elected members meeting Shire Officers on an individual basis for such a purpose with the added benefit that all elected members hear the same questions and answers.

To protect the integrity of the decision-making process it is essential that agenda forums are run with strict procedures.

A significant strength of local government is the openness and accessibility of its processes to the community. In conducting agenda forums each local government should make a conscious decision to promote the community perception that it embraces the concept of openness and transparency. Therefore, whenever appropriate, agenda forums should be open to the public.

When setting the dates for the Council Meeting schedules the following should be taken into consideration:

- meeting times that do not restrict members of the public attending;
- meeting times that do not prevent electors of the Shire nominating for Council;
- staff workloads and any additional staffing costs.

A review of surrounding and similar local government meeting times shows a mixture of start times ranging from 3.00pm to 7.00pm.

- |                       |           |        |
|-----------------------|-----------|--------|
| • Shire of Gingin     | Tuesday   | 3.00pm |
| • Shire of Northam    | Wednesday | 5.30pm |
| • Shire of York       | Tuesday   | 3.00pm |
| • Shire of Chittering | Wednesday | 7.00pm |
| • Shire of Goomalling | Wednesday | 4.30pm |

It is proposed to keep the same meeting day that being Wednesdays.

It is proposed to keep the same general meeting schedule for January to the October 2025 elections and then undertake the following change to general schedule below:

- |  |  |
|--|--|
| • Committee meetings                   | 1st Wednesday of the month.                                      |
| • Council briefings and / or workshops | 2 <sup>nd</sup> Wednesday of the month<br>(starting time 5.30pm) |
| • Agenda forums (briefings)            | 3 <sup>rd</sup> Wednesday of the month<br>(starting time 5.30pm) |
| • Council Meeting                      | 4 <sup>th</sup> Wednesday of the month<br>(starting time 5.30pm) |

This will allow and provide certainty to those electors interesting in nominating for Council for the October 2025 elections to be fully aware of the meeting times before nominating, however keeps the same meeting times for the first part of 2025 for consistency for the remainder of the election cycle.

A special meeting will be required after the Ordinary Election, which for 2025 is Saturday 19<sup>th</sup> October 2025. It is recommended this is held on 4.00pm on 22<sup>nd</sup> October 2025. This will allow then those newly elected members to be sworn in etc., and then be able to participate in the Agenda Briefing later on the same day at 5.30pm.

The April Council Meeting is proposed for 30<sup>th</sup> April 2025 to ensure the easter break does not impact this meeting.

The October meeting is proposed for 29<sup>th</sup> October 2025 to allow for new Councillors to be sworn in and then able to participate in Agenda Briefing (forum) before the Council Meeting the following week.

The December meeting is proposed for 17<sup>th</sup> December 2025 as a meeting on 24<sup>th</sup> December 2025 is not practical and may struggle for a quorum.

In addition the uniform meeting procedures (standing orders) are expected to be in place by the next local government elections.

## 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.*

*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:

12. Publication of meeting details (Act s. 5.25(1)(g))

(2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held — (a) ordinary council meetings; (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

### Risk related:

If the decision to set the schedule for 2025 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**

That Council adopts the Council Meeting Schedule for 2025 as attached (**Attachment 1**).

**9.4 INFRASTRUCTURE AND ASSETS****9.4.1 End of Lease Purchase Prime Mover T0012**

Date of Report:	11 September 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG278
Author:	C Sullivan – Executive Manager Infrastructure, Assets & Services
Responsible Officer:	C Sullivan – Executive Manager Infrastructure, Assets & Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Re 102090 Shire of Toodyay <a href="#">↗</a>

**PURPOSE OF THE REPORT**

To consider the approval of the end of lease purchase of the 2017 Stralis 450 Iveco Prime Mover T 0012.

**BACKGROUND**

The vehicle was leased from CNH Industrial Capital Australia Pty Ltd. The lease expired on 12 June 2023 and was retained in the fleet on a monthly rental as two prime movers are required at any one time for operational efficiency. The other prime mover vehicle is also leased.

**COMMENTS AND DETAILS**

As at 31 August 2024, the vehicle had 153,527 kilometres on the odometer. Frequent contact with the leasing company in 2023 to attempt to either renegotiate the lease or obtain a buyout value was not successful.

A buy out value was obtained by e-mail dated 19 August 2024 for the sum of \$45,000.00 excluding GST. This is an advantageous price for a vehicle of this type and use history. A copy of the e-mail is included as Attachment 1 for reference.

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

CNH Industrial Capital Australia Pty Ltd.

**Strategic:**

Shire of Toodyay Council Plan 2023-2033

Objective 9.2 Govern Shire finances, assets, and operations responsibly.

**Policy related:**

Procurement Policy

Legislative Compliance

**Financial:**

The budget currently includes an allocation of \$34,992 for lease costs under GL 144.457.10. The request is to increase GL 144.739.50 Plant and equipment capital by \$45,000 and reduce GL 144.457.10 plant and equipment lease expense by \$26,244.

In addition, a review of the current fleet has identified P476, Holden Colorado Dual cab Ute is surplus to the shire's requirements and will be sold, which will allow for additional funds for GL 144758.50 Plant operations fixed assets proceeds.

The net effect to the budget is \$nil.

**Legal and Statutory:**

*Local Government Act 1995 as amended.*

*Local Government (Financial Management) Regulations 1996*

**Risk related:**

Purchase of the vehicle into the fleet allows more flexibility for maintenance and modifications as well as control of vehicle utilisation.

**Workforce related:**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION**

That Council resolves to amend the 2024/2025 budget as follows:

1. Reduced GL 144.457.10 by \$26,244;
2. Increase GL 144.739.50 by \$45,000;
3. Increase GL 144758.50 by \$18,756.



**9.5 COMMITTEE REPORTS**

Nil.

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING****12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**13.2 EMPLOYEES**

Nil.

**14 CONFIDENTIAL BUSINESS**

Nil.

**15 NEXT MEETINGS**

Ordinary Council Meeting	23 October 2024
Agenda Briefing	16 October 2024

**16 CLOSURE OF MEETING**