



Ordinary Council Meeting

30 October 2025

Minutes

To: The President and Councillors.

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

Aaron Bowman JP

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.

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

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



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Preface

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

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

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 1 November 2025.



Aaron Bowman JP

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 27 November 2025.

Signed:

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



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 5.30pm and read aloud an Acknowledgement of Country:

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

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCEMembers

Cr M McKeown	Shire President
Cr M Dival	Deputy Shire President
Cr R Madacsi	Councillor
Cr S McCormick	Councillor
Cr R Mills	Councillor
Cr J Prater	Councillor (via zoom)
Cr S Van der Heyden	Councillor

Staff

Mr A Bowman JP	Chief Executive Officer
Ms V Crispe	Executive Manager Infrastructure, Assets and Services
Mr A Hart	Executive Manager Finance and Corporate Services
Mr P Nuttall	Executive Manager Planning and Regulatory Services
Mrs M Taylor	Executive Manager Economic Development and Community Services
Mrs M Rebane	Governance Coordinator

Visitors

S Hefferon	B Ruthven	P Ruthven
M Noonan	K Noonan	G Nelmes

2.1 APOLOGIES

Nil

3 DISCLOSURE OF INTERESTS

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

Name	Type	Item	Extent
Cr R Madacsi	Impartiality	10.4.2	as she is a member of the Toodyay Garden Committee Association Inc and management committee.
Cr R Mills	Financial	10.4.4	as he is closely associated with one of the candidates.

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 25 September 2025, the following questions were taken on notice:

4.1.1 B Ruthven Question

The following question on notice was received from B Ruthven.

Question

Is it true that the mobile Breast screen service was told by the Shire that there is nowhere in Toodyay for them to set up?

Response

That is not true. The organisation's Breast Screen Bus was way too big to be placed on Charcoal lane. The Shire provided a place at the back of the Medical Centre that was a better option and close to facilities and easy access.

4.2 PUBLIC QUESTION TIME

The following questions have been received.

B Ruthven

Question 1 – Seating Allocations

Watching the livestream, it appeared that the seating arrangements had been done before the start of the Special Council Meeting on Monday 20 October, even though Standing Order 7.1 (1) states that it is to be done at the first meeting after the elections.

How were the seating allocations done, when and by whom? How did this comply with the shire's Standing Orders Local Law?

Response

By random draw by the CEO on 3 October 2025 witnessed by the Executive Manager Finance and Corporate Services.

Question 2– Seating Allocations

How did this comply with the Shire's Standing Orders Local Law?

Response

This in accordance with Standing Order 7.1(1)(b).

In addition as it was unknown who would be the Shire President before the Special Council meeting once determined seating allocation if required would be 1 seat to the right to comply with council's previous resolution No. OCM91/04/25 As we now know Cr McKeown was elected unopposed, and therefore the only councillor that was required to move 1 seat to their right was Cr Prater.

Toodyay Herald

Question 1 - Toodyay Locals Care

Roz Davidson, the founder of Toodyay Locals Care (TLC) was recently awarded the Badgingarra Roadhouse Local Legend Award at the 7NEWS WA Community Achievement Awards in recognition of her work in supporting the community. Does the Shire President have any comment on Roz and TLC receiving this prestigious award and the contribution volunteering makes to Toodyay in general?

Response

Yes. In fullness of time at the appropriate moment.

Question 2 – Public Submissions

The Shire's website states that submissions to Council are to be made at Agenda Briefings. Yet *Standing Orders (Local Law 2008)* at clause 4.2 .1 "Order of Business" states, in effect, that unless otherwise decided by Council, the order of business at any ordinary meeting of the Council includes various items including submissions. Furthermore, I understand that a submission is to be presented at this OCM – so the website advice and Local Law seem at cross-purposes.

Can the Shire President therefore please advise the Toodyay community where submissions are to be made as it seems the website advice contravenes the Local Law?

Response

The Shire's website refers to how submissions can be made at Agenda Briefings, not Council Meetings. For Ordinary Council Meetings item 7.3 Submissions includes the advice

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

B Ruthven

Question 3 – ARIC decisions

Cr McKeown, as the Shire President and member of the ARIC, do you agree that a recommendation to council can only be made by the committee after the members of the committee vote on the need and appropriateness of that recommendation and that the committee's resolution to make the recommendation to council is the decision-making of the committee.

Response

Similar questions have previously been asked and I direct you to the responses:

<i>Date of Meeting</i>	<i>Question Number</i>
<i>26 June 2025</i>	<i>4.2.18 (2)</i>
<i>26 June 2025</i>	<i>4.2.20</i>
<i>24 July 2025</i>	<i>4.2.2</i>
<i>24 July 2025</i>	<i>4.2.6</i>
<i>28 August 2025</i>	<i>1</i>
<i>25 Sept 2025</i>	<i>15</i>

Consequently I rule this question out of order in accordance with Standing Orders Local Law 2008 Clause 5.17(12)(a) which states that:

"(12) The Presiding Member may decide that a question is not to be responded to where:

- (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;*

Question 4 – ARIC decisions

If you disagree, would you please explain why?

NB: this question is to the presiding member and does not require a response from the CEO.

Response

I have explained why.

Toodyay Herald

Question 3 – September financials

The September 2025 Monthly Financial Statements were not provided in the Agenda or the Attachments for the October OCM. Can the Shire President please advise the date when the financial statements will be available for community review?

Response

The simple answer is they are not included in the attachments as there is no report this month. In accordance with the Local Government (Financial Management) Regulations 1996 in particular reg 34(4)(a) the September 2025 Financial Statements will be presented at the Ordinary Council Meeting to be held in November 2025.

B Ruthven**Question 5– Submissions**

From the preamble in the agenda for this meeting it appears that council will not accept submissions at the OCM and they now must be done at an agenda briefing. Under what authority has the presiding member created a procedure which is in breach of the shire's standing orders local law when to do so should require an absolute majority decision of council?

Response

The preamble to the Agenda for the October Ordinary Council meeting does not include a requirement that submissions must be done at an Agenda Briefing. To the contrary, Item 7.3 Submissions includes the advice that "a submission can be made ad hoc but it is preferred that notice be given by midday on the day of the meeting."

Question 6– Purchasing policy and credit cards

Last month I asked about the shire's purchasing policy's additional controls for the use of the shire's credit cards but the response did not actually answer the question.

Response

As you have stated yourself a similar question was asked at last months meeting, and I refer you to the minutes of 25th September 2025 meeting, and more directly to the answer provided to your 17th question.

Question 7– Purchasing policy and credit cards

If a credit card holder uses their credit card to purchase fuel for their vehicle, is the appropriately authorised purchase order given to the fuel provider before the sale is made?

Response

No.

Question 8– Purchasing policy and credit cards

If yes, how can the value of the purchase be known in advance? If no, is this non-compliant with the purchasing policy?

Response

Not applicable. It is not non-compliant with the purchasing policy.

Question 9– Purchasing policy and credit cards

Can a credit card holder raise and authorise their own purchases in the purchase orders, as stated in the response last month?

Response

The response to your 17th Question at last month meeting was as follows

"This was an additional control measure we put in place in May to address the report findings published by the Office of the Auditor General related to transactions cards. The measure has strengthened the processes around credit card purchases by requiring a purchase order to be raised and authorised by the credit card holder. This is an improvement in practice and as an example a parking ticket to attend SAT would need a purchase order as per the process".

In answer to your question. Yes.

Question 10– Purchasing policy and credit cards

Were purchase orders completed and authorised prior to each of the various of fuel and other purchases by the credit card holders showing in this month's agenda attachments?

Response

No.

Question 11– Purchasing policy and credit cards

Would you please explain what was purchased by the CEO on 15 September from EG Group for \$75.16, the same day that he purchased fuel for \$96.44 from Ready Express?

Response

Fuel.

Question 12– Meeting Schedule 2025

Given that council resolutions are binding unless formally amended or repealed, have any formal amendments been made to Resolution #OCM268/09/24, which adopted the council meeting schedule for 2025 with OCMs to be held on the fourth Thursday of each month?

Response

No.

Question 13– Meeting Schedule 2025

If no, why is this OCM being held on the fifth Thursday of October instead of the fourth Thursday, as required by the resolution?

As the fourth Thursday in December 2025 is Christmas Day, will a resolution of council be required to formally amend the adopted date of the December meeting?

Response

*Because Council resolution OCM268/09/24 set the ordinary Council meeting for the October 2025 meeting for today as per (**Attachment 1**) . In addition, as required by Regulation 12 of the Local Government (Administration) Regulations 1996, subsection 2 states:*

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;

This was done on 25 October 2024 in line with regulation 12 and Council's resolution, which clearly states that the ordinary meeting of Council is to be held today.

In addition we try to go above and beyond the minimum statutory requirements – which we did on this occasion when we also placed a notice in the Toodyay Herald – page 18 top left of the page in the December edition.

Question 14– Meeting Schedule 2025

As the fourth Thursday in December 2025 is Christmas Day, will a resolution of council be required to formally amend the adopted date of the December meeting?

Response

No – Staff were fairly confident that Elected members would not want a Council meeting on Christmas day, and as such did not schedule any meetings on this day. As per Council resolution OCM268/09/24 and as advertised in the Herald and the Shires website – the December OCM is to be held on the 17th December 2025 commencing at 5.30pm.

Additional Information

The December OCM was incorrectly stated that it is to be held on 17 December 2025. The correct date is 18 December 2025.

Question 15– Meeting Schedule 2026

Resolution 177/09/25 from last month's OCM approved the 2026 schedule of council and committee meetings. However, there were two different options provided by the officer and the resolution does not state which one was approved.

Response

This is not a question, but a statement

Question 16– Meeting Schedule 2026

Which of the two options was approved by council and why is it not stated in the resolution?

Response

Attachment 1 was the Schedule of Council and Committee meetings for Option 2.

Council resolved at the September 2025 Council Meeting to adopt the motion as it was worded (Council Resolution No. 177/09/25) which approved the Schedule of Council and Committee meetings (Attachment 1).

5 APPROVED LEAVE OF ABSENCE**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM185/10/25**

MOVED Cr M Dival

SECONDED Cr R Madacsi

That the Application for Leave of Absence by Cr Ray Mills from 7 November 2025 to 24 November 2025 inclusive be granted.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

6 CONFIRMATION OF MINUTES**6.1 Ordinary Meeting of Council held on 25 September 2025**

OFFICER'S	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
OCM186/10/25			
MOVED	Cr S McCormick		
SECONDED	Cr R Madacsi		
That the Unconfirmed Minutes of the Ordinary Council Meeting held on 25 September 2025 be confirmed.			
<u>Voted For:</u>	Crs M McKeown, M Dival, S McCormick, J Prater, R Mills and S Van der Heyden		
<u>Voted Against:</u>	Cr R Madacsi		
MOTION CARRIED 6/1			

6.2 Special Meeting of Council held on 20 October 2025

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM187/10/25
MOVED Cr M Dival
SECONDED Cr R Madacsi
That the Unconfirmed Minutes of the Special Council Meeting held on 20 October 2025 be confirmed.
<u>Voted For:</u> Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden
<u>Voted Against:</u> Nil
MOTION CARRIED 7/0

7 PETITIONS / PRESENTATIONS / SUBMISSIONS**7.1 PETITIONS**

Nil.

7.2 PRESENTATIONS

Nil.

7.3 SUBMISSIONS

M Noonan from Toodyay Garden Club Association Inc addressed Council regarding Item 10.4.2 Submissions: Reserve 33931 (Old Works Depot) To Toodyay Community Garden Inc.

8 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Since the September 2025 Ordinary Council Meeting:

- Monday 20 October I attended a Special Meeting of Council to elect the new President and Deputy President following the October Local Government election.
- Thursday 23 October I attended and chaired an Agenda Briefing.
- Saturday 25 October, together with Councillors Dival, Madacsi, Mills and Van der Heyden and CEO Bowman, I attended a Joint Induction and Networking Session, an initiative of the Avon Region Organisation of Councils and hosted by the Shire of Toodyay
- Sunday 26 October, with my wife, I attended the Northam Cup race meeting as guest of Procon Developments (Australia).

Today, I welcome two new councillors to their first OCM - Councillor Ray Mills and Councillor Simon Van Der Heyden, and welcome back Councillor McCormick. Also, I congratulate Councillor Shelly Dival who has been elected as Deputy Shire President for another term.

The Joint Induction and Networking Session I have already mentioned was a resounding success, bringing together elected members and some CEOs from across the region for a day of collaboration, learning, and connection.

Hosted by the Shire of Toodyay, the event featured a diverse line-up of speakers from key agencies including WALGA, the Wheatbelt Development Commission, the Department of Local Government, and the Public Sector Commission. Feedback from those attending was overwhelmingly positive.

Also, on behalf of the Shire, I would especially like to congratulate Roz Davison, founder of Toodyay Locals Care. At the 7News WA Community Achievement Awards in Perth last Saturday, Roz was presented with the Badgingarra Roadhouse Local Legend Award

Roz has built up TLC from her kitchen table into a vital service hub run by 37 volunteers who provide medical transport, food assistance, clothing, emergency supplies and access to 24/7 ablutions. We are pleased at this recognition of Roz personally and proud of the terrific contribution that Roz and the TLC volunteers make to the community of Toodyay.

I am also pleased to announce that the Shire has secured the installation of a 4-column parcel locker at Morangup Community Centre. Those who live outside Morangup may not be aware that Morangup is in another postcode - 6083 not 6566. The parcel locker installation is part of Australia Post's commitment to improving access to postal services in regional communities by supporting the growing demand for secure, convenient parcel collection.

10 OFFICER REPORTS

10.1 PLANNING AND REGULATORY SERVICES

10.1.1 Request to vary the Non-habitable Structures Policy at Lot 122 McDermott Road, Dumbarton

Date of Report:	2 October 2025
Applicant or Proponent:	Ms L Kimberley
File Reference:	A4035/122MCD
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. Applicants Letter; and ↗ 2. Outbuilding Drawing Details. ↗

PURPOSE OF THE REPORT

To consider varying two of the deemed criteria within *Local Planning Policy 13: Non-Habitable Structures* at Lot 122 McDermott Road, Dumbarton.

BACKGROUND

An application for an outbuilding (shed) has been received at Lot 122 McDermott Road, Dumbarton. The owners have requested that the proposal be built with an increased wall and ridge height greater than permitted in the local planning policy (**Attachment 1**). The lot is also located within Special Area Control 5 – Landscape Protection, which requires an assessment for visual impact.

Officers do not have delegation to approve this application as it exceeds the requirements of the Non-Habitable Structures local planning policy. The policy sets out the criteria that Council has determined to be acceptable. An assessment of the proposal has been undertaken, and it has been found that listed elements exceed deemed-to-comply provisions in the policy.

Local Planning Policy 13 requirements	Permitted Wall height		Permitted Ridge Height	
	4.2 metres		4.8 metres	
Proposed development	Proposed Wall height	Difference	Proposed Ridge Height	Difference
	5 metres	+ 0.8m	5.97 metres	+ 1.17m

Please refer to **Attachment 2** for more details.

COMMENTS AND DETAILS

Site Visit

A site visit was undertaken on 9 September 2025 to determine the site context and the nature of the proposal, for both the outbuilding and the visual impact assessment under Special Control Area 5 in the Scheme.

Site Location

The site is zoned Rural Smallholdings under *Toodyay Town Planning Scheme No. 5* and is in the locality of Dumbarton on the corner of McDermott Road and Nairn Drive. The development site lies on sloping terrain with panoramic views which also includes the Avon River. The subject lot is about 18.64ha in size surrounded by other large lot properties.

The proposed development site is positioned lower than McDermott Road. All development must occur within a 50m × 50m building envelope which is positioned 30m from the property boundary on McDermott Road (**Attachment 2**). This proposal is contained within the building envelope and is no closer than 320m from the nearest neighbouring house.

Assessment of Visual impact – Special Control Area 5

The proposed outbuilding will be fully visible from the northern, eastern, and western directions, and partially visible from the southern aspect. While the building envelope is situated on a gentle slope, which would provide some screening, the proposal will be clearly seen by neighbours.

Due to the surrounding large lots and separation of homes from this proposal, the additional requested heights would not significantly detract from the appearance of an outbuilding that would have complied with the Policy.

IMPLICATIONS TO CONSIDER

The applicants have provided justification for their proposal (**Attachment 1**) requesting variation to the Local Planning Policy. This letter has been considered in making an officer recommendation to Council.

The applicant has proposed the use of the outbuilding for:

- Storage of farming machinery.
- Storage of earthmoving equipment including truck and excavator.
- Parking of a large recreational boat.
- Potential future uses as business

Justification for the additional height is deemed to be acceptable and may result in a reduction of clutter on the building envelope.

Potential future use

The applicant has discussed that the proposal may be used for future business uses, and this must be treated as a separate development application when presented. This proposed land use is not part of this development application.

Visual Impact

While the assessment has determined that it would be difficult to differentiate the change of height from when viewed from long distances, it would also not be out of scale due to the large lot nature of the estate.

A request was made to neighbouring landowners regarding this proposal, and two responses were received that supported this change to the policy.

The visual impact to this proposed outbuilding will be further reduced by the applicant installing trees surrounding the outbuilding.

Consultative:

This application was advertised in accordance with Shire's *Local Planning Policy 27: Advertising of Planning Proposals*. Emails with notification letters were sent to all adjoining landowners on 16 September 2025, with a 14-day response period ending on 29 September 2025. During this period, two responses were received, both expressing support for the proposed variation of the Local Planning Policy development standards for the increased heights in this proposal.

Strategic:

Outcome 5.1 - Provide responsible planning and development.

Policy related:

Local Planning Policy 13 – Non-Habitable Structures

Sets the acceptable development standards for this application. Council can vary these standards upon request where it is deemed that the application contains suitable elements worthy of variation or where it can be demonstrated that exceptional circumstances apply to the application. If this consent is granted, then performance criteria is used to determine the outcome of the application.

Special Control Area 5 – Landscape

This control within the local planning Scheme No.5 sets out criteria for the assessment and protection of visual landscapes within the Shire of Toodyay. This scheme requirement places a stronger level of responsibility on a developer to maintain visual landscapes from key vantage points such as the Avon River.

Financial:

Nil

Legal and Statutory:

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 5

Risk related:

There is **minimal** risk to Council in exercising its discretion in this regard, as the proposed variation is deemed to be minor in nature, would support the hiding of farm machinery from view and has been offered support by adjacent properties.

Workforce related:

The processing of this application, including the request to council to seek a variation to a local planning policy are within the normal workloads of the Town Planning business unit.

Conclusion:

Upon assessment of this application, it has been determined that the variation to the local planning policy can be justified.

Considering the minor change in heights, it would be difficult to notice the variation due to the large distance from surrounding homes, and due to the large lot nature of the estate. During consultation with neighbours, no negative comments were received.

However, the inclusion of screening of this proposal will become a development condition upon issue of the development approval.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM188/10/25

MOVED Cr M Dival

SECONDED Cr S Van der Heyden

That Council:

1. Approves the request for the variation of Local Planning Policy 13 – *Non-habitable Structures Policy* in respect to the application received for an outbuilding proposed outbuilding at Lot 122 McDermott Road, Toodyay; and
2. Approves the application received with a wall height of 5m and ridge height of 5.97m subject to the following condition:
 - (a) That planting of appropriate vegetative screening to the western and northern side of the shed to the satisfaction of the Shire.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

10.1.2 Road Naming Policy LPP 22 - Retirement

Date of Report:	1 May 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	LPP22
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Road naming local planning policy; ➡ 2. Road naming flowchart. ➡

PURPOSE OF THE REPORT

To consider the retirement of the Shire's Road Naming Policy.

BACKGROUND

The Current Local Planning Policy No. 22 Road Naming policy was adopted by Council on 26 July 2023 (**Attachment 1**).

The policy duplicates the existing Policies and Standards for Geographical Naming through the statutory Geographic Names Committee which are required to be used for the purposes of road naming in Western Australia. This document is found on the Landgate website at the link below:

<https://www.landgate.wa.gov.au/siteassets/documents/location-data-and-services/place-names-and-addressing/1574-geographic-names-policies-v3-november-2020.pdf>

If the Geographic Names Committee were to update their policies and standards then the Shire's current local planning policy would cease to have full effect.

The current Road Naming policy (LPP22) is therefore redundant as it cannot propose to vary State policy. As such, it is recommended that this policy be retired.

COMMENTS AND DETAILS

A local government's role is to make recommendations to the Geographic Names Committee for the use or retirement of a road name. As part of the naming process flowchart (**Attachment 3**) the Geographic Names Committee requires that pre-consultation with staff is undertaken to not raise expectations or waste time. Then evidence of consultation is provided through a Council resolution that also recommends a change to a road name.

Council policies should only deal with matters relevant to the role of Council, serving to provide uniformity in decision making, guidance in exercising discretion and establishing clear direction regarding the delegation of authority and exercise of the role of the CEO.

It is not being proposed that delegation be granted to officers, as is common in other local governments, but to remove the near verbatim replication of a State policy as a Local Planning Policy. Council still retains a role in the decision-making process through the support of officer's recommendations at an Ordinary Council Meeting.

It is recommended that the Local Planning Policy No. 22 Road Naming policy be retired.

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.

9.1 Provide strong, clear, and accountable leadership

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

s.2.7(2)(b) of the *Local Government Act 1995*.

Risk related:

The existing local planning policy is inferior to the State policy and offers mostly operational procedures, rather than direction to interpret a higher state direction.

There is risk related to the local government replicating a State policy that may change from time to time, thus not being in sync or in conflict to the higher power.

To not retire this policy may be considered a moderate compliance risk (3).

This report mitigates the risk.

Workforce related:

The website will be updated by a Shire Officer.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM189/10/25**MOVED** Cr S McCormick**SECONDED** Cr R Madacsi

That Council retire the Local Planning Policy No. 22 - Road Naming.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and
S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

10.1.3 Renaming two portion of Drummond Street, Nunile - consent to advertise

Date of Report:	7 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	NAM1 OODRU
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Advocacy
Attachments:	Nil

PURPOSE OF THE REPORT

To consider the renaming of the eastern portion of Drummond Street in the locality of Nunile.

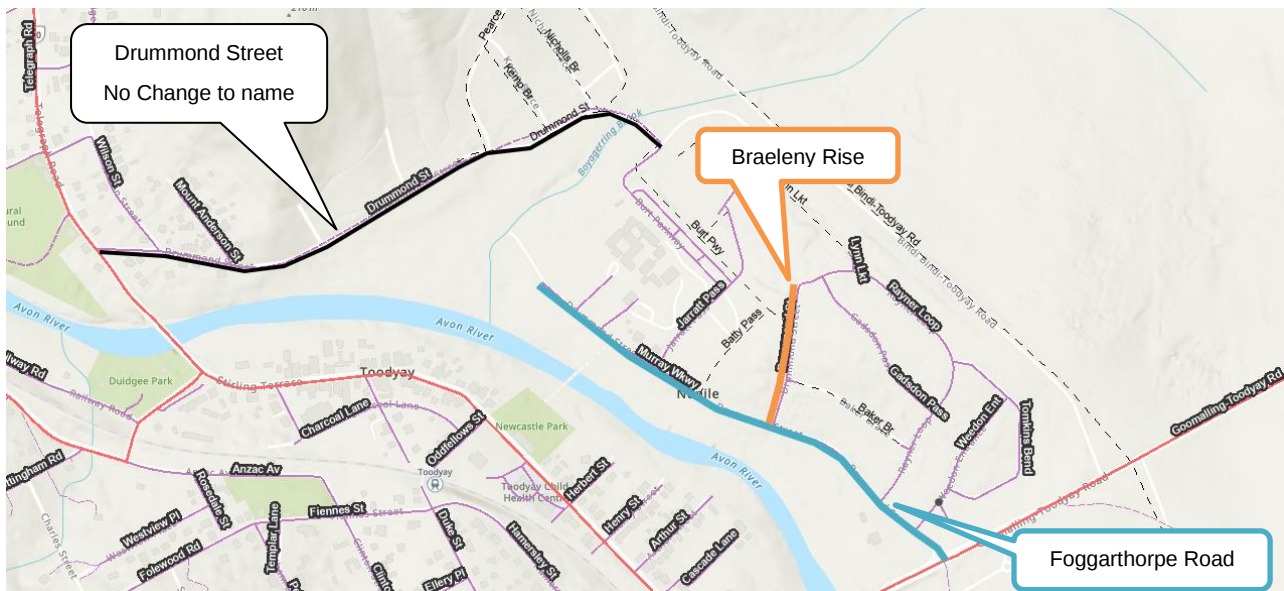
- To rename two road sections of Drummond Street;
- To remove the name Murray Walkway (replaced by Foggarthorpe Road);
- To retain Drummond Street on the northern side of the estate; and
- To consider the proposed names for consultation.

BACKGROUND

The Geographic Names Committee of Western Australia recommends that road names be connected and form a clear path from one end to the other.

During the initiation of the Foggarthorpe Structure plan (2001) a roads plan was produced and supported by Council – this established a naming plan for the development. However, a subsequent amendment to that structure plan permitted the construction of the Recreation Centre. With the Toodyay Recreation Centre now constructed Drummond Street can no longer be built as a connected road.

Two new road names are being recommended for the eastern section of Drummond Street coloured orange and blue on the map. As part of this proposal is the retirement of the name Murray Walkway as this name is not being used. The retirement of Murray Walkway will facilitate a continuous road name from the High School to the Toodyay – Goomalling Road.



The current road network including other approved road names (dashed). New road names are coloured.

COMMENTS AND DETAILS

Choosing Names

Utilising the policies of the Geographic Names Committee, duplicate names or unconnected roads are not recommended. Road names with similar sounds or where a road name already exists are not supported. Seeking approval for a road being 'east' or 'north' is also not supported by the Geographic Names Committee. In this case two new names will be required to uniquely identify the road portions.

For the purposes of this consultation, Foggarthorpe Road and Braeleny Rise have been chosen for consultation with the community. Pre-consultation with the Geographic Names Committee has received an in-principle agreement to advertise.

Affected properties

A total of 9 properties on the proposed Braeleny Rise.

A total of 14 properties on the proposed Foggarthorpe Road.

Name Significance

Foggarthorpe – relates to the historical name of the farm, to which this land once belonged.

Braeleny – Brae (steep hillside) Leny (light) – place in Scotland near Drummond.

Councillor Workshop June 2025

Due to the significance of the proposal, a briefing was undertaken with Councillors to discuss the matter, with the original proposal being to rename the northern portion of Drummond Street.

As a result of that workshop it was recommended that:

- That the eastern section be renamed, instead of the northern section;
- Supports the name Braeleny as having a nice feel;
- Proposes that Raynor loop be extended back to the new Foggarthorpe (*Not recommended to have two separate road intersections with the same names*);
- Proposes an aboriginal name instead (*not recommended in this case*); and

- Has long term benefits but may cause short term pain to residents.

IMPLICATIONS TO CONSIDER

The initiation of this proposal is driven by the illegibility of the Toodyay – Nunile road network (Drummond Street). There is currently a duplication of house numbers at the northern and the eastern sections with mail and deliveries often being confused. There are also direct implications to the arrival of emergency services as they may arrive on the northern section rather than the eastern section and vice versa. Travelling from one end to the other is not possible without using other named roads.

It is recommended that with a community engagement exercise related to this matter, consensus can be reached with the community.

Not addressing this issue will amplify when more homes are built with increasing confusion for deliveries, mail, and emergency services. While it would be possible to traverse these roads end to end, it will be via different road names.

If this proposal were to be supported, then the name Murray Walkway will be retired. There are no lots currently using this road name. The use of the name Drummond Street East does not have official approval from the Geographic Names Committee, and those properties are not correctly addressed.

Consultative:

Consultation is a requirement of the Geographic Names Committee, for a minimum 35 days. Evidence of this consultation must be provided along with a Council recommendation for the names to be approved. It is proposed that all residents in the Foggarthorpe Estate be directly contacted, and the proposal be advertised on the Council Website.

As a result of this community consultation an alternate name may arise, and if it is pre-approved by the Geographic Names Committee, it will then be presented to Council for support.

Strategic:

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

Outcome 6.2 - Support safe, well designed, and connected paths and trails for people of all ages and abilities to get around.

Policy related:

Policies and Standards for Geographical Naming in Western Australia – Geographic Names Committee Landgate.

Financial:

Nil

Legal and Statutory:

The process of naming or re-naming of roads follows the guidelines contained with the *Policies and Standards for Geographical Naming in Western Australia*.

Evidence of community consultation and a Council resolution to recommend the names to the Geographic Names Committee is required to attain an approval.

Risk related:

There is a rising **Medium** risk to the community of having two nearby roads with the same name. House numbers will be duplicated and there is a risk that emergency services may be delayed by this disconnected road network.

There is a **Low** risk in conducting a well-structured community consultation that follows the Geographic Names Committee guidelines to then present to council for support.

With the two chosen names being already pre-approved there is a **Low** risk that the Geographic Names Committee will refuse this request.

Workforce related:

All activities can be undertaken through existing staffing levels and no external consultations are required.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM190/10/25

MOVED Cr R Madacsi

SECONDED Cr M Dival

That Council supports the commencement of advertising for the renaming of two sections of Drummond Street to Foggarthorpe Road and Braeleny Rise and the retirement of the name Murray Walkway.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

10.1.4 Final Adoption - Local Planning Policy 7 - Mining and Resource Extraction and Repeal Local Law 2025.

Date of Report:	29 September 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	LPP7
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	OCM 22 March 2023 OCM001/03/23 OCM 27 March 2025 OCM002/03/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Current (2014) Local Planning Policy Extractive Industries - Road Contributions (LPP07); ⇒ 2. Draft Local Planning Policy Extractive Industries and Waste Disposal Policy for public advertising (2023); ⇒ 3. Draft Local Planning Policy - Mining and Resource Extraction Policy as advertised (2025); ⇒ 4. Current (1999) Extractive Industry Local Law; ⇒ 5. Submission for model conditions; ⇒ 6. Policy table of submissions; ⇒ 7. Amended Local Planning Policy - Mining and Resource Extraction (2025); ⇒ 8. Amended Model conditions; ⇒ 9. Advert for Repeal Local Law 2025; ⇒ 10. Repeal Local Law 2025. ⇒

PURPOSE OF THE REPORT

To consider the final adoption of the draft Local Planning Policy – Mining and Resource Extraction (2025) (**Attachment 3**); and

To consider the Repeal of the current Extractive Industries Local Law (**Attachment 10**).

BACKGROUND

The current Local Planning Policy 7 – Extractive Industries Road Contributions was adopted by Council in April 2009 and last reviewed by Council in October 2014 (**Attachment 1**).

Council adopted a Draft Local Planning Policy – Extractive Industries and Waste Disposal Policy on 22 March 2023 (**Attachment 2**) for public advertising. This policy was advertised and brought back to Council at its meeting held on 24 May 2023 however the meeting minutes state that report would be withdrawn, and it was not brought to Council again for consideration.

A new Draft *Local Planning Policy – Mining and Resource Extraction* (**Attachment 3**) was adopted by Council at its Ordinary Council Meeting held on 27 March 2025 for public advertising. This policy related to the management of Mining and Resource extraction and the Officer's Report for the March 2025 Council Meeting stipulated that "the relinquishment of the *Extractive Industries Local Law*, and its conditions, can be incorporated into an updated Local Planning Policy" implying that with the adoption of the new Draft *Local Planning Policy – Mining and Resource Extraction* that actions could be undertaken to repeal the current Extractive Industry Local Law (**Attachment 4**).

Upon assessment of the received consultation for the policy (**Attachment 6**) further minor changes have been made to the Local Planning Policy - *Mining and Resource Extraction* (**Attachment 7**).

Comments were received regarding the use of Model Conditions (**Attachment 5**). The model conditions have been updated (**Attachment 8**).

The review conducted and advertised 27 March 2025 proposes a simplification of the existing approval process that are covered under two different Acts. The outcome of this simplification will be to eliminate the need to grant a simultaneous Development Approval and an Extractive Industry (operating) Licence (EIL).

The new approval processes contained within the amended Local Planning Policy - *Mining and Resource Extraction* will no longer:

- require the applicant to provide an environmental bond; or
- replicate the need to prove compliance with other State agencies;
- require a simultaneous Development Approval (under the *Planning and Development Act 2005*) and an Extractive Industry Licence (under the *Local Government Act 1995*).
One part grants the approval to use the land for purpose with the other to grant a licence to operate.

The new policy will;

- bind the applicant to an approved (but time limited) management plan
- simplify reporting
- permit more flexibility with estimating tonnages, areas and stockpiles.

This approach makes enforcement of "conditions" easier to manage under the *Planning and Development Act 2005* and supports mediation as a path to resolve non-compliance.

A key part of Council adopting the amended Local Planning Policy - *Mining and Resource Extraction* to replace the current policy will also be the repeal of the Shire's Extractive Industries Local Law as it no longer meets the needs of the Shire and has created duplication and a complicated regulatory burden for operators (**Attachment 10**).

The advertising period in relation to the amended Local Planning Policy - *Mining and Resource Extraction* has now concluded. Community and industry consultation has

concluded with five (5) submissions being received with the majority of those submissions being in support of the amended policy.

The proposed repeal of the Extractive Industries Local Law must be advertised in accordance with section 3.12 of the *Local Government Act 1995* including:

- Publishing a notice in a local newspaper (**Attachment 9**).
- Making the proposal available for public inspection.
- Allowing at least **6 weeks** for public submissions.

COMMENTS AND DETAILS

The *Local Planning Policy - Mining & Resource Extraction* was locally advertised through the Shire's website, the local newspaper, and Facebook.

Submissions received were generally in favour of the new approach and comments made have resulted in minor but important textual changes that improved the functionality of the policy relating to:

- certain proposals will not require every condition to be met, because they're not relevant to the circumstance;
- an applicant cannot accurately predict the future; and
- reporting conditions cannot be met on time, or the frequency of reporting was high

A table of submissions containing all recommendations is provided (**Attachment 6**).

Only four (4) submissions were substantial and detailed. As a result of these submissions, there have been amendments made to the amended updated policy series of changes made, and these can be seen in the track changes attachment. Overall, most recommendations have been accepted, with recommendations made across a series of topics.

- Proposals cannot be completely accurate when setting expectations in the future, as they are aspirations for future mining activity where volumes and tonnages are driven by market forces.
- Movements of vehicles still requires reporting but at a reduced frequency with less reporting duplication across agencies.
- The language used meant that reports, assessments or requirements were required for all applicants regardless of whether the situation applied to their specific application. There are now more clauses with 'as required', which supports customisation of applications and may reduce the effort to provide required information.
- Some recommendations relate to procedures, and these have been clarified. Changes to text clarifies intent and reduces misinterpretation of definitions between agencies.
- An additional chapter has been added to the policy to clarify the process for amending an existing extractive industry development approval, including options for updating the Management plan. This clause also clarifies the Shire position that no further extensions or issue of Extractive Industry Licences (EIL) will be granted. Those holders of an EIL will need to progressively move to the new system over time.

- A series of terminologies in the policy had not been clearly defined. These references have now been aligned to terminology used in other agencies. This reduced the need for the Shire to make new non-standard definitions.
- Incorporation of the *WALGA Road Wear Cost Calculator* as the sole determinant of road use contributions for all extractive industry transport contributions.

While the submitters recommendations have been considered not all the recommendations made have been accepted.

A single submission (**Attachment 5**) provided feedback on the Shire's proposed Model Development Approval Conditions for extractive industries, seeking greater clarity, flexibility, and practicality. They pointed out that while the model conditions were not advertised. This is due to the document being an internal document guiding officers in their assessment of new applications. The submission supported a consistent approach to condition-setting and recommended the model conditions be treated as guidance only, allowing negotiation during assessment. The updated model conditions do not require Council approval but do support operational efficiency (**Attachment 8**).

With the adoption of the amended Local Planning Policy - *Mining and Resource Extraction* it will mean that a Development Approval will bind the operator to comply with a Site Management Plan which is time limited. As the needs of the operator change over time, an updated Site Management Plan will be required. This approach mirrors the processes of an Extractive Industries Local Law, but within a planning framework. The Shire would retain the ability enforce compliance to bad operators, issue caution notices, and issue larger fines through the State Administrative Tribunal when required.

The amended Local Planning Policy - *Mining and Resource Extraction* removes the need to duplicate the responsibilities of environmental remediation. Currently the Shire holds bonds to ensure that remediation is undertaken to a high standard, but these bonds are a significant financial burden to the operator to be paid upfront, and do not reflect the true cost of a future remediation. This amended updated policy includes references to other environmental agencies who are solely responsible for environmental enforcement as they have a greater capacity to issue fines and enforce compliance.

The proposed amalgamated conditions, under this amended updated policy means that it will be the sole point of assessment and approval for the Shire.

It is recommended that Council adopt the amended Local Planning Policy – Mining and Resource Extraction (**Attachment 7**) as it guides how the Shire assesses and manages development applications for extractive industries and mining operations, including those on “Minerals to Owner” land. It sets minimum information requirements, advertising protocols, and assessment criteria to ensure proposals are appropriately located, designed, operated, and rehabilitated. The amended policy aims to minimise environmental, amenity, and land use impacts, while maximising local benefits.

All applications are treated as being complex and must be publicly advertised, with consultation sought from nearby landowners. The policy also outlines conditions that may be imposed on approvals, such as operational limits, environmental safeguards, and road use contributions. It aligns with State Planning Policies and the Shire's Local Planning Scheme and replaces the issuing of Extractive Industry Licences with development approvals.

Repeal of the Local Law

It is recommended that Council resolve to propose its intent to repeal its Extractive Industries local law (**Attachment 4**) through the adoption of a draft local law titled “Repeal Local Law 2025” (**Attachment 10**).

In accordance with *Local Government Act 1995* section 3.12 (2) states:

"At a Council Meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed law in the prescribed manner."

It is recommended the Presiding Person read out the following:

Pursuant to section 3.12 of the *Local Government Act 1995* the Shire of Toodyay resolves its intent to adopt the Shire of Toodyay Repeal Local Law 2025.

The **purpose** of which is to repeal the obsolete Local Laws relating to the Extractive Industries Local Law relating to extractive industries.

The **effect** of which will repeal the Extractive Industries Local Law as published in the Government Gazette on 1 November 1999, page 1368-9 is repealed.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation with extractive industry operators.

Considerations mediated in a series of SAT meetings.

LK Advisory.

Community advertising was undertaken between 9 April 2025 to 29 April 2025 with all extractive industry participants in the Shire directly contacted. Consultation was also initiated via the Shire's website which was live between 4 April 2025 and 29 April 2025.

Strategic:

Shire of Toodyay Council Plan 2023-2033

3.1. Preserve our land, water, and biological systems

5.1. Provide responsible planning and development.

7.1. Collaborate with government and industry to attract investment, grow, and diversify the local economy, create secure, quality jobs, and meet their corporate social responsibilities.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

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

Extractive Industries Local Law - If this report is successfully adopted by Council, then Council will be requested to consider the repeal of the Extractive Industries Local Law, which will be effectively superseded by this amended Local Planning Policy.

Local Planning Policy 7 - Extractive Industries Road Maintenance Contributions (current policy) which sets the policy framework to assess and issue development approvals for the land use component of extractive industry in the Shire.

Financial:

It is a requirement that Local Planning Policies undergo a formal advertising process which includes publication in a locally circulating newspaper. Costs to the Shire will relate to one advertisement and this has been allocated for in the Shire's adopted budget.

It is also a requirement to publish a notice in the local newspaper relating to the local law. The costs to the Shire will relate to one advertisement in the Shire pages. After the consultation period, Council must then consider any submissions received and may make changes to the proposed repeal if necessary.

Legal and Statutory:

Planning and Development Act 2005 – Part 5 Planning and Development (Local Planning Schemes) Regulations 2015 - Division 2 of Schedule 2 Local Planning Policies Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies. Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions.

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

Repealing the local law

In accordance with Section 3.12 (8) of the *Local Government Act 1995* "**making**" in relation to a local law, includes making a local law to amend the test of, or **repeal**, a local law. The process to repeal a local law is identical to the procedure for making local laws (Section 3.12 of the *Local Government Act 1995*).

In accordance with Section 3.12(3) and (3a) of the *Local Government Act 1995* Statewide and local public notice needs to occur in the repeal of a local law (refer to **Attachment 9**).

A copy of the Repeal Local Law is at **Attachment 10**.

Risk related:

Risk is minimised through by following of correct procedures and regulations regarding the management of Local Planning Policies. Review of a policy is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary and relevant. The Shires risk is reduced to low if the correct procedures are followed. However, there could be medium risk to the Shire's reputation if procedures are not correctly followed.

Implementation of this LPP7 will reduce risk to the shire in the assessment and issue of development approvals.

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM191/10/25**MOVED** Cr M Dival**SECONDED** Cr R Mills

That Council:

1. Adopts the Local Planning Policy 7 – Mining and Resource Extraction as a Local Planning Policy within the Shire (**Attachment 7**).
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy prior to publishing on the Shire website.
3. Pursuant to section 3.12 of the *Local Government Act 1995* resolves its intent to adopt the *Shire of Toodyay Repeal Local Law 2025* (**Attachment 10**):
 - (a) The **purpose** of which is to repeal the obsolete Local Laws relating to the Extractive Industries Local Law relating to extractive industries.
 - (b) The **effect** of which will repeal the Extractive Industries Local Law as published in the Government Gazette on 1 November 1999, page 1368-9 is repealed.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

10.2 FINANCE AND CORPORATE SERVICES**10.2.1 List of Payments - September 2025**

Date of Report:	15 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Creditors List of Payments Report - September 2025. ↗

PURPOSE OF THE REPORT

To present to Council the list of payments for the months of September 2025.

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 August 2025 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 and Delegation CS1

Financial:

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/COUNCIL RESOLUTION NO. OCM192/10/25

MOVED Cr M Dival

SECONDED Cr S McCormick

That Council receives the list of accounts as presented and listed below, for the month of September 2025:

Description	Amount \$
Municipal Cheques	\$ 0.00
Electronic Funds Transfer Payments	\$589,761.76
Payroll	\$285,013.84
Credit Cards	\$ 4,409.83
Other (Including Direct Debits)	\$ 57,625.29
Total	\$936,810.72

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

Nil.

10.4 EXECUTIVE SERVICES**10.4.1 Discontinuation of the Committee Book**

Date of Report:	13 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Nil.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Current Committee Book; ⇒ 2. BFAC Charter; ⇒ 3. LEMC Charter. ⇒

PURPOSE OF THE REPORT

To seek Council endorsement to discontinue the current Committee Book format and implement a revised governance approach that separates Council-established committee Terms of Reference from external representation listings, in alignment with legislative requirements and good governance principles.

To formalise the governance arrangements for the Bush Fire Advisory Committee and the Local Emergency Management Committee in alignment with legislative requirements and contemporary governance practice.

BACKGROUND

The Shire of Toodyay currently maintains a Committee Book that includes both Council-established committees and external organisations where Council nominates representatives. This document has previously been adopted by Council and was reviewed biennially.

Although the Committee book has historically served as a consolidated reference, the inclusion of external organisations, that Council has no direction over, that can change in a Council endorsed Committee Book creates issues and is not good governance.

COMMENTS AND DETAILS

Council-established committees are governed by specific legislative provisions, including:

- *Local Government Act 1995* – Sections 5.8, 5.10, 5.22, and 7.1A

- *Bush Fires Act 1954* – Section 67
- *Emergency Management Act 2005* – Sections 36(b), 38, 39, and 40

External organisations such as WALGA Zones, AROC, and Development Assessment Panels operate independently and are not subject to Council governance.

Including both types of entities in a single adopted document misrepresents Council's authority and responsibilities, and has led to confusion regarding decision-making, reporting, and accountability.

Separating Terms of Reference for Council-established committees will ensure each committee's purpose, membership, meeting schedule, and reporting obligations are clearly defined.

Terms of reference for the Heritage Advisory Group and the Sustainability Working Group were endorsed by Council in February 2025 and do not require review at this time.

External representation details and terms of reference for the Heritage and the Sustainability Working Groups will remain available to staff and Councillors via an internal administrative register, ensuring operational continuity without requiring formal Council adoption.

The Charter for the Audit, Risk and Improvement Committee is already a terms of reference document for the Committee. It was adopted by Council in March 2025 and does not require review at this time. The information contained in the Committee Book is purely administrative therefore it will only remain available to staff via an internal administrative reference.

This report presents the proposed Charters for the Bush Fire Advisory Committee (BFAC) (**Attachment 2**), and Local Emergency Management Committee (LEMC) (**Attachment 3**) which have been developed to replace the previous Committee Book format.

The changes made to both committees are minimal in substance and primarily relate to formatting, clarity, and governance structure. The Charters consolidate existing legislative obligations and operational practices into a clear, standalone document for each committee.

Bush Fire Advisory Committee (BFAC) Charter

- The Charter is based on Section 67 of the *Bush Fires Act 1954*, which authorises the establishment of advisory committees for bushfire control.
- The role, membership, meeting procedures, and reporting obligations remain consistent with previous practice.
- The Charter introduces performance assessment criteria, a review cycle, and conflict of interest protocols, which were previously implied but not documented.
- The membership list has been clarified to reflect current brigade representation and agency involvement.
- The Charter confirms that BFAC is advisory only, with no delegated authority to make binding decisions or expend funds.

Governance Improvement:

- The Charter provides a transparent and accessible framework for committee operations.
- It supports compliance with the *Local Government (Model Code of Conduct) Regulations 2021* and the Shire's Standing Orders.
- It removes ambiguity around committee powers and responsibilities.

Local Emergency Management Committee (LEMC) Charter

- The Charter is based on Sections 38–40 of the Emergency Management Act 2005 and reflects guidance from the State Emergency Management Committee (SEMC).
- The Charter formalises the LEMC's strategic advisory role, distinct from operational emergency response.
- Membership composition is consistent with previous arrangements and includes key stakeholders such as DFES, St John Ambulance, Department of Communities, and local school leadership.
- The Charter introduces a structured agenda format, including seasonal preparedness, subcommittee reports, and annual reporting obligations to the District Emergency Management Committee (DEMC).
- It includes performance indicators, such as completion of the Annual Business Plan and submission of the Annual Report.

Governance Improvement:

- The Charter enhances accountability and transparency in emergency management planning.
- It aligns with SEMC procedures and supports continuous improvement in local emergency preparedness.
- It provides a clear basis for Council oversight and community engagement.

The adoption of these Charters represents a governance refinement, not a substantive change. The content remains consistent with previous committee practices, but is now presented in a format that:

- Separates governance from administration;
- Clarifies roles and responsibilities;
- Supports legislative compliance; and
- Improves accessibility and transparency.

These Charters will replace the relevant sections of the Committee Book and be published on the Shire's website for public reference.

Administrative details (e.g. meeting dates, contact lists) will be maintained separately by the CEO's office.

It is recommended that Council endorse the Officer's Recommendation.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

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

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

- *Local Government Act 1995* – Sections 5.8, 5.10, 5.22, and 7.1A
- *Bush Fires Act 1954* – Section 67
- *Emergency Management Act 2005* – Sections 36(b), 38, 39, and 40

Risk related:

If Council choose to not support the Officer's Recommendation the risk is moderate (3)

Workforce related:

The Committee Book will be removed from the Shire website immediately and only the standalone charters for each committee will remain.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM193/10/25

MOVED Cr M Dival

SECONDED Cr S Van der Heyden

That Council:

1. Discontinues the current Committee Book format which combines Council-established committees and external organisations into a single document;
2. Adopts the Bush Fire Advisory Committee Charter (**Attachment 2**);
3. Adopts the Local Emergency Management Committee Charter (**Attachment 3**); and
4. Authorises the Chief Executive Officer to make any typographical amendments necessary to these charters before they are published.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

10.4.2 Submissions: Reserve 33931 (Old Works Depot) To Toodyay Community Garden Inc

Cr Madacsi declared an Impartiality Interest in regard to this item as she is a member of the Toodyay Garden Committee Association Inc and Management Committee.

An extra redacted submission was tabled 6.10pm.

Date of Report:	15 October 2025
Applicant or Proponent:	Toodyay Community Garden Inc
File Reference:	ENV20/MTG7
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Ordinary Council Meeting July 2025
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Report from 24 July 2025 OCM - Lease of a Portion of Old Works Depot (Reserve 33931) to Toodyay Community Garden Club Inc ➡ 2. August 2025 Report: Arts Toodyay; ➡ 3. All Submissions: Reserve 33931 To Toodyay Community Garden Inc ➡

PURPOSE OF THE REPORT

To consider public submissions received regarding the potential lease of Reserve 33931 (Old Works Depot) to Toodyay Community Garden Inc and to consider disposal (lease) of 1,000m² of land and shed at the Shire Community Depot site.

BACKGROUND

Council considered a proposal to lease 4,000m² of Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Inc (**Attachment 1**) at a peppercorn rent of \$300 per year until 2037 at the 24 July 2025 Ordinary Council Meeting where they resolved as follows:

To:

1. *Agree to lease approximately 4000m² of vacant land only at Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Club.*
2. *Give local public notice of the proposed disposition of 4000m² on Reserve 33931 (Old Works Depot) for a period until 2037 at a peppercorn rent of \$300 per annum plus CPI to the Toodyay Community Garden Club and invite public submissions for a period not less than two weeks.*
3. *If any public comments are received, a further report be brought to Council for consideration*

4. *If no public comments are received, the CEO be authorised to finalised and execute the disposition.*
5. *The building known as the community bus shed be cleared of Shire property by the Shire staff and permit the Toodyay Community Garden Club use of the shed for a period of 12 months to help facilitate materials to establish the community garden.*

Public notice was issued through the Shire website, Facebook, and the Toodyay Herald, and multiple submissions have since been received, requiring Council's review.

COMMENTS AND DETAILS

At the close of advertising a total of 13 formal submissions were received in response to the proposed lease of 4,000m² of land at Reserve 33931 to Toodyay Community Garden Incorporated. Of these, eight submissions opposed the lease citing various issues, due mainly to the location, however all in general were supportive of the concept of a community garden. Five submissions were in support, although four were general support of a community garden, and only two providing specific comments about the location (reserve 33931).

Overall, submissions in support commended the initiative for its potential to enhance community spirit and provide opportunities for social connection and gardening.

Submissions opposing the proposal acknowledged the value of a community garden but raised concerns about the suitability of the proposed location, the size and cost of the site, risks of vandalism, or untidiness, and the loss of overflow parking. A list of the general issues that were raised including a response to those issues is below.

- **Plans are overambitious / too large**

This could be addressed by reducing the size of the land to be leased.

- **The provision of the toilet**

Council has previously made it clear that it will not be providing a toilet and if the Toodyay Community Garden Inc wants a toilet it will be responsible for the capital outlay and ongoing costs.

- **Loss of overflow parking**

The site is used for overflow parking for various events, including Moondyne Festival; Tarmac; Community Christmas Party etc. This site is used due to the lack of any other suitable sites for overflow parking for larger scale events held in Toodyay. The removal of this option for overflow parking will have an impact to the Shire and will create parking issues for these types of events, that will have flow on impacts to other areas. Council needs to determine if this issue outweighs the benefits of a community garden in this location.

- **Vandalism / lack of fencing[-**

The Toodyay Community Garden Inc is aware of the lack of fencing, and any vandalism would be a matter for the group and police.

- **Potential for unsightly space**

conditions in the lease would allow for the termination of the lease if this was to become an issue.

- **Availability of utilities**

This is a matter for the Toodyay Community Garden Inc, and not Council. It has previously been communicated to the group that the Shire would not pay for the provision of services, but if available would look at submeter options.

- **Potential contaminated site**

The Toodyay Community Gargen Inc is aware of the history of the site and has advised that raised beds will be used.

- **Length of the lease term**

Council could offer a reduced lease term. The length of the lease was simply to bring it in line with the expiration of the Men Sheds lease.

- **Site Suitability and Strategic (future Land Use)**

The land is a reserve vested in the Shire of Toodyay for “community purposes” and therefore has a number of possible future uses, many of these could have broader benefits for Toodyay than that of a community garden. The site has however been left dormant since the Shire depot was relocated, except for the Men’s Shed, although the lack of awareness of options, and the condition of the site – may have been a factor. Council must look at what the future strategic needs may be, given the lack of vacant land in the centre of town.

Several suggested alternative locations, including the Shire Community Depot on Railway Road and the Youth Park opposite the Newcastle Gaol Museum, which were seen as better equipped or more practical for the project.

Council now needs to consider the submissions and determine if the issues raised by the submitters are both justified and valid.

In considering all the submissions received, the request from the Toodyay Community Garden Inc, and acknowledging that community feedback is supportive in general of a community garden, it is recommended that Council agrees to provide a site for the establishment of a community garden. There is currently available space at the Shire community depot; it already has a toilet at that location, which is maintained by the Shire, there is a constructed shed already available, and the entire site is fenced. This is the most appropriate location, negates every issue raised in submissions and meets the needs of the Toodyay Community Garden Inc, apart from not being their preferred location.

IMPLICATIONS TO CONSIDER

Consultative:

Further consultation between the Shire of Toodyay and Toodyay Community Garden Inc may be required in response to the community depot site.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 2. An inclusive, connected community.

2.1.4. Explore opportunities to deliver more meeting places and activities for seniors, such as a community garden and craft groups.

Policy related:

Disposal of Property.

Financial:

There are no significant costings at this stage.

Legal and Statutory:

In accordance with the *Local Government (Functions and General) Regulations 1996*, regulations 30(2)(b) this disposition is excluded from the applications of section 3.58 of the *Local Government Act 1995* as the Toodyay Community Garden Club is a not for profit. However, notice of the disposition should be advertised seeking public comment.

Risk related:

Leasing the site activates dormant land for a proven community initiative, fosters social connection, supports local wellbeing, and aligns with strategic goals—at minimal cost. It demonstrates Council's commitment to inclusive, grassroots projects while retaining flexibility through lease conditions and review mechanisms.

Leasing Reserve 33931 risks strategic land use limitations, loss of overflow event parking, financial strain on the proponent, potential site contamination, vandalism, and community dissatisfaction due to location concerns. This would be a rating of moderate (5) if it was an insignificant risk in leasing the reserve which it is not as it would be a possible minor risk bringing it to a moderate (6).

The Shire has to ensure full compliance with advertising and submission review requirements under the *Local Government (Functions and General) Regulations 1996*.

This report mitigates the risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. formally receives and acknowledges the public submissions submitted **Attachment 3** following the advertised notice of disposal of Reserve 33931 to Toodyay Community Garden Incorporated; and
2. Not proceed with the disposal (lease) of 4,000m2 at reserve 33931 (Old Works Depot) to the Toodyay Community Garden Inc; and
3. Agrees to disposal (lease) of 1,000m2 of land and Shed at the Shire Community Depot for a term of 5 years plus an option of 5 years at \$300 PA plus CPI.

Cr Madacsi moved an alternate motion.

Cr McCormick seconded the motion.

Cr Dival objected to the motion and foreshadowed a different alternate motion.

Debate commenced.

Cr Dival raised a point of order under Standing Order 8.2, querying whether Cr Madacsi, in speaking to the alternate motion, was doing so in her capacity as a Councillor or as a

member of the Garden Group. The concern arose from Cr Madacsi's repeated use of the term "we," which, in the context of Council debate, may imply representation of the Council as a whole.

Cr McKeown, as Presiding Member, upheld the point of order and clarified that, in accordance with clause 21(1)(b) of the *Model Code of Conduct* (Impartiality Interest), elected members must ensure they speak and act in their capacity as Councillors during formal proceedings. Cr Madacsi was permitted to continue speaking, with the reminder that references to "we" should be understood as referring to Council, and not to any external group or organisation.

The motion was put.

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM194/10/25

MOVED Cr R Madacsi

SECONDED Cr S McCormick

That Council:

1. acknowledges the public submissions received **Attachment 3** following the advertised notice of disposal of Reserve 33931 to Toodyay Community Garden Incorporated; and
2. Recognises respondent concerns raised and agrees to the disposal (lease) of 1,000m² the specific location to be mutually agreed and finalised by the CEO at reserve 33931 (Old Works Depot) to the Toodyay Community Garden Inc. at \$300 pa plus CPI, for a term of 5 years plus an option of 5 years, with the following conditions:
 - (a) a perimeter fence is first constructed to an approved standard and to a design that is consistent with the town landscape;
 - (b) construction staged and each stage completed before the next is begun where it is practically possible;
 - (c) the lease includes the following conditions:
 - (i) the site is kept tidy and in keeping with the surrounding area, and
 - (ii) storage of building materials and composting units are to be concealed.

Voted For: Crs R Madacsi and S McCormick

Voted Against: Crs M McKeown, M Dival, J Prater, R Mills and S Van der Heyden

MOTION LOST 2/5

Cr Dival moved a foreshadowed motion.

Cr Van der Heyden seconded the motion.

Debate commenced.

Cr Madacsi raised a Point of Order under Standing Order 8.2, referencing the unsolicited expressions of interest received regarding the Tennis Courts. She noted that the response included a comprehensive design proposal, and that they had provided concise reasoning outlining the site's requirements.

Cr Madacsi further raised a Point of Order against Cr Prater, asserting that Cr Prater's comments constituted an adverse reflection on her, particularly in relation to her contributions to Council and the consistency of her presentation with the information attributed to the Toodyay Garden Club.

The Shire President considered the Point of Order and determined that it did not meet the threshold for adverse reflection under Standing Orders. The Point of Order was therefore rejected, and Cr Prater was permitted to continue speaking during debate.

The motion was put.

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM195/10/25

MOVED Cr M Dival

SECONDED Cr S Van der Heyden

That Council:

1. formally receives and acknowledges the public submissions submitted **Attachment 3** following the advertised notice of disposal of Reserve 33931 to Toodyay Community Garden Incorporated; and
2. Not proceed with the disposal (lease) of any land at reserve 33931 (Old Works Depot) to the Toodyay Community Garden Inc; and
3. Invite Toodyay Community Garden (TCG) to provide a **non-site-specific** practical brief to the CEO of a community garden ideal requirements for success; and once received request the CEO to invite the TCG to the next available Councillor Workshop to enable a collective discussion.

Voted For: Crs M McKeown, M Dival, J Prater, R Mills and S Van der Heyden

Voted Against: Crs R Madacsi and S McCormick

MOTION CARRIED BY ABSOLUTE MAJORITY 5/2

Attachments

- 1 Tabled Attachment - Submission Redacted.

10.4.3 Adoption of the Code of Conduct for Council Members, Committee Members and Candidates

Date of Report:	29 October 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	COF1
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman – Chief Executive Officer
Previously Before Council:	23 February 2021 CRN: OCM40/02/21
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Code of Conduct; and ➡ 2. Revised Code of Conduct. ➡ 3. Revised Code of Conduct (Track changes accepted) ➡

PURPOSE OF THE REPORT

To present the current Model Code of Conduct for Council Members, Committee Members and Candidates (**Attachment 1**) for review following the 2025 ordinary local government election, in accordance with Clause 15 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*.

BACKGROUND

The Model Code of Conduct was introduced in 2021 to standardise behavioural expectations across all Western Australian local governments. Clause 15 of Schedule 1 requires that the Code be reviewed by Council after each ordinary election.

The Code applies to:

- Elected Council Members
- Committee Members (including non-Councillor members)
- Candidates for election

The Shire last reviewed its Code of Conduct on 22 November 2023, Resolution OCM269/11/23.

COMMENTS AND DETAILS

The post-election period provides an opportunity to reaffirm the standards of behaviour expected of elected and appointed officials and ensure alignment with current legislation, governance frameworks, and community expectations.

No amendments to the Model Code have been gazetted by the Department of Local Government since the last review. A summary of key obligations is contained in the table below.

Category	Obligation	Applies to
Personal Integrity	Act lawfully, honestly, and with reasonable care and diligence	All
	Identify and manage conflicts of interest	All
	Avoid reputational damage to the Shire	All
	Engage in training and development	Council & Committee Members
	Comply with Shire policies and resolutions	Council & Committee Members
	Do not be impaired by alcohol or drugs while performing duties	Council & Committee Members
Respectful Relationships	Treat others with respect, courtesy and fairness	All
	Do not bully, harass, or use offensive language	All
	Do not disparage or impute unethical motives to others	All
Respectful Relationships	Maintain a safe and productive environment	Council & Committee Members
Meeting Conduct	Do not disrupt meetings or act abusively	All
	Follow directions of the presiding officer	All
	Comply with meeting procedures and local laws	All
Use of Resources	Do not misuse Shire resources for electoral or personal gain	Council Members
Disclosure Obligations	Disclose impartiality interests in writing or at meetings	Council Members
	Do not disclose confidential information unless permitted	Council Members
Relationship with Staff	Do not direct or influence staff	Council Members & Candidates

Category	Obligation	Applies to
	Do not make offensive or dishonest statements about staff	Council Members & Candidates
Complaint Process	Complaints must be in writing and lodged within 1 month	All
	Cooperate with behavioural plans if issued	Council Members
Accountability	Make decisions based on facts and merit	Council & Committee Members
	Be open and accountable to the community	Council & Committee Members

Minimal administrative changes have been made to the code of conduct (**Attachment 2**) for Council to consider as part of its review. The version control box has been removed because there is an internal process for policy management and the reference, legislation and associated documents section have been updated.

The revised Code of Conduct for Council Members, Committee Members and Candidates continues to reflect the Model Code as prescribed by legislation and aligns with WALGA's recommended template. It is suitable for adoption and publication.

It is recommended that the Revised Code of Conduct for Council Members, Committee Members and Candidates (**Attachment 3**) be adopted.

IMPLICATIONS TO CONSIDER

Consultative:

WALGA

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Nil

General Function:

Nil.

Legal and Statutory:

Local Government Act 1995

Under section 5.104 of the *Local Government Act 1995*, all local governments are required to adopt a Code of Conduct for Council Members, Committee Members and Candidates that incorporates the provisions set out in Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*. The Act permits local governments to include additional provisions under Division 3 (Behaviour), provided they do not conflict with the Model Code and are not applied to Divisions 1 or 4.

Council is required to adopt the revised Code by absolute majority, and once adopted, it must be published and made available to all relevant parties, including as part of the Council Member induction process.

Local Government Amendment Bill 2024 cl. 125.

Risk related:

Failure to not review the Code of Conduct presents as a moderate (9) non-compliance risk to the Shire. This report mitigates that risk.

Workforce related:

A Shire Officer will update the website and distribute the revised code to councillors and Committee Members.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM196/10/25

MOVED Cr M Dival

SECONDED Cr J Prater

That Council adopts the revised Code of Conduct for Council Members, Committee Members and Candidates as presented in **Attachment 3**.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

10.4.4 Membership of the Audit, Risk and Improvement Committee

Cr Mills declared a financial interest as he is closely associated with one of the candidates. Cr Mills departed Council Chambers at 6.44pm.

Date of Report:	10 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2/GOV1
Author:	P Kaur – Executive Services Officer M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	October 2023 – Committee Appointments
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Audit, Risk and Improvement Committee Charter; ↗ 2. Candidate A (confidential) Section 5.23(2) (b) the personal affairs of any person (under separate cover) 3. Candidate B (confidential) Section 5.23(2) (b) the personal affairs of any person (under separate cover) 4. Candidate C (confidential) Section 5.23(2) (b) the personal affairs of any person (under separate cover) 5. Candidate D (confidential) Section 5.23(2) (b) the personal affairs of any person (under separate cover) 6. Candidate E (confidential) Section 5.23(2) (b) the personal affairs of any person (under separate cover)

PURPOSE OF THE REPORT

To consider appointments of Independent members and Councillors to the Audit, Risk and Improvement Committee.

BACKGROUND

Council adopted the *Audit, Risk and Improvement Committee Charter* on 27 March 2025 (**Attachment 1**) which sets out the Committee's purpose, functions, authority, and

governance arrangements, and provides comprehensive membership requirements under Section 6.

The *Audit, Risk and Improvement Committee (ARIC)* is established under section 7.1A of the *Local Government Act 1995*.

Council had resolved at its meeting held on 24 April 2025 to appoint Natalie Mills (Chair) as the Presiding Member and Simon Rutter as the Deputy Presiding Member (Deputy Chair) for the period from 1 April 2025 through to 30 September 2025. That period has now concluded.

In accordance with **section 6.2.6 of Attachment 1**, the Shire of Toodyay invited expressions of interest from suitably qualified and experienced community members who possess relevant professional backgrounds and expertise. The recruitment process sought to attract applicants with skills and knowledge in areas such as accounting, auditing, governance, risk management, compliance, and strategic oversight.

Advertising for expressions of interest commenced on Thursday, 21 August 2025, and was promoted across multiple platforms to ensure transparency and community reach, including the Shire's official Facebook page, the Shire's website, and the Toodyay Herald. The application period remained open for several weeks and formally closed on Tuesday, 30 September 2025.

Following the close of the application period, all expressions of interest were reviewed to assess eligibility, independence, and compliance with the Charter requirements and legislative provisions. This assessment ensured that no applicant was a current councillor, employee, or provider of paid services to the Shire, consistent with section 7.1A of the *Local Government Amendment Act 2024* and that no applicant had served as an ARIC member for six consecutive years as outlined in **Item 6.1 of Attachment 1**.

Council is required to appoint, by absolute majority, independent members to the roles of Presiding Member (Chair) and Deputy Presiding Member of the ARIC in accordance with sections 5.12(1), 7.1A(3), 7.1B(1) and 7.1A(4) of the *Local Government Act 1995*.

COMMENTS AND DETAILS

Before the local government ordinary election there were four Councillor positions on the Audit, Risk and Improvement Committee. The Committee is legislatively required to have at least three members, with a majority being Councillors.

A total of five expressions of interest were received from community members during the advertising period. The applications were assessed against selection criteria that aligns with legislation and **Attachment 1**. This is specified as follows:

1. **Independence** – The applicant is **not** a councillor, employee or provides paid services to the Shire (section 7.1A *Local Government Amendment Act 2024(WA)*).
2. **Qualifications** – Applicant holds relevant qualifications that provide valuable insight to the committee such as in accounting, auditing or governance.
3. **Knowledge and Expertise** – Demonstrates proven knowledge of corporate governance, risk, audit, compliance and performance reporting.
4. **Understanding of Local Governments** – The applicant has considerable experience in the local government sector.
5. **Risk and Compliance Awareness** – Is well versed in managing risks, fraud prevention and financial oversight.

6. **Ethics and conduct** – Provide a clear understanding of the Shire’s governance framework/code of conduct and able to demonstrate impartiality, integrity and confidentiality.
7. **Strategic Insight** – Able to provide constructive insights to the committee based on all of the above.
8. **Committee/ Board Experience** – Previous experience in a similar role.

As a pre-requisite, all candidates were reviewed on their independence, as required by legislation, and whether any candidate was already an existing member of the ARIC for six consecutive years (Item 6.1 of **Attachment 1**). All candidates passed these criteria and were able to progress to the evaluation stage.

Assessment was conducted by the Chief Executive Officer and the Executive Manager of Finance and Corporate Services (the panellists). The results of the assessment are summarised in the table below, which outlines the comparative scores of each applicant against the evaluation criteria.

Candidate	A	B	C	D	E
Score	100%	83%	55.67%	100%	80.4%

Candidates **A** and **D** both achieved the maximum score of **100%**, demonstrating very strong alignment with the selection criteria across experience, qualifications, and ability to contribute strategically. Candidates **B** (83%) also performed well, indicating they meet the criteria to a high standard. Based on this, the panellists recommend candidates **A**, **B** and **D** as the most suitable applicants for appointment to the ARIC.

It is recommended that the term of appointment for the highlighted members to be from 30 October 2025 to 13 October 2027.

IMPLICATIONS TO CONSIDER

Consultative:

N/A

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Audit, Risk and Improvement Committee Charter

Financial:

Certain fees will be payable to the newly appointed independent members of the ARIC. This is in accordance with the *Salaries and Allowances Act 1975* and item 6.2.5 of **Attachment 1**.

Legal and Statutory:

Local Government Act 1995 – Sections 5.8 to 5.11 and including 5.11A.

Local Government (Administration) Regulations 1996 (Regulation 16)

*Local Government Amendment Bill 2024***Risk related:**

The risk of not appointing the Councillors nor independent Presiding Member and the Deputy Presiding Member is moderate (3) (with a potential to be moderate (6)) as it will affect the Shire's compliance with local government reforms processes initiated by the *Local Government Amendment Bill 2024* and *Local Government Act 1995*.

This report mitigates the risk.

Workforce related:

Officers will be required to inform the candidates and the public of the appointments. This will also include an induction and processing of documentation of successful candidates prior to the commencement of membership.

VOTING REQUIREMENTS

Absolute Majority

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM197/10/25

MOVED Cr M Dival

SECONDED Cr S McCormick

That Council

1. Appoints the following Councillors to the Committee for the 2025–2027 term:
 - (a) Cr McKeown;
 - (b) Cr Prater;
 - (c) Cr Dival; and
 - (d) Cr Van der Heyden
2. Appoints independent Candidates A, B and D to the Audit, Risk and Improvement Committee for a term from 30 October 2025 to 29 October 2027.
3. Appoints independent Candidate A as the Presiding Member (Chair) of the Audit Risk and Improvement Committee, pursuant to section 5.12 *Local Government Act 1995* for a term from 30 October 2025 to 29 October 2027.
4. Appoints independent Candidate D as the Deputy Presiding Member (Deputy-Chair) of the Audit Risk and Improvement Committee, pursuant to section 5.12 *Local Government Act 1995* for a term from 30 October 2025 to 29 October 2027.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0 BY ABSOLUTE MAJORITY

Cr Mills returned to Council Chambers 6.46pm.

10.4.5 Appointment of members to the Bush Fire Advisory Committee and the Local Emergency Management Committee

Date of Report:	8 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIR3
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	October 2023 – Committee appointments
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Section 67 Bush Fires Act 1954. ⇒ 2. Extract from SEMC Guidelines. ⇒

PURPOSE OF THE REPORT

To seek Council's endorsement for the appointment of members and deputy members to the Bush Fire Advisory Committee (BFAC) for the 2025–2027 term, in accordance with Section 67 of the *Bush Fires Act 1954* (**Attachment 1**).

To seek Council's endorsement for the appointment of members to the Local Emergency Management Committee (LEMC) in accordance with the *Emergency Management Act 2005* and the State Emergency Management Committee (SEMC) Guidelines (**Attachment 2**).

BACKGROUND

Both committees mentioned below must include at least two Councillors. A separate Officer Report has asked Council to approve the Charters for each of these Committees.

Bush Fire Advisory Committee

The Bush Fire Advisory Committee is a key advisory body established under section 67 of the *Bush Fires Act 1954*.

Local Emergency Management Committee

Under section 38(1) of the *Emergency Management Act 2005*, local governments are required to establish one or more Local Emergency Management Committees (LEMCs) for their district. The LEMC plays a critical role in coordinating local emergency management arrangements, including prevention, preparedness, response, and recovery.

The LEMC is a key mechanism for ensuring that local emergency management arrangements (LEMA) are developed, maintained, and tested in collaboration with relevant agencies and community stakeholders.

COMMENTS AND DETAILS

Before the local government ordinary election:

- The Bush Fire Advisory Committee, before the local government ordinary election period, had two members. Cr McKeown (Chair) and Cr Prater (Committee Member).
- The Local Emergency Management Committee, before the local government ordinary election period, had two members. Cr Wrench (Chair) and Cr Duri (Committee Member).

The membership of both these committees is contained in their Charters which both serve as a Terms of Reference for each committee.

It is recommended that Council resolve in favour of the Officer's Recommendation as presented.

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.

Bush Fire Advisory Committee

- Strengthens Council's oversight of bush fire risk and brigade coordination.
- Enhances community safety and preparedness.
- Supports continuity and quorum at meetings.
- Builds capacity and succession planning within brigades and the community.

Local Emergency Management Committee

- Ensures statutory compliance with the *Emergency Management Act 2005*.
- Strengthens local preparedness and coordination for emergencies.
- Enhances collaboration between Council, emergency services, and the community.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Bush Fires Act 1954 – Section 67

Local Government Act 1995 – Sections 5.8 to 5.11

Emergency Management Act 2005 – Sections 36, 38, 39, 40

Local Government (Administration) Regulations 1996

Risk related:

The risk implications are moderate (4) if Council were to decide to defer the appointment of Councillors to these Committees however from a reputational perspective the risk could escalate to a high (10) given that meetings for these committees are scheduled for 6 November 2025. This report mitigates the risk.

Workforce related:

Officers will update the website accordingly.

VOTING REQUIREMENTS

Absolute Majority

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM198/10/25

MOVED Cr M Dival

SECONDED Cr S McCormick

That Council:

1. Appoints the following representatives to the Bush Fire Advisory Committee:
 - (a) The Shire President (Presiding Member); and
 - (b) Cr R Mills (Deputy Presiding Member).
2. Appoints the following representatives to the Local Emergency Management Committee:
 - (A) Deputy Shire President (Presiding Member);
 - (B) Cr Van der Heyden (Deputy Presiding Member).

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

10.4.6 Nominations of Delegates to key regional organisations

Date of Report:	17 September 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	GOV1
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	October 2023 – Committee appointments
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Administrative Reference - Key Regional Organisations. ⇒

PURPOSE OF THE REPORT

To seek Council's endorsement for the nomination of delegates to represent the Shire on key regional organisations for the upcoming term (**Attachment 1**)

To seek Council's endorsement for the nomination of two elected members to serve as the Shire's local government representatives on the regional Joint Development Assessment Panel (JDAP), in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011* and the *Local Government (Development Assessment Panels) Regulations 2025*.

BACKGROUND

Following the local government ordinary election, Council is required to consider nominations to a range of organisations located in Western Australia.

Information about these organisations is contained in an administrative document (**Attachment 1**). Note that this document is not required to be endorsed by Council.

COMMENTS AND DETAILS

The representation table contained in the attachment shows there are positions to fill as outlined below.

External Representation	Primary Delegate	Alternate Delegate
Avon Midland Country Zone (WALGA)	Shire President	Deputy Shire President
Rural Water Council of WA Inc.	Shire President	Deputy Shire President
Avon Regional Organisation of Councils (AROC)	Shire President	Deputy Shire President

External Representation	Primary Delegate	Alternate Delegate
Wheatbelt Regional Road Group North	Shire President	Deputy Shire President
Development Assessment Panels	Crs Duri and Wrench	Crs Dival and Prater
Wheatbelt District Emergency Management Committee	Deputy Shire President (Observer)	Not applicable.
Wheatbelt Development Commission	Cr Madacsi Board Member until 31 Dec 2025)	Not applicable

In regard to the:

- **Avon Midland Country Zone (WALGA);**

The Avon-Midland Country Zone of WALGA represents the Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam Toodyay, Victoria Plains, Wongan-Ballidu and York.

It is recommended that no change take place and the Shire President be nominated as the Primary Delegate while the Deputy Shire President is nominated as the second delegate should the Shire President be unavailable.

- **Rural Water Council of WA Inc.;**

The Rural Water Council provides an effective voice to Government on water issues affecting rural areas and towns and plays an important advocacy and lobbying role to ensure that effective allocations of funding are made to continue the upgrade of water projects.

It is recommended that no change take place and the Shire President be nominated as the Primary Delegate while the Deputy Shire President is nominated as the second delegate should the Shire President be unavailable.

- **Avon Regional Organisation of Councils (AROC); and**

Meetings are held every two months. Current member local governments of AROC are the Shires of Goomalling, Northam, Toodyay, Victoria Plains and York.

It is recommended that no change take place and the Shire President be nominated as the Primary Delegate while the Deputy Shire President is nominated as the second delegate should the Shire President be unavailable.

- **Wheatbelt Regional Road Group North**

The Wheatbelt Development Commission has a Board comprised of two Ministerial representatives, two Community representatives and two Local Government representatives. The Wheatbelt Development Commission may seek nominations for one or two vacancies, depending on the term of office of the current representative.

It is recommended that no change take place and the Shire President be nominated as the Primary Delegate while the Deputy Shire President is nominated as the second delegate should the Shire President be unavailable.

- **Development Assessment Panels**

Development Assessment Panels (DAPs) were introduced by the State Government to improve decision-making for significant development applications by combining technical expertise with local knowledge. Each DAP comprises five members: three specialist members appointed by the Minister for Planning, and two local government members nominated by the relevant local government.

Local governments are required to nominate two elected members—one as the primary member and one as the alternate member—to represent the local government on the relevant DAP. These nominations are submitted to the Minister for Planning for formal appointment.

The *Local Government (Development Assessment Panels) Regulations 2025*, which came into effect on 1 May 2025, clarify the roles and responsibilities of local governments in relation to DAP functions, particularly the separation between administrative and decision-making roles.

It is recommended that, with the departure of the primary delegates, that Councillors nominates four councillors to serve on the Toodyay JDAP as follows:

- Two primary local government members; and
- Two alternate local government members (for each primary member)

Nominees must be elected members of Council and willing to undertake the mandatory DAP training provided by the Department of Planning, Lands and Heritage.

It is important to note that under Regulation 5 of the *Local Government (Development Assessment Panels) Regulations 2025*, the preparation of Responsible Authority Reports and other relevant DAP functions must be performed by the Chief Executive Officer or an authorised employee. These functions cannot be performed by Council or a committee of Council, nor can Council direct the CEO or authorised employee in relation to these functions.

This separation ensures the integrity and independence of the planning assessment process, while preserving Council's role in nominating elected members to participate in DAP decision-making.

- **Wheatbelt District Emergency Management Committee (WDEMC)**

Council resolved on 24 July 2025 the following:

That Council nominate the Deputy Shire President as a Primary nominee as an observer to attend the District Emergency Management Committee Meetings.

This report is not seeking to amend Council's decision other than noting that if Cr Dival is no longer the Deputy Shire President after the Special Council Meeting to be held on 20 Oct 2025, that whoever is elected Deputy Shire President will be the person who will attend the meetings of the Committee.

The Officer's recommendation in regard to the WDEMC ensures that the Shire's representation on the WDEMC remains consistent with the established practice of appointing the Deputy Shire President, while respecting Council's previous resolution. It also avoids the need for a separate amendment unless the role of Deputy is restructured or reallocated.

- **Wheatbelt Development Commission**

Cr Madacsi is listed on the Wheatbelt Development Commission's website as being a board member until 31 December 2025. The Officer's recommendation respects that the current appointment process is managed by the Wheatbelt Development Commission and as such it is recommended that Council nominate a Councillor for this posting in lieu of the nominations opening for the December 2025 period.

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:

Nil.

Financial:

Nil. DAP members receive sitting fees as determined by the State Government. Training and travel costs are covered by the Department of Planning, Lands and Heritage.

General Function:

Nil.

Legal and Statutory:

Local Government Act 1995 – Sections 5.8 to 5.11

Local Government (Administration) Regulations 1996

Planning and Development Act 2005

Planning and Development (Development Assessment Panels) Regulations 2011

Local Government (Development Assessment Panels) Regulations 2025

- *Regulation 5: Performance of relevant DAP functions*
- *Regulation 6: Authorisation of employees*
- *Regulation 7: Conflict of interest provisions*

Risk related:

The risk implications are low (3) if Council were to decide to defer the appointment of Primary and alternate delegates however there is a reputational risk which could make the risk moderate (6) if a decision is not made. This report mitigates the risk.

Workforce related:

Officers will notify the respective organisations accordingly.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION 1 - ZONE MEETINGS/COUNCIL RESOLUTION NO. OCM199/10/25**MOVED** Cr M Dival**SECONDED** Cr S McCormick

That Council:

1. Appoints the Shire President to represent the Shire for the 2025-2027 term on the Avon Midland Country Zone (WALGA);
2. Appoints the Deputy Shire President as an alternate delegate to stand in for the Shire President for the 2025-2027 term on the Avon Midland Country Zone (WALGA).

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY**ALTERNATE MOTION – RURAL WATER COUNCIL /COUNCIL RESOLUTION NO. OCM200/10/25****MOVED** Cr M McKeown**SECONDED** Cr S McCormick

That Council:

1. Appoints Cr Madacsi to represent the Shire for the 2025-2027 term on the Rural Water Council of WA Inc.;
2. Appoints the Shire President as an alternate delegate for the 2025-2027 term on the Rural Water Council of WA Inc.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

The Deputy Shire President assumed the chair at 6.53pm.

OFFICER'S RECOMMENDATION 3 - AROC/COUNCIL RESOLUTION NO. OCM201/10/25**MOVED** Cr S McCormick**SECONDED** Cr R Madacsi

That Council:

1. Appoints the Shire President to represent the Shire for the 2025-2027 term on the Avon Regional Organisation of Councils (AROC);
2. Appoints the Deputy Shire President as an alternate delegate to stand in for the Shire President for the 2025-2027 term on the Avon Regional Organisation of Councils (AROC).

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

The Shire President assumed the chair at 6.55pm.

REVISED OFFICER'S RECOMMENDATION 4 WHEATBELT REGIONAL ROAD SUB GROUP/COUNCIL RESOLUTION NO. OCM202/10/25**MOVED** Cr J Prater**SECONDED** Cr S McCormick

That Council:

1. Appoints the Shire President to represent the Shire for the 2025-2027 term on the Wheatbelt Regional Road Sub Group.
2. Appoints the Deputy Shire President as an alternate delegate to stand in for the Shire President for the 2025-2027 term on the Wheatbelt Regional Road Sub-Group.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

ALTERNATE MOTION – REGIONAL JDAP/COUNCIL RESOLUTION NO. OCM203/10/25**MOVED** Cr M Dival**SECONDED** Cr R Mills

That Council:

1. Nominates Cr Dival as the first primary local government member to the Regional Joint Development Assessment Panel.
2. Nominates Cr Prater as the alternate local government member to the same Panel.
3. Nominates Cr Van der Heyden as the second primary local government member to the Regional Joint Development Assessment Panel.
4. Nominates Cr Mills as the alternate local government member to the same Panel.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0**OFFICER'S RECOMMENDATION 6 – WHEATBELT DISTRICT EMERGENCY MANAGEMENT COMMITTEE (WDEMC) /COUNCIL RESOLUTION NO. OCM204/10/25****MOVED** Cr M Dival**SECONDED** Cr S Van der Heyden

That the elected Deputy Shire President will assume the role of Council's representative as an observer to the Wheatbelt District Emergency Management Committee for the 2025-2027 term.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

**ALTERNATE MOTION – WHEATBELT DEVELOPMENT COMMISSION (WDC)
/COUNCIL RESOLUTION NO. OCM205/10/25****MOVED** Cr M Dival**SECONDED** Cr J Prater

That Council:

1. Notes that Cr Madacsi is currently listed as a Board Member of the Wheatbelt Development Commission, with a term expiring on 31 December 2025.
2. Nominates Cr Prater for consideration as a Board Member of the Wheatbelt Development Commission when nominations for the next term of Board membership are opened by the Wheatbelt Development Commission.

Voted For: Crs M McKeown, M Dival, , S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Cr R Madacsi

MOTION CARRIED BY ABSOLUTE MAJORITY 6/1

10.5 INFRASTRUCTURE, ASSETS AND SERVICES

Nil.

10.6 COMMITTEE REPORTS

Nil.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

13 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**13.1 Questions on notice under Section 6.1(1)**

The following question on notice was received from Councillor Madacsi.

Question 1 (a)

Please explain what are the works at the Dewars-Pool and Bindi-bindi Road's intersection?

Response

As outlined and discussed during the budget briefing sessions, the works are those required under the approved State Black Spot funding application to complete the reconstruction of the carriageway including the intersection. These are components that were not previously completed and are necessary to bring the site up to the approved Black Spot design and safety standards. Failing to do will require the Shire to give all the money back.

Question 1(b)

Is the intersection part of the State Black Spot approved SLK 7.2-9.18 included in the \$700,000 carried forward in the budget?

Response

Yes. The intersection forms part of the approved Black Spot project limits SLK 7.2–9.18, and it is included within the \$700,000 carried forward in Council's budget.

Question 1(c)

If so, given the condition of the intersection could the intersection works be reduced and the balance of funds be returned to MRWA?

Response

No. The current intersection condition does not meet the Black Spot design. To claim and acquit Black Spot funding, all design components approved for the project must be delivered and submitted for compliance. Reducing or omitting the intersection scope would risk non-compliance, undermine safety outcomes, and perpetuate the elevated maintenance burden

currently experienced. On that basis, the works cannot be reduced for the purpose of returning funds.

Question 1(d)

If the intersection is not included in the approved SLK 7.2-9.18 what funding is being sourced and what is the cost?

Response

This is not applicable. The intersection is included in the approved works for SLK 7.2–9.18 and is funded within the State Black Spot Program administered by Main Roads Western Australia (MRWA), with \$700,000 carried forward in the current budget to complete the scope. The intent is to deliver the road widening/reconstruction and intersection upgrades together to avoid weak joints, unsafe turning sections, or damage at the interface.

Question 2(a)

At the May OCM 2025, an explanation was sought for 2 April payments for a YANMAR powered 45kVA Diesel generator, each \$19,000. The response was *the original generator purchased was not the right size, was returned and the correct size was purchased. It's the same generator only slightly bigger.*

At the September OCM 2025, payments listed a Perkins 88KVVA generator for \$29,800. When questioned is this another generator and where is it to be located, the response was *this was the larger generator for the recreation centre. It is not another generator, it is the replacement for the one that was returned due to the original one being underpowered for the site.*

a. Please explain was the original entry of two YANMAR 45kVA a double entry error, or not?

Response

The original entry was neither a double entry nor an error. The invoices in April were both "paid" and is why they are included on the list of payments but were both rejected by the bank due to incorrect bank details. The \$29,800 (for the bigger generator) paid as reported in the September list of payments was paid and was accepted by the bank.

Question 2(b)

If we have 2 generators, where is the YANMAR located and for what purpose?

Response

This question has previously been responded to - We only have one generator. This has not changed since this answer was previously given.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**14.1 MEMBERS**

Nil.

14.2 EMPLOYEES

Nil.

15 CONFIDENTIAL BUSINESS

Nil.

16 NEXT MEETINGS

Meeting	Date	Time
Bushfire Advisory Committee	6 November 2025	6.00pm
Local Emergency Management Committee	6 November 2025	10.30am
Agenda Briefing	20 November 2025	5.30pm
Ordinary Council Meeting	27 November 2025	5.30pm
Audit, Risk and Improvement Committee	4 December 2025	10.30am

17 CLOSURE OF MEETING

The Shire President declared the meeting closed at 7.02pm.



ATTACHMENTS MINUTES

Ordinary Council Meeting

Thursday, 30 October 2025

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10/08/2025

**Chief Executive Officer
Shire of Toodyay
15 Fiennes Street
Toodyay. 6566**

RE: Land at Reserve 33931. Lease to the Toodyay Community Garden Inc.

Dear Sir,

I am writing on behalf of Toodyay RSL Sub-branch in response to your public notice in the August edition of the Toodyay herald.

At the August ordinary general meeting of our Sub-branch our members were 100% in support of the Toodyay Shire leasing the above land reserve to be utilised as a Community Garden.

We believe this is an excellent area which could be utilised for such a purpose, bringing our community together for a worthwhile enterprise.

Yours sincerely

Dear Roy

Thank you for your time in discussing our Development Application, submitted on 13 August 2025, for a proposed shed to be constructed on Lot 122 Nairn Drive Dumbarton WA.

We are providing this letter to support council consideration for the construction of the new shed, noting that the size of the shed and the fall of the building envelope means that the structure will be partially visible from Nairn Drive.

As you are aware, the recently acquired shed is 14.5 metres long by 15 metres wide and a maximum height of 5.972 metres at the apex of the roof.

We are planting screening vegetation and the shed is also proposed to be constructed at the lowest part of the building envelope. This will leave sufficient space to construct a house in front of the shed and further screen the shed from Nairn Drive.

The property is a 46 acre rural property. The new shed will be the main structure that we will utilise to store farming machinery and earthmoving equipment. This includes needing to store a truck and excavator from time to time. My partner, Dylan, works part time completing earth works. He is also looking to build this business over time. Therefore he is expected to expand the earth moving equipment that will need to be stored inside the shed.

Storing the equipment inside the shed ensures the equipment is secure, protected from the environment, and does not cause adverse impact to the neighbours views by having machines lying around the property.

Additionally we have a large recreational boat that is 6 metres in length and requires sufficient height to clear the hardtop roof.

We take a lot of pride in our property and have purchased the new shed, in neutral colours, with sufficient size to contain all of our equipment.

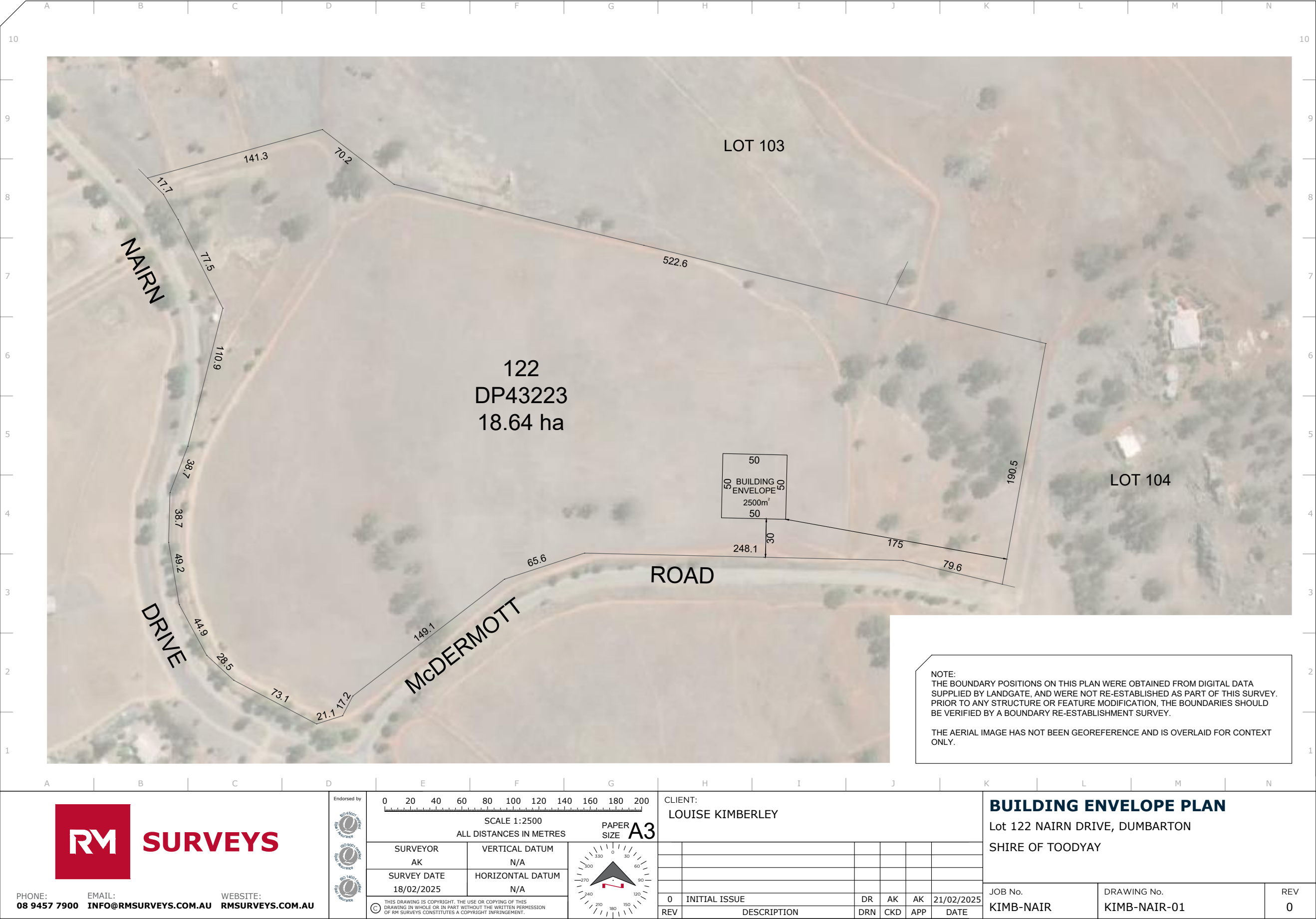
I trust that this letter contains the necessary information to support our development application and construction of the shed at our property.

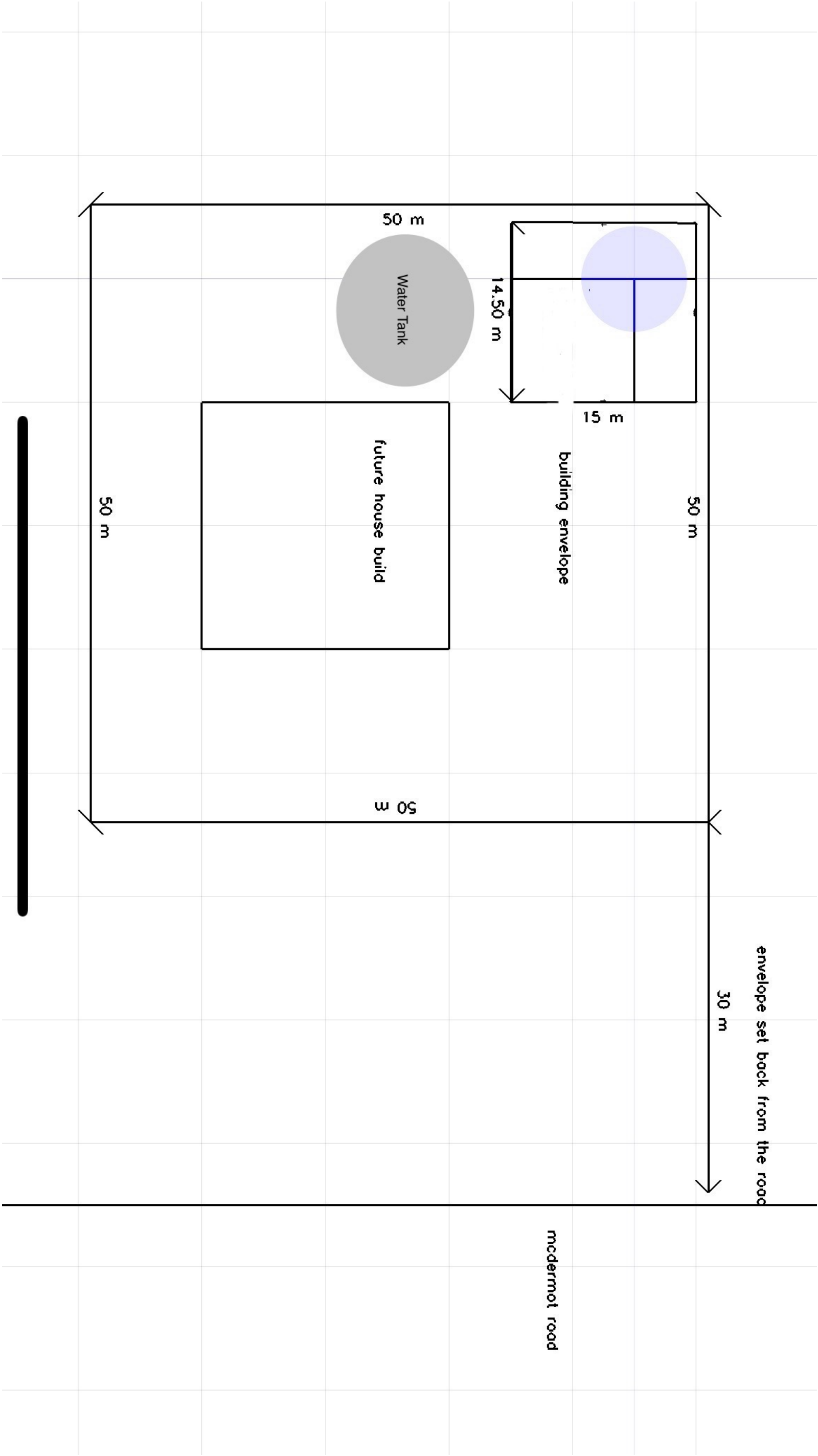
Please note we have consulted with the joint owners of the property and, as indicated by the signed development application, they support this application.

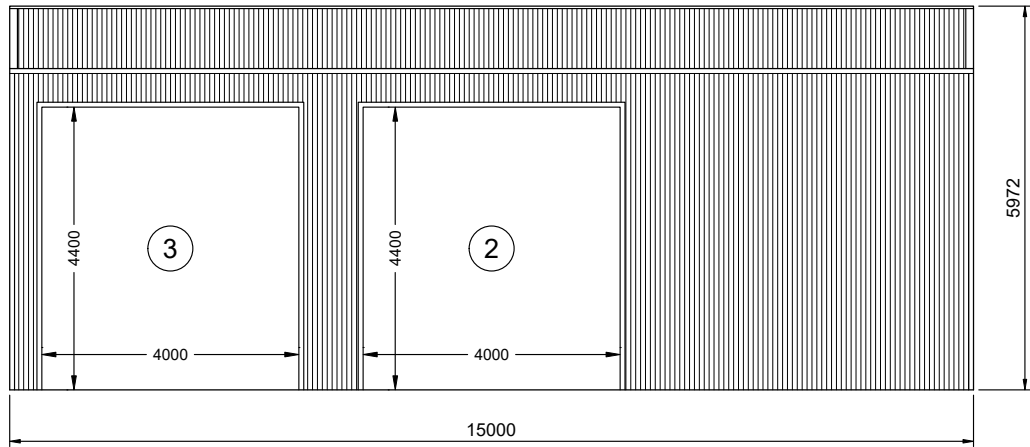
Please do not hesitate to contact me should you require any additional information.

Kind regards

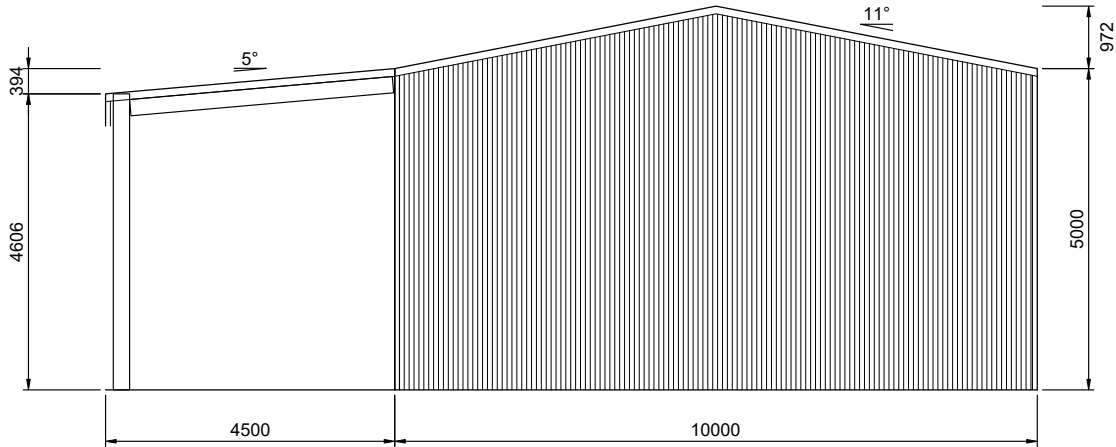
Louise Kimberley



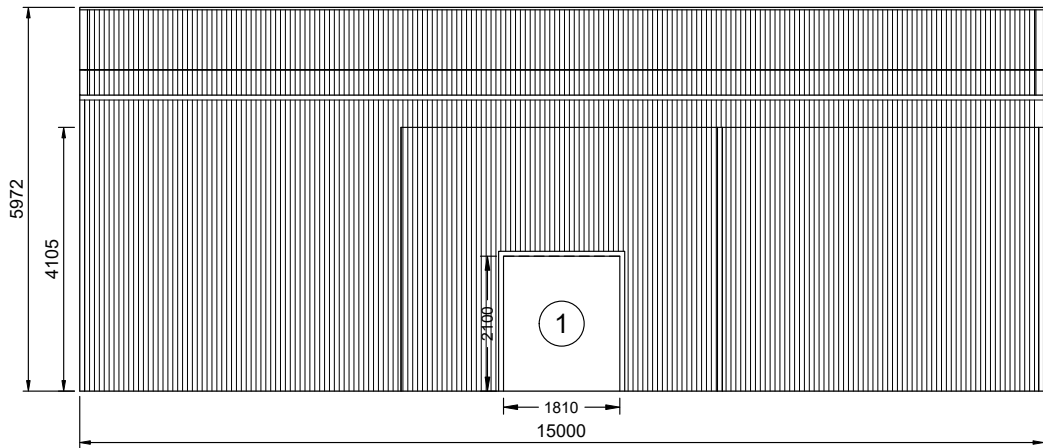




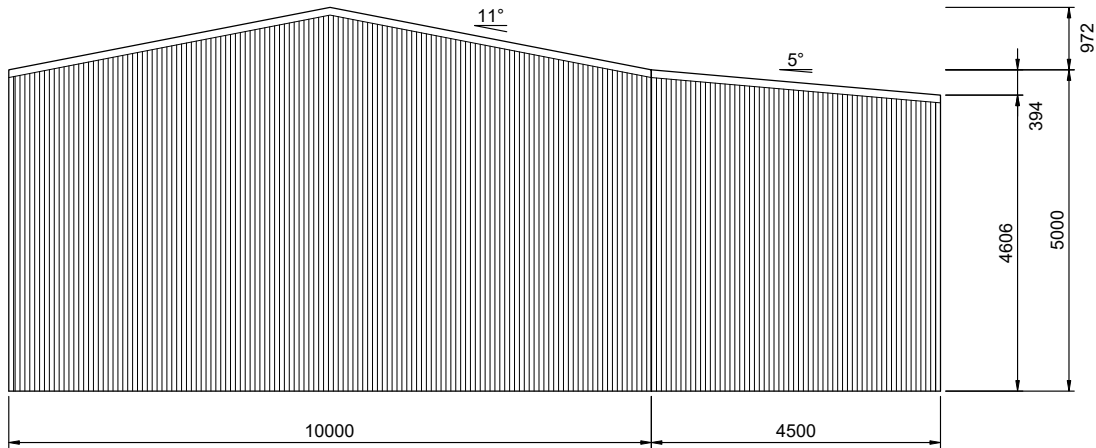
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3 REAR ELEVATION
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1 RIGHT ELEVATION
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4 FRONT ELEVATION
2 SCALE: 1:100 FRAME #1

 151 Smeaton Grange Road, Smeaton Grange, NSW, 2567 Phone: 02 4648 7777 Fax: 02 4648 7700 Email: sales@bestsheds.com.au	 CIVIL & STRUCTURAL ENGINEERS COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING CAMILO PINEDA MORENO Bend MIEAust RPeng RPEQ 15562 TBP PE003976 (VIC) Signature:  Date: 09.04.2025	Customer Name: Dylan Bylund Site Address: 122 Nairn Dr Dumbarton, WA, 6566	DATE 09-04-2025 JOB NO. 4298645500 SHEET 2 of 8
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Road Naming

Introduction

This policy provides guidelines for the naming of new and existing roads within the Shire of Toodyay.

Objective

- To provide a consistent procedure to local road naming within the Shire of Toodyay.
- To provide Council, staff, the local community, and developers with clear information on the requirements for the naming of roads.
- To ensure that road names comply with relevant legislation and requirements.
- To ensure consideration and regard to the history, natural environment, indigenous culture and character of the area is duly given when determining road names.

Scope

The scope of this policy applies to all Officers in the Shire who are responsible for arranging applications for road naming.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
CEO	Chief Executive Officer
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .

Policy Statement

1.0 Procedure for Adopting a New Road Name

- 1.1 Developers of new subdivisions shall advise Council of their preference on names for new roads within the subdivision prior to lodgement of clearance of subdivision.
- 1.2 Developers are encouraged to apply themes to areas of a subdivision.
- 1.3 Proposed names should be appropriate to the history, natural environment, indigenous culture and / or character of the area.
- 1.4 Applicants are advised to have regard for Part 3.0 of this document and for the 'Geographical Names Committee W.A. – Principles, Guidelines and Procedures' when selecting proposed road names.

26/07/2023

Road Naming Policy

Page 1

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- 1.5 A written proposal is to be submitted inclusive of a plan indicating the location of the road to be named and reasons / justification for the name.
 - 1.6 Proposals for road names should include an appropriate road type suffix. (See Attachment 1)
 - 1.7 Council's Development Services staff will initially assess the proposed name for compliance with this policy. Proposed names in accordance with this policy will then be advertised in two (2) locally circulated newspapers (i.e., The Toodyay Herald and Avon Valley Advocate) specifying a minimum submission/comment period of thirty five (35) days.
 - 1.8 At the close of the submission period the proposal will be presented to Council with all received comment tabled for consideration.
 - 1.9 Council's decision is to be then forwarded to the Office of the Minister for Land Information and the Geographic Names Committee of W.A.

2.0 Procedure for Renaming an Existing Road

- 2.1 A request to change an existing road name must be received from an owner or resident of the affected road.
- 2.2 Council must receive a majority written concurrence from all owners and residents of the subject road for the proposed name to enable the matter to proceed.
- 2.3 The applicant is responsible for obtaining the necessary written support from owner/residents.
- 2.4 A road name shall not be altered if it bears historical, local, regional, indigenous, or family significance.
- 2.5 Proposed names should be appropriate to the history, natural environment, indigenous culture, and character of the area.
- 2.6 Applicants are advised to have regard for Part 3.0 of this document and for the 'Geographical Names Committee W.A. – Principles, Guidelines and Procedures' when selecting proposed road names.
- 2.7 A written proposal is to be submitted inclusive of a plan indicating the location of the road to be renamed and reasons / justification for the name.
- 2.8 Proposals for road names should include an appropriate road type suffix. (See Attachment 1)
- 2.9 Council's Development Services staff will initially assess the proposed new name for compliance with this policy. Proposed names in accordance with this policy will then be advertised in two (2) locally circulated newspapers (i.e. The Toodyay Herald and Avon Valley Advocate) specifying a minimum submission/comment period of thirty five (35) days. All affected property owners and occupiers are to be advised directly of the proposal and the said submission period.
- 2.10 At the close of the submission period the proposal will be presented to Council with all received comment tabled for consideration.

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Road Naming Policy

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- 2.11 Council's decision is to be then forwarded to the Office of the Minister for Land Information and the Geographic Names Committee of W.A.

3.0 Road Naming Selection Criteria

- 3.1 New names and changes of names shall have strong local community support.
- 3.2 Names in public use shall have primary consideration.
- 3.3 Name duplication and dual naming should be avoided.
- 3.4 Names of living individuals should be used only in exceptional circumstances.
- 3.5 Names characterised as follows are to be avoided, where possible –
incongruous; given and surname combinations; qualified names; double names; corrupted, unduly cumbersome, obscene, derogatory, or discriminating names; and commercialised names.
- 3.6 Preferred sources of names are: -
descriptive names appropriate to the features, natural environment, pioneers, war casualties and historical events connected with the area, and names from Aboriginal languages currently or formerly identified with the general area.
- 3.7 Generic terms must be appropriate to features described.
- 3.8 New names proposed must be accompanied by exact information as to location, feature identification, origin, or if alteration is proposed, by a rationale.
- 3.9 The use of the genitive apostrophe is to be avoided (e.g. Butcher's).
- 3.10 Hyphenated words in place names shall only be used where they have been adopted in local usage (e.g., City of Kalgoorlie-Boulder).

Reference Information

[Policies and Standards for Geographical Naming in Western Australia \(Version 03:2017\)](#)

Legislation

Nil

Associated documents.

Attachment 1 – Road Types (Categories)

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	20 August 2009	Adopted	Manager Planning and Development	Council
V2	13 May 2010	Council	Manager Planning and Development	Council

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Road Naming Policy

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Version No.	Date Issued	Review position	Developed by	Approved by
V2	26 July 2023	Reviewed	Development and Regulation	Council

Document control information	
Document Theme	Development and Regulation
Document Category	Local Planning Policy
Document Title	Road Naming
Document ID	LPP.22
Document Owner (position title)	Executive Manager Development and Regulation
Author (position title)	Executive Manager Development and Regulation
Date of approval	26 July 2023 (CRN: OCM157/07/23)
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Date of next review	1 April 2026
Archived antecedent documents and previous versions	20 August 2009 Adopted at OCM 13 May 2010 Revised at OCM

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Road Naming Policy

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Council Policy: Road Naming

Attachment 1

Road Types - Categories

Road types are grouped into three categories:

1. Cul-de-sac;
2. Open Ended; and
3. Either.

The use of appropriate types is strongly encouraged to assist the travelling public and delivery companies and emergency services. Existing exceptions to these rules are often the result of particular circumstances, and similar use is not encouraged. Redevelopment is often a reason for the nontypical use of such road types.

<u>Category 1 - Cul-De-Sac</u>		
Type	Abbreviation	Description
BRAE	BRAE	A roadway running along a hill area.
BROW	BROW	A roadway that runs along or over the top of a hill
CLOSE	CL	A short, enclosed roadway.
COPSE	CPS	A roadway running through or to a public open space or woodland area.
COURT	CT	A short, enclosed roadway.
COURTYARD	CTYD	An enclosed area.
COVE	COVE	A short, enclosed roadway.
DALE	DALE	A roadway situated between hills.
END	END	A roadway that has a definite finishing point.
GLADE	GLD	A roadway usually in a valley of trees.
GLEN	GLEN	A roadway usually in a valley of trees.
GREEN	GRN	A roadway often leading to a grassed public recreation area.
GROVE	GR	A roadway which often features a group of trees standing together.

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Attachment 1 – Road Types (Categories)

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<u>Category 1 - Cul-De-Sac</u>		
Type	Abbreviation	Description
KEY	KEY	A roadway serving as an entry to an estate or stage of a development as a feature or landscaped entry with controlled access.
LOOKOUT	LKT	Roadway leading to or having a view of fine natural scenery.
MEWS	MEWS	A roadway having houses grouped around the end.
NOOK	NOOK	A short, secluded roadway with limited frontage indicating privacy.
PLACE	PL	A short sometimes-narrow enclosed roadway.
PLAZA	PLZA	A roadway enclosing the four sides of an area forming a marketplace or open space
POCKET	PKT	A short roadway leading to an intimate village environment.
POINT	PNT	A roadway leading to a focal point or river frontage.
PORT	PORT	A small roadway abutting a harbour, inlet, marina etc. in a coastal development.
REST	REST	A short roadway with limited residential frontage creating a quiet secluded environment.

<u>Category 2 - Open Ended Streets</u>		
Type	Abbreviation	Description
ALLEY	ALLY	A usually narrow roadway for people or vehicles in cities and towns. A minor roadway through the centre of city blocks or squares.
APPROACH	APP	A roadway leading to an area of community interest i.e. public open space, commercial area, beach etc.
ARCADE	ARC	A passage having an arched roof, or any covered passageway, especially one with shops along the sides.
AVENUE	AV	A broad roadway, usually planted on each side with trees
BANAN	BA	Aboriginal word meaning 'Street' or 'Path'(east Kimberley only).
BEND	BEND	A roadway containing a bend.

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Attachment 1 – Road Types (Categories)

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Category 2 - Open Ended Streets		
Type	Abbreviation	Description
BOULEVARD	BVD	A wide roadway, well paved, usually ornamented with trees and grass plots.
BRACE	BR	A small roadway, which connects other roads or a major road to another feature.
BREAK	BRK	Vehicular access on a formed or unformed surface, which was originally prepared as a firebreak.
BYPASS	BYPA	An alternative roadway constructed to enable through traffic to avoid congested areas or other obstructions to movement.
CENTRE	CTR	A roadway, which runs into or around a group of buildings forming the central point of an area of activity i.e. commercial, community, public open space, etc.
CIRCLE	CIR	A roadway, which forms a circle or part of a circle.
CIRCUIT	CCT	A roadway enclosing an area.
CIRCUS	CRCS	A circular open place where many roadways come together.
CONCOURSE	CON	A roadway which runs around a central area, e.g. public open space, or a commercial area.
CRESCENT	CR	A crescent or half-moon shaped roadway.
DRIVE	DR	A wide thoroughfare allowing a steady flow of traffic without many cross streets.
EDGE	EDGE	roadway constructed along the edge of a cliff or ridge.
ENTRANCE	ENT	A roadway connecting other roads.
ESPLANADE	ESP	A level roadway, often along the seaside or a river.
FAIRWAY	FAWY	A short open roadway between other roadways.
FOLLOW	FOLW	A roadway meandering through wooded or undulating country.
FORMATION	FORM	A formed surface, once a timber railway which now provides vehicular access.
FREEWAY	FWY	An express highway, with limited or controlled access.
GATE	GTE	A roadway leading into an estate, main entrance to a focal point,

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Attachment 1 – Road Types (Categories)

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Category 2 - Open Ended Streets		
Type	Abbreviation	Description
		public open space.
GRANGE	GRA	GRA A roadway leading to a country estate, or focal point, public open space, shopping area, etc.
HIGHWAY	HWY	A main road or thoroughfare, a main route.
INTERCHANGE	INTGE	A highway or freeway junction designed so that traffic streams do not intersect.
JUNCTION	JNC	A roadway making a transition from a major to a minor road in an estate, etc. A through road leading from one minor road to another as a link.
LANE	L	A narrow way between walls, buildings etc. a narrow country or city roadway.
LINE	LINE	A generally long and straight road.
LINK	LINK	A roadway which links similar land uses i.e. pockets of residential, another roadway, etc.
LOOP	LOOP	A roadway that diverges from and re-joins the main thoroughfare.
MALL	MALL	A sheltered walk, promenade, or shopping precinct.
MEANDER	MNDR	A sinuous winding roadway, wandering at random through an area or subdivision.
PARADE	PDE	A public promenade or roadway which has good pedestrian facilities along the side.
PARKWAY	PWY	A roadway through parklands or an open grassland area.
PASS	PASS	A roadway connecting major thoroughfares or running through hills.
PATH	PATH	A roadway usually used for pedestrian traffic.
PATHWAY	PWAY	A narrow roadway of any length meandering through an estate.
PROMENADE	PROM	PROM A roadway like an avenue with plenty of facilities for the public to take a leisurely walk, a public place for walking.
QUADRANT	QDRT	A loop road forming a circular path or a curved deviation from another road.

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Attachment 1 – Road Types (Categories)

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Category 2 - Open Ended Streets		
Type	Abbreviation	Description
QUAYS	QYS	A roadway leading to a landing place alongside or projecting into water.
RAMBLE	RMBL	A roadway that meanders from place to place.
RIDGE	RDGE	A roadway along the top of a hill.
ROAD	RD	A place where one may ride, an open way or public passage for vehicles, persons and animals, a roadway forming a means of communication between one place and another
ROTARY	RTY	An intersection of two or more carriageways at a common level where all traffic travels around a central island.
ROUTE	RTE	A roadway allowing steady traffic flow with limited cross streets.
ROW	ROW	A roadway with a line of professional buildings on either side.
STREET	ST	A public roadway in a town, city, or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.
TERRACE	TCE	A roadway usually with houses on either side raised above the road level.
TRACK	TRK	A roadway with a single carriageway.
TRAIL	TRL	A roadway through a natural bushland region.
TURN	TURN	A roadway containing a sharp bend or turn.
UNDERPASS	UPAS	A passage having an arched roof, or any covered passageway, especially one with shops along the sides.
WALK	WK	A thoroughfare with restricted vehicle access used mainly by pedestrians
WALKWAY	WKWY	A roadway on which traffic travels at a slow pace.
WAY	WY	An accessway between two streets.
WYND	WYND	A short narrow roadway or alley.

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Attachment 1 – Road Types (Categories)

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Category 3 - Either Cul-De-Sac OR Open-Ended Streets

Type	Abbreviation	Description
CHASE	CH	A roadway leading down to a valley.
CORNER	CNR	A roadway containing a sharp bend or corner.
CREST	CRST	A roadway running along the top or summit of a hill.
CROSS	CRSS	A roadway forming a 'T' or cross.
DIP	DIP	Short roadway through a steep valley or gully.
ELBOW	ELB	A roadway containing a sharp bend or turn.
FRONTAGE	FRTG	A roadway passing a point of interest or significance with lots fronting only one side e.g. public open space, coastline, etc.
GAP	GAP	A roadway that traverses a passage or a pass through a ridge or hill.
GARDENS	GDNS	A roadway with special plantings of trees, flowers etc. and often leading to a place for public enjoyment.
HEIGHTS	HTS	A roadway traversing high ground.
HILL	HILL	A roadway going up a natural rise.
OUTLOOK	OTLK	A roadway leading to an area which affords a view across surrounding areas.
RISE	RISE	A roadway going to a higher place or position.
SPUR	SPUR	A minor roadway running off at less than 45 degrees.
SQUARE	SQ	A roadway bounding the four sides of an area to be used as open space or a group of buildings
VALE	VALE	A roadway along low ground between hills.
VIEW	VIEW	A roadway commanding a wide panoramic view across surrounding areas.
VISTA	VSTA	A road with a view or outlook.

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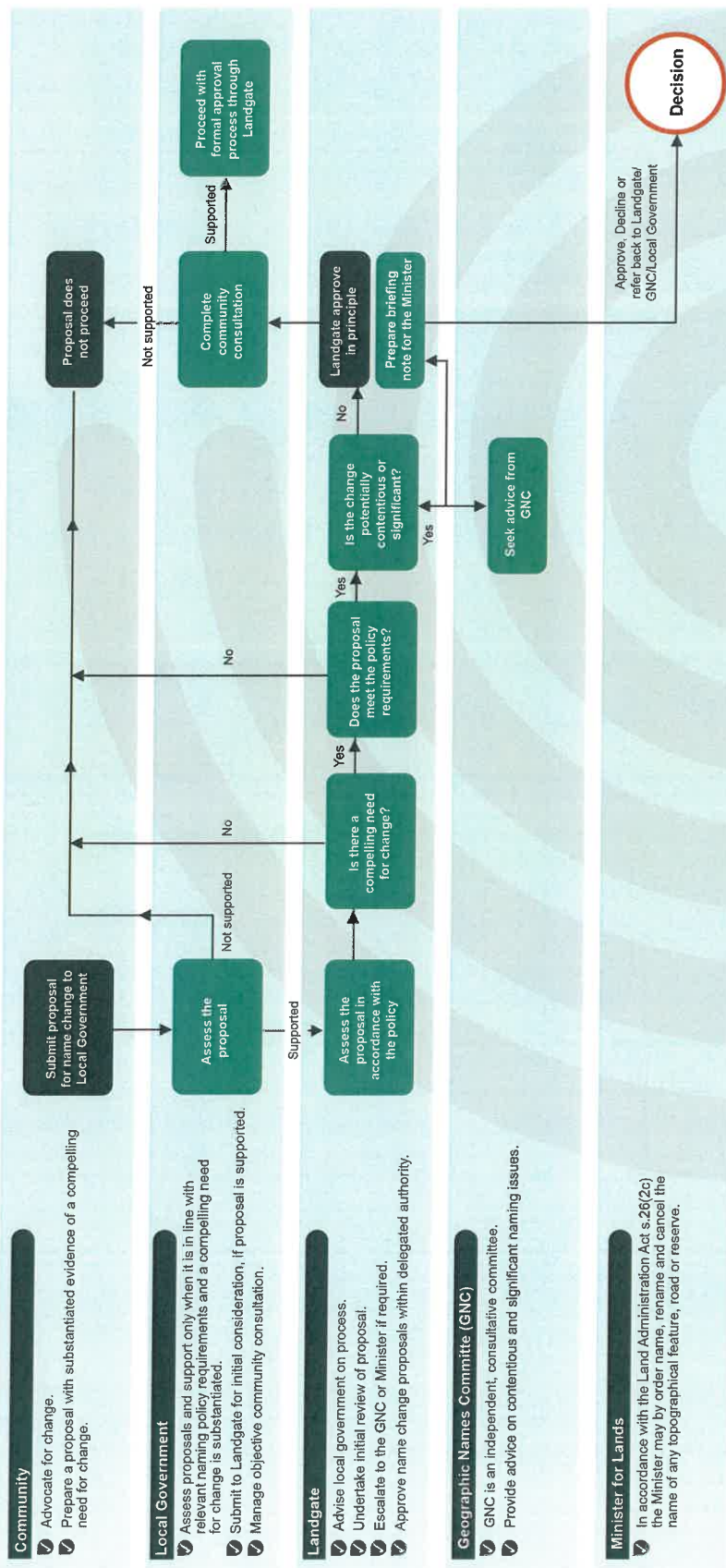
Attachment 1 – Road Types (Categories)

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Assessment process for name change proposals



https://www.landgate.wa.gov.au/siteassets/images/on-page-images/location-and-services/landgate_naminggraphic_no_logo.png

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Shire of Toodyay Policy Manual

LOCAL PLANNING POLICY

POLICY NO:	LPP.7
POLICY SUBJECT:	EXTRACTIVE INDUSTRIES – ROAD CONTRIBUTIONS
ADOPTION DATE:	16 April 2009
LAST REVIEW	28 October 2014 (Council Resolution 320/10/14)

STATEMENT OF INTENT

This policy provides a framework for contributions by Extractive Industries to help the Shire to recover the additional costs incurred from road use that will result from that land use.

The contributions consist of two components:

- Construction and Rehabilitation. Under the authority of State Planning Policy 3.6 Appendix 1 the Shire of Toodyay may charge for the cost of upgrading any road or roads to be used by the Extractive Industry to ensure it is fit for purpose. The Shire will also charge a rehabilitation cost calculated on the rate of consumption of that road asset.
- Repairs and Maintenance. Under the authority of the *Road Traffic Act 1974* the Shire of Toodyay will recover the cost of repairs and maintenance of any road or roads used by the extractive industry. The contribution will be based on a formula adopted by the Shire of Toodyay as part of its annual adoption of fees and charges.

BACKGROUND

The WA government has mandated requirements for Local Governments in WA to develop Asset Management Plans which accurately identify the whole of life costs of its assets and plan for their eventual replacement. This process has demonstrated the need to identify and attribute the cost of consumption of assets.

A road with a 30 year design life will in all probability have to be replaced after 15 years if you double the amount of traffic notwithstanding the regular intervention through repairs and maintenance. Significant increases in traffic have proven to reduce the life of the road and bring forward the time at which it will need to be rehabilitated. This policy provides the framework for recovering this cost from the highest impact users.

Road Maintenance contributions are a direct cost attribution. Funds collected may only be used for work directly attributable to the damage caused on the affected road. Road maintenance costs are not consistent over time on a particular road and can vary considerably from year to year. The policy

Local Planning Policy No 7 – Extractive Industries – Road Maintenance Contribution

Shire of Toodyay Policy Manual

smooths the contributions over the life of the freight task and allows for an additional charge or refund at the conclusion of the project.

OBJECTIVES

- To ensure those portions of Shire of Toodyay controlled roads affected by the activities relating to Extractive Industries are maintained to acceptable standard at no extra burden of cost to Council.
- To prescribe an annual road maintenance contribution, applicable to all Extractive Industries within the Shire of Toodyay, for recovery of expenses towards maintenance and repair of roads due to heavy and/or extraordinary traffic associated with the operation of an Extractive Industry, in keeping with Sections 84 and 85 of the *Road Traffic Act 1974*.
- To ensure that the prescribed road maintenance contribution correlates with activity and usage of the Shire of Toodyay road network.
- To ensure that sufficient funds are collected to fund the reduced life of Shire roads resulting from extraordinary use by an extractive industry.

DEFINITIONS

‘Equivalent Standard Axle’ is a measure developed by the national transport Commission to accurately attribute the damage to roads to particular vehicle classes by equating this damage to multiples of the damage caused by a single axle of standard dimensions and characteristics. A standard axle is defined as a single axle with two sets of dual tyres (SADT) carrying a total load of 80 kN (8.2 tonnes). Every vehicle combination may be expressed as a number of ESAs.

‘Extractive Industry’ means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;

Note: Definition is consistent with that of “Industry – Extractive” under the Shire of Toodyay Local Planning Scheme No. 4.

‘Extraordinary Use’ means any road use by a single project that constitutes more than 10% of the total use of that road calculated on Equivalent Standard Axles.

‘Road’ means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon;

Note: Definition is consistent with Road Traffic Act 1974.

‘License’ means a license issued under the Shire of Toodyay Extractive Industries Local Law as amended;

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‘Licensee’ means the person named in the license as the licensee.

STATUTORY POWER

This Local Planning Policy has been prepared in accordance with Clause 2.2 of the Shire of Toodyay Local Planning Scheme No. 4.

State Planning Policy 3.6, developed under the authority of Section 26 of the *Planning and Development Act 2005*, provides authority for the collection of developer contributions for roads or infrastructure.

Section 85 (2) of the *Road Traffic Act 1974* provides authority for road owners to recover expenses of damage for extraordinary traffic.

The *Shire of Toodyay Extractive Industry Local Law 1999*, adopted under the authority of the *Local Government Act 1995* provides for the imposition of conditions on Extractive Industry licenses.

POLICY STATEMENT

1 Application of Policy

- 1.1 This policy applies to all Extractive Industry operations within the Shire of Toodyay.

2 Construction

- 2.1 When determining a planning application for a new extractive industry the Shire will identify the most appropriate route from the site to a state controlled road suitable for the transport of the material.
- 2.2 The most suitable route may not be entirely within the Shire of Toodyay and may require further permissions from a neighbouring Local Government.
- 2.3 The Extractive Industry will be required to have the route assessed by a suitably qualified transport engineer to determine what improvements (if any) are required to make the route suitable for the freight task associated with the Extractive Industry. If the Extractive Industry proposes to use Restricted Access Vehicles further assessment by main Roads WA will be required.
- 2.4 The full cost of any identified improvements will be required to be met by the Extractive Industry.
- 2.5 The identified works may be completed by the Shire and charged to the Extractive Industry or completed by contractors appointed by the

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Extractive Industry provided the work is completed to the satisfaction of the Shire of Toodyay.

- 2.6 Any further Extractive Industry subsequently using a newly improved road within 10 years of the upgrade funded under this policy will be charged a proportion of the cost of the road upgrade.
- 2.7 The cost of any improvements will be inflated to current value, and then discounted on a pro rata basis for the portion of the 10 years remaining, the proposed level of usage and the length of the road to be used.
- 2.8 This additional charge will be repaid to the Extractive Industry that funded the upgrade.

3 Road Rehabilitation

- 3.1 Each year any extractive industry operating on a Shire of Toodyay road will pay a road rehabilitation contribution to recover the reduction in road life attributable to that project.
- 3.2 The road rehabilitation contribution will be reviewed by Council each year based on contemporary road construction costs for roads of that standard, the design life of the road and the asset life consumed by the Extractive Industry
- 3.3 Reduction in the life of roads occurs at the end of the road life and may not be visible immediately.
- 3.4 Funds collected by this measure will be placed in the Shire of Toodyay Road Reserve, but may only be expended on the road for which the contribution is made.
- 3.5 A road construction charge (as a condition precedent to planning approval) and any road rehabilitation contributions are not mutually exclusive and may co-exist. A road once developed becomes a shire responsibility and liability and will eventually need to be replaced to as new standard.

4 Road Maintenance

Note: These provisions are in addition to the requirements of the Shire of Toodyay Extractive Industry Local Law as amended. All applications are still required to satisfy the requirements of the Shire of Toodyay Extractive Industry Local Law as amended.

- 4.1 Those portions of Shire of Toodyay controlled roads affected by the activities relating to an Extractive Industry site shall be maintained to a standard acceptable to the Shire of Toodyay at the licensee's cost to the extent of any damage or wear and tear attributable to the extractive industry.

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- 4.2 To achieve this, the licensee shall pay an annual road maintenance contribution determined at the time the Extractive Industry License is issued.
- 4.3 The rate charged will be the rate specified in the Shire of Toodyay's Annual Schedule of Fees and Charges for the first year, inflated by the Perth CPI for each subsequent year of license period. The CEO may negotiate a flat rate for the life of the project based on the net present value of the projected contributions.
- 4.4 The road maintenance contribution shall be calculated based on the volume of material transported on the road expressed as as equivalent standard axles (ESAs). This will be used to calculate a cost per tonne specific to that project and that license.
- 4.5 The road maintenance contribution shall be made annually for the lifetime of the facility, the conclusion of which will be marked by the completion of all rehabilitation works to the satisfaction of the Shire of Toodyay.
- 4.6 Payment of the road maintenance contribution shall be made in advance, with the first payment due upon the commencement of operations. Thereafter, payment may be made on a quarterly basis.
- 4.7 A report detailing all activities and tonnages of material transported to and from the Extractive Industry site for the financial year period ending 30th June is to be submitted to the Shire of Toodyay by 31st July each year.

All road maintenance contributions shall be held in reserve and drawn down as specific maintenance activities are undertaken. At the conclusion of the extractive industry the balance of funds will be retained for deferred maintenance activities such as reseal and reconstruction.

5 Cumulative Upgrade Requirements

- 5.1 Each project and extractive industry is assessed in isolation from other projects. There will be occasions when the cumulative effect of multiple projects using the same road or route may create the need for an upgrade to the road. This could include for example installation of a passing or slip lane, or upgrade to an intersection.
- 5.2 The Shire of Toodyay will quantify the cost of any required upgrades and identify any funding available to contribute to the upgrade including Main Roads contributions, black spot funding or other roads funding. The balance of the cost of the project will be charged to individual extractive industries based on the proportionate impact of the traffic from each project. Such

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contributions will be additional to other contributions by the extractive industry except that any part of the project that could be characterised as Road rehabilitation as set out in section 3 may be funded in part from these contributions, again in proportion to the impact of traffic from each project

- 5.3 All decisions in relation to the allocation of rehabilitation contributions will be at the discretion of the CEO of the Shire of Toodyay.

6 CEO Authority to Negotiate

- 6.1 The CEO is authorised to negotiate with the proponent of the Extractive Industry to determine alternative contribution arrangements provided that the CEO is satisfied that any alternative arrangements provide equivalent or better value to the Shire of Toodyay.

Reviewed Council Meeting 21 May 2009
Reviewed Council Meeting 13 May 2010
Review Council Meeting 28 October 2014

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Appendix One:

ROAD REHABILITATION CONTRIBUTION (CAPITAL)

Contributions will be calculated as follows:

Re-Seal of Road (occurs every 15 years)	\$30,000 per km (a)
Reconstruction of road every forty years	\$110,000 per km (b)
Total Whole of Life Road Works per km	\$170,000 per km (c)
Annual cost per kilometre	\$4,250 per km (c / 40)

The proponent's contribution per kilometre will be apportioned according to the percentage of road wear attributable to the proponent's road use.

Examples of the completed calculation for two recent projects are set out below:

ITEM	Company A - Morangup Rd	Company B - Chitty Rd
Annual cost per Km	\$4,250.00	\$4,250.00
Haulage as a proportion of Total Road use	0.4	0.3
Haul Distance	10	8.5
Annual Charge	\$17,000.00	\$10,837.50
Per Tonne Equivalent	\$0.05	\$0.03

 Local Planning Policy No 7 – Extractive Industries – Road Maintenance Contribution

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Appendix Two:

ROAD MAINTENANCE CONTRIBUTION (OPERATING)

The maintenance cost attributable to a particular activity can be calculated empirically based on measurable factors and industry standard information. The references detailed at the end of this appendix provide the necessary background information.

The information required to undertake the calculation is as follows:

- The marginal cost of road maintenance calculated as dollars per equivalent standard axle (ESA) per kilometre. For Shire of Toodyay rural collector roads this figure is \$0.080 (8 cents) per ESA / Km (WALGA, 2014). This figure would be adjusted for CPI annually.
- The configuration of the vehicles to be used for the freight task expressed as a number of ESAs. The typical configuration for clay trucks is an eight wheel truck with a 5 axle dog trailer which has an ESA equivalent of 7.59. When the unloaded return journey is taken into account the figure is 8.74 ESAs (ATA, 2010)
- The number of trips required to complete the freight task;
- The haulage distance on Shire of Toodyay local roads.

The required road contribution would then be calculated as Marginal Cost X Vehicle ESA X Trips X Haul; Distance. This figure can then be converted to a charge per tonne, but the charge would vary from project to project depending on the haul distance.

Examples of the completed calculation for two recent projects are set out below:

ITEM	Company A - Morangup Rd	Company B - Chitty Rd
Marginal \$/ESA-km	\$0.080	\$0.080
Truck ESA	8.74	8.74
Number of Loads (Total Freight Task / payload)	8500	2380
Haul Distance	10	8.5
Annual Charge	\$59,432.00	\$14,144.82
Per Tonne Equivalent	\$0.17	\$0.14

References

Australian Trucking Association (2010), *Truck Impact Chart*, Forrest, ACT, Australia.

Austroads (2012), *Preliminary Methodology for Estimating Cost Implications of Incremental Loads on Road Pavements*, AP-R402-12, Austroads, Sydney, New South Wales.

WALGA (2014), *Calculating the Cost of Road Wear on Local Roads*, WALGA, Perth, WA



Extractive Industries and Waste Disposal

Introduction

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

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

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

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

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

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

Objectives

- To protect the environmental and landscape amenity, values and qualities of Toodyay.
- To protect key water assets in the Shire against degradation.
- To protect the economic viability of the Shire's agricultural and horticultural industries and tourism.
- To prevent activities detrimental to the amenity and/or environment of the area during or after extraction.
- To provide stakeholders (including Council and prospective developers) with clear guidelines and requirements for the processing of applications for extractive industries and waste disposal.
- To ensure proposed haulage routes and road hierarchy support an extractive industry and waste disposal without degrading Shire road assets.
- To allow for the consideration of extractive industries in appropriate locations and to ensure such industries are operated in a correct and appropriate manner.

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Extractive Industries and Waste Disposal

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Scope

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

Definitions

Term	Definition
Act	<i>Planning and Development Act 2005</i>
Acid Sulphate Soils (ASS)	Any naturally occurring soils or sediment containing iron sulphides
Adjoining	Refers to any land or owner of land which abuts an application site or is separated from it only by a road, pathway, driveway or similar thoroughfare.
Agriculture	The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products. This includes: Cropping, animal husbandry including dairying and feedlots, flowers/plants/tree nurseries, apiaries and horticulture.
Basic Raw Materials (BRM)	Basic Raw Materials are considered to be materials that are used in the construction industry. These materials include sand, stone, clay, hard-rock and gravel aggregate.
Borrow pit	A borrow pit is a hole, pit or excavation that has been dug for the purposes of removing gravel, clay and sand used as fill onsite or at another location.
CEO	Chief Executive Officer
Clean Fill	Clean fill means waste material which, by virtue of the history of the site from which it originates, is unlikely to contain contamination of any type. There are no laboratory testing requirements for 'clean fill'. Soil imported to a site that has been excavated from an offsite location with no history of potentially contaminating activity may meet the definition of clean fill.

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Committed Area	In relation to a Shire extractive industry or basic raw material resource, any extraction area which is being worked or has been periodically worked.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .

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

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Invasive animals or plants	An invasive species is an organism that is not indigenous, or native, to a particular area.
Level of Service (LoS)	Level of service is a measure of the quality of service of transportation infrastructure as set out by Austroads. Level of service may be used as a tool to measure changes in condition, also relating to increase in vehicle use, or expected quality of the infrastructure and the system uses the letters A through F, with A being best and F being worst.
MDR	Manager Development and Regulation

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

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Waste Industries	Disposal	The Class I and Class II Waste Disposal Industries operated out of Lot 11 Chitty Road and Lot 1 Salt Valley Road.
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Policy Statement

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

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1. Council's position on extractive industries

The Council's position on extractive industry is that:

- (a) Extractive industry should not take place in environmentally or culturally sensitive areas;
- (b) Extractive industry should not result in a degraded quality of life for any resident or visitor in either the short or long term, whether through amenity or health impacts;
- (c) Introduction of a sensitive land use that encroaches on extractive industry operations should not be permitted to encroach on extractive industry operations such that they may be exposed to negative impacts;
- (d) Because the availability of basic raw materials is important to the economic well-being of the Shire, new development should not be permitted that would prevent the exploitation of viable deposits of basic raw material.
- (e) Sufficient notice should be given of any project that will require such large quantities of any particular basic raw material that there is a risk of creating a significant local supply shortage, to enable approvals to be put in place for additional sources of that material for local consumption. To this end, the Shire will continue to engage relevant State Government agencies and project proponents to encourage such collaboration;
- (f) Extractive industry should not result in the introduction of or increase in population of invasive / feral animals or plants.

2. Exemptions from the Policy

This policy does not apply to the following:

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

3. Approval Requirements

Council Development Approval is required for Extractive Industry

Where a new extractive industry is proposed, or an existing industry is to be modified, Development Approval by Council is required prior to the industry commencing/extending.

An Application for Development Approval is required to be lodged in accordance with Council requirements and scheduled fees.

4. Consultation

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

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

4.1 Officer consideration

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

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

4.2 Council consideration

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

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

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

Matters to be considered by Council

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

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

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

5. Extractive Industry Classification

In order to determine what level of information is required for an extractive industry application, a three-class rating system has been developed ranging from Class 1 (small scale) to Class 3 (commercial). The criteria for each of the three Classes are detailed below, along with examples pertinent to each Class.

5.1 Class 1

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

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

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

5.2 Class 2

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

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

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

5.3 Class 3

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

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

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

6. General Development Requirements

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

- (a) No excavation is to occur within 1000 metres of a residence adjacent to the subject property;
- (b) Buffers in accordance with EPA requirements to be accommodated within the boundaries of the subject property;
- (c) The proposed pit is to be setback a minimum of 50 metres from any public road;
- (d) No excavation is to occur within 50 metres of a water resource;
- (e) The clearing of remnant vegetation to access basic raw materials is discouraged, however where vegetation is affected as part of the proposal Council will consider the advice from the Department of Water and Environmental Regulation;
- (f) Any extractive industry should not be located within visually obvious locations (locations obvious from major roads, townsites and tourist nodes) unless a visual management plan, in accordance with Visual Landscape Planning in WA – A Manual for Evaluation, Assessment, Siting and Design, Western Australian Planning Commission (WPAC) 2007, demonstrates insignificant amenity impact.;
- (g) Class 1 and 2 industries are to provide a written statement verifying that they have complied with all conditions of their planning scheme consent at the time of annual renewal. Class 2 industries may be asked to comply with the Local Law requirements applying to Class 3 operations in regard to annual renewal requirements; at the time of licence approval where the type or size of operation dictates a higher level of monitoring is required.
- (h) New development shall be sited and designed to ensure that known reserves of basic raw materials and minerals shown on the following plans are not unreasonably precluded from future extraction.

7. Information applicable to each Class

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

7.1 Table 1: Extractive Industries – Application Requirements

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

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

<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(A) Three (3) copies of site plan to a scale between 1:500 and 1:2000 showing:			

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

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<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(A) Three (3) copies of site plan to a scale between 1:500 and 1:2000 showing:			
(xi) The water requirement and sourcing thereof throughout the duration of the proposed site and operations	✓	✓	✓
(xii) An invasive / feral animal and plant management plan providing for the duration of the proposed site and operations, and the mine closure.	✓	✓	✓

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

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(vi) A description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled.	✓	✓	✓
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<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(B) Three (3) copies of a works and excavation program containing:			
(vii) A description of the means of access to the excavation site and the types of thoroughfares to be constructed.	D	✓	✓
(viii) Details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles.	D	✓	✓
(ix) Traffic Impact Assessment	D	✓	✓
(x) A description of any proposed buildings, treatment plant, tanks, and other improvements.	(only in vicinity of extraction site)	✓	✓
(xi) Details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained.	D	✓	✓
(xiii) A description of the measures to be taken to minimise noise, dust nuisance, erosion, watercourse siltation and dangers to the general public.	✓	✓	✓
(xiii) A description of the measures to be taken to comply with the Environmental Protection Noise Regulations 1997.	✓	✓	✓

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(xiv) A description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land.	D	(applicable where remnant vegetation and water-courses are found on the property)	✓
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<i>Information Required with Application</i>	<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
(B) Three (3) copies of a works and excavation program containing:			
(xv) Details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation.	(Applicable if remnant vegetation will be affected by the proposed excavation site)	✓	✓
(xvi) A description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas.	✓	✓	✓

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

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

8. Determining suitability of proposal

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

8.1 Table 2: Extractive Industries – Development Criteria

Performance Criteria	Acceptable Development
Element: Amenity	
1. Development does not prejudice the productive use of agricultural land on site or in the surrounding locality. 2. Development does not unduly disrupt surrounding residents by way of vehicular traffic, noise, blasting and dust vibration as per the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> . 3. Consultation has occurred with the local community and relevant government departments. 4. The site can be rehabilitated in a way that is compatible with the long-term planning for the site and surrounding area.	1. Development is located away from sensitive land uses unless appropriate measures can be taken to ameliorate adverse impacts. 2. Hours of operation are limited to 7am to 5pm Monday to Friday and 7am to 1pm on Saturday. No operation on public holiday days. 3. Extraction of material occurs from only one site per property at any one time except for satellite pits of demonstrated different grades of materials. 4. Sites are filled with clean material only.

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Performance Criteria	Acceptable Development
Element: Environmental	
1. Development is located so as to minimise impact upon native flora and fauna; groundwater quality, quantity, and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land.	1. Development does not prejudicially affect native flora and fauna; groundwater quality, quantity, and use; surface drainage and surface water quality including discharge of sediment and sites of cultural and/or historic significance on or near the land. 2. Dieback is managed in accordance with Best Practice Guidelines Management of Phytophthora Dieback in Extractive Industries (2005 – Dieback Working Group). 3. Sites can be suitably rehabilitated in accordance with an agreed management plan. 4. Site to be managed in line with the invasive / feral management plan.
Element: Buffers	
1. Development is sited in accordance with the principles of <i>Guidance for the Assessment of Environmental Factors Western Australia (in accordance with the Environmental Protection Act 1986) Environmental Protection Authority No. 3 June 2005 Separation Distances between Industrial and Sensitive Land Uses</i>	1. Quarry of hard rock (including blasting), crushing and screening - requires a buffer distance of 1000m. 2. Quarry (not hard rock). Processing rock ore etc. by blasting, grinding and milling works – material processed by grinding, milling, or separated by sieving, aeration etc. - requires a buffer distance of 1000m. 3. Quarry (no blasting) - material processed by grinding, milling, or separated by sieving, aeration etc. - requires a buffer distance of 500m. 4. Sand and limestone extraction no grinding or milling works - Requires a buffer distance of 500m.

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Performance Criteria	Acceptable Development
Element: Visual Impact	
1. Development is unobtrusive and does not prejudicially affect the natural landscape.	1. Any extractive industry should not be located within visually obvious locations (locations obvious from major roads, townsites and tourist nodes) unless a visual management plan, in accordance with Visual Landscape Planning in WA – A Manual for Evaluation, Assessment, Siting and Design, Western Australian Planning Commission (WPAC) 2007, demonstrates insignificant amenity impact.;
Element: Transport	
1. Development satisfactorily addresses the following issues: (a) Proximity to and interaction with school bus routes; (b) Conditions and nature of roads to be used; (c) Impact on higher traffic volume on higher risk roads; (d) Size of trucks and number of truck movements; (e) Access points to the operation site; (f) Existence of any other extractive industry or heavy haulage in the vicinity and cumulative effects on the transport network; and (g) Comments of Main Roads WA.	1. Development is located in proximity to heavy haulage routes. 2. Development which avoids the use of school bus routes for haulage purposes where possible. 3. Development where a road maintenance agreement has been entered into with the Shire prior to operation, or where financial contributions have been made to ensure the upgrading of roads where necessary to improve the standard of access.

8.2 Compliance with mine safety requirements

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

8.3 Requirement to obtain Vegetation Clearing Permit

Where the extractive industry necessitates the removal of native vegetation, the applicant is required to seek and obtain a Vegetation Clearing Permit from the Department of Environment and Conservation in accordance with the

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Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

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

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8.4 Requirement to obtain registration of licence for a Prescribed Premise

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

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

8.5 Environmental protection requirements

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

8.6 Weed and disease management plan

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

8.7 Security for Site Restoration and Reinstatement

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

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

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

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

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

10. Compliance System

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

10.1 Non-Compliance Points:

The points for each category of non-compliance are:

Rating	Points
Critical	10 points
Major	5 points
Minor	1 point

10.2 Length of Licence

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

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

10.3 Category of Non-Compliance

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

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

10.4 Table 3

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

10.5 Table 4

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

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

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

10.6 Licence Conditions Approval

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

11. Audits

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

11.1 Table 5

Total audit score	Length of licence	Frequency of site audits
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Total audit score	Length of licence	Frequency of site audits
0 – 2	5 years	1/year – Every 12 months
3 – 5	3 years	1/year – Every 12 months
6 – 10	1 year	2/year – Every 6 months
11+	6 months	2/year – Every 6 months

11.2 Audit Notification

The Shire will notify the operator of an audit, in writing, and provide at least two weeks' notice. Notification will include a copy of the audit schedule outlining areas the operator will be audited. This will allow the operator two weeks to provide or seek any clarification on any areas listed in the audit. The process for audits is detailed below:

- (a) Compliance Audit Only (May for 6- and 12-month licences and October for 3 and 5 year licenses).
- (b) Written notification sent to operator advising of site inspection minimum 2 weeks prior with audit assessment sheet attached.
- (c) Site audit undertaken by Shire Officers and/or contractors against current extractive industry licence and development approval. Shire appointed consultants performing this task will be at the expense of the licence holder.
- (d) Operators sent a letter advising of any non-compliances within 2 weeks of site audit and given due dates for remediating areas of non-compliance.

11.3 Audit and Assessment of Licence lengths (October)

- (a) Written notification sent to operator advising of site inspection a minimum 2 weeks prior with audit assessment sheet attached.
- (b) Site audit undertaken by Shire Officers and/or contractors against current extractive industry licence and planning approval Shire appointed consultants performing this task will be at the expense of the licence holder.
- (c) Assessment for length of licence undertaken in accordance with Tables 3-5 using completed audit results.
- (d) Draft assessment including recommendation of licence length sent to operator by 7 November for comment.
- (e) Comments due back from operators by 21 November.
- (f) Mediation between operator and officers undertaken if there is disagreement and option given to operator to attend December Concept Forum to present issue/s to Council.

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- (g) Item put to December Ordinary Council Meeting on the length of the extractive industry licence for decision with both officers' recommendation and any comment provided on audit and assessment results from the operator.

12. Approval process for documents required in licence conditions:

- (a) Where documents are required to be submitted by a date as set out in licence conditions, the Shire will acknowledge receipt of those documents within 5 working days and will assess the documents within 3 months of receipt.
- (b) Further information or modifications may be requested from the Shire which will also be assessed within 3 months of receipt.
- (c) Where documents are acknowledged as being received by the Council but are not assessed within 3 months of receipt they will be deemed to be approved.
- (d) Plans will not be accepted for assessment within 3 months of the licence renewal date.

13. Cost Recovery for Consideration of Applications

The Shire shall seek to recover from proponents to the maximum extent practicable, the costs associated with the assessment of proposals. The costs that the Shire shall seek to recover shall include but not be limited to the following:

- (a) costs and expenses of advertising the application and advertising matters related to the application.
- (b) costs and expenses of any specific assessment that is required in relation to the application, for example, environmental assessment.
- (c) costs and expenses for the provision of a survey report to establish road conditions prior to the extractive industry licence being granted.
- (d) costs and expenses of consultation procedures required in relation to the application.
- (e) costs and expenses of technical resources and equipment such as computer modelling.
- (f) costs and expenses of specialist advice required in relation to the application, for example, advice in relation to heritage matters.
- (g) costs associated with audit of compliance conditions
- (h) costs associated with the preparation of legal agreements
- (i) costs associated with the erecting and ongoing maintenance of road safety signage

The Shire shall reserve the right to require an applicant to pay estimated costs and expenses that may be incurred by the local government before the costs and expenses are actually incurred. Where any moneys paid in advance by an applicant to a local government for estimated costs or expenses that are not incurred by the local government are to be refunded to the applicant upon a formal determination being made on the application.

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Cost recovery shall also apply to all costs and expenses associated with monitoring during the life of the project including audits and pit closures.

14. Road Maintenance

Those portions of Shire of Toodyay controlled roads affected by the activities relating to an Extractive Industry site shall be maintained to a standard acceptable to the Shire of Toodyay at the licensee's cost.

To achieve this, the licensee shall pay an annual road maintenance contribution equivalent to an amount specified within the Shire of Toodyay's Annual Schedule of Fees and Charges, for expenses incurred by the Shire of Toodyay for the repair and maintenance of Council's roads used by Extractive Industry and waste Trucks. The contributions to be placed in the Road Maintenance Reserve Fund.. The contribution fee per tonne will be calculated in accordance with the Western Australian Local Government Association (WALGA) guidelines and methodology.

The road maintenance contribution shall be based on the estimated tonnage of material to be transported to and from the Extractive Industry site. This figure is calculated using the length of Shire controlled roads travelled, number of truck movements, the type of vehicles being used.

The road maintenance contribution shall be made annually for the lifetime of the facility, the conclusion of which will be marked by the completion of all rehabilitation works to the satisfaction of the Shire of Toodyay.

Payment of the road maintenance contribution shall be made in advance, with the first payment due upon the commencement of operations. Thereafter, payment may be made on a quarterly basis.

A report detailing all activities and tonnages of material transported to and from the Extractive Industry site for the financial year period ending 30th June is to be submitted to the Shire of Toodyay by 31st July each year.

The advance payments made through the year shall be reconciled against the actual activities and additional payments shall be sought or credited as appropriate.

Road maintenance contributions for Extractive Industries within the Shire of Toodyay are applicable from the date of effect of this policy.

Note: These provisions are in addition to the requirements of the Shire of Toodyay Extractive Industry Local Law as amended. All applications are still required to satisfy the requirements of the Shire of Toodyay Extractive Industry Local Law as amended.

15. Rehabilitation

After excavation of BRM, land will need to be stabilised to suppress sand and dust, which may include revegetation.

All revegetation should be conditioned on the approval, and generally carried out in accordance with an approved revegetation plan.

Rehabilitation is to be undertaken on an ongoing basis for worked areas. Any exhausted/worked areas in excess of 2 hectares need to be reshaped, ripped, topsoil re-spread, dry seeded and a dust suppressant applied to hold the soils in place until

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the first rains occur. Rehabilitation needs to occur before new excavation.

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On-site revegetation may be conducted when cleared land is no longer required for the purpose for which it was cleared. It is important for revegetation projects to be guided by a plan appropriate to the specific conditions and requirements of the site.

The revegetation plan should be prepared in consultation with an environmental specialist with appropriate expertise in revegetation techniques and experience specific to Western Australian conditions.

15.1 Pit Rehabilitation Plan

A Pit Rehabilitation Plan is to be submitted and approved by the Shire of Toodyay in writing. This plan is to address the following issues:

- (a) Restrict the area of open pit to 2 hectares. Larger pits may be considered for extraction where the applicant can demonstrate that it will not have any detrimental impact on the environment or amenity of the area (by lodging a detailed environmental management plan).
- (b) How the portions of land subject to extraction are to be rehabilitated (following each stage of extraction) to allow for future rural use and shall include:
 - (i) Flattening the land;
 - (ii) Spreading of stockpiled topsoil (capable of supporting seed and plant re-growth);
 - (iii) Forming stable battered banks consistent (or in keeping) with the geology, landform and end use.; and/or
 - (iv) Revegetation using native trees, shrubs and groundcovers / undergrowth.

The pit rehabilitation plan should be developed and executed in accordance with the advice and principles contained in the *DBCA Guidelines for the Management and Rehabilitation of Basic Raw Material Pits (2008)*

15.2 Rehabilitation Bond

For the purpose of ensuring that an excavation site is properly restored or reinstated the Shire will as a condition of approval require the payment of a rehabilitation bond, in accordance with the Shire's Schedule of Fees & Charges.

The proponent must give to the Shire of Toodyay a bond or bank guarantee, for a sum as determined by the Shire's adopted Schedule of Fees and Charges calculated on a dollar per hectare rate, prior to the commencement of operations. The bond will be held in trust pending the satisfactory rehabilitation of the excavation area and site in general, in accordance with the approved Rehabilitation and Decommissioning Plan. Rehabilitation works are to be monitored and information reported to the Shire demonstrating the progress and success of rehabilitation for a two-year period from the conclusion of rehabilitation.

Should the operator fail to carry out or complete the required rehabilitation works within the 60 days of the cessation of excavation, or longer period as

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agreed to by the Shire, the Shire may carry out or cause to be carried out or complete the required rehabilitation works. The Shire will then use the

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rehabilitation bond towards these costs and recover any balance of costs directly from the proponent.

16. Invasive / feral animals and plants

An invasive / feral animals and plants plan is to be submitted and approved by the Shire of Toodyay in writing. This plan is to address how the land will be managed during the lifespan of the operations and the mine closure process to:

- a) Control invasive / feral animals or plants in line with the approved plan;
- b) Manage the land in line with the invasive / feral animals and plants plan;
- c) Ensure mine closure process is in line with the invasive / feral animals and plants plan.

Reference Information

- [Austroads - Guide to Traffic Management Part 3: Transport Studies and Analysis Methods](#)
- State Planning Policy No.2.4 – Basic Raw Materials;
- [Guidance for the Assessment of Environmental Factors Western Australia \(in accordance with the Environmental Protection Act 1986\) Environmental Protection Authority No. 3 June 2005 Separation Distances between Industrial and Sensitive Land Uses](#)
- EPA Guidance Statements No.3, 51 and 56
- Department of Environment and Conservation Guideline for the Development and Implementation of a Dust Management Program 2008;
- EPA Guidelines for the Prevention of Dust and Smoke from Land Development Sites in Western Australia 1996;
- WAPC - Basic Raw Materials Proponents' Manual 2009; and
- State Planning Policy 2.8 - Bush Forever.
- [Management of Phytophthora Dieback in Extractive Industries \(2005 – Dieback Working Group\)](#).
- DBCA Guidelines for the Management and Rehabilitation of Basic Raw Material Pits
- [Visual Landscape Planning in Western Australia \(2007\)](#)
- Shire of Toodyay Strategic Community Plan – Toodyay 2028

Legislation

- *Planning and Development Act 2005*
- *Planning and Development Regulations 2009*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Environmental Protection (Noise) Regulations 1997;
- Environmental Protection (Clearing of Native Vegetation) Regulations 2004;

Associated documents

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Application documentation

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	09/02/2023	New	Manager Development and Regulation	Council

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Version No.	Date Issued	Review position	Developed by	Approved by
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Local Planning Policy 7: Mining & Resource Extraction

1. Introduction

1.1 This Local Planning Policy:

- a) Has been prepared and adopted pursuant to Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)*.
- b) Applies to all development applications for Industry – Extractive, Mining Operations, and Mining Operations on Minerals to Owner land¹ under the Shire of Toodyay's Local Planning Scheme.
- c) Subject to clause 1.2, does not apply to development that is exempt from the need for approval pursuant to:
 - i. Part 7 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
 - ii. Section 6 of the *Planning and Development Act 2005*; or
 - iii. Section 120 of the *Mining Act 1978*.

1.2 The Shire of Toodyay will have due regard to this Policy when:

- a) Assessing and determining development applications for Industry – Extractive, Mining Operations, and Mining Operations on Minerals to Owner land; and
- b) Providing recommendations or advice in respect of such proposals where the Shire of Toodyay is not the decision-maker.

2. Objectives

2.1 The objectives of this Policy are to:

- a) Prescribe the Shire's minimum information requirements, standards for assessment, and determination of development applications to which this Policy applies.
- b) Ensure that Industry – Extractive, Mining Operations, and Mining Operations on Minerals to Owner land are appropriately located, designed, operated, managed and closed to mitigate the impacts of those activities on sensitive land uses, environmental qualities, established agriculture, and rural landscape amenity.

¹ Minerals to Owner land refers to freehold land created before 1 January 1899. Except for gold, silver and precious metals, all mineral rights in such land are held by the landowner, not the Crown. The *Mining Act 1978* does not apply to mining operations on Minerals to Owner land and, as such, the mining or extraction of metals and minerals (other than gold, silver and precious metals) on that land will require development approval from the Shire of Toodyay.



- c) Maximise the local benefit of Industry – Extractive, Mining Operations, and Mining Operations on Minerals to Owner land.
- d) Supplement the provisions relating to Industry – Extractive in the Shire’s Local Planning Scheme² and State Planning Policy 2.5: Rural Planning (SPP 2.5)³.

3. Definitions

<i>Basic Raw Materials (BRM)</i>	Has the same meaning given to it in SPP 2.4.
<i>Borrow Pit</i>	Means a hole, pit or excavation that has been dug for the purposes of removing gravel, clay and sand used in construction.
<i>Deemed Provisions</i>	Means the provisions contained in Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
<i>Development Application</i>	Means a development application to which this Policy relates, being for Industry – Extractive, Mining Operations, or Mining Operations on Minerals to Owner land.
<i>Development Footprint</i>	Means the extent of a lot (vertically and horizontally) proposed to be used or developed for a proposal, regardless of whether that land is actively used for extraction of materials or for purposes ancillary thereto, such as filling, clearing, laydown, stockpiling, storage, bunding, handling, treating, processing, loading, parking, access or egress to the subject land.
<i>Exclusion areas</i>	Has the same meaning given to it in SPP 2.4.
<i>Industry – Extractive</i>	Has the same meaning given to it in the Shire of Toodyay Local Planning Scheme.
<i>Mining Operations</i>	Has the same meaning given to it in the <i>Mining Act 1978</i>
<i>Proposal</i>	Means the proposed development of Industry – Extractive, Mining Operations, or Mining Operations on Minerals to Owner land.
<i>Sensitive Land Use</i>	Has the same meaning given to it in the Environmental Protection Authority’s <i>Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses (2005)</i> .
<i>Significant Geological Supply (SGS)</i>	Has the same meaning given to it in SPP 2.4, referring to the highest-priority extraction areas for BRM.
<i>Visual Impact</i>	Has the same meaning given to it in the Western Australian Planning Commission manual – <i>Visual Landscape Planning in Western Australia (2007)</i> .

² Clauses 32(61) – 32(63) of Local Planning Scheme No. 5

³ Section 1 of SPP 2.5 states that SPP 2.5 supersedes SPP 2.4 for the Shires of Gingin, Chittering, Northam and Toodyay.



4. Policy Requirements

4.1 Application

4.1 Pursuant to clause 63(1)(d) of the Deemed Provisions, every development application must be accompanied by the plans and information specified in Appendix 1⁴ of this Policy in addition to the requirements of Clauses 62 and 63 of the Deemed Provisions.

4.2 Pursuant to clause 63A(1)(b)(ii) of the Deemed Provisions, if a development application fails to meet the information requirements described in clause 4.1, the Shire may give written notice to the applicant requiring an amended application or to provide further accompanying material before it can be accepted.

4.2 Advertising

4.2.1 Every development application will be treated as a 'complex application', as defined by clause 1 of the Deemed Provisions.

4.2.2 Before determining a development application, the Shire will advertise the proposal for public comment:

- a) In accordance with the advertising requirements for a 'complex application' under clause 64 of the Deemed Provisions;
- b) Having regard to the Shire's Local Planning Policy – Advertising of Planning Proposals; and
- a) By inviting comment on the proposal from every landowner within 1,000 metres of the development footprint, as defined by this Policy⁵.

4.3 Assessment

4.3.1 In accordance with clause 32(61) of the Shire's Local Planning Scheme No. 5, the Shire will only support a development application where:

- a) The extraction of minerals or basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after excavation;
- b) Due consideration is given to the rehabilitation and sequential use of extraction areas early in the planning process; and
- c) Proposals comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time.

These three circumstances are expanded and elaborated on by clauses 4.3.2, 4.3.3 and 4.3.4 below, respectively.

⁴ Appendix 1 consolidates the minimum development application requirements from Clause 32(62) of the Shire's Local Planning Scheme No. 5, SPP 2.4 and SPP 2.5.

⁵ The Shire has the right to extend the advertising requirements beyond 200m, pursuant to clause 64(3)(b)(ii) of the Deemed Provisions.



4.3.2 When assessing a proposal's impact on the environment and amenity of a locality, the Shire will:

- a) Have regard to any public submissions and referral responses received in respect of the proposal;
- b) Consider whether the proposal's development footprint adequately achieves the separation distances recommended in the Environmental Protection Authority's *Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses (2005)*;
- c) Consider whether any potential adverse impacts⁶ are satisfactorily mitigated;
- d) Consider whether the proposed hours of operation are appropriate in the context of the locality having regard to the nature and scale of the development;
- e) Not support any proposal that may adversely affect sites of cultural or historic significance on or near the land;
- f) Not support any proposal where in the Shire's opinion, the local road network is incapable of accommodating the proposal beyond fair wear and tear, unless the applicant is prepared to upgrade the road network and/or otherwise ameliorate the proposal's impact on that network;
- g) Need to be satisfied the proposal will not adversely impact sensitive environmental features⁷;
- h) Need to be satisfied the proposal achieves appropriate horizontal separation distances between extraction, water supply infrastructure and other engineering requirements;
- i) Have regard to any specialist assessment or advice which the Shire may obtain to inform its determination of the application⁸;
- j) Not support any proposal which in the Shire's opinion would have an unacceptable visual impact in the locality⁹;
- k) Preference the extraction of resources identified within an SGS area over resources not having this designation;
- l) Consider whether clearing required for the proposal is likely to gain approval;
- m) Need to be satisfied the proposal would not generate the potential for conflicts with adjoining rural activities; and
- n) Consider whether bushfire risks have been satisfactorily addressed, having regard to the nature, scale and intensity of development proposed.

4.3.3 When considering the future use of the subject land post-extraction, the Shire will:

- a) Consider whether the applicant has satisfactorily demonstrated the proposal's staging and sequential progression towards the ultimate development footprint;
- b) Consider whether the applicant satisfactorily incorporates the progressive rehabilitation, restoration, and repurposing of extracted or disturbed areas over the course of the development;
- c) Need to be satisfied that the proposed future use(s) of the subject land is viable and compatible with the Shire's planning framework, and the objectives for and amenity of the locality;

⁶ Potential impacts include but are not limited to dust, noise, vibration, drainage, surface and ground water quality/quantity, light emissions, traffic, odour and visibility.

⁷ Sensitive environmental features include water courses, groundwater, remnant bushland, and high quality flora and fauna habitats.

⁸ Pursuant to regulation 49 of the *Planning and Development Regulations 2009*, the Shire may recover from the applicant any costs and expenses incurred in determining the application, including advertising, environmental assessment, computer modelling, and other specialist technical advice.

⁹ Assessment of visual impact will be guided by the WAPC's manual – *Visual Landscape Planning in Western Australia*



- d) Need to be satisfied that the pursuit of a future use(s) would not prematurely conclude commercial extraction of the material or resource from the subject land;
- e) Need to be satisfied that proposal achieves appropriate vertical separation distances to groundwater for the intended future land use(s);
- f) Consider whether the applicant has committed to regular reporting of progress towards the ultimate development footprint; and
- g) Need to be satisfied that the proposed future use(s) of the subject land is achievable having regard to the nature, scale and duration of rehabilitation and restoration needed to render the subject land safe and fit for alternate use(s) upon cessation of the development.

4.3.4 To ascertain if a proposal complies with relevant legislation, policies, guidelines and codes of practice, the Shire will have regard to:

- a) Its Local Planning Scheme and in particular any provisions relating to Industry – Extractive, and the use and development of land in the subject Zone of the application;
- b) This and any other relevant Local Planning Policy; and
- c) The matters to be considered under clause 67 of the Deemed Provisions.

4.3.5 The Shire will not support a Prescribed Premises application under Part V of the *Environmental Protection Act 1986* (EP Act) for any proposal to which this Policy relates if:

- a) Development approval is required for that proposal but has not been granted;
- b) Development approval was granted for that proposal but is not being complied with;
- c) Development approval was granted for that proposal but has lapsed; or
- d) Approval of the application under Part V of the EP Act would be contrary to the Shire's Local Planning Scheme or any development approval granted thereunder.

4.4 Approval

4.4.1 If the Shire decides to grant approval to a development application, then its approval may include conditions relating to any one or more of the following:

- a) Compliance with submitted plans, information and documentation, with or without any amendments required by the Shire;
- b) Provision of and compliance with further plans, information and documentation, with or without any amendments required by the Shire;
- c) Undertaking regular monitoring and reporting of factors including but not limited to road condition, progress towards the ultimate development footprint, rehabilitation and revegetation;
- d) Location, construction and timing of access roads, buildings, plant, stockpiles and equipment;
- e) Days and hours of operation;
- f) Containment of parts of the development within buildings or other enclosures;
- g) Screening of parts of the development;
- h) Prescribing a maximum development footprint;
- i) Specifying the minimum setback distance of the development footprint from other properties;
- j) Control of dust and wind-blown material;
- k) Planting, care and maintenance of vegetation for the purposes of screening and progressive rehabilitation; and
- l) Any other conditions the Shire considers valid and necessary.



APPENDIX 1
Minimum Information Requirements Checklist

Information Required	Provided (Y/N)
1. Location and Site plan(s) drawn at an appropriate scale and including:	
a) The location of the site including street names, lot numbers, north point and the dimensions of the site; b) The existing land contours based on the Australian Height Datum at one metre intervals of the subject site and its immediate surroundings; c) The proposed land contours resulting from extraction. Contours should be based on the Australian Height Datum, and be set at one metre intervals; d) Details of the proposed quantity of material to be extracted per month, per annum and total approved volume based on the difference between the existing and proposed contours; e) Details of the portion of the lot or lots depicting where the disturbance area and extraction area will be located; f) Existing and proposed vehicular access/egress points and thoroughfares for vehicle movements within the site and intended haulage routes off the site; g) If the proponent is not the landowner, confirmation of the means by which a right of access will be secured over the subject land to the development site for the duration of the proposal. h) The location of existing and proposed buildings structures, installations and other areas of the site intended for – storage and maintenance (including washdown) of plant, equipment, machinery and materials; ; offices, ablutions and staff rooms; processing plants; power generation/supply; effluent disposal; and fuel or chemical storage; i) The location and dimensions of proposed stockpile areas; j) The location of existing power lines, telephone cables and associated poles and pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easements or other encumbrances over, on, under or adjacent to the site; k) The location and description of existing and proposed fences, gates and warning signs around the land; l) The location, number, dimensions and layout of all car parking spaces intended to be provided; m) The location, height and type of all existing environmental features, including watercourses, wetlands and native vegetation on the site; and n) The structures and environmental features that are proposed to be removed.	
2. Works & Excavation Program addressing the following:	



a) The nature and estimated duration of the proposed excavation for which the approval is applied; b) The stages and the timing of stages in which excavation is proposed; c) A sequential series of site plans that depict the intended horizontal and vertical extent (in AHD) and timing of excavation at intervals of no more than two years; d) Details outlining the methods applied in excavating materials from the site; e) A detailed description of any on-site processing works; f) A description of the methods by which existing environmental features are to be cleared; g) A description of the methods by which topsoil and overburden is to be removed or stockpiled; h) A description of the means of access to/egress from the excavation site and the types of thoroughfares to be constructed within the site; i) Details of the anticipated number and size of trucks entering and leaving the site each day; j) A description of any proposed buildings, treatment plant, tanks and other improvements; and k) A detailed description of any measures to be undertaken in minimising adverse visual impacts from adjoining properties or the public domain.	
3. Management Plan(s) addressing the following:	
a) Site description and analysis; b) The existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site; c) Strategic and statutory planning requirements; d) Identification of the environmental values and those requiring protection; e) That extractive industry operations are adhering to designated separation distance and will not adversely affect or be impacted by sensitive land uses; f) Proposed transport routes uses and site access details, and likely traffic volumes; g) Sequential land use and stage plan for the rehabilitation of the site for its intended long-term use and h) Compliance with any other considerations as outlined in the BRM guidelines. i) Fire management plan if not in a Bushfire Prone Area, then SPP 3.7 Bushfire Planning is to be followed; j) Surface water hydrology assessment to determine stormwater drainage pattern and management pre-excavation and post excavation;	



k) Noise Management Plan that demonstrates how the proposed Extractive Industry (and any associated operations) satisfies the Environmental Protection (Noise) Regulations 1997; l) Vibration attenuation m) Dust management plan to include: i. Dust suppression methods; and ii. Location of stockpile areas relative to prevailing winds. n) If blending is proposed as part of an Extractive Industry operation – a description of materials and substances required to be brought onto the site for blending purposes; o) Traffic impact report – Traffic Assessment (WAPC Transport Assessment Guidelines for Developments Volume 4: Individual Developments (Trial & Evaluation) August 2006); and p) Groundwater hydrology assessment to include; i. Assessment of groundwater depths and profiles; ii. The location and monitoring of bores; and iii. Impact assessment of groundwater use for nearby wetlands and water dependant ecosystems. q) Environmental management that addresses the following – i. Measures to protect existing vegetation ii. Manage acid sulphate soil iii. Control dieback iv. Manage fire and flood risk v. Manage storm water run-off and water quality vi. Drainage details vii. Handling, treatment and disposal of wastes viii. How the Extractive Industry will be managed to reduce its impact on nearby land parcels with significant environmental attributes r) Screening measures including the location and method	
4. Rehabilitation and decommissioning report addressing the following:	
a) The anticipated sequential land use of the site and the means by which this would be achieved following the completion of all extraction; b) Restoration and reinstatement of the site both progressively and upon completion of excavation operations; c) Method by which matters to accommodate future land uses will be provided and maintained; d) Method by which topsoil is to be replaced, revegetated and maintained;	



e) A landscaping plan including the number and types of vegetation to be planted and maintained; f) A concept for the removal of buildings, plant waste and final site cleanup g) A Pit Rehabilitation and Closure Plan in accordance with the Department of Mines and Petroleum and Environmental Protection Authority (EPA) <i>Guidelines for Preparing Mine Closure Plans (2015)</i>.	
5. Other	
The Shire, at its discretion, may require the following additional information: a) A list of all chemicals and substances to be brought on-site, to be used for the purpose of crushing, blending and/or manufacturing.	

Local Government Act 1995**Shire of Toodyay****Extractive Industries Local Law**

Under the powers conferred by the Local Government Act 1995 and by all other powers, the local government of the Shire of Toodyay resolved to make the following local laws on the 24th day of June 1999

Part 1 - Preliminary**DEFINITIONS**

1.1 In this local law, unless the context otherwise requires -

- “Act” means the Local Government Act 1995;
- “carry on an extractive industry” means quarrying and excavating for stone, gravel, sand and other material;
- “CEO” means the Chief Executive Officer of the local government;
- “district” means the district of the local government;
- “excavation” includes quarry;
- “licence” means a licence issued under this local law;
- “licensee” means the person named in the licence as the licensee;
- “local government” means the Shire of Toodyay;
- “secured sum” means the sum required to be paid or the amount of a bond, guarantee or other security under clause 5.1;
- “site” means the land specified by the local government in a licence.

APPLICATION

1.2 (1) The provisions of this local law -

- (a) subject to paragraphs (b), (c) and (d) -
 - (i) apply and have force and effect throughout the whole of the district; and
 - (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;
- (b) do not apply to the extraction of minerals under the Mining Act 1978;
- (c) do not apply to the carrying on of an extractive industry on Crown land;
- (d) do not apply to the carrying on of an Extractive Industry on land by the owner or occupier of that land for use on that land.
- (e) do not affect the validity of any licence issued under the local law repealed by clause 1.3 of this local law if that licence is currently in force at the date of gazettal of this local law.

1.2 (2) In Subclause 1 (d) ‘land’ includes adjoining lots or locations in the same occupation or ownership of the owner or occupier referred to in Subclause 1 (d).

REPEAL

- 1.3 The local laws of the Shire of Toodyay relating to Extractive Industries published in the Government Gazette on October 26,1984; July 18,1986; and November 12,1993, are repealed.

Part 2 - Licensing Requirements for an Extractive Industry**EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE**

- 2.1 A person must not carry on an extractive industry -
- (a) unless the person is the holder of a valid and current licence; and
 - (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.
- Penalty \$5000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

APPLICANT TO ADVERTISE PROPOSAL

- 2.2 (1) Unless the local government first approves otherwise, a person seeking the issue of a licence must, before applying to the local government for a licence -
- (a) forward by registered mail a notice in the form determined by the local government from time to time to -
 - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within twenty-one days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the local government.
 - (ii) every authority or person having control or jurisdiction over any of the things referred to in clause 2.3(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and
 - (b) as soon as practicable after complying with the requirements of paragraph (a) -
 - (i) forward a copy of the notice to the CEO; and
 - (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.
- (2) The local government may, within 14 days after receiving a copy of a notice referred to in sub-clause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices -
- (a) in the form determined by the local government from time to time;
 - (b) the content, size and construction of which have been approved by the CEO;
 - (c) specifying particulars of the proposed excavation; and
 - (d) inviting objections or comments within 21 days from the placement of the notice.

APPLICATION FOR LICENCE

- 2.3 (1) A person seeking the issue of a licence in respect of any land must apply in the form determined by the local government from time to time and must forward the application duly completed and signed by both the applicant and the owner of the land to the CEO together with -

APPLICATION FOR LICENCE (continued)

- (a) 3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing -
 - (i) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
 - (ii) the land on which the excavation site is to be located;
 - (iii) the external surface dimensions of the land;
 - (iv) the location and depth of the existing and proposed excavation of the land;
 - (v) the location of existing and proposed roads or other means of vehicle access to and egress from the land and to public roads in the vicinity of the land;
 - (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (viii) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
 - (ix) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
- b) 3 copies of a works and excavation programme containing -
 - (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
 - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
 - (iii) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
 - (iv) details of the depth and extent of the existing and proposed excavation of the site;
 - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
 - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
 - (vii) a description of the means of access to the excavation site and the types of roads to be constructed;
 - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
 - (ix) a description of any proposed buildings, treatment plant, tanks and other improvements;
 - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
 - (xi) a description of the measures to be taken to minimise dust nuisance, erosion, watercourse siltation and dangers to the general public;
 - (xii) a description of the measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997;

APPLICATION FOR LICENCE (continued)

- (xiii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
 - (xiv) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and
 - (xv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby roads or other areas;
 - (c) 3 copies of a rehabilitation and decommissioning programme indicating -
 - (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
 - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
 - (iii) the method by which topsoil is to be replaced and revegetated;
 - (iv) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
 - (v) how rehabilitated areas are to be maintained and irrigated; and
 - (vi) the programme for the removal of buildings, plant, waste and final site clean up;
 - (d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public road or such other land in the vicinity;
 - (e) a certificate from a licensed surveyor certifying the correctness of -
 - (i) the plan referred to in paragraph (a); and
 - (ii) the datum peg and related point referred to in paragraph (d);
 - (f) evidence that the requirements of clause 2.2(1) and (2) have been carried out;
 - (g) copies of all land use planning approvals required under any planning legislation;
 - (h) the consent in writing to the application from the owner of the excavation site;
 - (i) any other information that the local government may require; and
 - (j) the licence application fee specified by the local government from time to time.
- (2) All survey data supplied by an applicant for the purpose of sub clause (1) must comply with Australian Height Datum and Australian Map Grid standards.

Part 3 - Determination of Application**DETERMINATION OF APPLICATION**

- 3.1 (1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.
- (2) The local government may, in respect of an application for a licence -
- (a) refuse the application; or
 - (b) approve the application -
 - (i) over the whole or part of the land in respect of which the application is made; and
 - (ii) on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for a licence, it must -
- (a) determine the licence period, not exceeding 21 years from the date of issue; and
 - (b) approve the issue of a licence in the form determined by the local government from time to time.
- (4) Where the local government approves the issue of a licence, the CEO upon receipt by the local government of -
- (a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 31st December next, determined by the local government from time to time;
 - (b) payment of the secured sum if any, imposed under clause 5.1; and
 - (c) the documents, if any, executed to the satisfaction of the CEO, under clause 5.1, shall issue the licence to the applicant.
- (5) Without limiting subclause (2), the local government may impose conditions in respect of the following matters -
- (a) the orientation of the excavation to reduce visibility from other land;
 - (b) the appropriate siting of access roads, buildings and plant;
 - (c) the stockpiling of material;
 - (d) the hours during which any excavation work may be carried out;
 - (e) the hours during which any processing plant associated with, or located on, the site may be operated;
 - (f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
 - (g) the depths below which a person must not excavate;
 - (h) distances from adjoining land or roads within which a person must not excavate;
 - (i) the safety of persons employed at or visiting the excavation site;
 - (j) the control of dust and wind-blown material;
 - (k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
 - (l) the prevention of the spread of dieback or other disease;
 - (m) the drainage of the excavation site and the disposal of water;

DETERMINATION OF APPLICATION (continued)

- (n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
- (o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- (p) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
- (q) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law; and
- (r) any other matter for properly regulating the carrying on of an extractive industry.

PAYMENT OF ANNUAL LICENCE FEE

- 3.2 On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.

Part 4 - Transfer, Cancellation and Renewal of Licence**TRANSFER OF LICENCE**

- 4.1 (1) An application for the transfer of a licence must -
- (a) be made in writing;
 - (b) be signed by the licensee and the proposed transferee of the licence;
 - (c) be accompanied by the current licence;
 - (d) be accompanied by the consent in writing to the transfer from the owner of the excavation site;
 - (e) include any information that the local government may reasonably require; and
 - (f) be forwarded to the CEO together with the fee determined by the local government from time to time.
- (2) Upon receipt of any application for the transfer of a licence, the local government may -
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for the transfer of a licence, the local government shall transfer the licence by an endorsement on the licence in the form determined by the local government from time to time, signed by the CEO.
- (4) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

CANCELLATION OF LICENCE

- 4.2 (1) The local government may cancel a licence where the licensee has -
- (a) been convicted of an offence against -
 - (i) this local law; or
 - (ii) any other law relating to carrying on an extractive industry; or
 - (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government;
 - (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law;
 - (d) failed to pay the annual licence fee under clause 3.2; or
 - (e) failed to have a current public liability insurance policy under clause 7.1(1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2).
- (2) Where the local government cancels a licence under this clause -
- (a) the local government shall advise the licensee in writing of the cancellation;
 - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
 - (c) the local government shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

RENEWAL OF LICENCE

- 4.3 (1) A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and must submit with the application for renewal -
- (a) the fee determined by the local government from time to time;
 - (b) a copy of the current licence;
 - (c) a plan showing the contours of the excavation carried out to the date of that application;
 - (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 2.3(1) (b) and (c); and
 - (e) any other things referred to in clauses 2.3 and 3.1.
- (2) The local government may waive any of the requirements specified in clause 4.3 (1) (d) or (e).
- (3) If -
- (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,
- then the applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 2.3 and 3.1.
- (4) Upon receipt of an application for the renewal of a licence, the local government may -
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

Part 5 - Secured Sum and Application Thereof**SECURITY FOR RESTORATION AND REINSTATEMENT**

- 5.1 (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the local government may require that -
- (a) as a condition of a licence; or
 - (b) before the issue of a licence,
- the licensee must give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government from time to time.
- (2) A bond required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.

USE BY THE LOCAL GOVERNMENT OF SECURED SUM

- 5.2 (1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either -
- (a) within the time specified in those conditions; or
 - (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions,
- then -
- (c) the local government may carry out the required restoration and reinstatement work or so much of that work as remains undone; and
 - (d) the licensee must pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause.
- (3) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 5.1.

Part 6 - Limitations and Prohibitions**LIMITS ON EXCAVATION NEAR BOUNDARY**

- 6.1 Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within -
- (a) 50 metres of the boundary of any land on which the excavation site is located;
 - (b) 50 metres of any land affected by a registered grant of easement;
 - (c) 50 metres of any thoroughfare; or
 - (d) 100 metres of any watercourse.

Penalty \$2,000

PROHIBITIONS

- 6.2 A licensee must -
- (a) not remove any trees or shrubs within 100 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any road reserve on land in respect of which a licence has been granted, except for the purpose of constructing access roads, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 3.1;
 - (b) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
 - (c) erect and maintain warning signs along each of the boundaries of the site to which the licence applies so that each sign -
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words "DANGER EXCAVATIONS KEEP OUT";
 - (d) except where the local government approves otherwise, drain and keep drained to the local government's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
 - (e) not store, or permit to be stored, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Minerals and Energy;
 - (f) not fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;
 - (g) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;
 - (h) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
 - (i) otherwise comply with the conditions imposed by the local government in accordance with clause 3.1.

Penalty \$5,000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

BLASTING

- 6.3 (1) A person must not carry out or permit to be carried out any blasting in the course of excavating unless -
- (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;
 - (b) subject to sub-clause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;
 - (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the Mines Safety and Inspection Act 1994, the Environment Protection Act 1986, and all relevant local laws of the local government; and
 - (d) in compliance with any other conditions imposed by the local government concerning-
 - (i) the time and duration of blasting;

PROHIBITIONS (continued)

- (ii) the purposes for which the blasting may be used;
- (iii) the methods of detonation and blasting;
- (iv) the types of explosives to be used; and
- (v) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.

Penalty \$5,000.00 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

- (2) A person must not carry out or permit to be carried out any blasting on a Saturday, Sunday or Public Holiday except with the prior approval of the local government.

Penalty \$2,000

Part 7 - Miscellaneous Provisions**PUBLIC LIABILITY**

- 7.1 (1) A licensee must have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.
- (2) The licensee shall provide to the local government a copy of the policy taken out under sub-clause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.

MINES SAFETY AND INSPECTION ACT AND ENVIRONMENTAL PROTECTION ACT

- 7.2 (1) In any case where the Mines Safety and Inspection Act 1994 or the Environmental Protection Act 1986 applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site must -
 - (a) comply with all applicable provisions of that Act or those Acts; and
 - (b) provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.
- (2) In this clause, the Mines Safety and Inspection Act 1994 and the Environmental Protection Act 1986 include all subsidiary legislation made under those Acts.

NOTICE OF CESSATION OF OPERATIONS

- 7.3 (1) Where a licensee intends to cease carrying on an extractive industry -
 - (a) temporarily for a period in excess of 12 months; or
 - (b) permanently,the licensee must, as well as complying with clause 7.4, give the local government written notice of the cessation not later than 1 week after those operations have ceased.

NOTICE OF CESSATION OF OPERATIONS (continued)

- (2) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.
- (3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

WORKS TO BE CARRIED OUT ON CESSATION OF OPERATIONS

- 7.4 Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee must, as well as complying with the provisions of clause 7.3 -
- (a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee;
 - (b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is -
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical:horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;
 - (c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the local government;
 - (d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
 - (e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
 - (f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
 - (g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

Penalty \$5,000 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

Part 8 - Objections & Appeals

- 8.1 When the local government makes a decision as to whether it will -
- (a) grant a person a licence under this local law; or
 - (b) renew, vary, or cancel a licence that a person has under this local law,
- the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 shall apply to that decision.

Midland Brick Submission – Model development Approval Conditions (subset of submission) **Attachment 5**

Model Development Approval Conditions

Midland Brick notes the Shire included an attachment (Attachment 3 Item 9.1.3) containing model conditions in its consideration of the Policy at the March 2025 Ordinary Council Meeting. The status of these conditions in relation to the draft Policy is not stated in the Council minutes, and it is noted that a copy was not formally advertised. However, it is assumed that the model conditions may be further considered and used by the Shire in association with the draft Policy.

Although Midland Brick supports a consistent and simplified approach to condition-setting, we suggest that some guidance to their use is set out in the draft Policy. This should include commentary that the model conditions are a guide only and can be negotiated between the Shire and applicant during the assessment process. Further, Midland Brick request that the following comments are considered by the Shire as set out in Table 3 below.

Table 3 – Model Development Approval Conditions

Model Condition	Comment	Suggestion	Officer Comments
1	There is a possibility that extractive industry can deviate from the submitted plans due to the uncertain nature of extractive industries. This could then result in a non- compliance with the DA conditions or require the operator to seek an amendment to an approval. This could have a substantial administrative burden to both the Shire and the operator, particularly if there is no provision for flexibility in the condition to allow for minor changes.	The purpose of this condition is questioned, particularly as Condition 2 requires compliance with the management plans which already set out the specifics of the operation. If it is to remain, the condition should allow enough flexibility for minor changes to be made to the spatial extent of an operation without the requirement for an amendment to the development approval. In this event, it is suggested that the condition refers broadly to the spatial extent and depth of the operation, rather than the plans. We also note that there is a link between the requirements of this condition and Appendix 1 of the draft Policy. We refer to our comments on Appendix 1 provided in Table 2 above. Additionally, we have also suggested above that the Policy include provision for how amendment applications will be processed.	Updates to the policy suite will mitigate many of these concerns. The updates have softened the requirements for firm data, and now requires estimates and predictions, things that still are required for development approval and management plan assessment.
4	A period of two years is sometimes not sufficient to allow for an operator to obtain all other approvals associated with a proposal.	It is suggested that the standard length of time is five years with an option for an applicant to request a different length of time.	Not supported. If applicants are requiring more time then they should contact the Shire to Discuss. The Shire will respond on a case by case basis for time extensions.
5	This condition states “on or before the end of this period the approved use and any uses incidental thereto shall cease and all structures shall be permanently removed from the lot and the land reinstated to its former/original condition, in accordance with the Pit Rehabilitation and Closure Plan or a condition otherwise approved by the Local Government.” It is noted that the “guidance” for this condition states that it may be reasonable to limit the duration of an approval subject to a prescribed premise licence. It should be noted that a prescribed premise licence is unlikely to be issued prior to the DA. Conversely, it is standard practice for other agencies to align their approvals with a DA instead, as this is the approval for the land to be used for the purpose for which the other approvals are being issued for. It is noted that the guidance section recommends that the coloured text associated with establishing an approval expiry date can be deleted as appropriate which we support.	It is unreasonable for the Shire to expect an approved use to cease before the expiry of the approval and it is suggested that this is reworded to remove “or before”. It is also suggested that the guidance section makes mention that unlimited or long-term approvals should be considered by the Shire.	No, it is not unreasonable for a responsible operator to plan for closure deadlines. There is always the opportunity for time extensions if required. The Shire will approve unlimited land use approvals, however it is the time limited management plan that will expire. The management plan will need to consider a start date after all approvals have been received. This is less of a matter where the operation is ongoing, but understood.

6	The specifics set out in this condition are considered unnecessary when the details are likely to be set out in a Traffic Impact Statement.	It is suggested that this condition can be simplified by referring to the associated report (such as a Traffic Impact Statement) which will set out the requirements for any road upgrades.	Agreed – the use of a Traffic impact statement will support an officer determination.
8	The purpose of this condition is questioned as pit boundaries are always approximate, and the extent can be confirmed through the use of aerial photography and newer technology.	It is suggested that the Shire rely on the conditions requiring compliance with the approved plans and the requirement for annual reports which will include confirmation of the pit extent on an annual basis. Should the condition remain, it is suggested that there is provision to allow for the replacement of survey pegs if they are moved for lost.	The required survey pegs are the responsibility of the operator and may be required by the Shire of Toodyay to be reinstated if missing at the operators cost.
9	The purpose of this condition is questioned when this sort of consideration should be assessed with the application.	It is suggested that evidence of a secure water source can be provided with an application and assessed by the Shire prior to issuing the DA. This will remove the need for additional compliance and decrease the administrative burden to the Shire.	Noted, the model conditions will require this information up front.
12	It is noted that this condition states “before the commencement of site works” whereas other conditions use the phrase “prior to commencing operations”.	It is suggested that consistent terminology is used throughout.	Minor word changes have been made to this condition.
13	The enforcement and compliance with this condition is questioned. From the operator’s perspective, it will require a log to be kept every day to ensure compliance can be demonstrated. This is considered to be onerous.	It is suggested that as tonnages and carting dates are required to be reported on an annual basis (and tonnages correlate to truck numbers) that this condition is removed.	The Shire has the right to expect a consistent number of vehicle movements per day, averaged over a month. Seasonal or weather-related truck movement variations are not encouraged but it is understood to be a normal management practice. A development approval may include exclusion dates, so logging movements is a reasonable ask.
14	This condition requires that an Annual Audit of Compliance is provided on or before 31st December each calendar year, however it does not prescribe the reporting period, i.e. the time over which the audit relates. There should be an allowance of 30-60 days after the end of the reporting period for the report to be prepared and submitted to the Shire. We refer the Shire to the conditions set by DWER on a prescribed premise licence which can be used as an example. This condition also requires the report to be prepared by a “suitably qualified independent expert” but the model conditions and the draft Policy do not define what this is. The last paragraph states “Failure to submit the Annual Audit of Compliance by 31 December of each calendar year shall require the immediate cessation of all operations on the site. Operations shall not recommence until the Annual Audit of Compliance is submitted and within 30 days the Local Government shall provide its written advice as to whether the audit satisfies the requirements of this condition.” It is unclear as to whether the Local Government is to provide written advice for all Annual Audits of Compliance submitted, or just those that are submitted past the due date.	We suggest the condition is updated to specify the reporting period the Annual Audit of Compliance relates to and when the audit is due (typically 30-60 days after this period). We suggest that a “suitably qualified independent expert” is defined. It is suggested that the condition is reworded to make it clear whether the Local Government is to provide written advice for all Annual Audits of Compliance submitted, or just those that are submitted past the due date. It is also noted that 14b) refers to sand which should be amended to ‘material’.	Changes have been made to the conditions to reflect that the applicant is responsible for reporting. This has been change to the responsibility of the applicant. This condition has been reworded to support consistency. This typo has been corrected.
15	This condition currently requires any non- compliance, regardless of the nature, to result in the immediate cessation of operations. There may be situations where a non-compliance does not warrant ceasing operations, or where the remedy requires operations to continue. This action could be considered excessive in some situations, such as a non-compliance with a reporting requirement which generally does not have a high risk associated with it. Any requirement to cease operations should be fairly warranted. This condition also required an expert report to be prepared which is likely to not be necessary in	It is suggested that if there has been non- compliance that this is immediately reported to the Shire so that further action can be undertaken if necessary. This should be a power with the CEO to suspend or restrict operations, until remediation of the failure is undertaken, if it is considered that is required. This is a similar procedure followed by DWER for their approvals.	The condition has been modified to “may be required” as some minor matters may not require full cessation.

	most circumstances of non- compliance. For example, if there is a breach in the approved operating hours, this will not require an expert report. Without a prescribed timeframe for the Shire to respond there could conceivably be an unlimited amount of time during which an operator may be required to wait until they receive approval to recommence operations and this places too much uncertainty on the compliance process.	The requirement for a report to be prepared by a suitably qualified independent expert should be removed. This can be requested by the CEO if the nature of the non-compliance warrants it. It is also suggested that this condition includes a timeframe for which the Shire review any reporting of non-compliance and respond to the operator on the outcomes of their decision.	Despite the compliance issue reporting of the incident is required and a negotiated outcome may resolve the issue. Timeframes have not been included to provide time to resolve an issue.
16, 17 and 18	These conditions relate to ablution and administrative facilities. Not all sites are required to have these facilities, and this should be reflected in the guidance. Additionally, the condition requires facilities to be established to the satisfaction of the Local Government but there is no guidance around the Shire’s expectations. Conditions 17 and 18 relate to wastewater management. It is considered unnecessary for these conditions to be applied to all extractive industry applications due to the use of portable ablution facilities. This is because they are usually brought onto the site when required during the excavation or carting times and removed at the end of that period. As a result, there will not usually be a need to connect or construct any sewerage system. It is also considered onerous and unnecessary for extractive industry located close to the Toodyay townsite to be connected to sewerage infrastructure. Any ablution facilities will be set up and serviced by the operator in accordance with the manufacturer’s instructions.	It is suggested that these conditions are removed or that there is a note that they are only included where required.	There have been past examples where this condition has been overlooked, and it remains valid. But a note has been made to state ‘where required’
19 and 20	These conditions are not considered necessary for a development approval which has just been approved. Any changes/modifications to be made to management plans and any new management plans should be undertaken prior to the approval being issued. There is a risk to the operator that if a management plan is required to be updated/prepared that it can be stalled in this process as there is no timeframe for the Shire to assess and approve. This has the potential to delay when the operation can commence. This can also have implications on the compliance with the previous condition to substantially commence within a certain timeframe, and it can encroach on the timeframe of the DA, resulting in less time available to the operator.	It is suggested that these conditions are removed.	There are valid circumstances where this may be required. These conditions may still be required.
21	It is unclear whether the motivation of the Shire to be involved with an agreement between a landowner and/or operator with regards to rehabilitation. Particularly as there are already provisions under the Planning and Development Act to prosecute due to non -compliance. This would include non-compliance with rehabilitation requirements approved under the DA. The necessity of this condition is therefore questioned. The condition seems to intend the Shire to enter into an agreement where the operator is bound to the rehabilitation obligations in perpetuity, which is not considered appropriate, particularly if the DA is a time-limited approval. It is also noted that the condition requires a “financial assurance mechanism”, such as a bond or bank guarantee. This method is questioned as it was our understanding that the Shire preferred to move away from being involved with securing finances for rehabilitation. Additionally, this condition is required to be addressed within 6 months of the development approval being issued. It is considered unreasonable a six-month timeframe is prescribed as a legal agreement has the potential to take time to prepare, especially as all parties have to agree. If the agreement takes longer than six months this will result in a non- compliance, which means that, in accordance with a previous condition, that the operator will need to cease all operations until it is resolved, which is considered unreasonable.	It is suggested that this condition is removed.	Condition 21 has been removed.

22	As above, the requirement to have a financial mechanism is questioned. In addition, the timeframes prescribed in this condition are questioned as it may not be possible to provide a Plan within 90 days of unplanned cessation of operations, especially as less notice may be provided to an operator.	It is suggested that this condition is removed.	The financial capacity for the rehabilitation of the land is not a Shire concern, however an updated mine closure plan is.
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SUBMISSION TABLE FOR LOCAL PLANNING POLICY 7 - MINING AND RESOURCE EXTRACTION				
NUMBER	SURNAME	OBJECT OR SUPPORT	COMMENT	Officer Comments
			<u>Removal of Extractive Industry Licences</u> Midland Brick supports the removal of the current dual approvals system for extractive industry. However, the draft Policy does not appear to recognise the purpose of the dual approvals and how this will be incorporated into a single approvals system. Firstly, the development approval deals with the authority to use the land for Extractive Industry and takes a long-term view of the proposal. Secondly, the extractive industry licence provides the authority to operate the quarry for a shorter-term fixed period of time, but in the context of the certainty given by the long-term development approval. The Shire will need to balance both of these purposes in a single approvals system. Critical to Midland Brick will be certainty that the operation can continue in an appropriate manner over time. Ten-year approvals are insufficient to cater for resource extraction and rehabilitation within a single approval period, and to give operators the certainty they need for long term investment and business planning. The ongoing requirement to reapply for approval, potentially multiple times over the life of an operation, represents a significant administrative burden for both the operator and the Shire. 1. We request further information from the Shire regarding how the longer-term considerations will be incorporated into the proposed fixed term approvals. 2. We also request that the Policy acknowledges that any extractive industries will be operational for possibly multiple approvals, and to contain provisions for a streamlined process for extending or renewing approvals. 3. We also request that the Shire consider allowing approvals for a period longer than 10 years in appropriate circumstances. Longer-term approvals can be effectively managed through scheduled compliance reviews and auditing, ensuring ongoing oversight without requiring full re-application. Where necessary, updates to management plans, operating methods, or procedures could be submitted via an amendment to the Development Approval, allowing the Shire to maintain control while providing operators with the certainty needed for long-term investment. <u>Transition from Extractive Industry Licences</u> The draft Policy does not provide any provisions relating to how the Shire will transition from the Extractive Industries Local Law under the Local Government Act to a single approval under the Planning and Development Act. How the Policy will continue with the compliance provisions of the Local Law is not fully understood. It appears that the Policy does not fully accommodate that the current dual approval process will continue until such time as the Local Law is repealed. There may also be a pronged “legacy” period where the Local Law is repealed but there are still active Extractive Industry Licences. Transitional provisions dealing with existing development approvals and EILs need to be put in place, and appropriate consultation on these provisions will need to occur. These provisions should ensure that operators with existing approvals are not prejudiced by the changes. 4. The Shire is requested to provide more information on how the transition will be managed from Local Law to the single development approval. <u>Fixed Length of Time for Approvals</u> It is understood that a 10-year approval period will be applied to most quarries. The level of information required by the draft Policy to be addressed for an Extractive Industry proposal does not reflect this relatively short time span. As mentioned above, there is a long term and a short term “lens” to be applied by both operator and Shire. The level of regulation placed on Extractive Industry needs to balance community interest with the ability for operators to generate an economic return to the Shire. The Shire (as well as the State as a whole) needs access to basic raw materials to maintain and develop its infrastructure. The housing industry is reliant upon these materials, and making access to raw materials less certain at a time of housing shortages would not be in the public interest. Ten-year approvals will be insufficient in most cases to cover establishment, operation and closure, and having a short time frame exposes operators to the risk that an approval is not extended, and impact on long term planning. 5. As is also discussed above, it is requested that the Policy deal with the possibility of approvals for a period longer than 10 years in appropriate circumstances. 6. It is suggested that the Policy also include a section on how renewals and / or extensions of time will be applied for by operators and administered / managed by the Shire, and the principles to be applied in determining those renewals. <u>Consistency with Environmental Protection Framework (several references including cl.4.3.1(a) and 4.3.2(g))</u> In general, the Policy refers to environmental and amenity considerations throughout. However, there is no consistency with established Department of Water and Environmental Regulation (DWER) and EPA Guidelines and Policies. The established environmental protection framework should be given appropriate consideration during the assessment and referral of applications under the Policy. It may be unduly onerous for an operator to deal with different regulatory regimes in respect of the same concerns – these matters should be streamlined, and the Shire rely upon DWER and EPA applications, reports and approvals put in place. For example, either by advice notes expressly referring to obtaining and complying with other legislation/policies, and/or by the draft policy expressly accepting those approvals as satisfying the environmental requirements. 7. It is recommended that there is reference and consistency with the applicable Guidelines and Policies. Cl.4.3.1(a) states that “the Shire will only support a development application where the extraction of minerals or basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after excavation”. This clause should be reworded so it is more in line with the EPA’s “Statement of Environmental Principles, Factors, Objectives and Aims of EIA” which is about use of the mitigation hierarchy including mitigate, avoid and offset “potential adverse impacts”. It is going to be very rare occurrence where a development has no adverse impact whatsoever. 8. It is suggested that it is reworded to “does not significantly affect the environment or amenity in the locality”. 9. It is also suggested that “after excavation” is removed as the operator does not have control over a site post rehabilitation if they are not also the landowner. 10. The Shire is requested to consider the inclusion in the draft Policy a requirement for an Environmental Impact Assessment in accordance with DWER’s “Guideline: Risk Assessment”. Our own applications have included this process for some time. This could form part of Part 3 of Appendix 1 and referred to as appropriate in cl.4.3.2.	Development Approvals grant unlimited time for the Land Use (Extractive Industry) and this will not change. However the new requirements require compliance with a Management Plan which will be limited to a maximum 10 years, which mirrors the old Extractive Industry Licence under the old Local Law. If a management plan reaches 10 years, it will lapse and no mining activity will be permitted (as is the current system with extractive industry licences). A new management plan will be required and a modification to the Development Approval will be required to reference the new Management Plan. It would be unlikely that a management plan wouldn’t require some form of modification after 10 years. as above The Shire will provide unlimited time for the Development Approval of the Land Use. At any time, an applicant can seek an amendment of Development Conditions through Clause 77 of the deemed provisions to change their approval. This includes updating of the current approved management plan. However the 10 year limit for management plans will remain. All existing development approvals will remain. As Extractive Industry Licences (EIL) expire their renewal will be under the new system. Unless applicants seek to transition earlier. Development approvals for the land use are without limit, however the need for either a EIL or Management plan (new system) will remain time limited. The method to request a change in development conditions is by using Clause 77 of the Planning and Development Act. The principals used in determining those amendments will be guided by the new policy. Agreed. The shire will use default DWER and EPA approvals as being sufficient in meeting these criteria. Agreed Noted Agreed

1	MIDLAND BRICK WA	SUPPORT WITH CONDITIONS	Cl.4.3.2(g) requires that the Shire will “Need to be satisfied the proposal will not adversely impact sensitive environmental features”. The term “sensitive environmental features” has not been defined and doesn’t refer to or reflect any government definitions. It is suggested that this clause could refer to DWER’s “Guideline: Environmental Siting” which refers to “Specified Ecosystems” as a consideration in EIA. And again, the significance of impact needs to be considered with a thorough EIA which will determine the potential adverse impacts. 11. It is suggested that the clause is reworded to “Need to be satisfied the proposal will not significantly adversely impact sensitive environmental features”. <i>Opinion of the Shire (several references, including cl.4.3.2(f))</i> There are a number of references in the draft Policy to matters being ‘in the Shire’s opinion’. These are relatively vague and in most cases can be firmed up by reference to an appropriate process or mechanism. For instance, cl.4.3.2(f) relating to road condition can be firmed up by reference to any required traffic impact statement or road condition report. <i>Significant Geological Supplies (cl.4.3.2(k))</i> Part 4.3.2(k) appears to give preference to extraction within significant geological supplies (SGS). However, it does not give any indication as to the weight to be applied to SGS or whether proposals outside of SGS areas will be considered or supported. It is noted that clay SGS in the Shire of Toodyay is currently limited to areas where extraction is taking place (centred on Chitty and Morangup Roads). If the objective of the draft Policy is to limit future quarry activity to identified SGS areas, this could have long-term unintended consequences. The demand for basic raw materials in the Shire is likely to be increasingly important as Perth develops and resources near the coast are exhausted. The Shire of Toodyay will play an important role in supplying the WA economy with basic raw materials. The draft Policy appears to be ring-fencing these resources to current SGS areas. This is considered to be short- sighted given the current SGS is limited to known extraction sites and may not take into account areas that are identified as valuable in the future. 12. It is requested that cl.4.3.2(k) be removed or reworded so that it allows each application to be assessed on its merits and takes into account any new resources that are found over time. <i>Vegetation Clearing (cl.4.3.2(l))</i> Cl.4.3.2(l) requires the Shire to consider whether any clearing proposed is likely to gain approval. In Western Australia, any clearing requires a Native Vegetation Clearing Permit from DWER. DWER will not make a decision on a Clearing Permit until a valid development approval has been issued. Therefore, part 4.3.2(l) is unrealistic it would require a clearing permit application to be lodged before the DA has been issued, with DWER providing informal advice only. It is unclear what referral powers the Shire may have to obtain DWER advice outside of the clearing permit process. 13. It is requested that cl.4.3.2(l) is modified to require the Shire to consider the requirements of the clearing regulations. Our preference is that the DA contain a standard advice note that a Clearing Permit must be obtained and provided to the Shire, prior to any clearing being undertaken that requires one. This ensures the DA links to the statutory requirements without doubling up on them. <i>Staging of Extraction and Rehabilitation (cl.4.3.3(a) and 4.3.3(b))</i> Cl.4.3.3(a) and (b) refer to staging of extraction and “progressive rehabilitation”. Staging of the extraction and rehabilitation of a quarry will reflect the size of the operation and the intended rehabilitation method. The draft Policy should not assume that staging of excavation will occur in any given situation, as this depends on a number of variables such as size, type of material and demand for the resource. For instance, a clay quarry may have several types of clay, with demand for each differing over time. Given this, there may not be a single excavation face or area where operations are taking place. “Progressive rehabilitation” appears to be straightforward in theory. However, the operation requirements of a quarry can be extensive, such as the need for space for manoeuvring of trucks and equipment, stockpiles and stormwater drainage. Depending on the size of the quarry and its intended rehabilitation method, progressive rehabilitation may not be possible. Reference to “restoration” needs to be defined in the draft Policy, as this is not a phrase normally associated with Extractive industry uses. The Policy needs to be clear what the purpose of “restoration” is compared to the universally used “rehabilitation”. 14. It is requested that the draft Policy be revised to reflect that staging of excavation and rehabilitation may not be possible and this should not be a default position. We also suggest using the term “rehabilitation” throughout the Policy. <i>Early Closure (cl.4.3.3(d))</i> Cl.4.3.3(d) appears to restrict the ability to close a quarry prior to the entire resource having been taken. This is problematic given the way quarries and basic raw materials are managed. In many situations, a quarry may close prematurely due to the lease with the owner having ended or the resource no longer being needed. This also necessitates an assessment of economic viability of extraction of any remaining resource – for example, the excavation required to extract the last 100 tonnes may make it economically unviable to extract. The draft Policy needs to reflect the operational and logistical limitations of this clause. The required rehabilitation management plan indicates the intended future use and ensures this can be achieved through the various management actions. Cl.4.3.3(d) is not required as a stand-alone consideration given the interrelationship between the rehabilitation and intended future use. 15. It is requested that cl.4.3.3(d) be removed or otherwise reworded to clearly express the intent and taking into account other requirements of the Policy relating to rehabilitation and future use. <i>Regular Reporting (cl.4.3.3(f))</i> Cl.4.3.3(f) requires the operator to commit to regular reporting. 16. It is requested that the specifics of guidelines about this “regular” reporting, including timing, required information, and other relevant details, be incorporated into the Policy in an appropriate manner, possibly as an Appendix. <i>Road Condition Monitoring and Revegetation (cl.4.4.1(c))</i> Cl.4.4.1(c) indicates the operator will need to monitor road conditions. It is assumed that whilst the operator can identify and report defects, the onus remains on the Shire to monitor the condition of its road network. 17. It is suggested that this requirement is removed from cl.4.4.1(c). Cl.4.4.1(c) also assumes there will be revegetation in all cases. This is not reflective of reality where excavated areas can be rehabilitated for a variety of future uses, including pasture. 18. It is suggested that the clause says “where relevant” or similar as each application will be different. Appendix 1 – Minimum Requirements Checklist We provide the following comments on the information to be required with each application based on our experience with a large number of local governments and our working knowledge of quarry operations. <i>1(b) Existing Contours</i> Contours at 1m intervals will be required. We ask the Shire to consider the purpose of this level of information when contemplating excavations measured in hectares. This level of detail would normally be seen on a building site. There is a significant cost associated with 1m contours over large areas of land that will not provide the Shire any more useful information on how to make a decision than existing information. On a site that is already subject to a quarry (e.g. upon a renewal or extension of a DA), these existing contours (as they relate to the pit) will alter daily with the removal of material. Does the Shire want pre-excavation contours, in which case this should be made clear, and secondly, that level of detail (1m contours) is unlikely to be available from historical data. The “subject site” is a vague identifier in the context of Extractive industry. In many cases, the excavation area is limited to a relatively small section of a larger lot / property. Exactly what the Shire is referring to as “subject site” should be defined, or more specific terminology used.	Agreed Noted Agreed, text will be modified to consider new resource extraction areas as the need arises. This condition has been removed. Text has been modified that allows for appropriateness of the situation. The word restoration has been removed to reflect EPA and DWER terminology. the Clause was intended to support extraction if other future uses sought to restrict activity, not the other way around. Additional text has been included to support early closure. While a clarification has been included in the text, these matters are negotiated during the development application process. Agreed. Reporting of faults to the road network occur ad hoc, and as required. Changes to the ultimate development footprint and rehabilitation milestones are of interest to the Shire but are not statutory reporting. the clause has been removed, however pasture could be considered a form of revegetation - albeit a form different to what was previously on site.
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		19. We request that this requirement is modified and that the Shire relies on the available Landgate / SLIP contours for assessment and does not seek 1m contours. <u>1(c) Proposed Contours</u> The comments relating to 1m intervals expressed above also relate to the proposed land contours. It is presumed that the Shire is referring to post-rehabilitation levels and not excavated levels (this is somewhat unclear). In either case, the draft Policy appears to be expecting exact levels of the excavated or rehabilitated quarry prior to excavation having taken place. This is extremely problematic when the exact depth and extent of excavation is only known in indicative terms and will alter with operational constraints or considerations (including the availability of commercially viable materials for extraction). Consequently, finished levels will similarly be indicative. The existing practice is for rehabilitation plans to use indicative contours based on the Landgate / SLIP data and/or any available survey information. It is requested that this practice continues as the most practicable method available of communicating long-term intent. 20. It is requested that this requirement is removed or reworded to clarify whether it is referring to the post-extraction landform (rehabilitated) and to remove the requirement for one metre contours. Rehabilitated contours provided on application plans are indicative/conceptual in nature. <u>1(d) Quantity of Materials</u> We question why the Shire would need the level of information requested regarding volumes. Extraction is usually a stop/start operation with activity dependent on demand for the clay type (or other materials being extracted), weather and capacity at the factory to receive the product. Providing a monthly quantity figure will neither be accurate nor provide useful information to the Shire. The rationale and effect of the calculation provided in this section is unclear. Total volume of resource is usually estimated by drilling of the clay deposit to identify depth and extent. The need for this level of volumetric information is not apparent by reading the Policy. Further, in our experience, the volume of the resource is often reassessed as operations proceed, based on the materials encountered. If it is related to identifying the volume of material that is transported away on Shire roads, this can be provided using readily available information on truck movements and tonnages. 21. It is requested that this requirement be modified to require “estimated annual tonnage”. <u>1(g) Right of Access</u> It is unclear why the Shire requires proof of access across the property subject to a development application. This is a matter for the landowner and the operator to have resolved prior to lodging the application. The landowner’s acceptance of the entire proposal (including any access arrangements) can be construed by their signing of the Application to Commence Development form. 22. We suggest a separate “proof of access” is not required. <u>1(i) Stockpile Areas</u> Stockpiles are not employed in all quarry operations. In many cases, the location of any required stockpile areas will move from time to time as extraction progresses. The dimensions of any stockpile area will change frequently dependent on demand and the purpose of the stockpile. Consequently, it is not possible to provide dimensions of stockpiles, although general locations are normally shown, but these may also alter over time. For example, the original stockpile may be located in an area near the pit (reducing truck travel distances) that subsequently becomes part of the pit as it expands, with the stockpile area being relocated. 23. It is requested that reference to stockpile dimensions be removed and that “if applicable” be inserted to reflect not all quarries have stockpiles. 24. Provision also needs to be made for the location of stockpiles to be altered as operations proceed without a need for an Amended DA. <u>1(i) Car Parking</u> Due to the nature of extractive industry being located on large sites, there is no car parking impact on the surrounding locality. The placement of vehicles will change over time as extraction progresses. Requiring information on car parking may be irrelevant, depending upon the proposal. 25. It is requested that this requirement be “if applicable”. <u>2(b) Staging</u> Staging of the extraction tends to occur on larger operations. However, many quarries will employ only one stage. In any event, the staging of operations will be dependent upon operational matters and will be likely to change during the life of a pit. Therefore, any plans as to staging would be indicative only and it should not be a condition of the approval that the indicative staging be strictly followed. 26. This requirement should be “where applicable”. <u>2(c) Series of Site Plans</u> This requirement is onerous when considered for a large quarry where the operation can be measured in decades. For instance, a quarry with 40 years of resource remaining would require 20 sequential site plans. The requirement also fails to consider that some Extractive industry uses are not operated for long periods of time due to fluctuating demand for the resource. It is unknown whether having this level of information will provide the Shire compared to the standard excavation and rehabilitation plans. In any event, the development of the pit over time will be dependent upon operational matters and will be likely to change during the life of a pit. Therefore, any interim site plans would be indicative only and it should not be a condition of the approval that the interim plans be strictly followed. It should be sufficient that the development is within the approved envelope and meets any other required design criteria (e.g. minimum batter width, overall pit slope etc). 27. It is requested this requirement be deleted. <u>3(i) Bushfire</u>	Clarification has been made to the text to reflect the availability of data. However 1.0m SLIP data is widely available in the Shire. It is not the intention of the Shire to require additional aerial contor data to be scoured. Clarification has been made to this requirement to allow for a greater estimation of outcomes before restoration. This was always the intent. Agreed, the use of estimated annual tonnage will be used. The intent of this clause was to estimate haulage frequencies, over time and to identify possible peak seasons in those movements, which may not be possible to predict. Not supported. The Shire has encountered many ocassions where private roads have been used for haulage without consent (using existing rights of carriageways). Although rare in occurance, this clause may be needed. Agreed. The terminoligh has been amended to consider appropriateness and relevancy. Agreed. Text has been added to provide contingency planning for alternate locations, but there will be cases where the Mangement plan will need to be updated - as an amended DA. Agreed and has been reworded to require a Traffic Management Assesment. The Shire has had traffic issues in the past and a TMP will provide more detail. Agreed, the shire will change text to estimated and stage expectations as future use of the site should permit minor variations. However major variations may require an altered management plan. Not supported. As a Management plan is for no more than 10 years it is reasonable for the Shire to seek information regarding the estimate timing of stages and where those expected stages will be. However if there are going to be substantial changes to the plan, then an ammended management plan may be required.
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		Where a quarry is located in a bushfire prone area, State Planning Policy 3.7 Planning for Bushfire Protection normally requires a Bushfire Management Plan. However, in the case of an Extractive industry use, this can be exempted as the proposal falls outside the applicability criteria outlined in section 1.2 of the Planning for Bushfire Guidelines. Namely, an Extractive industry by its nature will not: • result in the intensification of development (or land use); • result in an increase in visitors, residents or employees; or • adversely impact or increase the bushfire risk to the subject or surrounding sites. 28. The application requirements for bushfire mitigation for extractive industries needs to reflect that in most situations, a formal Bushfire Management Plan under SPP 3.7 will not be required. <i>3(l) Surface Water Hydrology Assessment, 3(i) Vibration Attenuation and 3(p) Groundwater Hydrology</i> 29. It is requested that these requirements are amended to state “where relevant”, depending on site context and nature of extraction. <i>3(q) Environmental Management</i> In relation to “measures to protect existing vegetation”, it is stressed that this is not always possible. Any clearing takes place within a DWER Native Vegetation Clearing Permit process and occasionally also the Commonwealth EPBC Act process. It is not accurate to suggest that vegetation will be protected in all situations. In relation to “manage storm water run-off”, this is a default requirement of the EMP/EIA process. Stormwater is to be retained on site unless otherwise approved. 3(q)(viii) refers to “significant environmental attributes”. However, the draft Policy does not define this term. 30. Environmental matters to be addressed will vary from proposal to proposal due to the unique characteristics of each. We request that the matters to be considered are “as applicable to the particular proposal”. Significant environmental attributes should be defined in the Policy. <i>4(b) Restoration and Reinstatement</i> 31. It is suggested that this requirement is amended to state “progressively where relevant”. It is also suggested that the term “rehabilitation” is used instead of “restoration and reinstatement” as these have different meanings and it is clearer if consistent terms are used. <i>4(g) Pit Rehabilitation and Closure Plan</i> This reference is for mining activities under the Mining Act 1978. For basic raw material extraction sites, the correct reference is the “Guidelines for the Management and Rehabilitation of Basic Raw Material Pits” (December 2008) which is recommended to be used in SPP 2.4. 32. It is suggested that this requirement is modified. Model Development Approval Conditions Midland Brick notes the Shire included an attachment (Attachment 3 Item 9.1.3) containing model conditions in its consideration of the Policy at the March 2025 Ordinary Council Meeting. The status of these conditions in relation to the draft Policy is not stated in the Council minutes, and it is noted that a copy was not formally advertised. However, it is assumed that the model conditions may be further considered and used by the Shire in association with the draft Policy. Although Midland Brick supports a consistent and simplified approach to condition-setting, we suggest that some guidance to their use is set out in the draft Policy. This should include commentary that the model conditions are a guide only and can be negotiated between the Shire and applicant during the assessment process. Further, Midland Brick request that the following comments are considered by the Shire as set out in Table 3 below. Please refer to Attachment 5 Conclusion In conclusion, the proposed Local Planning Policy No. 7 – Mining and Resource Extraction represents an important opportunity for the Shire of Toodyay to streamline and strengthen its regulatory framework for extractive industries. Midland Brick supports the removal of the existing dual approvals system, on the condition that the policy continues to clearly address both the long-term right to develop and the shorter-term right to operate extractive sites. To ensure the policy is both effective and implementable, it is essential that it aligns with established environmental protection frameworks, incorporates clear and consistent definitions, and recognises the operational realities of extractive industry projects, particularly the need for flexibility in staging, long-term approvals and progressive rehabilitation. The draft policy’s emphasis on significant geological supplies and the potential impact on future quarry activities must be carefully balanced to avoid unintended consequences. The Shire of Toodyay plays a key role in supporting the Western Australian construction and infrastructure sectors through the provision of basic raw materials. As such, it is vital that the policy supports sustainable resource extraction while protecting the environment and community interests. By refining the policy to address these concerns, the Shire can create a robust framework that benefits all stakeholders and ensures the continued viability of its extractive industries. We thank the Shire for the opportunity to provide comment on the draft Policy and would welcome the chance to engage further. Should you have any questions or wish to discuss this submission in more detail, please do not hesitate to contact me.	Agreed, this condition will be removed. Agreed, this will relate to the situation. Agreed, terminology has been modified to align with EPA and DWER terms. Agreed, the request changes have been made. Agreed, the correct reference has been updated.
		Land Insights acts for our client, Austral Bricks (WA) and provides this submission on its behalf. Thank you for allowing us to comment on the proposed Local Planning Policy No.7 – Mining and Resource Extraction. The Shire’s efforts to update its extractive industry regulatory framework is welcomed by Austral Bricks. We trust that the comments below will be considered as a positive contribution to the development of the draft Policy. Austral Bricks and related companies have operated clay extraction in the Shire of Toodyay since the 1970s, currently focusing on the “Schist” quarry on Morangup Road. This is a large deposit with some 70 years of resource remaining available. We are currently working with the Shire to obtain a fresh Extractive Industry Licence to cover a further 10 years of operation. The Development Approval for the site dates from 2016 and does not have a time limit. The regional significance of the Schist quarry and surrounding resources on Morangup Road is acknowledged by a DEMIRS designation as a “Significant Geological Supply” for clay. This significance is further reflected in State Planning Policy 2.4 – Planning for Basic Raw Materials. The following is our comments on the particulars of the draft Policy. A second table includes comments on Appendix 1. Table 1 – Policy Comments <i>Removal of Extractive Industry Licences</i> Austral Bricks supports the removal of the current dual approvals system for extractive industry. However, the draft Policy does not appear to identify that there were two purposes that were considered. Firstly, the development approval deals with the authority to use the land for Extractive industry and takes a long-term view of the proposal. Secondly, the extractive industry licence provides the authority to operate the quarry for a shorter-term fixed period of time. relatively short timespan. As mentioned above, there is a long term and a short term “lens” to be applied by both operator and Shire. The level of regulation placed on Extractive industry needs to balance community interest with the ability for operators to generate an economic return to the Shire. The Shire too needs access to basic raw materials in which to maintain and develop its infrastructure. Ten-year approvals will be insufficient in most cases to cover establishment, operation and closure 1. It is suggested that the Policy includes a section on how renewals and / or extensions of time will be applied for by operators and administered / managed by the Shire. <i>Consistency with Environmental Protection Framework (several references including c1.4.3.1(a) and 4.3.2(g))</i>	Agreed, A new Clause 5 of the policy has been included to meet these objectives.

2	AUSTRAL BRICKS WA	SUPPORT WITH CONDITIONS	In general, the Policy refers to environmental and amenity considerations throughout. However, there is no consistency with established Department of Water and Environmental Regulation (DWER) and EPA Guidelines and Policies. The established environmental protection framework will be given due regard during the assessment and referral of applications under the Policy. It is recommended that there is reference and consistency with the applicable Guidelines and Policies. Cl.4.3.1(a) states that “the Shire will only support a development application where the extraction of minerals or basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after excavation”. This clause should be reworded so it is more in line with the EPA’s “Statement of Environmental Principles, Factors, Objectives and Aims of EIA” which is about use of the mitigation hierarchy including mitigate, avoid and offset “potential adverse impacts”. It is going to be very rare occurrence where a development has no adverse impact whatsoever. It is suggested that it is reworded to “does not significantly affect the environment or amenity in the locality”. It is also suggested that “after excavation” is removed as the operator does not have control over a site post rehabilitation if they are not also the landowner. The Shire is requested to consider the inclusion in the draft Policy a requirement for an Environmental Impact Assessment in accordance with DWER’s “Guideline: Risk Assessment”. Our own applications have included this process for some time. This could form part of Part 3 of Appendix 1 and referred to as appropriate in cl.4.3.2. Cl.4.3.2(g) requires that the Shire will “Need to be satisfied the proposal will not adversely impact sensitive environmental features”. The term “sensitive environmental features” has not been defined and doesn’t refer to or reflect any government definitions. It is suggested that this clause could refer to DWER’s “Guideline: Environmental Siting” which refers to “Specified Ecosystems” as a consideration in EIA. And again, the significance of impact needs to be considered with a thorough EIA which will determine the potential adverse impacts. 2. It is suggested that the clause is reworded to “Need to be satisfied the proposal will not significantly adversely impact sensitive environmental features”. <i>Opinion of the Shire (several references, including cl.4.3.2(f))</i> There are a number of references in the draft Policy to matters being ‘in the Shire’s opinion’. These are relatively vague and in most cases can be firmed up by reference to an appropriate process or mechanism. For instance, cl.4.3.2(f) relating to road condition can be firmed up by reference to any required traffic impact statement or road condition report. <i>Significant Geological Supplies (cl.4.3.2(k))</i> Part 4.3.2(k) appears to give preference to extraction within significant geological supplies (SGS). However, it does not give any indication as to the weight to be applied to SGS or whether proposals outside of SGS areas will be considered or supported. It is noted that clay SGS in the Shire of Toodyay is currently limited to areas where extraction is taking place (centred on Chitty and Morangup Roads). If the objective of the draft Policy is to limit future quarry activity to identified SGS areas, this could have long-term unintended consequences. The demand for basic raw materials in the Shire is likely to be increasingly important as Perth develops and resources near the coast are exhausted. The Shire of Toodyay will play an important role in supplying the WA economy with basic raw materials. The draft Policy appears to be ring-fencing these resources to current SGS areas. This is considered to be short-sighted given the current SGS is limited to known extraction sites and may not take into account areas that are identified as valuable in the future. 3. It is requested that cl.4.3.2(k) be removed or reworded so that it allows each application to be assessed on its merits and takes into account any new resources that are found over time. <i>Vegetation Clearing (cl.4.3.2(l))</i> Cl.4.3.2(l) requires the Shire to consider whether any clearing proposed is likely to gain approval. In Western Australia any clearing requires a Native Vegetation Clearing Permit from DWER. DWER will not make a decision on a Clearing Permit until a valid development approval has been issued. Therefore, part 4.3.2(l) is unrealistic it would require a clearing permit application to be lodged before the DA has been issued, with DWER providing informal advice only. It is unclear what referral powers the Shire may have to obtain DWER advice outside of the clearing permit process. 4. It is requested that cl.4.3.2(l) be clarified to indicate what an operator / applicant will be required to do consistent with the clearing regulations. <i>Staging of Extraction and Rehabilitation (cl.4.3.3(a) and 4.3.3(b))</i> Cl.4.3.3(a) and (b) refer to staging of extraction and “progressive rehabilitation”. Staging of the extraction and rehabilitation of a quarry will reflect the size of the operation and the intended rehabilitation method. The draft Policy should not assume that staging of excavation will occur in any given situation, as this depends on a number of variables such as size, type of material and demand for the resource. For instance, a clay quarry may have several types of clay, with demand for each differing over time. Given this, there may not be a single excavation face or area where operations are taking place. “Progressive rehabilitation” appears to be straightforward in theory. However, the operation requirements of a quarry can be extensive, such as the need for space for manoeuvring of trucks and equipment, stockpiles and stormwater drainage. Depending on the size of the quarry and its intended rehabilitation method, progressive rehabilitation may not be possible. Reference to “restoration” needs to be defined in the draft Policy, as this is not a phrase normally associated with Extractive industry uses. The Policy needs to be clear what the purpose of “restoration” is compared to the universally-used “rehabilitation”. 5. It is requested that the draft Policy be revised to reflect that staging of excavation and rehabilitation may not be possible and should not be a default position. We also suggest using the term “rehabilitation” throughout the Policy. <i>Early Closure (cl.4.3.3(d))</i> Cl.4.3.3(d) appears to restrict the ability to close a quarry prior to the entire resource having been taken. This is problematic given the way quarries and basic raw materials are managed. In many situations, a quarry may close prematurely due to the lease with the owner having ended or the resource no longer being needed. The draft Policy needs to reflect the operational and logistical limitations. The required rehabilitation management plan indicates the intended future use and ensures this can be achieved through the various management actions. Cl.4.3.3(d) is not required as a stand-alone consideration given the interrelationship between the rehabilitation and intended future use. 6. It is requested that cl.4.3.3(d) be removed or otherwise reworded to clearly express the intent and taking into account other requirements of the Policy relating to rehabilitation and future use. <i>Regular Reporting (cl.4.3.3(f))</i> Cl.4.3.3(f) requires the operator to commit to regular reporting. 7. It is requested that the specifics of this “regular” reporting, including timing, required information, and other relevant details, be incorporated into the Policy in an appropriate manner, possibly as an Appendix. <i>Road Condition Monitoring and Revegetation (cl.4.4.1(c))</i> Cl.4.4.1(c) indicates the operator will need to monitor road conditions. It is assumed that whilst the operator can identify and report defects, the onus remains on the Shire to monitor the condition of its road network. 8. It is suggested that this requirement is removed from cl.4.4.1(c). Cl.4.4.1(c) also assumes there will be revegetation in all cases. This is not reflective of reality where excavated areas can be rehabilitated for a variety of future uses, including pasture. 9. It is suggested that the clause says “where relevant” or similar as each application will be different. Appendix 1 – Minimum Requirements Checklist We provide the following comments on the information to be required with each application based on our experience with a large number of local governments and our working knowledge of quarry operations. <i>1(b) Existing Contours</i> Contours at 1m intervals will be required. We ask the Shire ask to the purpose of this level of information when considering excavations measured in hectares. This level of detail would normally be seen on a building site. There is a significant cost associated with 1m contours over large areas of land that will not provide the Shire any more useful information on which to make a decision than existing information. 10. We request that the Shire relies on the available Landgate / SLIP contours for assessment and does not seek 1m contours.	Agreed, wording has been modified to align with EPA and DWER terminology. Agreed, this terminology has been modified. Agreed, this clause has been modified to permit new areas to be considered. This condition has been removed as it is the responsibility of another agency. Agreed, various references have been changed to align with other state agencies in regards to 'rehabilitation' Agreed, when all parties have an agreement then early closure may be possible. Regular reporting clause has been modified to be no less than annually, by agreement. Agreed, this condition has been removed. Agreed, this condition has been removed.
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	The "subject site" is a vague identifier in the context of Extractive industry. In many cases, the excavation area is limited to a relatively small section of a larger lot / property. Exactly what the Shire is referring to as "subject site" should be defined, or more specific terminology used. <u>1(c) Proposed Contours</u> The comments relating to 1m intervals expressed above also relate to the proposed land contours. It is presumed that the Shire is referring to post-rehabilitation levels and not excavated levels (this is somewhat unclear). The draft Policy appears to be expecting exact levels of the rehabilitated quarry prior to excavation having taken place. This is extremely problematic when the exact depth and extent of excavation is only known in indicative terms. Consequently, finished levels will similarly be indicative. The existing practice is for rehabilitation plans to use indicative contours based on the Landgate / SLIP data and/or any available survey information. It is requested that this practice continues as the most practicable method available of communicating long-term intent. 11. It is requested that this requirement be modified consistent with that for existing contours. <u>1(d) Quantity of Materials</u> We question why the Shire would need the level of information requested regarding volumes. Extraction is usually a stop/start operation with activity dependent on demand for the clay type, weather and capacity at the factory to receive the product. Providing a monthly quantity figure will neither be accurate nor provide useful information to the Shire. The rationale and effect of the calculation provided in this section is unclear. Total volume of resource is usually estimated by drilling of the clay deposit to identify depth and extent. The need for this level of volumetric information is not apparent by reading the Policy. If it is related to identifying the volume of material that is transported away on Shire roads, this can be provided using readily available information on truck movements and tonnages. 12. It is requested that this requirement be modified to require "estimated annual tonnage". <u>1(g) Right of Access</u> It is unclear why the Shire requires proof of access across the property subject to a development application. This is a matter for the landowner and the operator to have resolved prior to lodging the application. The landowner's acceptance of the entire proposal (including any access arrangements) can be construed by their signing of the Application to Commence Development form. 13. We suggest a separate "proof of access" is not required. <u>1(i) Stockpile Areas</u> Stockpiles are not employed in all quarry operations. In many cases, the location of any required stockpile areas will move from time to time as extraction progresses. The dimensions of any stockpile area will change frequently dependent on demand and the purpose of the stockpile. Consequently, it is not possible to provide dimensions of stockpiles, although general locations are normally shown. 14. It is requested that reference to stockpile dimensions be removed and that "if applicable" be inserted to reflect not all quarries have stockpiles. <u>1(i) Car Parking</u> Due to the nature of extractive industry being located on large sites, there is no car parking impact on the surrounding locality. The placement of vehicles will change over time as extraction progresses. Requiring information on car parking may be irrelevant, depending upon the proposal. 15. It is requested that this requirement be "if applicable". <u>2(b) Staging</u> Staging of the extraction tends to occur on larger operations. However, many quarries will employ only one stage. 16. This requirement should be "where applicable". <u>2(c) Series of Site Plans</u> This requirement is onerous when considered for a large quarry where the operation can be measured in decades. For instance, a quarry with 40 years of resource remaining would require 20 sequential site plans. The requirement also fails to consider that some Extractive industry uses are not operated for long periods of time due to fluctuating demand for the resource. It is unknown what having this level of information will provide the Shire compared to the standard excavation and rehabilitation plans. 17. It is requested this requirement be deleted. <u>3(i) Bushfire</u> Where a quarry is located in a bushfire prone area, State Planning Policy 3.7 Planning for Bushfire Protection normally requires a Bushfire Management Plan. However, in the case of an Extractive industry use, this can be exempted as the proposal falls outside the applicability criteria outlined in section 1.2 of the Planning for Bushfire Guidelines. Namely, an Extractive industry by its nature will not: • result in the intensification of development (or land use); • result in an increase in visitors, residents or employees; or • adversely impact or increase the bushfire risk to the subject or surrounding sites. 18. The application requirements for bushfire mitigation for extractive industries needs to reflect that in most situations, a formal Bushfire Management Plan under SPP 3.7 will not be required. <u>3(i) Surface Water Hydrology Assessment, 3(j) Vibration Attenuation and 3(p) Groundwater Hydrology</u> 19. This should be a "where relevant", depending on site context and nature of extraction. <u>3(q) Environmental Management</u> This should be "where relevant to the proposal". We suggest that SPP2.4 could be used as a reference guide. In relation to "measures to protect existing vegetation", it is stressed that this is not always possible. Any clearing takes place within a DWER Native Vegetation Clearing Permit process and occasionally also the Commonwealth EPBC Act process. It is not accurate to suggest that vegetation will be protected in all situations. In relation to "manage storm water run-off", this is a default requirement of the EMP/EIA process. Stormwater is to be retained on site unless otherwise approved. 3(q)(viii) refers to "significant environmental attributes". However, the draft Policy does not define this term. Environmental matters to be addressed will vary from proposal to proposal due to the unique characteristics of each. We request that the matters to be considered are "as applicable to the particular proposal". 20. Significant environmental attributes should be defined in the Policy. <u>4(b) Restoration and Reinstatement</u> 21 This should be "progressively where relevant". It is also suggested that the term "rehabilitation" is used instead of "restoration and reinstatement" as these have different meanings and it is clearer if consistent terms are used.	Agreed, this condition has been clarified to reflect the proposed parameters. Agreed, this condition has been modified to reflect estimates. Not supported. The Shire has encountered many occasions where private roads have been used for haulage without consent (using existing rights of carriageways). Although rare in occurrence, this clause may be needed. Agreed and has been reworded to require a Traffic Management Assessment. The Shire has had traffic issues in the past and a TMP will provide more detail. Agreed, the shire will change text to estimated and stage expectations as future use of the site should permit minor variations. However major variations may require an altered management plan. Not supported. As a Management plan is for no more than 10 years it is reasonable for the Shire to seek information regarding the estimate timing of stages and where those expected stages will be. However if there are going to be substantial changes to the plan, then an ammended management plan may be required. Agreed, this condition will be removed. Agreed, this will relate to the situation. Agrrred, teminology has been modified to align with EPA and DWER terms. Agreed, the request changes have been made.
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			<i>4(g) Pit Rehabilitation and Closure Plan</i> 22. This reference is for mining activities under the Mining Act 1978. For basic raw material extraction sites, the correct reference is the “Guidelines for the Management and Rehabilitation of Basic Raw Material Pits” (December 2008) which is recommended to be used in SPP 2.4. Conclusion Austral Bricks supports the Shire's efforts to streamline and enhance its regulatory framework for extractive industries. Austral Bricks supports the removal of the dual approvals system, provided that both the long-term right to develop and the shorter-term right to operate are adequately addressed. It is crucial that the policy ensures consistency with established environmental protection guidelines and clearly defines terms such as "sensitive environmental features" to be both practical and effective. Additionally, the policy should consider the operational realities of extractive industries, including the need for flexibility in staging and rehabilitation processes. The draft policy's emphasis on significant geological supplies and the potential impact on future quarry activities needs to be balanced to prevent unintended consequences. The Shire of Toodyay contributes significantly to supplying basic raw materials to the WA economy, making it important for the policy to support sustainable resource extraction while safeguarding the environment and community interests. By refining the policy to address these issues, the Shire can develop a comprehensive framework that serves all stakeholders and maintains the viability of its extractive industries.	Agreed, the correct reference has been updated.
3	TRANSWEST WA	SUPPORT WITH CONDITIONS	We agree to a single approval pathway concept, though we wish to comment on the following points. 1. Your draft policy refers to Industry – Extraction Operations, Mining Operations and Mining Operations on Minerals, however, these titles within the industry can be greatly varied; For example, an Extraction operation could be extracting gravel and sand minerals at 2/3 meters deep in the Shire of Toodyay. Whereas a Mining Operation could be extracting minerals in excess of 30 meters. 2. How can you implement a transparent and consistent approach to fee collection across all extractive industries/ miners due to their varying approach and application. 3. Road Maintenance contribution, Rehabilitation Bonds, Annual fees. Your policy does not mention how these costs are to be determined. Council minutes describe an Opportunity for the Shire of Toodyay to impose differential rates, rehabilitation bonds, annual fees and statutory charges to name some. This is to be brought to Council as part of the budget setting process. 4. We find it difficult to support your draft policy without knowing your preferred and proposed fee structure. Will this budget setting process seek stakeholder discussion/ consultation? 5. Advice Notes - Reduce the Maximum licence period to 5 years. We consider this to be unreasonable, in particular for new Extractive Industry operators starting out – establishing client base, potentially financing equipment and machinery etc. We believe the current 10 year licence period should remain. 6. Allow variation of conditions following an Annual report. We consider this to be too open-ended and needs clarifying as to what would be a reasonable additional condition. 7. Enable Local Government to impose additional remedial notice requirements on a licence. As above, this needs clarifying, as to what would be reasonable. 8. Annual reporting to the Shire of Toodyay. We consider this to be a duplication of the various reporting requirements from other government bodies – such as Department of Mines, Industry, Regulation and Safety - DMIRS.	Agreed the updated local Planning policy has further reduced the use of new terminologies, and will rely on definitions used in other agencies. The Shire is not attempting to override the Mining Act. Each application has been assessed and approved based on two separate approval processes, however a single policy will address some of these issues. Each application will provide a separate outcome, however a development approval that doesn't present to Council is a confidential document. It is believed that this updated LPP7 will provide greater consistency in the approval approach and outcomes. A reassessment of annual payments (statutory charges) to the Shire has been undertaken and it will simplify the industry contributions to the maintenance of the Shire. For example, the method of calculating road use contributions will now use an industry recognised WALGA calculator. Other statutory fees are incorporated into the Shire's Schedule of Fees and Charges, and there will no longer be the need for rehabilitation bonds for extractive industry. This is expected to reduce costs for operators. However the discussion that looked at other methods, such as differential rates is not supported by Executive. As such, there is no proposal for this to be part of the current budget setting process. The budget setting process occurs annually and may incorporate the changes to the way this policy will set charges, however this is not the intention of this report to Council. While the Development approval will be time unlimited, the management Plan will be limited to no more than 10 years - which mirrors the old system of Extractive Industry licences. The new processes include greater flexibility to seek an updated Management Plan as well as changes to development conditions. The onus is upon the operator to determine if the approvals need updating. The notice requirements for non-compliance are now more flexible and no longer require cessation of operations until a matter is resolved. The Shire prefers to seek mediation before compliance enforcement. While the Shire does require reporting we have simplified those requirements to remove duplication and permitted a reasonable time to comply past the statutory reporting date.
3	MR LEANAY	OBJECT (NO PROPER SUBMISSION SENT THROUGH)	This is ridiculous, you attack land owners in every which way possible it's disgusting.	Noted



Mining and Resource Extraction

1. Introduction

1.1 This Local Planning Policy:

- (a) Has been prepared and adopted pursuant to Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)*.
- (b) Applies to all development applications for Industry – Extractive, Mining Operations, and Mining Operations on Minerals to Owner land¹ under the Shire of Toodyay's Local Planning Scheme.
- (c) Subject to clause 1.2, does not apply to development that is exempt from the need for approval pursuant to:
 - (i) Part 7 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
 - (ii) Section 6 of the *Planning and Development Act 2005*; or
 - (iii) Section 120 of the *Mining Act 1978*.

1.2 The Shire of Toodyay will have due regard to this Policy when:

- (a) Assessing and determining development applications for Industry – Extractive, Mining Operations, and Mining Operations on Minerals to Owner land; and
- (b) Providing recommendations or advice in respect of such proposals where the Shire of Toodyay is not the decision-maker.

2. Objectives

2.1 The objectives of this Policy are to:

- (a) Prescribe the Shire's minimum information requirements, standards for assessment, and determination of development applications to which this Policy applies.
- (b) Ensure that Industry – Extractive, Mining Operations, and Mining Operations on Minerals to Owner land are appropriately located, designed, operated, managed and closed to mitigate the impacts of those activities on sensitive land uses, environmental qualities, established agriculture, and rural landscape amenity.
- (c) Maximise the local benefit of Industry – Extractive, Mining Operations, and Mining Operations on Minerals to Owner land.
- (d) Supplement the provisions relating to Industry – Extractive in the Shire's Local Planning Scheme² and State Planning Policy 2.5: Rural Planning (SPP 2.5)³.

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3. Definitions and Bookmark References

Term	Definition
<i>Basic Raw Materials (BRM)</i>	Has the same meaning given to it in SPP 2.4.
<i>Borrow Pit</i>	Means a hole, pit or excavation that has been dug for the purposes of removing gravel, clay and sand used in construction.
<i>Deemed Provisions</i>	Means the provisions contained in Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
<i>Development Application</i>	Means a development application to which this Policy relates, being for Industry – Extractive, Mining Operations, or Mining Operations on Minerals to Owner land.
<i>Development Footprint</i>	Means the extent of a lot (vertically and horizontally) proposed to be used or developed for a proposal, regardless of whether that land is actively used for extraction of materials or for purposes ancillary thereto, such as filling, clearing, laydown, stockpiling, storage, bunding, handling, treating, processing, loading, parking, access or egress to the subject land.
<i>Exclusion areas</i>	Has the same meaning given to it in SPP 2.4.
<i>Industry – Extractive</i>	Has the same meaning given to it in the Shire of Toodyay Local Planning Scheme.
<i>Mining Operations Proposal</i>	Has the same meaning given to it in the <i>Mining Act 1978</i> Means the proposed development of Industry – Extractive, Mining Operations, or Mining Operations on Minerals to Owner land.
<u>Road Contributions</u>	<u>that sum of money required to be paid to the Shire for the use of local roads, as calculated using the WALGA road contribution calculator.</u>
<i>Sensitive Land Use</i>	Has the same meaning given to it in the Environmental Protection Authority's <i>Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses (2005)</i> .
<i>Significant Geological Supply (SGS)</i>	Has the same meaning given to it in SPP 2.4, referring to the highest-priority extraction areas for BRM.
<i>Visual Impact</i>	Has the same meaning given to it in the Western Australian Planning Commission manual – <i>Visual Landscape Planning in Western Australia (2007)</i> .

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Bookmark References	
1	Minerals to Owner land refers to freehold land created before 1 January 1899. Except for gold, silver and precious metals, all mineral rights in such land are held by the landowner, not the Crown. The Mining Act 1978 does not apply to mining operations on Minerals to Owner land and, as such, the mining or extraction of metals and minerals (other than gold, silver and precious metals) on that land will require development approval from the Shire of Toodyay.
2	Clauses 32(61) – 32(63) of Local Planning Scheme No. 5
3	Section 1 of SPP 2.5 states that SPP 2.5 supersedes SPP 2.4 for the Shires of Gingin, Chittering, Northam and Toodyay.
4	Appendix 1 consolidates the minimum development application requirements from Clause 32(62) of the Shire's Local Planning Scheme No. 5, SPP 2.4 and SPP 2.5.
5	The Shire has the right to extend the advertising requirements beyond 200m, pursuant to clause 64(3)(b)(ii) of the Deemed Provisions
6	Potential impacts include but are not limited to dust, noise, vibration, drainage, surface and ground water quality/quantity, light emissions, traffic, odour and visibility.
7	Sensitive environmental Specified ecosystem or sensitive environmental features features may include water courses, groundwater, remnant bushland, and high quality flora and fauna habitats as per EPA and DWER policies.
8	Pursuant to regulation 49 of the Planning and Development Regulations 2009, the Shire may recover from the applicant any costs and expenses incurred in determining the application, including advertising, environmental assessment, computer modelling, and other specialist technical advice.
9	Assessment of visual impact will be guided by the WAPC's manual – Visual Landscape Planning in Western Australia

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4. Policy Requirements

4.1 Application

- 4.1.1 Pursuant to clause 63(1)(d) of the Deemed Provisions, every development application must be accompanied by the plans and information specified in Appendix 1⁴ of this Policy in addition to the requirements of Clauses 62 and 63 of the Deemed Provisions.
- 4.1.2 Pursuant to clause 63A(1)(b)(ii) of the Deemed Provisions, if a development application fails to meet the information requirements described in clause 4.1, the Shire may give written notice to the applicant requiring an amended application or to provide further accompanying material before it can be accepted.

4.2 Advertising

- 4.2.1 Every development application will be treated as a 'complex application', as defined by clause 1 of the Deemed Provisions.
- 4.2.2 Before determining a development application, the Shire will advertise the proposal for public comment:
 - (a) In accordance with the advertising requirements for a 'complex application' under clause 64 of the Deemed Provisions;
 - (b) Having regard to the Shire's Local Planning Policy – Advertising of Planning Proposals; and
 - (c) By inviting comment on the proposal from every landowner within 1,000 metres of the development footprint, as defined by this Policy⁵.

4.3 Assessment

- 4.3.1 In accordance with clause 32(61) of the Shire's Local Planning Scheme No. 5, the Shire will only support a development application where:
 - (a) The extraction of minerals or basic raw materials does not significantly adversely affect the environment or amenity in the locality of the operation during or after excavation (as per EPA and or DWER policies);
 - (b) Due consideration is given to the rehabilitation and sequential use of extraction areas early in the planning process; and
 - (c) Proposals comply with all relevant legislation, policies, guidelines and codes of practice applicable at the time.These three circumstances are expanded and elaborated on by clauses 4.3.2, 4.3.3 and 4.3.4 below, respectively.
- 4.3.2 When assessing a proposal's impact on the environment and

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amenity of a locality, the Shire will:

- (a) Have regard to any public submissions and referral responses received in respect of the proposal;
- (b) Consider whether the proposal's development footprint adequately achieves the separation distances recommended in the Environmental Protection Authority's *Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses* (2005);
- (c) Consider whether any potential significant adverse impacts⁶ are satisfactorily mitigated;
- (d) Consider whether the proposed hours of operation are appropriate in the context of the locality having regard to the nature and scale of the development;
- (e) Not support any proposal that may significantly adversely affect sites of cultural or historic significance on or near the land;
- (f) Not support any proposal where a traffic impact statement or road condition report demonstrates that in the Shire's opinion, the local road network is incapable of accommodating the proposal beyond fair wear and tear, unless the applicant is prepared to upgrade the road network and/or otherwise ameliorate the proposal's impact on that network;
- (g) Need to be satisfied the proposal will not significantly adversely impact sensitive environmental features or Specified ecosystems sensitive environmental features⁷;
- (h) Need to be satisfied the proposal achieves appropriate horizontal separation distances between extraction, water supply infrastructure and other engineering requirements;
- (i) Have regard to any specialist assessment or advice which the Shire may obtain to inform its determination of the application⁸;
- (j) Not support any proposal which in which a visual impact assessment – in the Shire's opinion – would have an unacceptable visual impact in the locality⁹;
- (k) Preference the extraction of resources identified within an SGS area over resources not having this designation but consider new SGS areas as the need arises;
- ~~a) Consider whether clearing required for the proposal is likely to gain approval;~~
- (l) Need to be satisfied the proposal would not generate the potential for conflicts with adjoining rural activities; and
- (m) Consider whether bushfire risks have been satisfactorily

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addressed, having regard to the nature, scale and intensity of development proposed; and-

~~(m)~~(n) Consideration of the findings of an Environmental Impact Assessment.

4.3.3 When considering the future use of the subject land post-extraction, the Shire will:

- (a) Consider whether the applicant has satisfactorily demonstrated the proposal's staging and sequential progression towards the ultimate development footprint where appropriate;
- (b) Consider whether the applicant satisfactorily incorporates the progressive rehabilitation, ~~restoration~~, and repurposing of extracted or disturbed areas over the course of the development where appropriate;
- (c) Need to be satisfied that the proposed future use(s) of the subject land is viable and compatible with the Shire's planning framework, and the objectives for and amenity of the locality;
- (d) Need to be satisfied that the pursuit of a future use(s) would not prematurely conclude commercial extraction of the material or resource from the subject land, unless agreed to by all parties;
- (e) Need to be satisfied that proposal achieves appropriate vertical separation distances to groundwater for the intended future land use(s);
- ~~(f)~~ Require the applicant ~~has committed to undertake~~ regular reporting of ~~mined tonnages, and or environmental milestones etc. progress~~ towards the ultimate development footprint, ~~at intervals no less than annually, but preferably quarterly by agreement.~~
- ~~(f)~~(g) To provide annual reporting no later than 60 days after the December 31 reporting assessment date.; and
- ~~(g)~~(h) Need to be satisfied that the proposed future use(s) of the subject land is achievable having regard to the nature, scale and duration of rehabilitation ~~and restoration~~ needed to render the subject land safe and fit for alternate use(s) upon cessation of the development.

4.3.4 To ascertain if a proposal complies with relevant legislation, policies, guidelines and codes of practice, the Shire will have regard to:

- (a) Its Local Planning Scheme and in particular any provisions relating to Industry – Extractive, and the use and development of land in the subject Zone of the application;

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- (b) This and any other relevant Local Planning Policy; and
 - (c) The matters to be considered under clause 67 of the Deemed Provisions.
- 4.3.5 The Shire will not support a Prescribed Premises application under Part V of the *Environmental Protection Act 1986* (EP Act) for any proposal to which this Policy relates if:
- (a) Development approval is required for that proposal but has not been granted;
 - (b) Development approval was granted for that proposal but is not being complied with;
 - (c) Development approval was granted for that proposal but has lapsed; or
 - (d) Approval of the application under Part V of the EP Act would be contrary to the Shire's Local Planning Scheme or any development approval granted thereunder.

4.4 Approval

- 4.4.1 If the Shire decides to grant Development approval to a development application, then its approval may include conditions relating to any one or more of the following:
- (a) Compliance with submitted plans, information and documentation, with or without any amendments required by the Shire;
 - (b) Provision of and compliance with further plans, information and documentation, with or without any amendments required by the Shire;
 - ~~(b)(c) a development approval which is time unlimited, but contains a Management Plan that is limited in time to no more than ten (10) years.~~
 - ~~(c) Undertaking regular monitoring and reporting of factors including but not limited to road condition, progress towards the ultimate development footprint, rehabilitation and revegetation;~~
 - (d) Location, construction and timing of access roads, buildings, plant, stockpiles and equipment;
 - (e) Days and hours of operation;
 - (f) Containment of parts of the development within buildings or other enclosures;
 - (g) Screening of parts of the development;
 - (h) Prescribing a maximum development footprint;

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- (i) Specifying the minimum setback distance of the development footprint from other properties;
- (j) Control of dust and wind-blown material;
- (k) Planting, care and maintenance of vegetation for the purposes of screening and progressive rehabilitation; and
- ~~(k)~~(l) Use of the WALGA Road Wear Cost Calculator to determine the required road use contribution payment to the Shire – as updated from time to time.
- (m) Any other conditions the Shire considers valid and necessary.

5. Re-approval or replacement approvals

5.1 From time to time an existing Development Approval may require modification or an updated Management Plan. This will be considered by the Shire to support the changing nature and needs of the extraction industry. New development applications can be made to replace existing conditions, or to seek modified approvals via the use of Clause 77 of the Planning and Development Act.

5.2 When a modification or new replacement application is made, this policy will apply, with the old conditions being reassessed.

~~4.55.3~~ Extractive Industry Licenses will no longer be issued or extended.

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APPENDIX 1 - Minimum Information Requirements Checklist

Information Required	Provided (Y/N)
1. Location and Site plan(s) drawn at an appropriate scale and including:	
a) The location of the site including street names, lot numbers, north point and the dimensions of the site; b) The existing land contours based on the Australian Height Datum at one metre intervals <u>(where available)</u> of the subject <u>site-lot</u> and its immediate surroundings; c) The <u>estimated</u> proposed land contours resulting from extraction <u>(for the time of the approval) and prior to rehabilitation</u>. Contours should be based on the Australian Height Datum, and be set at <u>estimated</u> one metre intervals <u>(where possible)</u>; d) Details of the <u>proposed-estimated annual tonnage quantity</u> of <u>material-resource</u> to be extracted <u>per month</u>, per annum and total approved volume based on the difference between the existing and proposed contours; e) Details of the portion of the lot or lots depicting where the disturbance area and extraction area will be located; f) Existing and proposed vehicular access/egress points and thoroughfares for vehicle movements within the site and intended haulage routes off the site; g) If the proponent is not the landowner, confirmation of the means by which a right of access will be secured over the subject land to the development site for the duration of the proposal. h) The location of existing and proposed buildings structures, installations and other areas of the site intended for – storage and maintenance (including washdown) of plant, equipment, machinery and materials; ; offices, ablutions and staff rooms; processing plants; power generation/supply; effluent disposal; and fuel or chemical storage; i) The location and dimensions of proposed stockpile areas <u>if applicable and relevant. If a stockpile is likely to be in multiple locations over time, then a contingency plan should be included in the required information;</u> j) The location of existing power lines, telephone cables and associated poles and pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easements or other encumbrances over, on, under or adjacent to the site; k) The location and description of existing and proposed fences, gates and warning signs around the land; l) <u>A traffic management assessment is required that addresses the location of all vehicles, especially the location of idling vehicles and turn around locations. This plan shall also address sightlines to access roads, where applicable. The location, number, dimensions and layout of all car parking spaces intended to be provided;</u>	

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Information Required	Provided (Y/N)
m) The location, height and type of all existing environmental features, including watercourses, wetlands and native vegetation on the site; and n) The structures and environmental features that are proposed to be removed.	
2. Works & Excavation Program addressing the following:	
a) The nature and estimated duration of the proposed excavation for which the approval is applied; b) The <u>expected</u> stages and the <u>estimated</u> timing of <u>those</u> stages in which excavation is proposed, <u>where applicable</u> ; c) A sequential series of <u>expected</u> site plans that depict the intended horizontal and vertical extent (in AHD) and <u>estimated</u> timing of excavation at intervals of no more than two years; d) Details outlining the methods applied in excavating materials from the site; e) A detailed description of any on-site processing works; f) A description of the methods by which existing environmental features are to be cleared; g) A description of the methods by which topsoil and overburden is to be removed or stockpiled; h) A description of the means of access to/egress from the excavation site and the types of thoroughfares to be constructed within the site; i) Details of the anticipated number and size of trucks entering and leaving the site each day; j) A description of any proposed buildings, treatment plant, tanks and other improvements; and k) A detailed description of any measures to be undertaken in minimising <u>significant adverse</u> -visual impacts from adjoining properties or the public domain.	
3. Management Plan(s) addressing the following:	
a) Site description and analysis; b) The existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site; c) Strategic and statutory planning requirements; d) Identification of the environmental values and those requiring protection; e) That extractive industry operations are adhering to designated separation distance and will not <u>significantly adversely</u> -affect or be impacted by sensitive land uses; f) Proposed transport routes uses and site access details, and likely traffic	

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Information Required	Provided (Y/N)
volumes; g) Sequential land use and stage plan for the rehabilitation of the site for its intended long- term use and h) Compliance with any other considerations as outlined in the BRM guidelines. i) Fire management plan if not in a Bushfire Prone Area, then SPP 3.7 Bushfire Planning is to be followed; ii) Surface water hydrology assessment to determine stormwater drainage pattern and management pre-excavation and post excavation, where applicable;	
k) Noise Management Plan that demonstrates how the proposed Extractive Industry (and any associated operations) satisfies the Environmental Protection (Noise) Regulations 1997; l) Vibration attenuation m) Dust management plan to include: i. Dust suppression methods; and ii. Location of stockpile areas relative to prevailing winds. n) If blending is proposed as part of an Extractive Industry operation – a description of materials and substances required to be bought onto the site for blending purposes; o) Traffic impact report – Traffic Assessment (WAPC Transport Assessment Guidelines for Developments Volume 4: Individual Developments (Trial & Evaluation) August 2006); and p) Groundwater hydrology assessment to include; i.iii. Assessment of groundwater depths and profiles; ii.iv. The location and monitoring of bores; and iii.v. Impact assessment of groundwater use for nearby wetlands and water dependant ecosystems. q) Environmental management that addresses the following – i.vi. Measures to protect existing vegetation ii.vii. Manage acid sulphate soil iii.viii. Control dieback iv.ix. Manage fire and flood risk v.x. Manage storm water run-off and water quality vi.xi. Drainage details vii.xii. Handling, treatment and disposal of wastes viii.xiii. How the Extractive Industry will be managed to reduce its impact on	

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Information Required	Provided (Y/N)
nearby land parcels with <u>sensitive environmental features or Specified ecosystems</u>significant environmental attributes 4.5 Screening measures including the location and method	
4. Rehabilitation and decommissioning report addressing the following: a) The anticipated sequential land use of the site and the means by which this would be achieved following the completion of all extraction; b) Restoration <u>Rehabilitation and reinstatement</u> of the site both progressively and upon completion of excavation operations, <u>where relevant</u>; c) Method by which matters to accommodate future land uses will be provided and maintained; d) Method by which topsoil is to be replaced, revegetated and maintained; e) A landscaping plan including the number and types of vegetation to be planted and maintained; f) A concept for the removal of buildings, plant waste and final site cleanup g) A Pit Rehabilitation and Closure Plan in accordance with the <u>Department of Mines and Petroleum and Environmental Protection Authority (EPA) Guidelines for Preparing Mine Closure Plans (2015), Guidelines for the Management and Rehabilitation of Basic Raw Material Pits" (December 2008) as per SPP2.4</u>	
5. Other The Shire, at its discretion, may require the following additional information: a) A list of all chemicals and substances to be brought on-site, to be used for the purpose of crushing, blending and/or manufacturing.	

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Document control information	
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Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
1. The development shall be undertaken and maintained in accordance with the following drawings and/or plans: a. Drawing/Plan Name, Number, Revision & Date Received b. ... c. ...	Apply to all applications. Include as many plans as necessary. Ensure all plans are stamped with a received date and that subsequently submitted plans or amended plans are stamped 'date received' and include an updated revision number.
2. The development shall be undertaken and maintained in accordance with the following approved management plans, as modified by conditions of this development approval: a. Works and Excavation Program, Author (Insert Date); b. Transport Impact Assessment, Author (Insert Date); c. Surface Water Management Plan, Author (Insert Date); d. Noise Management Plan, Author (Insert Date); e. Dust Management Plan, Author (Insert Date); f. Groundwater Hydrology Assessment, Author (Insert Date); g. Environmental Management Plan, Author (Insert Date); h. Bushfire Management Plan, Author (Insert Date); and Pit Rehabilitation and Closure Plan, Author (Insert Date).	Apply to all applications. Delete or include additional as required and adjust the name, author and date to reflect actual. If changes to submitted management plans are required to address issues raised in submissions, agency/internal referral or the assessment, this should generally be undertaken before determining the application by requesting additional information pursuant to cl.65A of the Deemed Provisions and referencing the updated document in this condition. If this is not possible then apply model condition 19 to vary a submitted management plan subsequent to approval noting that model condition 3 operates to give effect to management plans amended in accordance with a condition. Note the importance of adequate quality and assessment of submitted management plans. Ensure they are fair and rational and that they contain a clearly articulated schedule of implementation measures and assign responsibilities. Use internal referrals and if internal staff lack the capacity consider procuring an external party to provide a memorandum with advice on the quality of the management plan and issue an invoice to the applicant as per r.49 of the <i>Planning</i>

Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
	<i>and Development Regulations 2009.</i> If you need to pursue third-party advice at the expense of the applicant, it may be good practice to provide an option for the applicant to provide their own clarification and/or additional information to address queries or concerns of the local government before incurring this expense on their behalf.
3. The conditions of this development approval are to be read in conjunction with the attached stamped approved drawings/plans and approved management plans. In the event of any inconsistency between the conditions of this development approval and approved drawings/plans and management plans, the conditions of this approval (including those that require new or amended management plans) prevail to the extent of the inconsistency.	Apply to all applications. This provides for subsequent conditions to require changes to the approved plans and/or management plans and for the amendment to be enforceable.
4. If the development the subject of this approval is not substantially commenced within two years of the date of this approval, the approval will lapse and be of no further effect.	Apply to all applications. Note: The applicant can apply to amend this condition later to extend the timeframe if required or seek a longer period as part of the application.
5. This development approval is valid for a period of years from the date of this approval until . On or before the end of this period, the approved use and any uses incidental thereto shall cease and all structures shall be permanently removed from the lot and the land reinstated to its former/original condition, in accordance with the Pit Rehabilitation and Closure Plan or a condition otherwise approved by the Local Government.	Applicable in circumstances where it is necessary, fair and reasonable to limit the life of the operation to a specified period. For instance, if the application is subject to a prescribed premises licence that expires on a specified date, it may be prudent to time limit the development approval until that date. Delete coloured text as appropriate. <u>Where the application is for a new operation, a time consideration must</u>

Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
	be made within the management plan for time allocated to obtain approvals from other agencies.
6. Satisfactory arrangements shall be made with the local government for the full/partial [INSERT VALUE HERE] cost of upgrading and/or construction of [INSERT VALUE ROAD(S)] in the locations as shown on the plan dated [INSERT] (attached) to a standard of [INSERT VALUE]. This shall form part of a Traffic Impact Statement.	This is only applicable where need and nexus are established, and the upgrade fairly and reasonably relates to the development; this should generally be recognised in the TIATIS. For example, if the road and/or intersection/s along the haulage route require an upgrade to meet the required RAV rating to service the development. Or if the current VPD is lower than the road's design capacity and the proposed VPD is higher than the road's design capacity, then a condition may be imposed requiring an upgrade to a higher VPD design standard.
7. The maximum pit floor depth shall be AHD and a minimum of above the current maximum groundwater level (MGL). No dewatering works are to be undertaken without prior Department of Water and Environmental Regulation approval. If the water table is intercepted all extraction activities shall cease and the Local Government and Department of Water and Environmental Regulation shall be notified within 24 hours. Such exposure to or interception of the groundwater shall be remedied to the satisfaction of the Local Government in consultation with the Department of Water and Environmental Regulation, at which time extraction activities may resume.	Where proposed excavation risks interception with the water table. May not be necessary where this information is clearly articulated in the submitted and hereby approved management plans and work program etc.
8. Prior to commencing operations, markings of the approved pit boundaries shall be surveyed by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire.	Particularly necessary where the submitted plans are not based on an acceptably detailed survey plan. it is important to define an area that has obtained an approval to guide future mining activity.

Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Local Government.	
9. Prior to <u>Development Approval, commencing operations</u> , suitable arrangements shall be undertaken to quantify water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the Local Government.	Apply where the submitted information does not include sufficient certainty about the need for water and the source of that water, request information prior to the development approval, be that by water carting or pipeline or other approved method. In particular, ensure there is sufficient water supply to carry out proposed dust suppression.
10. Operating hours shall be restricted to 7am to 5pm Monday to Saturday. Operations are not permitted on Sundays or public holidays.	Adjust times and dates as required to address issues raised in submission and the assessment process. Additional control over extraction activities versus transport activities may be specified in this condition. If isolated for sensitive receptors earlier and later operating times may be permissible.
11. Access to the site shall be from via a sealed crossover designed and constructed to the specification and satisfaction of the Local Government.	Apply with reference to approved street/s of access.
12. A security perimeter fence, to an appropriate standard sufficient to exclude retain sheep and livestock and restrict vehicle and pedestrian access to the site shall be constructed before prior to the commencement of site operational works and be maintained thereafter to the satisfaction of the Local Government.	Apply to all applications.
13. The maximum number of truck movements shall not exceed truck movements (in and out) a day. Additional truck movements, either on an	May not be necessary if this is clearly articulated in the submitted and hereby approved traffic impact assessment.

Shire of Toodyay – Schedule of Model Development Approval Conditions for Extractive Industries (LK ADVISORY)

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Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
ongoing basis or on a case-by-case basis may occur subject to approval from the Local Government's Chief Executive Officer.	Red text is optional
<u>14.</u> An Annual Audit of Compliance shall be prepared by a suitably qualified independent expert <u>the applicant</u> and submitted to the Local Government annually, <u>for an assessment date</u> on or before the 31 December of each calendar year. <u>This report should be provided no later than 60 days after the reporting date.</u> The Annual Audit of Compliance shall include: a) Details to demonstrate compliance with the conditions of this Development Approval; b) Tonnage of material removed from the site and the period within which the sand material was removed; c) Details of complaint registers associated with dust and noise management, including response actions and timeframes. d) Progress report on the approved Rehabilitation Management and Monitoring Plan including: i. Details of completed, ongoing and future rehabilitation areas ii. Photos of rehabilitated areas iii. Monitoring and reporting details, if available iv. Start and completion dates, and expected start dates, if applicable, and A map depicting the rehabilitation areas and their completion progress.	Apply to all applications

Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
14. Failure to submit the Annual Audit of Compliance by 31 December of each calendar year shall require the immediate cessation of all operations on the site. Operations shall not recommence until the Annual Audit of Compliance is submitted and within 30-60 days of the due date. -the Local Government <u>The Shire of Toodyay</u> shall provide its written advice as to whether the audit satisfies the requirements of this condition.	To all applications
15. In the event that the Local Government <u>Shire of Toodyay</u> determines, based on the Annual Audit of Compliance or any other inspection or evidence, that the operator has failed to comply with any condition of this Development Approval, all operations on the site may be required to shall immediately cease, depending on the nature of the issue at hand. Operations shall—may not recommence until: The operator may be required has to -submitted a report, prepared by a suitably qualified independent expert, demonstrating full compliance with the relevant all conditions of this Development Approval; and The Local Government has reviewed that report and provided written confirmation that compliance has been satisfactorily achieved and operations may resume.	
16. Ablution and lunchroom facilities shall be provided on the site for workers prior to the commencement of operations, to the satisfaction of the Local Government.	Apply where such facilities are not clearly defined or proposed on the application-management plans. There may be occasions where these facilities may be provided off site

Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
	or not be required.
17. An application to construct or install an apparatus for the treatment of sewage shall be submitted to the Local Government for approval, with the approved system being commissioned in accordance with that approval, prior to the commencement of operations on the site. OR 18. Prior to commencing operations, the development shall be connected to a reticulated sewerage service.	Apply in the case of any building/s that includes facilities that generate wastewater. Apply 18 in lieu of 17 in circumstances where the proposed extractive industry is located close to the Toodyay Townsite and can reasonably be connected to existing sewerage infrastructure. Where required
19.19. The submitted management plan dated shall be modified as follows: a. ... 20.b. ... 21.19. and resubmitted for approval by the Local Government and thereafter implemented to the satisfaction of the Local Government.	If modifications are required to address issues raised in submissions, agency comments or to ensure compliance with relevant matters for consideration, insert the relevant management plan and date i.e. noise, dust etc. This may be necessary where an applicant refuses to provide additional information as per cl.65B of the Deemed Provisions. Shire to ensure delegations empower the CEO and/or other staff to clear this type of condition under cl.65B of the Deemed Provisions.
22.20. Prior to commencing operations, a shall be prepared and submitted to the Local Government for Approval and thereafter implemented to the satisfaction of the Local Government.	Applicable in circumstances where the requirement to lodge a management plan i.e. noise and or dust was waived at the time the application was accepted but subsequently required because of issues raised in submissions, agency referral comments or through the assessment of the application. In these circumstances, it may be appropriate to approve the development subject to later approval of

Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
	details by applying a condition (per cl.74(1) of the Deemed Provisions) that requires the Lodgement of further information prepared by a suitably qualified professional. This can only be used where the Local Government is satisfied that the matters to be approved would not substantially change the development approved (refer cl.74(2) of the Deemed Provisions). This may be imposed where an applicant refuses to provide additional information as per cl.65B of the Deemed Provisions.
23. Within six (6) months of the date of this development approval, the operator and the landowner shall execute and register with Landgate a tripartite deed of agreement with the Local Government, to the satisfaction of the Local Government, which shall include, but not be limited to, the following provisions: 24. The operator (or landowner) shall submit an updated Pit Rehabilitation and Closure Plan and establish a financial assurance mechanism in accordance with Condition 22. 25. In accordance with a) above, the financial assurance mechanism shall be maintained until the rehabilitation works are completed to the satisfaction of the Local Government. 26. The Local Government shall have the right to enter the land and carry out the rehabilitation works if the operator (or landowner) fails to do so, with the costs to be drawn from the financial assurance. 27. If the operator (or landowner) fails to establish or maintain the financial assurance as required by Condition 22, or if the financial assurance is insufficient to cover the rehabilitation costs, the	Delete Tripartite and amend accordingly if the operator is also the landowner. This condition functions to provide the legal mechanism to enforce the requirements outlined in Condition 22 in the event the operator fails to do so, or the entity is dissolved and the burden falls on the landowner.

Shire of Toodyay – Schedule of Model Development Approval Conditions for Extractive Industries (LK ADVISORY)

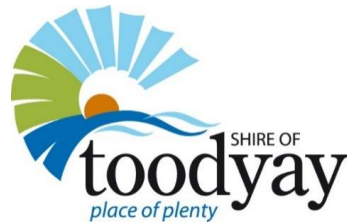
8

Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
Local Government may register a charge on the land title for an amount necessary to secure the rehabilitation obligations. 28. The deed shall bind the operator, the landowner, and their respective successors in title, secured by an absolute caveat that prevents dealings until a successor in title has entered into the same. 29.21. Any other terms and conditions reasonably required by the Local Government to ensure proper and timely rehabilitation of the site.	
30.22. No later than one (1) year prior to planned cessation of operations, or within 90 days of unplanned cessation of operations, the operator (or landowner if there is no operator) shall submit an updated Pit Rehabilitation and Closure Plan to address the following to the satisfaction of the Local Government: (a) Stages of rehabilitation that are already complete; (b) Establish the final measures, methodology and approach to final rehabilitation and land restoration, including soil stabilisation and revegetation strategies in accordance with up-to-date information, technology and guidelines; (c) An updated and detailed estimate of rehabilitation costs, prepared by a qualified independent professional; (d)(c) Selection of a suitable financial mechanism such as a bank guarantee, bond, trust fund etc. to secure remaining rehabilitation obligations; and (e)(d) Evidence that the selected financial security	Apply to developments that require closure and rehabilitation or works following extraction to facilitate subsequent land use. The purpose of this condition is to: 1. Require the implementation of a financial surety to facilitate the closure and revegetation of the pit, or works to facilitate an intended subsequent land use. This may involve a bank guarantee, bond, trust fund or other suitable financial instrument. The intent is to not require a financial surety to be produced until a reasonable timeframe before closure for the following reasons: a. To mitigate against the high cost of establishing such an arrangement over an extended period; b. To acknowledge that extraction activities may be extended to deplete and not sterilise the resource prior to a subsequent land use being established. 2.1. Account for changes in practice, technology and methodology to mine closure and rehabilitation that may have emerged during the lifetime of the operation; and Ensure the financial surety reflects such changes in practice and that the amount is based on up-to-date and recently estimated costs to

Shire of Toodyay | Model Development Approval Conditions (Extractive Industries)

Conditions	Guidance
mechanism has been established to ensure that sufficient funds are available to carry out the decommissioning and rehabilitation works to the satisfaction of the Local Government.	facilitate closure requirements.
31.23. A. This development approval may only be acted on subject to the issue of a clearing permit that coincides with the approved disturbance area by the Department of Water and Environmental Regulation under the Environmental Protection Act 1986 and associated Environmental Protection (Clearing of Native Vegetation) Regulations 2004.	Applicable if clearing of native vegetation is sought but not yet permitted by DWER. <i>Advice note only</i>
32.24. B. This development approval can only be acted on subject to the issue of a works approval and associated prescribed premises licence by the Department of Water and Environmental Regulation under the Environmental Protection Act 1986.	Applicable only if a works approval and/or licence have not been issued yet, or are pending. <i>Advice note only</i>



Local Government Act 1995

Repeal Local Law 2025

The Shire of Toodyay proposes to make the above local law.

- (a) The purpose of which is to repeal the obsolete Local Laws relating to Pest Plants and the Extractive Industries Local Law relating to extractive industries.
- (b) The effect of which will repeal the Extractive Industries Local Law as published in the Government Gazette on 1 November 1999, page 1368-9 is repealed.

A copy of the proposed Local Law may be inspected at or obtained from the Shire's Administration Centre at 15 Fiennes Street, Toodyay between 8.30 am and 4.00 pm Monday to Friday or at the Toodyay Public Library during normal opening hours.

The Shire invites submissions by **4.00pm on Thursday 11 December 2025.**

Please address your submissions to the Chief Executive Officer:

Via Email: at records@toodyay.wa.gov.au

Via Post: at Shire of Toodyay, PO Box 96, Toodyay WA 6566

In Person: At Shire Office, 15 Fiennes Street, Toodyay WA 6566

If you have any queries regarding the above please contact the Shire's Governance Coordinator on (08) 9574 9305.

Aaron Bowman JP
Chief Executive Officer



LOCAL GOVERNMENT ACT 1995

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Shire of Toodyay

Repeal Local Law 2025



Gazette Date: tba

LOCAL GOVERNMENT ACT 1995
Shire of Toodyay
Repeal Local Law 2025

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Shire of Toodyay resolved on _____ to make the following local law.

1. Citation

This local law is cited as the *Shire of Toodyay Repeal Local Law 2025*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Repeal

The *Extractive Industries Local Law* as published in the *Government Gazette* on 1 November 1999, page 1368-9 is repealed.

Dated: _____

The Common Seal of the Shire of Toodyay was affixed by authority of a resolution of the Council in the presence of—

.....
Shire President

Mr Aaron Bowman JP
Chief Executive Officer



Creditor List of Payments Report

01 September 2025 to 30 September 2025

Cheque Payments

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount

Cheque Total

0.00

Electronic Funds Transfer Payments

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.333	8/09/2025	Bolgart Rural Merchandise	2 x 20 litre Knockout Extreme 540	396.00
CP.333	8/09/2025	Cadds Fashions Sportfirst Northam	1 x Pair Steel Blue Argyle, Side zip, Wheat, Size 10.5	206.99
CP.333	8/09/2025	Eag Electrical Air-Conditioning & Gas	Quote 18/08/25 - After hours call out to Isolate power from pole blown over - Stirling Park	176.00
CP.333	8/09/2025	Galapagos Pty Ltd	iPlatinum / iArchive Annual Licence Fee for 12 months to 30 Jun 2026	3,102.00
CP.333	8/09/2025	LG Best Practices	Rates 101 Course Di Maritz- 9 Sep 2025 to 28 Oct 2025	1,980.00
CP.333	8/09/2025	Noongar Kaartdijin Aboriginal Coporation Inc	Cultural Map – Banner Update Video (Kura Kura)	4,500.00
CP.333	8/09/2025	North Star Security Nominees Pty Ltd	Security Monitoring Oct-Dec 2025 Pavillion & Aquatic Centre	314.60
CP.333	8/09/2025	Officeworks	stationary	474.83
CP.333	8/09/2025	Professional Pc Support Pty Ltd (XL2)	XL2 ICT Support 09.2025	11,964.71
CP.333	8/09/2025	Public Transport Authority Of WA	TransWA ticket sales for February 2025	319.81
CP.333	8/09/2025	Seek Ltd	Basic ads for 3 IAS roles	1,380.50



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.333	8/09/2025	Shire Of Northam	AROC Membership Financial Year 2025/2026	5,500.00
CP.333	8/09/2025	Synergy	Electricity Grouped Account - 802970900 - May 2025 - July 2025	616.58
CP.333	8/09/2025	Toodyay Garden & Outdoor Centre - Alan Renner	PLANTS - CHARCOAL LANE	129.00
CP.333	8/09/2025	Toodyay Herald	1st Full page colour page left Toodyay Herald 08.2025	783.28
CP.333	8/09/2025	Toodyay Men's Shed Inc	repair benches CRC & Anzac Park	635.00
CP.333	8/09/2025	Toodyay Tyre & Exhaust	Maintenance - Tyres for T0010 & T4051	1,657.00
CP.333	8/09/2025	Vapour Plumbing & Gas	Unblock toilets at Duke Street	203.50
CP.333	8/09/2025	WALGA	Governance Coordinator - Preparation Program to Induct Newly Elected Members (2 September 2025)	385.00
CP.333	8/09/2025	Wheatbelt Office Of Business Machines - Northam	Photocopier Copy Costs - July 2025	394.15
CP.333	8/09/2025	Wren Oil	Pump OutBULKJ100 Waste Oil - 6778882	456.50
CP.333	8/09/2025	Wright Express Aust Pty Ltd	SES Fuel Usage 2024/2025	167.76
CP.334	8/09/2025	Adobe	Adobe Pro Licencing 11.08.2025 – 12.06.2026	462.57
CP.334	8/09/2025	ASV Sales & Service	Service & Repairs to T0009	13,424.72
CP.334	8/09/2025	ASV Sales & Service	Repairs on mulcher for Posi Track (Skid Steer)	4,109.89
CP.334	8/09/2025	Barry Graham Keens	Consignment - April 2025	18.20
CP.334	8/09/2025	Biomax Pty Ltd	Biomax System Repair - Lot 31 Railway Rd - 13.03.2025	203.50
CP.334	8/09/2025	Biomax Pty Ltd	Service of Biomax C10 System including 10 chlorine tablets - Lot 31 Railway Rd - 22.08.2025	164.00
CP.334	8/09/2025	Boc Limited	OXYGEN MEDICAL C SIZE*	1,328.05



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.334	8/09/2025	Bridgeley Community Center/Church Of Christ	Catering for WACHS & AROC Community Transport Workshop at the Bridgeley Centre 23/7/2025	930.00
CP.334	8/09/2025	Brightmark Group Pty Ltd	Extra cleaning of toilets for Lexus Melbourne Cup Visit 9th August	227.70
CP.334	8/09/2025	Cemeteries & Crematoria Association Of WA	CCAWA Ordinary Membership 2025/26	130.00
CP.334	8/09/2025	Churches Commission Of Education - Youthcare	2025/2026 Community Grants & Sponsorship towards the chaplaincy program at Toodyay DHS	10,000.00
CP.334	8/09/2025	Corsign (WA) Pty Ltd	Signage stencils - No Parking & Disabled Parking	690.80
CP.334	8/09/2025	Creighan Holdings Pty Ltd	Issue of BA22 Extension of Building Permit Lot 521 Nerramine Dive, Julimar (B2023-88)	55.00
CP.334	8/09/2025	Creighan Holdings Pty Ltd	NCC Compliance Assessment & Issue of CDC & Building Permit B2025-126 ; B2025-129 ; B2025-127	1,320.00
CP.334	8/09/2025	Creighan Holdings Pty Ltd	NCC Compliance Assessment - B2025-115; B2025-134, B2025-67; B2025-123; B2025-22	2,970.00
CP.334	8/09/2025	Datacom Solutions (AU) Pty Ltd	EOFY Training 2025	440.00
CP.334	8/09/2025	Department Of Fire & Emergency Services	2025/2026 ESLB 1st Quarter Contribution	106,413.30
CP.334	8/09/2025	EAG Electrical Air-Conditioning & Gas	Supply & install new lights at Duidgee Park Toilet block	257.95
CP.334	8/09/2025	EG Incursions Pty Limited	Virtual Reality Incursion for National Science Week 2025	1,318.90
CP.334	8/09/2025	Enviro Pipes Pty Ltd	HDPE Pipe Bejoording Road SLK12.71 to SLK 9	3,828.00
CP.334	8/09/2025	Enviro Pipes Pty Ltd	HDPE Pipe Bejorrding Road SLK12.71 to SLK 9	1,276.00
CP.334	8/09/2025	Enviro Pipes Pty Ltd	HDPE Pipes Bejorrding Road SLK 9 to 12.71	1,161.60
CP.334	8/09/2025	G & A Lombardi Pty Ltd	Supply parts & labour for repairs to the Side Tipper 1TIL296	17,183.86
CP.334	8/09/2025	Jennifer Stanton	Private Pool Barrier Consultant- Training & Mentoring - 01/05/2025 & 08/05/2025	3,000.00
CP.334	8/09/2025	JLT Risk Solutions Pty Ltd	Personal Accident & Sickness - Renewal 30 Jun 2025 to 30 Jun 2026	44,410.19



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.334	8/09/2025	Komatsu Australia Pty Ltd	Contractor - Repairs - GD655-5 Grader	14,036.99
CP.334	8/09/2025	LG Professionals Australia WA	Community Development Conference 10 Sep 2025 - Fiona Marshall	1,170.00
CP.334	8/09/2025	LG Professionals Australia WA	Community Development Conference 10 Sep 2025 - Kristen Maritz	1,170.00
CP.334	8/09/2025	Mandy Wynne - Finance Contractor	Monthly Financial Statements - July 2025; Preparation of FY25 Annual Report Template & Adjust/Correct To FY24 Audit	6,031.52
CP.334	8/09/2025	Morrina (Australia) Pty Ltd	Snow machine for christmas in July 2025 Event - 26 July 2025	924.95
CP.334	8/09/2025	North Star Security Nominees Pty Ltd	Security Monitoring 2025/2026 Admin Building Oct-Dec 2025	157.30
CP.334	8/09/2025	Northam Chamber Of Commerce Inc	Gold Sponsorship of the Procon Developments Australia 2025 Avon Valley Business Awards	2,750.00
CP.334	8/09/2025	Overwatch Traffic Services Pty Ltd	Traffic Managemetn Barrier install Toodyay Bindi Bindi Road Slk 7.02 to 9.18	11,033.99
CP.334	8/09/2025	Pwe Consulting (WA) Pty Ltd	Valuation 19A & 19B Clinton St Residential Duplex	990.00
CP.334	8/09/2025	Pwe Consulting (WA) Pty Ltd	Property Valuation Ms O'Reilly's Cottage - 98 Stirling Terrace, Toodyay	3,310.00
CP.334	8/09/2025	Pwe Consulting (WA) Pty Ltd	Property Valuation Connor's Cottage - 5 Piesse Street, Toodyay	1,550.00
CP.334	8/09/2025	Sj Field Service	Repairs to Roller T0026 including travel	5,659.28
CP.334	8/09/2025	Sonic Healthplus Pty Ltd	Pre-Employment Medical - Museum Curator	264.00
CP.334	8/09/2025	Sonic Healthplus Pty Ltd	Pre-Employment Medical - Accounts Payable Officer	264.00
CP.334	8/09/2025	Sonic Healthplus Pty Ltd	Pre-Employment Medical - Executive Manager Economic Development and Community Services	264.00
CP.334	8/09/2025	Team Global Express Pty Ltd	freight Hersey's to Shire Con8116256526/ Con8116256533	143.61
CP.334	8/09/2025	Toodyay Hardware & Farm	PVC Storm Finish Collar 90mm With Grate	5.88
CP.334	8/09/2025	Toodyay Hardware & Farm	Fertiliser Rose Food Black Marvel	54.35



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.334	8/09/2025	Toodyay Herald	Full Page Colour Jul 2025	783.28
CP.334	8/09/2025	Toodyay Herald	Full Page Colour Aug 2025	783.28
CP.334	8/09/2025	Toodyay Tyre & Exhaust	Disposal of Tyres	18.00
CP.334	8/09/2025	Vapour Plumbing And Gas	Dug up & fixed water leak at Stirling Reserve	379.50
CP.334	8/09/2025	Vapour Plumbing And Gas	Replaced shower mixer cartridge at rec centre shower - officials room	449.90
CP.334	8/09/2025	Vapour Plumbing And Gas	hot water system Medical Centre	1,650.00
CP.334	8/09/2025	Vapour Plumbing And Gas	BFS - Julimar BFB Station - No Water/Water Leak Investigation	495.00
CP.334	8/09/2025	Winc Australia P/L	Stationary - Pilot Ball Pen	4.06
CP.334	8/09/2025	Wheatbelt Office Of Business Machines - Northam	Monthly Lease & Meter Readings 25/26	117.59
CP.334	8/09/2025	Wheatbelt Office Of Business Machines - Northam	Monthly Lease - Library Photocopier	117.59
CP.334	8/09/2025	Wheatbelt Office Of Business Machines - Northam	Photocopier Copy Costs - June 2025	164.82
CP.335	12/09/2025	Acrodyne Pty Ltd	Flow meter verification & report - Toodyay aquatic centre	660.00
CP.335	12/09/2025	Adobe	Adobe license Acrobat Premium for teams 31.08.2025 – 12.06.2026	432.33
CP.335	12/09/2025	Alexandra Jean Hurley	Consignment - August 2025	69.00
CP.335	12/09/2025	Alison Barbara Downie	Consignment - August 2025	51.97
CP.335	12/09/2025	Australian Taxation Office - Albury	BAS August 2025	38,670.84
CP.335	12/09/2025	Avon Skip Bins	Skip bin works depot 1 Aug 2025	70.00
CP.335	12/09/2025	Avon Skip Bins	Skip bin Memorial Hall 5 Aug 2025, 12 Aug 25, 19 Aug 25, 26 Aug 25	280.00



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.335	12/09/2025	Avon Skip Bins	Skip bin Sports Oval 12 Aug 25, 26 Aug 25	140.00
CP.335	12/09/2025	Avon Waste - Stondon Pty Ltd	rubbish collection - Fortnightly Service from 11/08/25 - 22/08/25	18,590.22
CP.335	12/09/2025	B & J Catalano Pty Ltd	Gravel	7,079.25
CP.335	12/09/2025	Boc Limited	late payment fee	38.50
CP.335	12/09/2025	Bongers Bees Enterprises Pty Ltd	Honey to sell at visitor centre	576.00
CP.335	12/09/2025	Brightmark Group Pty Ltd	Additional Public Toilet cleaning for Avon Descent	104.50
CP.335	12/09/2025	Brightmark Group Pty Ltd	cleaning toilets in the yard opposite the depot	415.80
CP.335	12/09/2025	Brightmark Group Pty Ltd	Contract Cleaning Consumables - August 2025	1,769.35
CP.335	12/09/2025	Brightmark Group Pty Ltd	contract cleaning August 2025	13,861.47
CP.335	12/09/2025	Brightmark Group Pty Ltd	Contract Cleaning Consumables - July 2025	1,905.13
CP.335	12/09/2025	Broderick Waste Solutions	Management of Waste Transfer Station 06/08/2025 - 29/08/2025	6,050.00
CP.335	12/09/2025	Broderick Waste Solutions	Management of Waste Transfer Station 23/07/2025 - 05/08/2025	6,050.00
CP.335	12/09/2025	Broderick Waste Solutions	Management of Waste Transfer Station FE 2 Sep 2025	6,050.00
CP.335	12/09/2025	Broderick Waste Solutions	Waste cartage Toodyay Transfer Station to Northam August 2025	6,610.56
CP.335	12/09/2025	Capture The Light Photographic Tours	Consignment - June 2025 & August 2025	15.01
CP.335	12/09/2025	Cindy May Harders	Consignment - August 2025	57.32
CP.335	12/09/2025	Country Copiers	CRC Printer Meter Reading for 1/07/2025 - 6/08/2025	306.73
CP.335	12/09/2025	Country Copiers	CRC copier meter reading August 2025	173.27



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.335	12/09/2025	Css Tech	Support for Ring Central Phone System 25 Aug 25-29 Aug 25	2,241.25
CP.335	12/09/2025	Department Of Mines Industry Regulation & Safety	BS Levies - July 2025	5,357.30
CP.335	12/09/2025	Dustin Jacob Bennett	Security Fencing for the Rec Centre Generator	4,897.68
CP.335	12/09/2025	Eag Electrical Air-Conditioning & Gas	Supply & replace lights at Duidgee Park Toilet block	245.03
CP.335	12/09/2025	Eag Electrical Air-Conditioning & Gas	Stirling Park power pole replacement	4,420.79
CP.335	12/09/2025	Eastern Hills Chainsaws & Mowers	Chainsaw / File holder	484.45
CP.335	12/09/2025	Emerg Solutions Pty Ltd	BART APP License Renewals - Emergency Response for Bush Fire Service	2,496.00
CP.335	12/09/2025	Equifax	FIT2WORK CHARGES June 2025	24.09
CP.335	12/09/2025	Equifax	FIT2WORK CHARGES Jun2025	200.09
CP.335	12/09/2025	Fire Mitigation Services Pty Ltd	MAF 24/25 R2 - Bush Fire Mitigation Treatments TEN96- 02/2505 37280 - Drummond Street East (North Block)	731.50
CP.335	12/09/2025	Fire Mitigation Services Pty Ltd	MAFGP2425R2_Supp -Treatments 37915 - Cobbler Pool	8,336.90
CP.335	12/09/2025	Frontline Fire & Rescue Equipment	Deto Stop Jerry Can 5L Green	220.00
CP.335	12/09/2025	Glenoran Leather	Consignment - August 2025	61.58
CP.335	12/09/2025	Heartlands Vet Hospital	1 x Dog Euthanasia - 21/08/2025	295.00
CP.335	12/09/2025	Henry Alfred Wood	Consignment - August 2025	144.00
CP.335	12/09/2025	Isobel Winifred Roberts	Consignment - August 2025	145.15
CP.335	12/09/2025	Joanne Crowe	Consignment - August 2025	80.00
CP.335	12/09/2025	John Charles Lucas	Bus Hire - National Science Week Walk Trail 16 Aug 25	55.00



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.335	12/09/2025	Jolanda Keeble	Consignment - August 2025	85.00
CP.335	12/09/2025	Kleen West Distributors	Roll Towel 80m/Wipe Roll Bamboo BLUE	88.77
CP.335	12/09/2025	Leyland Engineering Services	Maintenance - Service on T7124 Fire Truck	1,564.00
CP.335	12/09/2025	Leyland Engineering Services	INV-3841	1,564.00
CP.335	12/09/2025	Lgiswa	EAP for 50 employees (1/7/25 - 31/12/25)	2,454.10
CP.335	12/09/2025	Macdonald, Ingrid Catherine C	Consignment - August 2025	20.00
CP.335	12/09/2025	Margaret Bradford Seeley	Consignment - August 2025	46.00
CP.335	12/09/2025	Mcleods Barristers & Solicitors	Legal Advice - deed of agreements	1,261.81
CP.335	12/09/2025	Michelle Lorraine Ellery	Consignment - August 2025	32.80
CP.335	12/09/2025	Morangup Progress Association	2025/26 Rent for Morangup Community Library	750.00
CP.335	12/09/2025	Natural Intentions Beauty Range	Consignment - August 2025	121.12
CP.335	12/09/2025	Noongar Kaartdijin Aboriginal Coporation Inc	National Science Week Event Facilitation - Walk Trail	1,500.00
CP.335	12/09/2025	Oztrology Pty Ltd	Consignment - July & August 2025	55.00
CP.335	12/09/2025	Patricia Rose	Consignment - August 2025	45.00
CP.335	12/09/2025	Pentanet Limited	mthly NBN business unlimited data for Shire Office September 2025	926.90
CP.335	12/09/2025	Public Transport Authority Of WA	TransWA ticket sales for August 2025	977.69
CP.335	12/09/2025	Quilts By Robyn	Consignment - August 2025	135.00
CP.335	12/09/2025	Reliable Asset Maintenance	Asset maintenance Admin, Rec ctr, CRC, Pool, Julimar FrSt	951.50



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.335	12/09/2025	Reliable Asset Maintenance	Hire Dehumidifier for Toodyay Library for 4 weeks	220.00
CP.335	12/09/2025	Ringcentral Australia Pty Ltd	phone service 08.2025	1,739.88
CP.335	12/09/2025	Seek Ltd	job ad Heavy plant operator	654.50
CP.335	12/09/2025	Seek Ltd	Advertising Job vacancy - Reserves Maintenance Officer	544.50
CP.335	12/09/2025	Shred-X Pty Ltd	Security bin Aug2025 & Sep2025	224.40
CP.335	12/09/2025	Sonic Healthplus Pty Ltd	Pre - Employment Medical - Depot Trainee	264.00
CP.335	12/09/2025	Southern Sharpening Services	Consignment - August 2025	38.50
CP.335	12/09/2025	State Library Of WA	Better Beginnings 2025/2026 booklets	220.00
CP.335	12/09/2025	Station Motors (1974) Pty Ltd	Isuzu MU-X Reg T000	20,976.50
CP.335	12/09/2025	Tammar Publications	Consignment - August 2025	27.95
CP.335	12/09/2025	Tanvier Fowler	National Science Week Event Facilitation - Gardening workshop	500.00
CP.335	12/09/2025	Tanya Michelle Stuart	Consignment - August 2025	11.52
CP.335	12/09/2025	The Toodyay Historical Society Inc	Consignment - August 2025	10.00
CP.335	12/09/2025	Toodyay Garden & Outdoor Centre - Alan Renner	3 x Roses - Town Garden Beds	36.00
CP.335	12/09/2025	Toodyay Traders	Oxygen c size - acetylene e size (exchange) credit of \$277.08 applied, remaining amount owing is \$71.92	71.92
CP.335	12/09/2025	Toodyay Tyre & Exhaust	265/65R17 HANKOOK RF12 tyre fitted and balanced with T/L valves fitted to gardeners ute	300.00
CP.335	12/09/2025	Total Green Recycling	Waste Transfer Station - eWaste Recycling	1,090.69
CP.335	12/09/2025	Vapour Plumbing And Gas	Harper Road - Test RPZD and Backflow	209.00



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.335	12/09/2025	Vapour Plumbing And Gas	Community standpipe - backflow test	209.00
CP.335	12/09/2025	Vapour Plumbing And Gas	Repair toilets at Football Pavilion - Showgrounds	115.50
CP.335	12/09/2025	Vapour Plumbing And Gas	Replace broken toilet seat at Memorial Hall	148.50
CP.335	12/09/2025	Vapour Plumbing And Gas	Recreation Centre Plumbing Repairs	385.00
CP.335	12/09/2025	Wobm - Wheatbelt Office Of Business Machines - Northam	copy cost March 2025	154.01
CP.335	12/09/2025	Wobm - Wheatbelt Office Of Business Machines - Northam	copy cost April 2025	171.19
CP.335	12/09/2025	Wobm - Wheatbelt Office Of Business Machines - Northam	copy cost May 2025	185.19
CP.338	18/09/2025	Australia Post	Postage August 2025	4,711.01
CP.338	18/09/2025	Benara Nurseries	Garden Beds Plants	516.80
CP.338	18/09/2025	Carrington'S (WA) Pty Ltd	PO 7929	2,356.19
CP.338	18/09/2025	D&L Studio Pty Ltd	Desk Name Plaque	62.70
CP.338	18/09/2025	Datacom Solutions (Au) Pty Ltd	Datascape monthly SaaS fees monthly fee	349.52
CP.338	18/09/2025	Datacom Solutions (Au) Pty Ltd	Datascape monthly SaaS fees monthly fee for 2025 - 2026	349.52
CP.338	18/09/2025	Datacom Solutions (Au) Pty Ltd	Datacom Pay Processing fee PE 12 Aug 25, PE 26 Aug 25	362.82
CP.338	18/09/2025	Datacom Solutions (Au) Pty Ltd	Datascape monthly SaaS fees monthly fee August 2025	3,936.94
CP.338	18/09/2025	Department Of Mines Industry Regulation & Safety	BS Levies - August 2025	3,069.51
CP.338	18/09/2025	Department Of Water And Environmental Regulation	License Toodyay Waste Transfer Station 2025/2026	434.50
CP.338	18/09/2025	E & J Logistic Pty Ltd T/As Flat Out Freight	5 cartons books Freight deliveries to State Library WA from Toodyay Library	82.23



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.338	18/09/2025	Eag Electrical Air-Conditioning & Gas	Visitors Centre repairs	147.95
CP.338	18/09/2025	Eag Electrical Air-Conditioning & Gas	Duidgee Park Toilet - Install Light	245.03
CP.338	18/09/2025	Eag Electrical Air-Conditioning & Gas	Waste Transfer Station repairs	352.00
CP.338	18/09/2025	Eastern Hills Chainsaws & Mowers	Repairs to chainsaws Depot & Rangers	345.70
CP.338	18/09/2025	Eastern Hills Chainsaws & Mowers	Chainsaw Service & repair	229.00
CP.338	18/09/2025	Emerg Solutions Pty Ltd	BFS - BART SMS Number 01/02/2025 - 31/01/2026	165.00
CP.338	18/09/2025	Jacobus Cornelis Nieuwoudt	Assess development application P2025-44 Lot 2 (#527) Julimar Road, West Toodyay	450.00
CP.338	18/09/2025	Kleen West Distributors	Morangup Hall amenities supply	110.77
CP.338	18/09/2025	Professional Pc Support Pty Ltd (XI2)	notebooks for new councillors Ray Mills, Simon Van Der Heyden	3,918.20
CP.338	18/09/2025	Professional Pc Support Pty Ltd (XI2)	IT equipment - monitors	1,978.41
CP.338	18/09/2025	Professional Pc Support Pty Ltd (XI2)	ICT Support October 2025	11,964.71
CP.338	18/09/2025	Reliable Asset Maintenance	repairs admin building/RecCentre	847.00
CP.338	18/09/2025	Reliable Asset Maintenance	Remove & replace Bollards from concrete footings at Youth Hall	2,167.00
CP.338	18/09/2025	Reliable Asset Maintenance	repairs Duidgee Park Toi / RecCentre doors	340.45
CP.338	18/09/2025	Shire Of Northam	Old Quarry tipping fees - August 2025	27,673.24
CP.338	18/09/2025	Sling Lift And Rigging Pty Ltd	snatch strap & pins	1,700.60
CP.338	18/09/2025	Sonic Healthplus Pty Ltd	Pre-employment medical - Heavy Plant Operator	264.00
CP.338	18/09/2025	Station Motors (1974) Pty Ltd	Isuzu D-Max Space Cab Utility T0003	9,538.50



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01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
CP.338	18/09/2025	Toodyay Iga	Department Expenses - April 2025	778.81
CP.338	18/09/2025	Toodyay Iga	Purchases July 2025	303.79
CP.338	18/09/2025	Toodyay Traders	Depot Purchase August 2025	11.50
CP.338	18/09/2025	Toodyay Traders	Depot Purchase August 2025	6.60
CP.338	18/09/2025	Toodyay Traders	Depot Purchase August 2025	45.85
CP.338	18/09/2025	Toodyay Traders	Depot Purchase August 2025	43.00
CP.338	18/09/2025	Toodyay Traders	Depot Purchase August 2025	7.70
CP.338	18/09/2025	Toodyay Traders	Depot Purchase August 2025	19.50
CP.338	18/09/2025	Toodyay Traders	Depot Purchase August 2025	42.60
CP.338	18/09/2025	Vision Investments Pty Ltd	Sand delivery Showgrounds/Rec Centre	6,468.00
CP.338	18/09/2025	Wajon Publishing	Wildflower books to sell in the Visitors Centre	526.00
CP.338	18/09/2025	Zipform Pty Ltd	Annual Rates Notice 2025/26 - printing & posting	8,923.22
CP.338	18/09/2025	Zone 50 Engineering Surveys Pty Ltd	Bejoording Road - Survey Design	6,556.06
EFT Total				589,761.76



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01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
Payroll				
Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
PPE 02.09.25	02.09.25	Payroll	One Off Payroll Run	18,096.58
PPE 10.09.25	10.09.25	Payroll	PPE Ending 9 September 2025	112,801.59
PPE 25.09.25	24.09.25	Payroll	PPE Ending 23 September 2025	112,001.32
PPE 10.09.25	10.09.25	SuperChoice	Superannuation for PPE Ending 9 September 2025	20,639.00
PPE 25.09.25	24.09.25	SuperChoice	Superannuation PPE Ending 23 September 2025	21,475.35
Other Total				285,013.84

Other Payments (including Direct Debits)				
Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
	8/09/2025	Bendigo Bank	Bank Fees	2.42
	8/09/2025	CHG Meridian	Lease - Solar Panels - Library & Depot	254.89
	5/09/2025	QPC Group	Photocopier Lease, Maintenance & Usage Costs	33.00
	3/09/2025	QPC Group	Photocopier Lease, Maintenance & Usage Costs	33.00
	3/09/2025	CBA (Commonwealth Bank)	Bank/Merchant Fees	125.82
	3/09/2025	CBA (Commonwealth Bank)	Bank/Merchant Fees	77.56



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
	3/09/2025	CBA (Commonwealth Bank)	Bank/Merchant Fees	54.50
	3/09/2025	CBA (Commonwealth Bank)	Bank/Merchant Fees	296.12
	3/09/2025	CBA (Commonwealth Bank)	Bank/Merchant Fees	82.07
	2/09/2025	Synergy Retail 0437801984	Electricity Account 149993610 Lot 301 Railway Rd 09 Jul 2025 - 12 Aug 2025	844.44
	1/09/2025	Bendigo Bank	Bank Fees	.11
	1/09/2025	HP Finance Services	Photocopier Lease, Maintenance & Usage Costs	1,116.84
	1/09/2025	Bendigo Bank	Bank Fees	2.60
	17/09/2025	Water Corporation 0441961752	Water Rates & Usage Charges - Old Gaol - 24 Jun 2025 - 26 Aug 2025 Acc 9007935221	173.40
	17/09/2025	Water Corporation 0441961751	Water Rates & Usage Charges - Shire Administration Office - 24 Jun 2025 - 26 Aug 2025 Acc 9007935192	41.15
	17/09/2025	Water Corporation 0441961750	Water Rates & Usage Charges - Pelham Reserve Toilets - 24 Jun 2025 - 26 Aug 2025 Acc 9007935635	20.57
	17/09/2025	Water Corporation 0441961749	Water Rates & Usage Charges - Anzac Memorial Park - 24 Jun 25 - 26 Aug 2025 Acc 9007934990	11.76
	17/09/2025	Water Corporation 0441961748	Water Rates & Usage Charges - Shire Administration Gardens - 24 Jun 2025 - 26 Aug 2025 Acc 9007935205	5.88
	17/09/2025	Synergy Retail 0441932737	Grouped Account inc Snowground Facilities, Fire Stations x 2, Museum, Old Gaol, Lock Up, Shearing Shed, Duke Street Public Toilets, Shire Admin Office, Clinton Street Duplex, Parks & Gardens, CRC & Medical Centre, Cat & Dog Pound, Memorial Hall, Old	13,999.92
	15/09/2025	SG Fleet Australia	SG Fleet Lease Rental Hino T0011	4,277.71
	15/09/2025	Bendigo Bank	BPoint Direct Debit Payment Fees 0441252101	33.99
	15/09/2025	Water Corporation 0441255926	Water Rates & Usage Charges - Stirling Park - 19 Jun 2025 - 21 Aug 2025 Acc 9007932098	1,931.06
	15/09/2025	Water Corporation 0441255925	Water Rates & Usage Charges - Donegans Cottage - 1 Jul 2025 - 31 Aug 2025 Acc 9007933496	50.43
	15/09/2025	Water Corporation 0441255924	Water Rates & Usage Charges - Parkers Cottage - 1 Jul 2025 - 31 Aug 2025 Acc 9007933509	50.43



Creditor List of Payments Report 01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
	12/09/2025	QPC Group	Photocopier Lease, Maintenance & Usage Costs	33.00
	12/09/2025	Bendigo Bank	Bank Fees	7.15
	12/09/2025	Water Corporation 0440811915	Water Rates & Usage Charges - Memorial Hall - 19 Jun 2025 - 21 Aug 2025 Acc 9007933832	551.74
	12/09/2025	Water Corporation 0440811914	Water Rates & Usage Charges - Mrs O'Reillys - 19 Jun 2025 - 21 Aug 2025 Acc 9007931917	454.40
	12/09/2025	Water Corporation 0440811913	Water Rates & Usage Charges - Toodyay Railway Station - 19 Jun 2025 - 21 Aug 2025 Acc 9014201672	423.22
	12/09/2025	Water Corporation 0440811912	Water Rates & Usage Charges - 108 Stirling Terrace - Bank Building - 19 Jun 2025 - 21 Aug 2025 Acc 9007931976	379.61
	12/09/2025	Water Corporation 0440811911	Water Rates & Usage Charges - Duke Street Toilets - 19 Jun 2025 - 21 Aug 2025 Acc 9007933891	362.69
	12/09/2025	Water Corporation 0440811910	Water Rates & Usage Charges - Connors Cottage - 19 Jun 2025 - 21/08/2025 Acc 9007933752	293.50
	12/09/2025	Water Corporation 0440811909	Water Rates & Usage Charges - 19b Clinton Street - 24 June 202025 - 26 Aug 25 Acc 9007935379	257.29
	12/09/2025	Water Corporation 0440811908	Water Rates & Usage Charges - 19a Clinton Street- 24 Jun 25 - 26 Aug 25 - Acc 9007935360	251.37
	12/09/2025	Water Corporation 0440811907	Water Rates & Usage Charges - Duidgee Park Toilets - 23 Jun 2025 - 21 Aug 2025 Acc 9007933568	191.03
	12/09/2025	Water Corporation 0440811906	Water Rates & Usage Charges - Waste Transfer Station- 20 Jun 2025 - 21 Aug 2025 Acc 9008751598	144.01
	12/09/2025	Water Corporation 0440811905	Water Rates & Usage Charges - Connors Mill / Visitor Centre - 19 Jun 2025 - 21 Aug 2025 Acc 9007933744	133.67
	12/09/2025	Water Corporation 0440811904	Water Rates & Usage Charges - Toodyay Public Library - Stirling Terrace - 19 Jun 2025 - 21 Aug 2025 Acc 9007931909	65.81
	12/09/2025	Water Corporation 0440811903	Water Rates & Usage Charges - Shire Works Depot - Railway Avenue - 23 Jun 2025 - 21 Aug 2025 Acc 9017484946	64.66
	12/09/2025	Water Corporation 0440811902	Water Rates & Usage Charges - Newcastle Park - 19 Jun 25025 - 21 Aug 2025 Acc 9007931837	5.88
	12/09/2025	Water Corporation 0440811916	Water Rates & Usage Charges - Community/Medical Centre - 19 Jun 2025 - 21 Aug 2025 Acc 9007938270	1,283.47
	11/09/2025	CHG-Meridian Australia 0440624317	Payout of lease of IT Equipment	3,267.00



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Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
	11/09/2025	Water Corporation 0440443157	Water Rates & Usage Charges - Cemetery - 61 Telegraph Road - 20 Jun 2025 - 20 Aug 2025 Acc 9007932530	55.84
	10/09/2025	Bendigo Bank	Bank Fees	6.82
	10/09/2025	Synergy Retail 0439944074	Recreation Centre - 450458120 - Electricity Usage - 17 Jul 2025 - 20 Aug 2025	5,764.81
	9/09/2025	Bendigo Bank	Bank Fees	3.96
	22/09/2025	QPC Group	Photocopier Lease, Maintenance & Usage Costs	33.00
	19/09/2025	Synergy Retail 0442729127	NNN Co Security Cameras - 28 Jul 2025 - 27 Aug 2025	203.51
	19/09/2025	Bendigo Bank	Bank Fees	2.86
	18/09/2025	Water Corporation 0442403391	Water Rates & Usage Charges - Lot 6-18, 20, 39-42 & 50 Toodyay Street - 20 Jun 2025 - 27 Aug 2025 Acc 9007933517	182.91
	30/09/2025	Paymate	Standpipe Merchant Fees	.02
	25/09/2025	Water Corporation 0444327586	Water Rates & Usage Charges - Northam-Toodyay Road - Standpipe - 1 Jul 2025 - 3 Sep 2025 Acc 9007933760	11,323.73
	24/09/2025	Telstra 0444102595	Telstra Services - Telecommunications - September 2025	3,169.83
	24/09/2025	Bendigo Bank	Bank Fees	6.60
	24/09/2025	Synergy Retail 0443877713	Electricity Usage - Street lights - 25 Jul 2025 - 24 Aug 2025	5,099.73
	23/09/2025	Paymate	Standpipe Merchant Fees	82.50
Direct Debit Total				57,625.29



Creditor List of Payments Report
01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
Credit Card Statements				
Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
	6/09/2025	Credit Card CEO- Aaron Bowman	Post Tooday LPO - Identity verification for the CEO for a withdrawal of Caveat	49.00
	6/09/2025		Post Tooday LPO - Identity verification for the Shire President for a withdrawal of Caveat	49.00
	12/09/2025		Perth Mint - Coins (including freight) for Citizenship Ceremony	27.06
	12/09/2025		WilsonParking - Parking Wellington Street Perth	12.17
	15/09/2025		EG Group	75.16
	15/09/2025		Reddy Express - Fuel	96.44
	24/09/2025		CPP Council House - Parking	5.05
	29/09/2025		Bendigo Card Fee	4.00
	7/09/2025	Credit Card EMFC- Alan Hart	Tribe Perth - Meals Macie Woolcock	70.47
	8/09/2025		Officeworks - Microsoft - Thunderbolt Dock & lightening cable	506.00
	8/09/2025		Ikea Perth - Crockery for Admin kitchen	85.80
	10/09/2025		JB Hi Fi - Audio Technica	69.00
	14/09/2025		Safety Culture Subscription 13/09/25 to 13/10/25	31.90
	15/09/2025		Starlink - Internet 13/9/25 to 13/10/25	139.00
	17/09/2025		Badginarra Roadhouse - Fuel	96.89
	21/09/2025		Jaycar Electronics - Computer cables for office	79.90



Creditor List of Payments Report

01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
	26/09/2025		Local Government Professionals Annual Conference	1,640.00
	29/09/2025		Bendigo Card Fee	4.00
	4/09/2025	Credit Card - EMIAS Vanessa Crispe	Department of Transport - infringement failure to return plates T0018	100.00
	4/09/2025		Department of Transport - infringement failure to return plates 1TZZ054	100.00
	11/09/2025		Department of Transport - Plate remake T0001 Ranger	52.10
	12/09/2025		Department of Transport - Retaining plate	32.00
	23/09/2025		Department of Transport - Registration Forklift	119.50
	24/09/2025		Department of Transport - Plate remake T0021	52.10
	25/09/2025		Dunnings - Bushfire call out - drinks & sandwiches	249.00
	25/09/2025		Department of Transport - Registration of Vehicle - CESM	522.95
	29/09/2025		Bendigo Card Fee	4.00
	14/09/2025	Credit Card - EMPRS Paul Nuttall	Shell Reddy Express - T0000 Fuel	133.34
	29/09/2025		Bendigo Bank - Card Fee	4.00
Credit Card Total				4,409.83
Grant Total				936,810.72



Creditor List of Payments Report
01 September 2025 to 30 September 2025

Payment Number	Date	Creditor Name	Invoice Description	Inclusive Amount
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Committee Book

Section 5.8 of the *Local Government Act 1995*



Information contained in this document should be cross-referenced with information available from **The Western Australian Legislation website** at www.legislation.wa.gov.au

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Overview and Review

This committee book (book) was developed to provide information to Councillors and community representatives serving on council committees.

The Shire of Toodyay (Shire) recognises the value of community contribution and continually seeks ways to engage more deeply with the community.

The Shire establishes Committees with a defined regulatory objective. These Committees are bound by provisions contained in the legislative instruments by which they were established including, but not limited to the following:

- *Shire of Toodyay Standing Orders Local Law 2008* where those Committees are established under the *Local Government Act 1995*;
- *Local Government (Model Code of Conduct) Regulations 2021*.
- Shire of Toodyay's Code of Conduct;
- *Corruption and Crime Commission Act 2003*; and the
- *Defamation Act 2005*.

This Committee Book also provides guidelines to ensure appropriate governance processes are followed for all committees and working groups, etc.

This book will be reviewed at least every two years, prior to the holding of a local government ordinary election. Amendments will be approved by the CEO.

How and when representation to each committee is determined

Representation to each committee is determined following a local government election under **Section 5.10** of the *Local Government Act 1995* as explained below:

- **Timing:** After the election, the council holds a meeting to appoint members to its committees.
- **Process:** Council members are entitled to nominate themselves for committee membership. The council then appoints members by an **absolute majority** vote.
- **Special Provisions:** The Shire President or Mayor has the right to be appointed to any committee if they express their wish to do so. Similarly, the CEO or their representative can be appointed to committees involving employees.

Committee Book

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Representation Summary

Committee & Other Organisations Representation						
Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
Audit, Risk and Improvement Committee (ARC)	Feb, May, Aug and Nov	2nd Thursday at 10.30am	This Committee has specific functions to follow that are set out in Regulation 16 of the <i>Local Government (Audit) Regulations 1996</i> . Refer to the Audit & Risk Committee Charter adopted by Council.	4 primary Councillors [Crs Dival, McKeown, Prater and McCormick] 3 community members [K Barrack, N Mills, and S Rutter]	Not required	Executive Manager Corporate & Community Services
Bush Fire Advisory Committee (BFAC)	Jan, April, July and Oct	4th Thurs in Jan & 2nd Thursday at 6.00pm	To provide advice to the local government on obligations contained within the <i>Bush Fires Act</i> , organising, managing, resourcing and training volunteer bush fire brigades.	2 primary Councillors : [Cr McKeown & Cr Prater] CEO, CESM, Chief Bush Fire Control Officer (CBFCO), Deputy Chief Bush Fire Control Officers, Brigade Captain Representatives, Shire Officers & Agency representatives	Not required	CESM (Community Emergency Services Manager)
Local Emergency Management Committee (LEMC)	2nd Thurs March, June, Sept and Dec	2nd Thurs at 10.30am	To oversee, plan and test Shire of Toodyay's local emergency management arrangements under s38(1) of the <i>Local Emergency Management Act 2005</i> .	2 primary Councillors : [Cr Wrench and Cr Duri] CEO, EMO, CESM, EMIAS, CBFCO or deputy, District Emergency Management Advisor, Local	Not required	CESM (Community Emergency Services Manager)

Committee Book

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Committee & Other Organisations Representation						
Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
				Recovery Coordinator and Deputy Local Recovery Coordinator, Welfare Liaison Officers, DFES District Officer (Avon); Main Roads Representative, St John Ambulance Community Paramedic, Principal, Toodyay District High School, Shire Officers & other Agency representatives		
Local Recovery Committee (LRC)	As required	As required	Established under s36(b) of the <i>Local Emergency Management Act 2005</i> for the purpose of coordinating and supporting the management of recovery following a major emergency in accordance with the Shire's local emergency management arrangements.	Shire President, Local Recovery Coordinator, Deputy Local Recovery Coordinator, Executive Manager Infrastructure, Assets & Services (EMIAS) and Community Emergency Services Manager (CESM).	Yes	CESM (Community Emergency Services Manager)
Avon Midland Country Zone of the WA Local Government Association	Bi-monthly from February	Usually a Friday	Zones are groups of geographically aligned member Councils who are responsible for direct election of State councillors, providing input into policy formulation and providing advice on various matters.	Shire President and Deputy Shire President	No.	WALGA
Rural Water	Every four months	Usually a	Provides a voice to government	Shire President and Deputy Shire	No.	External

[Committee Book](#)

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Committee & Other Organisations Representation						
Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
Council of WA	commencing from March	Friday	on water issues affecting rural areas and towns and advocates for funding for water projects.	President		
Avon Regional Organisation of Councils	Bi-monthly Governance Group Meetings	2 nd Monday between March and November	Formed under a Memorandum of Understanding with the Shire's of Goomalling, Chittering, Northam, Toodyay, Victoria Plains and York.	Shire President and Deputy Shire President	No.	CEO
Wheatbelt Regional Road Group North Main Group	Twice a year	March and late September	Established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to the SAC regarding the Annual Local Government Roads Program for their Region and any other relevant issues.	The Avon Regional Road sub-group will nominate four Councillors to represent them on the main group <u>and</u> Wheatbelt Secondary Freight. Executive Manager - Infrastructure, Assets & Services attends when invited by the organisers of the main group.	No	WALGA
Regional Road Group Avon Subgroup	4 times a year	Depends upon scheduling	The group is a sub-group of the main group called Wheatbelt Regional Road Group (North) noted above in this table. The subgroup will nominate four Councillors to represent them on the main group <u>and</u> Wheatbelt	<u>Any</u> Councillor can be nominated. Nomination in October 2023 was for the Shire President as Primary Delegate and the Deputy Shire President as Proxy delegate. Executive Manager - Infrastructure,	No.	WALGA

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Committee & Other Organisations Representation						
Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
			Secondary Freight.	Assets & Services		
Development Assessment Panels	Irregular	Depends on availability	To enhance planning expertise by improving the balance between technical advice and local knowledge.	2 primary Councillors [Crs Duri and Wrench] 2 deputy Councillors [Crs Dival and Prater]	Yes	Dept of Lands Planning & Heritage
Wheatbelt Emergency Management Committees	quarterly	Depends on availability often Wednesdays from 10-12. Travelling location and online availability	Nomination to the Committee, as an observer will assist in improvement of information flow between district and local levels as well as demonstrate the Shire's commitment to community safety and compliance with the state emergency management policy.	Deputy Shire President as a Primary nominee as an observer	No but is available	External
Wheatbelt Development Commission	Irregular	Depends on availability	The Wheatbelt Development Commission facilitate long term development of the Wheatbelt by being a forward-thinking regional development agency. We are committed to connecting government and the private sector to create practical solutions for our region	two Ministerial representatives, two Community representatives and two Local Government representatives. Cr Madacsi is a Board Member until 31 Dec 2025. Council can nominate one Councillor when the board nominations open.	No	WDC

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Rules for Committees of Council

Reference should be made to the Disclaimer at the front of this document.

Committees of Council are subject to the provisions of subsidiary legislation under the *Local Government Act 1995*.

Committees of Council are established to provide advice and guidance to assist Council to achieve its strategic direction which is illustrated via the adoption of the Shire's Community Strategic Plan and associated Integrated Planning Strategic documents.

Part 17 of the ***Shire of Toodyay Standing Orders Local Law 2008*** contains references from the *Local Government Act 1995* (the Act) and relevant subsidiary legislation. The local law will be provided separately.

1.1. Meetings

Frequency of Meetings

Committee Meeting dates will be set by Council in November on an annual basis in the same month as when the schedule for Council Meetings is considered.

Additional Committee Meetings outside of the schedule set by Council

Additional committee meetings are to be held:

- (a) if called for in a verbal or written request to the CEO by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the committee.

The public notice of scheduled Council and Committee Meetings is in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

1.7. Local public notice

- (1) *Where under this Act local public notice of a matter is required to be given, notice of the matter must be —*
 - (a) *published on the official website of the local government concerned in accordance with the regulations; and*
 - (b) *given in at least 3 of the ways prescribed for the purposes of this section.*

1.2. Appointment of Committee Members

Appointment of Committee Members shall be in accordance with Section 5.10 of the *Local Government Act 1995* and Shire of Toodyay Standing Order 17.6.

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1.3. Election of Presiding Member (Chairperson)

The election of Presiding Members of committees and their deputies is dealt with in the *Local Government Act 1995*.

(Refer to Shire of Toodyay Standing Order 3.4.)

1.4. Responsibilities of Presiding Member

It is the responsibility of the Presiding Member to read and understand the *Shire of Toodyay Standing Orders Local Law 2008*.

1.5. Support to Committees of Council

The CEO or the CEO's nominee is to be available to attend meetings to provide advice and guidance to the committee. Secretarial/administrative support is available to the committee through the Office of the CEO.

1.6. Invitees

The Chairperson of a Committee may consult with the Manager responsible for that Committee in regard to inviting representatives from relevant government departments, and other bodies with specialist advice, to its meetings as and when required. Such representatives shall not be members.

1.7. Order of Meetings

Discussion at the committee meetings shall be controlled through an agenda in accordance with Part 4 Business of a Meeting from the Shire of Toodyay Standing Orders. Any member wishing a specific item to be included in the agenda should advise the Chief Executive Officer at least two weeks prior to the meeting date. Otherwise, the item may be discussed under "New Business of an Urgent Nature" in accordance with the Shire of Toodyay Standing Order 4.5.

1.8. Minutes

Refer to Clause 8.2.9 of the Governance Framework

The keeping of minutes of a meeting is regulated through Section 5.22, Part 5 (Division 2) of the *Local Government Act 1995* which states as follows:

5.22. Minutes of council and committee meetings

- (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
- (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
- (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

The keeping and confirmation of minutes is described in Part 13 of the *Shire of Toodyay Standing Orders Local Law*.

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1.9. Reporting

Any recommendations made by a Committee shall be presented to the next available Ordinary Council Meeting with an Officer report. A copy of the Committee's unconfirmed minutes will be received by Council at the same meeting.

The Chairperson of a Committee may report informally to the Council at the Concept Forum on the activities of the Committee.

Committee Meeting Status Report

The Status Report will be updated by the Minute Taker upon finalisation of the minutes of a Committee Meeting.

The Report may be forwarded to Executive Managers to consider and/or discuss at their regular Executive Management meetings.

The Status Report will include in summary form such information as is reasonably necessary to track progress of recommendations. Once recommendations have been completed, they may be removed from the status report.

1.10. Resignations

Committee members wishing to resign must do so in writing to the Chief Executive Officer. Resignations will be effective upon receipt by the CEO or on a date specified in the resignation whichever is the latter.

1.11. Decision Making

The majorities required for decisions of the Council and committees are in accordance with the *Local Government Act 1995* (described in Part 12 - Voting from the Shire of Toodyay Standing Orders).

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Working Groups

Aims

To provide guidance and assistance to Council on matters referred to it by Council.

Objectives

The objectives of the Working Group will be set by Council resolution.

Membership Composition

The composition of membership will be set by Council resolution.

Responsibilities

Responsibilities will be set by Council resolution.

Frequency of Meetings

The Chairperson of the working group will be responsible for setting the frequency of meetings, in consultation with the CEO or delegated Officer.

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Heritage Working Group

The Heritage Working Group aims to provide guidance and assistance to the Shire on heritage-related matters referred to it by the CEO and/or relevant Executive Managers.

This working group is not intended to be, a committee established under Section 5.8 of the *Local Government Act 1995*.

1. Objectives:

- a) Assist in the development of policy and/ or a strategic document for the Shire to be adopted by Council in the future, or to deliver a strategic outcomes for the Shire through the implementation of a Council-adopted strategy or plan.
- b) Provide guidance to the Shire on heritage-related matters, including the conservation and promotion of places with natural, indigenous, cultural, social, aesthetic, and historic significance.
- c) Assist in the review of heritage policies and/or a strategic document for the Shire to ensure alignment with current legislation, industry standards, and the strategic direction of the Shire.
- d) Liaise with the Shire and other stakeholders, and experts to promote and protect heritage assets
- e) Assist Officers, when requested to do so, in the identification and mitigation of risks associated with heritage conservation, ensuring the protection and preservation of heritage asset

2. Membership Composition:

Members may include 2 councillors, up to 6 community members and 2 staff members, however the number of positions available, as well as the composition of the group, is to be at the discretion of the CEO or relevant Executive Manager from the Shire of Toodyay subject to the following:

Councillors

- a) The number of councillors shall not exceed one-third of the total number of Councillors holding office.
- b) The term for a councillor invited to be a member on a working group shall be for two years.
- c) Invitations to councillors following an ordinary local government election will be sent out by the CEO.
- d) A councillor cannot serve more than three (3) consecutive two (2) year terms.
- e) Councillors are to be participating members of that group.

Community Members

- a) The Chief Executive Officer is to publicly advertise the community vacancies for a period of at least two weeks.

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- b) At the close of the application period, the Chief Executive Officer is to assess the applications at the discretion of the CEO.
- c) Where required, the Chief Executive Officer may choose to interview applicants as part of the application process.
- d) The Chief Executive Officer will appoint community members.
- e) The term for community members appointed to a working group shall be for two years.
- f) The process of advertisement of community vacancies are to be made following an ordinary local government election.
- g) Community Members cannot serve more than three (3) consecutive two (2) year terms.
- h) Community members are to be participating members of that group.
- i) Should any member be unable to fulfil their role on a working group at any point in time they may apply in writing to the Chief Executive Officer to be released from the group.
- j) The Chief Executive Officer will then reappoint their replacement from those previous applicants in order of merit until a replacement has been filled.
- k) The Chief Executive Officer may choose for the community member position to remain vacant.

Officers

The Chief Executive Officer is to appoint relevant officers to the group as follows:

- a) To provide professional advice and conduct research in line with the group's purpose and objective
- b) To provide administrative and governance support, inclusive of ensuring adherence to the group's terms of reference as adopted by Council.
- c) Although appointment of officers will be at the discretion of the Chief Executive Officer and is not to be resolved upon by Council, the Chief Executive Officer is to advise Council of the appointments once made.

Officers formally appointed by the Chief Executive Officer to a working group are to be the responsible Officer managing that working group.

3. Remuneration and expenses

- a) Community Members appointed to a working group are not entitled to a sitting fee, or any such type of remuneration.
- b) Councillors and Officers that are members of a working group are not to be remunerated under any circumstance.
- c) Community Members appointed to a working group, excluding Councillors and officers, that are unable to drive a motor vehicle or whose primary mode of

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transportation is by public means, may be reimbursed for the cost of the incurred fare to and from meetings.

- d) To be eligible for reimbursement, a community member must seek approval from the Chief Executive Officer who will process the reimbursement.

4. Delegation

This working group has no delegated authority to make any decisions for or on behalf of Council and individual members thereof, shall not, in particular:

- a. Expend, or authorise the expenditure of, any Shire funds;
- b. Correspond with any party;
- c. Speak for or on behalf of the Shire or Council;
- d. Issue any press release; or
- e. Issue any instruction to Shire staff.

5. Reporting

Council may, at any time, request that the Chief Executive Officer to present a report on the progress of the working group.

6. Responsibilities:

Key responsibilities are:

- (a) Review relevant material to enable informed discussion and making timely decision/actions to progress the objectives of the group.
- (b) Each Member is expected to abide by the Shire's Code of Conduct and to have open and honest discussions and to treat each member with due courtesy and respect.
- (c) In addition to these, the specific roles for each membership type are as follows:
 - i. Councillors are responsible for ensuring that the group adheres to the direction set by Council, contributing from a Shire-wide perspective, and ensures that delivery of the group's objective is met.
 - ii. Community members are responsible for contributing to the delivery of the group's objectives within the scope of their skills, knowledge and capabilities
 - iii. Officers are responsible for management of the group and conducting necessary research as required by the group, providing professional advice, and for administering its meetings.

7. Frequency of Meetings:

The CEO or a delegated Officer, in consultation with a nominated Chairperson of the Heritage Working Group, will set the frequency of meetings.

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Sustainability Working Group

The Sustainability Working Group aims to provide guidance and assistance to the Shire on sustainability-related matters referred to it by the CEO and/or relevant Executive Managers.

This working group is not intended to be, a committee established under Section 5.8 of the *Local Government Act 1995*.

1. Objectives:

- a) Assist in the development of policy and/ or a strategic document for the Shire to be adopted by Council in the future, or to deliver a strategic outcomes for the Shire through the implementation of a Council-adopted strategy or plan.
- b) Provide guidance to the Shire on sustainability-related matters, including environmental conservation, resource management, and sustainable development practices.
- c) Assist in the review of sustainability policies and/ or a strategic document for the Shire to ensure they align with current legislation, industry standards, and the strategic direction of the Shire.
- d) Liaise with the Shire and other stakeholders, and experts to raise awareness about sustainability issues and gather input on sustainability initiatives.
- e) Assist Officers, when requested to do so, in the identification and mitigation of risks associated with sustainability initiatives, ensuring the effective implementation of sustainability measure

2. Membership Composition:

Members may include 2 councillors, up to 6 community members and 2 staff members, however the number of positions available, as well as the composition of the group, is to be at the discretion of the CEO or relevant Executive Manager from the Shire of Toodyay subject to the following:

Councillors

- a) The number of councillors shall not exceed one-third of the total number of councillors holding office.
- b) The term for a councillor invited to be a member on a working group shall be for two years.
- c) Invitations to councillors following an ordinary local government election will be sent out by the CEO.
- d) A councillor cannot serve more than three (3) consecutive two (2) year terms.
- e) Councillors are to be participating members of that group.

Community Members

- a) The Chief Executive Officer is to publicly advertise the community vacancies for a period of at least two weeks.

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- b) At the close of the application period, the Chief Executive Officer is to assess the applications at the discretion of the CEO.
- c) Where required, the Chief Executive Officer may choose to interview applicants as part of the application process.
- d) The Chief Executive Officer will appoint community members.
- e) The term for community members appointed to a working group shall be for two years.
- f) The process of advertisement of community vacancies are to be made following an ordinary local government election.
- g) Community Members cannot serve more than three (3) consecutive two (2) year terms.
- h) Community members are to be participating members of that group.
- i) Should any member be unable to fulfil their role on a working group at any point in time they may apply in writing to the Chief Executive Officer to be released from the group.
- j) The Chief Executive Officer will then reappoint their replacement from those previous applicants in order of merit until a replacement has been filled.
- k) The Chief Executive Officer may choose for the community member position to remain vacant.

Officers

The Chief Executive Officer is to appoint relevant officers to the group as follows:

- a) To provide professional advice and conduct research in line with the group's purpose and objective
- b) To provide administrative and governance support, inclusive of ensuring adherence to the group's terms of reference as adopted by Council.
- c) Although appointment of officers will be at the discretion of the Chief Executive Officer and is not to be resolved upon by Council, the Chief Executive Officer is to advise Council of the appointments once made.

Officers formally appointed by the Chief Executive Officer to a working group are to be the responsible Officer managing that working group.

3. Remuneration and expenses

- a) Community Members appointed to a working group are not entitled to a sitting fee, or any such type of remuneration.
- b) Councillors and Officers that are members of a working group are not to be remunerated under any circumstance.
- c) Community Members appointed to a working group, excluding Councillors and Officers, that are unable to drive a motor vehicle or whose primary mode of

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transportation is by public means, may be reimbursed for the cost of the incurred fare to and from meetings.

- d) To be eligible for reimbursement, a community member must seek approval from the Chief Executive Officer who will process the reimbursement.

4. Delegation

This working group has no delegated authority to make any decisions for or on behalf of Council and individual members thereof, shall not, in particular:

- a. Expend, or authorise the expenditure of, any Shire funds;
- b. Correspond with any party;
- c. Speak for or on behalf of the Shire or Council;
- d. Issue any press release; or
- e. Issue any instruction to Shire staff.

5. Reporting

Council may, at any time, request that the Chief Executive Officer to present a report on the progress of the working group.

6. Responsibilities:

Key responsibilities are:

- (a) Review relevant material to enable informed discussion and making timely decision/actions to progress the objectives of the group.
- (b) Each Member is expected to abide by the Shire's Code of Conduct and to have open and honest discussions and to treat each member with due courtesy and respect.
- (c) In addition to these, the specific roles for each membership type are as follows:
 - i. Councillors are responsible for ensuring that the group adheres to the direction set by Council, contributing from a Shire-wide perspective, and ensures that delivery of the group's objective is met.
 - ii. Community members are responsible for contributing to the delivery of the group's objectives within the scope of their skills, knowledge and capabilities
 - iii. Officers are responsible for management of the group and conducting necessary research as required by the group, providing professional advice, and for administering its meetings.

7. Frequency of Meetings:

The CEO or a delegated Officer, in consultation with the nominated Chairperson of the Sustainability Working Group, will set the frequency of meetings.

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Rules for Mandated Committees

Reference should be made to the Disclaimer at the front of this document.

The Shire of Toodyay, as a local government, is legislatively required to establish mandated committees for a specific regulatory purpose. The Committees that fall into this category are in the table below:

Name of Mandated Committee	Established under
Audit, Risk and Improvement Committee	Established under section 7.1A of the <i>Local Government Act 1995</i> .
Bush Fire Advisory Committee	Part V, Section 67 of the Bush Fires Act 1954
Local Emergency Management Committee	Section 38(1) of the <i>Emergency Management Act 2005</i> and State Emergency Management Guidelines.
Local Recovery Committee	Section 36(b) of the <i>Emergency Management Act 2005</i> .

Information in relation to these Committees is also set out over the following pages.

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Audit, Risk and Improvement Committee (ARIC)

Established under section 7.1A of the *Local Government Act 1995*.

The Act requires Council to establish this committee to guide and assist Council on matters of internal and external audit, risk management and the Shire's compliance functions. The Committee meets at least four times per year and its functions are in accordance with regulation 16 Functions of audit, risk and improvement committee of the *Local Government (Audit) Regulations 1996*.

Please refer to the [Audit, Risk and Improvement Committee Charter](#), adopted by Council which guides the operation and responsibilities of the Committee.

The Department of Local Government, Sport and Cultural Industries still publishes a separate guideline, in relation to the Appointment, Function and Responsibilities of Audit Committees. Please refer to the attached [Local Government Operational Guideline Number 09 – Revised September 2013](#).

The guideline states that the committee (or any other committee) cannot be given a management task where the Act and Regulations make the CEO specifically responsible. Where the local government is assigned the function through the legislation, the committee may have a role unless the function has been delegated to the CEO by Council.

Rules around Establishment of the Committee are to be in accordance with Division 1A – Audit, Risk and Improvement Committee of the *Local Government Act 1995*.

Rules around the Delegation to the Committee are to be in accordance with s.7.1C, Division 1A – Audit, Risk and Improvement Committee of the *Local Government Act 1995*

Rules around the Decisions the Committee can make are to be in accordance with s.7.1CA, Division 1A – Audit, Risk and Improvement Committee of the *Local Government Act 1995*

Training Requirements

In accordance with the Department's guideline, Community Members (i.e. External persons) appointed to the committee will have business or financial management/reporting knowledge and experience and be conversant with financial and other reporting requirements.

Training to be provided to the Committee Community Members as an induction session when they are onboarded.

However, training in Understanding Local Government and Meetings Processes (part of the Council Member Essentials training) can be offered to community members.

Role, Responsibilities, Membership and Meetings

Please refer to the [Audit, Risk and Improvement Committee Charter](#), adopted by Council.

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Bush Fire Advisory Committee (BFAC)

Established under Part V, Section 67 of the *Bush Fires Act 1954*.

The Bush Fire Advisory Committee is established to provide expert advice, strategic guidance, and community collaboration in managing bushfire risks within the Shire. By bringing together local stakeholders, emergency services, landowners, and fire authorities, the committee ensures coordinated planning and response efforts aimed at reducing the impact of bushfires on lives, property, and the environment. The committee plays a vital role in assessing fire hazards, recommending prevention strategies, and reviewing emergency response protocols, ensuring that bushfire management remains proactive, effective, and aligned with regulatory and safety standards.

Rules around Establishment of BFAC

The *Bush Fires Act 1954*, Section 67 states:

67. Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;

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- (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
- (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Role of the Bush Fire Advisory Committee

To provide advice to the local government on matters pertaining to obligations contained within the Bush Fires Act, organising, managing, resourcing and training volunteer bush fire brigades.

This committee provides a very worthwhile role in engaging with brigades and gaining feedback and input on policy and strategy.

1. Recommend and regularly review Council's policies relating to the delivery of fire prevention, preparedness, response and recovery.
2. Provide support and guidance to all Bush Fire Brigades and Toodyay State Emergency Services Units within the Shire of Toodyay and to assist those brigades/unit to fulfil their objectives.
3. Establish and maintain an operational command and control structure by developing procedures to enhance the ability of the brigades/units to carry out operations, activities and training efficiently and effectively.
4. Ensure co-operation and co-ordination between all brigades/units within the Shire of Toodyay and between all other brigades/units and stakeholders in their efforts and activities.
5. Advise Council regarding all matters relating to prosecutions for breaches of the *Bush Fires Act 1954*.
6. Advise regional officers in the area and any other relevant person or organization on matters referred to the committee.
7. Committee to respond to Council on agenda items submitted from council.
8. Perform any other function assigned to the Committee under section 67 of the Bush Fires Act, Fire and Emergency Services Act, various Acts and Regulations or Council policy.

Responsibilities

All members of the Bush Fire Advisory Committee are expected to adhere to the *Local Government (Model Code of Conduct) Regulations 2021* and the *Shire of Toodyay Code of Conduct*.

Operating Procedures

Refer to the Bush Fire Operating Procedures which is an Administration Manual that includes Standard Operating Procedures. This document was last adopted by Council

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as an Interim Policy on 28 June 2023 and is supported by the Volunteer Bush Fire Brigade Service of WA.

Membership Guidelines

- The committee must include a member of the local government council.
- The committee members will elect a chairman from among themselves.
- The local government can accept resignations or remove any committee member.
- If a member leaves the committee, the local government will appoint a new member to fill the vacancy

Committee Membership Composition

Membership of the BFAC in accordance with these terms of reference shall be:

- (a) A minimum of two Councillors
- (b) Chief Bush Fire Control Officer and:
 - i. Deputy Bush Fire Control Officer (DBFCO) 1
 - ii. Deputy Bush Fire Control Officer (DBFCO) 2
- (c) Captain (or their representative) from the following brigades:
 - i. Bejoording
 - ii. Morangup
 - iii. Coondle-Nunile
 - iv. Julimar
 - v. Toodyay Central
- (d) Unit Manager Toodyay SES Brigade
- (e) Chief Executive Officer Shire of Toodyay, or in accordance with section 5.10(5) of the *Local Government Act 1995*, the CEO's Representative.
- (f) Reserve Management Officer (Resolution No. 178/05/20)
- (g) Emergency Management Officer
- (h) Other Non-Voting Representatives
 - i. Toodyay Volunteer Fire & Rescue Representative
 - ii. Department of Biodiversity Conservation and Attractions Representative
 - iii. Department of Fire & Emergency Services (DFES) Representative
 - iv. Ranger(s) from the Shire of Toodyay;

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- (i) Supporting and Operational Officers
 - i. Community Emergency Services Manager

Frequency of Meetings

In accordance with s.67 (4)(a), the Bush Fire Advisory Committee may from time to time meet and adjourn as the committee thinks fit. These meetings have historically been scheduled to occur “quarterly.”

The August BFAC Meeting in particular, is where FCO recommendations are made (Shire of Toodyay Bush Fire Operating Procedure 11.5).

The Bush Fire Advisory Committee at least four times per year, unless otherwise determined at the discretion of the committee, in accordance with s.67 (4)(a) of the *Bush Fires Act 1954*, through the CESM or the Presiding Person.

The committee must report its activities to the local government whenever required.

Quorum

The committee cannot conduct any business unless ten members are present.

Voting

Decisions made will either be carried or not carried. Decisions are made by a majority vote of the members present at the meeting. The chairman has a vote like any other member. In case of a tie, the chairman may have a casting vote to break the tie.

Agendas and Minutes

An Agenda is to be prepared by the Shire for each meeting, listing all the items to be discussed. The Shire will also keep detailed minutes of each meeting, recording all decisions and a summary of the discussions.

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Local Emergency Management Committee (LEMC)

Established under Section 38(1) of the *Emergency Management Act 2005*.

The LEMC is established to ensure a coordinated and effective approach to emergency preparedness, response, and recovery within the Shire. Bringing together local government representatives, emergency services, community leaders, and key stakeholders, the LEMC works to identify potential hazards, develop emergency management plans, and enhance public safety.

The committee plays a crucial role in assessing risks, conducting training exercises, and ensuring that emergency protocols remain updated to protect lives, property, and infrastructure during crises. By fostering collaboration and strategic planning, the LEMC strengthens the Shire's resilience to disasters and emergency situations.

Part 3 (Division 1) Section 38 of the *Emergency Management Act 2005* provides for the establishment of a Local Emergency Management Committee.

Section 38(3) of the *Emergency Management Act 2005* provides for the membership of a LEMC subject to Section 38(4) of the *Emergency Management Act 2005* whereby the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

The State Emergency Management Procedure provides a strategic framework for Emergency Management in Western Australia.

It is available online at the link below:

https://www.wa.gov.au/system/files/2023-12/state_em_procedure_v3.05.pdf

The above document states that Local governments are the closest level of government to their communities and have access to specialised knowledge about the local environment and demographic features of their communities. Local governments also have specific responsibilities for pursuing emergency risk management as a corporate objective and as good business practice.

The document provides guidelines to local government in relation to Local Emergency Management Committee roles and responsibilities under section 38(1) of the *Emergency Management Act 2005* to oversee, plan and test the local emergency management arrangements.

Rules around the Establishment of this Committee

The SEMC procedures state:

Each local government is required to establish, administer and maintain a LEMC. In order to meet this requirement, a local government may:

- have a single committee (i.e. one LEMC covers the entirety of the local government district)*

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- *have more than one committee (i.e. if there are areas with very different emergency management needs within a local government, each area may have a separate LEMC. The entirety of the local government district must be covered, and the boundaries of the individual committees must be clearly set out)*
- *join with another local government and establish a LEMC for their combined districts (i.e. if two local governments are closely located and have very similar emergency management needs, the LEMC may cover more than one local government district).*

s.38 of the *Emergency Management Act 2005* states:

38. Local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

Role of the Local Emergency Management Committee

The purpose of the Local Emergency Management Committee is to advise and assist the Local Government in ensuring that the Local Emergency Management arrangements are established for its district; to liaise with public authorities and other persons in the development, review and testing of Local Emergency Management arrangements; and to carry out other emergency management activities as directed by the SEMC or prescribed by the Regulations.

The Local Emergency Management Committee has specific functions to follow that are set out in Section 39 and 40 of the *Emergency Management Act 2005* (EM Act) which states as follows:

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

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- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

40. Annual report of local emergency management committee

- (1) After the end of each financial year each local emergency management committee is to prepare and submit to the district emergency management committee for the district an annual report on activities undertaken by it during the financial year.
- (2) The annual report is to be prepared within such reasonable time, and in the manner, as is directed in writing by the SEMC.

Responsibilities

It is expected that all members of the Local Emergency Management Committee will adhere to the *Local Government (Model Code of Conduct) Regulations 2021* and the *Shire of Toodyay Code of Conduct*.

The LEMC includes representatives from agencies, organisations and community groups that are relevant to the identified risks and emergency management arrangements for the community.

The LEMC is not an operational committee but rather the organisation established by the local government to assist in the development of local emergency management arrangements for its district.

The LEMC plays a vital role in assisting our communities become more prepared for major emergencies by

- Developing, enhancing and testing preparedness planning from a multi-agency perspective having local knowledge of hazards, demographic and geographic issues; they provide advice to Hazard Management Agencies to develop effective localised hazard plans;
- providing a multi-agency forum to analyse and treat local risk; and
- providing a forum for multi-agency stakeholders to share issues and learnings to ensure continuous improvement.

The LEMC membership must include at least one local government representative and the Local Emergency Coordinator. Relevant government agencies and other statutory authorities will nominate their representatives to be members of the LEMC.

The term of appointment of LEMC members shall be determined by the local government in consultation with the parent organisation of the members.

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LEMC Membership Composition

Noting the requirements of the EM Act, the following provides guidance on the composition of LEMCs:

- the Chair should be an elected member of council
- the Local Emergency Coordinator should be appointed as Deputy Chair
- an Executive Officer, who should be an officer of the relevant local government, and should be appointed to coordinate the business of the committee and/or provide administrative support
- the Local Recovery Coordinator, being the person nominated in the Local Recovery Plan (section 41(4) EM Act), should be appointed a member of the committee
- consideration should be given to appointing local government officers engaged in key roles and functions affecting emergency management (for example, community services, engineering services, corporate services or planning)
- membership should include representatives from emergency management agencies in the local government district (for example, the Department of Fire and Emergency Services) welfare support agencies or non-government organisations (for example, the Department of Communities, the Red Cross or Salvation Army), industry representatives (especially the owners or operators of hazardous facilities located within the local government district)
- consideration should be given to appointment of persons able to represent or advise on the interests of CaLD community members or community members with special needs
- LEMCs should, where possible include representatives of local Aboriginal community organisations to provide advice and guidance to the LEMC and to promote appropriate engagement with the local Aboriginal communities.

Where the local government identifies the need for representation from a sector for which there is no local representative, an appropriate alternative representative may be identified from existing community members. For example, specific arrangements may be made in which a local general practitioner attends the LEMC meetings as a representative of the medical services in the district, if the Director of Nursing from the nearest hospital cannot attend.

******The term of appointment of LEMC members shall be as determined by the local government in consultation with the parent organisation of the members.

During the drafting process, the District Emergency Management Advisor responsible for the region may be consulted to provide advice on all facets of the process (i.e. structure, process and legislation).

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LEMC Membership Roles and Responsibilities

In addition to the normal roles assigned to office bearers of a committee, the following roles are specific to the needs of a LEMC.

The Chair will ensure the appointment of an Executive Officer and ensure that the Council is kept fully informed of emergency management discussion and significant outcomes from LEMC meetings.

The Deputy Chair should deputise for the Chair as required and chair any subcommittees or working groups. The Executive Officer should:

- coordinate the development and submission of committee documents in accordance with legislative and policy requirements including an Annual Report, Annual Business Plan and maintenance of LEMAs
- provide advice to the Chair and LEMC as required
- facilitate communication between the LEMC and Executive Officer of the relevant DEMC.

Committee Membership Composition

The composition of this committee is proposed to be as follows:

Primary Members

- (a) Police Officer in Charge – Toodyay;
- (b) Two primary Councillors ;
- (c) Chief Executive Officer – Shire of Toodyay, or in accordance with section 5.10(5) of the Local Government Act 1995, the CEO's Representative;
- (d) Community Emergency Services Manager (CESM);
- (e) Emergency Management Officer;
- (f) Department of Communities representative;
- (g) District Emergency Management Advisor (DEMA);
- (h) Local Recovery Coordinator (LRC) – Executive Manager Infrastructure, Assets and Services;
- (i) Welfare Liaison Officer (WLO) – Economic Development Coordinator
- (j) DFES District Officer Avon
- (k) Main Roads Representative
- (l) St John Ambulance Community Paramedic;

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- 
- (m) Ranger Representative
 - (n) Principal, Toodyay District High School

Deputy Members

- (a) Deputy LRC – Executive Manager Development and Regulation.
- (b) Deputy LRC – Executive Manager Corporate & Community Services.
- (c) Deputy WLO - Planning and Compliance Officer
- (d) Deputy WLO - Community Development Officer
- (e) Deputy WLO - Operations Officer (Infrastructure, Assets & Services)
- (f) DFES District Officer Natural Hazards

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Other Attendees (Non-voting)

- (a) Chief Bush Fire Control Officer or deputy;
- (b) Toodyay Volunteer Fire & Rescue representative;
- (c) Toodyay St John Ambulance representative;
- (d) Morangup St John Ambulance representative;
- (e) Toodyay SES Representative.

Frequency of Meetings

The SEMC procedure states that *LEMCs should meet quarterly or more frequently if required.*

The Local Emergency Management Committee is scheduled to meet at least three times per year as per Council Resolution No. 178/08/22, in the months of March, June and November (on a Wednesday and on the second Tuesday of those months). The CESM or the Presiding Person may use their discretion to schedule additional LEMC Meetings where required.

LEMC Meeting Business

The SEMC procedure states that agenda items to be considered, in line with the annual reporting requirements, should include:

- confirmation of LEMA contact details and key stakeholders;
- committee membership and resources;
- status of LEMA including local recovery plans;
- exercises that include the local government(s) and/or test the LEMA;
- subcommittees or working groups;
- projects undertaken; and
- key achievements.

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Local Recovery Committee (LRC)

The **Local Recovery Committee** means a committee established under Section 36(b) of the *Emergency Management Act 2005*.

The Local Recovery Committee is established to coordinate and oversee recovery efforts following emergencies or disasters within the Shire. Its role is to support affected communities, restore essential services, and facilitate rebuilding efforts in a structured and efficient manner. By bringing together local government, emergency services, community representatives, and support agencies, the committee ensures a collaborative approach to recovery planning and resource allocation. It plays a vital role in assessing short-term and long-term recovery needs, addressing economic, social, and environmental impacts, and ensuring that recovery efforts align with community priorities and resilience-building strategies.

Rules around the Establishment of this Committee

Refer to the rules in respect to Committees of Council

36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

Role of the Local Recovery Committee

The Local Recovery Committee is set up for the purpose of coordinating and supporting local government in relation to the management in relation to the recovery processes within the community subsequent to a major emergency in accordance with the Shire's Local Emergency Management Arrangements.

The Local Recovery Committee is a subcommittee of the LEMC tasked with aspects of Recovery and its purpose is to assist the local government in the recovery process following a local emergency.

Responsibilities

The responsibility of the Local Recovery Committee is “to ensure a coordinated multi-agency approach to community recovery and make appropriate recommendations, based on lessons learnt, to the Local Emergency Management Advisory Committee to improve the community's recovery preparedness.”

Trainings Requirements

As determined by the State Emergency Management Committee.

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Committee Membership Composition

As this is a sub-committee to the LEMC, the Presiding Person is to be either the CEO or the Community Emergency Services Manager (CESM).

- (a) Shire President
- (b) Local Recovery Coordinator
- (c) Deputy Recovery Coordinator
- (d) Chief Executive Officer Shire of Toodyay, or in accordance with section 5.10(5) of the Local Government Act 1995, the CEO's Representative.
- (e) Community Emergency Services Manager.

Frequency of Meetings

The Local Recovery Committee shall meet as and when required to do so, unless otherwise determined at the discretion of the CEO in liaison with the CESM.

Reporting

Reports and recommendations of each Local Recovery Committee Meeting shall be presented to the next Local Emergency Management Committee Meeting.

Incident Specific

A Local Recovery Coordination Group (LRGC) is made up to suit the incident being recovered from and guidance is provided in the Local Emergency Management Arrangements.

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Rules for External Representation

Information about Other Committees that Council nominates representatives for below:

1.1. Avon Midland Country Zone (AMCZ) of the WA Local Government Association

The Chairperson for AMCZ is Cr Ken M. Seymour (from the Shire of Moora).

The Executive Officer is Mr Robert Dew, whose details are below.

- Phone - (08) 9620 1234
- Mobile - 0429 962 013 E-mail - tambin@westnet.com.au
- Post - PO Box 70, Wongan Hills 6603

The WA Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia, advocating on behalf of WA's 139 Local Governments. WALGA is not a government department or agency.

The WALGA governance structure comprises of the State Council and Zones. Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Elected Members, providing input into policy formulation and providing advice on various matters.

The Avon-Midland Country Zone of WALGA represents the Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam Toodyay, Victoria Plains, Wongan-Ballidu and York.

The Shire President and the CEO attend Zone meetings which are held quarterly.

[View Zones listing and Minutes from past Zone meetings](#)

Minutes from Zone meetings are available at the following link:
<https://walga.asn.au/About-WALGA/Structure/Zones/Avon-Midland-Country-Zone.aspx>

Delegates nominated by Council

The Shire President and the Deputy Shire President are nominated before the first week of November to enable delegates to put their hand up for positions within the Zone such as Zone President; Zone Deputy President; Zone Representative to State Council; and Zone Deputy Representative to State Council. Only delegates to the Zone are eligible to nominate for these positions.

Frequency of Meetings

Zone meetings are held regularly. Dates are provided by the Executive Officer.

21 November 2025	Shire of Wongan-Ballidu
20 February 2026	Shire of Moora
24 April 2026	Shire of Goomalling
19 June 2026	Shire of Gingin

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21 August 2026 Shire of Chittering (Wheatbelt Forum)

20 November 2026 Shire of Toodyay

1.2. Rural Water Council of WA Inc.

The Shire has been a member of the Rural Water Council since 2010 after the Rural Water Council had undertaken its review of their aims and operations.

The Rural Water Council provides an effective voice to Government on water issues affecting rural areas and towns and plays an important advocacy and lobbying role to ensure that effective allocations of funding are made to continue the upgrade of water projects.

The Executive Officer of the Rural Water Council of WA (Inc) is Mr Robert Dew.

His details are below:

Phone - (08) 9620 1234

Mobile - 0429 962 013

E-mail - tambin@westnet.com.au

Post - PO Box 70, Wongan Hills 6603

Delegates nominated by Council

The Shire President and the Deputy Shire President are nominated.

Frequency of Meetings

Meetings are held regularly. Dates are provided by the Executive Officer.

1.3. Avon Regional Organisation of Councils (AROC)

AROC stands for "Avon Regional Organisation of Councils."

AROC was formed in 1999 through the use of a Memorandum of Understanding which is the group's Terms of Reference.

Refer to this link: <https://www.toodyay.wa.gov.au/council/council-meetings-committees/avon-regional-organisation-of-councils-aroc.aspx> for further information.

The Shire President and CEO participate in the Avon Regional Organisation of Councils (AROC) which exists under a Memorandum of Understanding to facilitate member local governments to:

- work together cooperatively to address regional problems, issues or challenges and advance the interests of the region;
- develop and implement resource sharing strategies or regional service delivery models;
- deliver training and development programs for Elected Members and/or staff; and
- undertake joint tendering or purchasing arrangements.

Meetings are held every two months with minutes presented to Council. Current member local governments of AROC are the Shires of Goomalling, Northam, Toodyay, Victoria Plains and York.

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Some basic facts are as follows:

Regional Population: approx.23,671

Area: approx. 10,600 sq km

Year of Formation: 1999

Refer to the following link on the Shire website:

<https://www.toodyay.wa.gov.au/council/council-meetings-committees/avon-regional-organisation-of-councils-aroc.aspx>

Delegates nominated by Council

The Shire President and the Deputy Shire President are nominated.

Frequency of Meetings

AROC meetings are held at the time and at the place determined by the group.

The AROC Governance Group meets every two months.

The AROC Officers Group will meet in the alternate months when the Governance Group does not meet. Governance Group meetings are held in-person and Officer's Group via zoom.

1.4. Wheatbelt Regional Road Group North (WRRG) and the Avon Regional Road Sub-Group

After the local government ordinary elections, the Shire Council will elect a delegate and proxy to the Avon Subgroup. This has been the Shire President and Deputy Shire President historically.

Then the Avon Subgroup (SG) will elect a voting delegate and proxy to the Regional Road Group (RRG) and the Wheatbelt Secondary Freight Network (WSFN)

Councillors Trent (York) and van Gelderen (Goomalling) are the voting delegates to the Regional Road Group.

The Avon Subgroup sets the dates for the meetings, usually 4 per year.

The RRG meetings are held twice a year, usually in early March and late September.

This year the September meeting has had to be pushed back to 06/10/2025, due to the King's Birthday and a WSFN Steering Committee meeting.

Cr McKeown, Cr Dival, Aaron Bowman and Vanessa Crispe have all been invited, with a copy to records@toodyay.wa.gov.au.

For more information, a copy of the State Road Funds to Local Government Agreement and some information for Elected Members is available upon request.

Establishment of the Avon Regional Road Sub-Group

A Regional Road sub-group assists to identify road-funding priorities; considers local road issues to inform decision making by the Regional Road Group and provides advice to the WRRG.

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1.5. Development Assessment Panels

Development Assessment Panels (DAPs) have operated in Western Australia since 2011 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Development Assessment Panels (DAPs) have operated in Western Australia since 2011 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Information about these panels is available on line: <https://www.planning.wa.gov.au/development-assessment-panels/the-development-assessment-panels-areas-and-members>

There are three Development Assessment Panels that cover all local government districts across Western Australia, except Christmas Island and Cocos (Keeling) Islands. The geographical area and related local government districts of each DAP are described below.

- Metro Inner
- Metro Outer
- Regional

The Shire of Toodyay is in the regional DAP which includes 104 local government areas and is as diverse as it is large with locations varying from significant regional cities with urban environments, to small, remote communities and largely unpopulated expanses. As a result developments that may be considered by the Regional DAP could vary from central city or town urban developments to large infrastructure projects related to the resource sector or growing renewable energy sector.

Their purpose is to improve decision-making on significant development proposals by combining professional planning expertise with local government insight.

Panel Structure

Each DAP meeting is constituted by up to five DAP Members comprising three Specialist Members and two Local Government Members. Specialist Members can be either Regular Specialist Members or Sessional Specialist Members.

Each DAP comprises five members:

- Three specialist members; and
- Two local government members nominated by the relevant local government.

A quorum constitutes any three DAP members of which one must be the Presiding Member.

Council Nominations

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, Council is required to nominate:

- Two primary local government members (elected member); and
- Two alternate (proxy) local government members (elected member).

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These nominations are submitted to the Minister for Planning and Lands for formal appointment. Only elected members are eligible to serve as local government DAP members. Nominated members must complete mandatory training before participating in any DAP meeting.

Local government DAP Members bring local knowledge and insights of the local community, as well as any relevant expertise, to the assessment of development proposals.

Changes Introduced by the 2025 Regulations

The *Local Government (Development Assessment Panels) Regulations 2025* introduced several key changes:

- Administrative DAP functions, including the preparation of Responsible Authority Reports (RARs), must be performed only by the Chief Executive Officer (CEO) or an authorised employee. These functions cannot be performed by Council or a committee, nor can Council direct the CEO or staff in relation to these functions.
- The CEO may engage external professionals to assist with RARs, but this decision is at the CEO's discretion and not subject to Council direction.
- Conflict of interest provisions now apply to the CEO and authorised employees, with mandatory disclosure and penalties for non-compliance.

Training and Meeting Support

Mandatory training for DAP members is coordinated by the Department of Planning, Lands and Heritage.

Local government staff do not provide secretarial or minute-taking support for DAP meetings. All administrative and governance support is provided by the DAP Secretariat.

Meeting Frequency

DAP meetings are held on an as-needed basis, depending on the lodgement of eligible development applications. Meeting dates and agendas are managed by the DAP Secretariat.

Contact – DAP Secretariat

Postal Address: Locked Bag 2506, Perth WA 6001

Email: daps@dplh.wa.gov.au

Phone: (08) 6551 9919

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1.6. Wheatbelt District Emergency Management Committee

Western Australia has 11 emergency management districts, each with its own District Emergency Management Committee (DEMC).

Each DEMC is chaired by a District Emergency Coordinator (WAPF Superintendent) and supported by a District Emergency Management Advisor as Executive Officer.

The key function of a DEMC is to help establish and maintain effective emergency arrangements in their district, as well as build capacity at a district level filling gaps where it may not exist at a local level.

DEMCs focus on risk in their district and provide guidance and information to the Local Emergency Management Committees (LEMCs) in the emergency management district. They support the LEMCs with advice on emergency management arrangements and participate in exercises and testing of local arrangements.

DEMCs report to the State Emergency Management Committee (SEMC).

Further information: <https://www.wa.gov.au/organisation/state-emergency-management-committee/district-and-local-emergency-management-committees>

The Wheatbelt DEMC runs a series of activities – such as a monthly EM webinar series, open access to any EM stakeholders across the district, and a bi-monthly EM newsletter. You are encouraged to interact with these engagements and should reach out to the DEMA – Shelby Robinson – for more information.

Representative nominated by Council

Council may endorse the nomination of a representative from the Shire of Toodyay to attend these meetings as an observer only.

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1.7. Wheatbelt Development Commission

The Wheatbelt Development Commission has a Board comprised of two Ministerial representatives, two Community representatives and two Local Government representatives.

Local Government representatives must be currently on Council, and their application to become a member on the Commission's Board requires that they be nominated by Council. If they are not re-elected at an ordinary local government election, they will need to leave the Board.

The Wheatbelt Development Commission may seek nominations for one or two vacancies, depending on the term of office of the current representative.

The current representative from the Shire of Toodyay is Cr R Madacsi whose term expires on 31 December 2025.

The Board vacancies occur when the current representative's term has expired, so this can be any time, not necessarily annual.

A current Local Government representative may be reappointed, at the Minister's discretion.

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Bush Fire Advisory Committee (BFAC) Charter

Approved and adopted by Council on Thursday 30 October 2025 (CRN: t.b.a.)

1. Introduction

- 1.1 The Bush Fire Advisory Committee (BFAC) is established by the Shire of Toodyay under Part V, Section 67 of the *Bush Fires Act 1954*.
- 1.2 The Committee plays a critical role in supporting the Shire's bushfire management responsibilities through strategic advice, operational coordination, and community engagement.
- 1.3 BFAC brings together representatives from Council, volunteer bush fire brigades, emergency services, and relevant agencies to ensure a collaborative and informed approach to bushfire prevention, preparedness, response, and recovery.
- 1.4 The rules contained herein for the guidance of the Committee serve as the Committee's terms of reference.

2. Role

- 2.1 The role of the BFAC is to advise the Shire of Toodyay on all matters relating to bushfire control within the district, including:
 - (a) Fire hazard identification and mitigation;
 - (b) Firebreak planning and layout;
 - (c) Brigade coordination and training;
 - (d) Emergency response protocols;
 - (e) Enforcement of the *Bush Fires Act 1954*;
 - (f) Strategic bushfire policy development;
 - (g) Community safety and resilience.

3. Authority

- 3.1 The Committee is established under Section 67 of the *Bush Fires Act 1954*, which authorises local governments to appoint advisory committees for bushfire-related matters.
- 3.2 The Committee is advisory in nature and does not hold delegated authority to make decisions on behalf of Council.
- 3.3 The Committee is answerable to the local government and must report fully on its activities as and when required.

4. Title of Committee

The committee shall be known as the Bush Fire Advisory Committee (BFAC) of the Shire of Toodyay.



5. Decisions made by the Committee

- 5.1 The Committee may make recommendations to Council on matters within its scope.
- 5.2 Decisions at meetings are made by majority vote of members present.
- 5.3 The Chairperson has a deliberative vote and, in the event of a tie, a casting vote.
- 5.4 The Committee does not have authority to:
 - Expend Shire funds;
 - Issue instructions to Shire staff;
 - Correspond on behalf of the Shire; or
 - Make binding decisions.

6. Membership

- 6.1 Membership of the BFAC in accordance with these terms of reference shall be:
 - (a) The Shire President (Presiding Member);
 - (b) Cr _____ (Deputy Presiding Member);
 - (c) Chief Executive Officer Shire of Toodyay;
 - (d) Executive Manager Infrastructure, Assets and Services;
 - (e) Community Emergency Services Manager;
 - (f) Chief Bush Fire Control Officer;
 - (g) Deputy Chief Bush Fire Control Officer;
 - (h) Captain from Bejoording Bush Fire Brigade;
 - (i) Captain from Coondle-Nunile Bush Fire Brigade;
 - (j) Captain from Toodyay Central Bush Fire Brigade;
 - (k) Captain from Morangup Bush Fire Brigade;
 - (l) Captain from Julimar Bush Fire Brigade;
 - (m) Toodyay Volunteer Fire & Rescue Representative;
 - (n) Department of Fire & Emergency Services (DFES) District Officer;
- 6.2 Guidelines
 - (a) Council will review the membership of the Committee as soon as practicable after every ordinary election day; and
 - (b) The Committee will be administratively supported by the Community Emergency Services Manager.

7. Responsibilities

- 7.1 The Committee members are expected to:
 - (a) Contribute constructively to discussions and decision-making;



- (b) Represent their brigade or agency professionally;
- (c) Abide by the *Local Government (Model Code of Conduct) Regulations 2021* and the Shire of Toodyay Code of Conduct;
- (d) Promote cooperation and coordination across brigades and agencies;
- (e) Support the implementation of Council-endorsed bushfire strategies.
- (f) Perform other activities related to the role of this Charter as requested by the Council.

8. Meetings

- 8.1 The Committee will meet at least 4 times each calendar year on dates set by Council;
- 8.2 A meeting of the Committee may be called and adjourned as the Committee thinks fit;;
- 8.3 Fire Control Officer (FCO) recommendations must be made prior to 31 August each year for Council consideration;
- 8.4 A quorum of at least 50% of members is required to transact business;
- 8.5 Agendas shall be prepared by the Shire and circulated prior to meetings; and
- 8.6 Minutes shall be recorded and retained in accordance with the Shire's governance procedures.

9. Independence and conflicts of interest

- 9.1 Members must declare any actual, potential or perceived conflicts of interest at the start of each meeting. Where a conflict exists, the member must abstain from discussion and voting on the relevant item.
- 9.2 The Committee operates independently of operational command structures and does not interfere with brigade or agency decision-making.

10. Performance Assessment arrangements

- 10.1 The Committee's performance will be assessed through:
 - (a) Review of meeting attendance and quorum achievement;
 - (b) Timeliness and quality of recommendations to Council; and
 - (c) Implementation of endorsed strategies and policies.
- 10.2 Performance will be considered as part of the biennial Charter review.

11. Reporting

- 11.1 Recommendations shall be presented to Council via Officer Reports;
- 11.2 Informal updates on the committee's activities may be provided to Council via Council Workshops or Agenda Forums; and
- 11.3 The CESM shall maintain a status report tracking Committee recommendations and actions.



12. Review of charter

- 12.1 The charter will be reviewed by the Shire following local government ordinary elections or more frequently if required, with appropriate input from relevant stakeholders;
- 12.2 The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will consider proposed amendments when necessary to ensure that it accurately reflects the committee's role and responsibilities; and
- 12.3 Council will review and formally approve this charter.

Reference Information

- [Risk Management Framework](#) endorsed by Council.

Legislation

- [Bush Fires Act 1954](#)

Associated documents

- [Shire of Toodyay Standing Orders](#) (Local Law) 2008(3.4, Part 13, and 17.6);
- [Code of Conduct for Council Members, Committee Members and Candidates](#)

Document control information	
Document Category	Governance
Document Title	Bush Fire Advisory Committee Charter
Document ID	CD06
Document Owner (position title)	Council
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Approving authority	Council

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Bush Fire Advisory Committee (BFAC) Charter

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Document control information	
Absolute or Simple Majority Decision:	Absolute Majority
Access restrictions	Nil
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Date of review	t.b.a.
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Corporate Document Adopted by Council: 30/10/2025
Bush Fire Advisory Committee (BFAC) Charter

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Local Emergency Management Committee (LEMC) Charter

Approved and adopted by Council on Thursday 30 October 2025 (CRN: t.b.a.)

1. Introduction

- 1.1 The Local Emergency Management Committee (LEMC) is established under Section 38 of the *Emergency Management Act 2005* to support the Shire in developing, maintaining, and reviewing local emergency management arrangements.
- 1.2 The LEMC provides a collaborative forum for key stakeholders to enhance community resilience and preparedness for emergencies.

2. Role

- 2.1 The role of the LEMC is to:
 - (a) Advise and assist the local government in ensuring that effective local emergency management arrangements (LEMA) are established and maintained.
 - (b) Liaise with public authorities and other relevant organisations in the development, review, and testing of LEMA.
 - (c) Undertake emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by regulation.

3. Authority

- 3.1 The LEMC operates under the authority of the *Emergency Management Act 2005*, specifically Sections 38 to 40, and in accordance with procedures and guidance issued by the SEMC.
- 3.2 The Committee is not an operational body but serves a strategic and advisory function.

4. Title of Committee

The committee shall be known as the Local Emergency Management Committee (LEMC) of the Shire of Toodyay.

5. Decisions made by the Committee

- 5.1 The LEMC may make recommendations to Council regarding emergency management planning, risk mitigation, and preparedness activities.
- 5.2 Decisions are advisory in nature and do not bind the local government unless formally adopted.
- 5.3 Decisions at meetings are made by majority vote of members present.
- 5.4 The Chairperson has a deliberative vote and, in the event of a tie, a casting vote.

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Local Emergency Management Committee (LEMC) Charter

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5.5 The Committee does not have authority to:

- Expend Shire funds;
- Issue instructions to Shire staff;
- Correspond on behalf of the Shire; or
- Make binding decisions.

6. Membership

6.1 Membership of the LEMC is in accordance with these terms of reference shall be:

- (a) Deputy Shire President (Presiding Member);
- (b) Cr _____ (Deputy Presiding Member);
- (c) Local Recovery Coordinator (LRC) – Executive Manager Infrastructure, Assets and Services;
- (d) Chief Executive Officer – Shire of Toodyay;
- (e) Community Emergency Services Manager (CESM);
- (f) WAPOL Representative;
- (g) Department of Fire & Emergency Services (DFES) District Officer;
- (h) St John Ambulance Community Paramedic representative;
- (i) Department of Communities representative;
- (j) District Emergency Management Advisor (DEMA) representative;
- (k) Welfare Liaison Officer (WLO) representative;
- (l) Main Roads WA representative;
- (m) Principal, Toodyay District High School;
- (n) Toodyay SES Representative;

6.2 Guidelines

- (a) Council will review the membership of the Committee as soon as practicable after every ordinary election day; and
- (b) The Committee will be administratively supported by the Community Emergency Services Manager.

7. Responsibilities

7.1 The Committee members are expected to:

- (a) Contribute constructively to discussions and decision-making;
- (b) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (c) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and



- (d) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.
 - (e) Abide by the *Local Government (Model Code of Conduct) Regulations 2021* and the Shire of Toodyay Code of Conduct;
 - (f) Perform other activities related to the role of this Charter as requested by the Council.
- 7.2 The Community Emergency Services Manager is expected to:
- (a) Coordinate development and submission of committee documents as follows:
 - LEMC Annual Report providing a summary of the committee's activities including meeting attendance, training activities, exercises, incidents, and progress against the Local Emergency Management Arrangements (LEMA) over the previous financial year. Submission of the annual report demonstrates compliance with legislative and policy requirements and shows how the LEMC has contributed to emergency management planning and preparedness in the local area.
 - Business Plan setting out the LEMC's priorities and planned activities including goals, timelines, responsibilities, and links to risk treatment strategies for the coming year; aligned with the objectives of the SEMC and supporting continuous improvement in local emergency management.
 - LEMA Updates outlining how the Shire manages emergencies including changes in legislation, local risks, or organisational structures. These updates include risk assessments, response and recovery arrangements, and contact details for key stakeholders.

8. Meetings

- 8.1 The Committee will meet at least 4 times each calendar year on dates set by Council;
- 8.2 Meeting agendas shall include:
 - (a) Review of LEMA and contact details;
 - (b) Membership and resource updates;
 - (c) Emergency exercises and outcomes;
 - (d) Project updates; and
 - (e) Seasonal preparedness reviews.
- 8.3 A quorum of at least 50% of members is required to transact business;
- 8.4 Agendas shall be prepared by the Shire and circulated prior to meetings; and
- 8.5 Minutes shall be recorded and retained in accordance with the Shire's governance procedures.



9. Independence and conflicts of interest

- 9.1 Members must act independently and in the public interest. Any actual, potential, or perceived conflicts of interest must be declared at the commencement of each meeting and managed in accordance with the Shire's governance protocols.

10. Performance Assessment arrangements

- 10.1 The Committee's performance will be assessed through:
- (a) Review of meeting attendance and quorum achievement;
 - (b) Timeliness and quality of recommendations to Council;
 - (c) Review of meeting outcomes and stakeholder feedback; and
 - (d) Evaluation of emergency exercises and preparedness activities.
- 10.2 Performance will be considered as part of the biennial Charter review.

11. Reporting

- 11.1 Recommendations shall be presented to Council via Officer Reports;
- 11.2 Informal updates may be provided to Council via Council Workshops or Agenda Forums; and
- 11.3 The CESM shall maintain a status report tracking Committee recommendations and actions.
- 11.4 The CESM shall prepare the LEMC Annual Report detailing the LEMC activities, achievements, and recommendations. This report is submitted to the District Emergency Management Committee in accordance with SEMC directions.

12. Review of charter

- 12.1 The charter will be reviewed by the Shire as soon as practicable, following local government ordinary elections or more frequently if required, with appropriate input from relevant stakeholders;
- 12.2 The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will consider proposed amendments when necessary to ensure that it accurately reflects the committee's role and responsibilities; and
- 12.3 Council will review and formally approve this charter.

Reference Information

- [Risk Management Framework](#) endorsed by Council.
- The State Emergency Management Procedure - a strategic framework for Emergency Management in Western Australia available online at the link below:
https://www.wa.gov.au/system/files/2023-12/state_em_procedure_v3.05.pdf



Legislation

- [Emergency Management Act 2005](#)

Associated documents

- [Shire of Toodyay Standing Orders](#) (Local Law) 2008(3.4, Part 13, and 17.6);
- [Code of Conduct for Council Members, Committee Members and Candidates](#)

Document control information	
Document Category	Governance
Document Title	Local Emergency Management Committee Charter
Document ID	CD07
Document Owner (position title)	Council
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Corporate Document Adopted by Council: 30/10/2025
Local Emergency Management Committee (LEMC) Charter

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9.4.3 Lease of a Portion of Old Works Depot (Reserve 33931) to Toodyay Community Garden Club Inc

Date of Report:	7 July 2025
Applicant or Proponent:	Toodyay Community Garden Inc.
File Reference:	ENV20
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	28 August 2024 Ordinary Council Meeting
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Minutes of Ordinary Council Meeting - Thurs 24 April 2024 2. Expression of Interest Toodyay Community Garden 3. Letter From Toodyay Community Garden 9 May 2025 4. Toodyay Community Garden Concept Plans

PURPOSE OF THE REPORT

For Council to consider leasing a part of the Old Works Depot located on Harper Road (Reserve 33931) to the Toodyay Community Garden Inc for a community garden.

BACKGROUND

On 12th April 2024, Councillor Madacsi submitted the following Notice of Motion:

That Council based upon:

1. *A signed agreement on 16 February 2021 between the Shire of Toodyay and the Toodyay Tennis Club, to provide access to the Fiennes St courts until February 2023 at which time it would be reviewed by Council; and*
2. *A letter on 26 April 2022 informing the new Toodyay Tennis Club committee any agreement for on-going use of the premises will need to be formalised and considered by Council,*

Resolves to

- a) Review the Toodyay Tennis Club's agreement for use of the Fiennes Street premises, as agreed;*
- b) Consider the future use of the property in line with the Shire's long-term planning and plan for the future;*
- c) Authorise the CEO to seek expression of interest for the Fiennes Street premises in accordance with the Local Government Act 12995 and regulations;*

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d) Request the CEO to bring a report back to Council for consideration by the August 2024 OCM

On 24 April 2024, Council resolved (OCM144/04/24)(**Attachment 1**):

1. *Review the Toodyay Tennis Club's agreement for use of the Fiennes Street premises, as in the agreement signed 16 February 2021 by the Shire and the Toodyay Tennis Club.*
2. *Consider the future use of this portion of crown reserve No 21797 and the whole reserve, proper in line with the Shire's long-term planning and plan for the future;*
3. *Authorise the CEO to seek expression of interest for the Fiennes Street premises in accordance with the Local Government Act 12995 and regulations;*
4. *Request the CEO to bring a report back to Council for consideration by the August 2024 OCM*

On 30 May 2024, an Expression of Interest was received from the recently formed *Toodyay Community Garden Group*, to utilise a portion of the old Tennis Courts comprising an area of 1000m². (**Attachment 2**)

In June 2024, a notice was published in the June edition of the Toodyay Herald calling for Expression of Interests.

On 25 July 2024, the Toodyay Community Garden Inaugural General Meeting was held to establish the Toodyay Community Garden Group, adopt the objective, aims and rules of the association and to elect office bearers. The following were appointed to the committee

Chair	Gary Nelmes
Deputy Chair	Catherine Ehrhardt
Secretary	Rosemary Madacsi
Treasurer	Tanvier Fowler
Committee Members	Toni Anne Chrimes Catherine de Vos Annette Muller

On 28 August 2024, a report was presented to the August Council meeting with the outcome of the Expression of Interest, where Council resolved to:

"... defer the decision regarding the Expression of Interest received for the use of the Toodyay Tennis Club facility at 14 Fiennes Street Toodyay until the finalisation of the facilities and Building Review."

On 18 December 2024, Council received the Facilities and Building Evaluation Report and resolved that buildings or facilities scoring at or below a threshold of 50 out of 100 receive a detailed individual assessment by Council, facilitated by the CEO. Following this assessment, Council will determine the actions to be taken in relation to each building or facility.

The Tennis Club amenities building scored 22 and the Tennis Club Pavilion scored 29. This placed both buildings amongst the very bottom of the list.

On 14 April 2025, the Chief Executive Officer and the Executive Manager of Economic Development and Community Services met with Toodyay Community Garden Chair and Michael Noonan where an update was provided of where the Shire was at with the

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assessment of the Tennis Club amenities building and Tennis Club Pavilion. Issues of concerns had been raised from inspections undertaken with both buildings and that an outcome of the future use of the "Old Tennis Courts" would likely be within 6 months at least.

It was suggested that an alternative location -part of the "Old Works Depot" site on Harper Road- was available and could be subject to Council approval within a shorter timeframe. A positive response was received to this suggestion and the Shire was later advised that the Committee "*unanimously agreed to accept the offer*". This was communicated in a letter received from the Toodyay Community Garden Inc on 9 May 2025 (**Attachment 3**). Included in the letter were 14 questions / points of discussion.

On 19 May 2025, the Chief Executive Officer and the Executive Manager of Economic Development and Community Services met the Chair of the Toodyay Garden Club and Michael Noonan at the Old Depot to go through the questions raised in the previous correspondence.

The questions and dot point response were as follows:

1. We would anticipate an area of approximately 4000m² from the eastern boundary to the Old Depot Shed and from the Railway Reserve to the norther boundary with Butterly Cottages. This would facilitate a 5-6 metre access road through the proposed garden.

Response: This is subject to Council approval. There appears to be no initial issue with this, however it is requested to be a little further away from the Old Depot Shed.

2. What would be the duration of the lease, and would it be a peppercorn payment or a specific value?

Response: The Shire will look at tying it in with the remaining time left on other leases within the area so all leases finish at the same time. Can suggest a peppercorn lease to Council.

3. What activities are acceptable?
4. What activities are not acceptable?

Response: Toodyay Community Garden Club Inc will need to advise which activities they wish to conduct, from there the request can be reviewed; however, approval would be limited to garden club activities.

5. Is it possible, with Council permission, to access the closest scheme water on the southeast corner of the existing Old Depot Shed (there is a live water point existing) and sub meter the supply? If acceptable, we would extend that live line to several watering points in the new garden.

Response: There appears to be no issue with this, subject to suitability and other relevant considerations.

6. Are rainwater tanks permissible if we decide to harvest water from half of the Old Depot building?

Response: The Old Depot building will need to be demolished due to its condition and associated issues.

7. Is the existing green shed (the old community bus shed) available for storage?

Response: No – this is the community events shed.

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8. Are we permitted to level the dips in the site prior to garden construction?

Response: Yes, subject to the provision of further details. The Shire may be able to assist with this work.

9. Are we permitted to trim branches on the existing trees or is that a Shire responsibility?

Response: Yes. The Shire can assist with this work.

10. Are we permitted to excavate the ground to construct garden beds and import soil for the latter?

Response: There are some concerns due to the findings of the previous contamination report. It is recommended that raised beds be used instead.

11. Does the Old Depot have power connected, and are we permitted to use it for power tools and reticulation controllers?

Response: Requires further investigation.

12. Are we permitted to use some of the Old Depot building for storage and running workshops as well as utilizing it when there is inclement weather?

Response: No. The Old Depot building is not suitable and workshops that are not held in the garden should be held at the Community Centre or another appropriate building.

13. Is a composting toilet on site acceptable?

Response: It would be necessary to obtain further details from the Environmental Health Officer, however, the need for on-site toilets is questionable, as many other community gardens operate without them, and there are existing toilet facilities located reasonably nearby.

14. Would the materials on site be relocated or can some of it be repurposed for the garden construction?

Response: The materials would be relocated; however, further discussions can be conducted as to whether they may be suitable for repurposing.

COMMENTS AND DETAILS

The Shire currently has several community groups located at the Old Railway Barracks, which is the preferred location for this type of activity. The site is secure and fenced. Shire staff lock and unlock the area each morning and early evening. There is a toilet for all to access, and there is currently a vacant shed available. The Toodyay Community Garden Club has previously advised this is too far out of town and they wanted a location in the centre of town. Reserve 33931 (the Old Works Depot) is a suitable option as the use of the reserve is "community purpose" and a community garden fits this criteria.

The Chair of the Toodyay Garden Club was advised if he provided a formal request by end of June 2025, that a report would be presented to the July Council meeting.

A formal request was received (**Attachment 4**) and is presented to Council for consideration.

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The request comes with four conditions:

1. *A ten-year lease at an agreed peppercorn rental to ensure the long-term viability and development of this community resource.*

The Men's shed lease is until 2037, to streamline leases and to provide a longer-term lease to the Toodyay Community Garden Club it is recommended that a lease until 2037 be offered, at a peppercorn rent.

2. *A rental agreement that includes a secure weatherproof building such as the community bus shed, or the eastern end of the existing depot shed.*

Most community garden clubs have a small shed for the secure storage of a few garden tools etc only. These are often simple sheds that are available through any hardware store.

The need for a large *weatherproof shed* the size of the Community Bus Shed raises the concern that the intended purpose is not just for storage but may also be for meetings or other activities. This is further evidenced by previous correspondence in which the club advised, when referencing the old tennis club pavilion, that "*it may not be large enough for indoor event and ...*", suggesting a different intended use than initially proposed. The Shire has several current community buildings that are available to community groups for meetings and other activities.

Community groups should collaborate to share facilities, as the provision of dedicated buildings or spaces that experience low levels of use, as has been observed with other facilities in the Shire of Toodyay; This does not represent an effective or efficient allocation of resources. Shared use of infrastructure is an efficient and effective use of resources.

The Shire supports the Toodyay Community Garden Club in obtaining its own funding to build a shed. The club will also be responsible for the maintenance and upkeep of the shed. The Shire will not be providing a "weatherproof building" on site.

Alternatively, if the club was to locate to the Old Railway Barracks, the Shire could provide the remaining vacant shed to the club for their use.

3. *Metered scheme water to be available within the leased area and a toilet within two years of lease commencement.*

Most community gardens do not have a toilet on site. There are several available toilets within close proximity to this location. This unnecessary duplication is not supported. If the Toodyay Community Garden Club obtained funds to provide its own toilet and responsibility for the upkeep, the Shire should be supportive of this.

Alternatively, if the club was to locate to the Old Railway Barracks, a toilet already exists that would be available for use. The cleaning and maintenance of this toilet is undertaken by the Shire.

Regarding metered scheme water - it is unclear whether the expectation is that the costs for this are to be a Shire cost, or if the club will pay for the provision of a metered

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scheme water access point. The Shire should support the provision of a metered scheme water access point for the club, as it is a necessity for a community garden. The cost of providing this are unknown and further discussion should occur on the expectations of who would pay for this.

4. Written notice to the Toodyay Men's Shed advising the lease duration and area leased.

If Council was to agree with approximately 4000 m² of the Old Works Depot site being leased to the Toodyay Community Garden Club, legislation requires that Council must advertise the "disposal" (lease) of property together with relevant details for any comments. The Toodyay Men Shed would also be notified as part of this process.

IMPLICATIONS TO CONSIDER**Consultative:**

Discussions with the President of Toodyay Community Garden Club.

Strategic:

2.1.4. Explore opportunities to deliver more meeting places and activities for seniors, such as a community garden and craft groups

Policy related:

Disposal of Property.

Financial:

There will be a small cost with advertising the disposal of property and creating a lease document. Additional costs will be dependent on whether Council agrees to provide any of the requested additional elements.

Legal and Statutory:

In accordance with the *Local Government (Functions and General) Regulations 1996*, regulations 30(2)(b) this disposition is excluded from the applications of section 3.58 of the *Local Government Act 1995* as the Toodyay Community Garden Club is a not for profit. However, notice of the disposition should be advertised seeking public comment.

Risk related:

Nil.

Workforce related:

There are no notable workforce related impacts of the Officer's Recommendation.

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24 JULY 2025

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to:

1. Agree to lease approximately 4000m² of vacant land only at Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Club.
2. Give local public notice of the proposed disposition of 4000m² on Reserve 33931 (Old Works Depot) for a period until 2037 at a peppercorn rent of \$300 per annum plus CPI to the Toodyay Community Garden Club and invite public submissions for a period not less than two weeks.
3. If any public comments are received, a further report be brought to Council for consideration
4. If no public comments are received, the CEO be authorised to finalised and execute the disposition.

PROCEDURAL MOTION

RECOMMENDATION/COUNCIL RESOLUTION NO. OCM137/07/25

MOVED Cr J Prater**SECONDED** Cr M Dival

That the meeting proceed to the next item of business.

Voted For: Crs M McKeown, M Dival and J PraterVoted Against: Crs R Madacsi, C Duri, S McCormick and D Wrench**MOTION LOST 3/4**

Cr Madacsi and Cr McCormick withdrew their alternative recommendations.

Cr McCormick foreshadowed an alternate recommendation as follows:

That Council resolves to:

1. **Agree to lease approximately 4000m² of vacant land only at Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Club.**
2. **Give local public notice of the proposed disposition of 4000m² on Reserve 33931 (Old Works Depot) for a period until 2037 at a peppercorn rent of \$300 per annum plus CPI to the Toodyay Community Garden Club and invite public submissions for a period not less than two weeks.**
3. **If any public comments are received, a further report be brought to Council for consideration**
4. **If no public comments are received, the CEO be authorised to finalised and execute the disposition.**

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5. That the structure known as the Community Bus Shed which is adjacent to the leased area proposed, be cleared of Shire property and allows the Toodyay Community Garden Club use of the shed for a period of 12 months to help facilitate materials to establish the community gardens.

6. That the CEO engages in the Toodyay Men's Shed for negotiations for negotiations to potentially allow the Toodyay Community Garden Club access to the Toodyay Men's Shed toilets for the foreseeable duration.

ALTERNATE RECOMMENDATION/COUNCIL RESOLUTION NO. OCM138/07/25**MOVED** Cr J Prater

That Council resolves to

- 1) Not agree to lease approximately 4000m² of vacant land only at Reserve 33931 (old works Depot) to the Toodyay Community Garden Club
- 2) Agree to lease approximately 1000m² of vacant land and the current vacant shed at the "community depot" to the Toodyay Community Garden Club
- 3) Give local public notice of the proposed disposition of 1000m² and the shed at the "community depot" for a term of five years with a five-year option at a peppercorn rent of \$300 per annum (plus CPI). Public submissions on the proposed disposition are to be invited for a period of not less than two weeks.
- 4) If any public comments are received, a further report be brought to Council for consideration
- 5) If no public comments are received, the CEO be authorised to finalise and execute the disposition.

MOTION LOST DUE TO NO SECONDER**Reasoning is as follows:**

- *The community garden should be located with the other community groups at the community depot.*
- *The original request was only for 1000m².*
- *There is already a shed available for the community garden club.*
- *There is already a toilet at the community depot for the community garden to use.*
- *The loss of much needed parking for large vehicles and events in the Toodyay CBD.*

Feedback and suggestions from local community members and businesses on the preferred use of the site.

Cr McCormick removed point 6 from his foreshadowed recommendation to read as follows:

That Council resolves to:

1. **Agree to lease approximately 4000m² of vacant land only at Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Club.**
2. **Give local public notice of the proposed disposition of 4000m² on Reserve 33931 (Old Works Depot) for a period until 2037 at a peppercorn rent of \$300 per**

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annum plus CPI to the Toodyay Community Garden Club and invite public submissions for a period not less than two weeks.

3. If any public comments are received, a further report be brought to Council for consideration

4. If no public comments are received, the CEO be authorised to finalised and execute the disposition.

5. That the structure known as the Community Bus Shed which is adjacent to the leased area proposed, be cleared of Shire property and allows the Toodyay Community Garden Club use of the shed for a period of 12 months to help facilitate materials to establish the community gardens.

The Presiding Member, in accordance with 9.5 of the *Shire of Toodyay Standing Orders* broke the substitute motion into two parts.

ALTERNATE COMPLEX RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM139/07/25

MOVED Cr S McCormick

SECONDED Cr C Duri

That Council resolves to:

1. Agree to lease approximately 4000m² of vacant land only at Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Club.
2. Give local public notice of the proposed disposition of 4000m² on Reserve 33931 (Old Works Depot) for a period until 2037 at a peppercorn rent of \$300 per annum plus CPI to the Toodyay Community Garden Club and invite public submissions for a period not less than two weeks.
3. If any public comments are received, a further report be brought to Council for consideration
4. If no public comments are received, the CEO be authorised to finalised and execute the disposition.

Voted For: Crs M McKeown, M Dival, C Duri, R Madacsi, S McCormick and D Wrench

Voted Against: Cr J Prater

MOTION CARRIED 6/1

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**ALTERNATE COMPLEX RECOMMENDATION 2/COUNCIL RESOLUTION NO.
OCM140/07/25****MOVED** Cr S McCormick**SECONDED** Cr C Duri

5. The building known as the community bus shed be cleared of Shire property by the Shire staff and permit the Toodyay Community Garden Club use of the shed for a period of 12 months to help facilitate materials to establish the community garden.

Voted For: Crs, C Duri, R Madacsi S McCormick, and D WrenchVoted Against: Cr M Dival M McKeown J Prater**MOTION CARRIED 4/3**

ORDINARY COUNCIL MEETING MINUTES

28 AUGUST 2025

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

Nil.

10.4 EXECUTIVE SERVICES**10.4.1 Community Depot Shed to Arts Toodyay Inc**

Date of Report:	5 August 2025
Applicant or Proponent:	Arts Toodyay Inc
File Reference:	LEG255
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	OCM140/07/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Correspondence from Arts Toodyay Inc. ↗

PURPOSE OF THE REPORT

To consider leasing a community depot shed to Arts Toodyay Inc for the purpose of storage of their equipment.

BACKGROUND

The Secretary of Arts Toodyay Inc wrote to the Shire of Toodyay on 31 July 2025 (**Attachment 1**) expressing interest in the availability of a Community Depot Shed currently under the care and control of the Shire.

This shed has been unoccupied for a period of time since the termination of a Roadwise Committee lease. with some old items recently relocated in there, for a short-term basis from when the West rail freight building was cleaned and will need to be removed once it is known who the relevant owners / custodians are.

COMMENTS AND DETAILS

Arts Toodyay Inc is currently expanding its delivery of exhibitions, workshops and community events, and have built up a collection of equipment that are currently dispersed across multiple private sheds, shire facilities and homes, which is proving to be unsustainable and limits their ability to deliver events efficiently.

Council resolved at the July 2025 Council Meeting, when considering leasing a portion of the Old Works Depot (Reserve 33931) to Toodyay Garden Inc., the following:

5. *The building known as the community bus shed be cleared of Shire property by the Shire staff and permit the Toodyay Community Garden Club use of the shed for a period of 12 months to help facilitate materials to establish the community garden.*

The proposed lease is currently being advertised which includes the "community bus shed".

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Depending on the outcome of the advertising, any submissions and further council resolution, if the “community bus shed” is provided to the Toodyay Garden Inc for 12 months, the events equipment that is available to be used by Community groups will need to be relocated, which will require the use of a community depot shed.

Council has three options

- OPTION 1) Make no decision regarding the request from Arts Toodyay Inc for the use of a Community Depot Shed until after any submissions have been received on the Community Garden Inc proposed lease, and Council then makes a determination if required.
- OPTION 2) Agree to lease the community Depot Shed in principle and advertise the disposition, and consider any comments received together with any comments received for the Community Garden Inc
- OPTION 3) Decline the request from Art Toodyay Inc for the use of community depot shed.

Option 2 is the suggested option to streamline the process.

IMPLICATIONS TO CONSIDER**Consultative:**

Staff consulted with Arts Toodyay Inc.

Strategic:***Shire of Toodyay Council Plan 2023-2033***

Outcome 2: An Inclusive, Connected Community

Objective 2.6 Grow community capacity by attracting and supporting volunteers

Policy related:

Disposal of Property Policy

Financial:

The property and preparing the lease document.

A key lease condition would require Arts Toodyay Inc to be responsible for the ongoing maintenance of the building any necessary upgrades, and all outgoings. This arrangement would reduce the current costs incurred by the Shire in relation to the building.

Legal and Statutory:

This proposed disposition is excluded from the application of Section 3.58 of the *Local Government Act 1995*, as Arts Toodyay Inc is a not-for-profit organisation, pursuant to regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*,

However, it is recommended that public notice of the proposed disposition be given, inviting community submissions in accordance with the principles of transparency and good governance.

Under Section 3.58 of the *Local Government Act 1995*, “dispose” includes to sell, lease or otherwise dispose of property, and requires that:

- Public notice be given describing the property and the proposed disposition;

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- Details of the proposed lease be included;
- Submissions be invited by a specific date, being no less than two weeks for the date of notice is first published;
- Council considers any submissions received before making a full decision; and
- If Council resolves to proceed, the decision and reasons be records in the minutes of the meeting at which the resolution is passed.

Risk related:

The risk in delaying the decision is low. This report mitigates the risk.

Workforce related:

A Shire Officer will prepare the lease.

VOTING REQUIREMENTS

Simple Majority

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM162/08/25

MOVED Cr M Dival

SECONDED Cr J Prater

That Council:

1. Agrees to lease in principle a Community Junction shed to the Arts Toodyay Inc;
2. Gives local public notice of the proposed disposition of a community Junction shed for a term of 5 years at a rent in line with Toodyay Junction Hire as per the schedule of fees and charges – 2025/2026, and subsequent approved fees and charges schedules. Public submissions on the proposed disposition are to be invited for a period of not less than two weeks;
3. Notes that if any public submissions are received, a report be brought to Council for consideration; and
4. Notes that until a final decision has been made with the “Community Bus Shed” no further actions can be taken.

Voted For: Cr M Dival

Voted Against: Crs M McKeown, C Duri, R Madacsi, S McCormick and J Prater

MOTION LOST 1/5

ORDINARY COUNCIL MEETING MINUTES

28 AUGUST 2025

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM163/08/25**MOVED** Cr R Madacsi**SECONDED** Cr C Duri

That Council:

1. Agrees to lease in principle a community depot shed to the Arts Toodyay Inc;
2. Gives local public notice of the proposed disposition of a community depot shed to for a term of 5 years at a rent of \$300 per annum plus CPI. Public submissions on the proposed disposition are to be invited for a period of not less than two weeks;
3. Notes that if any public submissions are received, a report be brought to Council for consideration; and
4. Notes that until a final decision has been made with the "Community Bus Shed" no further actions can be taken.

Voted For: Crs M McKeown, C Duri, R Madacsi, S McCormick and J PraterVoted Against: Cr M Dival**MOTION CARRIED 5/1**

Mr Aaron Bowman
Chief Executive Officer
Shire of Toodyay

1st August 2025

Dear Mr Bowman,

Herewith a submission opposing the proposed lease of 4,000 square metres of Shire of Toodyay land at the old depot site in Harper Road, Toodyay to the Toodyay Community Garden Group (Inc.).

PREAMBLE

That a group of dedicated volunteers wish to establish a community garden is admirable and worthy of wide community support, but the proposed site and the layout (ground plan) at the site of the old shire depot is of concern for several reasons. The practicalities of siting the community garden at that location would appear to be fraught with difficulties, potentially pose problems for the community and I would suggest the plans are over ambitious in both scope and cost. I believe several issues need to be addressed before proceeding.

In its submission to the Shire the Toodyay, the Toodyay Community Garden Group (TCGGI) mentions using the toilet facilities at the Men's Shed and of installing a composting toilet. If it has not already occurred, the committee of the Men's Shed should be consulted seeking its permission to use its facilities. Also requiring resolution is the issue of whether the Council, the owner of the property, is required to request and approve a development application for the installation of a composting toilet on the site by a third party. (Ref: shipping container at 19A Clinton Street)

The submission further states that one of the elements the TCGGI would require, if it were to take up a lease on the site, would include a toilet within two years of lease commencement. My understanding of the discussion at the July OCM led me to believe that the Shire will not spend any further money on this proposal, save for removing equipment from the bus shed, transporting it to, and storing it at, the new shire depot. This matter needs to be clarified.

ORIGINAL CONCEPT

When the project was conceived in 2014, the site favoured by respondents to a community survey was the Youth Park opposite the Old Gaol Museum. This was followed in popularity by a Shire owned 4,000 sq. metre block with an on-site shed at 33 Telegraph Road.

I estimate the site at the Youth Park to be approximately the same size as the tennis courts (about 500 sq metres) and whilst the original committee and the Shire's Health Officer preferred the Telegraph Road site, it is no longer an option. However, before passing over this issue, it is suggested that the location of the Telegraph Road site was far more conducive to establishing a large garden, piecemeal, when compared with the proposed site at the old works

depot; and it should be noted that in 2014 a \$20,000 grant was available from the Department of Local Government and Communities to develop the community garden.

INCONGRUITY

Whilst acknowledging the substantial difference in area of the two site drawings submitted by the committee, one for the tennis courts (450 sq. metres) now withdrawn, and the other for the 4,000 sq. metre old shire depot site, it would appear that, compared with each other, the concept for the development pertaining to each site is more than mildly incongruous. Dependent upon the site, there appears to be fewer common features than one would imagine for the same project, and this begs the question, "Is there as much enthusiasm for the depot site as there was for the tennis court site.

The proposed scale of development for the depot site is large, diverse and will prove to be very costly, even with a large team of enthusiastic volunteers. Despite the professionalism and dedication of a hard core of members who will drive the project, human nature suggests that the enthusiasm of other volunteers could wane with the lack of early tangible results, and assuming sufficient funding can be obtained to get the project off the ground, it will be a long term project with few rewards in the short term for the amount of hard work.

ADVANTAGES FOR THE TOODYAY COMMUNITY GARDEN GROUP (INC.)

- (a) The site is in the Toodyay CBD and the garden, once developed in years to come, could prove to be a minor tourist attraction. If well managed and productive, it is possible the garden could include a stall for the sale of produce, flowers, vegetables, herbs etc. and become partially self-funded.
- (b) Although the majority of people would need to drive to the site, it is easily accessible for volunteers who live in the town.

DISADVANTAGES FOR THE COMMUNITY

- (a) The old depot area is one of, if not the last, remaining piece of vacant Shire-owned land in the Toodyay CBD and I believe that it is important to retain the site for future commercial development. It would be remiss if council did not recognise the steady population growth during the past twenty years which has increased by approximately 25% and is still trending upwards, albeit slowly. With greater population comes more commercial enterprise and the need for more ground space in the CBD.
- (b) The overflow parking facility for events, such as the Targa Rally, Avon Descent, Moondyne Festival etc. will be lost, with the possible result that traffic congestion and road traffic and parking misdemeanours will increase.
- (c) First impressions are important, and the site, which is adjacent to the station precinct is the first glimpse of Toodyay for visitors arriving by train. The area will be unsightly during the development stages and because of the volunteer nature of the project, it may be a considerable time before the area is aesthetically pleasing.
- (d) The scope of work for its construction, and the extent of the project is extremely ambitious and will be costly for a volunteer group to fund. Access to donated plant and equipment, a benefactor or a guarantee of grant funding would seem to be a pre-

requisite. Before council makes a decision on leasing this site it would be prudent to require a costed plan of works, timelines, and an explanation of how this project will be funded. It should be noted that in addition to the cost of development, utility charges will have to be covered for an extensive period prior to there being the possibility of any income save for membership fees, if indeed other income is forthcoming.

- (e) Developing the planned mobility entrance and pathway via Butterly Cottages will be costly to install and maintain. Has the Butterly Cottage Board been consulted in respect to this matter?
- (f) Pilfering and vandalism. Whilst Toodyay is largely a law abiding community, it would be tempting providence not to fully fence the site with secure egress and exit gates. Because the proposed area is bisected by a vehicular and pedestrian thoroughway, both sides of the passageway would require fencing, unless the entire 4,000 sq metre is perimeter fenced.

Without accurate dimensions of the length of fencing required, or what suitable fencing is already on site, it is not possible to estimate the cost, but as a guide, the supply only cost of 2.1 metre high chain-link fencing wire for an area of 4,000 sq. metres would be in the region of \$4,000 - \$5,000, and this does not include posts, gates, strainers, tensioning wire, brackets, fittings, installation, and concrete footings for the strainers and gate posts.

- (g) Public liability and indemnity Insurance is obviously required, but it is suggested that general insurance for loss or damage of crops and equipment should be considered and decided dependent upon the level of risk compared with cost.

THE BEST SOLUTION FOR THE COMMUNITY.

The concept of the community garden is a very worthy one and if a suitable site can be agreed upon it should be keenly embraced. However, for the reasons given it would be disadvantageous to the community for it to be sited at the old works depot, and there is always the possibility that the project, once commenced, may fail leaving the Shire with a headache.

A suggested alternative site is at the former Shire depot in Railway Road. The available site is 1,000 square metres, fully fenced, secure and has access to lavatories and undercover storage. There is increasing activity at the site with the woodturners already in situ and the Marsupial Mamas and Poppas applying to take up a lease at the site for a reception centre for injured wildlife.

The TCGGI has developed reasonably detailed plans for the much smaller site at the old tennis courts, including a permaculture learning and activity section, Mereny Boodja, educational gardens, childrens' section, a shade area with edible plant vines and several other features. It would therefore seem that the Railway Road site would be far more conducive to the adaptation of this proposed development, than would the much larger and disorderly space at the Harper Road site.

However, the greatest advantage of the Railway Road site is that the group could get down to some serious constructive work almost from day one, without having to worry about fencing, (or the huge cost of securing the site) bridging culverts and organising access for handicap

persons or clearing and disposing of unwanted materials. Whilst the area of land available is about twice the size of the tennis courts, there is no compulsion to use the entire site if it was decided to stay with the original concept plans, I am sure that the committee would have no problem in finding projects to utilise the remaining unused area of the site, if it chose to do so..

One of the negative issues raised when the Railway Road site was first suggested was the inconvenience of having a site outside of the town, with the perceived difficulty for people with various physical impairments being able to gain access. I would suggest this is a spurious argument because, irrespective of where the community garden is sited, the vast majority of all classes of people will need to drive there, and in the overall scheme of things the distance from one site the other is about a kilometre and I would suggest is immaterial.

On balance, I consider that the most appropriate location for the community garden would be at the former shire depot site on Railway Road and submit that, if we are to have a community garden, this solution is in the best interests of the community and should prove of little inconvenience to the TCGGL.

Mr Aaron Bowman JP
Chief Executive Officer
Shire of Toodyay
19 Fiennes Street
Toodyay WA 6566

Dear Sir,

Re Item 9.4.3 the unconfirmed Minutes 24th July 2025.

I wish to lodge an objection.

I have been made aware of the proposal considered by the Shire Council at their meeting of the 24th of July 2025 referenced above. I have read the unconfirmed Minutes and the adjoined attachments.

The proposal submitted by the Toodyay Community Garden Inc. (TCG) the subject being a 4,000 sq/mt portion on Lot 248 Harper Road. Whilst the location may be of interest to the Group, I am of the view that not sufficient attention has been paid to the start-up costs involved.

From my own experience it would be foolish not to add in a calculation of approx. \$70,000.00 (or more) for a security fence surrounding the area. Historically, many such community gardens around Australia not having such prevention have endured vandalism and consequently have closed their doors – so to speak.

Further, I would be/am curious, as to the expense of machine contouring of the site, construction cost of all the items noted in the group's proposal and their ability to raise the start-up costs but also generate sufficient funds for on-going costs (for instance – Personnel and public liability insurance, water consumption, fertiliser etc).

The Shire, has in my view, provided several alternative options that already have most, if not all the TCG's immediate needs already in place.

Contact us or report a problem

Reference



Submitted

04 Aug 2025 07:54

What are you contacting us about?

Is this related to a specific location?

Describe the problem or request

Parks & community facilities

No specific location

Community Garden - Public Comment on Proposal
I would like to oppose the recent proposal for the community garden location and size. Whilst I understand and appreciate the value of a community garden and the benefits it can bring the current proposal does not take in to consideration any of the current or other potential uses for the land and the burgeoning list of events planned or being proposed for Toodyay that could also use this land. The demographic of the area is changing, the population is changing and the development of surrounding land is increasing all significantly. Toodyay town already is (and always will be due geography) short on commercial/retail land in town. At some point the zoning for community areas are going to have to be reviewed and then offered or developed as commercial or retail space to support a growing town. I would like to see expressions of interest for the land with preference given to organisations or NFP's that will enhance tourism.

Any supporting pictures, files, audio or video

Your contact details

This helps the council get in touch if they need more information. Your details aren't shared with anyone else.

August 12, 2025

Mr A Bowman CEO
Shire of Toodyay
Fiennes Street
TOODYAY WA 6566

Dear Mr Bowman

DISPOSAL OF PROPERTY

4000m2 of land at Reserve 33931 (Old Works Depot)

Parties Concerned: Toodyay Community Garden Inc

Having followed the progress of the Toodyay Community Garden Inc, I was pleased to see that the matter was discussed at the July OCM.

However I have concerns about the current proposal to lease 4000m2 of land adjacent to the Toodyay Railway Station, on part of the site of the old Shire Works Depot as follows:

1. The size of the proposed lease of 4000m2 is in my opinion too large in the initial stages of the Community Garden. My suggestion would be to lease 1000m2 now, with an option that if the garden is successful, to then lease a further 1000m2 after one or two years.
2. The Community Garden Inc originally sought the use of the old tennis courts, which are much smaller than the amount of land now proposed, and obviously a lesser area of land could suffice.
3. Will the proposed area be fenced and if so at whose cost? If the area is not fenced, then I foresee some vandalism taking place and, if fenced with gates which can be locked, how will access be arranged?
4. I understand that the Community Garden Committee has foreshadowed that they will require toilets to be provided in the area. Will this be at their cost or will this be Shire funded? If Shire funded will these toilets also have to be cleaned and maintained at the Shire's expense?
5. Unless the Community Garden is maintained in an orderly manner with weeds kept under control and rubbish either removed or neatly stored, then the site could well become an eyesore for visitors to Toodyay. This area is an overflow car park and arrival area from trains, so it will be visible to visitors and residents alike.
6. While it appears that water is already available at the site, it is not clear whether there is an available electricity supply at the proposed site. Would the Community Garden be responsible for establishing an electricity connection?

A far more practical solution would be for the Toodyay Community Garden to be located at the old Shire Works Depot on Railway Road.

1. At that location the premises is already fenced, with controlled access, there are toilets including disabled facilities and there is more than sufficient land to meeting their 4000m2 requirement.
2. The Toodyay Seed Group is already located at the depot, as are a number of other community groups, including Avon Woodturners and I understand that the whole area has been designated for community use.
3. The old Works Depot on Railway Road is not as central and easily accessible as the old Shire Depot but most participants in the Community Garden would need some form of transport to any location.
4. People who live on the outskirts of the townsite would need a vehicle to reach the proposed site, so there would be little difference in travelling to either site.
5. Parking will need to be available for those attending the Community Garden, thereby reducing the space available for visitors and residents, especially where there is an event in town.
6. The elderly would need transport if they live more than a kilometre or so from the proposed site and it is doubtful if parents would allow unaccompanied children to attend the Community Garden, so the location is not critical.
7. As I am sure happens with the Avon Woodturners and other community groups using facilities at Railway Road, members of the Community Garden could and no doubt would, offer transport to other members when intending to participate at the Community Garden.

Thank you for taking the time to consider my submission. I would appreciate my name being withheld when my submission is presented to Council.

Yours sincerely

Thank you for allowing the residents of Toodyay to comment on the proposed disposal of the above site.

I know that many people have been advocating for a Community Garden in Toodyay for a number of years and this looks like an encouraging move in that direction.

The location is fantastic as it is close to town centre and easy for people to get to, walking distance for some.

To see unused land and buildings being put to use within the community is great, it brings with it a true sense of "community" where those who aren't able to establish their own gardens and have a desire to do so will be supported by this project. The social aspect is a wonderful way to build community spirit and inspire positive life style by achieving something in the town that will bring much joy to many.

Kudos to the Shire for supporting this idea.

■

Chief Executive Officer
Shire of Toodyay
15 Fiennes Street
Toodyay WA 6566

Disposal of Property

10 August 2025.

Dear Sir,

Re:- 4000m2 of land at Reserve 33931.

I wish to make a submission in relation to the above.

I am in favour of Council providing some land for a Community Garden and believe this is long overdue. I am not convinced however that the chosen site is really suitable for this purpose and better alternatives are available. Reasons are following.

1. This land has been used for many years as the Shire Depot and quite likely the land has been contaminated in some way in that time. Has this been considered?
2. Despite some fences, the area has been part of a trafficable route by pedestrians since the Shire moved out and this may cause security issues for a Community Garden.
3. There are no facilities on site such as water, sewerage, electricity or suitable buildings including storage, toilet and ablution block. Security fencing would also be needed.
4. What evidence of financial stability and availability has been provided to Council by the applicant to ensure that the necessary buildings and essential services can be installed without ratepayer funds being needed?
5. The applicants plan, Hort 1, is assuming access to the site from Harper Road, which could encroach on current and any future uses for the remainder of the site and this should be taken into consideration or an alternative plan provided with different access and layout including buildings.
6. The Community Garden would be better situated next to the Works Depot as all facilities are on site including security. These items seemed to be of paramount importance when the Applicant previously requested the Old Tennis Courts!

Thank you for this opportunity to make a submission and I would suggest that:-

1. An area of 1000m2 is made available to lease at the Community Facility next to Shire Works Depot or :-
2. The area known as Year of Youth Park in Clinton Street. (Facilities near to site).

Submission opposing the lease of part of the Old Works Depot , Reserve 33931, to the Community Garden Inc for a community garden.

I am in favour of a community garden being established in Toodyay but I am against the lease of the old Works Depot, Reserve 33931, for the purpose of a community garden.

Reasons for Objecting.

1. The use of this area to grow fruit and vegetables is not ideal as the land is likely highly polluted. As the site was used for many years as a shire depot heavy metals most likely are present in the soil. It would not only be in the soil that surrounded the diesel tank but could be present throughout the site. Metals present to name a few could be: lead from lead based paints, industrial activity and leaded petrol; Arsenic from certain pesticides and Mercury from batteries. This area has a history of contamination and extensive testing and monitoring of the soil would have to be conducted. Without a clear bill of health, no trees with edible fruit nor vegetables would be able to be planted in the soil.
2. 4000m² is far too large for a community garden in Toodyay. This site could become a challenge and chore rather than an enjoyable community activity. Large spaces are difficult to manage. They require more time, effort and resources for maintenance which can lead to neglect. People will come and go with this project but the enormity of the size of the block and the cost of establishing and maintaining the garden could prove too difficult. Just keeping plants alive in a normal sized garden in the Toodyay Summer is a challenge let alone 4000m². In his letter of 9 May 2025 to the Shire that was attached to the agenda of the July OCM, the Chairman of the Toodyay Community Garden himself states "The cost estimate undertaken to establish the garden at either site indicated the depot site was beyond the capacity of a community start up, if the intended services for the community are to be delivered as planned." From this statement it seems that already the idea is present amongst members that the large garden will be too expensive to establish with member resources. Where will all this money come from?
3. The old Shire Depot is in a prominent position which can be seen by visitors and the people of Toodyay. The size of the block will require many hours to keep it in pristine condition. An untidy garden would discourage participation. If membership drops and interest wanes the block has the potential to become very untidy which would not be a positive thing for the amenity of the Toodyay town.
4. If the old Shire Depot is used as a community garden Toodyay loses valuable overflow parking area for large events. Once this large potential parking area is lost, large events in the future will suffer.

A better option which would have more chance of success would be for the garden to be established at the Community Depot, old Railway site, where other community groups operate. The land there is unpolluted, is already fenced, has available water, has a toilet maintained and cleaned by the Shire and there is a shed that could be utilised for storage of tools and fertilisers. The smaller size would encourage success. A garden could be up and running straight away. It is barely 1 km from the town centre and I am sure, being community minded, the members would readily give the few people who don't drive a lift in their car.

To the Shire of Toodyay,

Re: Submission Regarding Disposal of Property – Reserve 33931 (Old Works Depot)

I am writing to express concern regarding the proposed lease of 4000m² of Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Inc, as outlined in your public notice dated 30 July 2025.

While I support community initiatives such as the Toodyay Community Garden, I believe leasing out such a large and valuable parcel of land for a 12-year term is not in the best interest of ratepayers. Toodyay has limited available land close to town, and long-term commitments of this scale should be carefully considered in light of broader community needs and future planning.

It would be more appropriate for the Community Garden to be located at the Shire Depot, where other community groups are already based. This would foster collaboration, reduce infrastructure duplication, and make better use of existing resources.

If relocation to the Shire Depot is not feasible, I urge the Shire to reconsider the scale of the lease. A 1000m² allocation would be more suitable and aligns with the area previously requested by the group at another location. This compromise would still support the garden's goals while preserving land for other potential community uses.

Thank you for considering this submission. I trust the Shire will act in the long-term interest of all Toodyay residents.

Sincerely,

Toodyay Shire Councillors,

It is with celebration that the Toodyay Community Garden Group has been successful in securing a site for their community garden.

The Moondyne Men Inc wish to congratulate the Shire of Toodyay and the Community Garden Group in achieving this milestone.

As a community group also, we will offer our support to this new venture in ways our group and membership are able to.

It is encouraging that this new group and their proposed infrastructure will also support other community groups within the Shire of Toodyay adding greater diversity in activities available to residents and rate payers.

We wish them all the very best in this progressive venture for Toodyay.

Dear Chief Executive Officer,

I am writing to offer my strong support for the following proposed dispositions:

1. **Reserve 33931 (Old Works Depot) – Lease to Toodyay Community Garden Inc. until 2037 at \$300 p.a.**

I wholeheartedly support this lease. The Community Garden is a vital part of Toodyay's social and environmental fabric, providing a place where people of all ages can connect, share skills, and promote sustainable living.

Concerns have been raised about the potential loss of 40% of the land area currently used for overflow parking during two annual events. However, this area is not a zoned or developed car park, and any short-term inconvenience is far outweighed by the immense community benefit the garden development will bring year-round.

Thank you for the opportunity to comment on these matters, all of which I believe will have positive, lasting benefits for the Toodyay community.

Reserve 33931 (Old Works Depot) – 4000m²

Toodyay Community Garden Inc

Toodyay Shire Records;

On behalf of the Management Committee of The Butterly Cottages Association inc., we would like to support the concept of a Community Garden here in Toodyay.

Although some of the Committee have reservations about the use of the land proposed and the work needed to make it into the thriving meeting place intended. We as a group, can see the merit in such a community endeavour.

From this point of view, the Management Committee of Butterly Cottages, support the concept and wish the success of this venture.

Kind Regards,

To the Shire of Toodyay,

Re: Submission Regarding Disposal of Property – Reserve 33931 (Old Works Depot)

I am writing to express my objection to the proposed lease of 4000m² of Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Inc, as outlined in your public notice dated 30 July 2025.

While I strongly support the concept of a community garden, I believe that allocating such a large and strategically located parcel of land for a 12-year lease is not in the best interest of ratepayers.

Toodyay has limited land resources available close to town, and long-term commitments of this scale should be reserved for uses that serve a broader cross-section of the community.

A more suitable location for the Community Garden would be the Shire Depot, where other community groups are already based. This would encourage collaboration, reduce infrastructure duplication, and make better use of existing facilities.

I urge the Shire to reconsider this proposal and explore alternative locations that better reflect the long-term interests of the Toodyay community.

Kind regards

15th August 2025

Letter of support for proposed Toodyay Community Garden.

CEO: Mr Aaron Bowman

Councillors: Mike McKeown, Michelle Dival, John Prater, Rosemary Madacsi,
Danielle Wrench, Charmaine Duri, Steven McCormick.

To CEO and all Councillors.

Many conversations have been held over as many years discussing the option of a Community Garden within the Toodyay town site.

The ebb and flow of all these previous ideas have seen them go no further beyond discussions by enthusiastic people looking for the opportunity to take the plans to fruition in the shape of an actual garden.

Thankfully we have now overcome all previous hurdles being put forward and a location has been granted and offered for the development of our own Community garden.

Why should this new venture cause such excitement and anticipation, to answer that question, we ask.

What is a community garden and what will it bring to our community that we don't already have, if not a place to grow fruit, vegetables and flowers, a place for people to meet, have a chat, share ideas, learn new skills, teach, mentor, have a coffee, enjoy the sunshine, ownership, just to mention a few.

An area designed to meet not just people's physical needs but also their mental health, old and young, mobile and those not so mobile.

CWA encourages us all to strive and achieve, to look beyond, to share with others, our own motto embraces all the positive aspects of a community garden.

Please accept this letter as a welcome support to our community's newest venture.



Code of Conduct

**for Council Members, Committee
Members and Candidates**



Approved by Council Resolution on 22 November 2023

Resolution Number: OCM269/11/23

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Code of Conduct for Council Members, Committee Members and Candidates

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Introduction

This is the Code of Conduct adopted in accordance with section 5.104 of the *Local Government Act 1995*.

The purpose of the model code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.

The Code of Conduct should be read in conjunction with the *Model Code of Conduct Regulations 2021* and the *Shire of Toodyay Standing Orders Local Law 2008*.

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform;

local government means the Shire of Toodyay.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(3) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(4) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision-making in an honest, fair, impartial and timely manner;

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- and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (5) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (6) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

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9. Relationship with others

As a representative of the Shire of Toodyay, a council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the council; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The Council must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has

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Code of Conduct for Council Members, Committee Members and Candidates

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occurred.

- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

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14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

- (1) Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- (3) A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907*, or the *Commonwealth Electoral Act 1918*;

resources of a local government includes —

 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or

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- (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or the Criminal Code section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

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Code of Conduct for Council Members, Committee Members and Candidates

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confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —
 - interest** —
 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

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- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Reference Information

Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and Candidates Policy

Shire of Toodyay Standing Orders Local Law 2008

[Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates - Department of Local Government, Sport & Cultural Industries](#)

Legislation

s.5.104 [Local Government Act 1995](#)

Local Government Act 1995 - Division 9 Model Code of Conduct Regulations 2021

[Schedule 1 – Model Code of Conduct - Local Government \(Model Code of Conduct\) Regulations 2021](#)

Associated documents

[Complaint about Alleged Breach form](#)

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V1	27 April 2021	Review	The Department	Council
V2	22 Nov 2023	Reformatted	Executive Services (using legislation in place)	Council

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Code of Conduct for Council Members, Committee Members and Candidates

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Signed as understood and returned as part of Induction pack

_____ (Sign)

Name: _____

Date: _____

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Code of Conduct

for Council Members, Committee Members and Candidates



Approved by Council Resolution on ~~22 November 2023~~30 October 2025

Resolution Number: ~~OCM269/11/23~~t.b.a.

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

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Introduction

This is the Code of Conduct adopted in accordance with section 5.104 of the *Local Government Act 1995*. The purpose of the model code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.

The Code of Conduct should be read in conjunction with the *Model Code of Conduct Regulations 2021* and the *Shire of Toodyay Standing Orders Local Law 2008*.

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform;

local government means the Shire of Toodyay.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(3) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(4) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision-making in an honest, fair, impartial and timely manner; and

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

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- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

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

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9. Relationship with others

As a representative of the Shire of Toodyay, a council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the council; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The Council must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has

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

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occurred.

- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

Adopted by Council on: 30/10/2025

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

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14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

- (1) Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
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- (1) This Division sets out rules of conduct for council members and candidates.
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- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907*, or the *Commonwealth Electoral Act 1918*;

resources of a local government includes —

 - (a) local government property; and
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- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.

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

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- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or the Criminal Code section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
 - (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

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

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confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —
 - interest** —
 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

Adopted by Council on: 30/10/2025

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

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- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Reference Information

[Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and Candidates Policy](#)

[Shire of Toodyay Standing Orders Local Law 2008](#)

~~[Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates – Department of Local Government, Sport & Cultural Industries](#)~~

Legislation

s.5.104 [Local Government Act 1995](#)

~~[Local Government Act 1995 – Division 9 Model Code of Conduct Regulations 2021](#)~~

~~[Schedule 1 – Model Code of Conduct - Local Government \(Model Code of Conduct\) Regulations 2021](#)~~

Associated documents

~~[Complaint about Alleged Breach form \(contained in the Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and candidates\)](#)~~
~~Version control information~~

Version No.	Date Issued	Review position	Developed by	Approved by
V1	27 April 2021	Review	The Department	Council
V2	22 Nov 2023	Reformatted	Executive Services (using legislation in place)	Council

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

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Document control information	
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Document Category	Governance
Document Title	Code of Conduct for Council Members, Committee Members and Candidates
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Signed as understood and returned as part of Induction pack

_____ (Sign)

Name: _____

Date: _____

Adopted by Council on: 30/10/2025

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

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Code of Conduct

for Council Members, Committee
Members and Candidates



Approved by Council Resolution on 30 October 2025

Resolution Number: t.b.a.

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

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Introduction

This is the Code of Conduct adopted in accordance with section 5.104 of the *Local Government Act 1995*. The purpose of the model code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.

The Code of Conduct should be read in conjunction with the *Model Code of Conduct Regulations 2021* and the *Shire of Toodyay Standing Orders Local Law 2008*.

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Toodyay Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform;

local government means the Shire of Toodyay.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(3) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(4) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision-making in an honest, fair, impartial and timely manner; and

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

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- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

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9. Relationship with others

As a representative of the Shire of Toodyay, a council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the council; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The Council must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has

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occurred.

- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

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

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14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

- (1) Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- (2) A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907*, or the *Commonwealth Electoral Act 1918*;

resources of a local government includes —

 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.

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- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or the Criminal Code section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
- (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
- (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

Adopted by Council on: 30/10/2025

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

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confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —
 - interest** —
 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

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

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- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Reference Information

[Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and Candidates Policy](#)

[Shire of Toodyay Standing Orders Local Law 2008](#)

Legislation

s.5.104 [Local Government Act 1995](#)

[Schedule 1 – Model Code of Conduct - Local Government \(Model Code of Conduct\) Regulations 2021](#)

Associated documents

[Complaint about Alleged Breach form \(contained in the Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and candidates\)](#)

Document control information	
Document Category	Governance
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Access restrictions	Nil
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Date of next review	October 2027 or earlier if the <i>Local Government (Model Code of Conduct) Regulations 2021</i> are revised

Signed as understood and returned as part of Induction pack

_____ (Sign)

Name: _____

Date: _____

Adopted by Council on: 30/10/2025

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

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Audit, Risk and Improvement Committee Charter

Approved and adopted by Council on Thursday 27 March 2025 (CRN: OCM/061/03/25)

1. Introduction

- 1.1 Council must establish an Audit, Risk and Improvement Committee of 3 or more persons to assist the Council, pursuant to section 7.1A(1) of the *Local Government Act 1995*.

2. Role

- 2.1 The Committee assists the Council in fulfilling its oversight responsibilities in relation to the systems of risk management and internal control, the Shire's processes for monitoring compliance with laws and regulations, including the code of conduct, financial and performance reporting, and audit. The committee is not responsible for the management of these functions and cannot involve itself in management processes or procedures;
- 2.2 The Committee will engage with management in a constructive and professional manner to perform its responsibilities;
- 2.3 The Committee is responsible to and reports to Council;
- 2.4 Members of the Committee are expected to:
 - (a) understand the legal and regulatory obligations of the Council for governing the Shire of Toodyay;
 - (b) understand the Shire of Toodyay governance arrangements that support achievement of the Shire of Toodyay strategies and objectives;
 - (c) exercise due care, diligence and skill when performing their duties;
 - (d) adhere to the Shire of Toodyay's Code of Conduct for Council Members, Committee Members and Candidates, and the Code of Ethics of any professional body which they are a member of;
 - (e) help to set the right tone in the Shire of Toodyay, by demonstrating behaviours which reflect the Shire of Toodyay's vision, primary values and desired culture;
 - (f) be aware of contemporary and relevant issues impacting the local government sector; and
 - (g) respect that information provided to the Committee is to be used only to carry out their responsibilities, unless expressly agreed by Council; and
- 2.5 The Committee will prepare an annual work plan that outlines when it will perform key activities, in consultation with Council.



3. Authority

3.1 The Committee does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility or powers pursuant to section 7.1C of the *Local Government Act 1995*.

3.2 The Council authorises the Committee, in accordance with this Charter, to:

- (a) obtain any information it requires (subject to any legal obligation to protect information) for the purpose of fulfilling its duties, in consultation with the Chief Executive Officer;
- (b) request the attendance of any official, including the Council, at committee meetings in consultation with the Chief Executive Officer; and
- (c) provide advice and guidance to Council in terms of achieving Council's strategic direction which is illustrated via the adoption of the Shire of Toodyay Council Plan 2023-2033 and associated Integrated Planning Strategic documents.

3.3 The Audit, Risk and Improvement Committee may undertake other activities as requested by the Council, subject to section 7.1C of the *Local Government Act 1995* "Delegation to Audit, Risk and Improvement Committee.

4. Title of Committee

The committee shall be known as the 'Audit, Risk and Improvement Committee.'

5. Decisions made by the Committee

Decisions made by the Audit, Risk and Improvement Committee are to be made pursuant to 7.1CA of the *Local Government Act 1995*.

6. Membership

Membership shall consist of up to seven members.

6.1 Committee Members

- (a) When members of the Committee are formally appointed by Council under *absolute majority* most of the members must be Councillors pursuant to s.7.1A(2) of the *Local Government Act 1995*;
- (b) Council is required to review the membership of the Committee after every ordinary election day in accordance with s.5.11 of the *Local Government Act 1995*;
- (c) Where Council reviews the membership of the Committee, they may choose to re-appoint members based on their ability to contribute to the work of the committee. This ensures an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills, and experience.
- (d) The total length of time an independent community member can sit on the committee shall not exceed 6 years;



- (e) Where a person is appointed as a member of a committee the person's membership of the committee continues until:
 - i. the person resigns from membership of the committee; or
 - ii. Council removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or
 - iii. the committee is disbanded; or
 - iv. the next ordinary elections day,whichever happens first.
- (f) Where a vacancy arises for independent community members the process at 6.2.6 (b) of this charter applies;
- (g) Committee members will collectively have a broad range of skills, knowledge, and experience to competently perform their duties.

6.2 Appointment of Presiding and Deputy Presiding Member

6.2.1 Appointment made by Council

- (a) Council must appoint a member of a committee to be the Presiding Member of the Committee pursuant to section 5.12(1) of the *Local Government Act 1995* however the Presiding Member must be an independent Presiding Member pursuant to section 7.1A(3);
- (b) Council must appoint a member of the Committee to be the Deputy Presiding Member of the Committee (to chair the meeting if the independent presiding member is unable to do so) pursuant to section 7.1B(1) of the *Local Government Act 1995* however the Deputy Presiding Member must also be an independent Deputy Presiding Member pursuant to section 7.1A(4);

6.2.2 Knowledge and skills

The following criteria will be used when assessing applications:

- relevant professional qualifications (such as accounting, auditing, legal, Information technology, and business);
- relevant professional knowledge and expertise;
- understanding of / or experience in local government;
- understanding of the role of corporate governance in organisations; and
- previous experience on similar committees.



6.2.3 Independence

To ensure the committee maintains its independence and is seen as being independent, neither the Presiding nor Deputy Presiding Member can be:

- A councillor of the Shire or of any other local government;
- An employee of the Shire or someone who is nominated by, or is to be appointed to represent any employee of the Shire;
- Have any operating responsibilities within the Shire;
- Provide any paid services to the Shire either directly or indirectly in any other role.

6.2.4 Term

- (a) appointments of the Presiding Member and the Deputy Presiding Member shall be for a maximum term of two years, with terms coinciding with the electoral cycle of the Shire.
- (b) A maximum of three terms (6 years) is to be set as the maximum for either position.

6.2.5 Remuneration

- (a) The Independent members upon submission of relevant paperwork will be reimbursed for the following:
 - i. Mileage to and from audit risk and improvement committee meetings at the rate set out in the salaries and allowance tribunal determination for Elected members; and
 - ii. 85% of the maximum allowance permitted to pay the independent members per the *Salaries and Allowance Act 1975*.

6.2.6 Recruitment process

- (a) If the Committee is of the view that current independent members meet the criteria set out in this guidelines then it may recommend to Council the continued appointment of the independent members for a further two years if the current member wishes to.
- (b) Where a vacancy arises, the following process will be undertaken:
 - i. The vacancy shall be publicly advertised pursuant to s.1.7 of the *Local Government Act 1995*;
 - ii. Applications shall be reviewed and assessed by an internal panel of Shire Officers that will include: The Chief Executive Officer, Executive Manager Finance and Corporate Services, and the Governance Coordinator;
 - iii. A report shall be provided to the Selection Panel which will consist of the Chief Executive Officer and the Shire



President; making a recommendation of shortlisted candidates for interview;

- iv. The Chief Executive Officer will prepare a report on the selection process and make a recommendation for the appointment of the Presiding and Deputy Presiding Members. The report shall be submitted directly to Council;
- v. The Chief Executive Officer will send out letters of appointment;
- vi. The Chief Executive Officer will conduct an induction with the appointed Presiding and Deputy Presiding Members.

Meeting Attendees While the CEO, nor his or her delegate, must not be a member of the Committee, it is important that they attend meetings to provide context on important issues impacting the Shire of Toodyay;

- 6.3 The Presiding Member of the Committee may, through the office of the Chief Executive Officer, invite other Council representatives, the CEO, Shire Officers, an Officer from the Auditor-General's Office, or the Auditor to present information to the meeting or to attend as an observer;
 - 6.4 The Committee will be administratively supported by a Shire Officer nominated by the Chief Executive Officer;
 - 6.5 Committee members can request attendance by electronic means pursuant to regulation 14C(2)(b) of the *Local Government (Administration) Regulations 1996*, when authorised to attend the meeting electronically by the Shire President or by Council; however the Shire President cannot authorise a member to attend a meeting electronically if the member's attendance would result in the member attending more than half of the meetings (including the proposed meeting) of the committee scheduled for the calendar year, pursuant to the provisions of Regulation 14C(3) of the *Local Government (Administration) Regulations 1996*; and
 - 6.6 Members must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting pursuant to regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*.
- 7. Responsibilities**
- 7.1 The Committee is an independent committee whose functions are in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*.
 - 7.2 The Committee assists Council in fulfilling its responsibilities in relation to:
 - (a) **Risk management, fraud and internal control**
 - i. providing oversight on significant risk exposures and control issues, including fraud risks, corporate governance issues, or other matters as necessary when requested by the Chief Executive Officer or Council;



- ii. review financial policies, governance policies, complaints management, conflict of interest, or public interest disclosure policies and make a recommendation to Council;
- iii. reviewing summary reports from the Chief Executive Officer on communication from external parties including regulators (i.e. LGIS, Office of the Auditor General, LGIS, Corruption and Crime Commission, etc) that indicate problems in the internal control system or inappropriate management of risk actions in accordance with Regulation 16 (c) of the *Local Government (Audit) Regulations 1996*;
- iv. annually reviewing the Shire of Toodyay's assurance map to ensure that risk and control activities are coordinated, communicated, and managed effectively;
- v. bi-annually reviewing the Shire of Toodyay's risk management framework and risk register dashboard to ensure that the Shire will achieve its strategic objectives related to governance;
- vi. reviewing the effectiveness of business operations and oversight frameworks, as the third line of defence within the Shire's risk management framework by considering and reviewing reports from the Chief Executive Officer on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, risk profiles, internal control, and legislative compliance. The Committee will make a recommendation to Council on the results of that review;
- vii. monitoring changes in government strategies, the economic and business environment and other trends and factors related to the Shire's risk profile by meeting periodically with key management, internal auditors, the OAG, and compliance staff, to understand and discuss the impact of these changes or trends on the risk profile;
- viii. reviewing whether Council has an effective Risk Management Framework, and, based on knowledge and understanding of the Shire's risks, that material business risks are appropriately reflected in the risk profile and reported to Council;
- ix. reviewing and assessing the effectiveness of processes for identifying, managing, treating, and mitigating the Shire's risks in accordance with the Shire's Risk Management Framework and ensuring that remaining risks align with the Shire's risk appetite;
- x. considering the adequacy and effectiveness of internal controls and the risk management framework by:
 - a. Reviewing reports from the Administration, Internal Audit, consultants, regulators, and the OAG and/or auditor.
 - b. ensuring risk registers consider risks that may impact whether the Shire of Toodyay will achieve its strategic objectives.
 - c. reviewing Shire's response to IT risks, including cyber risks.



- d. monitoring the Administration responses and ensuring timely correction actions are taken by the Administration.
- e. understanding the process of managing insurable risks and assessing whether the Shire of Toodyay has adequate insurance cover for these risks.
- f. assessing whether the Administration has controls in place for non-routine types of transactions and/or any potential transactions that might carry an unacceptable degree of risk.
- g. enquiring with the Administration and the OAG and/or auditor regarding their assessment of the risk of material misstatement in the financial report due to fraud.
- h. enquiring with the Administration and the OAG and/or auditor about whether they are aware of any actual, suspected, or alleged fraud or corruption affecting the Shire, including any response to the matters.
- i. reviewing the Shire's processes and systems to detect, capture and respond to fraud risks, including preventative measures.
- xi. reviewing the business continuity planning process and be assured that material risks are identified and appropriate business continuity plans, including disaster recovery plans, are in place;
- xii. reviewing summary reports on all suspected, alleged, and actual frauds, thefts, and breaches of or non-compliance with laws, regulations and standards and ensuring these are reported to the Council and/or relevant authorities; and
- xiii. reviewing summary reports on communication from external parties including regulators that indicate problems in the internal control systems or inappropriate management actions.

(b) Compliance and ethics

- i. understanding Council's compliance framework including its obligations, the officers responsible for compliance activities and Administration oversight and review of these processes;
- ii. considering the impact of Council's culture on compliance processes;
- iii. aware of the Shire's processes for communication and the Shire's Code of Conduct;
- iv. assessing the effectiveness of, and compliance with, the Shire of Toodyay's Code of Conduct;
- v. obtain updates from the Complaints Officer appointed by Council;
- vi. overseeing compliance by reviewing arrangements that monitor the impact of changes in key laws, regulations, internal policies, and accounting standards affecting Shire of Toodyay operations;



- vii. review the annual Compliance Audit Return in accordance with the *Local Government (Audit) Regulations 1996* and report to the Council the results of that review;
- viii. obtaining updates from the Chief Executive Officer on matters of compliance and ethical matters that may have material impact on the Council's financial statements, strategy, operations, health and safety or reputation; and
- ix. review of the Disclosure of Interests Register and the Delegation and Returns Register.

(c) Financial and performance reporting

- i. reviewing the annual financial statements and provide advice to the Council about whether they should be accepted by Council. This review includes assessing:
 - a. whether the financial statements comply with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards;
 - b. whether the financial statements accurately reflects the Shire of Toodyay's financial position and performance, and if not, whether additional disclosures are required;
 - c. the appropriateness of accounting policies and disclosures, including changes to accounting policies;
 - d. areas of significant judgement, estimation and significant or non-routine transactions;
 - e. whether appropriate Administration action has been taken in response to any issues raised by the OAG and/or auditor, including financial statement adjustments or revised disclosures;
 - f. the quality of the Shire of Toodyay's processes for preparing the financial statements, including how Administration has checked that they comply with relevant requirements; and
 - g. significant issues, errors or discrepancies in the draft financial statements and ensuring members understand the reasons why these occurred.
- ii. receive and review the report from the Chief Executive Officer in regard to the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to financial management, internal control, and legislative compliance; and
- iii. determine whether appropriate action has been taken in response to any issues reported by the Chief Executive Officer in terms of the quality of the Shire's processes for preparing financial statements, and how



significant issues, errors or discrepancies in the financial statements are communicated to members.

(d) Audit

The Committee will have an opportunity to meet with the OAG's Auditor at least once in every year to be able to discuss the results of financial and performance audits conducted within the Shire of Toodyay, including any difficulties encountered during the conduct of the audit, restrictions on scope of activities or access to information.

Other committee responsibilities may include:

- i. liaising with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation;
- ii. receiving the Administration's response to OAG and/or Auditor findings and recommendations;
- iii. receiving reports from the OAG and/or Auditor including Auditor's reports, closing reports and Administration letters, and discussing any significant resolved, or unresolved disagreements within the reports provided to the Shire;
- iv. receiving a copy of representation letters signed by the Chief Executive Officer;
- v. reviewing performance audits conducted at the Shire of Toodyay and ensuring that agreed recommendations are implemented;
- vi. reviewing results of relevant OAG and/or auditor's audit reports and better practice publications for guidance on good practices, including any self-assessment by the Administration;
- vii. reviewing the form and content of the Auditor's report on the local government's financial and performance report. This may include any proposed modification, emphasis of matter, key audit matters, other matters, and uncorrected misstatements in other information;
- viii. examine the reports of External Auditors after receiving a report from the Chief Executive Officer on the matters to:
 - (a) determine if any matters raised require action to be taken by the Council;
 - (b) review the implementation of any action so determined in respect of those matters; and
 - (c) determine whether appropriate action has been taken in response to any issues raised by the Office of the Auditor General and/or External Auditors, including financial statement adjustments or revised disclosures.



(e) Other responsibilities

Perform other activities related to the role of this Charter as requested by the Council.

8. Meetings

8.1 The Committee will meet at least 4 times each calendar year. Meeting dates are set by Council; and

8.2 A meeting of the Committee may be called at any time in accordance with the *Shire of Toodyay Standing Orders Local Law 2008*.

9. Independence and conflicts of interest

9.1 External members should consider past employment, consultancy arrangements and related party issues when making these declarations to the Council. In consultation with the Presiding Member, the Council should be satisfied that there are sufficient processes in place to manage any actual, perceived, or potential conflicts of interest;

9.2 At the start of each Committee meeting, members are required to declare any personal interests that may apply to specific matters on the meeting agenda. The Presiding Member, in consultation with the Committee where appropriate, is responsible for deciding if the members should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s); and

9.3 Details of any personal interests declared by the Presiding Member and other members, and actions taken to manage the conflicts, should be appropriately recorded in the meeting minutes and the Register of Financial Interests in accordance with Section 5.88(2)(b) of the *Local Government Act 1995*.

10. Performance Assessment arrangements

10.1 The Presiding Member of the Committee, in consultation with the Council, will review the performance of the Committee annually;

10.2 The review is performed with appropriate input from Council, Committee Members, Shire Officers, and other relevant stakeholders;

10.3 The Presiding Member will provide advice to the Council on the members' performance, particularly for external members, or members where an extension of tenure is being considered; and

10.4 The Committee will always consider the costs and benefits of activities the Committee performs.

11. Reporting

11.1 The Committee will, as often as necessary, and at least once a year, report to the Council on its operations and activities during the year and confirm to the Council that all functions outlined in this charter have been satisfactorily addressed; and

11.2 The Committee may at any time, report to the Council on any other matters it deems to be sufficiently important. In addition, any individual Committee members may request a meeting with the Council at any time.



12. Review of charter

- 12.1 The Committee will review the charter once every two years following local government ordinary elections or more frequently if required, with appropriate input from Committee Members and Shire Officers, and other relevant stakeholders;
- 12.2 The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will consider proposed amendments from the Committee when necessary to ensure that it accurately reflects the committee's role and responsibilities; and
- 12.3 Council will review and formally approve this charter.

Approval by Council – Resolution No OCM061/03/25

MV M-K
Signature – Shire President

11/6/2025
Date

Received by the Audit, Risk and Improvement Committee:

[Signature]
Signature – Audit, Risk and Improvement Committee Presiding Member

05/06/25
Date

Reference Information

- Committee Book endorsed by Council.
- Risk Management Framework endorsed by Council.

Legislation

- Local Government Act 1995
- Local Government (Audit) Regulations 1996

Associated documents

- Shire of Toodyay Standing Orders (Local Law) 2008(3.4, Part 13, and 17.6);
- Code of Conduct for Council Members, Committee Members and Candidates
- Statement of Business Ethics

Corporate Document Adopted by Council: 27/03/2025
Audit, Risk and Improvement Committee Charter

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Document control information	
Document Category	Governance
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Corporate Document Adopted by Council: 27/03/2025
 Audit, Risk and Improvement Committee Charter

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Bush Fires Act 1954**Part V** Miscellaneous**s. 67**

- (2) All courts, judges and persons acting judicially shall for the purposes of this Act take judicial notice of the signature to a certificate mentioned in subsection (1).
- (3) The averment in a claim, prosecution notice or other document in a prosecution or legal proceedings instituted for the purposes of this Act that a person is or was at the stated time the owner or occupier of land, is to be presumed as proved in the absence of proof to the contrary.

[Section 66 inserted: No. 11 of 1963 s. 28; amended: No. 14 of 1996 s. 4; No. 81 of 1996 s. 153(1); No. 57 of 1997 s. 26(3); No. 84 of 2004 s. 80; No. 28 of 2006 s. 392; No. 60 of 2006 s. 126; No. 47 of 2011 s. 16.]

67. Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and

Bush Fires Act 1954

Miscellaneous

Part V**s. 68**

- (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
- (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

[Section 67 inserted: No. 11 of 1963 s. 28; amended: No. 67 of 1970 s. 5; No. 65 of 1977 s. 45; No. 14 of 1996 s. 4.]

68. Regional advisory committees

- (1) A group of 2 or more local governments may by agreement join in appointing a regional bush fire advisory committee to assist them in the performance of their functions under this Act.
- (2) Where a group of local governments agree to appoint a committee under this section —
 - (a) those local governments, by agreement —
 - (i) shall fix the number of members of the committee and the quorum for the transaction of business at meetings of the committee;
 - (ii) shall determine the interests to be represented on the committee;
 - (iii) may make rules for the guidance of the committee;
 - and
 - (b) each of those local governments —

3.7 Local Emergency Management Committee

Background

Under sections 38 - 40 of the EM Act, local governments are required to establish and carry out the functions of a local emergency management committee.

Local governments are the closest level of government to their communities and have access to specialised knowledge about the local environment and demographic features of their communities. Local governments also have specific responsibilities for pursuing emergency risk management as a corporate objective and as good business practice.

Procedure

LEMC

Each local government is required to establish, administer and maintain a LEMC. In order to meet this requirement, a local government may:

- have a single committee (i.e. one LEMC covers the entirety of the local government district)
- have more than one committee (i.e. if there are areas with very different emergency management needs within a local government, each area may have a separate LEMC. The entirety of the local government district must be covered, and the boundaries of the individual committees must be clearly set out)
- join with another local government and establish a LEMC for their combined districts (i.e. if two local governments are closely located and have very similar emergency management needs, the LEMC may cover more than one local government district).

LEMC Membership

Noting the requirements of the EM Act, the following provides guidance on the composition of LEMCs:

- the Chair should be an elected member of council
- the Local Emergency Coordinator should be appointed as Deputy Chair
- an Executive Officer, who should be an officer of the relevant local government, and should be appointed to coordinate the business of the committee and/or provide administrative support
- the Local Recovery Coordinator, being the person nominated in the Local Recovery Plan (section 41(4) EM Act), should be appointed a member of the committee
- consideration should be given to appointing local government officers engaged in key roles and functions affecting emergency management (for example, community services, engineering services, corporate services or planning)
- membership should include representatives from emergency management agencies in the local government district (for example, the Department of Fire and Emergency Services) emergency relief and support agencies or non-government organisations (for example, the Department of Communities, the Red Cross or Salvation Army), industry representatives (especially the owners or operators of hazardous facilities located within the local government district)
- consideration should be given to appointment of persons able to represent or advise on the interests of CaLD community members or community members with special needs

3.0 | PREPAREDNESS

- LEMCs should, where possible include representatives of local Aboriginal community organisations to provide advice and guidance to the LEMC and to promote appropriate engagement with the local Aboriginal communities.

Where the local government identifies the need for representation from a sector for which there is no local representative, an appropriate alternative representative may be identified from existing community members. For example, specific arrangements may be made in which a local general practitioner attends the LEMC meetings as a representative of the medical services in the district, if the Director of Nursing from the nearest hospital cannot attend.

The term of appointment of LEMC members shall be as determined by the local government in consultation with the parent organisation of the members.

During the drafting process, the District Emergency Management Advisor responsible for the region may be consulted to provide advice on all facets of the process (i.e. structure, process and legislation).

LEMC Membership Roles and Responsibilities

In addition to the normal roles assigned to office bearers of a committee, the following roles are specific to the needs of a LEMC.

The Chair will ensure the appointment of an Executive Officer and ensure that the Council is kept fully informed of emergency management discussion and significant outcomes from LEMC meetings.

The Deputy Chair should deputise for the Chair as required and chair any subcommittees or working groups.

The Executive Officer should:

- coordinate the development and submission of committee documents in accordance with legislative and policy requirements including an Annual Report, Annual Business Plan and maintenance of LEMAs
- provide advice to the Chair and LEMC as required
- facilitate communication between the LEMC and Executive Officer of the relevant DEMC.

LEMC Meeting Frequency

LEMCs should meet quarterly or more frequently if required.

LEMC Meeting Business

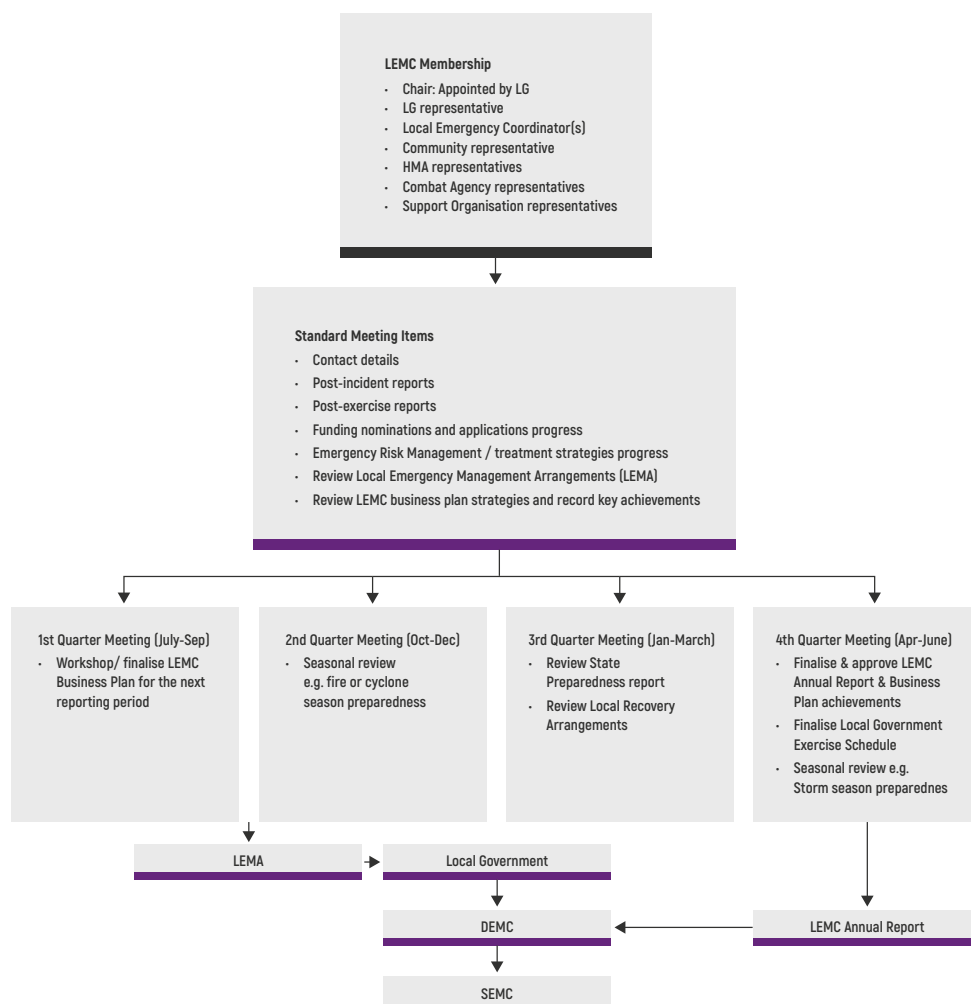
Agenda items to be considered, in line with the annual reporting requirements, should include:

- confirmation of LEMA contact details and key stakeholders
- committee membership and resources
- status of LEMA including local recovery plans
- exercises that include the local government(s) and/or test the LEMA
- subcommittees or working groups
- projects undertaken
- key achievements.

Additional considerations should include:

- local training needs or opportunities
- funding opportunities, (for example, the Natural Disaster Resilience Program and All West Australian Reducing Emergencies
- Incident Support Group (ISG) activations/or incidents
- emergency risk management processes – including any treatment strategies
- post-incident reports and post-exercise reports
- finalising the annual report and arranging for it to be forwarded to the relevant DEMC for annual report compilation.

Meeting Business Cycle Example



Key Regional Organisations



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Representation Summary

This table provides information on the current representation.

Representation on key regional organisations						
Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
Avon Midland Country Zone of the WA Local Government Association	Bi-monthly from February	Usually a Friday	Zones are groups of geographically aligned member Councils who are responsible for direct election of State councillors, providing input into policy formulation and providing advice on various matters.	Shire President and Deputy Shire President	No.	WALGA
Rural Water Council of WA	Every four months commencing from March	Usually a Friday	Provides a voice to government on water issues affecting rural areas and towns and advocates for funding for water projects.	Shire President and Deputy Shire President	No.	External
Avon Regional Organisation of Councils	Bi-monthly Governance Group Meetings	2 nd Monday between March and November	Formed under a Memorandum of Understanding with the Shire's of Goomalling, Chittering, Northam, Toodyay, Victoria Plains and York.	Shire President and Deputy Shire President	No.	CEO
Wheatbelt Regional Road Group North Main Group	Twice a year	March and late September	Established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to the SAC regarding the Annual Local	The Avon Regional Road sub-group will nominate four Councillors to represent them on the main group <u>and</u> Wheatbelt Secondary Freight. Executive Manager - Infrastructure, Assets & Services attends when	No	WALGA

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Representation on key regional organisations						
Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
			Government Roads Program for their Region and any other relevant issues.	invited by the organisers of the main group.		
Regional Road Group Avon Subgroup	4 times a year	Depends upon scheduling	The group is a sub-group of the main group called Wheatbelt Regional Road Group (North) noted above in this table. The subgroup will nominate four Councillors to represent them on the main group <u>and</u> Wheatbelt Secondary Freight.	<u>Any</u> Councillor can be nominated. Nomination in October 2023 was for the Shire President as Primary Delegate and the Deputy Shire President as Proxy delegate. Executive Manager - Infrastructure, Assets & Services	No.	WALGA
Development Assessment Panels	Irregular	Depends on availability	To enhance planning expertise by improving the balance between technical advice and local knowledge.	2 primary Councillors [Crs Duri and Wrench] 2 deputy Councillors [Crs Dival and Prater]	Yes	Dept of Lands Planning & Heritage
Wheatbelt Emergency Management Committees	quarterly	Depends on availability often Wednesdays from 10-12. Travelling location and online availability	Nomination to the Committee, as an observer will assist in improvement of information flow between district and local levels as well as demonstrate the Shire's commitment to community safety and compliance with the state emergency management policy.	Deputy Shire President as a Primary nominee as an observer	No but is available	External

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Representation on key regional organisations						
Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
Wheatbelt Development Commission	Irregular	Depends on availability	The Wheatbelt Development Commission facilitate long term development of the Wheatbelt by being a forward-thinking regional development agency. We are committed to connecting government and the private sector to create practical solutions for our region	two Ministerial representatives, two Community representatives and two Local Government representatives. Cr Madacsi is a Board Member until 31 Dec 2025. Council can nominate one person when the board nominations open.	No	WDC

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External Representation

Information about key regional organisations to whom Council nominates representatives to is below.

1.1. Avon Midland Country Zone (AMCZ) of the WA Local Government Association

The Chairperson for AMCZ is Cr Ken M. Seymour (from the Shire of Moora).

The Executive Officer is Mr Robert Dew, whose details are below.

- Phone - (08) 9620 1234
- Mobile - 0429 962 013 E-mail - tambin@westnet.com.au
- Post - PO Box 70, Wongan Hills 6603



The WA Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia, advocating on behalf of WA's 139 Local Governments. WALGA is not a government department or agency.

The WALGA governance structure comprises of the State Council and Zones. Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Elected Members, providing input into policy formulation and providing advice on various matters.

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Key Regional Organisations – Administrative Reference tool

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The Avon-Midland Country Zone of WALGA represents the Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam Toodyay, Victoria Plains, Wongan-Ballidu and York.

The Shire President and the CEO attend Zone meetings which are held quarterly.

[View Zones listing and Minutes from past Zone meetings](#)

Minutes from Zone meetings are available at the following link:
<https://walga.asn.au/About-WALGA/Structure/Zones/Avon-Midland-Country-Zone.aspx>

Delegates nominated by Council

The Shire President and the Deputy Shire President are nominated before the first week of November to enable delegates to put their hand up for positions within the Zone such as Zone President; Zone Deputy President; Zone Representative to State Council; and Zone Deputy Representative to State Council. Only delegates to the Zone are eligible to nominate for these positions.

Frequency of Meetings

Zone meetings are held regularly. Dates are provided by the Executive Officer.

21 November 2025	Shire of Wongan-Ballidu
20 February 2026	Shire of Moora
24 April 2026	Shire of Goomalling
19 June 2026	Shire of Gingin
21 August 2026	Shire of Chittering (Wheatbelt Forum)
20 November 2026	Shire of Toodyay

1.2. Rural Water Council of WA Inc.

The Shire has been a member of the Rural Water Council since 2010 after the Rural Water Council had undertaken its review of their aims and operations.

The Rural Water Council provides an effective voice to Government on water issues affecting rural areas and towns and plays an important advocacy and lobbying role to ensure that effective allocations of funding are made to continue the upgrade of water projects.

The Executive Officer of the Rural Water Council of WA (Inc) is Mr Robert Dew.

His details are below:

Phone - (08) 9620 1234

Mobile - 0429 962 013

E-mail - tambin@westnet.com.au

Post - PO Box 70, Wongan Hills 6603

Delegates nominated by Council

The Shire President and the Deputy Shire President are nominated.

Frequency of Meetings

Meetings are held regularly. Dates are provided by the Executive Officer.

1.3. Avon Regional Organisation of Councils (AROC)

AROC stands for "Avon Regional Organisation of Councils."

AROC was formed in 1999 through the use of a Memorandum of Understanding which is the group's Terms of Reference.

Refer to this link: <https://www.toodyay.wa.gov.au/council/council-meetings-committees/avon-regional-organisation-of-councils-aroc.aspx> for further information.

The Shire President and CEO participate in the Avon Regional Organisation of Councils (AROC) which exists under a Memorandum of Understanding to facilitate member local governments to:

- work together cooperatively to address regional problems, issues or challenges and advance the interests of the region;
- develop and implement resource sharing strategies or regional service delivery models;
- deliver training and development programs for Elected Members and/or staff; and
- undertake joint tendering or purchasing arrangements.

Meetings are held every two months with minutes presented to Council. Current member local governments of AROC are the Shires of Goomalling, Northam, Toodyay, Victoria Plains and York.

Some basic facts are as follows:

Regional Population: approx.23,671

Area: approx. 10,600 sq km

Year of Formation: 1999

Refer to the following link on the Shire website:

<https://www.toodyay.wa.gov.au/council/council-meetings-committees/avon-regional-organisation-of-councils-aroc.aspx>

Delegates nominated by Council

The Shire President and the Deputy Shire President are nominated.

Frequency of Meetings

AROC meetings are held at the time and at the place determined by the group.

The AROC Governance Group meets every two months.

The AROC Officers Group will meet in the alternate months when the Governance Group does not meet. Governance Group meetings are held in-person and Officer's Group via zoom.

1.4. Wheatbelt Regional Road Group North (WRRG) and the Avon Regional Road Sub-Group

After the local government ordinary elections, the Shire Council will elect a delegate and proxy to the Avon Subgroup. This has been the Shire President and Deputy Shire President historically.

Then the Avon Subgroup (SG) will elect a voting delegate and proxy to the Regional Road Group (RRG) and the Wheatbelt Secondary Freight Network (WSFN)

Councillors Trent (York) and van Gelderen (Goomalling) are the voting delegates to the Regional Road Group.

The Avon Subgroup sets the dates for the meetings, usually 4 per year.

The RRG meetings are held twice a year, usually in early March and late September.

This year the September meeting has had to be pushed back to 06/10/2025, due to the King's Birthday and a WSFN Steering Committee meeting.

Cr McKeown, Cr Dival, Aaron Bowman and Vanessa Crispe have all been invited, with a copy to records@toodyay.wa.gov.au.

For more information, a copy of the State Road Funds to Local Government Agreement and some information for Elected Members is available upon request.

Establishment of the Avon Regional Road Sub-Group

A Regional Road sub-group assists to identify road-funding priorities; considers local road issues to inform decision making by the Regional Road Group and provides advice to the WRRG.

1.5. Development Assessment Panels

Development Assessment Panels (DAPs) have operated in Western Australia since 2011 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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Information about these panels is available on line: <https://www.planning.wa.gov.au/development-assessment-panels/the-development-assessment-panels-areas-and-members>

There are three Development Assessment Panels that cover all local government districts across Western Australia, except Christmas Island and Cocos (Keeling) Islands. The geographical area and related local government districts of each DAP are described below.

- Metro Inner
- Metro Outer
- Regional

The Shire of Toodyay is in the regional DAP which includes 104 local government areas and is as diverse as it is large with locations varying from significant regional cities with urban environments, to small, remote communities and largely unpopulated expanses. As a result developments that may be considered by the Regional DAP could vary from central city or town urban developments to large infrastructure projects related to the resource sector or growing renewable energy sector.

Their purpose is to improve decision-making on significant development proposals by combining professional planning expertise with local government insight.

Panel Structure

Each DAP meeting is constituted by up to five DAP Members comprising three Specialist Members and two Local Government Members. Specialist Members can be either Regular Specialist Members or Sessional Specialist Members.

Each DAP comprises five members:

- Three specialist members; and
- Two local government members nominated by the relevant local government.

A quorum constitutes any three DAP members of which one must be the Presiding Member.

Council Nominations

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, Council is required to nominate:

- Two primary local government members (elected member); and
- Two alternate (proxy) local government members (elected member).

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Key Regional Organisations – Administrative Reference tool

Location: O:\Compliance\Corporate documents\Key Regional Organisations\Key Regional organisations.doc Modified: 17/10/2025 1:41 PM

These nominations are submitted to the Minister for Planning and Lands for formal appointment. Only elected members are eligible to serve as local government DAP members. Nominated members must complete mandatory training before participating in any DAP meeting.

Local government DAP Members bring local knowledge and insights of the local community, as well as any relevant expertise, to the assessment of development proposals.

Changes Introduced by the 2025 Regulations

The *Local Government (Development Assessment Panels) Regulations 2025* introduced several key changes:

- Administrative DAP functions, including the preparation of Responsible Authority Reports (RARs), must be performed only by the Chief Executive Officer (CEO) or an authorised employee. These functions cannot be performed by Council or a committee, nor can Council direct the CEO or staff in relation to these functions.
- The CEO may engage external professionals to assist with RARs, but this decision is at the CEO's discretion and not subject to Council direction.
- Conflict of interest provisions now apply to the CEO and authorised employees, with mandatory disclosure and penalties for non-compliance.

Training and Meeting Support

Mandatory training for DAP members is coordinated by the Department of Planning, Lands and Heritage.

Local government staff do not provide secretarial or minute-taking support for DAP meetings. All administrative and governance support is provided by the DAP Secretariat.

Meeting Frequency

DAP meetings are held on an as-needed basis, depending on the lodgement of eligible development applications. Meeting dates and agendas are managed by the DAP Secretariat.

Contact – DAP Secretariat

Postal Address: Locked Bag 2506, Perth WA 6001

Email: daps@dplh.wa.gov.au

Phone: (08) 6551 9919

1.6. Wheatbelt District Emergency Management Committee

Western Australia has 11 emergency management districts, each with its own District Emergency Management Committee (DEMC).

Each DEMC is chaired by a District Emergency Coordinator (WAPF Superintendent) and supported by a District Emergency Management Advisor as Executive Officer.

The key function of a DEMC is to help establish and maintain effective emergency arrangements in their district, as well as build capacity at a district level filling gaps where it may not exist at a local level.

DEMCs focus on risk in their district and provide guidance and information to the Local Emergency Management Committees (LEMCs) in the emergency management district. They support the LEMCs with advice on emergency management arrangements and participate in exercises and testing of local arrangements.

DEMCs report to the State Emergency Management Committee (SEMC).

Further information: <https://www.wa.gov.au/organisation/state-emergency-management-committee/district-and-local-emergency-management-committees>

The Wheatbelt DEMC runs a series of activities – such as a monthly EM webinar series, open access to any EM stakeholders across the district, and a bi-monthly EM newsletter. You are encouraged to interact with these engagements and should reach out to the DEMA – Shelby Robinson – for more information.

Representative nominated by Council

Council may endorse the nomination of a representative from the Shire of Toodyay to attend these meetings as an observer only.

1.7. Wheatbelt Development Commission

The Wheatbelt Development Commission has a Board comprised of two Ministerial representatives, two Community representatives and two Local Government representatives.

Local Government representatives must be currently on Council, and their application to become a member on the Commission's Board requires that they be nominated by Council. If they are not re-elected at an ordinary local government election, they will need to leave the Board.

The Wheatbelt Development Commission may seek nominations for one or two vacancies, depending on the term of office of the current representative.

The current representative from the Shire of Toodyay is Cr R Madacsi whose term expires on 31 December 2025.

The Board vacancies occur when the current representative's term has expired, so this can be any time, not necessarily annual.

A current Local Government representative may be reappointed, at the Minister's discretion.