



**Ordinary Council Meeting**

# **Minutes**

**26 November 2019**



## Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following 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 27 November 2019.



Stan Scott  
CHIEF EXECUTIVE OFFICER

## Confirmed Minutes

These minutes were confirmed at a meeting held on 17 December 2019.

Signed:  .....

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



## CONTENTS

<b>1.</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....</b>	<b>1</b>
<b>2.</b>	<b>RECORDS OF ATTENDANCE .....</b>	<b>1</b>
<b>2.1</b>	<b>APOLOGIES.....</b>	<b>1</b>
<b>2.2</b>	<b>APPROVED LEAVE OF ABSENCE.....</b>	<b>2</b>
<b>2.3</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>3.</b>	<b>DISCLOSURE OF INTERESTS .....</b>	<b>2</b>
<b>4.</b>	<b>PUBLIC QUESTIONS.....</b>	<b>2</b>
<b>4.1</b>	<b>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>2</b>
<b>4.2</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>4</b>
<b>5.</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>6</b>
<b>5.1</b>	<b>Ordinary Meeting of Council held on 29 October 2019.....</b>	<b>6</b>
<b>5.2</b>	<b>Special Meeting of Council held on 29 October 2019 .....</b>	<b>6</b>
<b>5.3</b>	<b>Agenda Briefing held on 19 November 2019 .....</b>	<b>7</b>
<b>5.4</b>	<b>Confidential Items .....</b>	<b>8</b>
<b>5.4.1</b>	<b>Ordinary Meeting of Council held on 29 October 2019 ....</b>	<b>8</b>
<b>5.4.2</b>	<b>Strategic Council Forum held on 12 November 2019.....</b>	<b>9</b>
<b>6.</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....</b>	<b>9</b>
<b>6.1</b>	<b>PETITIONS .....</b>	<b>9</b>
<b>6.2</b>	<b>DEPUTATIONS .....</b>	<b>9</b>
<b>6.3</b>	<b>PRESENTATIONS.....</b>	<b>9</b>
<b>6.4</b>	<b>SUBMISSIONS.....</b>	<b>9</b>
<b>7.</b>	<b>BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED).....</b>	<b>9</b>
<b>8.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion) .....</b>	<b>10</b>
<b>9.</b>	<b>REPORTS OF COMMITTEES AND EMPLOYEE REPORTS .....</b>	<b>10</b>



MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

<b>9.1</b>	<b>COMMUNITY DEVELOPMENT</b> .....	<b>11</b>
9.1.1	Reconciliation Action Plan & Reference Group.....	11
<b>9.2</b>	<b>PLANNING AND DEVELOPMENT</b> .....	<b>15</b>
9.2.1	Application for Development Approval – Excavation Works Associated with operation of a borrow pit for on-farm use – Lot 124 (#5799) Toodyay Road, Toodyay ....	15
9.2.2	Application for Development Approval – Lot 108 MacDonald Retreat, Dumbarton – Proposed Family Day-Care Centre .....	27
9.2.3	Application for Development Approval – Lot 101 Cobbler Pool Road, Morangup – Eco Tent Development.....	34
9.2.4	Lot 20 Boyagerring Road, Dumbarton – 3 to 6 Dog Application.....	45
<b>9.3</b>	<b>WORKS AND TECHNICAL SERVICES</b> .....	<b>49</b>
<b>9.4</b>	<b>CORPORATE SERVICES</b> .....	<b>49</b>
9.4.1	List of Payments – October 2019 .....	49
9.4.2	Monthly Financial Statements – October 2019 .....	52
<b>9.5</b>	<b>EXECUTIVE SERVICES</b> .....	<b>55</b>
9.5.1	Payments to Employees above Contract or Award Policy .....	55
9.5.2	Correspondence from the Department of Local Government .....	60
9.5.3	EOI Council Committees – Appointment of Community Members.....	62
<b>9.6</b>	<b>COMMITTEE REPORTS</b> .....	<b>68</b>
<b>10.</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b> .....	<b>68</b>
<b>11.</b>	<b>NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING</b> .....	<b>68</b>
<b>12.</b>	<b>QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</b> .....	<b>68</b>
12.1	Coondle Fire Shed (Septic System) .....	68
12.2	Coondle Fire Shed (Vehicular access).....	69



MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

12.3	Coondle Fire Shed (Security of volunteers' vehicles) .....	69
12.4	Visual impact of Shire-recommended developments on residents.....	69
12.5	Answers provided in Section 12 of September 2019 Ordinary Council Meeting .....	70
12.6	Borrow Pit.....	70
12.7	Extractive Industry Local Law .....	71
12.8	Tonnages extracted to date .....	71
12.9	Tonnages stated under the Act .....	71
12.10	Donation of sand .....	72
12.11	Donation vs commercial transaction .....	73
12.12	Seeking confirmation of gravel use .....	73
12.13	Rehabilitation of gravel quarry .....	73
12.14	Ceasing of operations .....	74
12.15	Councillors having access to different amounts of information 74	
12.16	Recreation Centre.....	74
12.17	Question 12.17 referred to a legal matter and will be responded to behind closed doors at Item No. 14 for Confidential Business. ....	75
12.18	Collette Way .....	75
12.19	Policy complies with Section 5.50 of the Act .....	75
12.20	Policy adopted in reference to Section 5.50 of the Act .....	75
12.21	Expenditure on gifts .....	75
12.22	Expenditure on gifts .....	75
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .....	75
13.1	MEMBERS.....	75
13.2	EMPLOYEES.....	75
14.	CONFIDENTIAL BUSINESS.....	75



MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

<b>12.17</b>	<b>Question 12.17 referred to a legal matter .....</b>	<b>76</b>
<b>14.1</b>	<b>2020 Governor’s Australia Day WA Citizen of the Year Awards Report .....</b>	<b>77</b>
<b>14.2</b>	<b>CEO Recruitment.....</b>	<b>78</b>
<b>14.3</b>	<b>Sport and Recreation Precinct Update .....</b>	<b>82</b>
<b>15.</b>	<b>NEXT MEETINGS .....</b>	<b>82</b>
<b>16.</b>	<b>CLOSURE OF MEETING.....</b>	<b>82</b>

---

**ATTACHMENTS** *with separate index follows Item 16.*

---



# Shire of Toodyay

---

ORDINARY COUNCIL MEETING – 26 NOVEMBER 2019

## MINUTES

### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4.05pm.

The Shire President advised those present that all mobile phones and recording devices be switched off and advised that the recording of any part of the meeting was not allowed.

The Shire President advised those present the location of the exit doors in case of an emergency.

### 2. RECORDS OF ATTENDANCE

#### Members

Cr B Manning	Shire President
Cr R Madacsi	Deputy Shire President
Cr B Bell	
Cr T Chitty	
Cr P Greenway	
Cr P Hart	
Cr S Pearce	
Cr B Rayner	
Cr B Ruthven	

#### Staff

Mr S Scott	Chief Executive Officer
Ms A Bell	Manager Community Development
Mrs N Rodger	Acting Manager Corporate Services
Mrs M Rebane	Executive Assistant

#### Visitors

H Appleby	M Leggett	B Keens
M Sinclair-Jones	M Wood	T Boyd
A Boyd	L Johnson	P Ruthven
S Cousins	R Pearce	J Hart
E Ross	B Foley	M Stuart
J Hansen	P Robinson	K Wilson
A Ray		

### 2.1 APOLOGIES

Mr K Nieuwoudt	Manager Planning & Development
Mr S Patterson	Manager Works and Services

## 2.2 APPROVED LEAVE OF ABSENCE

Nil

## 2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Pearce requested that she be granted Approved Leave of Absence from 13 January 2020 to 27 January 2020 inclusive.

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 274/11/19

**MOVED** Cr Rayner

**SECONDED** Cr Ruthven

That Cr Pearce be granted a Leave of Absence from the 13 January 2020 to 27 January 2020 inclusive.

**MOTION CARRIED 9/0**

## 3. DISCLOSURE OF INTERESTS

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

***Cr Chitty declared an Impartiality Interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 in relation to Agenda Item 9.2.1 as her son Jack Wood is the Applicant/Proponent.***

***Cr Hart declared a Closely Associated Persons Interest pursuant to Section 5.62 of the Local Government Act 1995 in relation to Agenda Item 9.5.3 EOI Council Committees – Appointment of Community Members, as one of the applicants is his spouse.***

## 4. PUBLIC QUESTIONS

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

At the Ordinary Meeting of Council held on 29 October 2019, the following questions were taken on notice.

Cr Madacsi

Summary of Question One

In respect to Question One from the September 2019 Council Meeting the (a), (b) and (c) or the questions appear not to have been completely responded to. Could they be?

- (a) Does Council have a policy or guideline that governs the waiving or subsidisation of fees, charges, rates and rents owed to the Shire of Toodyay?

*The Shire of Toodyay does not have a policy however under CS7 of the Delegation register, the CEO has delegated authority to defer, grant discounts, waiving or writing off of debts up to \$2,000.*

- (b) If so, is this request within the framework described? If not, what is the precedent to support his request and does this request apply equally to other community service groups?

*Council has in the past provided rates concessions to St John Ambulance and Butterly Cottage Association.*

- (c) It is noted that like groups occupying Shire property vary in monies due to the Shire for example the Men's Shed pay a peppercorn lease whereas the RSL do not so will these costs be waived in the interest of equity and community support?

*Each group that leases a Shire property, including community groups, negotiate a lease in good faith as does the Shire.*

*In the case of the Men's Shed all that is leased is an area of land with a peppercorn lease. The buildings on that land have been funded entirely by the Men's Shed through grants and fund raising. The lease was a Council decision.*

*The RSL submitted an expression of interest to lease the former parks and gardens shed through a public process with the outcome determined by Council. The amount offered as a lease payment was part of that process and was agreed by Council. The RSL does not start paying the lease until the redevelopment has been completed. Council is also contributing to the development project.*

*Both of the above were Council decisions.*

#### Cr Ruthven

##### Summary of Question One

In respect to Question Four from the September 2019 Council Meeting where it says "with the approval of the affected members" what does that mean and who gave the approval?

***The response provided at the meeting held in October 2019 was as follows:***

*When they are talking about members they are talking about member local governments. The CEO advised that he would track down the correspondence related to that and provide it to Council.*

***The "Information from LGIS" that the CEO referred to above is an attachment to the Agenda of the Nov 2019 Council Meeting.***

#### Cr Ruthven

Clarification was sought in relation to the LGIS Attachment which was in the attachment to the minutes.

##### Summary of Question One

Who made the decision to enter into the LGIS Mutual Scheme?

*The CEO advised that "the decision would have been made by the Council in the mid 1990's in relation to the LGIS Liability Mutual Scheme. As one of the 138 local governments in Western Australia,*



*the Shire of Toodyay is a member of the collective local governments that are members of the LGIS. We will endeavour to track down the resolution.*

#### **4.2 PUBLIC QUESTION TIME**

B Foley

Summary of Question One

What is the position of the Local Cat Laws, have they been Gazetted and now in force.

*The Cat Local Law 2018 was gazetted on 12 October 2018 and is now in force. It is available for download electronically on the Shire's website at <http://www.toodyay.wa.gov.au/Council/Shire-Documents>.*

Summary of Question Two

The state of Bindoon Dewars Pool Road from 7km to the Shire Boundary is degrading on the edges to a point where either caravans and or trucks have to drop a wheel off the bitumen in a few places. I would like to see a survey being done along this road to determine what needs to be done over the coming years to keep this 110km/hr road in good condition, thus allowing the work to be included in forthcoming budgets.

*The Shire of Toodyay currently has a traffic counter set up on Dewar's Pool Road to analyse vehicle movements over a number of weeks. With this data the Shire will be in a position to apply for grant funding to reconstruct and widen the section near the intersection of Hakea Road which is currently the most intensive in terms of maintenance and edge breaks. In the short-term a works request has been entered to have the road shoulders maintained and edge breaks repaired when the maintenance crew are next available. It will be investigated whether temporary warning signage is appropriate to warn drivers.*

Summary of Question Three

I am told that there is some concerns with the new Fire Truck at Coondle Fire Station with access to properties. It appears that not a lot of residents are complying with the 4 metre height rule. I don't know how many properties have been inspected to date, but the BFB are sending a smaller vehicle in first to ensure access, and turnaround areas, this increases time to attend. If doubtful they will not go down that firebreak and this could result in someone losing their house. Also this truck is having a problem turning at fence junctions, I know in my case at a fence line junction my fire breaks are at 90 degrees and tight, the truck has to make a number of small turns to get around, I have now removed brush etc. to make the corner radius greater so that it can turn in one go. This is something when doing inspections should be asked of the property owner.

*Residents are required to comply with Shire of Toodyay firebreak notice which outlines heights and widths, and is issued in the rates*

*pack. Rangers are currently inspecting firebreaks across a number locations however limited resources mean not all properties can be inspected each year. The end responsibly lies with the property owner to ensure firebreaks are installed and maintained to a suitable standard, should fire fighters deem a track too restrictive for that vehicle; yes, they will not attempt to negotiate it.*

#### Summary of Question Four

The Department of Water and Environmental Regulation are developing four initiatives to improve the consistency, transparency and quality of information which will enable better management of our State's native vegetation. They are seeking feedback from November 2019 to February 2020. I believe the Shire should be involved as we have a high percentage on Native Vegetation within the Shire. On their website under Consultations they have all the details. On December 3rd in Northam they are holding a workshop which should be attended by Shire staff. I am unable to attend this but representative from the Toodyay Naturalist Club will be attending.

*Agreed. An agenda item is being prepared for the EAC. There is a separate consultation forum for Local Government and we will be represented.*

#### Summary of Question Five

Where are we at with the Community Bus?

*Our intention was to purchase it in the second half of the financial year.*

A Boyd

Why hasn't Mr Wood mentioned where the roads are that he plans to construct?

*That information has not been given to the Council but may be in the Officer's Report. We cannot elaborate because we do not have Planning Staff present.*

Why hasn't the applicant mentioned how much gravel is required?

*As to what Mr Wood has mentioned about the gravel requirements that is a matter for the applicant to decide upon.*

Can the firebreak be used as a road access?

*The Shire President conferred with the CEO. There is not a restriction at all in respect to landholders using their firebreak as a road access. It would not be surprising that it would be used for other purposes if there is an opportunity to do so.*

Will any on-the-spot fines be enforced if he doesn't comply with conditions?

*I am not sure about the system nor processes used in relation to the conditions placed upon Planning and Development approvals. My understanding is that Council has not resorted to that sort of enforcement penalty.*

*The CEO advised that the usual approach for non-compliance of planning conditions is that a Notice will be given to the proponent. If they fail to comply they may be prosecuted and taken straight to court. We do have the capacity to enforce conditions imposed under the Planning and Development Act 2005 and the penalties under that act are quite high.*

Does he propose to use borrow pit all year round or will it be used minimal during winter months?

*We have not been supplied as to the intentions of the applicant. The application is for the upkeep of roads on the property so I assume he will use the borrow pit as and when required.*

*If the proposal did go ahead is it possible to review every couple of years*

*That will be up to Council.*

*Is it possible for the matter to be deferred for response until the next meeting?*

*That will be up to Council.*

## 5. CONFIRMATION OF MINUTES

### 5.1 Ordinary Meeting of Council held on 29 October 2019

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 275/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Rayner

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 29 October 2019 be confirmed.

**MOTION CARRIED 9/0**

### 5.2 Special Meeting of Council held on 29 October 2019

Cr Madacsi moved the Officer's Recommendation as follows:

**That the Unconfirmed Minutes of the Special Meeting of Council held on 29 October 2019 be confirmed subject to an amendment being made to Resolution No 272/10/19 whereby the nomination of persons elected as a representative on the Avon Midland Country Zone of the WA Local Government Association should only read as the Shire President because even though the CEO attends the zone meetings, the Shire President is Council's delegate and in his absence, the Deputy Shire President acts in his place.**

Cr Bell seconded the motion.

Clarification was sought.



Cr Manning moved an amendment to the motion as follows:

**That an amendment be made to Resolution No 241/10/19 whereby the votes were equally divided 4/4 in relation to the amendment and the Shire President cast a vote against the motion.**

Cr Madacsi accepted the amendment to the motion.

Cr Bell seconded the amendment.

The substantive motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 276/11/19**

**MOVED** Cr Madacsi

**SECONDED** Cr Bell

That the Unconfirmed Minutes of the Special Meeting of Council held on 29 October 2019 be confirmed subject to an amendment being made to:

- Resolution No 272/10/19 whereby the nomination of persons elected as a representative on the Avon Midland Country Zone of the WA Local Government Association should only read as the Shire President because even though the CEO attends the zone meetings, the Shire President is Council's delegate and in his absence, the Deputy Shire President acts in his place; and
- Resolution No 241/10/19 whereby the votes were equally divided 4/4 in relation to the amendment and the Shire President cast a vote against the motion.

**MOTION CARRIED 9/0**

**5.3 Agenda Briefing held on 19 November 2019**

Cr Rayner moved the Officer's Recommendation as follows:

**That the Notes of the Agenda Briefing held on 19 November 2019 be received.**

Cr Hart seconded the motion.

Clarification was sought.

Cr Pearce moved an amendment to the motion as follows:

**That the words "subject to an amendment being made to the Confirmation of Minutes section on page 5 at question one to reflect that "*the Shire President made a comment in regard to a difference of opinion relating to who had the power to put together an Agenda for a Council or Committee Meeting.*"**

Cr Rayner accepted the amendment.

Cr Hart seconded the amendment.

The substantive motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO  
277/11/19**

**MOVED** Cr Rayner

**SECONDED** Cr Hart

That the Notes of the Agenda Briefing held on 19 November 2019 be received subject to an amendment being made to the Confirmation of Minutes section on page 5 at question one to reflect that "the Shire President made a comment in regard to a difference of opinion relating to who had the power to put together an Agenda for a Council or Committee Meeting."

**MOTION CARRIED 8/1**

**5.4 Confidential Items**

**5.4.1 Ordinary Meeting of Council held on 29 October 2019**

Cr Ruthven moved the Officer's Recommendation.

Cr Chitty seconded the motion.

Clarification was sought.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO  
278/11/19**

**MOVED** Cr Ruthven

**SECONDED** Cr Chitty

That the Unconfirmed Confidential Minuted Item from the Ordinary Council Meeting held on 29 October 2019 that contained the following:

- Agenda Item No. 14.1 Preferred Supplier Tender - Supply, Delivery and Placement of Bituminous Surfacing Products TEN 05/2019; and
- Agenda Briefing Confidential Notes

be confirmed.

**MOTION CARRIED 9/0**

**5.4.2 Strategic Council Forum held on 12 November 2019**

Cr Chitty moved the Officer's Recommendation.

Cr Rayner seconded the motion.

Clarification was sought.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO  
279/11/19**

**MOVED** Cr Chitty

**SECONDED** Cr Rayner

That the Confidential Notes from the Strategic Council Forum held on 12 November 2019 be received.

**MOTION CARRIED 9/0**

**6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**6.1 PETITIONS**

Nil

**6.2 DEPUTATIONS**

Nil

**6.3 PRESENTATIONS**

Nil

**6.4 SUBMISSIONS**

Planning Outcomes WA, on behalf of Robert Ray (owner), addressed Council regarding Agenda Item No 9.2.3. Application for Development Approval – Lot 101 Cobbler Pool Road, Morangup – Eco Tent Development.

***The Shire President allowed Councillors to ask questions in relation to the item.***

Mr A Boyd addressed Council regarding Agenda Item No. 9.2.1 Application for Development Approval – Excavation Works Associated with operation of a borrow pit for on-farm use – Lot 124 (#5799) Toodyay Road, Toodyay (*refer to the Attachments to these minutes*).

Mr M Wood addressed Council regarding Agenda Item No. 9.2.1 Application for Development Approval – Excavation Works Associated with operation of a borrow pit for on-farm use – Lot 124 (#5799) Toodyay Road, Toodyay.

**7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)**

Nil.

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)**

*The Shire President did not make an announcement in accordance with the Shire of Toodyay Standing Orders Local Law 2008 (Section 4.3).*

**9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS**

**PROCEDURAL MOTION/COUNCIL RESOLUTION NO. 280/11/19**

**MOVED** Cr Bell

That in accordance with Shire of Toodyay Standing Order 4.2 (2) the order of business of the meeting be altered to allow Item 12 – Questions of Members of which due notice has been given to be heard as the next item of business.

**MOTION CARRIED 9/0**

*The questions and responses in regard to Agenda Item 12 were read on the screen and tabled as a hardcopy to Councillors at 4.54pm.*

***Refer to page 68.***



## 9.1 COMMUNITY DEVELOPMENT

### 9.1.1 Reconciliation Action Plan & Reference Group

Date of Report:	12 November 2019
Applicant / Proponent/s:	Noongar Kaakning Aboriginal Corporation (Toodyay) and Manager of Community Development
File Reference:	ABG 1
Author:	A Bell – Manager Community Development
Responsible Officer:	A Bell – Manager Community Development
Previously Before Council:	8 June 2016 – Council Forum 26 July 2016 – OCM Res No. 101/07/16
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Copy of Forum Discussion Paper – 14 June 2016;</li> <li>2. Excerpt OCM Minutes – 26 July 2016;</li> <li>3. Copy of Information from Reconciliation Australia - Which RAP is right for you;</li> <li>4. Copy of Information from Reconciliation Australia -Join the Program (previously before Council 2016);</li> <li>5. Copy of Information from Reconciliation Australia -Reflect RAP template (previously before Council 2016);</li> <li>6. Copy of Shire of Quairading RAP 2015-2017 (previously before Council 2016); and</li> <li>7. Copy of Shire of Gingin RAP – 2018 – 2028 (as suggested by Noongar Kaakning Aboriginal Corporation – Toodyay)</li> </ol>
Voting Requirements:	Simple Majority

#### PURPOSE OF THE REPORT

For Council to reconsider the reformation of a Reconciliation Action Reference Group. Nominate a Councillor to the group, and recommence discussions with the Noongar Kaakning Aboriginal Corporation (NKAC) towards a “Reflect” Reconciliation Action Plan for Toodyay.

#### BACKGROUND

Discussions towards a formal Reconciliation Action Plan were put on hold following further conversations with Robert Miles – Local Noongar Leader in late

2016. He advised that at the time their group wished to meet and work towards their own formation and priorities prior to committing to a formal Reconciliation Action Plan.

Although this more formal engagement was in hiatus we continued to work in with NKAC for various activities and events over the past few years. In 2019 the Shire supported/sponsored the Makuru Dudja (Winter Mist) NAIDOC Celebrations, along with sponsorship of the Toodyay District High School NAIDOC Awards Assembly. Margie Eberle – our Museum Cultural Heritage Officer has met with various members of the NKAC to discuss other ideas and seeking input for on-line historical materials.

At an Ordinary Council Meeting in July 2016 Council resolved as follows:

*That Council:*

- 1 *Support the formation of a reference group to work together for a Reconciliation Week Event (budget approval for 2016/2017 required), and a Reconciliation Plan.*
- 2 *Appoint Cr Chitty and Cr Craddock to the Reconciliation Reference Group.*

Following a recent email from the NKAC, Council should now reconsider the reformation of a Reconciliation Reference Group and appointment of a Councillor to this group. The NKAC has expressed their appreciation of Cr Chitty's support in the past. Cr Chitty may still wish to be Council's representative as she was previously involved in discussions both through the group and via other conversations over time. Both the Chief Executive Officer and Manager of Community Development wish to be members of the Shire's reference group.

## **CONSULTATION IMPLICATIONS**

In keeping communication lines open with NKAC, the Manager of Community Development sent an email on 31 October 2019, sharing the work that has taken place in Katanning on Aboriginal Place Names.

A response was received advising that the NKAC has a few projects on the go relating to language use. They would like to book in a date before the end of the year to meet with the Shire Representatives to discuss the Shire's draft RAP and feed in their ideas.

The NKAC are also looking to scheduling a full NKAC meeting and would extend an invite to the Shire Representatives to attend part of this meeting. It is hoped that the Reconciliation Action Plan could be completed and formally approved/adopted by Reconciliation Week in 2020 – 27 May to 3 June 2020.

## **STRATEGIC IMPLICATIONS**

### *Vision*

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

### *Purpose*

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

Objective 1 – Maintain and develop services that meet the requirements of our diverse community.

*S.1.3 Build partnerships that strengthen our community wellbeing.*

Shire of Toodyay Corporate Business Plan

*9.1 – Social “Our Community Wellbeing and Connection”*

*S1.2 Support development of community groups and sponsorships – Develop, through engagement, a Reconciliation Action Plan.*

**POLICY IMPLICATIONS**

There are no adverse policy implications envisaged from this report.

**FINANCIAL IMPLICATIONS**

Currently there are no known financial implications for the development of a Reconciliation Action Plan. Further research will be undertaken and brought back to Council for the November Council meeting.

**LEGAL AND STATUTORY IMPLICATIONS**

There are no adverse legal nor statutory implications envisaged from this report.

**RISK IMPLICATIONS (including DAIP)**

This proposal does not contain any notable Risk Implications.

**SOCIAL IMPLICATIONS**

A wonderful opportunity for the Shire to build stronger relationships with those of the local community.

**ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

**OFFICER COMMENT / DETAILS**

At this stage no further work has been undertaken on the Shire’s Reconciliation Action Plan as we were waiting on further formal discussions with the NKAC. With this current news received from the NKAC, further discussion will now take place for a way forward with the group, with updates to Council.

**OFFICER’S RECOMMENDATION**

That Council:

1. Support the reformation of a reference group to work together towards a Reconciliation Action Plan for Toodyay.
2. \_\_\_\_\_ be appointed to the Reconciliation Reference Group.

Cr Chitty moved a motion as follows:

**That Council:**

1. **Support the reformation of a reference group to work together towards a Reconciliation Action Plan for Toodyay.**
2. **Cr Chitty be appointed to the Reconciliation Reference Group.**

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

Cr Rayner seconded the motion.

Clarification was sought.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 281/11/19**

**MOVED** Cr Chitty

**SECONDED** Cr Rayner

That Council:

1. Support the reformation of a reference group to work together towards a Reconciliation Action Plan for Toodyay.
2. Cr Chitty be appointed to the Reconciliation Reference Group.

**MOTION CARRIED 9/0**



## 9.2 PLANNING AND DEVELOPMENT

*Cr Chitty declared an Impartiality Interest pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 in relation to Agenda Item 9.2.1 as her son Jack Wood is the Applicant/Proponent. Cr Chitty declared that “as a consequence, there may be a perception that, my impartiality on the matter may be affected. I will therefore declare that I will consider the matter on its merits and vote accordingly.”*

**9.2.1 Application for Development Approval – Excavation Works Associated with operation of a borrow pit for on-farm use – Lot 124 (#5799) Toodyay Road, Toodyay**

Date of Report:	16 October 2019 (updated 13 Nov. 2019)
Applicant / Proponent/s:	J Wood (Applicant) / M Wood (Owner)
File Reference:	A3644
Author:	K Nieuwoudt – Manager Planning & Development
Responsible Officer:	K Nieuwoudt – Manager Planning & Development
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> <li>1. Location Plan; and</li> <li>2. New Map (as per Agenda Briefing); and</li> <li>3. Pit Plan</li> </ol>
Voting Requirements:	Simple Majority

### PURPOSE OF THE REPORT

The purpose of this report is for Council to consider granting development approval for excavation works associated with the operation of a borrow pit on Lot 124 (#5799) Toodyay Road, Toodyay for on-farm use.

### BACKGROUND

Council has received an application for retrospective development approval for excavation works associated with the operation of a borrow pit for on-farm use at Lot 124 (#5799) Toodyay Road, Toodyay.

The excavation area is situated approximately 625m south-southeast of Lot 124's north-western boundary and approximately 50m east of the western boundary as is more clearly shown on the location plan that forms the subject of Attachment 1 to this report.

Excavation works for borrow pits - for on-farm use - can be described as works that are subordinate, incidental or ancillary to the primary use of the rural premises. In this case, the primary use / predominant land use of Lot 124 is

'general agriculture' or, as it is formally described in the Shire's Local Planning Scheme No. 4 (hereafter referred to as 'the Scheme'), "agriculture – extensive".

In Schedule 1 (Dictionary of Defined Words and Expressions) of the Scheme, the land use definition "agriculture – extensive" means –

*"...premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive".*

In Table 1 (Zoning Table) of the Scheme, the land use class 'agriculture – extensive' is depicted with the symbol "D". 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

NOTE - the gravel excavation works for on-farm use should not be confused with the use class "industry – extractive" in the Scheme, as the excavation works is not an industrial use or incidental to industrial operations. In Schedule 1 of the Scheme, the land use definition "industry – extractive" 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;"*

Given the scale of the works, including the potential for offsite emissions such as noise, vibrations and dust, including amenity impacts on nearby residents in the locality, staff have considered it prudent to call the works in for development approval under the Scheme. The term "development" encompasses excavation works as follows:

*"development means the development or use of any land, including —*

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
- (b) the carrying out on the land of any excavation or other works;*
- (c) in the case of a place to which a protection order made under the Heritage Act 2018 Part 4 Division 1 applies, any act or thing that —*
  - (i) is likely to change the character of that place or the external appearance of any building; or*
  - (ii) would constitute an irreversible alteration of the fabric of any building;"*

[Author's emphasis]

Lot 124 is zoned "Rural Living" under the Shire's Local Planning Scheme No. 4 (the Scheme).

The applicant had prepared and submitted a plan showing an area approximately 7.5ha. (500m X 150m) in size, being the area of current and future excavation. Refer Attachment 2. This area includes both gravel and sand. An area 2.25ha (150m X 150m) to the north is rich in gravel, and an area 5.25ha (350m X 150m) to the south is rich in sand.

On the 13<sup>th</sup> of November, the Applicant provided additional information in the form of a plan depicting a greater level of detail in regards to vehicular access into the pit area. Refer **Attachment 2**.

### **CONSULTATION IMPLICATIONS**

Consultation was undertaken with the owners of 66, 76, 90, 102, 110, 120 and 126 Harvester Drive from 12 September 2019 until 25 September 2019 (2 weeks).

One submission raising concerns regarding dust, the use of firebreaks for access, and noise emanating from equipment in the pit and truck air brakes.

A copy of the submitter's submission was made available to Councillors under separate cover at the Agenda Briefing held on 15 October 2019.

### **STRATEGIC IMPLICATIONS**

There are no adverse strategic implications for the Shire of the recommendations of this report.

### **POLICY IMPLICATIONS**

There are no policy implications for the Shire of the recommendations of this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for the Shire of the recommendations of this report.

### **LEGAL AND STATUTORY IMPLICATIONS**

The following legislation and subsidiary legislation apply:

- *Planning and Development Act 2005;*
- *Shire of Toodyay Local Planning Scheme No. 4;*
- *State Planning Policy 2.5 – Rural Planning;*
- *Environmental Protection (Noise) Regulations 1997; and*
- *Planning and Development (local planning schemes) Regulations 2015.*

### **RISK IMPLICATIONS**

- *Reputational – Low*
  - The application was considered on its merits and in accordance with the relevant provisions of the Scheme and town planning framework.
- *Compliance - Low*
  - There are no compliance risks in relation to the recommendation. Should Council approve the application, the applicant would be subject to conditions of development approval.
- *Legal – Low*
  - Council would be issuing a valid development approval, assessed on its merits and in accordance with the relevant provisions of the Scheme and town planning framework.

### **SOCIAL IMPLICATIONS**

Earthmoving equipment and trucks may create unacceptable noise levels, which may impact negatively upon adjoining landowners.

### **ENVIRONMENTAL IMPLICATIONS**

Notable environmental implications associated with borrow pits may include: soil erosion, loss of ecosystem services, groundwater contamination, and loss of arable land.

Environmental nuisance, such as loud noise, vibration and dust in close proximity of sensitive land uses can be disruptive and may interfere with nearby residents' daily activities.

### **ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

### **OFFICER COMMENT / DETAILS**

Borrow pits on rural land for private on-farm use, is a common practice throughout the Wheatbelt. The borrow pit on Lot 124, however, is located approximately 200m from the nearest residence where noise, vibration and dust may impact negatively on the general amenity of the locality. The Shire's Administration has already received a complaint from an adjoining neighbour, raising concerns regarding excessive noise and dust originating from plant, equipment and trucks. While the impacts of the above cannot be eliminated entirely, they can be controlled and managed by implementing measures to minimise the adverse impacts on sensitive uses.

If Council is of a mind to approve the application, staff believe that impact control measures to minimise adverse noise, vibration and dust impacts, including the requirement to comply with the *Environmental (Noise) Protection Regulations 1997*, should be included as conditions of approval.

### **OFFICER'S RECOMMENDATION**

That Council grants Development Approval to Jack Wood for excavation works associated with the operation of a borrow pit as outlined in the Application received 4 September 2019, and indicated on the approved plans, subject to the following conditions:

1. The development hereby permitted shall have hours of operation that do not exceed the following hours:  
7:00 am to 5:00 pm – Monday to Friday;  
7:00 am to 12:00 noon – Saturday; and  
No work on Sunday and public holidays.
2. Within 30 days of the approval hereby granted, the applicant shall prepare and submit a noise, vibration and dust impact management plan to the Chief Executive Officer for approval. The plan must include a description of emission sources, impact control measures and complaint management processes to be implemented. Once approved by the Chief Executive Officer, the plan must be implemented and adhered to at all times.

3. Access to the pit shall be via the route depicted on the plans hereby approved.
4. Broadband reverse alarms are to be utilised for on-site equipment and transport vehicles.
5. Upon decommissioning of the pit, the site is to be rehabilitated to the satisfaction of the local government.
6. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
7. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion to the satisfaction of the local government.
8. Measures to minimise and monitor dust emanating from plant, equipment and trucks in the borrow pit, including along the internal haulage route, must be in place at all times.
9. The *Environmental Protection (Noise) Regulations 1997* must be adhered to at all times.

Cr Rayner moved the Officer's Recommendation as follows:

**That Council grants Development Approval to Jack Wood for excavation works associated with the operation of a borrow pit as outlined in the Application received 4 September 2019, and indicated on the approved plans, subject to the following conditions:**

1. **The development hereby permitted shall have hours of operation that do not exceed the following hours:  
7:00 am to 5:00 pm – Monday to Friday;  
7:00 am to 12:00 noon – Saturday; and  
No work on Sunday and public holidays.**
2. **Within 30 days of the approval hereby granted, the applicant shall prepare and submit a noise, vibration and dust impact management plan to the Chief Executive Officer for approval. The plan must include a description of emission sources, impact control measures and complaint management processes to be implemented. Once approved by the Chief Executive Officer, the plan must be implemented and adhered to at all times.**
3. **Access to the pit shall be via the route depicted on the plans hereby approved.**
4. **Broadband reverse alarms are to be utilised for on-site equipment and transport vehicles.**
5. **Upon decommissioning of the pit, the site is to be rehabilitated to the satisfaction of the local government.**
6. **No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.**

7. **All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion to the satisfaction of the local government.**
8. **Measures to minimise and monitor dust emanating from plant, equipment and trucks in the borrow pit, including along the internal haulage route, must be in place at all times.**
9. **The *Environmental Protection (Noise) Regulations 1997* must be adhered to at all times.**

Cr Greenway seconded the motion.

Clarification was sought.

Cr Pearce foreshadowed an alternative motion.

Cr Pearce moved an amendment (*Amendment 1*) to the motion as follows:

**That in the preamble before Point 1 the words “indicated on the approved plans” be replaced with the words “as indicated on Attachment 3”**

Further clarification was sought.

*The Shire President allowed Councillors time to read the amendments proposed by Cr Pearce which was tabled by the Acting Manager Corporate Services at 5.17pm.*

Cr Ruthven seconded the amendment.

Cr Manning moved a motion as follows:

**That the debate be adjourned until other proposed amendments have been considered in accordance with Standing Order 10.7.**

Cr Greenway seconded the motion.

The motion was put.

**PROCEDURAL MOTION/COUNCIL RESOLUTION NO. 282/11/19**

**MOVED** Cr Manning

**SECONDED** Cr Greenway

That the debate be adjourned until other proposed amendments have been considered in accordance with Standing Order 10.7.

**MOTION CARRIED 9/0**

*The debate was adjourned at 5.20pm.*

*The names of Members who have spoken on the matter are as follows:*

- Cr Pearce
- Cr Madacsi
- Cr Rayner
- Cr Bell

Cr Pearce moved an amendment (*Amendment 2*) to the motion as follows:

**That at Point 1:**

- (a) **The words “7.00am to 12:00 noon – Saturday; and” be removed.**
- (b) **The word “weekends” replace the word “Sunday” prior to the words “and public holidays”**

Cr Madacsi seconded the amendment.

Clarification was sought.

Debate commenced.

The amendment was put.

**AMENDMENT 2/COUNCIL RESOLUTION NO. 283/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Madacsi

That at Point 1:

- (a) The words “7.00am to 12:00 noon – Saturday; and” be removed.
- (b) The word “weekends” replace the word “Sunday” prior to the words “and public holidays”.

**AMENDMENT CARRIED 8/1**

Cr Ruthven asked for the votes to be recorded. *In accordance with Section 5.21(4) (b) of the Local Government Act 1995, Councillor Rayner voted against the motion. Councillors Manning, Madacsi, Bell, Chitty, Greenway, Hart, Pearce and Ruthven voted for the motion.*

Cr Pearce moved an amendment (*Amendment 3*) to the motion as follows:

**That at Point 2 the words “Local Government” replace the words “Chief Executive Officer” in the two places it exists.**

Cr Greenway seconded the amendment.

Clarification was sought.

Debate commenced.

Further clarification was sought.

Debate continued.

The amendment was put.

**AMENDMENT 3/COUNCIL RESOLUTION NO. 284/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Greenway

That at Point 2 the words “Local Government” replace the words “Chief Executive Officer” in the two places it exists.

**AMENDMENT LOST 4/5**

Cr Greenway asked for the votes to be recorded. *In accordance with Section 5.21(4) (b) of the Local Government Act 1995, Councillor Rayner voted against*



*the motion. Councillors Manning, Madacsi, Rayner and Pearce voted for the motion. Councillors Chitty, Greenway, Bell, Hart and Ruthven voted against the motion.*

Cr Pearce moved an amendment (*Amendment 4*) to the motion as follows:

**That at Point 3 the words “route marked by the white line as shown on Attachment 3” replace the words “route depicted on the plans hereby approved”.**

Cr Ruthven seconded the amendment.

Clarification was sought.

Debate commenced.

The amendment was put.

**AMENDMENT 4/COUNCIL RESOLUTION NO. 285/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Ruthven

That at Point 3 the words “route marked by the white line as shown on Attachment 3” replace the words “route depicted on the plans hereby approved”.

**AMENDMENT CARRIED 6/3**

Cr Pearce moved an amendment (*Amendment 5*) to the motion as follows:

**That Point 5 be reworded to read as follows:**

- 5. Within 30 days of the approval being granted, the applicant shall prepare and submit a rehabilitation plan setting out how the site is to be rehabilitated to the local authority. Once approved by the local authority, the plan must be implemented and adhered to all times.**

Cr Bell seconded the amendment.

Clarification was sought.

The amendment was put.

**AMENDMENT 5/COUNCIL RESOLUTION NO. 286/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Bell

That Point 5 be reworded to read as follows:

- 5. Within 30 days of the approval being granted, the applicant shall prepare and submit a rehabilitation plan setting out how the site is to be rehabilitated to the local authority. Once approved by the local authority, the plan must be implemented and adhered to all times.**

**AMENDMENT CARRIED 5/4**

Cr Pearce moved an amendment (*Amendment 6*) to the motion as follows:

**That a new Point 10 be inserted to read as follows:**

**10. The depth of the excavation works shall not exceed 3metres from the natural surface.**

Cr Bell seconded the motion.

Clarification was sought.

Debate commenced.

The amendment was put.

**AMENDMENT 6/COUNCIL RESOLUTION NO. 287/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Bell

That a new Point 10 be inserted to read as follows:

10. The depth of the excavation works shall not exceed 3metres from the natural surface.

**AMENDMENT LOST 4/5**

Cr Pearce moved an amendment (*Amendment 7*) to the motion as follows:

**That a new Point 10 be inserted to read as follows:**

**10. This approval shall expire on a date which is 10 years from the date of the grant of approval but without prejudice to the obligation of condition 5.**

Clarification was sought.

Cr Pearce moved an amendment to the motion as follows:

**That the words “but without prejudice to the obligation of condition 5” be removed.**

Cr Bell accepted the amendment.

Debate commenced.

Cr Madacsi moved an amendment to the motion as follows:

**That at the proposed new Point 10, the period of 10 years be amended to be 15 years.**

Cr Pearce accepted the amendment.

Cr Bell objected to the amendment.

Debate on the second amendment commenced.

Cr Hart seconded the amendment.

The amendment was put.

**AMENDMENT/COUNCIL RESOLUTION NO. 288/11/19**

**MOVED** Cr Madacsi

**SECONDED** Cr Hart

That at the proposed new Point 10, the period of 10 years be amended to be 15 years.

**AMENDMENT CARRIED 8/1**

The substantive amendment was put.

**AMENDMENT 7/COUNCIL RESOLUTION NO. 289/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Bell

That a new Point 10 be inserted to read as follows:

10. This approval shall expire on a date which is 15 years from the date of the grant of approval.

**AMENDMENT CARRIED 6/3**

Cr Pearce moved an amendment (*Amendment 8*) to the motion as follows:

**That a new Point 11 be inserted to read as follows:**

- 11. The applicant shall not carry on any operations in the pit until the plans referred to in Condition 2 and Condition 5 have been approved by the local authority.**

Cr Madacsi seconded the amendment.

Clarification was sought.

Debate commenced.

The amendment was put.

**AMENDMENT 8/COUNCIL RESOLUTION NO. 290/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Madacsi

That a new Point 11 be inserted to read as follows:

11. The applicant shall not carry on any operations in the pit until the plans referred to in Condition 2 and Condition 5 have been approved by the local authority.

**AMENDMENT CARRIED 5/4**

*Cr Manning adjourned the meeting at 6.27pm.*

*Cr Manning resumed the meeting at 6.43pm.*

The debate on *Amendment 1* was resumed at 6.45pm.

Further clarification was sought.

The amendment was put.

**AMENDMENT/COUNCIL RESOLUTION NO. 291/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Ruthven

That in the preamble before Point 1 the words “indicated on the approved plans” be replaced with the words “as indicated on Attachment 3”.

**AMENDMENT LOST 3/6**

Debate on the substantive motion commenced.

The substantive motion was put.

**OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION NO. 292/11/19**

**MOVED** Cr Rayner

**SECONDED** Cr Greenway

That Council grants Development Approval to Jack Wood for excavation works associated with the operation of a borrow pit as outlined in the Application received 4 September 2019, and indicated on the approved plans, subject to the following conditions:

1. The development hereby permitted shall have hours of operation that do not exceed the following hours:  
7:00 am to 5:00 pm – Monday to Friday;  
No work on weekends and public holidays.
2. Within 30 days of the approval hereby granted, the applicant shall prepare and submit a noise, vibration and dust impact management plan to the Chief Executive Officer for approval. The plan must include a description of emission sources, impact control measures and complaint management processes to be implemented. Once approved by the Chief Executive Officer, the plan must be implemented and adhered to at all times.
3. Access to the pit shall be via the route marked by the white line as shown on Attachment 3.
4. Broadband reverse alarms are to be utilised for on-site equipment and transport vehicles.
5. Within 30 days of the approval being granted, the applicant shall prepare and submit a rehabilitation plan setting out how the site is to be rehabilitated to the local authority. Once approved by the local authority, the plan must be implemented and adhered to at all times.
6. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
7. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion to the satisfaction of the local government.
8. Measures to minimise and monitor dust emanating from plant, equipment and trucks in the borrow pit, including along the internal haulage route, must be in place at all times.
9. The Environmental Protection (Noise) Regulations 1997 must be adhered

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

to at all times.

10. This approval shall expire on a date which is 15 years from the date the grant of approval.
11. The applicant shall not carry on any operations in the pit until the plans referred to in Condition 2 and Condition 5 have been approved by the local authority.

**MOTION CARRIED 6/3**

**9.2.2 Application for Development Approval – Lot 108 MacDonald  
Retreat, Dumbarton – Proposed Family Day-Care Centre**

Date of Report:	13 November 2018
Applicant / Proponent/s:	C. Collisson
File Reference:	A4142/108MAC/IPA62528
Author:	H de Vos – Planning Officer
Responsible Officer:	K Nieuwoudt – Manager Planning & Development
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-judicial
Attachments:	1. Map; 2. Application Details; and 3. Schedule of Submissions.
Voting Requirements:	Simple Majority

**PURPOSE OF THE REPORT**

Development approval is sought for a proposed Family Day-Care Centre to be operated at No. 6 (Lot 108) MacDonald Retreat in Dumbarton.

**BACKGROUND**

Lot 108 MacDonald Retreat in Dumbarton, is a 1.009 hectare property in the Glencoe Estate subdivision. It is currently zoned Special Residential under the Shire of Toodyay Local Planning Scheme No.4 ('the Scheme' / 'LPS4'). The subject site is also located within the Avon River Valley Special Control Area. For more details please refer to the map supplied as **Attachment 1**.

The applicant proposes to open a Family Day-care Centre.

It is proposed that the centre will run between 07:00am and 18:00pm Monday to Friday.

The intended care will be provided to 4 children under 4 years of age during the day and in addition, 2 children aged between 5-12 years in before school and after school hours. For further details please refer to the application details supplied as **Attachment 2**.

The application was received on 25 September 2019.

This application must be determined within 90 days in accordance with Clause 75(1)(a) of the *Planning and Development (Local Planning Schemes Regulations) 2015* – which is by **24 December 2019**.

**MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT**

Section 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the range of matters to be considered by local governments in determining applications for development approval.

Clause	Comment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The development is consistent with the aims and provisions of the Schemes.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The development has been assessed using orderly and proper planning methodology
(c) any approved State planning policy;	None identified
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	None identified
(e) any policy of the Commission;	None identified
(f) any policy of the State;	None identified
(g) any local planning policy for the Scheme area;	Local Planning Policy No. 18 – Glencoe Estate Design Guidelines
(h) any structure plan, activity centre plan or local development plan that relates to the development;	None identified
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ;	The future Scheme 5 will not result in a non-conforming use.
(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this	None identified



MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

Clause	Comment
Scheme for the reserve;	
(k) the built heritage conservation of any place that is of cultural significance;	None of note
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	None of note
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The proposed use is a family day care centre. These are commonly found in residential areas thus the proposal is consistent with the location.
(n) the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The nature of this development is benign and not out of keeping.  Issues such as noise have been raised, however there is no evidence to suggest that the proposal will generate unreasonable noise.  The character of the locality is residential and will not be impacted.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	None identified.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	None required
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip,	The land is suitable for the development. Flood area does not encroach onto this property.

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

Clause	Comment
bush fire, soil erosion, land degradation or any other risk;	
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	No impacts to human health or safety.
(s) the adequacy of — (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	Site has adequate access.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	Traffic has been raised as an issue in a submission. The level of traffic generated by this is not likely to be significant.
(u) the availability and adequacy for the development of the following — (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with disability;	Considered
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	None identified
(w) the history of the site where the development is to be located;	None of note
(x) the impact of the development on	The development will be positive for

Clause	Comment
the community as a whole notwithstanding the impact of the development on particular individuals;	the community.
(y) any submissions received on the application;	See Schedule of Submissions
(z) the comments or submissions received from any authority consulted under clause 66;	None
(aa) any other planning consideration the local government considers appropriate.	None of note

### CONSULTATION IMPLICATIONS

The proposal was advertised in accordance with the Shire's M.2. Public Consultation – Formal Matters Policy. As this land use is an 'A' use it was given a Level E designation. This included a direct mail-out to properties in the vicinity and relevant stakeholders. Additionally and advertisement was placed in the Avon Valley Advocate on 16 October 2019 and the proposal was placed on the Shire of Toodyay website and at the front counter of the Administration Offices.

The application was advertised for a period of 28 days until 13 November 2019. The Shire has received two (2) submissions during the statutory advertising period - one in favour, and the other objecting raising issues with increased noise and traffic impacts in a quiet *cul-de-sac*. A summary of the submissions is attached. Refer **Attachment 3** – Schedule of Submissions.

If requested, a copy of both submissions can be made available to Councillors under separate cover.

### STRATEGIC IMPLICATIONS

#### Strategic Community Plan – Toodyay 2028

The Shire seeks to support existing industry including agriculture, construction and tourism and encourage and attract new businesses. This plan confirms Council's role in the local economy as one of business facilitator. This proposal is consistent with Objective 1 which is to encourage and support investment into new and existing businesses in Toodyay.

### POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

### FINANCIAL IMPLICATIONS

The Applicant has paid the statutory application fee outlined in the *Planning and Development Regulations 2009*.

There are no financial implications for the Shire of the recommendations of this report.

### **LEGAL AND STATUTORY IMPLICATIONS**

The proposal constitutes development under the *Planning and Development Act 2005* and requires planning approval under the Shire's *Local Planning Scheme No. 4 (LPS4)*.

The proposal has been assessed against relevant clauses and requirements of LPS4 as noted in this report.

***“family day care”*** means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;

The Regulations apply the following meaning:

***“family day care”*** means a child care service provided to a child in a private dwelling in a family or domestic environment;

Under the Scheme, the land is currently zoned Special Residential. In this zone, ‘family day care’ is depicted with the symbol ‘A’ in Table 1 (Zoning Table).

‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the *deemed provisions*;

### **RISK IMPLICATIONS (including DAIP)**

Should Council resolve to refuse or impose condition(s) the Applicant disagrees with, the Applicant may a right of review through the State Administrative Tribunal (SAT), which may incur legal costs.

### **SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

### **ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

### **ECONOMIC IMPLICATIONS**

#### *Toodyay Economic Development Plan 2015*

Toodyay has and will continue to be the focus of residential population growth. This growth prospects is similar to other peri-urban locations around Metropolitan Perth and reflects a combination of lifestyle, amenity, generational/retirement and proximity factors.

Growing local employment is critical to attracting younger residents and increasing overall housing incomes.

### **OFFICER COMMENT / DETAILS**

Toodyay has recently lost a childcare facility and the community has signalled a desire and need for these kinds of services to be retained and encouraged where possible.

The proposal has received a submission opposing, however the noise and traffic impacts implied have no supporting evidence to the claim and it is considered unlikely that such a proposal will present and significant impact. The

proposed family day care is compatible with the residential setting, and is recommended for conditional approval.

**OFFICER'S RECOMMENDATION**

That Council grants Development Approval for a family day care centre at Lot 108 Mac Donald Retreat, Dumbarton, subject to the following conditions:

1. This approval allows the family day care centre hereby permitted to be conducted by Cherie Collisson. If Cherie Collisson ceases to operate the family day care centre hereby permitted, this approval will expire.
2. Hours of operation shall be restricted to Monday to Friday 07:00-18:00.
3. The approval is restricted to four (4) children under four (4) years of age during the day and in addition, two (2) children aged between 5 to 12 years in before school and after school hours.

Cr Pearce moved the Officer's Recommendation.

Cr Ruthven seconded the motion.

Clarification was sought.

Debate commenced.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 293/11/19**

**MOVED** Cr Pearce

**SECONDED** Cr Ruthven

That Council grants Development Approval for a family day care centre at Lot 108 Mac Donald Retreat, Dumbarton, subject to the following conditions:

1. This approval allows the family day care centre hereby permitted to be conducted by Cherie Collisson. If Cherie Collisson ceases to operate the family day care centre hereby permitted, this approval will expire.
2. Hours of operation shall be restricted to Monday to Friday 07:00-18:00.
3. The approval is restricted to four (4) children under four (4) years of age during the day and in addition, two (2) children aged between 5 to 12 years in before school and after school hours.

**MOTION CARRIED 9/0**

**9.2.3 Application for Development Approval – Lot 101 Cobbler Pool Road, Morangup – Eco Tent Development**

Date of Report:	13 November 2019
Applicant / Proponent/s:	Planning Outcomes on behalf of Robert Ray (owner)
File Reference:	A4633/101COB/IPA61904
Author:	H de Vos – Planning Officer
Responsible Officer:	K Nieuwoudt – Manager Planning & Development
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-judicial
Attachments:	<ol style="list-style-type: none"> <li>1. Map – Lot 101 Cobbler Pool Road, Morangup;</li> <li>2. Application Plans – Eco-tent; and</li> <li>3. Schedule of submissions.</li> </ol>
Voting Requirements:	Simple Majority

**PURPOSE OF THE REPORT**

Approval is sought for a proposed Eco Tent Development to be located at Lot 101 Cobbler Pool Road in Morangup.

As the proposal does not adequately fit the definitions listed in the *Shire of Toodyay Local Planning Scheme No. 4*, it is being assessed as a 'Use-Not-Listed', under clause 3.4.2 of the Scheme.

This matter is being referred to Council as there is no delegated authority to approve the application under section PD3 (1)(d) of the Delegation Register.

**BACKGROUND**

Lot 101 Cobbler Pool Road in Morangup is a 53 hectare property which is zoned Rural under the *Shire of Toodyay Local Planning Scheme No. 4* ('the Scheme' / 'LPS4'). It is located within the Avon River Valley Special Control Area. For more details please refer to **Attachment 1 – Map**.

The Shire was originally approached by the landowner to discuss the permissibility of one (1) Eco Tent structure for private use on their property.

When they were advised of the development approval requirements, the landowner decided to present a scaled up proposal to the Shire which was for a small scale Eco-Tent development for touristic purposes.

### Proposal Overview

The proposal is for four (4) 'eco-tents' on the site (one retrospective and three prospective), and other minor features as follows:

- Large Tent x 1 - 6.3m x 6.3m (pad OAL 6.3m x 11.1m) = 40m<sup>2</sup>
- Medium Tent x 2 - 4.2m x 4.2m = 18m<sup>2</sup>.
- Small Tent x 1 - 3.0m x 3.0m = 9m<sup>2</sup>
- Tracks x 4 - 2WD / 4WD, gravel, 4.0m wide.
- Gates x 4 - standard agricultural.
- Water Tank - 26,000L.

Future development of a single dwelling with a Home Business (Site Office) is anticipated and location is shown on plans. They are NOT part of this application.

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

This application was received on 25 September 2019.

This application must be determined within 90 days in accordance with Clause 75(1)(a) of the *Planning and Development (Local Planning Schemes Regulations) 2015* – which is by **24 December 2019.**

### MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

Section 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the range of matters to be considered by local governments in determining applications for development approval.

Clause	Comment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposal has been considered as a use-not-listed under the Scheme. It is considered the proposal is consistent with the aims and provisions of the Rural zone.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;	It is considered the proposal is appropriate having regard for the principles of orderly and proper planning.
(c) any approved State planning policy;	Due regard has been given to the following policies: <ul style="list-style-type: none"> <li>• State Planning Policy 2.5 – Rural Planning</li> </ul>



MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

Clause	Comment
	<ul style="list-style-type: none"> <li>• State Planning Policy 3.7 – Planning for Bushfire Prone Areas</li> <li>• <i>'Position Statement: Tourism land uses in bushfire prone areas'</i> (2019)</li> </ul>
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	None identified
(e) any policy of the Commission;	<p>Due regard has been given to the following policies:</p> <ul style="list-style-type: none"> <li>• State Planning Policy 2.5 – Rural Planning</li> <li>• State Planning Policy 3.7 – Planning for Bushfire Prone Areas</li> <li>• <i>'Position Statement: Tourism land uses in bushfire prone areas'</i> (2019)</li> </ul>
(f) any policy of the State;	None identified
(g) any local planning policy for the Scheme area;	None identified
(h) any structure plan, activity centre plan or local development plan that relates to the development;	None identified
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ;	The Scheme is currently under review. The subject site is not identified for any change in zoning.
(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;	None identified
(k) the built heritage conservation of any place that is of cultural significance;	None identified
(l) the effect of the proposal on the cultural heritage significance of the	The proposal is adjacent to a registered aboriginal site. No

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

Clause	Comment
area in which the development is located;	development is occurring within this area.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The development is low-impact and designed to blend into the rural landscape.
(n) the amenity of the locality including the following — <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development;</li> </ul>	The development is designed to be low impact, eco-friendly and is of small scale. The character of the locality will not be impacted. No social or environmental impacts are identified.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	The development will require on-site sewerage and is in proximity to Jimperding Brook and the Avon River. It is recommended that appropriate conditions be applied to address this.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	No landscaping is required as the development is minor and designed to be low-impact
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The land is considered to be suitable for the proposal.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety;	The site has been identified as requiring further measures in place to address the bushfire risk associated with the BAL rating.

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

Clause	Comment
<p>(s) the adequacy of —</p> <p>(i) the proposed means of access to and egress from the site; and</p> <p>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p>	<p>The access and egress will need to be further examined from a bushfire perspective. It will be a condition of approval that</p>
<p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p>	<p>No detrimental increase in traffic numbers anticipated</p>
<p>(u) the availability and adequacy for the development of the following —</p> <p>(i) public transport services;</p> <p>(ii) public utility services;</p> <p>(iii) storage, management and collection of waste;</p> <p>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</p> <p>(v) access by older people and people with disability;</p>	<p>Generally complies</p>
<p>(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</p>	<p>None identified</p>
<p>(w) the history of the site where the development is to be located;</p>	<p>No significant history</p>
<p>(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</p>	<p>No negative impact anticipated</p>
<p>(y) any submissions received on the</p>	<p>Please refer to Attachment 3 –</p>

Clause	Comment
application;	Schedule of Submissions
(z) the comments or submissions received from any authority consulted under clause 66;	Please refer to Attachment 3 – Schedule of Submissions
(aa) any other planning consideration the local government considers appropriate.	None identified

### **CONSULTATION IMPLICATIONS**

The proposal was advertised in accordance with the Shire of Toodyay’s M.2. Public Consultation – Formal Matters policy. Applications for uses not listed are given a Level E classification.

The proposal was advertised to adjoining landowners within 500m of the subject site and also to relevant government bodies. In addition to this, the proposal was made available for inspection at the Shire of Toodyay Administration Offices and on its website. Finally, the proposal was advertised in the Avon Valley Advocate.

A total of five submissions were received in regards to the proposal. No objections. These has been discussed in more detail in **Attachment 3 – Schedule of Submissions**.

### **STRATEGIC IMPLICATIONS**

#### Strategic Community Plan – Toodyay 2028

The Shire seeks to support existing industry including agriculture, construction and tourism and encourage and attract new businesses. This plan confirms Council’s role in the local economy as one of business facilitator. This proposal is consistent with Objective 1 which is to encourage and support investment into new and existing businesses in Toodyay.

### **POLICY IMPLICATIONS**

#### State Planning Policy 2.5 – Rural Planning

The supporting guidelines state: *“for tourism uses, activities such as holiday houses and bed and breakfast accommodation can be considered where these are complementary and do not limit the agricultural use of the land, and are not impacted by rural land uses”*.

#### State Planning Policy 3.7 – Planning for Bushfire Prone Areas

The Bushfire Attack Level assessment has determined that the proposed Eco-tents would currently be subject to a Bushfire Attack Level of BAL-FZ (Flame Zone) without modification of surrounding vegetation on the Lot (mostly management of grassland areas).

For the BAL to be reduced the separation distance between the proposed building and some of the identified classified vegetation, needs to be increased.

This can be achieved with the appropriate management and maintenance of onsite vegetation.

The area of land that separates a building from the classified vegetation must be maintained in a low threat condition for a specified distance in order for the building to retain its BAL rating.

It is noted in the Department of Planning, Lands and Heritage's '*Position Statement: Tourism land uses in bushfire prone areas*' (2019), that it seeks to achieve the following objectives:

- maintain primacy for the protection of life, but also recognise preservation of property or infrastructure may be secondary to the social and economic development of a region;
- provide bushfire protection relevant to the characteristics of the tourism land use;
- provide bushfire risk management measures that mitigate the identified risks;
- Achieve a balance between bushfire risk management measures, environmental protection, biodiversity management and landscape amenity.

#### **FINANCIAL IMPLICATIONS**

The Applicant has paid the statutory advertising fee as per the *Planning and Development Regulations 2009*.

There are no direct financial implications for the Shire of the recommendations of this report.

#### **LEGAL AND STATUTORY IMPLICATIONS**

The proposal constitutes development under the *Planning and Development Act 2005* and requires development approval under the Shire's Scheme.

The proposal has been assessed against relevant clauses and requirements of LPS4 as noted in this report.

The development is being assessed as a use-not listed due to the fact that it could not adequately be classified by using the definitions of land uses available. The Scheme states:

*3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —*

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The objectives of the Rural zone are to:

- i. *protect broad-scale agriculture from un-planned breakdown of rural land;*
- ii. *subject to (i) above:*
  - (a) *provide for tourist related activities, including farm stay, bed and breakfast and holiday accommodation;*
  - (b) *provide for a range of rural related uses such as intensive agriculture, aquaculture, rural pursuits; and*
- iii. *ensure the protection of and conservation of native vegetation.*

This proposal meets the objectives of this zone and therefore should be considered for approval.

### **RISK IMPLICATIONS (including DAIP)**

Should Council resolve to refuse or conditionally approve the proposal, the Applicant may have a right of review through the State Administrative Tribunal (SAT), which will incur legal costs.

### **SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

### **ENVIRONMENTAL IMPLICATIONS**

The site is located within a mapped sewage sensitive area as it is within 1 kilometre of the Avon River, which runs along the northern boundary. The eco-development will require an on-site sewage system.

Whilst it is noted that the Department of Water and Environmental Regulation (DWER) is unable to support the proposal in its current form due to lack of information regarding waterway protection and wastewater management – the approval can be appropriately conditioned to ensure that this information is supplied and approved prior to the commencement of the development.

### **ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

### **OFFICER COMMENT / DETAILS**

#### **Bushfire Planning**

*The social and economic importance of tourism is recognised in the State Planning Strategy and many regional and local planning strategies. This position statement recognises the need to provide a framework to facilitate appropriate tourism opportunities across Western Australia where they are supported by a regional strategy, local planning strategy or local planning scheme.*

*Many tourism land uses are intrinsically linked to the natural landscape values of an area and often, to the remoteness of the location. This link to natural amenity and remote locations makes it difficult for many tourism land uses to meet the current provisions of State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7), the supporting Guidelines for Planning in Bushfire Prone Areas (Guidelines) and the deemed to satisfy provisions of the National Construction Code.*

*Developing tourism land uses within remote and/or heavily vegetated areas comes with an inherent risk of bushfire, which can be reduced but never fully eliminated. Such risks must be understood in order to anticipate and manage them and foster a culture of resilience at all levels. Local governments should improve the education of tourists by way of prominent signage and/or pamphlets at locations including the visitors' centre and local government offices; land owners and operators should accept responsibility for tourists and visitors using their facilities; and importantly, tourists and visitors alike should be aware of the risks, particularly in remote areas where there is unlikely to be a caretaker on site. (WAPC, 2019).*

Tourism land uses are considered vulnerable land uses under SPP 3.7 and the preparation of a Bushfire Management Plan (BMP) and an Emergency Evacuation Plan (EEP) should be undertaken in accordance with the Guidelines for a vulnerable land use. These are recommended conditions of approval and must be in place prior to the start of the operation of the Eco-tent development.

### **Water Protection and Wastewater Management**

The DWER has advised that it is unable to support the proposal in its current format as the information supplied does not address watercourse protection and wastewater management. This is noted, however it should not be seen as a barrier to determining this application. The Council has been provided with conditions of approval that the applicant supply a Wastewater Management Plan and a Foreshore Management Plan.

### **OFFICER'S RECOMMENDATION**

That Council grants development approval for an Eco-tent development at Lot 101 Cobbler Pool Road in Morangup, subject to the following conditions:

#### General Conditions

1. The development hereby permitted must substantially commence within two years from the date of this decision letter.
2. Vehicular access to the eco-tent development hereby permitted shall be via Cobbler Pool Road only. There is to be no direct vehicular access from Lovers Lane to the eco-tent development hereby permitted.

#### Condition to be met before the development starts

3. Before the development starts, plans must be submitted to and approved by the Chief Executive Officer. When approved, the plans will be endorsed and will then form part of the approval.

The plans required are:

- a) A Bushfire Management Plan (BMP) developed in accordance with *State Planning Policy 3.7 – Planning for Bushfire Prone Areas* and the associated Guidelines.
- b) An Emergency Evacuation Plan (EEP) in accordance with *State Planning Policy 3.7 – Planning for Bushfire Prone Areas* and the associated Guidelines.
- c) A Foreshore Management Plan prepared and approved for the

Jimperding Brook in accordance with *Operational policy 4.3: Identifying and establishing waterways foreshore areas* (DWER 2012), to ensure that the waterway is appropriately protected and managed.

- d) A Wastewater Management Plan, developed in accordance with *Government Sewerage Policy (DPLH, 2019)* and *Water quality protection note No. 70: Wastewater treatment and disposal – domestic systems* (DWER, 2016).

Condition to be met prior to occupation of the development

4. Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.

Cr Bell moved the Officer's Recommendation.

Cr Chitty seconded the motion.

Clarification was sought.

Debate commenced.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 294/11/19**

**MOVED** Cr Bell

**SECONDED** Cr Chitty

That Council grants development approval for an Eco-tent development at Lot 101 Cobbler Pool Road in Morangup, subject to the following conditions:

General Conditions

1. The development hereby permitted must substantially commence within two years from the date of this decision letter.
2. Vehicular access to the eco-tent development hereby permitted shall be via Cobbler Pool Road only. There is to be no direct vehicular access from Lovers Lane to the eco-tent development hereby permitted.

Condition to be met before the development starts

3. Before the development starts, plans must be submitted to and approved by the Chief Executive Officer. When approved, the plans will be endorsed and will then form part of the approval.

The plans required are:

- a) A Bushfire Management Plan (BMP) developed in accordance with *State Planning Policy 3.7 – Planning for Bushfire Prone Areas* and the associated Guidelines.
- b) An Emergency Evacuation Plan (EEP) in accordance with *State Planning Policy 3.7 – Planning for Bushfire Prone Areas* and the associated Guidelines.
- c) A Foreshore Management Plan prepared and approved for the Jimperding Brook in accordance with *Operational policy 4.3: Identifying and establishing waterways foreshore areas* (DWER 2012), to ensure that the waterway is appropriately protected and managed.



- d) A Wastewater Management Plan, developed in accordance with *Government Sewerage Policy (DPLH, 2019)* and *Water quality protection note No. 70: Wastewater treatment and disposal – domestic systems (DWER, 2016)*.

Condition to be met prior to occupation of the development

Prior to occupation, the development hereby permitted shall be connected to an approved effluent disposal system.

**MOTION CARRIED 9/0**

**9.2.4 Lot 20 Boyagerring Road, Dumbarton – 3 to 6 Dog Application**

Date of Report:	13 November 2019
Applicant / Proponent/s:	HJ McGlasson (landowner)
File Reference:	A889/20BOY
Author:	T. Prater – Development Support Officer
Responsible Officer:	K Nieuwoudt – Manager Planning & Development
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	Nil
Voting Requirements:	Simple Majority

**PURPOSE OF THE REPORT**

To consider an application for the keeping of 4 dogs at Lot 20 Boyagerring Road, Dumbarton.

**BACKGROUND**

The Shire has received an application for the keeping of 4 dogs at Lot 20 Boyagerring Road, Dumbarton as follows:

- Two (2) Border Collies (3 years on 8 weeks old respectively);
- One (1) Kelpie/Border Collie cross(14 weeks old); and
- One (1) Kelpie (11 years old).

Prior to the application, the owner has kept two (2) dogs. The owner's reason for requesting two (2) additional dogs is because their son has moved home with his dog, and their disabled daughter requires a companion dog.

Lot 20 Boyagerring Road, Dumbarton has an area of 4.8ha and is zoned 'Rural Residential' under the Shire's Local Planning Scheme No 4.

**CONSULTATION IMPLICATIONS**

*External Consultation*

Consultation was undertaken in accordance with Council's Policy No. A15 – Keeping of 3 to 6 Dogs. All adjoining landowners within a 50 metre radius of the subject land were given 21 days to lodge a written submission on the application (advertised from 21<sup>st</sup> October 2019 until 11<sup>th</sup> November 2019).

In total, seven (7) landowners were contacted with no submissions being received.

*Internal Consultation*

The application was referred internally to the Shire's Ranger Services. The Rangers' recommendation is reflected under 'Officer Comment / Details' section of this report.

**STRATEGIC IMPLICATIONS**

There are no adverse strategic implications envisaged from this report.

**POLICY IMPLICATIONS**

Council's Administration Policy A.15 – Keeping of 3 to 6 Dogs applies to this proposal. The Application seeks to vary the Policy as it details that a maximum of 3 dogs can be considered in the 'Rural Residential' zone. As staff do not have delegation from Council to determine dog applications at variance with Council's 'Keeping of 3 to 6 Dogs' Policy, the application is referred to Council for determination.

**FINANCIAL IMPLICATIONS**

This proposal does not contain any notable financial implications.

**LEGAL AND STATUTORY IMPLICATIONS**

Section 26 of the *Dog Act 1976* outlines the limitations on dog numbers. The Act allows for local government to create Local Laws to control the number of dogs on a property.

Clause 3.2(3) of the Shire of Toodyay Dogs Local Law, which is made pursuant to the *Dog Act 1976*, outlines that Council may approve more than two dogs on a property. Administration Policy A.15 – Keeping of 3 to 6 Dogs, provides clarification on how this clause from the Local Law is applied.

The application complies with the Act and the Shire's Dogs Local Law.

**RISK IMPLICATIONS**

There are no adverse risk implications for the Shire of the recommendations of this report.

**SOCIAL IMPLICATIONS**

The keeping of animals which can be difficult to contain on an owner's property, or animals that may create excessive noise levels, may have potential to negatively impact upon the adjoining landowners.

**ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

**ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

**OFFICER COMMENT / DETAILS**

Council's Ranger Services has assessed the application and support the application. Council's Rangers have advised that the dogs are well cared for and spend the majority of the time, inside when the owner is home and are contained in well fenced areas outside of the house for when the owners are out. The property is adequately fenced to contain all (4) four dogs.

Consequently, it is recommended that a variation allowing the additional dogs be supported.

**OFFICER'S RECOMMENDATION**

That Council permit the keeping of four (4) dogs on Lot 20 Boyagerring Road, Dumbarton, subject to the following conditions:

1. All dogs must be confined to the property and kept under control by the following means:
  - (a) Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type, height and construction to prevent the dogs at all times from passing over, under or through it, or
  - (b) an approved electronic confinement.
2. Any proven complaints regarding the dogs offending against the *Dog Act 1976* may result in the permit being revoked and the number of dogs having to be reduced to a maximum of two (2) within fourteen (14) days.
3. All dogs must be registered and registration must be maintained.
4. The approval only applies to the following dogs:

Name	Breed	Sex	Reg No	Age	Colour
Bart	Kelpie	M	L0676	11yrs	Black/Brown
Sasha	Border Collie	F	L0677	3yrs	Black/White
Angel	Border Collie / Kelpie	F	TBA	14weeks	Black/White
Buddy	Border Collie	M	TBA	8 Weeks	Chocolate/White

5. Upon the death or disposal of one or more of the above dogs, the permit will cease and the number of dogs permitted will revert to the lesser number.
6. The local government needs to be notified in writing of the dogs' details and any change to details, this includes change of address and/or change of ownership.

Cr Chitty moved the Officer's Recommendation.

Cr Pearce seconded the motion.

Clarification was sought.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 295/11/19**

**MOVED** Cr Chitty

**SECONDED** Cr Pearce

That Council permit the keeping of four (4) dogs on Lot 20 Boyagerring Road, Dumbarton, subject to the following conditions:

1. All dogs must be confined to the property and kept under control by the following means:
  - (a) Fencing and gates on the premises or a portion of the premises where the dogs are to be contained, must be of a suitable type, height and construction to prevent the dogs at all times from passing over, under or through it, or
  - (b) an approved electronic confinement.
2. Any proven complaints regarding the dogs offending against the *Dog Act 1976* may result in the permit being revoked and the number of dogs having to be reduced to a maximum of two (2) within fourteen (14) days.
3. All dogs must be registered and registration must be maintained.
4. The approval only applies to the following dogs:

Name	Breed	Sex	Reg No	Age	Colour
Bart	Kelpie	M	L0676	11yrs	Black/Brown
Sasha	Border Collie	F	L0677	3yrs	Black/White
Angel	Border Collie / Kelpie	F	TBA	14weeks	Black/White
Buddy	Border Collie	M	TBA	8 Weeks	Chocolate/White

5. Upon the death or disposal of one or more of the above dogs, the permit will cease and the number of dogs permitted will revert to the lesser number.
6. The local government needs to be notified in writing of the dogs' details and any change to details, this includes change of address and/or change of ownership.

**MOTION CARRIED 9/0**

### 9.3 WORKS AND TECHNICAL SERVICES

Nil

### 9.4 CORPORATE SERVICES

#### 9.4.1 List of Payments – October 2019

Date of Report:	14 November 2019
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	FIN6
Author:	C Murcott – Accounts/Payroll Officer
Responsible Officer:	N Rodger – A/Manager Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Separate attachment:	1. List of Payments.
Voting Requirements:	Simple majority

#### **PURPOSE OF THE REPORT**

To present the cheques and electronic payments raised during the month of October 2019.

#### **BACKGROUND**

Creditor invoices are processed as they are received and on the 15<sup>th</sup> and final day of every month, cheques and electronic fund transfers are raised for payments.

#### **CONSULTATION IMPLICATIONS**

There are no adverse consultation implications envisaged from this report.

#### **STRATEGIC IMPLICATIONS**

There are no adverse strategic implications envisaged from this report.

#### **POLICY IMPLICATIONS**

Council has delegated authority to the Chief Executive Officer to make payments from the Municipal and Trust Accounts.

#### **FINANCIAL IMPLICATIONS**

There are no adverse financial implications envisaged from this report.

#### **LEGAL AND STATUTORY IMPLICATIONS**

Section 5.42 of the *Local Government Act 1995* allows the local government to delegate its powers to the Chief Executive Officer.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states that where the Chief Executive Officer has delegated authority to

make payments from the municipal and trust accounts, a list of such payments is to be presented to Council at the next meeting.

**RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

**ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

**SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

**OFFICER COMMENT / DETAILS**

Electronic Funds Transfers (EFT) are for payments transferred directly to creditor bank accounts.

Bank Payment Vouchers (BPV) are for direct debits against the bank account such as bank fees and charges etc.

Internal Payment Vouchers (IPV) are vouchers raised internally for payroll related expenditures which are paid through Council's on-line (internet) banking system.

**OFFICER'S RECOMMENDATION**

That Council note as being paid payments listed and presented for the month of October as follows:

1. Trust Fund Cheques \$0.00;
2. Electronic Fund Transfers (EFT) payments numbered EFT 26909 to EFT 27116 and Municipal Fund Cheques numbered 12682 to 12694 amounting to \$1,394,975.63;
3. Direct Debits numbered IPV652 to IPV654 and BPV4147 to BPV4180 amounting to \$349,962.22; and
4. Super Direct Debits totalling \$60,472.66 and Loan Direct Debits totalling \$0.00 as being paid

Cr Ruthven foreshadowed an amendment to the motion.

Cr Rayner moved the Officer's Recommendation as follows:

**That Council note as being paid payments listed and presented for the month of October as follows:**

1. **Trust Fund Cheques \$0.00;**
2. **Electronic Fund Transfers (EFT) payments numbered EFT 26909 to EFT 27116 and Municipal Fund Cheques numbered 12682 to 12694 amounting to \$1,394,975.63;**
3. **Direct Debits numbered IPV652 to IPV654 and BPV4147 to BPV4180 amounting to \$349,962.22; and**
4. **Super Direct Debits totalling \$60,472.66 and Loan Direct Debits totalling \$0.00 as being paid.**

Cr Greenway seconded the motion.

Cr Ruthven moved an amendment to the motion as follows:

**That Council directs the CEO to modify the monthly payments list to show**

**That Council authorise the CEO to modify the monthly Payments Lists to show:**

- 1) An additional column which provides the general ledger number for each payment item on the list; and**
- 2) Details of the individual components of payments with multiple parts.**

*The CEO provided advice to the Shire President that the amendment is identical to the Notice of Motion sent in by Cr Ruthven which would mean that the amendment is to be ruled Out of Order.*

*Clarification was sought.*

***The Shire President ruled that the amendment to the motion out of order.***

Debate on the motion commenced.

Further clarification was sought.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 296/11/19**

**MOVED** Cr Rayner

**SECONDED** Cr Greenway

That Council note as being paid payments listed and presented for the month of October as follows:

1. Trust Fund Cheques \$0.00;
2. Electronic Fund Transfers (EFT) payments numbered EFT 26909 to EFT 27116 and Municipal Fund Cheques numbered 12682 to 12694 amounting to \$1,394,975.63;
3. Direct Debits numbered IPV652 to IPV654 and BPV4147 to BPV4180 amounting to \$349,962.22; and
4. Super Direct Debits totalling \$60,472.66 and Loan Direct Debits totalling \$0.00

as being paid.

**MOTION CARRIED 9/0**



**9.4.2 Monthly Financial Statements – October 2019**

Date of Report:	15 November 2019
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	FIN24
Author:	N Rodger – Acting Manager Corporate Services
Responsible Officer:	N Rodger –Acting Manager Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Separate Attachments:	<ol style="list-style-type: none"> <li>1. Monthly Financial Statements including Outstanding Rates Debtors and Outstanding Sundry Debtors for month ending 31 Oct 2019;</li> <li>2. Bank Reconciliations for month ending 31 October 2019.</li> </ol>
Voting Requirements:	Simple majority

**PURPOSE OF THE REPORT**

To accept the Monthly Financial Statements, Outstanding Rates and Outstanding Sundry Debtors Information and the Bank Reconciliations for the period ending 31 October 2019.

**BACKGROUND**

Regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* states:

*A statement of financial activity and the accompanying documents referred to in sub regulation (2) is to be –*

- a) Presented at an ordinary meeting of the council within two months after the end of the month to which the statement relates; and*
- b) Recorded in the minutes of the meeting at which it is presented.*

These reports are prepared after all the end of month payments and receipts have been processed.

**CONSULTATION IMPLICATIONS**

There are no adverse consultation implications envisaged from this report.

**STRATEGIC IMPLICATIONS**

There are no adverse strategic implications envisaged from this report.

### **POLICY IMPLICATIONS**

There are no adverse policy implications envisaged from this report.

### **FINANCIAL IMPLICATIONS**

There are no adverse financial implications envisaged from this report.

### **LEGAL AND STATUTORY IMPLICATIONS**

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires a statement of Financial Activity to be prepared each month which is to contain the following details:

- a) Annual budget estimates;
- b) Budget estimates to the end of the month;
- c) Actual amount of expenditure and revenue;
- d) Material variances between comparable amounts in b) and c) and above; and
- e) The net current assets at the end of the month to which the statements relates i.e.: surplus/deficit position.

The Statement is to be accompanied by:

- a) Explanation of the composition of net current assets, less committed assets and restricted assets;
- b) Explanation of the material variances; and
- c) Such other information considered relevant by the local government.

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* sets out the form and content of the financial reports.

### **RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

### **ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

### **SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

### **OFFICER COMMENT / DETAILS**

Attached are the monthly Financial Statements, outstanding Rates and outstanding Sundry Debtors Information and Bank Reconciliations for the period ending 31 October 2019.

### **OFFICER'S RECOMMENDATION**

That Council accept the monthly Financial Statements, Outstanding Rates and Outstanding Sundry Debtors Information and Bank Reconciliations for the period ending 31 October 2019.

Cr Madacsi moved the Officer's Recommendation.

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 26 NOVEMBER 2019

Cr Hart seconded the motion.

Clarification was sought.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 297/11/19**

**MOVED** Cr Madacsi

**SECONDED** Cr Hart

That Council accept the monthly Financial Statements, Outstanding Rates and Outstanding Sundry Debtors Information and Bank Reconciliations for the period ending 31 October 2019.

**MOTION CARRIED 9/0**

## 9.5 EXECUTIVE SERVICES

### 9.5.1 Payments to Employees above Contract or Award Policy

Date of Report:	14 November 2019
Applicant / Proponent/s:	Cr B Ruthven
File Reference:	PCY2
Author:	S Scott – CEO
Responsible Officer:	S Scott – CEO
Previously Before Council:	February 2019
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. New DRAFTED Policy – Payments to Employees above Contract or Award Policy
Voting Requirements:	Simple Majority

#### PURPOSE OF THE REPORT

In February 2019 Council approved the rescinding of Policy No. A7 Council Contributions to Staff Functions

#### EXECUTIVE SUMMARY

Cr B Ruthven submitted a Notice of Motion on 11 November 2019 that sought Council to consider the following:

*“Pursuant to S5.50 of the Local Government Act 1995, that Council directs the CEO to:*

- Bring to Council for consideration, a draft policy which is compliant with S5.50 of the Local Government Act 1995, and*
- Ensure that, from today’s date, no more Shire funds are used for additional payments to staff whose employment with the Shire is finishing because, to do so, would be non-compliant with the Act. This direction covers expenditure by EFT, on corporate credit cards, from petty cash or by any other means.”*

In terms of efficacy this report provides the Policy to Council to have it endorsed.

#### BACKGROUND

In February 2019, Policy A.7 Council Contributions to Staff Functions was asked to be rescinded due to, as the report says, contemporary requirements. This inadvertently removed a policy compliant with Section 5.50 of the *Local Government Act 1995*.

#### CONSULTATION

Nil

## **STRATEGIC IMPLICATIONS**

There are no adverse strategic implications envisaged from this report.

## **POLICY IMPLICATIONS**

There are no adverse policy implications envisaged from this report.

## **FINANCIAL IMPLICATIONS**

There are no adverse financial implications envisaged from this report.

## **LEGAL AND STATUTORY IMPLICATIONS**

### **Policy Intent including Legislative and Strategic Context**

To meet the requirements of the following two legislative provisions:

1. Section 5.50 of the *Local Government Act 1995* requires local governments to prepare a policy in relation to employees whose employment with the local government ends for whatever reason.
2. Regulation 19A of the *Local Government (Administration) Regulations 1996* defines the limits of payments in addition to contract or award.
3. Section 1.7 of the *Local Government Act 1995* defining what Local Public Notice is where a matter is required to be given.

These sections are included below:

### **5.50. Payments to employees in addition to contract or award**

- (1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —
  - (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
  - (b) the manner of assessment of the additional amount,

and cause local public notice to be given in relation to the policy.

- (1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).

- (2) A local government may make a payment —
  - (a) to an employee whose employment with the local government is finishing; and
  - (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government,

but local public notice is to be given in relation to the payment made.

- (3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

**19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))**

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
  - (a) the value of the person's final annual remuneration, if the person —
    - (i) accepts voluntary severance by resigning as an employee; and
    - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39; or
  - (b) in all other cases, \$5,000.
- (2) In this regulation —

**final annual remuneration** in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.

**1.7. Local public notice**

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
  - (a) published in a newspaper circulating generally throughout the district; and
  - (b) exhibited to the public on a notice board at the local government's offices; and
  - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
  - (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
    - (i) the time prescribed for the purposes of this paragraph; or
    - (ii) if no time is prescribed, 7 days.

**RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

**SOCIAL IMPLICATIONS**

There may be social implications however this policy is required to be in place, as per the Local Government Act 1995.

**ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

**ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

**OFFICER COMMENT / DETAILS**

The process for reviewing policies that the Shire of Toodyay has is ongoing. Many policies will, from time to time, require review as a result of legislative amendments and the like.

The draft policy presented for Council's consideration has been drafted simply, in accordance with the legislation only. It contains no generalisations to other functions that may be prescribed other than those identified through Section 5.50 of the *Local Government Act 1995*.

**OFFICER'S RECOMMENDATION**

That Council endorses the Payments to Employees above Contract or Award Policy as attached.

Cr Rayner moved the Officer's Recommendation as follows:

**That Council endorses the Payments to Employees above Contract or Award Policy as attached.**

Cr Greenway seconded the motion.

Cr Ruthven foreshadowed an alternative motion as follows:

**That Council:**

- 1. Does not adopt the Payments to Employees above Contract or Award Policy as presented to this meeting;**
- 2. Instructs the CEO to immediately cease the current practice of using shire funds to make such payments; and**
- 3. Instructs the CEO to bring to Council a policy which complies with Section 5.50 of the Local Government Act 1995 and does not allow for expenditure of shire funds.**

Debate commenced.

Further clarification was sought.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 298/11/19**

**MOVED** Cr Rayner

**SECONDED** Cr Greenway

That Council endorses the Payments to Employees above Contract or Award Policy as attached.

**MOTION CARRIED 5/4**



**9.5.2 Correspondence from the Department of Local Government**

Date of Report:	14 November 2019
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	MTG7
Author:	S Scott – Chief Executive Officer
Responsible Officer:	S Scott – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Public Attachment:	1. Correspondence dated 4 Nov; and 2. Correspondence dated 6 Nov 2019.
Voting Requirements:	Simple Majority

**PURPOSE OF THE REPORT**

To receive correspondence that has come in from the Department of Local Government, Sport and Cultural Industries.

**BACKGROUND**

Council resolved at the June 2018 OCM (Resolution No. 122/06/18) as follows:

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

**CONSULTATION IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

There are no adverse strategic implications envisaged from this report.

**POLICY IMPLICATIONS**

There are no adverse policy implications envisaged from this report.

**FINANCIAL IMPLICATIONS**

There are no adverse financial implications envisaged from this report.

**LEGAL AND STATUTORY IMPLICATION**

There are no adverse legal nor statutory implications envisaged from this report.

**RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

### **SOCIAL IMPLICATIONS**

There are no adverse social implications envisaged from this report.

### **ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

### **ECONOMIC IMPLICATIONS**

There are no adverse economic implications envisaged from this report.

### **OFFICER COMMENT / DETAILS**

Two separate pieces of correspondence have been received from the Acting Manager of Legislation and Regulatory Support (Department of Local Government, Sport and Cultural Industries) in relation to Complaints of Minor Breach.

### **OFFICER'S RECOMMENDATION**

That Council receive the following pieces of correspondence from the Acting Manager of Legislation and Regulatory Support (Department of Local Government, Sport and Cultural Industries) as follows:

1. **(Attachment 1)** dated 4 November 2019 in relation to Complaints of Minor Breach No. 2019-062.
2. **(Attachment 2)** dated 6 November 2019 in relation to Complaints of Minor Breach No. 2019-061.

Cr Greenway moved the Officer's Recommendation.

Cr Rayner seconded the motion.

Clarification was sought.

The motion was put.

### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 299/11/19**

**MOVED** Cr Greenway

**SECONDED** Cr Rayner

That Council receive the following pieces of correspondence from the Acting Manager of Legislation and Regulatory Support (Department of Local Government, Sport and Cultural Industries) as follows:

1. **(Attachment 1)** dated 4 November 2019 in relation to Complaints of Minor Breach No. 2019-062.
2. **(Attachment 2)** dated 6 November 2019 in relation to Complaints of Minor Breach No. 2019-061.

**MOTION CARRIED 8/1**

**9.5.3 EOI Council Committees – Appointment of Community Members**

**Cr Hart declared a Closely Associated Persons Interest pursuant to Section 5.62 of the Local Government Act 1995 in relation to Agenda Item 9.5.3 EOI Council Committees – Appointment of Community Members, as one of the applicants is his spouse. Cr Hart stated that “as a consequence there may be a perception that my impartiality on the matter may be affected. I will therefore declare that I leave Council Chambers.”**

*Cr Hart departed Council Chambers at 7.37pm.*

Date of Report:	18 November 2019
Applicant / Proponent/s:	Shire of Toodyay
File Reference:	COC2 (Audit Committee); COC14 (Environmental Advisory Committee) and COC4 (Museum Advisory Committee).
Author:	S Scott – CEO
Responsible Officer:	S Scott – CEO
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Public Attachment:	1. Copy of Advertisement on Shire website;
<b>Confidential Attachment:</b>	<b>2. Schedule &amp; registrations, where possible.</b>
Voting Requirements:	Absolute Majority

**PURPOSE OF THE REPORT**

To consider “community member” appointments to the Audit Committee, the Environmental Advisory Committee and the Museum Advisory Committee.

**EXECUTIVE SUMMARY**

At a Special Council Meeting held on 29 October 2019, in relation to a Committee Review, Council resolved to adjourn debate at 3.15pm in accordance with Standing Order 10.1(c) to the next Ordinary Council Meeting to be held on 25 February 2020. At the same meeting Council appointed Council Representatives to Council Committees.

**BACKGROUND**

At a Special Council Meeting held on 29 October 2019, Council resolved to:

1. Authorise the CEO to place advertisements for Expressions of Interest by Friday 1 November 2019 for community representatives on the Audit Committee, Environmental Advisory Committee and Museum Advisory Committee with a closing date of Friday 22 November 2019 on the

Shire's Facebook page, Shire's Website, November newsletter and in the November edition of the Toodyay Herald; and

2. Present all expressions of interest received to Council for consideration and selection at the November 2019 Ordinary Council Meeting.

### **CONSULTATION IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

A key point of the Shire's Strategic Community Plan 2028 is to maintain and develop services that meet the requirements of our diverse community. This objective is met through Council's commitment to building partnerships that strengthen our community wellbeing.

### **POLICY IMPLICATIONS**

There are no adverse policy implications envisaged from this report.

### **FINANCIAL IMPLICATIONS**

There are no adverse financial implications envisaged from this report.

### **LEGAL AND STATUTORY IMPLICATIONS**

In relation to the Museum Advisory Committee and the Environmental Advisory Committee Appointment of Committee Members shall be in accordance with Section 5.10 of the *Local Government Act 1995* (stated below) and Shire of Toodyay Standing Order 17.6.

Section 5.10 of the Local Government Act 1995 provides for the membership of Committees as follows:

#### 5.10. Committee members, appointment of

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

In relation to the Audit Committee, the Local Government Act 1995, Division 1A – Audit Committee, Section 7.1A states the following:

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.  
*\* Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

### **RISK IMPLICATIONS (including DAIP)**

There are no adverse risk implications envisaged from this report.

### **SOCIAL IMPLICATIONS**

Inviting members of the community to become community members on our Committees of Council is seen as a way to increase community participation.

Community participation on Council Committees is about recognising that involving the public in the decisions of Council is no longer about information dissemination and telling the people what is being done, but is a two-way information sharing opportunity as well.

### **ENVIRONMENTAL IMPLICATIONS**

There are no adverse environmental implications envisaged from this report.

## ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

## OFFICER COMMENT / DETAILS

In order to implement the Council resolution to advertise for community members on the Audit Committee, Environmental Advisory Committee and the Museum Committee an advertisement was placed into the Toodyay Herald, the Shire's Facebook Page, the Shire's website, and the November Community Newsletter (refer to **Attachment 1**).

In addition to this, the current members of each of those committees were contacted via email advising them of Council's decision and seeking their expressions of interest for community membership on the Committees they were previously members on, or on the other committees of Council, as advertised.

Prior to Council's motion to advertise for expressions of interest, information about the Audit Committee had not been present on the Shire's website.

The information in relation to all the committees was updated on Friday 1 Nov 2019, and the website page view was as follows:

Home / Council / Council Meetings / Council Committees

### Council Committees

<p><b>Expression of Interest to Participate in a Committee of Council</b></p> <p>You are invited to submit an Expression of Interest to participate in Council Committees.</p>	<p><b>Bush Fire Advisory Committee</b></p> <p>Bush Fire Advisory Committee was created to provide advice to the Council on matters pertaining to obligations within the Bush Fires Act and the organising, managing, resourcing and training of volunteer bush fire brigades.</p>	<p><b>Museum Advisory Committee</b></p> <p>Museum Advisory Committee is to provide guidance and assistance to the Council on matters affecting the Shire museum's.</p>
<p><b>Local Emergency Management Committee</b></p> <p>Amongst other things, the purpose of the Local Emergency Management Committee is to advise and assist Council in ensuring local emergency management arrangements are in place.</p>	<p><b>Environment Committee</b></p> <p>The Environmental Advisory Committee was created to provide advice to Council on the implementation of the environmental strategy. The committee is also tasked with developing relevant documents including policies, strategies, leaflets, pamphlets or booklets consistent with the environmental strategy for consideration by Council and providing advice on relevant matters referred to it by Council.</p>	<p><b>Audit Committee</b></p> <p>Audit Committee means an audit committee established under section 7.1A of the Local Government Act 1995.</p> <p>The Audit Committee has specific functions to follow that are set out in Regulation 16 of the Local Government (Audit) Regulations 1996.</p>

Bearing in mind that the closing date for expressions of interest, set by Council, was 22 November 2019, the number of applications received for each committee as at 20 Nov 2019 was as follows:

Audit Committee	Environmental Advisory Committee	Museum Advisory Committee
1	3	3

Any appointments Council makes will be in place until the “next elections day” in 2021 in accordance with s.5.11 (1) (d) of the *Local Government Act 1995*.

**Attachment 2** contains the Schedule of Submissions made together with correspondence received in respect to community representation on the various committees.

It is recommended that a motion to move behind closed doors (for discussion) is made in accordance with Section 5.23 (2) (b) and (e) (iii) of the *Local Government Act 1995*.

**OFFICER’S RECOMMENDATION 1 – Audit Committee**

That Council resolve, in relation to the Audit Committee, the following persons to be its community members:

- H McDonald-Appleby, Community Member; and
- J Robertson, Community Member.

**OFFICER’S RECOMMENDATION 2 – Environmental Advisory Committee**

That Council appoint the following persons to be members:

- J Hart, Community Member.
- B Foley, Community Member; and
- B Lloyd, Community Member

**OFFICER’S RECOMMENDATION 3 – Museum Advisory Committee**

That Council appoint the following persons to be members:

- B Keens, Community Member.
- B Frayne, Community Member;
- J Edgecombe, Community Member; and
- K Shanks, Community Member.

Cr Rayner moved all three Officer Recommendations en bloc.

Cr Ruthven seconded all three Officer Recommendations.

***In accordance with Standing Order 9.3 the Shire President sought clarification as to whether any member opposed the substantive motion.***

***In accordance with Standing Order 9.3(2) the Shire President declared the motion carried without debate and without taking a vote.***

***The Shire President ruled that the motion was carried in accordance with Standing Order 9.3 (3) and is to be recorded in the minutes as a unanimous decision of the Council.***

**OFFICER'S RECOMMENDATION 1, 2 and 3 /ADOPTION EN BLOC  
COUNCIL RESOLUTION NO. 300/11/19**

**MOVED** Cr Rayner

**SECONDED** Cr Ruthven

**OFFICER'S RECOMMENDATION 1 – Audit Committee**

That Council resolve, in relation to the Audit Committee, the following persons to be its community members:

- H McDonald-Appleby, Community Member; and
- J Robertson, Community Member.

**OFFICER'S RECOMMENDATION 2 – Environmental Advisory Committee**

That Council appoint the following persons to be members:

- J Hart, Community Member.
- B Foley, Community Member; and
- B Lloyd, Community Member

**OFFICER'S RECOMMENDATION 3 – Museum Advisory Committee**

That Council appoint the following persons to be members:

- B Keens, Community Member.
- B Frayne, Community Member;
- J Edgecombe, Community Member; and
- K Shanks, Community Member.

**MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**

*Cr Hart returned to Council Chambers at 7.41pm.*

*The result of the Council decision was read out loud by the Shire President for the benefit of Cr Hart.*



## 9.6 COMMITTEE REPORTS

Nil.

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

*This section refers to Standing Orders 4.4 Motions of which previous notice has been given. There are two Notices of Motion that will be presented to the December 2019 Council Meeting as follows:*

- 11.1 *Cr Bell – Policy M.3; and*
- 11.2 *Cr Bell – Legal Action.*
- 11.3 *Cr Bell – Budget.*
- 11.4 *Cr Ruthven – List of Payments.*

## 12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

*This section refers to Standing Orders 6.1 Questions on notice by Members. In November 2019 two Councillors submitted Questions for a response in accordance with Standing Orders.*

- *Cr Bell asked for responses to Questions 12.1 to 12.17.*
- *Cr Ruthven asked for responses to Questions 12.19 to 12.21.*

### 12.1 Coondle Fire Shed (Septic System)

- (a) Has the CEO been made aware of any concerns regarding the septic system recently installed at the Coondle Fire Shed?

*Yes.*

- (b) If so, what were the nature of these concerns?

*Concerns raised and actions taken are after (c).*

- (c) How has the Shire addressed / rectified these concerns?

*Concerns raised and actions taken:*

- i. the location of the septic tanks and leach drains.*

*Investigated and non-issue. Septic/leach drain location is where it is designed to be.*

- ii. the backfill material.*

*Investigated and non-issue. Backfill material is a specific leach drain sand and is surplus to the minimum requirement of surrounding aggregate.*

- iii. only having one row of leach drains.*

*One row of leach drains is all that is deemed required based on the occupancy and use of the building.*

**12.2 Coondle Fire Shed (Vehicular access)**

- (a) Has the CEO been made aware of any safety concerns regarding bush fire vehicle entering the main road from the Coondle Fire Shed?

*Yes.*

- (b) If so, what were the nature of these concerns?

*Concerns raised and actions taken are after (c).*

- (c) How has the Shire address these concerns?

*That the crossover/s and location are unsafe and the speed limit of the road is too high.*

*The crossovers to the new shed meet Austroads guidelines for sight distance for 110km/hr speed zone. As such, it is proposed the crossovers for the new Coondle shed will function similar to any other crossover/intersection along Toodyay Bindi-Bindi Road. Some vegetation pruning took place to ensure sight distances were met. MRWA were also approached regarding a potential speed reduction of the road in this location. Following investigation, MRWA nor the Shire support a reduction of the speed limit.*

**12.3 Coondle Fire Shed (Security of volunteers' vehicles)**

- (a) Has the CEO been made aware of any security (thief / damage) concerns regarding the private vehicles of volunteers parked at the Coondle Fire Shed?

*Yes.*

- (b) If so, what were the nature of these concerns?

*Concerns raised and actions taken are after (c).*

- (c) How has the Shire address these concerns?

*One member of the public has raised a generic concern re: safety of volunteer vehicles*

*The new Coondle Fire Shed will have parking at the rear of the facility. No fire sheds within the Shire of Toodyay have secured compound parking and with no reported history of theft, damage, etc. the new Coondle Shed will be no different in this respect. However, CCTV is included in the scope of works for the new Coondle shed, increasing surveillance and security of both the new facility and car park area.*

**12.4 Visual impact of Shire-recommended developments on residents**

The New South Wales Department of Planning and Environment recently rejected some developments citing its visual impact on nearby properties. This decision was subsequently upheld by the Independent Planning Commission. How much weighting, if any, does the Shire of Toodyay place the visual impact on nearby

properties during its assessment of a development application prior to the application coming to Council?

*In considering an application for development approval, a decision-making authority is to have due regard to the matters listed under clause 67 (matters to be considered by local government) of the deemed provisions for local planning schemes (Schedule 2 Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015) to the extent that, in the opinion of the Shire, those matters are relevant to the development the subject of the application.*

*The following matters in clause 67 of the Regulations may have a bearing on “visual impact”: -*

*“(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;”*

*and*

*“(n) the amenity of the locality including the following —*

*(i) environmental impacts of the development;*

*(ii) the character of the locality;*

*(iii) social impacts of the development;”*

*The meaning given to the term “amenity” in the P&D Regulations is —*

*“amenity means all those factors which combine to form the character of an area and include the present and likely future amenity;”*

*The degree of “weight” that should be assigned to the visual aspect of a particular development proposal would depend on the circumstances of the case.*

## **12.5 Answers provided in Section 12 of September 2019 Ordinary Council Meeting**

Could the Shire President confirm that he is satisfied with the answers provided by the CEO and previous Shire President in Section 12 of the September 2019 Ordinary Council Meeting please?

*Section 12 is Questions from members, and the Minutes of the September OCM have been confirmed. Individual members have the capacity to seek additional information if that provided is not sufficiently clear.*

## **12.6 Borrow Pit**

Is the termed “borrow pit” defined in any State or Local Government Act, Regulation or Local Law? If so, how is a

“borrow pit” defined?

*No.*

#### **12.7 Extractive Industry Local Law**

Part 1.1 of the Shire of Toodyay’s Extractive Industries Local Law defines “carry on an extractive industry” as being quarrying and excavating for stone, gravel, sand and other material. The Minutes of the 22 October 2019 Agenda Briefing Notes state that “As the material being extracted is being used on the land, it is not an extractive industry”. Could the CEO detail which part of the Extractive Industries Local Law the Shire relied upon when taking the position documented in the 22 October 2019 Minutes please?

*The Shire’s Administration did not - and was not required to - rely on any part of the Shire of Toodyay Extractive Industries Local Law because the ‘use and development’ of land is governed and given effect by the Planning and Development Act 2005. The P&D Act is the primary piece of legislation governing development (and subdivision) in WA, and gives power to local governments to make local planning schemes for their local government area.*

*The first step Shire staff is required to undertake for new development, is to determine whether the use can be characterised as falling within a land use category that is listed in the Zoning Table (Table 1) of LPS4. The assessing officer (Manager Planning and Development) determined the most appropriate use class for a borrow pit in Table 1 of LPS4 to be “agriculture – extensive” as it is considered the excavation of gravel for on-farm use is directly associated with – and subservient to – the primary use (being rural) of the land.*

#### **12.8 Tonnages extracted to date**

How many tonnes of gravel and sand have been quarried / excavated within Lot 124 (#5799) Toodyay Road over the past 12 months?

*The owner of Lot 124 would be best placed to answer this question.*

#### **12.9 Tonnages stated under the Act**

(a) How many tonnes of gravel and sand can a resident quarry / excavate on land zoned Rural Living?

*That would depend on the context of a particular proposal, which the Shire will assess on its merits after having due regard to the relevant matters listed under clause 67 (matters to be considered by local government) of the deemed provisions for local planning schemes (Schedule 2 Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015).*

(b) Is this tonnage stated in any State or Local Government Act,

Regulation or Local Law?

*No, but if the application was for an extractive industry as defined by the Shire's LPS4, depending on the specifics of that proposal, some extractive industries may require registration or a licence as a 'prescribed premise' from the Department of Water and Environmental Regulation under Part V of the Environmental Protection Act 1986 (Environmental Protection Regulations, 1987, Schedule 1) if:*

- The material is screened, washed, crushed, ground, milled, sized or separated and more than 50000 tonnes per annum is processed.*
  - 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.*
  - Non-metallic minerals are being processed (crushed, ground, milled or separated) and more than 100 tonnes/annum is processed.*
- (c) If the gravel is being used for in-house purposes, why is the applicant seeking to operate the quarry 10 hours a day, six days per week for an indefinite period?

*The hours of operation condition in the Officer's Recommendation of the withdrawn Agenda Item (Item 9.3.3) seeks to control 'hours of operation' for reasons of amenity. It does not seek to control the term of the approval.*

**12.10 Donation of sand**

The Minutes of the 22 October 2019 Agenda Briefing Notes state that the sand being quarried / excavated on Lot 124 (#5799) Toodyay Road is being donated "to the Shire". If this is the case, why would there be any "commercial arrangement between the principal contractor and the donator of the material" (as stated in the Minutes of the 22 October 2019 Agenda Briefing Notes)? Wouldn't it be correct that the agreement would be between the Shire of Toodyay and the donator of the material, and not the principal contractor and the donator of the material?

*More than \$1 million of in kind donations were pledged to the Shire of Toodyay from members of the community toward the Sport and Recreation Precinct in December 2016. Many of these pledges relate the substantial volumes of fill that will be required for the eventual development of a new AFL / Cricket ground.*

*This is a large project and with many offers of pledges, it required significant coordination and cooperation from all parties. The Shire of Toodyay always endeavours to use local contractors wherever possible. Apart from the willingness of the principal contractor to seek local bids for sub-contracting work we are not able to mandate a particular level of local participation.*

*As part of contracting arrangements ADCO was required to seek local suppliers to make good on pledges. This is quite challenging for Stage 1 of the project as the fill required must meet the specification stipulated for the work. The pledge was for the value of the fill not the transport of the fill to site. This is a separate commercial arrangement.*

*So the premise of the question is incorrect and the donation may be obtained directly by the principal contractor as the agent for the Shire.*

#### **12.11 Donation vs commercial transaction**

If moneys are being paid to the so-called “donator of the material”, how could the transaction being considered to be a donation? Surely, if the money (regardless of the quantum) is being paid to the supplier to the sand, then this is a commercial transaction, is it not?

*The premise of the question is not correct and it is possible and indeed it is the case that the donation of the material to the Shire’s contractor for the Shire’s project satisfies the definition of a donation.*

*If you are suggesting that a donation would exclude any other commercial arrangement why would anyone donate anything?*

#### **12.12 Seeking confirmation of gravel use**

In an email dated 4 October 2019, the Acting CEO of the Shire of Toodyay stated that the gravel quarry was required to repair some of the existing internal roads on Lot 124. Can the CEO confirm that the excavated gravel was only used to repair existing internal roads and was not used for any other purpose including the construction of new or additional internal roads?

*Shire staff were advised that gravel sourced from the existing pit was used to repair existing internal roads only.*

*It is not uncommon for owners of farming properties to have internal roads within the properties between the home, paddocks and machinery sheds. It would not be uncommon for the owner to have to continually maintain the internal roads due to inclement weather conditions causing holes and unevenness of the internal roads. It is not uncommon for an owner to use soil on their own property to maintain their own property, as it can be expensive to outsource gravel and sand from alternate sources.*

#### **12.13 Rehabilitation of gravel quarry**

In an email dated 4 October 2019, the Acting CEO of the Shire of Toodyay stated that the gravel quarry was required to repair some of the existing internal roads on Lot 124. Given the volume of material that has been excavated from the gravel pit, can the CEO confirm that the existing internal roads have now been repaired and that this gravel pit is no longer required by the land



owner?

*The owner of Lot 124 would be best placed to answer this question. Gravel roads, however, characteristically require ongoing maintenance as they can erode badly in bad weather conditions and quickly become un-trafficable or unsafe.*

#### **12.14 Ceasing of operations**

In an email dated 4 September 2019, the Manager of Planning and Development of the Shire of Toodyay stated that, in relation to Lot 124 Toodyay Road, "I can confirm that the owner's son has agreed to cease all works and will not recommence until a development approval is in place". Did the owner's son adhere to his agreement with the Manager of Planning and Development and cease all works in early September?

*Yes, at the time the applicant suspended all works in relation to the hardstand area. Once Shire staff were satisfied that no additional fill for the hardstand area was required, the application was cleared and a Building Permit issued.*

#### **12.15 Councillors having access to different amounts of information**

It is lawful that a person who has submitted a development application to Council can determine what information individual councillors have access to regarding that application?

*If Cr Bell is referring to the fact that when Council asked for a site visit to the property that was the subject of withdrawn Item (Item 9.2.3) in the October 2019 OCM Agenda then the answer is yes it is lawful for an owner of a property (the proponent) to say who and who not they wish to have enter their property. Council cannot threaten the proponent with words to the effect that if they do not allow a Councillor access to a site visit then Council would not advocate in their favour.*

*Council and the Administration cannot insist that any individual Councillor be allowed to visit. Nor can it disadvantage an applicant on that basis.*

*In respect to the site visit that occurred, Officers had accompanied Councillors to the site. If any extra information had come to light from the site visit then the Officers would have included that information (with pictures) in their Officer Report.*

*Council can only resolve to move a motion / make a decision on a matter before it at a Council Meeting via an Officer Report that contains an Officer's Recommendation.*

#### **12.16 Recreation Centre**

Is the Recreation Centre presently on time and on budget?

*Yes. The Project Manager provided a comprehensive update to Council at its Strategic Forum on 12 November 2019.*

**12.17 Question 12.17 referred to a legal matter and will be responded to behind closed doors at Item No. 14 for Confidential Business.**

**12.18 Collette Way**

When did Collette Way in West Toodyay get officially gazetted as a public road?

*It appears it was gazetted in 2010, though I have not been able to confirm.*

**12.19 Policy complies with Section 5.50 of the Act**

Has Council adopted another policy which complies with S5.50 of the Act?

*Not as yet.*

**12.20 Policy adopted in reference to Section 5.50 of the Act**

If another compliant policy has been adopted, what is the policy number and when was it adopted by Council?

*Refer to the response above.*

**12.21 Expenditure on gifts**

If no other compliant policy has been adopted, would you please advise the total cost of expenditure on gifts, etc. since 26 February for employees who have finished their employment with the Shire of Toodyay?

*According to the ledger the cost is \$331.77.*

**12.22 Expenditure on gifts**

In March 2019 a figure of \$298.75 is listed as farewell gift cards and in July there were two entries for "FO" that totalled \$894.16. Was this actually expenditure on gifts?

*This question was taken on notice.*

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

**13.1 MEMBERS**

Nil

**13.2 EMPLOYEES**

Nil

**14. CONFIDENTIAL BUSINESS**

In accordance with Standing Orders 5.2 (1) the CEO recommended to the Shire President that the meeting or part of a meeting be closed to members of the public.

The Presiding Member requested a motion be moved in accordance with Standing Orders 5.2 (2) that the meeting be closed to the public.



**MOTION/COUNCIL RESOLUTION NO. 301/11/19**

**MOVED** Cr Chitty

1. That, in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public at 7.43pm to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —
  - (a) a matter affecting an employee or employees; and
  - (b) the personal affairs of any person; and
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret; or
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,  
where the trade secret or information is held by, or is about, a person other than the local government; and
2. That in accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

**MOTION CARRIED 9/0**

In accordance with Standing Orders 5.2 (3) the Presiding Member directed everyone to leave except the Members; the CEO and any employee specified by the Presiding Member.

*All members of the public departed the Council Chambers at 7.44pm.*

*The Shire President adjourned the meeting at 7.44pm.*

*The Shire President resumed the meeting at 8.07pm.*

**12.17 Question 12.17 referred to a legal matter**

The Shire President read out the response to Question 12.17.

**14.1 2020 Governor's Australia Day WA Citizen of the Year Awards Report**

**OFFICER'S RECOMMENDATION**

That Council:

1. Elect by secret ballot, recipients for the 2020 Governor's, Australia Day WA Citizen of the Year Awards, acknowledging that the ballot results will remain confidential until the announcement of the winners at the Australia Day breakfast which is held at Duidgee Park on 26 January 2020; and
2. In the event of a tied ballot, the Shire President and CEO will then determine the ultimate recipient based on the submission provided in that category.

Cr Rayner moved the Officer's Recommendation.

Cr Greenway seconded the motion.

Clarification was sought.

Ballots were provided to the Councillors.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 302/11/19**

**MOVED** Cr Rayner

**SECONDED** Cr Greenway

That Council:

1. Elect by secret ballot, recipients for the 2020 Governor's, Australia Day WA Citizen of the Year Awards, acknowledging that the ballot results will remain confidential until the announcement of the winners at the Australia Day breakfast which is held at Duidgee Park on 26 January 2020; and
2. In the event of a tied ballot, the Shire President and CEO will then determine the ultimate recipient based on the submission provided in that category.

**MOTION CARRIED 9/0**

## 14.2 CEO Recruitment

### RECOMMENDATION 1

- A. That Council appoint a committee to manage the recruitment process on behalf of Council. The following tasks will be delegated to the committee (delete all that do not apply)
- development or review of the position description;
  - development of selection criteria;
  - drafting of the advertisement (Council must approve the advertised salary range);
  - preliminary assessment of the applications;
  - final shortlisting;
  - drafting of the questions for interview;
  - coordinating interviews; and
  - finalising the contract (Council must approve the final Contract)
- B. That Council appoint the following members to the CEO Selection Committee
- |          |          |
|----------|----------|
| Cr _____ | Cr _____ |
| Cr _____ | Cr _____ |

### ALTERNATIVE RECOMMENDATION 1

That Council not appoint a committee to assist with the CEO Recruitment process, and that the process be managed by Council with the assistance of a Recruitment Consultant.

### RECOMMENDATION 2

That Council approach the Department of Local Government Sport and Cultural Industries to see if they would be able to supply an independent person to serve on the interview panel.

### RECOMMENDATION 3

That Council appoint \_\_\_\_\_ (Recruitment Consultant) to assist with the process of recruiting a new CEO

Cr Rayner moved *Alternative Recommendation 1* as follows:

**That Council not appoint a committee to assist with the CEO Recruitment process, and that the process be managed by Council with the assistance of a Recruitment Consultant.**

Cr Bell seconded the motion.

Clarification was sought.

The motion was put.

Cr Madacsi foreshadowed *Recommendation No. 1* as an alternate motion.

Debate commenced.

The motion was put.

**ALTERNATIVE RECOMMENDATION 1/COUNCIL RESOLUTION NO. 303/11/19**

**MOVED** Cr Rayner

**SECONDED** Cr Bell

That Council not appoint a committee to assist with the CEO Recruitment process, and that the process be managed by Council with the assistance of a Recruitment Consultant.

**MOTION CARRIED 9/0**

Cr Manning sought movers for Rec No. 2.

The motion lapsed for want of a mover.

Cr Manning sought movers for Rec No. 3.

Clarification was sought.

Cr Bell moved a motion as follows:

**That Council appoint Logo Appointments (Recruitment Consultant) to assist with the process of recruiting a new CEO**

**MOTION/COUNCIL RESOLUTION NO. 304/11/19**

**MOVED** Cr Bell

**SECONDED** Cr Hart

That Standing Order 7.9 be suspended at 8.27pm.

**MOTION CARRIED 9/0**

**MOTION/COUNCIL RESOLUTION NO. 305/11/19**

**MOVED** Cr B Rayner

**SECONDED** Cr Hart

That Council continue the meeting for up to one more hour in accordance with Standing Order 4.7 (b).

**MOTION CARRIED 9/0**

Cr Madacsi foreshadowed an alternate motion as follows:

- 1. That Council invite tenders for the supply of services in relation to the recruitment and appointment of the CEO.**
- 2. That the criteria for deciding which tender to accept shall be (a) scope of services; (b) experience, (c) personnel and (d) pricing.**
- 3. That the CEO be authorised to invite tenders and prepare a report in consultation with the President and the report is**

**brought to a Special Meeting at a time and date to be determined by the President.**

Debate commenced in relation to the foreshadowed alternate motion vs. the motion that is already on the table.

Cr Madacsi foreshadowed an amendment to Point 3 of the alternate motion as follows:

**That Point 3 be reworded to read as follows:**

- 3. The CEO be authorised to prepare a Tender Specification for the selection of a Recruitment Consultant to bring back to Council for the December 2019 Ordinary Council Meeting.**

*Clarification was sought.*

Cr Bell withdrew the motion he had moved at 8.48pm as the motion had not been seconded.

**MOTION/COUNCIL RESOLUTION NO. 306/11/19**

**MOVED** Cr Bell

That Standing Orders be resumed.

**MOTION CARRIED 9/0**

Cr Madacsi moved a motion as follows:

- 1. That Council invite tenders for the supply of services in relation to the recruitment and appointment of the CEO.**
- 2. That the criteria for deciding which tender to accept shall be (a) scope of services; (b) experience, (c) personnel and (d) pricing.**
- 3. The CEO be authorised to prepare a Tender Specification for the selection of a Recruitment Consultant to bring back to Council for the December 2019 Ordinary Council Meeting.**

Cr Rayner seconded the motion.

*Clarification was sought.*

**PROCEDURAL MOTION/COUNCIL RESOLUTION NO. 307/11/19**

**MOVED** Cr Bell

**SECONDED** Cr Chitty

That the meeting proceed to the next item of business in accordance with Standing Order 10.1 (a). The debate ceased at 9.06pm.

**MOTION LOST 4/5**

The debate recommenced at 9.07pm.

The motion was put.

**ALTERNATE MOTION/COUNCIL RESOLUTION NO. 308/11/19**

**MOVED** Cr Madacsi

**SECONDED** Cr Rayner

1. That Council invite tenders for the supply of services in relation to the recruitment and appointment of the CEO.
2. That the criteria for deciding which tender to accept shall be (a) scope of services; (b) experience, (c) personnel and (d) pricing.
3. The CEO be authorised to prepare a Tender Specification for the selection of a Recruitment Consultant to bring back to Council for the December 2019 Ordinary Council Meeting.

**MOTION CARRIED 6/3**

*In accordance with Section 5.21(4)(b) of the Local Government Act 1995, Cr Chitty requested that the vote of all members present be recorded. Councillors Manning, Madacsi, Ruthven, Greenway, Pearce and Hart voted for the motion. Councillors Chitty, Rayner and Bell voted against the motion.*

**14.3 Sport and Recreation Precinct Update**

**OFFICER'S RECOMMENDATION**

That Council receive the project update for November 2019.

Cr Rayner moved the Officers Recommendation.

Cr Greenway seconded the motion.

*Clarification was sought.*

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 309/11/19**

**MOVED** Cr Rayner

**SECONDED** Cr Greenway

That Council receive the project update for November 2019.

**MOTION CARRIED 9/0**

**MOTION/COUNCIL RESOLUTION NO. 310/11/19**

**MOVED** Cr Chitty

That Council move from behind closed doors.

**MOTION CARRIED 9/0**

*The Council Chambers were re-opened at 9.17pm.*

*No members of the public returned to the Chambers and therefore the resolutions made behind closed doors were not read aloud.*

**15. NEXT MEETINGS**

Community Meeting	30 November 2019
Audit Committee Meeting	5 December 2019
Agenda Briefing	10 December 2019
Council Meeting	17 December 2019

**16. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 9.19pm.

# Attachments to Minutes

Ordinary Council Meeting

Tuesday 26 Nov 2019

## SUBMISSIONS

<b>Mr A Boyd regarding Agenda Item No. 9.2.1 Application for Development Approval – Excavation Works Associated with operation of a borrow pit for on-farm use – Lot 124 (#5799) Toodyay Road, Toodyay</b>	<b>1</b>
--	----------

## Attachments that formed part of the Meeting Agenda (separately indexed)

### AGENDA BRIEFING

<b>Agenda Briefing Notes</b>	<b>1</b>
------------------------------	----------

### PUBLIC QUESTIONS TAKEN ON NOTICE

Information from LGIS	27
-----------------------	----

### COMMUNITY DEVELOPMENT

<b>9.1.1 Reconciliation Action Plan &amp; Reference Group</b>	<b>35</b>
1. Copy of Forum Discussion Paper – 14 June 2016;	35
2. Excerpt OCM Minutes – 26 July 2016;	37
3. Copy of Information from Reconciliation Australia - Which RAP is right for you;	41
4. Copy of Information from Reconciliation Australia -Join the Program (previously before Council 2016);	45
5. Copy of Information from Reconciliation Australia -Reflect RAP template (previously before Council 2016);	46
6. Copy of Shire of Quairading RAP 2015-2017 (previously before Council 2016); and	63
7. Copy of Shire of Gingin RAP – 2018 – 2028 (as suggested by Noongar Kaakning Aboriginal Corporation – Toodyay)	71

### PLANNING AND DEVELOPMENT

<b>9.2.1 Application for Development Approval – Excavation Works Associated with operation of a borrow pit for on-farm use – Lot 124 (#5799) Toodyay Road, Toodyay</b>	<b>85</b>
1. Location Plan;	85
2. New Plan (amended) as per Agenda Briefing Discussion on 19/11/19	86
3. Pit Plan	87





<b>9.2.2 Application for Development Approval – Lot 108 MacDonald Retreat, Dumbarton – Proposed Family Day-Care Centre</b>	<b>89</b>
1. Map;	89
2. Application Details; and	91
3. Schedule of Submissions	95
<b>9.2.3 Application for Development Approval – Lot 101 Cobbler Pool Road, Morangup – Eco Tent Development</b>	<b>97</b>
1. Map – Lot 101 Cobbler Pool Road, Morangup;	97
2. Application Plans – Eco-tent; and	99
3. Schedule of submissions.	113
<b>9.2.4 Lot 20 Boyagerring Road, Dumbarton – 3 to 6 Dog Application</b>	<b>Nil</b>
No attachments	Nil

## WORKS AND TECHNICAL SERVICES

No reports.

## CORPORATE SERVICES

<b>9.4.1 List of Payments – October 2019</b>	<b>125</b>
1. List of Payments – October 2019	125
<b>9.4.2 Financial Statements – October 2019</b>	<b>135</b>
1. Monthly Financial Statements including Outstanding Rates Debtors and Outstanding Sundry Debtors for month ending 31 October 2019; and	135
2. Bank Reconciliations for month ending 31 October 2019.	157

## EXECUTIVE SERVICES

<b>9.5.1 Payments to Employees above Contract or Award Policy</b>	<b>161</b>
1. New DRAFTED Policy – Payments to Employees above Contract or Award Policy	161
<b>9.5.2 Correspondence from the Department of Local Government</b>	<b>165</b>
1. Correspondence dated 4 Nov; and	165
2. Correspondence dated 6 Nov 2019.	177
<b>9.5.3 EOI Council Committees – Appointment of Community Members</b>	<b>187</b>
1. Copy of Advertisement on Shire website;	187
2. Confidential Schedule & Registration Forms	SCA



**From:** Tammy Boyd

**Sent:** Tuesday, 26 November 2019 8:42 AM

**To:** <ceo@toodyay.wa.gov.au>; <records@toodyay.wa.gov.au>

**Subject:** [External]-Fwd: Borrow Pit Application

Hi,

I am forwarding this email below to you that we sent out to all councillors on the 23rd. We were advised to send a copy to you for our email to be treated as notice of the text or substance of a submission for today's meeting. We would like this to be our submission for today's meeting in regards to the Borrow Pit Application as mentioned.

Any problems. please let me know.

Thanks

Andrew & Tammy Boyd

----- Forwarded Message -----

**From:** Tammy Boyd>

**Subject:** Borrow Pit Application Email 1 of 3

**Date:** Nov 23 2019, at 5:28 pm

**To:** [Councillors@toodyay.wa.gov.au](mailto:Councillors@toodyay.wa.gov.au),  
[records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

**Re: Borrow Pit Application Lot 124 (#5799)  
Toodyay Road, Toodyay.**

Good Afternoon Councillors,

Andrew & Tammy Boyd here of 110 Harvester Drive, Toodyay. Today we are writing to you in regards to the borrow pit application listed above, We have attached three photo's to this email for you to view and we will also send two more emails of two short video's for you to see. We are passing these on for your consideration as we would like to show you what we personally experience in our own back yard while these excavation works have been carried out recently as it will show you what not only we will incur, but also our neighbours along Harvester Drive if this approval is to pass. As you will see, no dust suppression has been used. Dust suppression has only been used on 3 occasions in the past two years so all we receive now is alot of dust, noise and an eyesore of a pit as a view which is to become massively larger if this is approved. In one day alone we experienced 36 loads from the larger semi trailer tipper trucks carting up and down the fire-break. If desired, we have more photo's and video's that can be viewed as excavation has been taking place over the past two years with it being alot more frequent since August this year.

We have already sent through a couple of emails about this ongoing situation to the [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au) on the 22/09/2019 & 22/10/2019 if you wish to view our submissions. We have been told on different occasions that the pit was to be used for different agendas, one being gravel for earthworks for a farm shed, one for internal roads and another of sand for the recreation precinct which by now they would have completed. We understand that the sand was for the recreation centre and this approval had conditions, however Mr Wood still did not adhere to these conditions as no dust suppression was used nor did he stick to the Monday-Friday conditions. He had works going Monday-Saturday for this which was not in the approval. This to us just shows that whatever dust suppression, noise control measures, size and depth listings, rehabilitation measures and time frames for doing works is submitted to excavate will not be adhered to as he already has not done so with what has been removed with and without approval. The pit depth alone has already exceeded the 1.5m application listing to approximately 3m in depth.

I would like to ask if you have all taken into consideration as to why there has been only one submission from all 7 neighbouring properties? If you are unaware, I will explain a few:



- 2 properties are friends of the family
- 1 property is a rental in which Jack Wood owns
- Three are unaware of this new application to excavate such a large area which includes the use of the fire-break as access
- And the other one is ourselves

The use of the fire-break for access will not only affect us ourselves, but all our neighbours and this is completely unacceptable. This is way too close to all of Jack's neighbours and to us it just seems that he really does not care at all hence the already ongoing use and excavation with or without approval. The video's to follow will show you just how close to our homes this is happening.

I would like to put forward some questions about the application for consideration.

- Why is it listed for six day's per week? Surely this is not needed as it is supposed to be a borrow pit not an excavation site to be heavily excavated as done so already.
- Why is there no end date? Surely this can not be left open so that 20, 30 or 40 years down the track this site is still being excavated.
- Why is the rehabilitation plan, dust suppression and noise management plan not put in with the application, but only to be put in after for the CEO alone to consider? This should be for all to see and consider.
- Who will enforce the conditions if this is approved? No conditions have been adhered to already.
- Who will be responsible for the cleaning of our water tanks? These works will create extra unnecessary dust on all our dwellings which will end up in our tanks. We get enough natural dust without the help of more unnecessary creation.
- If this is approved, will the area be surveyed and pegged out where the pit will be situated? As it has already exceeded the depth of the application, this in our view has already become a safety hazard. What would happen if a person unintentionally wanders onto the property into this area without knowledge of what lies ahead of them? There will be injury for sure as there is no warnings or safety measures in this area.

And last but not least, who will compensate not only us but also our neighbours for the devaluation of all of our properties? I am sure that you all will agree that with a pit stretching all the way along all of our backyards would be a massive eyesore and would definitely devalue all of our properties. Even if it was to only be a borrow pit behind ourselves at 110 Harvester Drive, this is already an eyesore that we are sure has devalued our property already. If we had a house open right now this pit is all that the potential buyers would see and it does not look anything like a dam or anything. It is just like looking at a mining hole in the ground which is all that can be seen from our back door. I am sure you will agree as you look at the pictures supplied.

With everything else being said and you all having alot to consider, we would like you to mainly consider the devaluation of our properties on what we once had which was nice views. As stated at the last shire meeting and also in the presidents pen was that you will always ask, what is in the best interest of the community. Surely all of us residents along Harvester Drive are considered as the community in this note and excavation is not in our best interest nor the devaluing of our properties and degrading of our living. We ask that you all please consider this as if it was your own backyard, and would you like to experience this everyday for years to come or longer. Imaging looking at this as your own view.

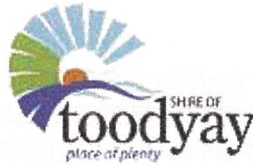
Thanks and please feel free to contact us if needed.

Andrew & Tammy Boyd









# Agenda Briefing Notes

## 19 November 2019

### Unconfirmed Notes

These notes were approved for distribution on 20 November 2019.



**Stan Scott**  
**CHIEF EXECUTIVE OFFICER**

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes."

At the next Ordinary Meeting of Council the Notes will be received, subject to any amendments made by the Council.

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

Attachments that formed part of the Agenda, in addition to those tabled at the Agenda Briefing are put together as attachments to these Notes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as part of the Ordinary Council Meeting, in a separate Confidential Minuted Item (CMI).

### Received Notes

These notes were received at an Ordinary Council Meeting held on 26 November 2019.

Signed: .....  


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

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Toodyay for any act, omission or statement or intimation occurring during the Agenda Briefing meeting or during formal/informal conversations with staff.

The Shire of Toodyay disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Agenda Briefing meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Toodyay.

The Shire of Toodyay warns that anyone who has an application lodged with the Shire of Toodyay must obtain and only should rely on **WRITTEN CONFIRMATION** of the COMMENT: of the application, and any conditions attaching to the decision made by the Shire of Toodyay in respect of the application.

## CONTENTS

<b>1.</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....</b>	<b>1</b>
<b>2.</b>	<b>RECORDS OF ATTENDANCE/APOLOGIES.....</b>	<b>1</b>
<b>2.1</b>	<b>APOLOGIES.....</b>	<b>1</b>
<b>2.2</b>	<b>LEAVE OF ABSENCE PREVIOUSLY APPROVED.....</b>	<b>1</b>
<b>2.3</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>3.</b>	<b>DISCLOSURE OF INTERESTS .....</b>	<b>2</b>
<b>4.</b>	<b>PUBLIC QUESTIONS .....</b>	<b>2</b>
<b>4.1</b>	<b>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>2</b>
<b>4.2</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>3</b>
<b>5.</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>5</b>
<b>5.1</b>	<b>Ordinary Meeting of Council held on 29 October 2019.....</b>	<b>5</b>
<b>5.2</b>	<b>Special Meeting of Council held on 29 October 2019 .....</b>	<b>6</b>
<b>5.3</b>	<b>Agenda Briefing held on 19 November 2019 .....</b>	<b>6</b>
<b>5.4</b>	<b>Confidential Items .....</b>	<b>6</b>
<b>5.4.1</b>	<b>Ordinary Meeting of Council held on 29 October 2019 .....</b>	<b>6</b>
<b>5.4.2</b>	<b>Strategic Council Forum held on 12 November 2019.....</b>	<b>6</b>
<b>6.</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS....</b>	<b>7</b>
<b>6.1</b>	<b>PETITIONS .....</b>	<b>7</b>
<b>6.2</b>	<b>DEPUTATIONS .....</b>	<b>7</b>
<b>6.3</b>	<b>PRESENTATIONS.....</b>	<b>7</b>
<b>6.4</b>	<b>SUBMISSIONS.....</b>	<b>7</b>
<b>7.</b>	<b>BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED).....</b>	<b>7</b>



SHIRE OF TOODYAY  
AGENDA BRIEFING NOTES  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

<b>8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion) .....</b>	<b>7</b>
<b>9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS .....</b>	<b>7</b>
<b>9.1 COMMUNITY DEVELOPMENT.....</b>	<b>7</b>
<b>9.1.1 Reconciliation Action Plan &amp; Reference Group.....</b>	<b>7</b>
<b>9.2 PLANNING AND DEVELOPMENT .....</b>	<b>9</b>
<b>9.2.1 Application for Development Approval – Excavation Works Associated with operation of a borrow pit for on-farm use – Lot 124 (#5799) Toodyay Road, Toodyay .....</b>	<b>9</b>
<b>9.2.2 Application for Development Approval – Lot 108 MacDonald Retreat, Dumbarton – Proposed Family Day-Care Centre .....</b>	<b>13</b>
<b>9.2.3 Application for Development Approval – Lot 101 Cobbler Pool Road, Morangup – Eco Tent Development .....</b>	<b>14</b>
<b>9.2.4 Lot 20 Boyagerring Road, Dumbarton – 3 to 6 Dog Application.....</b>	<b>15</b>
<b>9.3 WORKS AND TECHNICAL SERVICES.....</b>	<b>15</b>
<b>9.4 CORPORATE SERVICES .....</b>	<b>15</b>
<b>9.4.1 List of Payments – October 2019 .....</b>	<b>15</b>
<b>9.4.2 Monthly Financial Statements – October 2019 .....</b>	<b>17</b>
<b>9.5 EXECUTIVE SERVICES.....</b>	<b>17</b>
<b>9.5.1 Payments to Employees above Contract or Award Policy.....</b>	<b>17</b>
<b>9.5.2 Correspondence from the Department of Local Government .....</b>	<b>18</b>
<b>9.5.3 EOI Committee Membership.....</b>	<b>18</b>
<b>9.6 COMMITTEE REPORTS .....</b>	<b>18</b>
<b>10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>18</b>

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

11. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING .....	18
12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	18
13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .....	18
13.1 MEMBERS.....	18
13.2 EMPLOYEES.....	18
14. CONFIDENTIAL BUSINESS.....	18
14.1 2020 Governor’s Australia Day WA Citizen of the Year Awards 18	
14.2 CEO Recruitment .....	18
14.3 Sport and Recreation Precinct Update.....	18
15. NEXT MEETINGS .....	18
16. CLOSURE OF MEETING.....	19

---

These Notes and the **ATTACHMENTS** to these notes will form part of the attachments to the Minutes of the Ordinary Council Meeting to be held on Tuesday 26 November 2019.

Agendas and Minutes are on the Shire of Toodyay website at:  
<http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

---

This Page has been Left Blank "Intentionally"

# Shire of Toodyay

---

## AGENDA BRIEFING – 19 NOVEMBER 2019

### NOTES

#### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr Manning, Shire President, declared the Agenda Briefing meeting open at 4.05pm.

The Shire President advised those present that all mobile phones and recording devices be switched off and advised that the recording of any part of the meeting was not allowed.

The Shire President advised those present the location of the exit doors in case of an emergency.

#### 2. RECORDS OF ATTENDANCE/APOLOGIES

Cr B Manning	Shire President
Cr R Madacsi	Deputy Shire President
Cr T Chitty	
Cr P Greenway	
Cr P Hart	
Cr S Pearce	
Cr B Rayner	
Cr B Ruthven	

##### Staff

Mr S Scott	Chief Executive Officer
Ms A Bell	Manager Community Development
Mrs N Rodger	Acting Manager Corporate Services
Mr H de Vos	Acting Manager Planning & Development
Mr S Patterson	Manager Works and Services
Mrs M Rebane	Executive Assistant

##### Visitors

S Cousins	A Boyd	J Hart
R Pearce	P Ruthven	

#### 2.1 APOLOGIES

Cr B Bell

Mr K Nieuwoudt      Manager Planning & Development

#### 2.2 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

### 2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Name	Date from	Date To
Cr Pearce	13 Jan 2020	27 Jan 2020

### 3. DISCLOSURE OF INTERESTS

Item Name	Item No.	Name	Type of Interest	Nature of Interest
Application for Development Approval – Excavation Works Associated with operation of a borrow pit for on-farm use – Lot 124 (#5799) Toodyay Road, Toodyay	9.2.1	Cr Chitty	Impartiality	Her son Jack Wood is the Applicant/Proponent.

### 4. PUBLIC QUESTIONS

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

At the Ordinary Meeting of Council held on 29 October 2019, the following questions were taken on notice.

Cr Madacsi

Summary of Question One

In respect to Question One from the September 2019 Council Meeting the (a), (b) and (c) or the questions appear not to have been completely responded to. Could they be?

- (a) Does Council have a policy or guideline that governs the waiving or subsidisation of fees, charges, rates and rents owed to the Shire of Toodyay?

*The Shire of Toodyay does not have a policy however under CS7 of the Delegation register, the CEO has delegated authority to defer, grant discounts, waiving or writing off of debts up to \$2,000.*

- (b) If so, is this request within the framework described? If not, what is the precedent to support his request and does this request apply equally to other community service groups?

*Council has in the past provided rates concessions to St John Ambulance and Butterly Cottage Association.*

- (c) It is noted that like groups occupying Shire property vary in monies due to the Shire for example the Men's Shed pay a peppercorn lease whereas the RSL do not so will these costs be waived in the interest of equity and community support?

*Each group that leases a Shire property, including community groups, negotiate a lease in good faith as does the Shire.*

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

*In the case of the Men's Shed all that is leased is an area of land with a peppercorn lease. The buildings on that land have been funded entirely by the Men's Shed through grants and fund raising. The lease was a Council decision.*

*The RSL submitted an expression of interest to lease the former parks and gardens shed through a public process with the outcome determined by Council. The amount offered as a lease payment was part of that process and was agreed by Council. The RSL does not start paying the lease until the redevelopment has been completed. Council is also contributing to the development project.*

*Both of the above were Council decisions.*

Cr Ruthven

Summary of Question One

In respect to Question Four from the September 2019 Council Meeting where it says "with the approval of the affected members" what does that mean and who gave the approval?

***The response provided at the meeting held in October 2019 was as follows:***

*When they are talking about members they are talking about member local governments. The CEO advised that he would track down the correspondence related to that and provide it to Council.*

***The "Information from LGIS" that the CEO referred to above is an attachment to the Agenda of the Nov 2019 Council Meeting.***

**4.2 PUBLIC QUESTION TIME**

A Boyd

Summary of Question One

In relation to Item 9.2.1 on the OCM Agenda is the gravel extraction for use on the property?

*That is the area that the applicant is seeking so that is the area Council deals with when considering to grant approval. Application indicated gravel and sand within the area. Is a large area, pointed out in the Officer's Report but we have to deal with what is being presented. That is for the applicant to decide upon.*

Summary of Question Two

Why on the application why is the borrow pit been increased to 150x500m?

*The area depicted on the plans is correct and in the report it is correct.*

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

Summary of Question Three

Why do they have to maintain the roads when there is only gravel extraction?

*This is explained in the report.*

Summary of Question Four

Are the neighbours going to be informed of the new application proposed?

*We have a Council Policy that defines to whom and how we consult and seek views of people living in the vicinity. Notification goes to the owner of the property and the tenants may be informed. Policy is to give the owner of the adjoining properties their views on it.*

Mr Boyd made further comments and sought Council's views.

***The Shire President interjected, asking Mr Boyd to make a submission at the formal Ordinary Council Meeting to be held on 26 Nov 2019.***

Summary of Question Five

How long is the extraction going to last?

*As to the time involved it is for an indefinite period because the application is to use material from the borrow pit for work on the property i.e. creation and maintenance of roads, and other things. When you look at it that is not a finite goal because roads may need fixing up every few years. It is for an ongoing use. There is no end point.*

***The Shire President asked the Acting Manager Planning and Development to provide advice.***

The Acting Manager Planning and Development concurred in relation to what had already been stated and advised the following:

*In relation to Public consultation processes, once the application is decided by Council then submitters will be notified of the outcome of the Council Meeting.*

The CEO provided the following advice:

*The intention of the operating hours being nominated is to identify when the extraction cannot happen outside of those hours. There is no expectation in the application or approval that they'd be extracting every day all day forever.*

***The Shire President advised Mr Boyd that he would welcome a submission to Council before the matter comes up for debate.***

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

**5. CONFIRMATION OF MINUTES**

Summary of Question One

The notes of the Agenda Briefing Held on 22 October 2019 (received by Council at the September 2019 Council Meeting) state that the Manager Corporate Services prepares the Agenda for the Audit Committee and the CEO signs the Agenda. My question is who determines what goes on the Agenda for the Audit Committee?

*That is correct. Under the Local Government Act 1995, the CEO is responsible for Agendas for meetings. The business of the Audit Committee is set out in Audit Regulations which also determines what the Audit Committee looks at throughout the course of a year.*

Summary of Question Two

How can something be brought up to be discussed at that meeting?

*Standing Orders that apply to Council Meetings also apply to the Audit Committee Meetings. If there is a matter of importance "New Items of an Urgent Nature" can be used to bring up those items not on the agenda and it is up to the Audit Committee members to make a determination whether it be considered at that meeting.*

*The Senior Officer present is required to, by the Standing Orders, give a verbal report to the Audit Committee before the Audit Committee considers the item. As with Council Meetings, it is not good practice to make a decision on anything without an Officer's Report.*

*Sometimes an Officer will not be in a position to make a verbal report and would require an opportunity to do research so that the Committee could make an "informed decision."*

*In relation to Notices of Motion if a Notice of Motion may be a breach in law the CEO can decide to rule the Notice of Motion out of order, with the concurrence of the Shire President.*

**5.1 Ordinary Meeting of Council held on 29 October 2019**

**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 29 October 2019 be confirmed.



**5.2 Special Meeting of Council held on 29 October 2019**

**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Meeting of Council held on 29 October 2019 be confirmed subject to an amendment being made to Resolution No 272/10/19 whereby the nomination of persons elected as a representative on the Avon Midland Country Zone of the WA Local Government Association should only read as the Shire President because even though the CEO attends the zone meetings, the Shire President is Council's delegate and in his absence, the Deputy Shire President acts in his place.

**5.3 Agenda Briefing held on 19 November 2019**

**OFFICER'S RECOMMENDATION**

That the Notes of the Agenda Briefing held on 19 November 2019 be received.

**5.4 Confidential Items**

**5.4.1 Ordinary Meeting of Council held on 29 October 2019**

**OFFICER'S RECOMMENDATION**

That the Unconfirmed Confidential Minuted Item from the Ordinary Council Meeting held on 29 October 2019 that contained the following:

- Agenda Item No. 14.1 Preferred Supplier Tender - Supply, Delivery and Placement of Bituminous Surfacing Products TEN 05/2019; and
- Agenda Briefing Confidential Notes

be confirmed.

**5.4.2 Strategic Council Forum held on 12 November 2019**

**OFFICER'S RECOMMENDATION**

That the Confidential Notes from the Strategic Council Forum held on 12 November 2019 be received.

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

**6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**6.1 PETITIONS**

Nil

**6.2 DEPUTATIONS**

Nil

**6.3 PRESENTATIONS**

Nil

**6.4 SUBMISSIONS**

Nil

**7. BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)**

Nil

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)**

*The Shire President may make an announcement in accordance with the Shire of Toodyay Standing Orders Local Law 2008 (Section 4.3).*

**9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS**

**9.1 COMMUNITY DEVELOPMENT**

**9.1.1 Reconciliation Action Plan & Reference Group**

The Manager Community Development provided an overview in relation to the report.

*“The Aboriginal Corporation has reformed in Toodyay and has asked us to restart discussions with a view to getting the RAP on the table again. We advised them that a report would be taken to Council after which we could get back to them with dates.”*

Summary of Question One

Who established the reference group and decided who was on it. There is no information in the report.

*Council appointed its representatives on the reference group. The Reference Group dates back to when Mrs P Walsh was still with us. We had many conversations with her and worked through different activities and events with her. Further conversations with our Museum and Heritage Coordinator and Council appointed Representative Cr Chitty continued until Mrs Walsh passed away. Mr R Miles was to have stepped in however at that stage he was finding his way. He asked for more time. We gave it to him. There has not been any real progression of the Reconciliation Acting Plan since that time.*

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

*Now that we are starting the process again we need Council to nominate its delegate or delegates*

Summary of Question Two

Are there any representatives of native titles, or other people on the group?

*The group is a fairly informal group. We are at the stage of reforming the Reconciliation Action Plan Working Group to work through who the representatives would be on the group.*

Summary of Question Three

How many people in the Shire can claim to be native title holders?

*The CEO responded as follows:*

*“That is a complex question. Toodyay is very unique in Western Australia as we have three intersecting native title claim groups. One of the groups is the Whadjuk Group and the Yued and Ballardong with whom we have the most engagement with.*

*Cr Chitty and I have attended meetings with the Ballardong Working Group. Those meetings mostly related to the Aboriginal Burial Ground which was the hockey field which is what focused our attention on to it.*

*We do not have any elders located in Toodyay. We had a de facto person but she was not part of any of those native title groups. She was however very well respected in the community and was very useful as an intermediary. The purpose of the RAP is to devise structure around conversations. Through those discussions we now fly the Aboriginal Flag in front of our building. This report is a good opportunity to take the next step.*

Summary of Question Four

Does the re-formation of the Reconciliation Action Group mean that the group will be apply to apply for funding?

*They are already achieving this through a variety of other projects on their own as they are an incorporated association. This report is about building relationships and understanding.*

## 9.2 PLANNING AND DEVELOPMENT

Cr Chitty declared an interest here.

### 9.2.1 Application for Development Approval – Excavation Works Associated with operation of a borrow pit for on-farm use – Lot 124 (#5799) Toodyay Road, Toodyay

Questions raised as follows:

- At the October Agenda Briefing we were informed that the firebreak could not be used for access. Why on the map is it put down as the access to the borrow pit?

*The green line should not be there and you should be following the white line which is the access proposed.*

**Response after Agenda Briefing:**

*We have sought further clarifications from the applicant and the Manager Planning and Development. They have confirmed that the fire break will be used to access the northern area for the gravel.*

*A new map has been prepared to clarify this which clearly shows the truck access along the fire break.*

- The white line only extends to the sand excavation site. Can you clarify whether it goes any further?

*We will provide a revised plan to clarify that.*

**Response after Agenda Briefing:**

*No. access to the northern excavation gravel site will be by a track that splits off and then via the fire break.*

- The plan attached to the report shows alignment of the proposed road to the excavation pit, etc. The plan provided at the October Agenda Briefing showed that the only road indicated was a white road with the words proposed road to excavation site. If you look at the plan attached to this report for Nov 2019, the wording at the bottom of page 9 the applicant provided information for vehicular access into pit area. The attachment still shows proposed access and green line drawn with no wording. Is it intended to be a further road into the Pit? Can we have explanation?

*We will take that on board and return an amended plan.*

**Response after Agenda Briefing:**

*Please refer to the attached map that has been drawn to clarify access and excavation areas being applied for as part of the application.*

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

- The report says that a Management Plan for Noise, Vibration and Dust is to be included but why is it not part of the approval for the Development Approval to have consistency and compliance control? Why after the fact?

*Under clause 74 of the deemed provisions a local government can give approval before the development commences. The intent is to not hold up a decision but ultimately they will provide further advice.*

- Does that mean that until that is approved works would not continue?

*That would be correct.*

- The visual screening that was of concern hasn't been included in the Officer Recommendation? Is it to be remedied?

*We will have to do research on that.*

**Response after Agenda Briefing:**

*We have considered screening, however we do not think it is a reasonable condition to apply. The reason for this is that boundary setbacks for Rural Living zone are 30m. The applicant's operation is at least 50m from the boundary. Whilst some truck access will occur along the firebreak, screening is not generally required for such a thing. The applicant is required to submit a noise, dust and vibration management plan and we feel this adequately addresses impact. The neighbours can screen the property from their side if they wish to.*

- The Area size on the application is for a 150x100m pit. Why has an extra amount been put there for the Development Approval? Is there a necessity to have extra amounts of sand excavated included?

*We will get further advice on that.*

**Response after Agenda Briefing:**

*We have consulted with the Manager Planning and Development and read the report in more detail. The application being considered is for an area of 7.5 hectares. This includes the 150m x 150m gravel excavation area to the north. We have drawn this and annotated it clearly on the revised map supplied.*

- In relation to the hours of operation would it be more considerate not to work on a Saturday in relation to dust, noise, or vibration even if it is not a commercial

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

operation? Is it not more suitable to not include weekends and public holidays?

*The times stipulated are consistent with noise regulations.*

- Can the different times be discussed with the applicant?

*We will discuss this with applicant and provide clarification.*

**Response after Agenda Briefing:**

*The applicant was contacted for comment and a message was left. The Council can remove the Saturday operation should it wish to. However, operating from 0700-1200 on a Saturday in a rural area is not unrealistic. We do not expect farmers to not operate their machinery on their farms on a Saturday.*

- Is it possible that there will be continued use of vehicular access for fire breaks access points?

*There are two separate issues. We will seek clarification of whether fire breaks will be used for access. Any damage from erosion resulting from normal vehicular access to a firebreak is possible but it is also possible for anyone else using a firebreak access track.*

**Response after Agenda Briefing:**

*It has been clarified that a portion of the firebreak will be accessed. Any damage from erosion resulting from normal vehicular access to a firebreak is possible but it is also possible for anyone else using a firebreak access track. Should any damage occur and be brought to the Shire's attention through a compliance check or a complaint, the Shire will investigate the matter and work with the land owner to resolve the issue.*

- Why did Point 2 of the Officer Recommendation change?

*This is quite common. The CEO has the overall authority to approve a report. It would come through to an officer to assess (e.g. the EHO) or we will outsource to a third party (e.g. for a peer review). Based on that information the CEO would then sign it off.*

- The Original report said approval by local government.

*Effectively it means the same thing. When the CEO approves anything he is approving something on behalf of local government.*

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

- If this Council approves this on certain conditions, e.g. a Management Plan, I would have thought Council would have been interested in that plan. Does this fall into the category of being a delegated duty? Is there anything to stop it being brought back to Council to get them to agree to it?

*In this instance the report submitted would be technical in nature and there has to be some trust that the Administration have the necessary expertise that has been put to use in terms of assessing the plans.*

*The report is a technical report. Council are here to make policy decisions and are here to determine appropriate land use. It is an Officers job to determine the technical aspects and carry out Council Decisions.*

- In Point 8 of the Officer's Recommendation it says there will be measures to monitor dust emissions. How will this be monitored? What are the implications if the applicant doesn't follow the plans?

*If the applicant fails to comply that is a breach of the Planning and Development Act 2005 which can result in a series of substantial fines against the applicant.*

- How does the Shire deal with situations where an applicant doesn't follow the provisions?

*A number of compliance measures are taken. If there is failure to comply with an order there will be further notification and then a prosecution.*

- I understand that the *Planning and Development Act 2005* is given to organisations however some people don't follow management plans and it is up to individuals to inform the local government of complaints. How many times would an applicant not follow a management plan before the local government takes action?

*Hypothetically, if an applicant breaches conditions and we serve an order and the applicant then fails to comply with that order we will eventually prosecute. That is the way the system works.*

- Do the applicants provide the map attachment? They are very difficult to read.

*The attachment is provided electronically and you can use your device to zoom in. If you need an A3 copy we can provide it.*



SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

- As this is not a commercial business are there any limitations put on them on working days for extraction?

*There are depth and area limits set by the extraction. Council could put a condition on it saying not more than one hundred days per year. We can explore this with the Applicant.*

- Where conditions are set out for approval there was one condition removed from the latest report – why?

*We will have to get some clarification on that.*

**Response after Agenda Briefing:**

*The following condition was removed:*

*“This approval allows the borrow pit for on-farm use to be conducted by Jack Wood. If Jack Wood ceases to operate the borrow pit hereby permitted, this approval will expire.”*

*It was felt that this was not a reasonable condition to impose as the land use is very specific to the land. The quantity of material in these excavation areas is finite. In every likelihood the material will be exhausted by Jack Wood. However, if Jack Wood does not use all the material then a future landowner should be able to enjoy the benefit.*

- What is the criteria for putting those conditions in?

*There isn't. If it's a use of some concern we'll do a limited approval to an owner saying once sold the approval no longer applies. We can also do time limited approvals to check to see progress of an operation and check compliances. No guidelines set as to when that is implied. Council can impose that. We can do research on it.*

- In Point 5 is a Rehabilitation Plan needed?

*Due to the scale we would not be asking for one but Council can impose that if they wish to.*

**9.2.2 Application for Development Approval – Lot 108 MacDonald Retreat, Dumbarton – Proposed Family Day-Care Centre**

**Questions raised as follows:**

- Where are fences designated to keep children in property?

*Family Day Care Centres are licensed by the State Government who will examine the fencing. We, as a local*



*government, only need to look at appropriate use for the property.*

**9.2.3 Application for Development Approval – Lot 101 Cobbler Pool Road, Morangup – Eco Tent Development**

Questions raised as follows:

- Is it a definite that there will be no onsite caravans?  
*The approval is only for 4 structures.*
- If they did intend to bring onsite caravans onto the property would the zoning allow it for the area?  
*The draft scheme 5 listing is for D and A use so that is something that can be considered in the future.*
- As the property is in a bush-fire prone area, can there be a condition for “no smoking” on the property?  
*When we apply conditions they have to be considered reasonable and we also have to consider how conditions will be enforced. That type of condition would be very difficult to enforce.*
- In Point 2 of the Officer’s Recommendation it says Vehicular Access would be by way of Cobblers Pool Road however Lovers Lane entrance is stated by the Consultant that it would be used as well. How will the use of only Cobblers Pool Road be enforced and how can we be sure that people won’t be taking shortcuts to Lover’s Lane?  
*Once again it is a compliance matter. It is up to the Applicant to ensure and reports made that Lovers Lane is being used can be made, upon which the Shire would take action and investigate that.*
- Why is the restriction being imposed?  
*It is being imposed because we are trying to protect the waterways.*
- In relation to Condition 3, do you actually need to say in the conditions that once plans are approved the applicant must comply with the plans at all times?  
*Yes any plans become part of the overall approval.*
- In relation to those plans part (c) and (d): when the plans come in are they referred to those departments to get the sign off from them?  
*Yes they are.*

- Does the effluent system get approved by an external body?

*Under guidance from the Department the EHO would get the approval.*

#### **9.2.4 Lot 20 Boyagerring Road, Dumbarton – 3 to 6 Dog Application**

Questions raised as follows:

- I looked up Policy LPP15 which had been revoked and found Policy A15 which was updated in June 2012. When policies are changed and Council endorses changes like that every year, is it possible that the policies referred to are updated and are accurate?

*Yes there is a fairly thorough process for that.*

### **9.3 WORKS AND TECHNICAL SERVICES**

Nil

### **9.4 CORPORATE SERVICES**

#### **9.4.1 List of Payments – October 2019**

Questions raised as follows:

- If we have an account with Officeworks why is it that there are credit card purchases being made as well?

*It is for convenience rather than anything else.*

- Does the Shire have an account with Officeworks?

*Yes we do. We have had issues recently and a lot of the items ordered are on backorder. If someone is near an Officeworks Store, for convenience, they pick up the items from the store and then we cancel our backorder.*

- On page 99 (the MWS C/Card): why is accommodation in Moora and Jurien Bay been paid for?

*The apprentice was participating in training in a one week block in Moora*

*The Bush Fire Risk Management Officer was attending a conference in Jurien Bay. This training is fully funded by DFES. We claim back those expenses.*

- On page 102 (EFT26947 - \$25,575): Verge Spraying.

*That is just the invoice for the whole verge spraying program. It is not a good description.*

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

- On page 101 (EFT 26933 – Refreshments): If we have a payment that is a large one like that made up of multiple components can we please have detailed information provided?

*Yes we will provide that if it is possible to do so.*

- The MCD purchased an Apple IPAD Case on the credit card. Does Council have a policy to source the best price on items?

*Yes the purchasing policy says that we will get best value for money.*

- Page 101 (EFT25921 – Debt Recovery of \$5,144): How much do we get back as a return from that?

*We can recoup all legal costs except GST. They become a charge against the property if legal action is taken. That amount is for multiple properties.*

- So you recover all the money back?

*When we go for legal action the actual cost is charged what we get from the collection agency charged against the assessment. We cannot charge GST but we can charge the fee.*

- Are there cases for these debtors where you don't recover anything from them?

*No. If you have legal action on them the property can be sold under the legislation. All costs as well as legal action and charges are recoverable.*

*We try to get people to enter into payment arrangements to avoid legal action and burdening the ratepayer any further. The larger amounts are when we go legal on where those ratepayers refuse contact with us.*

- Page 103 (EFT26997 – Admin Amenities): can we have detail about that EFT and what is included? I have difficulty in following through the list of payments through to the financial statements. Is it possible to include another ledger column to know where the payments are going to?

*We will have a look at that to see what is possible.*

**Response after meeting: No this is not possible.**

- Page 104 (EFT27060 – Kennard's Hire of \$4,450): was this the message boards about are we bush-fire ready?

*Yes. We have already received the funding.*

- There was no payment for a newsletter. Why?

*There was no account this month.*

#### **9.4.2 Monthly Financial Statements – October 2019**

Nil

### **9.5 EXECUTIVE SERVICES**

#### **9.5.1 Payments to Employees above Contract or Award Policy**

##### Questions raised as follows:

- I am concerned with the lack of information in the officer's report and the policy that is given to us. It does not include explanation as to why it is proposed public money is used for farewell functions for employees nor does the report advise how often those monies are used. The report should explain how using those funds for that purpose has benefit for the Toodyay community.

*That is a matter for debate at the Council Meeting.*

- On page 136 the value of the gifts is outlined. Was that in the policy previously?

*Yes most of it was except for the paragraph under the table. Currently, we have a box of dead mobile phones that have passed their limited use of life.*

- Did you use other policies from other Councils?

*Yes we did refer to two policies from other Councils but retained the value of the gifts as outlined in the previous Council Policy.*

- On page 1 the statutory requirements are listed. Value of gifts would be nominal. If you paid someone the limit and then gave them a gift wouldn't that be against the requirements?

*I cannot envisage a set of circumstances where you would pay someone the maximum limit. If it ever happens, the two provisions are mutually exclusive. You cannot do both.*

- Can you explain the meaning of Clause 1?

*At Clause 1 if there is any prospect of the organisation being exposed or not being exposed, it is best to have something in place because if someone is dismissed there may be a chance of a claim so the simplest way is to provide two weeks extra money. The alternate would be going to Court.*

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

**9.5.2 Correspondence from the Department of Local Government**

Nil

**9.5.3 EOI Committee Membership**

This was tabled at 5.37pm.

There were no comments made because the report was not finalised, and cannot be until after 22 November 2019.

**9.6 COMMITTEE REPORTS**

Nil

**10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**12. QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**Note:** This section refers to Standing Orders 6.1 Questions on notice by Members. The questions are contained in the OCM Agenda and will not be duplicated here.

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

**13.1 MEMBERS**

**13.2 EMPLOYEES**

**14. CONFIDENTIAL BUSINESS**

*The meeting was adjourned at 5.38pm.*

*The meeting resumed at 5.52pm.*

***The Shire President ruled that the meeting go behind closed doors.***

*Questions were asked behind closed doors in respect to the following reports:*

**14.1 2020 Governor's Australia Day WA Citizen of the Year Awards**

**14.2 CEO Recruitment**

**14.3 Sport and Recreation Precinct Update**

**15. NEXT MEETINGS**

Community Meeting

30 November 2019

Council Meeting

17 December 2019

SHIRE OF TOODYAY  
**AGENDA BRIEFING NOTES**  
FROM MEETING HELD ON 19 NOVEMBER 2019

---

**16. CLOSURE OF MEETING**

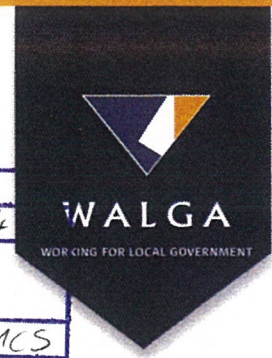
There being no further business, the Shire President, declared the meeting closed at 6.36pm.

This Page has been Left Blank "Intentionally"



24 October 2019

SHIRE OF TOODYAY
Record Number: ICR63374
30 OCT 2019
Officer / Dept: EXECSEC / AMCS
File Number: SAF7



Mr Stan Scott  
Chief Executive Officer  
Shire of Toodyay  
PO Box 96  
TOODYAY WA 6566

Dear Stan

### LGIS 2019 Surplus Distribution

Further to my previous correspondence in August, I am pleased to advise that the LGIS 2018/19 results have now been finalised and a surplus distribution is available to Member Local Governments.

For the Shire of Toodyay, your share of the surplus is \$28,550.

Your Local Government can choose to receive its surplus distribution: as an immediate refund via electronic transfer; opt for LGIS to retain the funds to offset your contribution next year; or for LGIS to hold the amounts in trust for risk mitigation activities.

LGIS is a WALGA service, for which we partner with JLT, and which is governed by a sub-board to State Council. It was the decision of the LGIS board, endorsed by State Council, that each Local Government decide on how they wished to apply their surplus share by determination of Council to ensure that all Elected Members were involved in the process.

As such, please advise WALGA or your LGIS account manager once your Council decision has been formalised.

To revisit my previous advice, the surplus this year is a consequence of a lower than anticipated number of claims in Property and WorkCare; a better than expected performance in investments; and a reduced requirement of the capital needed to be carried by the Scheme.

As part of the surplus distribution process, LGIS representatives will meet with your executive team to further discuss the options. This meeting is also an opportunity to discuss how your Local Government can get the most out of your membership, including access to risk mitigation services.

In addition, representatives from WALGA and LGIS are also available to present to a meeting of your Council for a general briefing on your mutual scheme and how it works, which may be of particular interest to Elected Members who are new to the sector.

In closing, I would again take the opportunity to thank you for your continued support of this WALGA service and encourage all Elected Members to seek to have an understanding of this significant investment by their Council and the benefits delivered by the mutual scheme model.

Yours sincerely

**Cr Lynne Craigie OAM**  
**President**



This Page has been Left Blank "Intentionally"

# *Shire of Toodyay*

*Local governments working together*



Your surplus share 2019  
**\$28,550**



2018 Surplus share  
(received as 2019/20 contribution credit)

**\$20,776**



Your total Scheme surplus share to date

**\$158,766**



Your LGIS Scheme members equity

**\$118,273**

excludes GST



“  
**100%**  
 of WALGA  
 Members are  
 LGIS Members  
 ”

Over the past few years a number local governments have sought to test the value of the LGIS WA Scheme. It's a testament to the enduring value of the mutual model that the City of Kalamunda, Shire of Wiluna and Shire of Coolgardie have returned, and those who went to tender have remained with the Scheme.



**Returning members:** City of Kalamunda, Shire of Wiluna and Shire of Coolgardie



**100%** of WALGA members are LGIS members

## LGIS performance in 2018/19

The financial performance of the Scheme remained robust this year, despite competitive pressures in the market where commercial insurers offered unsustainable, discounted premiums to achieve growth in the short term. LGIS membership was strong in 2018/19 and continues to be in 2019/20, demonstrating that WA local governments understand that the mutual Scheme remains the best option for sustainable, long term and appropriate cover for the WA sector.

The surplus for 2019 is well in excess of budget and, combined with the previous year's allocation, has allowed the Scheme Board to declare a distribution of \$6 M to members.

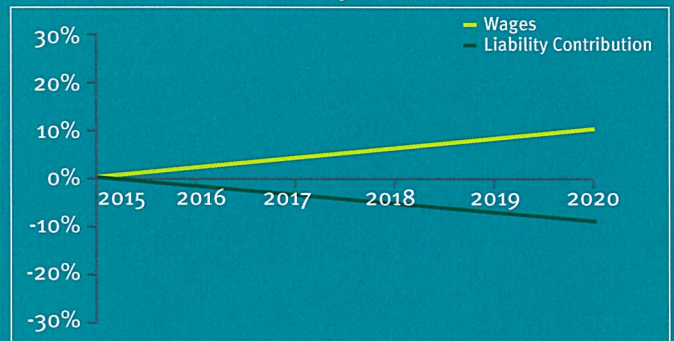
Our solid financial year performance can be attributed to a number of factors – our proactive and collaborative approach to risk management which contributed significantly to containing claims; and solid returns on our investments.

The graphs below demonstrate that member contributions have remained stable even with local government risk profiles evolving.

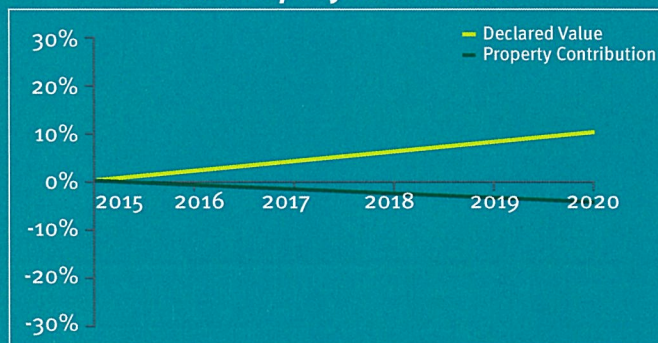
**5 Year Trend – Members Declared Wages vs WorkCare Contributions**



**5 Year Trend – Members Declared Wages vs LGIS Liability Contributions**



**5 Year Trend – Members Declared Assets vs LGIS Property Contributions**



## LGIS WA Annual Report

The LGISWA Annual Report is now available in the members' centre of the LGISWA website for more information on the performance of your Scheme in 2018/19.



# Protecting members and your community

The true value of your protection is only realised in times of adversity and we've helped our members back on their feet after some significant losses. We consider the sector when handling claims and always look to defend local government members from future issues.

The reductions in contribution enjoyed by our members in recent times are not a one year 'special'. They are the result of prudential management of the Scheme and a strategic decision by the Board to re-distribute surpluses to members.

## Your Scheme by the numbers – 2018/19



**1,721** New liability and property claims managed by LGIS



**\$7M** Property claims incurred in 2018/19



**17,000** Bushfire volunteers covered (including significant expansion of benefits)



**\$13.7M** in Workers' Compensation claims incurred in 2018/19

## Receiving your surplus share

Following last year's surplus allocation, all members were informed of a contribution credit plan, whereby members would share in credits in the order of \$4.5 M each year until 2021 to contain their membership costs. Your share of \$4.5 M was duly credited off your 2019/20 Scheme membership costs.

This year, as well as the increased surplus amount each member will be given a choice to take their share of the surplus as a credit off next years membership renewal contributions, as a dividend payment or held in trust for funding risk management initiatives.

## How is my share of the surplus calculated?

Each member's share of the surplus is assessed on a formula which reflects their respective contributions and incurred claims costs over a four year time horizon.



### How do I know that LGIS has 'enough in the pot' to cover claims?

The 'pot' (i.e. prudential reserves) is determined considering development factors. 'Development factors' is an insurance term for 'things that are likely to happen given previous trends'. We engage PwC actuaries to independently model and assess our reserves, which determines how much needs to be collected in contributions.

## Locally managed claims

LGIS handled 2,473 claims across the property, liability, WorkCare and bushfire volunteer personal accident portfolios in 2018/19. Each claim was handled by the member's dedicated specialist claims consultant who managed the process from beginning to end.

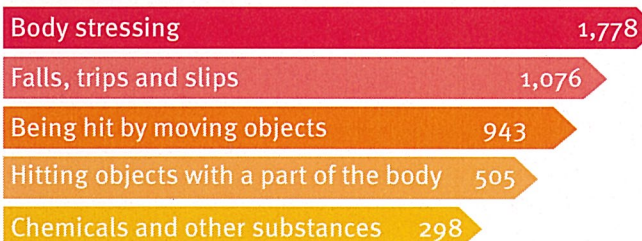
## Claims hotspots



Over the past five years we've seen some consistent trends in claims from our local government members.

## WorkCare

Causation hotspots last 5 years (all members)



## Mental stress catching up



Although not in the top five claims areas mental stress isn't far behind. Claims costs for mental stress are increasing, making it an area to watch for the WA local government sector.

## Proactive on workers' compensation

Looking for ways to reduce the number of workers' compensation claims for your local government? Claims analysis highlights four key areas which need focus across LGIS members:



**Fit for purpose.** Employ people who are right for the role, ensure that employees are physically capable of fulfilling the responsibilities of the job.



**HR Process.** Review your HR practices and make sure that managers are trained and supported.



**Aging workforce.** Over 50% of claims are from the 40-60 age group of local government workers. Review tasks and physical requirements; make sure the individual is able to work within their capacity.

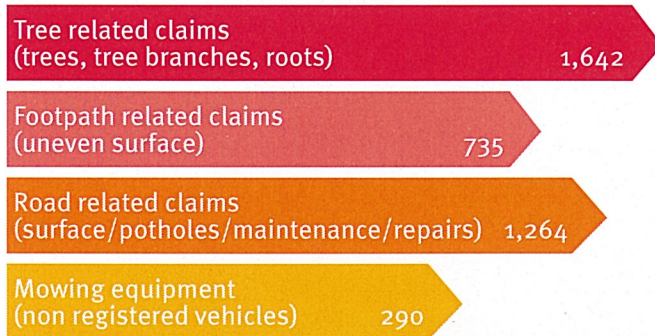


**Manual handling and job dictionaries.** Job dictionaries document the physical requirements of a role; coupled with manual handling training and guidelines they help to match an individual to a role and work within their capacity to reduce injury.



## Liability

Causation hotspots past 5 years (all members)



### Proactive on liability

Looking for ways to reduce local government's liability exposure? Claims analysis highlights four key areas which need focus across LGIS members:



**Trees.** Review lists of recommended trees for verges and public places selecting breeds with non-invasive roots. Review complaint handling process to make sure appropriate action is taken.



**Footpaths.** Audit/review and action to footpaths and areas which attract large amount of footfall to be repaired or section of area replaced. Lack of lighting is also an issue and planning around this is paramount.



**Roadworks.** Make sure that pre and post inspections are carried out and documented ensuring that there is evidence that the inspection has occurred. Also make sure that correct signage is used.



**Mowing equipment.** Make sure signage is clear and the area is free of pedestrians.

## Property

Causation hotspots past 5 years (all members)



### Simple steps on property protection



**Controls.** Investigate the benefits of passive controls such as CCTV, vegetation management, lighting which would increase the risk of an offender being sighted.



**Maintenance.** Improved housekeeping within and around buildings and ensure preventative maintenance is completed on schedule – simple things such as ensuring bins are secured/ gutters are regularly cleaned, no dense foliage encroaching on property.



**Contractors.** Ensure contractors are appropriately managed and apply your local governments hot works arrangements.



**Windows.** Consider the value of using window treatments such as plastic microfilm to reinforce glass.

## Unique member benefits – managing local government risk together

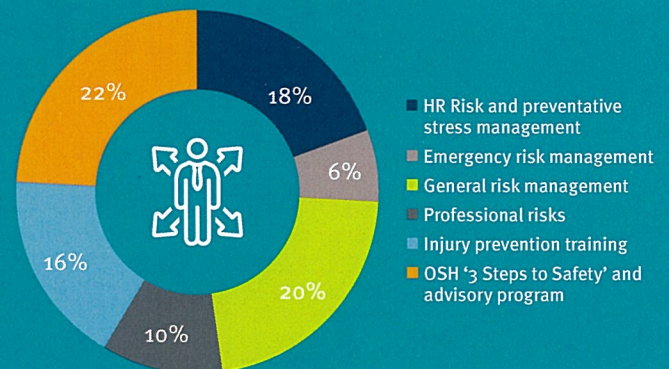
As the protection partner of choice for WA local governments, we understand the complexity of the sector like no other – we know that cover is only the beginning.

That's why membership of LGIS delivers more than 'insurance' to your local government.

Scheme membership provides an abundance of risk services which align with the priorities of local governments.

In 2018/19 LGIS members received a range of risk and governance services as part of their membership which reduced the number of claims and contained the costs of cover. Of the services offered the '3 Steps to Safety' program (22%) which supports members in creating safe workplaces was the most utilised, closely followed by the general risk program (20%) which assists members in anticipating, identifying and managing their liability and property risk exposures.

### Risk services delivered directly to members in 2018/19



### Making the most of your membership

#### 2018/19 Shire of Toodyay benefits taken

Injury management program	✓	General risk management	✓
HR Risk and preventative stress management	✓	Injury prevention training	✓
Emergency risk management	-	OSH '3 steps to Safety' and advisory program	✓



# Health and wellbeing services

The LGIS Health and Wellbeing Program is another popular Scheme benefit; it's designed to improve the health awareness and outcomes of WA local government workers through:



Providing education and awareness raising sessions to improve the health and wellbeing of staff and prevent or delay the onset of illness, disease and injury.



Providing screening programs that assist to identify risk factors that may require further health management.

Healthy workers are reported to be more productive than unhealthy workers, record fewer injuries, sick days, and work-related injury claims. Improving the health and wellbeing of workers can also lead to:

- Increased worker engagement and morale
- Improved safety performance
- Decreased musculoskeletal injury
- Increased worker retention
- Decreased absenteeism and presenteeism

## Making the most of your membership

### 2018/19 Shire of Toodyay health and wellbeing benefits taken

Corporate massage	-
Exercise program	-
Flu vaccinations	✓
Health assessment (basic/short)	-
Health assessment (long/executive)	-
Injury prevention	✓
Health seminars	-
Health lifestyle challenge	-
Hearing tests	-
Online mental health tool	-
Skin screens	✓

**Your 2019/20 health & wellbeing funding balance: \$4,616.70**

# Cover tailored to local government

LGIS membership provides the best cover which meets the needs of modern progressive local governments. In 2018/19 our members benefited from unique cover tailored to local government needs which allowed them to get on with delivering valued community services.

## Building cladding



No exclusions in to Liability arising from your building surveyors surveyors, planning and cladding risks. This is a significant benefit in the current environment and in particular where buildings have been identified within a local government's area in the state wide cladding audit.

## Flood damage



Assets are automatically covered for flood damage under LGIS Property, not an optional extra for additional cost. We believe protection for the community's assets against flood risk is essential for 'local government with exposure.

## Molestation



No sexual abuse and molestation exclusion.

## Catastrophic events



Appropriate limits of protection for local government, as modelled by actuarial consultants, that are necessary if a catastrophic events occur.

## Unique cover



Unique local government covers such as costs to run evacuation centres, upgrade green assets and dilapidation.

## Appropriate liability



Appropriate limits of \$600M for local government liability exposures, as modelled by actuarial consultants, that is available without sublimit on significant risks such as bushfire liability.

## Nil deductible



Nil deductible on all public liability claims. This removes member's burden of responsibility to seek their own legal advice and defence, including legal fees and settlement amounts.

## Cover simplified



Liability protection is provided under a broad-form policy to prevent the inevitable complications arising from competing insurers (e.g. where a claim could trigger both public liability and professional indemnity covers).

## Stable workers' comp



Members of the Scheme are not subject to the ongoing instability and increases of the WorkCover WA gazetted rate which has increased 42% over the past two years.



## What you told us

At the beginning of 2019 we asked our members – elected members, CEO's, executives and operational staff – what we were doing well and where we can improve.

### What you think about us

You gave us a score out of 5 for the following:



**4/5** service quality (79% of respondents)



**4/5** for success achieved (71% of respondents)



**4.5/5** for trust (90% of respondents)

### The importance of risk services



91% of CEO's agreed that complimentary risk services support better practices, reducing claims, ensuring sustainability of their Scheme



79% were satisfied that LGIS provides the right complimentary risk services to meet their requirements



99% of elected members rated risk management programs and services to protect their local government organisation, its people and the community as important.

### Our focus to improve in 2019/20

- Increase communication with elected members
- Focus on high quality member services
- More regular visits to smaller members
- Present at more council meetings.

We help our members build better communities by containing costs, providing the best cover and helping them manage risks, through a member-owned mutual insurance model

LGIS is local governments working together:

- We make sure that our members have the best cover and if disaster strikes we get the member, and their community, back on their feet as soon as possible.
- We understand local government and we're here for the long term to share knowledge and tailor services to minimise the total cost of risk for our membership.

### Contact Details

Please feel free to contact us if you have any further questions about your membership.

Ben Galvin  
Account Chair  
LGIS  
T: 08 9483 8821  
[ben.galvin@lgiswa.com.au](mailto:ben.galvin@lgiswa.com.au)

Ian Balfe  
Account Manager  
LGIS  
T: 08 9483 8822  
[ian.balfe@lgiswa.com.au](mailto:ian.balfe@lgiswa.com.au)

#### 2018/19 LGISWA Annual Report



Now available in the website Member Centre at [lgiswa.com.au](http://lgiswa.com.au) or contact your Account Manager for a hard copy.



---

---

## FORUM DISCUSSION PAPER

---

---

<b>Date of Report:</b>	8 June 2016
<b>Name of Applicant / Proponent/s:</b>	Shire of Toodyay
<b>File Reference No.:</b>	ABG1
<b>Author:</b>	A Bell– Manager Community Development
<b>Responsible Officer:</b>	A Bell – Manager Community Development
<b>Previously Before Council:</b>	N/A.
<b>Nature of Council's Role in the matter:</b>	Advocacy.
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. General Resource Information from – Reconciliation Australia including information about “What is the RAP program”;</li><li>2. Business Case for Developing a Reconciliation Action Plan (RAP);</li><li>3. RAP working group Terms of Reference;</li><li>4. Reflect – Reconciliation Action Plan Template;</li><li>5. Significant Dates for Aboriginal people; and</li><li>6. Fact sheet on protocol of flying the Aboriginal Flag.</li></ol>

---

---

### 8.3 RECONCILIATION ACTION PLAN

---

---

#### PURPOSE OF THE DISCUSSION PAPER

The purpose of this paper is for Council to commence discussions on how it would like to proceed on undertaking recognition/reconciliation with our Local Indigenous community.

#### BACKGROUND

Over the past few years various discussions have been undertaken with Local Elder Mrs Pamela Walsh on matters relating to inclusion, recognition and reconciliation.

In 2013 Earth Mother Day was celebrated which was a wonderful community event for all. This was organised in partnership with Mrs Walsh, Regional Home Care and the Shire.

On March 10, 2016 the Manger of Community Development and our Museum/Cultural Heritage Officer met with Mrs Walsh. It was during these general discussions that a number of matters were raised as well as being informed that



### **POLICY IMPLICATIONS**

This proposal does not contain any notable policy implications.

### **FINANCIAL IMPLICATIONS**

Some funding may be required to undertake future planning and or activities/events. A budget request has been submitted by our Events Co-ordinator for the 2016/2017 Budget.

### **LEGAL AND STATUTORY IMPLICATIONS**

This proposal does not contain any notable Legal and Statutory Implications.

### **RISK IMPLICATIONS**

This proposal does not contain any notable Risk Implications.

### **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

### **SOCIAL IMPLICATIONS**

As stated in our Strategic Community Plan – Vision – We are a vibrant rural community that celebrates our past and embraces a sustainable future.

### **OFFICER COMMENT / DETAILS**

That this matter now be open for Council discussion and guidance to Administration as to future commitment/workings.

## 9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

### 9.1 COMMUNITY DEVELOPMENT

#### 9.1.1 Reconciliation - Action Plan and Event

Date of Report:	15 July 2016
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference:	ABG 1
Author:	A Bell – Manager Community Development
Responsible Officer:	A Bell – Manager Community Development
Previously Before Council:	14 June 2016 Council Forum.
Author's Disclosure of Interest:	Nil.
Nature of Council's Role in the matter:	Executive.
Attachments:	1 Reflect Reconciliation Action Plan template from Reconciliation Australia.
Voting Requirements:	Simple Majority

#### PURPOSE OF THE REPORT

To commence working in partnership with the local Noongar Kaakning Aboriginal Group towards a Shire of Toodyay Reconciliation Week event (2017) and Reconciliation Action Plan.

#### BACKGROUND

A discussion paper was presented to Council at the 14 June 2016 Council Forum.

The Shire of Toodyay has already taken steps towards Reconciliation via the placement of both a plaque in Federation Square and the Memorial stone at the Indigenous burial ground.

Mrs Pamela Walsh has previously worked with the Shire of Toodyay in sharing with those attending events – "A Welcome to Country". Mrs Walsh has also worked together the Shire Administration in events such as the Mother Earth event in 2014.

Representatives from Council, the Shire Administration and the Noongar Kaakning Aboriginal Group met for lunch during Reconciliation Week 2016, as well as our Shire President attending the NAIDOC event in July 2016.

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS ON 26 JULY 2016

Mrs Walsh also assisted our previous Museum Curator in the development of the audio visual display in the Native Cell at the Museum.

The Shire has made a recent purchase of an Aboriginal Flag to be flown at the Museum on appropriate occasions such as Reconciliation Week.

### **CONSULTATION IMPLICATIONS**

Following the Council Forum the informal notes of a meeting held between Shire of Toodyay staff and Mrs Pamela Walsh in March 2016 were circulated to Elected Members for further details.

### **STRATEGIC IMPLICATIONS**

Shire of Toodyay Strategic Community Plan 2013-2023 – Council’s Strategic Priorities for Community Services:

- Building trust, partnerships and support for community action; and
- Respect for the culture of the Ballardong Noongar people.

Shire of Toodyay Corporate Business Plan:

SP 1.7c Work with Elders to facilitate a Reconciliation Week event as part of Toodyay’s calendar of events

### **POLICY IMPLICATIONS**

There are no notable policy implications.

### **FINANCIAL IMPLICATIONS**

The draft budget includes an allocation of \$3,000 towards a Reconciliation Week Event (GL 117216).

### **LEGAL AND STATUTORY IMPLICATIONS**

There are no legal or statutory implications.

### **RISK IMPLICATIONS (including DAIP)**

There is some risk of mixed community feedback.

### **ENVIRONMENTAL IMPLICATIONS**

There are no notable environmental implications.

### **SOCIAL IMPLICATIONS**

As written in our Strategic Community Plan – Civic Leadership: *Council has a role as civic leader in the community. With strong leadership and community*

*support, the Council can achieve much more than just through its own direct service delivery.*

#### **OFFICER COMMENT / DETAILS**

As noted in Council's plans - the focus is for a Reconciliation Week event, however reconciliation is much more than a once a year gathering. It is through partnerships and working towards a Reconciliation Action Plan that strategy and clarity can be agreed upon by all stakeholders.

In researching Reconciliation Australia's information on plans (RAP) the one suggested for those starting on this journey is a "Reflect RAP".

- *A Reflect RAP is for organisations just starting out on their reconciliation journey and who need to build the foundations for relationships, respect and opportunities.*
- *A Reflect RAP will give your organisation the time and opportunity to raise awareness and support for your RAP inside your organisation. It will also assist you to develop a solid RAP governance model and build the business case for future commitments to cultural learning, and practising cultural protocols considering Aboriginal and Torres Strait Islander employment.*

It has been suggested that a reference group be formed to work towards both the Reconciliation Week event and action plan.

Further details would be provided to Council as progress is made on these proposed undertakings.

#### **OFFICER'S RECOMMENDATION**

That Council:

- 1 Support the formation of a reference group to work together for a Reconciliation Week Event (budget approval for 2016/2017 required), and a Reconciliation Plan.
- 2 Cr \_\_\_\_\_ be appointed to the Reconciliation Reference Group.

Cr Chitty moved the Officer's Recommendation.

Cr Wood seconded the motion.

***The Shire President sought nominations from the floor in respect to Point 2 of the Officer's Recommendation.***

Clarification was sought.

MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS ON 26 JULY 2016

Cr Chitty nominated herself for appointment to the Reconciliation Reference Group.

Cr Craddock nominated herself for appointment to the Reconciliation Reference Group provided two Elected Members were permitted to be appointed to the group.

Further clarification was sought.

The Manager Community Development provided clarification.

The motion was put.

<b>OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 101/07/16</b>	
<b>MOVED</b> Cr Chitty	<b>SECONDED</b> Cr Wood
That Council:	
1	Support the formation of a reference group to work together for a Reconciliation Week Event (budget approval for 2016/2017 required), and a Reconciliation Plan.
2	Appoint Cr Chitty and Cr Craddock to the Reconciliation Reference Group.
<b>MOTION CARRIED 9/0</b>	



# Which RAP is right for you?

## Reconciliation Action Plan (RAP) Framework

Reconciliation Australia's RAP Framework provides organisations with a structured approach to advance reconciliation. There are four different types of RAP that an organisation can develop: *Reflect*, *Innovate*, *Stretch* & *Elevate*. Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey and organisations can repeat the same type of RAP if appropriate.

### Reflect RAP

#### Scoping capacity for reconciliation

A Reflect RAP clearly sets out the steps you should take to prepare your organisation for reconciliation initiatives in successive RAPs. Committing to a Reflect RAP allows your organisation to spend time scoping and developing relationships with Aboriginal and Torres Strait Islander stakeholders, deciding on your vision for reconciliation and exploring your sphere of influence, before committing to specific actions or initiatives. This process will help to produce future RAPs that are meaningful, mutually beneficial and sustainable.

Is a Reflect RAP the right fit for your organisation?	
<b>RAP objective</b>	<ul style="list-style-type: none"> <li>Prepare the organisation for future RAPs and reconciliation initiatives</li> </ul>
<b>Duration</b>	<ul style="list-style-type: none"> <li>12 months</li> </ul>
<b>Suitable for</b>	<p>Organisations that may:</p> <ul style="list-style-type: none"> <li>be new to reconciliation and are unsure of how their organisation could or should engage with reconciliation</li> <li>have limited or poor relationships with Aboriginal and Torres Strait Islander stakeholders</li> <li>need time to engage the whole of organisation in reconciliation, including gaining support from senior leaders</li> <li>don't have an existing working group and structured plan to drive reconciliation</li> <li>Organisations that are unsure who their Aboriginal and Torres Strait Islander staff and external stakeholders are</li> </ul>
<b>Key expectations of the RAP</b>	<ul style="list-style-type: none"> <li>Establish an effective governance structure, including RAP Working Group</li> <li>Determine your organisation's vision for reconciliation</li> <li>Scope and reflect on how the organisation can contribute to reconciliation</li> <li>Improve relationships with Aboriginal and Torres Strait Islander peoples and relevant stakeholders</li> <li>Build understanding of who, how, why and when to seek guidance and consultation</li> <li>Prepare business cases to senior leaders for future reconciliation initiatives</li> <li>Not necessarily expected to make changes to policies or internal operations</li> </ul>



## Innovate RAP

### Implementing reconciliation initiatives

An Innovate RAP outlines actions that work towards achieving your organisation's unique vision for reconciliation. Commitments within this RAP allow your organisation to be aspirational and innovative in order to help your organisation gain a deeper understanding of its sphere of influence, and establish the best approach to advance reconciliation. An Innovate RAP focuses on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation, developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples.

Is an Innovate RAP the right fit for your organisation?	
<b>RAP objectives</b>	<ul style="list-style-type: none"> <li>Establishing the best approach for advancing reconciliation within the organisation</li> <li>Implementing reconciliation strategies and initiatives</li> </ul>
<b>Duration</b>	<ul style="list-style-type: none"> <li>2 years</li> </ul>
<b>Prerequisites</b>	<ul style="list-style-type: none"> <li>General support and goodwill throughout the organisation</li> <li>Support from senior leaders of the organisation</li> <li>Established governance structure, including RAP Working Group with Aboriginal and/or Torres Strait Islander representation</li> </ul>
<b>Suitable for</b>	<p>Organisations that:</p> <ul style="list-style-type: none"> <li>have strong relationships with their Aboriginal and Torres Strait Islander stakeholders and understand who, how, why, and when to seek guidance and consultation</li> <li>are ready to begin or continue to implement strategies, initiatives and policies that support reconciliation</li> <li>are ready to commit to additional actions tailored to their organisation</li> </ul> <p>Organisations that may have:</p> <ul style="list-style-type: none"> <li>strong engagement with reconciliation and want to consolidate this through a structured governance model and formal public commitment</li> <li>had challenges with previous efforts or are yet to embed reconciliation across the organisation</li> <li>completed a RAP previously, have learnt from this experience and wish to continue or improve their approaches and/or try new approaches</li> </ul>
<b>Key expectations of the RAP</b>	<ul style="list-style-type: none"> <li>Develop mutually beneficial relationships with Aboriginal and Torres Strait Islander stakeholders</li> <li>Develop and pilot strategies for reconciliation initiatives</li> <li>Engage staff in reconciliation</li> <li>Identify the best approach for the organisation through aspirational deliverable</li> <li>Explore how the organisation can drive reconciliation through its business activities, services, programs, stakeholders and/or sphere of influence</li> <li>Report to Reconciliation Australia by September each year, through the RAP Impact measurement questionnaire</li> <li>Publically report on RAP progress to external stakeholders</li> </ul>



## Stretch RAP

### Embedding reconciliation

A Stretch RAP is best suited to organisations that have developed strategies, and established a very strong approach towards advancing reconciliation internally and within the organisation's sphere of influence. This type of RAP is focused on implementing longer-term strategies, and working towards defined measurable targets and goals. The Stretch RAP requires organisations to embed reconciliation initiatives into business strategies to become 'business as usual'.

Is a Stretch RAP the right fit for your organisation?	
<b>RAP objectives</b>	<ul style="list-style-type: none"> <li>▪ Embed reconciliation initiatives into the organisation</li> <li>▪ Utilise sphere of influence to drive reconciliation</li> </ul>
<b>Duration</b>	<ul style="list-style-type: none"> <li>▪ 2-3 years</li> </ul>
<b>Prerequisites</b>	<p>Organisations are expected to have:</p> <ul style="list-style-type: none"> <li>▪ successfully completed a previous RAP</li> <li>▪ strong meaningful engagement with internal and external Aboriginal and Torres Strait Islander stakeholders</li> <li>▪ an effective governance structure, including RAP Working Group with Aboriginal and/or Torres Strait Islander representation, and senior decision makers from across the organisation</li> <li>▪ processes and systems in place to capture information on staff cultural learning, Aboriginal and Torres Strait Islander employees, spend with Aboriginal and Torres Strait Islander businesses, and any other relevant RAP commitments</li> <li>▪ strong support and engagement from senior leaders, including a designated RAP Champion</li> <li>▪ an effective Aboriginal and Torres Strait Islander engagement strategy, cultural learning strategy and employment strategy</li> <li>▪ completed the RAP Impact Measurement Questionnaire Report each year</li> </ul>
<b>Suitable for</b>	<p>Organisations that have met the above requirements and:</p> <ul style="list-style-type: none"> <li>▪ are confident in their tried and tested approach to embedding reconciliation within their organisation</li> <li>▪ have tailored additional commitments to their business activities, services, programs, stakeholders and/or sphere of influence</li> <li>▪ are ready to expand on their efforts through specific and measurable longer-term commitments with an outcomes focus</li> <li>▪ can commit to robust reporting requirements</li> <li>▪ are willing to collaborate with other RAP organisations to advance reconciliation</li> </ul>
<b>Key expectations of the RAP</b>	<ul style="list-style-type: none"> <li>▪ Set measurable targets and firm tangible commitments throughout the RAP</li> <li>▪ Implement strategies to ensure staff throughout the organisation is engaged in reconciliation</li> <li>▪ Continuous improvement of engagement, cultural learning, employment and procurement strategies</li> <li>▪ Engage external stakeholders in reconciliation</li> <li>▪ Consider initiatives to address the five dimensions of reconciliation</li> <li>▪ Report to Reconciliation Australia by September each year, through the RAP Impact Measurement Questionnaire</li> <li>▪ Publicly report on RAP progress to external stakeholders</li> </ul>

## Elevate RAP

### Leadership in reconciliation

Please discuss with Reconciliation Australia if you are aspiring for an Elevate RAP as there are unique requirements, expectations and processes in order to qualify.

For more information visit  
[www.reconciliation.org.au](http://www.reconciliation.org.au)



# Join the Program

Joining the RAP program is easy. Any organisation, small or large, can join. Reconciliation Australia will work with you to tailor a plan that suits your organisation's specific needs. Throughout the process we will provide advice to ensure your RAP contains the elements required for endorsement and has every chance of success. Your organisation can start developing a RAP by following the process below.

## 1.1. Select your RAP type

The first step is to decide which RAP is best suited to your organisation. The four types of Reconciliation Action Plan—Reflect, Innovate, Stretch and Elevate—are designed to suit all organisations, regardless of where they are on the reconciliation journey.

Each RAP includes a focus on achieving outcomes in the areas of 'relationships, respect and opportunities'.

Each RAP template, available in step two, sets out minimum elements required for your RAP to be endorsed by Reconciliation Australia.

Schools and early learning services can develop a RAP through [Narragunnawali: Reconciliation in Schools and Early Learning](#).

## 2.2. Start drafting your RAP using the templates

## 3.3. Submit your RAP to us for review

## REFLECT

### Reconciliation Action Plan (RAP) template

**Reflect RAP:**

A Reflect RAP has a 12-month duration, which commences when the RAP is formally endorsed by Reconciliation Australia.

**Template layout:**

This RAP template sets out your organisation's commitment to reconciliation under the headings of relationships, respect and opportunities.

**Action column:** Broad action that includes the objective your organisation will focus on achieving. Try to use plain language and avoid organisation specific jargon or acronyms.

**Deliverable column:** Deliverables should be activities/initiatives that will achieve the objective in the action column. Deliverables should be written as a prospective activity.

**Responsibility column:** Responsibility of commitments within the RAP should be distributed across the organisation, to promote shared ownership of the RAP. Ensure the responsibility is all relevant areas of your organisation have actions specific to their knowledge area. Responsibilities should be allocated to specific employees, to increase accountability.

**Timeline column:** Specific dates should be allocated to each deliverable throughout the RAP life. Please use a month(s)/year(s) format (e.g. July 2017). If the action is ongoing, include the date that you will review the action for effectiveness or when you expect to have achieved milestones.

**Minimum requirements:**

The actions included in this template, as well as those deliverables listed under 'required', are minimum elements and must be included in your RAP in order for it to be endorsed by Reconciliation Australia. Organisations are encouraged to include additional actions/deliverables relevant to your core business and sphere of influence.

**RAP review process:**

**Please ensure that first draft is submitted to Reconciliation Australia for review, at least 4 months prior to the expected endorsement date.**

Once you have completed your first draft RAP, please submit it for review to Reconciliation Australia in Microsoft Word format. You can submit the first draft by completing the form on our RAP Online Hub or submit directly to your RAP Officer. The RAP Officer will then work in partnership with you to develop and review the RAP in readiness for formal endorsement by Reconciliation Australia.

The review process involves about four to five rounds of feedback from Reconciliation Australia before a RAP is ready for endorsement. The RAP review process can take three to six months, from when we receive your first draft. Although these timeframes may vary.

**Formal endorsement by Reconciliation Australia:**  
There are two stages of RAP endorsement.

**1. Conditional Endorsement**

When the RAP has been finalised and is ready for endorsement, it will be sent to the RAP Manager at Reconciliation Australia for approval. Once the content has been approved, the RAP will be conditionally endorsed.

**2. Final Endorsement**

When the RAP is ready to be published (internally or externally), the RAP is to be submitted to Reconciliation Australia for a final review before it can be published. The RAP will be reviewed to ensure the document contains the endorsed content and the RAP logo is displayed correctly.

Once the RAP has been formally endorsed by Reconciliation Australia, the content should not be altered throughout the duration of the RAP, unless approved by Reconciliation Australia.

**Important NOTE:**

*The RAP program is a unique and highly valued service of Reconciliation Australia. Reconciliation Australia has worked extensively with its partners to develop and build the RAP program. To maintain the integrity of our programs, the Reconciliation Australia logo is Trade Marked through IP Australia. We are proud to share our Trade Marked logo with organisations that have worked with us to develop a RAP that meets our requirements and quality assurance processes. Organisations that choose not to be a part of the RAP program should not use the words 'Reconciliation Action Plan', 'RAP', or the Reconciliation Australia Logo on websites or documents, as to publicly 'pass off' as being part of the program.*



[Organisation Name]

Reflect Reconciliation Action Plan [month, 20\_\_] – [month, 20\_\_]

<p><b>Our business</b> Address the following questions using <u>paragraphs</u> to describe your business:</p> <ul style="list-style-type: none"><li>• What is your core business?</li><li>• How many people does your organisation employ?</li><li>• How many Aboriginal and Torres Strait Islander staff does your organisation currently employ?</li><li>• What is our organisation's geographic reach (is our organisation state-focused or national)?</li><li>• How many office locations does your organisation have?</li></ul>
<p><b>Our RAP</b> Address the following questions using <u>paragraphs</u>:</p> <ul style="list-style-type: none"><li>• Why is your organisation developing a RAP?</li><li>• What is your organisation's reconciliation journey to date?</li><li>• Who champions your RAP internally?</li><li>• Who was involved in the development of your RAP?</li></ul>
<p><b>Our partnerships/current activities</b> Describe any partnerships or current reconciliation activities you have in place:</p> <ul style="list-style-type: none"><li>• Community partnerships</li><li>• Internal activities/initiatives</li></ul>

Relationships			
Action	Deliverable	Timeline	Responsibility
1. Establish a RAP Working Group	<ul style="list-style-type: none"> <li>Form a RAP Working Group that is operational to support the implementation of our RAP, comprising of Aboriginal and Torres Strait Islander peoples and decision-making staff from across our organisation.</li> </ul>	[Month, year]	[Job title]
2. Build internal and external relationships	<ul style="list-style-type: none"> <li>Develop a list of Aboriginal and Torres Strait Islander peoples, communities and organisations within our local area or sphere of influence that we could approach to connect with on our reconciliation journey.</li> <li>Develop a list of RAP organisations and other like-minded organisations that we could approach to connect with on our reconciliation journey.</li> </ul>		
3. Participate in and celebrate National Reconciliation Week (NRW)	<ul style="list-style-type: none"> <li>Encourage our staff to attend a NRW event.</li> <li>Circulate Reconciliation Australia's NRW resources and reconciliation materials to our staff.</li> <li>Ensure our RAP Working Group participates in an external event to recognise and celebrate NRW.</li> </ul>	27 May- 3 June	
4. Raise internal awareness of our RAP	<ul style="list-style-type: none"> <li>Develop and implement a plan to raise awareness amongst all staff across the organisation about our RAP commitments.</li> <li>Develop and implement a plan to engage and inform key internal stakeholders of their responsibilities within our RAP.</li> </ul>		
5. Include other unique relationships actions and targets related to our core business and vision for reconciliation.	<p><i>Suggestions:</i></p> <ul style="list-style-type: none"> <li>Build partnerships with Aboriginal and Torres Strait Islander peoples and organisations.</li> <li>Engage our senior leaders in the delivery of RAP outcomes.</li> <li>Raise external awareness of our RAP.</li> <li>Raise awareness of/explore opportunities to support the Recognise campaign.</li> <li>Support our state/territory based reconciliation council.</li> </ul>		



<b>Respect</b>			
<b>Action</b>	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
6. Investigate Aboriginal and Torres Strait Islander cultural learning and development	<ul style="list-style-type: none"> <li>Develop a business case for increasing awareness of Aboriginal and Torres Strait Islander cultures, histories and achievements within our organisation.</li> <li>Capture data and measure our staff's current level of knowledge and understanding of Aboriginal and Torres Strait Islander cultures, histories and achievements.</li> <li>Conduct a review of cultural awareness training needs within our organisation.</li> </ul>		
7. Participate in and celebrate NAIDOC Week	<ul style="list-style-type: none"> <li>Raise awareness and share information amongst our staff of the meaning of NAIDOC Week which includes information about the local Aboriginal and Torres Strait Islander peoples and communities.</li> <li>Introduce our staff to NAIDOC Week by promoting community events in our local area.</li> <li>Ensure our RAP Working Group participates in an external NAIDOC Week event.</li> </ul>	First week in July	
8. Raise internal understanding of Aboriginal and Torres Strait Islander cultural protocols	<ul style="list-style-type: none"> <li>Explore who the Traditional Owners are of the lands and waters in our local area.</li> <li>Scope and develop a list of local Traditional Owners of the lands and waters within our organisations sphere of influence.</li> <li>Develop and implement a plan to raise awareness and understanding of the meaning and significance behind Acknowledgement of Country and Welcome to Country protocols (including any local cultural protocols).</li> </ul> <p><i>Suggestions:</i></p> <ul style="list-style-type: none"> <li>Celebrate/recognise Aboriginal and Torres Strait Islander dates of significance.</li> <li>Investigate cultural immersion programs.</li> <li>Communicate and encourage staff to use Reconciliation Australia's Share Our Pride online tool to all staff.</li> </ul>		
9. Include other unique respect actions related to our core business and vision for reconciliation.			

Opportunities			
Action	Deliverable	Timeline	Responsibility
10. Investigate Aboriginal and Torres Strait Islander employment	<ul style="list-style-type: none"> <li>Develop a business case for Aboriginal and Torres Strait Islander employment within our organisation.</li> <li>Identify current Aboriginal and Torres Strait Islander staff to inform future employment and development opportunities.</li> </ul>		
11. Investigate Aboriginal and Torres Strait Islander supplier diversity	<ul style="list-style-type: none"> <li>Develop an understanding of the mutual benefits of procurement from Aboriginal and Torres Strait Islander owned businesses.</li> <li>Develop a business case for procurement from Aboriginal and Torres Strait Islander owned businesses.</li> </ul>		
12. Include other unique opportunities actions related to our core business and vision for reconciliation.	<p><i>Suggestions:</i></p> <ul style="list-style-type: none"> <li>Investigate an internal Aboriginal and Torres Strait Islander professional mentoring network.</li> <li>Investigate Aboriginal and Torres Strait Islander employment pathways (e.g. traineeships or internships).</li> <li>Investigate opportunities to increase pro bono activities.</li> <li>Support scholarships for Aboriginal and Torres Strait Islander students.</li> <li>Support Aboriginal and Torres Strait Islander leadership.</li> <li>Investigate opportunities to become a member of Supply Nation.</li> </ul>		

Governance and Tracking Progress		
Action	Deliverable	Responsibility
13. Build support for the RAP	<ul style="list-style-type: none"> <li>Define resource needs for RAP development and implementation.</li> <li>Define systems and capability needs to track, measure and report on RAP activities.</li> <li>Complete the annual RAP Impact Measurement Questionnaire and submit to Reconciliation Australia.</li> </ul>	30 September,
14. Review and Refresh RAP	<ul style="list-style-type: none"> <li>Liaise with Reconciliation Australia to develop a new RAP based on learnings, challenges and achievements.</li> <li>Submit draft RAP to Reconciliation Australia for review</li> <li>Submit draft RAP to Reconciliation Australia for formal endorsement.</li> </ul>	[three months prior to RAP expiry date]

**Contact details** *Include contact details (job title, phone and email) for public enquiries about our RAP.*

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_



## REFLECT

### Reconciliation Action Plan (RAP) template

#### Template layout:

This RAP template sets out your organisation's commitment to reconciliation under the headings: relationships, respect and opportunities. Each heading is made up of columns to outline the action, responsibility, timeline and deliverable.

In the **action column** provide brief details of the objectives your organisation will focus on achieving. Try to use plain language and avoid jargon or organisation specific acronyms. It's also a good idea to number your actions so they are easy to reference later.

Use the **responsibility column** to distribute commitments within the RAP across the organisation to ensure broad ownership of the RAP. Ensure all relevant areas of your organisation have actions specific to their knowledge area that they will take responsibility for delivering.

The **timeline column** ensures everyone within your organisation has agreed to achieving actions by specific dates, or to regularly measuring and assessing progress. Please use a month/year format (e.g. July 2012). If the action is ongoing, include the date that you will review the action for effectiveness or will have achieved milestones.

The **deliverable column** should be succinct and straightforward, and describe what your organisation will do to meet the objectives in the 'action' column.

#### Minimum elements:

The actions already included in this template are minimum elements and must be included in your RAP in order for it to be endorsed by Reconciliation Australia. You may also choose to include items from those listed under suggestions or write your own additional actions/deliverables for each heading.

#### Submitting your RAP for review:

Once you have completed your draft RAP in this template, please submit it for review by completing the form on our [RAP Online Hub](#). We will then work with you to review the RAP in readiness for endorsement from Reconciliation Australia. There may be about three or four rounds of feedback from Reconciliation Australia before your draft RAP is ready for endorsement. This process usually takes three to six months. For further information, please visit our [RAP Online Hub](#).

[Organisation Name]

Reflect Reconciliation Action Plan for the years [Month] [20\_\_] – [Month] [20\_\_]

**Our business**

**Required**

Answer the following questions using paragraphs to describe our business:

- What is our core business?
- How many people does our organisation employ?
- How many Aboriginal and Torres Strait Islander staff does our organisation currently employ?
- What is our organisation's geographic reach (is our organisation state-focused or national)?

**Our RAP**

**Required**

Answer the following questions using paragraphs to describe:

- Why is our organisation developing a RAP?
- What is our organisations reconciliation journey to date?
- Who champions our RAP internally?
- Who was involved in the development of our RAP?

**Our partnerships/current activities**

Describe any partnerships or current reconciliation activities you have in place:

- Community partnerships
- Internal activities/initiatives

**Commented [MO1]:** Include a future orientated month and year start date and month and year end date. A Reflect RAP must be for a set time period of 12 months.

The RAP start date must be future orientated, a RAP will not be endorsed if the month start date is retrospective. A suggestion may be to align the month start date with a proposed RAP launch date. When setting a launch date take into account the 3-6 month Reconciliation Australia review and endorsement process, which commences upon Reconciliation Australia receiving the first draft.

**Commented [MO2]:** We require that all organisations address the 4 questions in paragraph

This section should include enough information, to inform a reader who is not familiar with the organisation.

The following information should be included:

- Information on the organisation's core business, including key program and services
- Ensure that this section provides insight into the type of work/key operations of the organisation, and its sphere of influence. Eg. Property management organisation may have a construction arm. This type of information will be useful to strengthen the opportunities section.
- The total number of employees
- For global organisations, please ensure they state the number of employees in their Australian offices.
- The number and/or percentage of Aboriginal and Torres Strait Islander employees.

**Commented [MO3]:** Ensure the following information is included:

- The reason for developing a RAP
- What is our organisations reconciliation journey to date?
- RAP Champion
- Who was involved in the development of our RAP?

**Commented [MO4]:** It is important for organisations to identify or recognise any current relationships and activities and look at how this may be strengthened, improved, progressed and/or formalised.

In some cases organisations are unaware that they already have current partnerships and/or staff are currently participating have formed community partnerships and involved with external activities.



<b>Relationships</b>			
<b>Action</b>	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
1. Establish a RAP Working Group	<ul style="list-style-type: none"> <li>Form a RAP Working Group that is operational to support the development of our RAP, comprising of Aboriginal and Torres Strait Islander peoples and decision-making staff from across our organisation.</li> </ul>	[Month & Year]	[Job title]
2. Build internal and external relationships	<ul style="list-style-type: none"> <li>Develop a list of Aboriginal and Torres Strait Islander peoples, communities and organisations within our local area or sphere of influence that we could approach to connect with on our reconciliation journey.</li> <li>Develop a list of RAP organisations and other like-minded organisations that we could approach to connect with on our reconciliation journey.</li> </ul>	[Month & Year]	[Job title]
3. Participate in and celebrate National Reconciliation Week (NRW)	<ul style="list-style-type: none"> <li>Encourage our staff to attend a NRW event.</li> <li>Circulate Reconciliation Australia's NRW resources and reconciliation materials to our staff.</li> </ul>	27 May- 3 June, [year]	[Job title]
4. Raise internal awareness of our RAP	<ul style="list-style-type: none"> <li>Ensure our Working Group participates in an external event to recognise and celebrate NRW.</li> <li>Develop and implement a plan to raise awareness amongst all staff across the organisation about our RAP commitments.</li> </ul>	27 May- 3 June, [year]	[Job title]
	<ul style="list-style-type: none"> <li>Develop and implement a plan to engage and inform key internal stakeholders of their responsibilities within our RAP.</li> </ul>	[Month & Year]	[Job title]

**Commented [M05]:** Relationship actions aim to develop relationships with Aboriginal and Torres Strait Islander individuals, organisations and communities so that other Australians can learn more about Aboriginal and Torres Strait Islander s. These can be at an organisational level but should increasingly also focus on providing actions that support staff and other people within the organisation's realm of influence to develop relationships.

**Commented [M06]:** This is where you provide brief details of what your organisation will be doing and why (i.e how does it link to your objectives within the Relationships, Respect or Opportunities framework)

**Commented [M07]:** Deliverables need to be clear targets, steps or milestones that explain how your organisation will achieve the outlined actions. Your organisation should be able to report against achieving/not achieving the target. Develop targets guided by the RAP type your organisation has selected (reflect, innovate, stretch, elevate).

**Commented [M08]:** Timelines must have a month and year date, rather than ongoing or annual. If it's a new action that is an ongoing commitment, put the month and year you aim to have the new action implemented by. If it is a current action that is an ongoing commitment, put the date you plan to report against the action.

A timeline is not:  
 • Ongoing  
 • Annually  
 • Jan 2013 – Jan 2015  
 The timeline will be:  
 • January, 2015  
 • January 2017, 2018 & 2019

The Timeline dates must fall within the 12 month Reflect RAP timeframe.

**Commented [M09]:** When allocating responsibilities, Reconciliation Australia requires allocations of a specific job title as opposed to teams. This is to ensure accountability for each action is clear. Tying responsibility to a specific job title (rather than a person's name) also ensures that responsibility is maintained should there be any staffing changes throughout the implementation of the plan.

Example:  
 A responsibility is not:  
 • Corporate Services  
 • RAP Working Group (RWG)  
 • Sarah Citizen  
 The responsibility will be:  
 • Manager, Corporate Services  
 • Chair of RAP Working Group (RWG)



5. [Include other unique relationships actions and targets related to your core business and vision for reconciliation.]	[Month & Year]	[Job title]
<ul style="list-style-type: none"> <li>• [Include related deliverables for unique actions]</li> </ul>		
<p><b>Suggested unique action:</b> Investigate ways to support reconciliation on a Local, State and National level</p>	<p><b>Suggested related unique action deliverables:</b></p> <ul style="list-style-type: none"> <li>• Explore opportunities to support the Recognise campaign.</li> <li>• Support Reconciliation Australia and your state based reconciliation council/s.</li> <li>• Develop a list of reconciliation groups within our sphere of influence</li> <li>• Provide a link to the Reconciliation in Australia Report</li> <li>• Summary to all staff.</li> <li>• Etc.</li> </ul>	
Etc.		

**Commented [M010]:** Reconciliation Australia encourages unique actions for a Reflect type RAP but it is not a requirement of a Reflect RAP

**Commented [M011]:** Respect actions focus on ensuring the organisation understands the cultural backgrounds of its staff customers and other key stakeholders and how this impacts on day to day business operations. This ensures interactions are respectful, products and services are appropriate and relationships are appreciative of diverse views and experiences. In understanding your people and your customers, organisations are able to achieve a greater return on their social investment.

**Commented [M012]:** Reconciliation Australia encourages unique actions for a Reflect type RAP but it is not a requirement of a Reflect RAP

<b>Respect Action</b>	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
6. Investigate Aboriginal and Torres Strait Islander cultural learning and development	<ul style="list-style-type: none"> <li>Develop a business case for increasing awareness of Aboriginal and Torres Strait Islander cultures, histories and achievements within our organisation.</li> <li>Capture data and measure our staff's current level of knowledge and understanding of Aboriginal and Torres Strait Islander cultures, histories and achievement.</li> <li>Conduct a review of cultural awareness training needs within our organisation.</li> </ul>	[Month & Year]	[Job title]
7. Participate in and celebrate NAIDOC Week	<ul style="list-style-type: none"> <li>Raise awareness and share information amongst our staff of the meaning of NAIDOC Week which includes information about the local Aboriginal and Torres Strait Islander peoples and communities.</li> <li>Introduce our staff to NAIDOC Week by promoting community events in our local area.</li> </ul>	July [Year]	[Job title]
8. Raise internal understanding of Aboriginal and Torres Strait Islander cultural protocols	<ul style="list-style-type: none"> <li>Ensure our Working Group participates in an external NAIDOC Week event.</li> <li>Explore who the Traditional Owners are of the lands and waters in our local area.</li> <li>Scope and develop a list of local Traditional Owners of the lands and waters within our organisations sphere of influence.</li> <li>Develop and implement a plan to raise awareness and understanding of the meaning and significance behind Acknowledgement of Country and Welcome to Country protocols (including any local cultural protocols).</li> </ul>	July [Year]	[Job title]
9. [Include other unique actions related to your core business and vision for reconciliation.]	<ul style="list-style-type: none"> <li>[Include related deliverables for unique actions]</li> </ul>	[Month & Year]	[Job title]
<b>Suggested unique action:</b>	<b>Suggested related unique action deliverables:</b>		

<p>'Celebrate and recognise Aboriginal and Torres Strait Islander dates of significance.'</p> <p>10. Etc.</p>	<ul style="list-style-type: none"> <li>• 'Develop a calendar of Aboriginal and Torres Strait Islander dates of significance</li> <li>• Share calendar of Aboriginal and Torres Strait Islander dates of significance with staff.</li> <li>• Promote local events to staff and encourage staff to be involved through volunteering or attending.</li> <li>• Etc.'</li> </ul>		
---	---	--	--

Opportunities	Action	Deliverable	Timeline	Responsibility
11. Investigate Aboriginal and Torres Strait Islander employment	<ul style="list-style-type: none"> <li>Develop a business case for Aboriginal and Torres Strait Islander employment within our organisation.</li> <li>Identify current Aboriginal and Torres Strait Islander staff to inform future employment and development opportunities.</li> </ul>	[Month & Year]	[Job title]	<p><b>Commented [M013]:</b> Opportunity actions aim to drive mutually beneficial opportunities for Aboriginal and Torres Strait Islander individuals, organisations and communities and the RAP organisation, staff and other stakeholders. These could include the sharing of knowledge that might benefit each party, the creation of employment and education opportunities, better servicing of Aboriginal and Torres Strait Islander stakeholders or mutually beneficial business opportunities.</p>
12. Investigate Aboriginal and Torres Strait Islander supplier diversity	<ul style="list-style-type: none"> <li>Develop an understanding of the mutual benefits of procurement from Aboriginal and Torres Strait Islander owned businesses.</li> <li>Develop a business case for procurement from Aboriginal and Torres Strait Islander owned businesses.</li> </ul>	[Month & Year]	[Job title]	
13. [Include other unique opportunities actions related to your core business and vision for reconciliation.]	<ul style="list-style-type: none"> <li>[Include related deliverables for unique actions]</li> </ul>	[Month & Year]	[Job title]	<p><b>Commented [M014]:</b> Reconciliation Australia encourages unique actions for a Reflect type RAP but it is not a requirement of a Reflect RAP</p>
<b>Suggested unique action:</b>	Investigate mentoring opportunities for staff.	<p><b>Suggested related unique action deliverables:</b></p> <ul style="list-style-type: none"> <li>Develop an Aboriginal and Torres Strait Islander professional mentoring network.</li> <li>Develop a cultural mentoring network for existing staff and managers.</li> </ul>		

<p><b>Other suggested unique action:</b></p> <ul style="list-style-type: none"> <li>• <i>Recruit and Aboriginal and Torres Strait Islander Recruitment Manager</i></li> <li>• <i>Investigate opportunities to increase pro bono activities.</i></li> <li>• <i>Support scholarships for Aboriginal and Torres Strait Islander students.</i></li> <li>• <i>Support Aboriginal and Torres Strait Islander leadership.</i></li> <li>• <i>Develop and implement Aboriginal and Torres Strait Islander employment pathways (e.g. traineeships or internships).</i></li> </ul>			
---	--	--	--



<b>Tracking and Progress</b>			
<b>Action</b>	<b>Targets</b>	<b>Timeline</b>	<b>Responsibility</b>
14. Build support for the RAP	<ul style="list-style-type: none"> <li>Define resource needs for RAP development and implementation.</li> </ul>	[Month & Year]	
	<ul style="list-style-type: none"> <li>Define systems and capability needs to track, measure and report on RAP activities.</li> </ul>	[Month & Year]	
	<ul style="list-style-type: none"> <li>Complete the annual RAP Impact Measurement Questionnaire and submit to Reconciliation Australia.</li> </ul>	30 September [Year]	
15. Review and Refresh RAP	<ul style="list-style-type: none"> <li>Review and refresh RAP based on learnings, challenges and achievements.</li> </ul>	[Month & Year]	
	<ul style="list-style-type: none"> <li>Submit draft RAP to Reconciliation Australia for formal review and endorsement.</li> </ul>	[Month & Year]	

**Contact details** *Include contact details (job title, phone and email) for public enquiries about our RAP.*

Name:  
Position:  
Phone:  
Email:



We require that all organisations address the 4 questions in paragraph

This section should include enough information, to inform a reader who is not familiar with the organisation.

The following information should be included:

- Information on the organisation's core business, including key program and services
  - Ensure that this section provides insight into the type of work/key operations of the organisation, and its sphere of influence. Eg. Property management organisation may have a construction arm. This type of information will be useful to strengthen the opportunities section.
- The total number of employees
  - For global organisations, please ensure they state the number of employees in their Australian offices.
- The number and/or percentage of Aboriginal and Torres Strait Islander employees.

It is also important that we understand their sphere of influence, therefore the following is required:

- The geographic reach
- The number of offices the organisation has (essential for Stretch RAPs)



# **Shire of Quairading**

## **Reconciliation Action Plan**

### **2015 – 2017**

Updated: 27/08/2015

Ready for Community Comment.

The Shire of Quairading acknowledges that we stand on the traditional lands of the Noongar people. Noongar is the generic name that describes people whose ancestors originally occupied and continue to occupy the whole South West of Western Australia.

Ballardong are one of the clans of the Noongar Nation. What we know today as the Shire of Quairading is on Ballardong Boodjar.

Words in the Noongar language can be spelt in different ways, including Nyungar and Nyoongar. The spelling 'Noongar' has been adopted by agreement by the Shire of Quairading and the Reconciliation Action Plan Committee.

## **Our Vision for Reconciliation**

The Shire of Quairading's Vision for Reconciliation is to create an inclusive community with strong relationships across cultures, based on mutual respect and understanding. Our actions will contribute to the goal of closing the gap between Indigenous peoples, other Nationalities and other Australians so that all people can be valued and participate in the Quairading community.

## **Our Business and Our People**

The Shire of Quairading is located in the Wheatbelt region, 168 kilometres east of Perth. The area is made up of mixed farming and the town is largely a service provider to the agriculture industry and the local community. The Shire of Quairading is a regional Western Australian Local Government with an Area of approximately 2000 square kilometres with a population of an estimated 1,050 including an estimated 150 Indigenous people.

The Shire of Quairading's core business is the delivery of a wide range of services to Quairading residents and visitors including law, order and community safety, environmental health, community amenity services such as waste collection and recycling, community venues, recreation, cultural and community development services, youth services, roads and footpaths, engineering and capital works development, libraries, parks and gardens, and Building and Public Health Control. Council has developed a Strategic Community Plan and a Corporate Business Plan to assist Council to maximise the utilisation of these Services and Infrastructure to achieve specific social, economic and environmental goals and outcomes.



## Our Reconciliation Action Plan (RAP)

This is the first Reconciliation Action Plan (RAP) for the Shire of Quairading and the Quairading Community. The purpose of our RAP is to turn good intentions into measurable actions that support and benefit Noongar people in all aspects of life.

The Shire of Quairading's RAP has been developed in consultation with the RAP Committee made up of representatives of the local Noongar Community, Community Representatives, Shire Councillors and Staff. In addition, consultations will be held with the public and specific groups. Input from these consultations will be extensive and will inform the Committee in its preparation of the Final RAP Document. We recognise that reconciliation is an ongoing process and want our RAP to be a document that can realistically deliver actions and outcomes. The Shire of Quairading has a genuine intent to work together with residents of our diverse community and make a real difference.

## Our Progress So Far

The Shire of Quairading has been taking action over recent years to build and strengthen relationships with Noongar people in the District and broader Wheatbelt Region by establishing the RAP Committee.

During the development of our first Reconciliation Action Plan, we have seen some key achievements which include:

- Increased opportunities for all people to come together at events and activities
- The inclusion of a 'Welcome to Country' at each Citizenship Ceremony, Council Meeting and School Council Meeting.
- Good News Stories Newsletter (Currently in Recess).
- Ongoing System of Noongar Student Awards at our District High School
- Healthy eating and physical activity programs for Noongar people
- Annual Reconciliation Walk Event
- Display of Noongar Artworks in Public Buildings and Places
- Flying of the Australian Aboriginal Flag at the Shire Administration Centre
- Flying of the Australian Aboriginal Flag at the War Memorial during NAIDOC Week and Reconciliation Week Events
- Development of further ties with the Noongar Community in the City of Melville as part of the Councils' City / Country Partnership
- Renaming of Junction Road to Winmar Road
- Development of a Draft Management Plan for the Quairading Community Nature Reserve incorporating "The Groves" Area for Cultural Purposes





	Education District Office representatives, to establish stronger links.			
6	<p><b>COMMUNITY CONTACTS:</b> 6.1 Establish a database of the Noongar community residents and contacts relevant to the Shire of Quairading for imparting information and Consultation.</p> <p>Formalise the structure of the group, and clearly define the family members each Noongar Elder or representative is representing.</p>	Noongar representatives / CDO	Ongoing, need commitment from identified Noongar Community Members	<p>A relevant database for the Shire of Quairading is created, and updated regularly.</p> <p>Ease of communication with the complete Noongar community, through clearly defined representatives.</p>
7	<p><b>LAW AND ORDER</b> 7.1</p>	WA Police		Stronger linkage between Noongar Community, RAP Committee and Quairading Police Officers, or District Officers from Northam.

## RESPECT

Respect for the local Noongar people and those from other areas who have settled in Quairading is an essential Foundation for building meaningful relationships and ensuring full participation in the community. An understanding of Noongar culture and history is central to respect. Making this visible through events, art, signage, promotion and cultural protocols demonstrates our recognition and appreciation for the diversity of people in our community and the significance of land, culture and history.

## FOCUS AREAS

*Visible recognition of Indigenous cultures, history and peoples and protocols.*

	Action	Responsibility	Timeline/ Resources	Measurable Target
8	<p><b>ABORIGINAL CULTURAL AWARENESS:</b> 8.1 Where and when appropriate Community Development Officers to arrange annual meetings with relevant community groups and assist with the delivery of a short Cultural Awareness session. Appropriate local presenters to be sourced</p> <p>8.2 Cultural Awareness Training trialled at the Quairading Youth Centre, open to all youth.</p> <p>8.3 Arrange the delivery of Aboriginal Cultural Awareness and Development Training to staff.</p>	<p>CEO / CDO</p> <p>CDO/Youth Centre</p> <p>CEO</p>	Once a year	<p>Development Officer arranging short Cultural Awareness Sessions at annual Community meetings.</p> <p>Training is offered at the Youth centre, and outcomes evaluated.</p> <p>Council's workforce planning and documentation.</p>
9	<p><b>FLAG FLYING:</b> 9.1 Installation of second Flag Pole.</p> <p>9.2 Fly the Australian Aboriginal</p>	Shire Staff	<p>Achieved January 2015</p> <p>Ongoing</p>	The flag is flown daily in front of the



	flag daily. Include a Flag Raising Ceremony at appropriate times / events.			Shire Administration Centre. Other Flag Raising ceremonies take place at least during NAIDOC Week.
10	<p><b>PROCEDURES, POLICIES AND STRATEGIES:</b></p> <p>10.1 Include an 'Acknowledgement of Country' in each of Council's Meetings and Citizenship Ceremonies.</p> <p>10.2 Create a list of 'Welcome to Country' providers.</p>	RAP Committee / Elders	<p>March 2015</p> <p>June 2015 and ongoing</p>	<p>An 'Acknowledgement of Country' is included in each of Council's Meetings and Citizenship Ceremonies.</p> <p>Information on providers is available for event organisers and the public. RAP Committee encourages younger community members to be involved.</p>
11	<p><b>EVENTS:</b></p> <p>11.1 Provide the opportunity for Indigenous employees to participate in appropriate NAIDOC events, to engage with their culture and community.</p>			Aim for less barriers to Indigenous employees participating in Cultural relevant activities.
12	<p><b>ABORIGINAL HISTORY IN QUAIRADING:</b></p> <p>12.1 Collect and document stories of local Noongar areas and their history.</p> <p>12.2 Publish Noongar history stories in the Banksia Bulletin, as an ongoing monthly series.</p> <p>12.3 Create and publish a Noongar history brochure.</p> <p>12.4 Have more Noongar history incorporated into current tourist brochures.</p> <p>12.5 Source potential funding for permanent Noongar-focussed displays in the Old Railway Station Visitors Centre and the CRC, as well as signage around the town and district.</p>	<p>RAP Committee / CDO's/Elders</p> <p>Shire, CDO, Noongar representatives.</p>	<p>Utilise Michael Ward and his involvement in Noongar Tourism out of Northam.</p>	<p>Potential grant funding has been researched, identified and applied for if feasible.</p> <p>Stories are documented in digital form for safe keeping.</p> <p>Pages are prepared and publish on a monthly basis in the Banksia Bulletin.</p> <p>Noongar history brochure is created and published in hard copy and online formats.</p> <p>Current tourist brochures are revised and Noongar content is included.</p> <p>Funding opportunities are investigated.</p>
13	<p><b>VENUE HIRE:</b></p> <p>13.1 Council sponsors RAP Events by providing room hire which can be accommodated within the RAP budget within the CDO Annual Budget.</p>	Shire	Ongoing	

## OPPORTUNITIES

By creating employment, economic, educational and other opportunities for Indigenous people in our region, the Shire of Quairading will assist where possible to improve services, and achieve full participation of all its residents and visitors.

### FOCUS AREAS

*Inclusion, employment, health and healing and cultural opportunities.*

	Action	Responsibility	Timeline/ Resources	Measurable Target
14	<p><b>EMPLOYMENT:</b></p> <p>14.1 Improve the employment outcomes for Aboriginal people, and employ more Aboriginal staff, through both identified positions, traineeships, and other roles.</p> <p>14.2 Review and adapt current recruitment procedures to ensure they are culturally appropriate.</p> <p>14.3 Research and explore the potential for a mentoring program for Aboriginal employees.</p> <p>14.4 Advertise relevant vacancies in Aboriginal specific media and other outlets</p>	<p>Whole of Community and all Agencies</p> <p>CEO</p> <p>CEO/CDO's</p>	<p>Feb 2016</p> <p>Q2 2016</p>	<p>Noongar people be actively encouraged to apply for a range of positions. Noongar people requiring training from within their own Culture, to be better educated and trained, on modern day work ethics and practices</p> <p>Procedures have been reviewed and adapted.</p> <p>A potential Mentoring program to be researched and outcomes identified.</p> <p>All Positions are advertised in the most relevant and effective medium.</p>
15	<p><b>SCHOLARSHIPS:</b></p> <p>15.1 RAP Committee strongly support the merit based award systems in place at the Youth Centre and the School.</p>	RAP Committee	Ongoing	The ongoing success and positive influence on young people in these systems.
16	<p><b>HEALTH AND WELLBEING:</b></p> <p>16.1 To promote health programs in the area of nutrition and physical activity for Indigenous people.</p> <p>16.2 Consider possible partnerships with organisations who can deliver Healing programs, and potential funding opportunities.</p>	<p>WA Country Health Service / Wheatbelt Aboriginal Health Service, Quairading Medical Practice / Quairading Community Resource Centre Note: Shire can provide Leadership but not Action 17.</p>		<p>Health and physical activity programs being Offered and delivered.</p> <p>Research completed, key factors identified.</p> <p>Proposals for potential actions also identified, for possible use in the future.</p> <p>Potential partnerships are identified, and grant funding opportunities researched.</p>
17	<p><b>CULTURAL AND VISITOR'S CENTRE:</b></p> <p>17.1 Commence conversation on the development of a Cultural and Historical Centre and also a Business Case Study on the future use of the 'Old School' Building.</p>	CEO / Heritage Advisor		Investigate the funding for the Conservation of the 'Old School' building and seek Funding to develop a Business Case Study for the sustainable / viable use of the renovated building .
18	<p><b>LITERACY:</b></p> <p>18.1 Investigate and develop partnerships with appropriate agencies (eg Education Department, Youth Centre, CRC)</p>	RAP fully supports Education Initiatives	Ongoing but commencing ASAP	Information on Literacy programs is made available to those who require it.

	to ensure literacy programs are available for adults, young people and others who require it.			
19	<b>SMALL BUSINESS:</b> 19.1 Promote the benefits of supplier diversity within the Shire of Quairading and encourage the use of Indigenous and local businesses.	Shire, CRC, WBN	Q3 2016	Workshop for Indigenous business opportunities.  Establish partnership with Northam's Indigenous Interpretation Centre.

### Tracking progress and reporting

	Action	Responsibility	Timeline	Measurable Target
	Shire of Quairading Councillors, Staff and RAP Committee to monitor progress	Council & CEO	Ongoing	Minutes of RAP Committee meetings are Presented to Council meetings
	Shire of Quairading RAP made available to the public	Shire	Ongoing	Reconciliation Action Plan and Committee Activities be available on website and available on request in other formats
	Produce RAP report annually and submit to Reconciliation Australia and to Council	Shire (via RAP)	Ongoing	

Thank you for taking the time to review the first draft of the first Reconciliation Action Plan for the Shire of Quairading. Please forward any feedback to:

CDOs Jill Hayes and Cheryl White

Email: [cdo@quairading.wa.gov.au](mailto:cdo@quairading.wa.gov.au)

Phone: (08) 9645 0127

Mobile: 0427 450 127



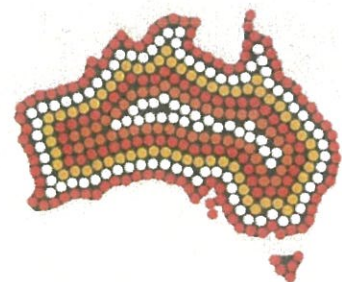


# Reconciliation Action Plan

2018 - 2028

Shire of Gingin and the Yued Nyoongar People

“Walking, Talking, Together”



*Please note this document may contain images of Aboriginal people who are deceased.*



## Introduction

This Reconciliation Action Plan ("RAP") was initiated and drafted to formalise the partnership between the **Shire of Gingin** ("the Shire") and the **Yued Nyoongar People**, whose traditional country includes the Shire area. More specifically, this RAP endeavours to recognise and undertake the following:

- The Shire of Gingin aims to be a leading regional example of a 'Good Faith' community relationship with local Aboriginal people, namely the Yued Nyoongar People;
- The Shire formally recognises the Yued Nyoongar People as an important stakeholder in the development and progression of the Shire;
- This RAP is designed to improve and progress awareness both within the Shire community and its visitors of the Yued Nyoongar People as Traditional Owners of the area; and
- The relationship between the Shire and the Yued Nyoongar People is recognised in a formal capacity, and also to encourage a wider understanding of this relationship.

The Shire also recognises that there is much to be gained by a formal framework (such as this RAP) which will include Yued Nyoongar People in future Shire planning – including, for example, community and cultural events, employment and training, small business growth, heritage protection and built development.





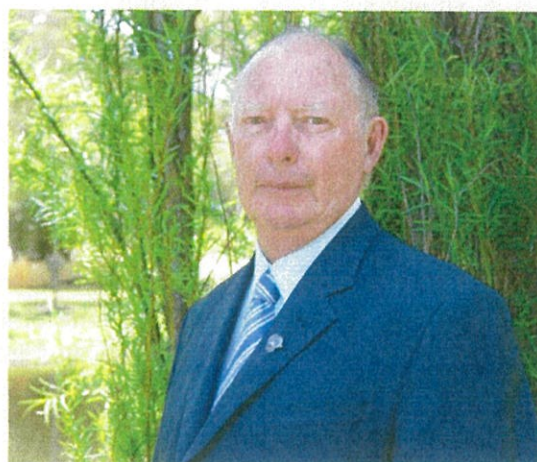
---

## Forward Message by Shire President, Cr Sam Collard

Welcome to the Shire of Gingin's **Reconciliation Action Plan 2018-28** (RAP) which has been prepared in collaboration with the Yued Nyoongar People and Heritage Advice Australia.

Since we launched our first RAP back in 2014 the Shire of Gingin has been committed to developing positive social, cultural and economic relationships with the Traditional Owners of our region, being the Yued Nyoongar People. It is my pleasure to report that, in partnership with our Yued Nyoongar friends and stakeholders, the Shire has been involved in and delivered numerous initiatives aimed to improve our understanding and appreciation of the heritage, customs and beliefs of the Traditional Owners. Some of these have included:

- Guilderton Walkway Opening – Yued Nyoongar Elders as keynote speakers and participants of ribbon-cutting reveal ceremony of new educational signage on Foreshore – October 2014;
- 'Catch Cook n Yarn' Guilderton – fun interactive educational event hosted by Yued Nyoongar Elders – December 2014;
- Shire of Gingin named Finalist at the 2015 Premier's Awards in category of 'Improving Aboriginal Outcomes' for Cultural Heritage Management Plan – 2015;
- Guilderton Foreshore Redevelopment Project – consultation with and inclusion of Yued Nyoongar Elders throughout planning and construction process – December 2015;
- Cultural Heritage Management Plan recognising areas of historical significance to the Yued Nyoongar people;
- Heritage Agreement signed between the Yued Nyoongar People and Shire of Gingin - November 2016; and
- 'Welcome to Country' given by Yued Nyoongar Elder at each major Shire-run event eg, Australia Day Active Citizenship Awards and celebration.



Over the past four years I can sincerely say that the reconciliation process so far has been one of **noonakoort karnya** (mutual respect).

As we have worked toward a better understanding and incorporation of our region's Aboriginal culture into our social and economic planning, the natural knock-on effect has been the formation of strong partnerships and a genuine friendship with the Yued Nyoongar Elders and their families – and this is greatly valued.

We look forward to working with the Yued Nyoongar People on future projects and events, and thank them for their contribution and support.

**Ian (Sam) Collard**  
Shire President

---



---

## Forward Message by Yued Nyoongar Elders: Evelyn Dawson, Mary Nannup, Dennis Jetta and Charlie Shaw

### The Yued Nyoongar Vision:

The vision we have for our people is one where:

- We are recognised by the non-Aboriginal community as the Traditional Owners of the land, and our strong cultural and spiritual links to the land and water are fully acknowledged and respected;
- Our culture, history, language and heritage are acknowledged and respected by all of society;
- Our law, customs and beliefs are embedded in the structures of the Yued Nyoongar region;
- Inspirational Nyoongar leaders are identified through the development of ongoing leadership training;
- Collaborative partnerships are built that represent our shared visions and outcomes;
- Agreements with governments and industry are developed to improve employment and training opportunities; and
- Nyoongar businesses are developed and grown.

Our vision is supported through collaborative relationships and partnerships between us and key organisations (such as the Shire of Gingin) in order to improve the social, emotional and economic wellbeing of all Nyoongar people that are part of the Yued Nyoongar claim area.

*"Nidja boodjar ngany deman gaa maarm gaa moort baalup nitchja boodjar, gaa yey ngany kurlingas boodjar gnaala moort Jenna biddi kura-kura gnalla gnamma gnaala bilya wer warden naarluk nyinning kalla mia yey karditj nidja winditj boodjar."*

Translated as:

*"This country my grandmother's and grandfather's all them this their country and now my children's country, our family walked the tracks for thousands of years our rock holes, our rivers and ocean we sat around campfires now understand this is sacred country for Nyoongars."*  
- spoken by a Yued Nyoongar Elder.





---

## Message from the Shire of Gingin CEO, Aaron Cook

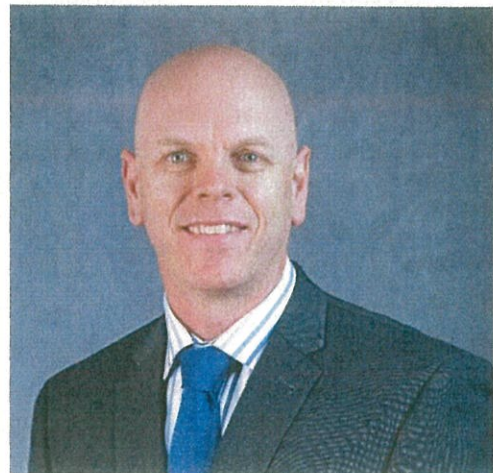
This Reconciliation Action Plan is about turning principled ideas and good intentions into meaningful actions with successful outcomes. It outlines the framework we need to foster productive and respectful relationships between the Yued Nyoongar People and non-Aboriginal people living and working in the Shire of Gingin.

We see the Shire's contribution towards the reconciliation process to include a number of factors such as:

- **Noonakoort Karnya** (Respect) – acknowledgement of the Yued Nyoongar People as the first peoples and Traditional Owners of the region, and including them in consultative processes affecting the Shire.
- **Warniny Koorda** (Making Friends) – developing successful partnerships and/or programs that will enhance the community's awareness and understanding of Yued Nyoongar history and culture.
- **Yanginy** (Sharing) – supporting the Yued Nyoongar community with becoming land managers and business developers, as well as promoting cultural activities and celebrations.

While we understand that genuine reconciliation is a process and will take time, we are optimistic that the goals and objectives contained within this RAP are both realistic and – with the right amount of support - achievable.

The Shire has worked closely with the Yued Nyoongar Elders over the last several years and has since produced a Cultural Heritage Management Plan and an Agreement for Heritage Protection – both significant milestones and recognition of the positive partnership between the Shire of Gingin and the Yued Nyoongar People.



I would like to thank the following people for their guidance throughout the RAP development process:

- Yued Nyoongar Elders – Charlie Shaw, Ben Taylor, Alf Taylor, Bev Port-Louis, Margaret Drayton, June Headland, Evelyn Dawson, Mary Nannup and Dennis Jetta; and
- Heritage Advice Australia Director, Government Liaison & Approvals – Jane Pemberton.

**Aaron Cook**  
Chief Executive Officer

---



---

## About the Shire of Gingin

The Shire of Gingin is a unique and exciting place in which to live and visit. Covering an area of 3,325km<sup>2</sup> and with a population in excess of 5,400, the Shire is one of the fastest growing and developing rural shires in Western Australia, and its strategic location to the immediate north of the City of Wanneroo ensures that it will continue to experience significant growth and change.

The Shire of Gingin, with its extensive coastline and natural permanently flowing water courses of the Moore River and Gingin Brook, stretches from the coastline across the flat sandy soils of the Swan Coastal Plain in the west to the hinterland and foothills of the Darling Scarp to the east. The Shire embraces the lower reaches of the Moore River, together with a system of fresh water lakes and streams, and the watercourse of the Gingin Brook and its tributaries.

The Shire includes the inland town and administrative centre of Gingin, four coastal towns of Guilderton, Seabird, Ledge Point, and Lancelin, and six rural residential areas of Woodridge, Sovereign Hill, Moondah Ridge, Seaview Park, Redfield Park and Ocean Farm. The Shire also encompasses industrial estates, extensive tracts of agricultural land, and a number of national parks and reserves.

The four coastal towns are immensely popular tourist and holiday destinations, with the number of visitors in each town more than doubling during the summer months and holiday periods. The Shire is governed by a council comprising of nine councillors representing a no-ward system.



## About the Yued Nyoongar People

We, the Yued Nyoongar People, are the Traditional Owners of an area which encompasses the Shire of Gingin. Our boundaries stretch from Leeman southwards to Two Rocks then eastwards to Bolgart and northwards to Coorow before heading back to Leeman. We have lived on this land for thousands of years.

The Yued Nyoongar region covers an area of 20,252km<sup>2</sup>. Our booja (meaning 'our country') includes the Shires of Coorow, Dalwallinu, Dandaragan, Moora, Gingin, Victoria Plains, Toodyay and Chittering.

Nyoongar camping grounds, birthing areas, festival places, song lines and sacred lore sites are scattered throughout the Yued Nyoongar region. They are very significant and important for the Yued Nyoongar community.

We, like Aboriginal groups all over Australia, lived on our land for thousands of years before European settlement. Whilst we have been forced to move around due to processes of colonisation, we have never given up our customary rights and cultural connection to this land.

We speak the Nyoongar language and practice our culture. Like Nyoongar people in other areas of the South West we feel safe on our boodja (land) because of the presence of friendly spirits. We talk about good and unfriendly spirits including those who ensure people display correct behaviour on country. We look after each other by talking about places to avoid because of bad spirits. Birds such as the Djidi (willy wag-tail) and 'messenger birds' show us the way.

We have creation stories for particular parts of our country such as spiritual totems and Wagyls, Djanaks (devils), Woodarchi (little people who cause mischief and take possessions) and Boolya Yorgas and Maaman, who have special powers, all inhabit our country.



---

## RAP Vision and Working Group

The RAP theme is simply *'Walking, Talking, Together'*. The RAP Vision statement is:

**“For the Shire of Gingin and the Yued Nyoongar Traditional Owners to represent, inspire and provide leadership that generates positive outcomes which meets the needs of Yued Nyoongar Traditional Owners and the wider community”.**

The RAP Working Group is made up of:

- Yued Nyoongar Elders, namely Charlie Shaw, Ben Taylor, Alf Taylor, Bev Port-Louis, Margaret Drayton, June Headland and previously consisted of Evelyn Dawson, Mary Nannup and Dennis Jetta;
- Two representatives of the Shire of Gingin, namely former Chief Executive Officer, Jeremy Edwards, and Coordinator, Community Services and Engagement Jodie Mortadza and predecessor Linda Fidge;
- Jane Pemberton, Director-Government Liaison & Approvals at Heritage Advice Australia Pty Ltd (facilitates the Working Group Meetings);

The first RAP Working Group Meeting was held at SWALSC's offices in Cannington on Friday 21 February 2014. The launch of the RAP was held in Guilderton on 7 July 2014.

A review of the RAP was held in Guilderton on 24 November 2016. The working group also met a second time to review and comment on the Draft RAP on Tuesday 19 June 2018, of which several amendments were made.



## RAP Reporting and Measureable Action Items

The RAP will be reported on by the Shire of Gingin to the RAP Working Group once a year (one year from launch date). However, Measurable Action Items will be tracked and reporting compiled throughout the year. The RAP measures and outcomes will be reviewed annually and also concurrently with the Shire's Strategic Community Plan ("SCP") (every two years) to ensure synergies and the Shire's commitment to goals.

To ensure the process stays on track and meets Reconciliation Australia guidelines (the requirement to track and report on progress), the following three measurables will be implemented:

- **RAP Reporting** - The Shire of Gingin will oversee the implementation, reporting and further development of the RAP through its regular annual business planning and reporting regime and through liaison with the RAP Working Group;
- **RAP Promotion** - RAP to be promoted internally and made available to the public and the relevant external organisations (such as SWALSC) via the Shire of Gingin website and the Reconciliation Australia website; and
- **Annual Updating** - Council RAP is reported on and measures are updated annually and made available to the public on the Shire of Gingin website and the Reconciliation Australia website.

The RAP will form part of the Corporate Business Plan as an Action Item.

The person with overall responsibility for the RAP within the Shire is the Chief Executive Officer.

---



---

## Alignment with Strategic Community Plan 2017-2027

This RAP has been designed to align with the Shire's Strategic Community Plan ("SCP") focus areas of:

- Community Wellbeing
- Natural Environment
- Infrastructure & Development
- Economic Development
- Governance

This RAP also has a separate focus area regarding the general promotion of Aboriginal traditional culture and people within the Shire.

---

### Focus Area 1: Community Wellbeing

**Outcome:** Inclusive and vibrant communities.

*Recognition and respect of the Yued Nyoongar culture and heritage within the Shire of Gingin, including acknowledgement and through events/activities and supporting an inclusive community.*

#### 1.1 Aboriginal Flag

Aboriginal flag erected at the Shire offices.

#### 1.2 NAIDOC Week

To acknowledge NAIDOC Week through:

- A display, community event, project, and/or other identified means; and
- Promotion to the wider community via Shire website, social media and newsletters.

#### 1.3 Significant Events

Yued Nyoongar representative/s to do 'Welcome to Country' at significant events hosted by the Shire of Gingin as an ongoing commitment (taking into account Shire budget constraints).

#### 1.4 Mogumber Farm Precinct

Support from the Shire for the protection and respectful development of the Mogumber Precinct (farm).

---

### Focus Area 2: Natural Environment

**Outcome:** Conservation and sustainable resource management.

*Yued Nyoongar people have a close affiliation with the land and sustainability and seek opportunities to retain this connection through the sharing of information and employment/volunteer opportunities.*

#### 2.1 Guilderton Plaque Relocation

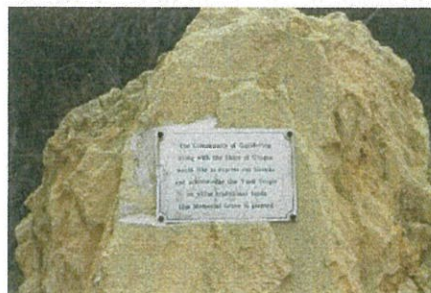
Relocation of the Yued Nyoongar Recognition Plaque/Stone Guilderton from a track near the Guilderton entry from entry track to Guilderton estuary foreshore. The plaque was officially inaugurated at the original site in 2006.

#### 2.2 Land Rehabilitation Opportunities

Yued Nyoongar People have already shown and continue to show keen interest in working directly in areas of Land Rehabilitation and would be interested in associated positions of employment (e.g., land rehabilitation roles, apprenticeships etc.).

Support Yued Nyoongar employment opportunities specific to land rehabilitation:

- Employment and volunteer opportunities to be forwarded to the wider community for dissemination
- Support employment opportunities of Yued Nyoongar Ranger in natural resource rehabilitation programs (etc.)





---

## Focus Area 3: Infrastructure & Development

**Outcome:** Development and community infrastructure.

*Places of heritage are identified, preserved and recognised, including heritage sites of significance to Yued Nyoongar People. Furthermore, to create awareness and valuing this heritage through visible information and arts.*

### 3.1 Yued Nyoongar Aboriginal Heritage Agreement

The Shire of Gingin and Yued Nyoongar Working Group Aboriginal Heritage Agreement was signed on 24 November 2016 at Guilderton. This provides a legal framework around Aboriginal Heritage Surveys within the Shire boundaries by the Yued Nyoongar People.

### 3.2 Cultural Heritage Management Plan and Agreement for Heritage Protection

Heritage and significant sites to Yued Nyoongar are preserved and recognised through the Cultural Heritage Management Plan and Agreement for Heritage Protection.

### 3.3 Aboriginal Heritage Sites Inventory

Significant Aboriginal heritage sites continue to be included in the Shire's heritage inventory.

### 3.4 Yued Nyoongar Location Names

Consider incorporating significant Yued Nyoongar influence into the naming and identification of high visibility sites in the redevelopment of Gingin and smaller towns within the Shire boundary. The Yued Nyoongar People have requested that the Shire review its naming protocols, in collaboration with the Yued Nyoongar People, with a view to significantly increasing the visible acknowledgement of the Yued Nyoongar traditional people in prominent public locations (e.g. parks, streets, buildings, landmarks etc.).

### 3.5 Waugal Project

Supporting the Yued Nyoongar to undertake the "Waugal Project" through Yued Nyoongar involvement within:

- public art projects and recognition of the song lines in the Shire;
- Erecting signage displaying Yued Nyoongar history at trails, waterways, information sites and other significant and key locations;
- Storyboard at the Hinchcliffe Lookout; and
- Gathering information for promotion via the Shire website.



---

## Focus Area 4: Economic Development

**Outcome:** Innovation and tourist playground.

*Promotion and support of Yued Nyoongar business and employment opportunities. This includes providing opportunities to experience and be informed by culturally-based enterprises as well as supporting the growth and development of Aboriginal employment and business.*

### 4.1 Tourism Opportunities

Yued Nyoongar People to be supported in development of any culturally based events/ experiences and enterprises; "Bushtucker" tours (for example) to be developed by Yued Nyoongar People and supported by Shire through advertising, and small business assistance (paperwork etc.). To also include other cultural experiences such as basket-weaving classes, for example.



#### 4.2 Employment of Yued Nyoongar and Aboriginal businesses

Grow local business and employment - encourage establishment and growth of local Aboriginal businesses which have traditionally done well in other towns/regions (eg, land rehab programs run by Aboriginal corporations and businesses, fencing contracts, bush tucker cafes etc.) and support Yued Nyoongar/Aboriginal employment.

- i. Yued Nyoongar people to be supported by Shire of Gingin if new employment/businesses opportunities are developed;
- ii. Yued Nyoongar Business Directory (Register) to be established and made available via the Shire website; and
- iii. To be advertised through the Shire website with links for Aboriginal employment opportunities and advertised in local press and via Seek.



#### 5.2 Cultural Awareness Training

Cultural Awareness Training for Shire Executive and staff to be developed and implemented as soon as practicable and tracked as a KPI in both the Corporate Business Plan and this RAP.

#### 5.3 Employment Opportunities

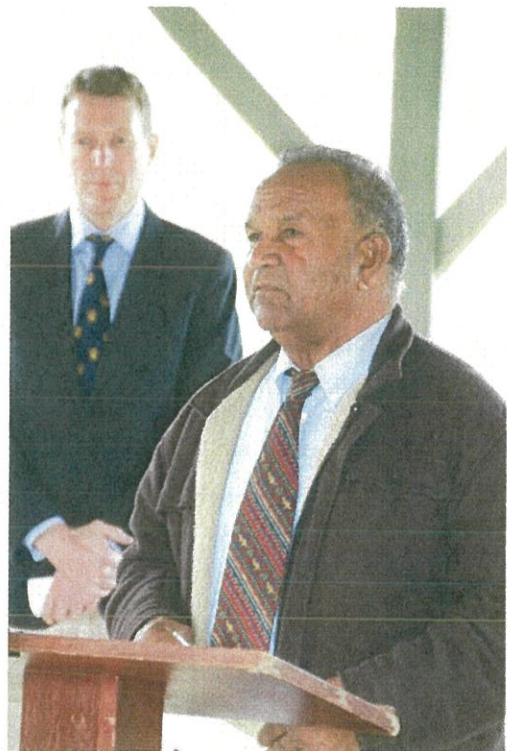
The Shire to promote and encourage Aboriginal applicants to apply for employment positions when advertised.

#### 5.4 Elected Member Representation

Elected member (Councillor) to be a representative of the Shire of Gingin at the Yued Nyoongar Working Group/Advisory Committee meetings when requested.

#### 5.5 Shire Acknowledgement

Shire to acknowledge the Traditional Owners, the Yued Nyoongars, past and present for small and low key events.



### Focus Area 5: Governance

**Outcome:** Partner

*As the local Traditional Owners, work collectively with the Shire of Gingin to inform, raise awareness and foster the aims of reconciliation within the Shire region.*

#### 5.1 Yued Nyoongar Working Group/Advisory Committee

To continue the partnership with the Yued Nyoongar Working Group for representation as consistent community stakeholders with regards matters requiring public consultation, in particular with regards contribution to development applications.



---

## Focus Area 6 (Specific to RAP): Promotion of Yued Nyoongar Traditional Culture and People within the Shire of Gingin

Outcome: Valuing Yued Nyoongar People

*Identifying opportunities to promote, retain and value the Yued Nyoongar traditional culture and people within the Shire of Gingin.*

### 6.1 Shire Website

Shire website to create links to Yued Nyoongar cultural information, Yued Nyoongar Aboriginal Directory and other association information of general interest or of significance.

### 6.2 Shire Media

Garner local media coverage of Yued Nyoongar cultural events and stories in the Shire, with intention to provide consistent future coverage of these events (eg, NAIDOC Week 2018).

### 6.3 Oral histories

Record/transcribe oral histories of local Yued Nyoongar People.

### 6.4 Distribution of RAP & Other Key Plans

Forward copy of completed Reconciliation Action Plan, Cultural Heritage Management Plan, and Heritage Protection Agreement to Yued Nyoongar Working Party representatives, Reconciliation Australia; and Shire Officers.

### 6.5 Specific Events

For consideration by Council for possibility of Yued Nyoongar Elder to attend specific events in an advisory capacity and/or invite as a guest.





## Measurable Items and Actions

Item	Action	Status/ Responsibility	Proposed Timeframe
<b>Focus Area 1: Community Wellbeing</b>			
1.1 Aboriginal Flag	Aboriginal Flag erected at Shire Offices	-	Completed
1.2 NAIDOC Week	i) Acknowledge NAIDOC Week through a display, community event, project and/or other identified means.	CE&CSO	Annually
	ii) Promotion of NAIDOC Week to the wider community via Shire website, social media and Shire newsletters.	CCMO	Annually
1.3 Significant Events	Yued Nyoongar representative/s to do 'Welcome to Country' as an ongoing commitment (taking into account Shire budget constraints).	CECSO	Annually
1.4 Mogumber Farm Precinct	Support from Shire for protection and respectful development.	CEO	Ongoing
<b>Focus Area 2: Natural Environment</b>			
2.1 Guilderton Plaque Relocation	Relocation of Yued Nyoongar Recognition Plaque/Stone from a track to the Guilderton entry to Guilderton estuary foreshore.	EMA	Completed
2.1 Land Rehabilitation Opportunities	i) Employment and volunteer opportunities to be forwarded to the wider community dissemination.	CEO/HR Officer	Ongoing
	ii) Support employment opportunities of Yued Nyoongar Ranger in natural resource rehabilitation programs (etc.).	EMA/OMA	Annually
<b>Focus Area 3: Infrastructure &amp; Development</b>			
3.1 Yued Nyoongar Aboriginal Heritage Agreement	Yued Nyoongar Aboriginal Heritage Agreement was completed – signed by Yued Nyoongar Working Group and Shire of Gingin on 24 November 2016.	-	Completed
3.2 Cultural Heritage Management Plan (CHMP) and Agreement for Heritage Protection (AHP).	Places of heritage are preserved and recognised, including heritage sites of significance to Yued Nyoongar People within the Cultural Heritage Management Plan and Agreement for Heritage Protection.	-	Completed
3.3 Shire of Gingin Heritage Inventory	Significant Aboriginal heritage sites to be added to inventory.	-	Completed
3.4 Yued Nyoongar Location Names	Consideration to be given to naming of parks, streets, buildings and/or other landmarks with in the Shire with Yued Nyoongar names; including Narrabup and Narrabin localities.	EMPD	Ongoing
3.5 Waugal Project	Support Yued Nyoongar People to undertake the Waugal Project: To include, <ul style="list-style-type: none"> <li>➤ Yued Nyoongar Cultural Heritage signage across Shire (eg, Trails, water ways, info sites and key locations);</li> <li>➤ Storyboard at Hinchcliffe Lookout;</li> <li>➤ Development cultural public art displays including recognition of songlines; and</li> <li>➤ Collation of information for Shire website link.</li> </ul>	Yued & CCDS	2020-2022
<b>Focus Area 4: Economic Development</b>			
4.1 Tourism Opportunities	"Bushtucker" tours (for example) to be developed by Yued Nyoongar People and supported by Shire through advertising, and small business assistance (paperwork etc.). To also include other cultural experiences such as basket-weaving classes, for example.	CEO	Ongoing
4.2 Employment of Yued Nyoongar and Aboriginal businesses	i) Yued Nyoongar people to be supported by Shire of Gingin if new employment / businesses opportunities are developed.	CEO/HR Officer	Ongoing
	ii) Yued Nyoongar Business Directory (Register) to be established and made available via the Shire website.	CCDS/CCMO	2018-2019
	iii) To be advertised through the Shire website with links for Aboriginal employment opportunities and advertised in local press and via Seek.	CEO/HR Officer	Ongoing



<b>Focus Area 5: Governance</b>			
5.1 Yued Nyoongar Working Group/Advisory Committee	Working Group/Advisory Committee to be consistently consulted as key stakeholders in the Shire of Gingin's development.	CCDS/EMPD	Ongoing
5.2 Cultural Awareness Training	Shire of Gingin staff (all levels) to undertake cultural awareness training. CAT to be put out to tender to Yued Nyoongar Working Party members as acknowledged in the Yued Nyoongar Aboriginal Directory.	CEO/HR Officer	2019-2020
5.3 Employment Opportunities	The Shire promotes to and encourages Aboriginal applicants to apply for employment positions when advertised. Also Refer 4.2.	HR Officer	Ongoing
5.4 Elected Member Representation	Elected member (Councillor) to be representative of the Shire of Gingin at the Yued Nyoongar Working Group/Advisory Committee meetings and when requested.	CEO	Ongoing
5.5 Shire Acknowledgement	Shire to acknowledge the Traditional Owners, the Yued Nyoongars, past and present for small and low key events.	CEO	Ongoing
<b>Focus Area 6 (Specific to RAP): Promotion of Yued Nyoongar Traditional Culture and People</b>			
6.1 Shire Website	Shire website to create links to Yued Nyoongar cultural information, Yued Nyoongar Aboriginal Directory and other association information of general interest or of significance.	Yued & CCM	2019-2020
6.2 Shire Media	Promote Yued Nyoongar events and activities (eg, e-newsletter, Facebook), when information available.	Yued & CCM	Ongoing
6.3 Oral histories	Transcribing personal stories from local Yued Nyoongar People.	Yued, CDO & Gingin CRC	2018-2019
6.4 Distribution of RAP	Distribution of Reconciliation Action Plan, Cultural Heritage Management Plan, and Heritage Protection Agreement to be forwarded to Yued Nyoongar Working Party representatives, Reconciliation Australia for registration and Shire officers.	CCDS	2018-2019
6.5 Specific Events	For consideration by Council – possibility of Yued Nyoongar Elder to attend specific events in advisory capacity and/or invited as guest.	CEO	Ongoing

## Contact Details

Shire of Gingin  
 7 Brockman Street (PO Box 510), Gingin, WA 6503  
 T: (08) 9575 2211  
 E: [mail@gingin.wa.gov.au](mailto:mail@gingin.wa.gov.au)  
 W: [www.gingin.wa.gov.au](http://www.gingin.wa.gov.au)



This Page has been Left Blank "Intentionally"



# LOCATION PLAN

LOT 124 (#5799) TOODYAY ROAD, TOODYAY





Item 9.2.1  
Application for  
Development Approval

Excavation Works  
Associated with operation  
of a borrow pit for on-  
farm use –  
Lot 124 (#5799) Toodyay  
Road, Toodyay

7.5 hectares

NOVEMBER 2019



- Truck access routes.
- Borrow Pit Excavation Areas
- 50m setback - proposal
- 30m setback - required by Scheme
- Area subject of borrow pit application
- Lot 124 Toodyay Road - Cadastre

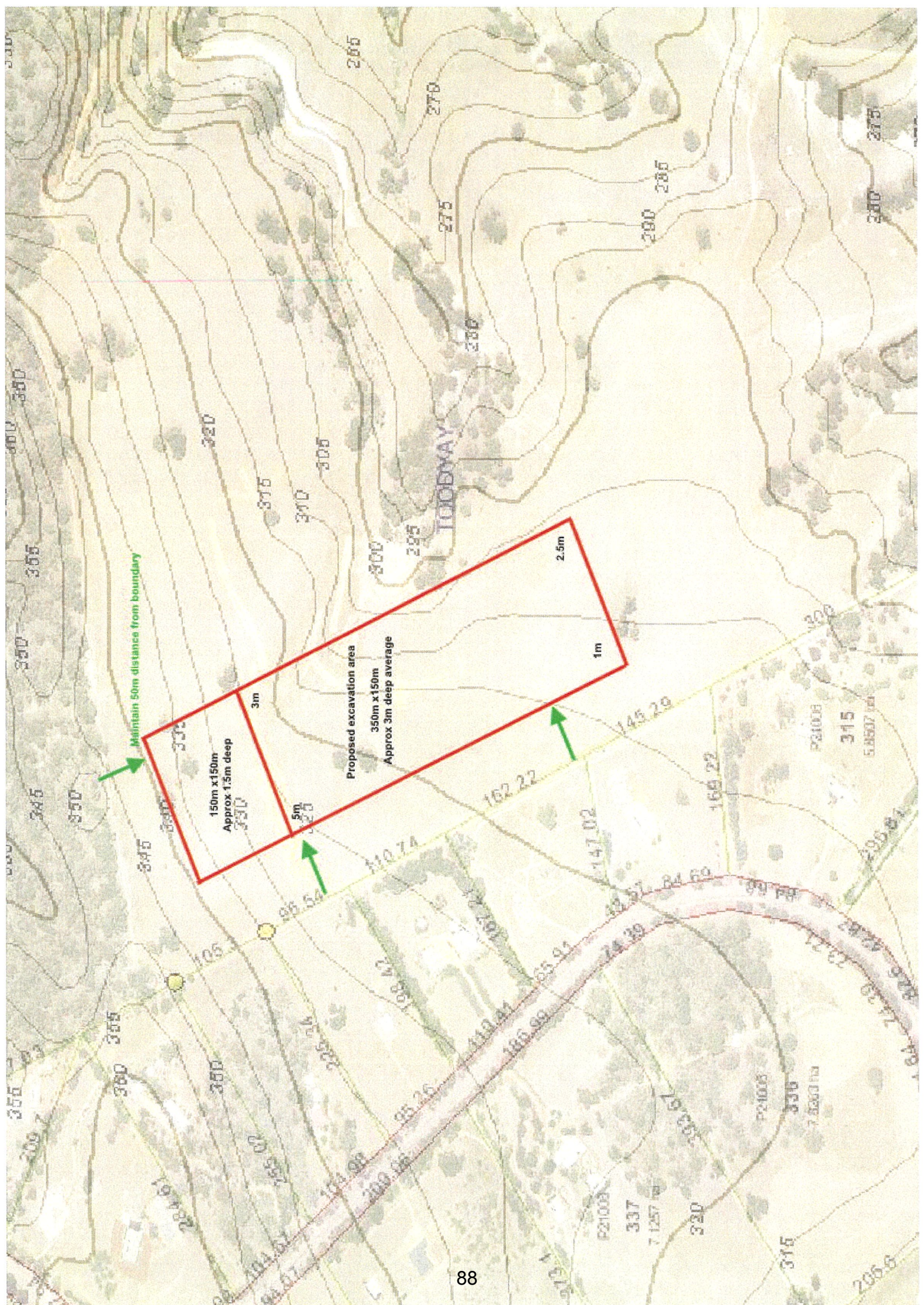
0 75 150 225 300 375 450 525 m















# Lot 108 MacDonald Retreat, Dumbarton

## Legend

- Cadastre
- Main Roads
- Minor Roads
- Others
  - NotApplicable



1: 4,013



Date produced: 13-Nov-2019

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

## Notes

*This Page has been Left Blank "Intentionally"*



## ***Ourstar Family Day Care***- Proposed Plan

**Location-** 6 Macdonald retreat Dumbarton, WA 6566

**Date to open-** TBC possibly February 2020

**Family Day care Service-** TBC possibly Nature alliance.

**Hours of operation-** 07:00 -18:00 Monday to Friday

**Numbers of Children** - 4 children under 4 years of age during the day, plus 2 children aged 5-12 before and after school hours.

**Staffing-** No external staff will be employed. It will owner operated by myself.

**Public Liability Insurance-** Will be provided once I have a confirmed date to open. Policy will be held with Family Day Care Australia insurance.

**Car parking-** Gravel area to the left of the driveway, see attached plan.

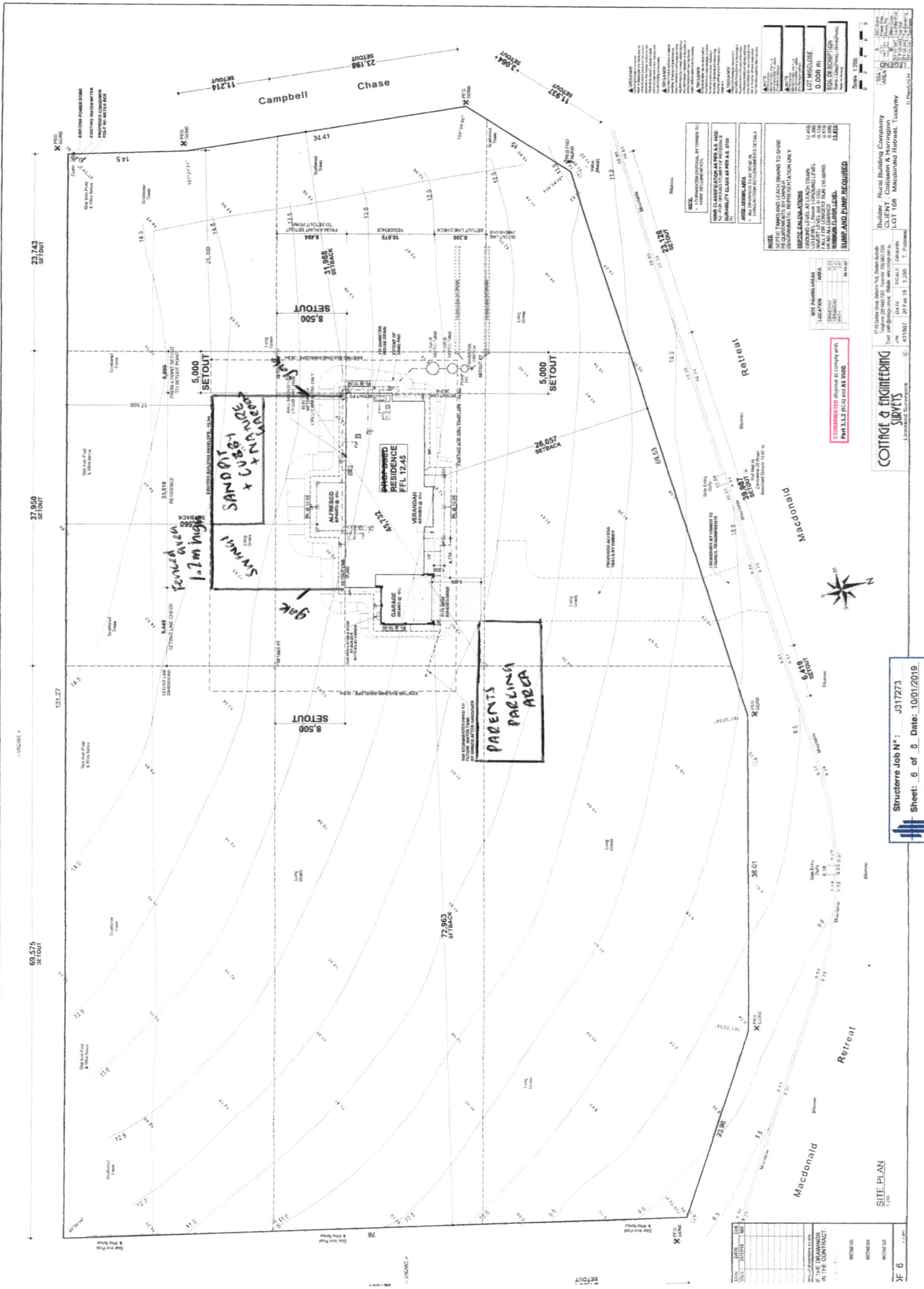
**Play equipment-** To the rear of our house we will have a large sand pit with a small cubby and nature play area , there will a swing and a grassed area.

**Food-** the children will be providing their own food.

Please let me know if there is anything else you need to know

Thanks

Cherie Collisson



**NOTE**

- 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- 2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
- 3. ALL DIMENSIONS TO BE CHECKED BY THE CLIENT.
- 4. ALL DIMENSIONS TO BE CHECKED BY THE CLIENT.
- 5. ALL DIMENSIONS TO BE CHECKED BY THE CLIENT.

**NOTE**

- 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- 2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
- 3. ALL DIMENSIONS TO BE CHECKED BY THE CLIENT.
- 4. ALL DIMENSIONS TO BE CHECKED BY THE CLIENT.
- 5. ALL DIMENSIONS TO BE CHECKED BY THE CLIENT.

ITEM	DESCRIPTION	QUANTITY	UNIT
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...

**Structerra Job N° : J317273**  
**Sheet: 6 of 8 Date: 10/01/2019**  
**Building Surveying Certification**

**Structerra Engineering & Surveying**

Builder: Rural Building Company  
 Client: Collinson & Harrington  
 Lot 10B, Macdonald Rd, Tumbury

Scale: 1:250

DATE: 20 Feb 19 12:00  
 DRAWN: T. P. FIDMANN  
 CHECKED: T. P. FIDMANN

DATE: 10/01/2019  
 DRAWN: T. P. FIDMANN  
 CHECKED: T. P. FIDMANN

DATE: 10/01/2019  
 DRAWN: T. P. FIDMANN  
 CHECKED: T. P. FIDMANN

DATE: 10/01/2019  
 DRAWN: T. P. FIDMANN  
 CHECKED: T. P. FIDMANN

DATE: 10/01/2019  
 DRAWN: T. P. FIDMANN  
 CHECKED: T. P. FIDMANN



This Page has been Left Blank "Intentionally"



PROPOSED FAMILY DAY CARE CENTRE – LOT 108 MACDONALD RETREAT, DUMBARTON



SCHEDULE OF SUBMISSIONS

PROPOSED FAMILY DAY CARE CENTRE – LOT 108 MACDONALD RETREAT DUMBARTON

#	NAME	ADDRESS	SUMMARY OF SUBMISSION	APPLICANT COMMENTS ON SUBMISSION	DEVELOPMENT SERVICES COMMENTS ON SUBMISSION
<b>GOVERNMENT AGENCIES/STAKEHOLDERS</b>					
0					
<b>PRIVATE</b>					
1	Landowner	Supplied	<ul style="list-style-type: none"> <li>No objection</li> </ul>	<ul style="list-style-type: none"> <li>None sought</li> </ul>	<ul style="list-style-type: none"> <li>Note the submission</li> </ul>
2	Landowner	Supplied	<ul style="list-style-type: none"> <li>Objects to proposal</li> <li>Noise impacts</li> <li>Traffic Impacts</li> <li>Not in keeping with the subdivision</li> </ul>	<ul style="list-style-type: none"> <li>The family daycare has a maximum of 4 children, so we believe the increase in traffic will be very minimal.</li> <li>The subdivision is a family friendly area, with a number of young families living in the subdivision. It's accessed by many families for kayaking, walking and picnicking, only adding to the sense of community.</li> </ul>	<ul style="list-style-type: none"> <li>Note the submission.</li> <li>There is no anticipated increase in traffic or noise beyond what would be considered normal in a residential area.</li> </ul>

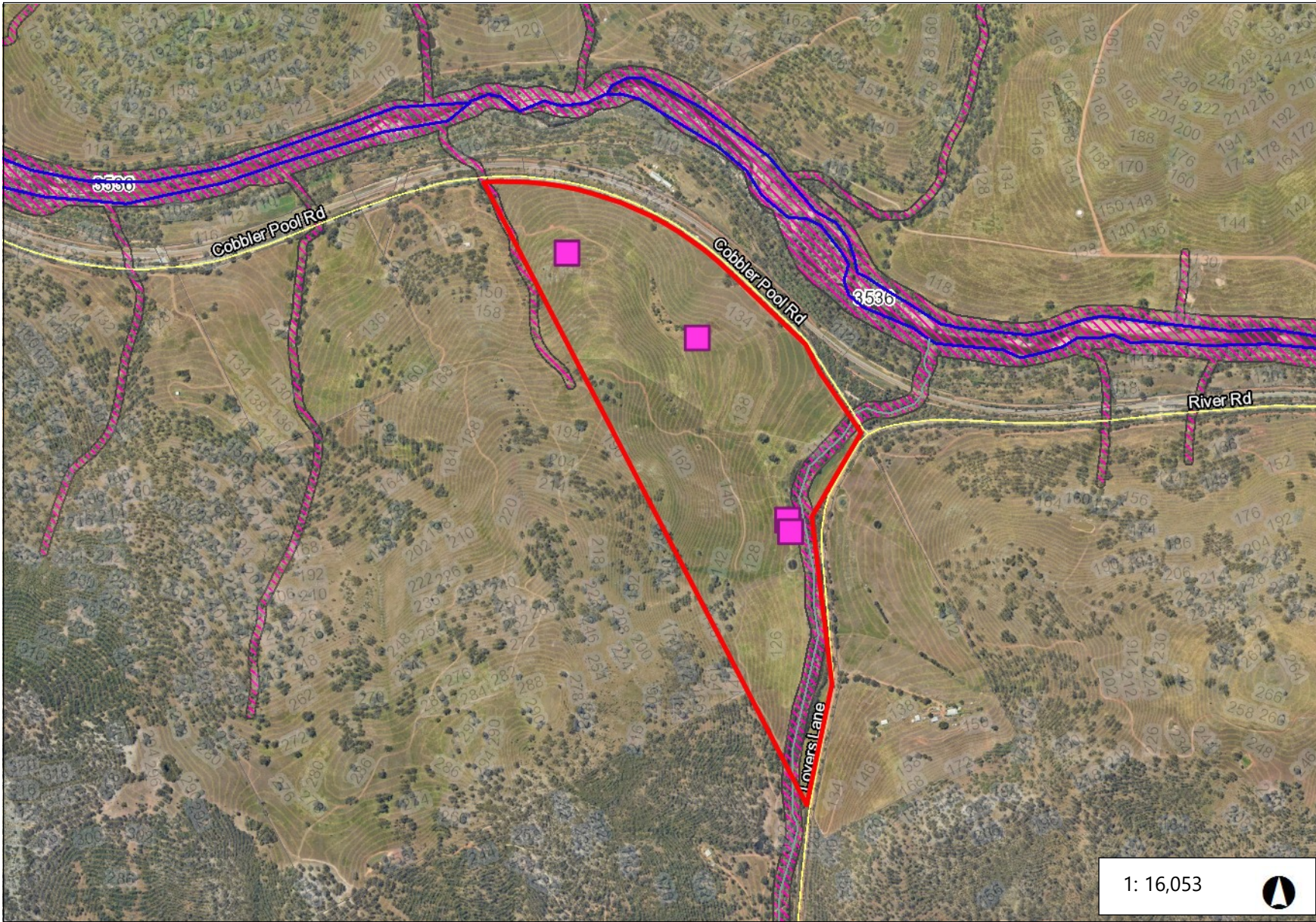
PROPOSED FAMILY DAY CARE CENTRE – LOT 108 MACDONALD RETREAT, DUMBARTON

#	NAME	ADDRESS	SUMMARY OF SUBMISSION	APPLICANT COMMENTS ON SUBMISSION	DEVELOPMENT SERVICES COMMENTS ON SUBMISSION
				<ul style="list-style-type: none"> <li>A family based daycare looks like a family home and not like a commercial business. So we believe we will only add to the aesthetics of the area.</li> </ul>	





# Lot 101 Cobbler Pool Road, Morangup



1: 16,053

## Legend

- Cadastre
- Aboriginal Heritage Places (DAA-001)
  - Registered Site
- 2 metre contours (DPIRD-072)
- Hydrography Linear (Heirarchy) (DWER-031)
  - Mainstream
  - Significant Stream
- Minor Roads

## Notes

Proposed Eco-tent development

0.8 0 0.41 0.8 Kilometers

Date produced: 13-Nov-2019

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

This Page has been Left Blank "Intentionally"





# Planning Outcomes WA

town planning, urban design, landscaping + appeals

Our Ref: 175Cobbler-DA1

27 August 2019

Planning Services  
Shire of Toodyay  
PO Box 96  
TOODYAY WA 6566

Attn: Hugo

Dear Sir,

## **NO. 175 (LOT 101) COBBLER POOL ROAD, MORANGUP – RETROSPECTIVE & PROSPECTIVE CHANGE OF USE TO USE-NOT-LISTED (CAMPING GROUND)**

Planning Outcomes WA has been engaged by the landowner of the above property (the **Site** or **Subject Site**), to support a planning application for an eco-tent development (**Attachment 1**).

In response to the planning requirements, the following is submitted in support of the application, and structured as follows.

- |                                  |                            |
|----------------------------------|----------------------------|
| 1. Regional Context              | 6. Camping Policy          |
| 2. Local Context                 | 7. Site Requirements       |
| 3. Site Features & Existing Devt | 8. Access & Parking        |
| 4. Proposal Overview             | 9. Planning for Bushfires  |
| 5. Land-Use                      | 10. Other Potential Issues |

### **1. Regional Context**

The Subject Site is located approximately 80 kilometres to the northeast of Perth, and 11 kilometres west of the Toodyay townsite, in the rural locality of Morangup (**Attachment 3.1**).

### **2. Local Context**

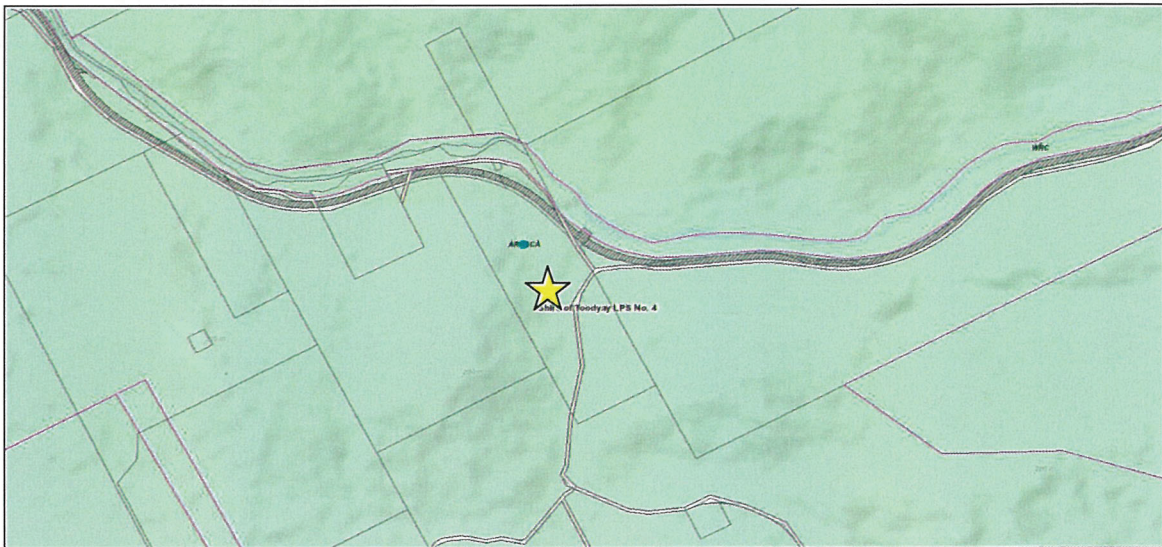
The Site includes Jimperding Brook which flows into the Avon River only a short walk away, and the Avon Valley National Park only 12km away by road. The Site is also strategically placed for the Avon Descent Race, being only 6km from the Day 1 Finish Line and Cobbler Pool Campsite; and the Site:

- Sits along the Toodyay Pioneer Heritage Trail.
- Is the earliest settled farming land outside of Guildford, once owned by the Chitty's and today overlooks the graveyard of Martha Chitty.
- Is overlooked by Jimberding Hill and the heritage-listed Nolan's Rock (Michael Nolan, escaped convict).



**Subject Site**

The Site (and surrounding locality) is zoned 'Rural' under the Shire's Local Planning Scheme No. 4 (**Scheme**), with predominately agricultural land-uses present.



**Scheme Zoning**

Under the Scheme, development is further guided by the Shire's 'Local Planning Policy 3 - Caravan and Camping Grounds' (**Camping Policy**) and 'Local Planning Policy 11 - Car-Parking' (**Parking Policy**).

At a State level, the proposal is subject to the *Caravan Parks & Camping Grounds Regulations 1997*, however the scale of the proposal renders most requirements irrelevant.

It is also understood that an effluent or liquid waste disposal system is required under the Health (*Treatment of Sewage and Disposal of Effluent and Liquid Waste*) Regulations 1974, which would need to be located on ground lower than toilets, but to be detailed and approved at the Building Permit phase.

It is noted that the Site features a river, but is not within a Public Drinking Water Source catchment area, that would require the attention of the Department of Water and Environmental Regulation.



### 3. Site Features & Existing Development

The Subject Site is located on the corner of Cobbler Pool Road and Lovers Lane within the rural locality of Morangup (**Attachment 3.1**).

Subject Site		
Property	Area	Landowner
No. 175 (Lot 101) Cobbler Pool Road, Morangup	531,614m <sup>2</sup> (131 acres or 53 ha.)	Mr. Robert Ray

The Site currently has a large 53 hectares of area, but only a small portion of the Site is for the proposed use. Existing development includes an eco-tent on agricultural land. The Site is sloping approximately from west to east with modest and steep grades.



Onsite Development – Existing Eco-Tent

### 4. Proposal Overview

The proposal is for four 'eco-tents' on the Site (one retrospective and three prospective), and other minor features (**Attachment 3**):

- **Large Tent x 1** – 6.3m x 6.3m (pad OAL 6.3m x 11.1m) = 40m<sup>2</sup>.
- **Medium Tent x 2** – 4.2m x 4.2m = 18m<sup>2</sup>.
- **Small Tent x 1** – 3.0m x 3.0m = 9m<sup>2</sup>.
- **Tracks x 4** – 2WD / 4WD, gravel, 4.0m wide.
- **Gates x 4** – standard agricultural.
- **Water Tank** – 26,000L.

For a future planning application, a Single House with a Home Business (Site Office) is anticipated and location shown on plans.

The primary planning issue is analysing the most suitable land-use, which is considered to be a Use Not Listed (Camping Grounds), however other approvable uses could be considered.

## 5. Land-Use

The classification of the proposed land-use is not clear due to a variety of definitions (or lack thereof) from a variety of sources, which include:

- Shire of Toodyay Local Planning Scheme No. 4 (**Scheme**).
- Planning & Development (TPS) Regulations 2015 (**Planning Regulations**).
- Residential Design Codes of WA 2015 (**R-Codes**).
- Caravan Parks and Camping Grounds Act 1995 (**CPCG Act**).

From examining these sources (see tables below), the conclusion reached is that the most appropriate ('best fit') land-use is not found in the Scheme, and therefore is a Use Not Listed (Camping Ground).

Definitions – Scheme		
Term	Definition	Comment
<b>building</b>	Not defined.	Defined in the R-Codes.
<b>camping ground</b>	Not defined.	Defined in CPCG Act below.  Scheme amendment recommended in-line with Scheme definition of 'caravan park'.
<b>caravan park</b>	has the same meaning as in the Caravan Parks and Camping Grounds Act 1995.	No caravans proposed, see CPCG Act.
<b>cabin</b>	means a <b>dwelling</b> forming part of a tourist development of <b>caravan park</b> that is – (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests.	Not a dwelling, see R-Codes.  Not a caravan park, see CPCG Act.  A 'cabin' is not an ideal fit for a tent, further analysis required.
<b>chalet</b>	means a <b>dwelling</b> forming part of a tourist development or caravan park that is – (a) a <b>self-contained</b> unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests	Not a dwelling, see R-Codes.  Not self-contained (no laundry).
<b>dwelling</b>	Not defined.	Defined in R-Codes.



<b>holiday accommodation</b>	means 2 or more <b>dwelling</b> s on one lot used to provide short-term accommodation for persons other than the owner of the lot.	Not a dwelling, see R-Codes.
<b>holiday house</b>	means a single <b>dwelling</b> on one lot used to provide short-term accommodation but does not include a bed and breakfast.	Not a dwelling, see R-Codes.  A 'house' is not an ideal fit for a tent, further analysis required.
<b>tourist development</b>	means a <b>building</b> , or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – (a) short-term accommodation for guests; <b>and</b> (b) onsite <b>facilities</b> for the use of guests; <b>and</b> (c) <b>facilities</b> for the management of the development;	A 'building' might include a 'tent' (see definition below); but there are no proposed facilities.

<b>Definitions – R-Codes</b>		
<b>Term</b>	<b>Definition</b>	<b>Comment</b>
<b>dwelling</b>	A <b>building</b> or portion of a building being used, adapted, or designed or intended to be used for the purpose of <b>human habitation on a permanent basis</b> by a single person, a single family, or no more than six persons who do not comprise a single family.	Human habitation on a permanent basis requires a laundry. Some residents of houses may not choose / be able to possess a washing machine for a period, however the building always has a laundry.  A 'dwelling' is not an ideal fit for a tent, further analysis required.
<b>building</b>	<b>Any structure whether fixed or moveable, temporary</b> or permanent, placed or erected on land, and the term includes dwellings and structures appurtenant to dwellings such as carports, garages, verandahs, patios, outbuildings and retaining walls, but excludes boundary fences, pergolas and swimming pools.	Proposal might be seen as a structure and therefore a building.

<b>Definitions – Planning Regulations</b>		
<b>Term</b>	<b>Definition</b>	<b>Comment</b>
<b>building</b>	Not defined.	Defined in the R-Codes.
<b>camping ground</b>	Not defined.	See CPCG Act.
<b>dwelling</b>	Not defined.	See R-Codes.



Definitions – CPG Act		
Term	Definition	Comment
<b>camp</b>	means any portable shed or hut, <b>tent</b> , tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;	Tent proposed, good definition 'fit'.  <b>Equivalent to a general definition.</b>
<b>camping ground</b>	means an area of land on which <b>camps</b> , but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;	Camp proposed, good definition 'fit'.  <b>Equivalent to a land-use definition.</b>
<b>caravan park</b>	means an area of land on <b>which caravans, or caravans and camps</b> , are situated for habitation;	Caravans not proposed.

As the Use-Not-Listed proposal is stated as an 'A' (discretionary with Advertising) land-use, an analysis of the zone objective is considered below, and found to be compliant.

Rural Zone – Objectives (Cl. 3.2g)			
S/Clause	Objectives	Response	Complies?
<b>(i)</b>	(i) protect broad-scale agriculture from un-planned breakdown of rural land.	Agricultural uses will continue, and the amount of land required for the proposal is minuscule.	<b>Yes</b>
<b>(ii)</b>	subject to (i) above; (a) provide for tourist related activities, including farm stay, bed and breakfast and holiday accommodation; (b) provide for a range of rural related uses such as intensive agriculture, aquaculture, rural pursuits; and	Tourism activities proposed.	<b>Yes</b>
<b>(iii)</b>	ensure the protection of and conservation of native vegetation.	Clearing is not proposed.	<b>Yes</b>

Also, it is understood that advertising will be required due to the land-use permissibility code.

## 6. Camping Policy

The Camping Policy includes various requirements relating to camping grounds, which is considered below, and found to be compliant.

Camping Policy – Site Selection		
Requirement	Response	Complies?
<b>Location</b> as per the Local Planning Strategy: Encourage ecotourism through the identification and development of flora roads; the designation of river/stream viewing nodes; and the development of walk trails and other forms of passive recreation.	The Site is a short walk from the Avon River and its riparian ecosystem, and the Avon Valley National Park only 12km away by road. The Site is also strategically placed for the Avon Descent Race, being only 6km from the Cobbler Pool Campsite.	Yes
<b>Access</b> – Good access to tourist attractions.		
<b>Visual Appropriateness</b> in rural and landscape settings	Small tents, with large setbacks to roads, or vegetative screening.	Yes
<b>Sloping Sites</b> to be avoided due to bushfire, drainage and earthworks issues.	The bushfire report permits the proposal. The prefab metal foundation will require minimal earthworks and protect against drainage issues.	Yes
<b>Bushfire Management Plan</b> may be required.	TBA.	Yes
<b>Structure Plan or Land Capability Study</b> may be required.	Only a minor tent development.	N.A.

Camping Policy – Development Criteria		
Requirement	Response	Complies?
<b>Camping Act &amp; Regs</b>	Minor development rendering most provisions irrelevant. Proposed tracks 4.0m wide.	Yes
<b>Entry Points for Long Vehicles</b>	Caravan sites not proposed.	N.A.
<b>Composite Fencing</b>	Rural setting with agricultural fencing	N.A.
<b>Vegetative Screens</b>	Riparian vegetation acts as thick screening to one site, other sites with large setbacks.	Yes
<b>Landscaping Plan</b>	Minor development only, with negligible impact upon the streetscape	N.A.
<b>Amenity</b>	Massive setbacks (262m-549m) to neighbouring homesteads, with no major light sources.	Yes
<b>Appearance &amp; Design of Park Homes &amp; Residential Buildings</b>	None proposed.	N.A.
<b>Short-Stay Accommodation Min. 1/3 of Units</b>	Accommodation 100% short-stay.	Yes



## 7. Site Requirements

Site requirements have been assessed below, and the proposal is found to be non-compliant, but supportable.

Site Requirements Site Requirements (Cl. 4.15)			
Issue	Required	Proposed	Complies?
<b>Building Street Setback</b> (not a regional road)	50.0m	43m-284m	<b>No</b>

In response to the setback variation at the Southern Site, it should be noticed that the riparian vegetation along the river (Jimperding Brook) is considerable, and completely screens the tents and makes irrelevant the standard setback distance.



**Riparian Screening Off Lovers Lane – Southern Campsite in Background**

## 8. Access & Parking

Access to the locality can be gained from Cobbler Pool Road, River Road, and Lovers Lane. Access to the Site can be gained from gates off Cobbler Pool Road and Lovers Lane. Internal movement will be facilitated by gravel tracks, to cater for guests without 4WD vehicles, whilst a river crossing is present off Lovers Lane for those with 4WD's.

Parking requirements in the Parking Policy have been considered below, and the proposal is found to be compliant, noting that informal parking is unlimited. The land-use issue described elsewhere complicates the requirement for car-parking, as there is no suitable use in the Policy, however it is considered that it is appropriate to use the requirement for Holiday Accommodation.

Parking Requirements (Table 1)			
Issue	Required	Proposed	Complies?
<b>Holiday Accommodation</b>	1 bay per unit = 4 bays	Unlimited informal parking	<b>Yes</b>



## 9. Planning for Bushfires

As the Site is within a Bushfire Prone Area (**BPA**), a Bushfire Attack Level (**BAL**) assessment was commissioned, and returned a BAL29 rating (**Attachment 2**), which does not present any barriers to development.

## 10. Other Potential Issues

The Site is not listed as a:

- Bush Forever site.
- Heritage site (local / state).

With regard to the application fee, an invoice is requested.

## Conclusion

The application is for a small eco-tent development with minor facilities in the rural locality of Morangup, which is strategically placed for the Avon Descent Race. The development aims to showcase the rich history and beauty of the Avon Valley, encourage local tourism and give Perthites an opportunity to escape the city and relax in a rural setting.

The landowner is not a property developer, he has a family with three children living in Bassendean with a love for the Valley and a close connection to the Land, and a desire to engage more with the Toodyay Shire and local community.

The proposal is for four eco-tents, tracks and gates, and a water tank.

The primary planning issue is to identify the most appropriate land-use, which is believed to be a Use Not Listed (Camping Ground), however there are other approvable uses.

The proposal complies with the Shire's Camping Policy and Scheme requirements, with the exception of a minor variation to the street setback that has been justified through vegetative screening.

Bushfire management is an issue with tourism developments, however a bushfire consultant has been engaged to resolve achievable solutions.

Accordingly, it is considered that the proposed development is an acceptable outcome for the Site and the surrounding area, and as such the Shire's discretion is requested to approve the land-use and setback variation.

If the Shire does not see this proposal as being acceptable, I would appreciate a call or meeting to discuss the most efficient way forward.

If you have any queries, or wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely



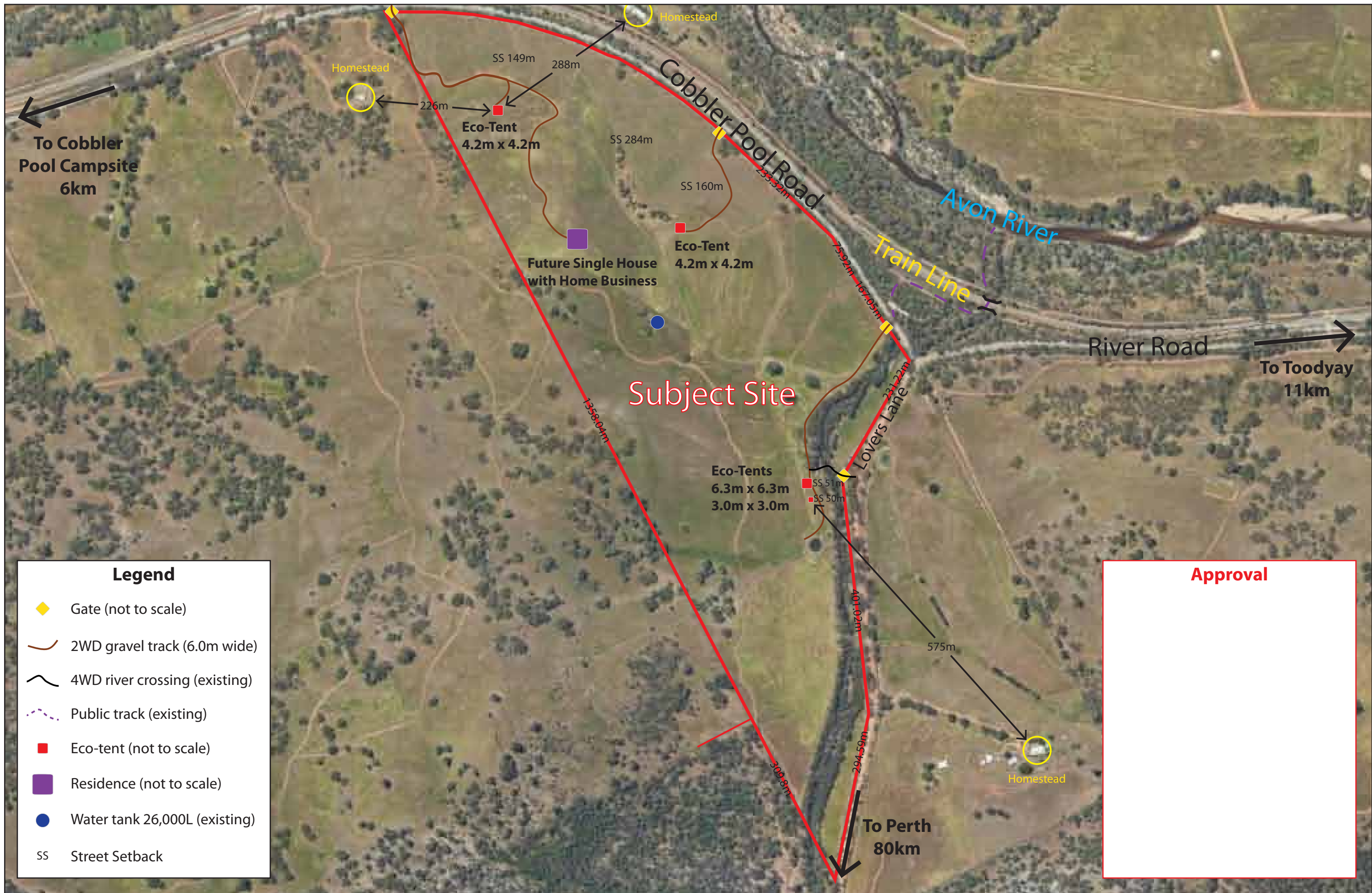
Matt Stuart

**Principal Urban Planning Consultant**

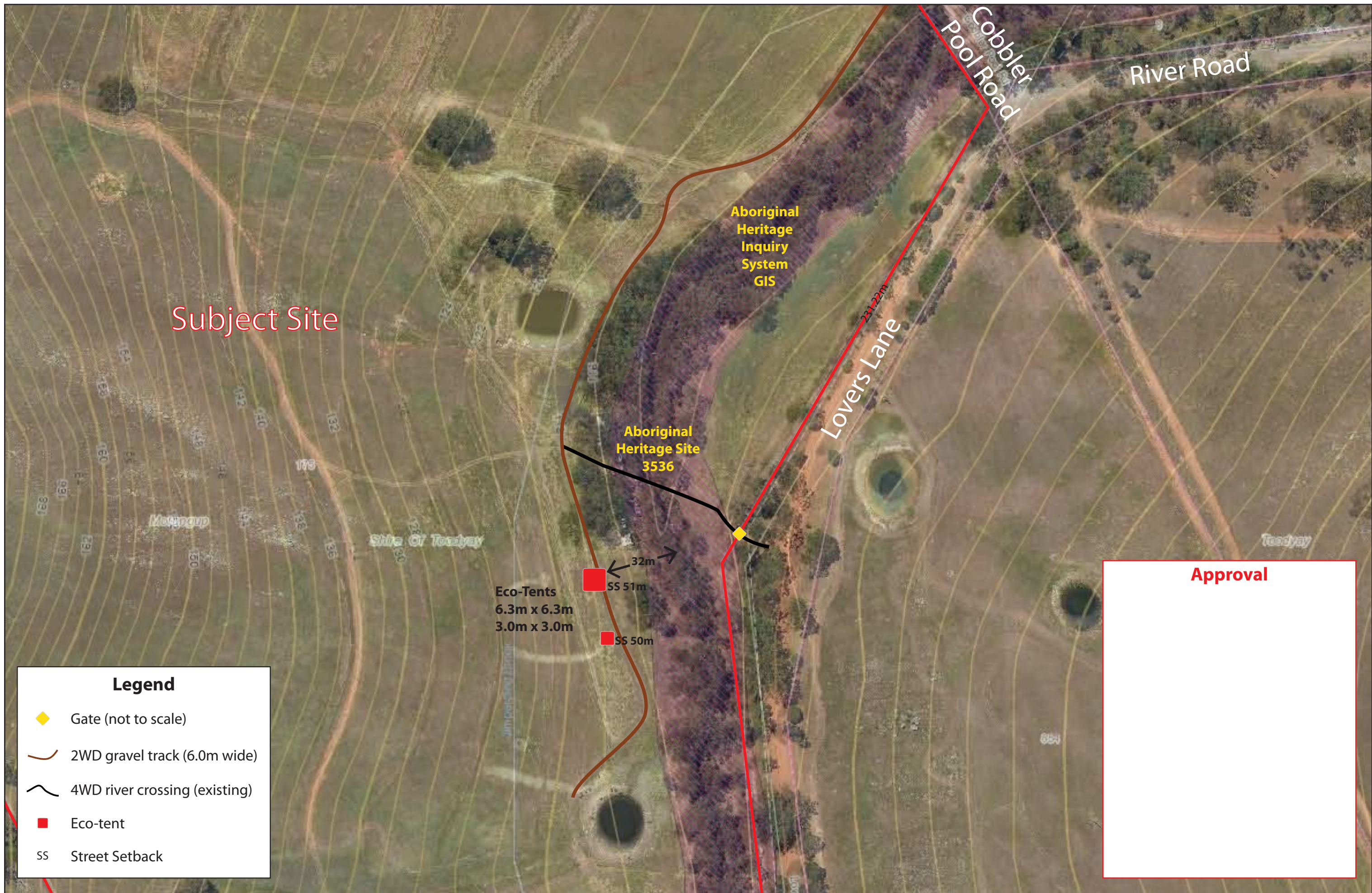
**BA (URP) Hons | Grad Cert (UD) | MLGPA**

0408 000 477 | [matt@townplanningadvice.com.au](mailto:matt@townplanningadvice.com.au)

- Att.    1. Development Application Form  
          2. BAL Assessment & Contour Map (dated 23 August 2019)  
          3. Development Drawings (Rev. A)







Subject Site

Aboriginal  
Heritage  
Inquiry  
System  
GIS

Aboriginal  
Heritage Site  
3536

Eco-Tents  
6.3m x 6.3m  
3.0m x 3.0m

SS 51m  
SS 50m

32m

Lovers Lane

Cobbler  
Pool Road

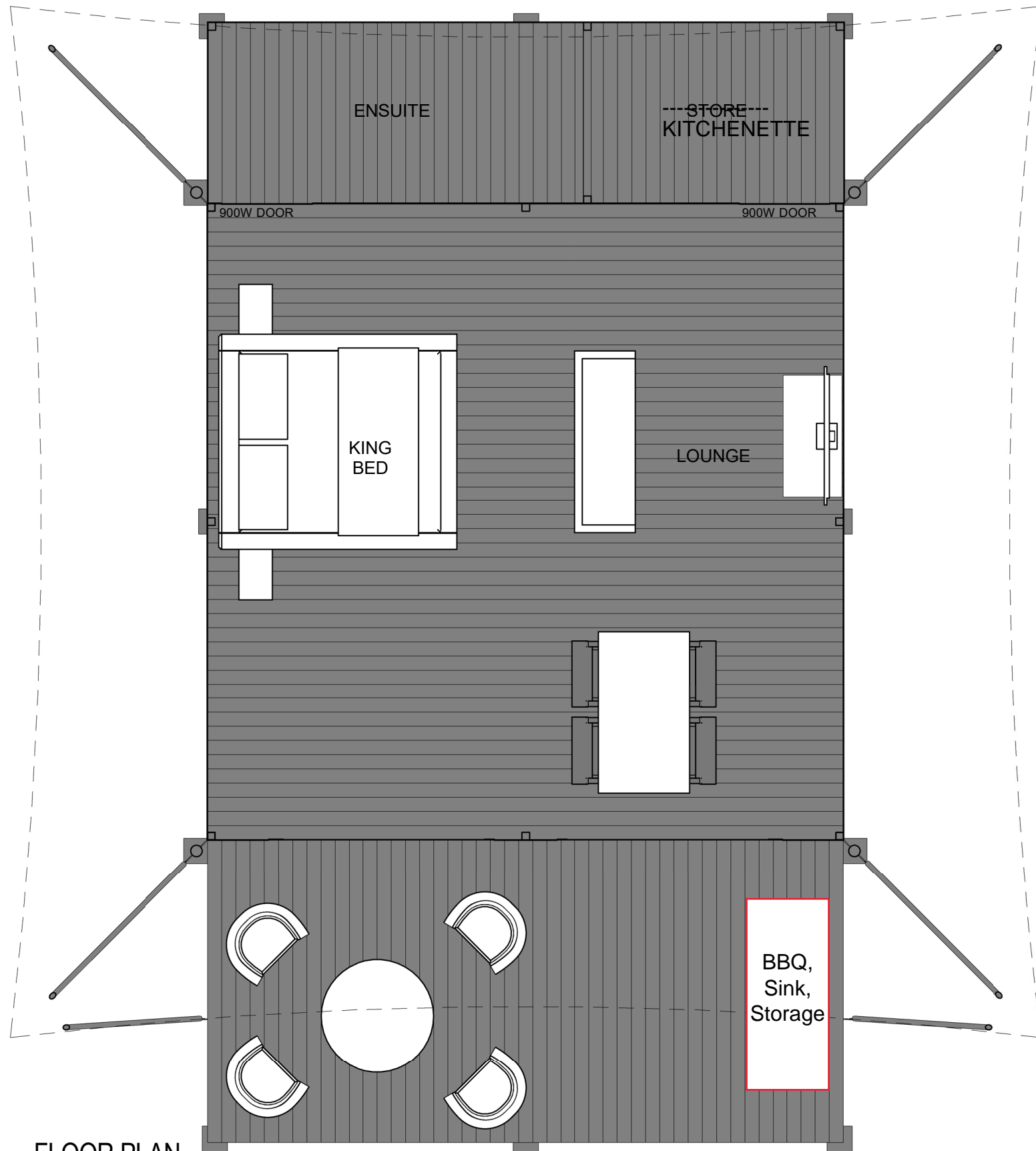
River Road

Approval

**Legend**

- ◆ Gate (not to scale)
- 2WD gravel track (6.0m wide)
- 4WD river crossing (existing)
- Eco-tent
- SS Street Setback

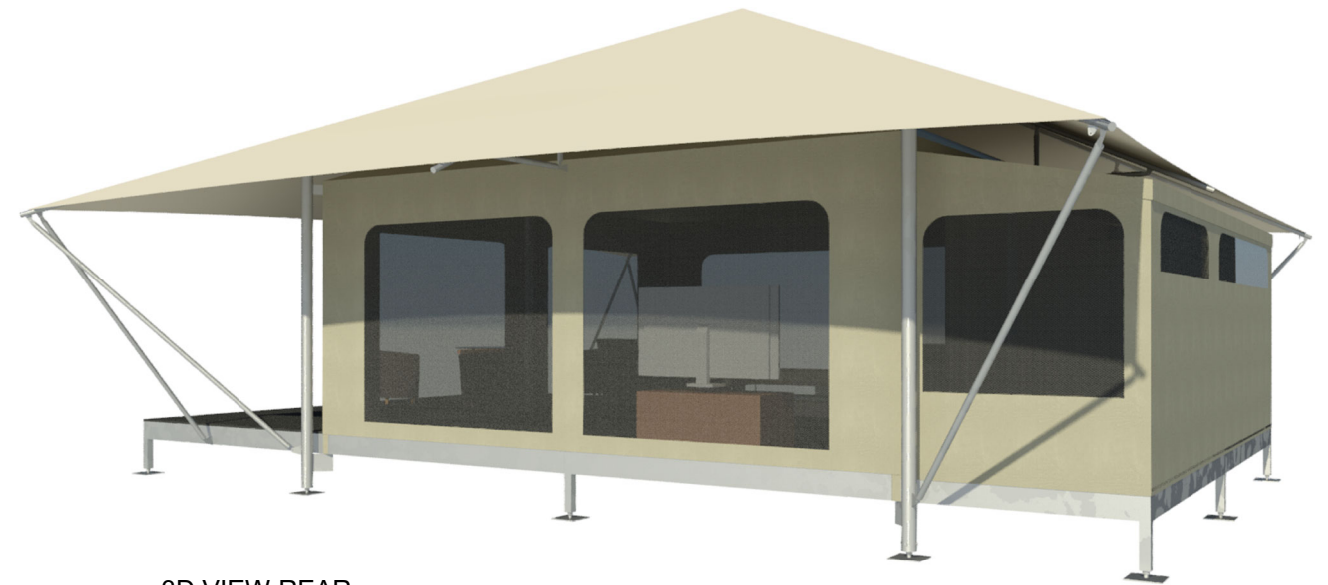




FLOOR PLAN  
1:50



3D VIEW FRONT



3D VIEW REAR



24 Marine Terrace Fremantle 6160  
PO Box 324 South Fremantle 6162  
E info@openhousegroup.com.au  
W www.openhousegroup.com.au  
T +61 8 9193 8000 F +61 8 9192 2601



**ECO STRUCTURES**  
AUSTRALIA

REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	13.12.18	FOR INFO

PROJECT:  
**6.3M DELUXE ECO TENT-L60 + ENS + STORE**

ADDRESS:

DRAWN FOR:  
**ECO STRUCTURES AUSTRALIA**

CLIENT:

1. THIS DRAWING IS COPYRIGHT PROTECTED & REMAINS THE PROPERTY OF OPENHOUSE DESIGN (ABN 74 148 215 070) & ECO STRUCTURES AUSTRALIA (ABN 76 112 623 284) & SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN ORIGINALLY INTENDED.
2. READ FIGURED DIMENSIONS IN PREFERENCE TO SCALE ALL DIMENSIONS IN mm U.O.N.
3. BUILDER TO CHECK AND CONFIRM ALL MEASUREMENTS, LEVELS & DETAILS PRIOR TO THE COMMENCEMENT OF ANY WORK OR FINANCIAL COMMITMENT. BUILDER TO CHECK AND CONFIRM MEASUREMENTS OF EXISTING BUILDING.
4. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL BUILDING DESIGN DRAWINGS, ARCHITECTURAL NATSPEC SPECIFICATION, ALL CONSULTANTS DRAWINGS AND SPECIFICATIONS & MANUFACTURERS SPECIFICATION.
5. ALL WORKMANSHIP & MATERIALS TO BE IN ACCORDANCE WITH THE MOST CURRENT BUILDING REGULATIONS, S.A.A. CODES & AUSTRALIA STANDARDS.
6. CONCEPTS SHOWN ARE SUBJECT TO RELEVANT AUTHORITY APPROVALS.
7. FURNITURE, FIXTURE & LANDSCAPING FOR ILLUSTRATIVE PURPOSES ONLY.
8. 3D IMAGES FOR ILLUSTRATIVE PURPOSES ONLY.

**PRELIMINARY**

DRAWN Author	SCALE @ A3 1 : 50	DATE 13-Dec-18 10:23:20 AM
-----------------	----------------------	-------------------------------

PROJECT NO. 4.0002

DRAWING PLAN & 3D

DRAWING NO. **SK01** REVISION **A**

This Page has been Left Blank "Intentionally"



## SCHEDULE OF SUBMISSIONS

PROPOSED ECO-TENT DEVELOPMENT – LOT 101 COBBLER POOL ROAD, MORANGUP

#	NAME	ADDRESS	SUMMARY OF SUBMISSION	APPLICANT COMMENTS ON SUBMISSION	DEVELOPMENT SERVICES COMMENTS ON SUBMISSION
<b>GOVERNMENT AGENCIES/STAKEHOLDERS</b>					
1.	Main Roads WA	PO Box 333 Northam	<ul style="list-style-type: none"> <li>no objections or comments relating to the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>None sought</li> </ul>	<ul style="list-style-type: none"> <li>Note the submission</li> </ul>
2.	Department of Water and Environmental Regulation	Locked Bag 10 Joondalup DC JOONDALUP WA 6919	<ul style="list-style-type: none"> <li>Unable to support the proposal in its current format due to lack of information regarding wastewater and watercourse management and protection.</li> </ul>	<ul style="list-style-type: none"> <li>See attached justification letter from applicant.</li> </ul>	<ul style="list-style-type: none"> <li>Note the submission;</li> <li>Recommend the following conditions requesting:                             <ol style="list-style-type: none"> <li>A Foreshore Management Plan should be prepared and approved for the Jimperding Brook in accordance with <i>Operational policy 4.3: Identifying and establishing waterways foreshore areas</i> (DWER 2012), to ensure that the waterway is appropriately protected and managed.</li> </ol> </li> </ul>

PROPOSED ECO-TENT DEVELOPMENT – LOT 101 COBBLER POOL ROAD, MORANGUP

#	NAME	ADDRESS	SUMMARY OF SUBMISSION	APPLICANT COMMENTS ON SUBMISSION	DEVELOPMENT SERVICES COMMENTS ON SUBMISSION
					b) A Wastewater Management Plan, developed in accordance with <i>Government Sewerage Policy (DPLH, 2019)</i> and <i>Water quality protection note No. 70: Wastewater treatment and disposal – domestic systems (DWER, 2016)</i> .
3.	Department of Biodiversity, Conservation and Attractions	Locked Bag 104 BENTLEY DELIVERY CENTRE	<ul style="list-style-type: none"> <li>No comments to make</li> </ul>	<ul style="list-style-type: none"> <li>None sought</li> </ul>	<ul style="list-style-type: none"> <li>Note the submission</li> </ul>
4.	Department of Planning, Lands and Heritage	Locked Bag 2506 Perth WA 6001	<ul style="list-style-type: none"> <li>It is unknown whether the subject site is considered priority agricultural land, and consultation with the Department of Primary Industries and Regional Development (DPIRD) is recommended.</li> <li>The proximity of the proposed eco-tents to agricultural land uses may have amenity impacts on the proposal including noise and dust.</li> <li>Bushfire risk</li> </ul>	<ul style="list-style-type: none"> <li>See attached justification letter from applicant.</li> </ul>	<ul style="list-style-type: none"> <li>Note the submission</li> <li>Clarification was sought from DPIRD and the land is NOT priority agricultural land.</li> <li>The potential amenity impacts are considered, however, given the attraction is rural based i.e. people will be choosing to stay here partly due to the rural characteristics, any impacts are accepted and thus acceptable.</li> </ul>



PROPOSED ECO-TENT DEVELOPMENT – LOT 101 COBBLER POOL ROAD, MORANGUP

#	NAME	ADDRESS	SUMMARY OF SUBMISSION	APPLICANT COMMENTS ON SUBMISSION	DEVELOPMENT SERVICES COMMENTS ON SUBMISSION
			<ul style="list-style-type: none"> <li>• Effluent disposal</li> <li>• Aboriginal heritage</li> </ul>		<ul style="list-style-type: none"> <li>• Bushfire risk is addressed through condition of approval.</li> <li>• Effluent disposal is addressed through condition of approval</li> </ul>
<b>PRIVATE</b>					
5.	Ben den Boer	Supplied	<ul style="list-style-type: none"> <li>• Query about bushfire planning – BAL rating</li> </ul>	<ul style="list-style-type: none"> <li>• See attached justification letter from applicant.</li> </ul>	<ul style="list-style-type: none"> <li>• Note the submission</li> </ul>



# Planning Outcomes WA

town planning, urban design, landscaping + appeals

Our Ref: L101Cobbler-DA1

13 November 2019

Planning Services  
Shire of Toodyay  
PO Box 96  
TOODYAY WA 6566  
Via E-Mail: [planner@toodyay.wa.gov.au](mailto:planner@toodyay.wa.gov.au)

Attn: Hugo

Dear Sir,

## **LOT 101 (NO. 175) COBBLER POOL ROAD, MORANGUP – RETROSPECTIVE & PROSPECTIVE CHANGE OF USE TO USE-NOT-LISTED (CAMPING GROUND)**

Thankyou for your e-mail regarding the referral response letter from the **DWER** dated 8 October 2019, which is recommending:

1. **Waterway Protection** – Waterway protection measures for the vehicle crossing with a new foreshore reserve vested with the SoT.
2. **Unspecified Waterway Impacts** – Tents set back an unspecified distance from the waterway.
3. **Wastewater Management** – Sewerage systems set back 100m from waterways and 1.5m above groundwater; and details of the type and location of proposed sewerage systems.
4. **Flood Event** – Potential public safety (lives at risk) and damage to property.

In addition, the Shire has received a referral response from the **DPLH** dated 15 October 2019, which is recommending:

5. **Land-Use Conflict** – Tourism supported under the SCA, with regard to landscape values. Protection of priority agriculture under the local Strategy, and regard to noise and dust upon the proposed use.
6. **Effluent Disposal** – Waste is required to be disposed onsite in accordance with the Government Sewerage Policy (GSP).
7. **Bushfire Risk** – A BMP and EEP should be considered as part of the DA.
8. **Aboriginal Heritage** – A portion of the Site includes a registered Aboriginal heritage site.

It is broadly considered that the comments from DWER (and to a lesser degree those from DPLH), whilst likely having sound groundings, do not suitably consider the scale of the proposal, the context of the locality, or considerations required for town planning matters.

It is noted that whilst Departmental advice needs to be considered by the Shire, the decision-maker is not compelled to act in full.

## **1. Waterway Protection**

### ***4WD Crossing***

The crossing is existing, created by previous landowners, and not part of the proposed works. It could therefore be considered that there is no relevance (or 'nexus') between DWER's advice and the proposal.

Although the intensification of using the crossing could be considered, it should be noted that the track was originally used by a previous landowner (Chauncy Springs Farm neighbouring to the south) to run cattle across the brook. Accordingly, it is appropriate to consider the impacts of cattle (hoof disturbance, faecal and urinary matter) contrasting with occasional movement of light 4WD's.

It is the applicant's opinion that the proposed activities in not an intensification of use, and is therefore appropriate for planning approval.

In addition, it should be noted that the primary access road will be 2WD tracks.

### ***Foreshore Reserve***

Regarding the creation of a foreshore reserve, a requirement to vest land around the waterway in the context of a minor development application is a lengthy process and unduly onerous, which is a relevant planning consideration under case-law (reasonableness).

Indeed, in *Renstone Nominees Pty Ltd v MRPA TPAT32/84*, (cited in *Model Subdivision Conditions Schedule, WAPC 2012*) the requirement to cede a foreshore reserve was found to be 'unreasonable', due to it having a substantial detriment to the appellant with no balancing benefit to the appellant.

In the context of a minor application for a small number of tents and users, the applicant considers that a requirement for a foreshore reserve is unnecessary, unduly onerous and unreasonable.

## **2. Unspecified Waterway Impacts**

It is difficult to respond to unspecified impacts, or modify plans with an unspecified tent setback. The comment is in a section titled 'Wastewater Management', however the comment relates to 'associated activities', and appears to mean human activity unrelated to sewerage.

Again, in the context of agricultural land of the Site and locality at large that has been, and is currently, used for broadacre crops and livestock (and associated chemicals and light-to-heavy

vehicles), the proposal for a small number of people to dwell on the land is considered curiously irrelevant.

It should be noted that one of the tents has already been constructed, and whilst this act was contrary to planning law, a requirement to move the structure should be balanced with reasonableness under case-law.

Moving the floor structure with permanent foundations is costly, and without any clear or substantial impacts, it is considered that relocation is unnecessary, unduly onerous and unreasonable.

### **3. Wastewater Management**

The client has engaged the services of Anthony Smith, a 'Wastewater Management and Water Conservation Specialist' from Water Wally. He has suggested that a suitable wastewater and effluent system can be installed, and will submit a separate submission to this effect.

Post planning approval, he will also design a system and gain all necessary approvals for the system at the Building Permit / Certificate phase.

### **4. Flood Event**

Flooding data for a 1:100 year event is not available online, noting that this is a semi-remote area, however the tents are 3.0 metres above the normal river level, and set back by 32 metres (**Attachment 1.2**).

It should also be noted that in the unlikely event of a significant flood, users of the Site would be able to evacuate using other tracks, onto public roads with significant crossing infrastructure.

Alternatively, users are easily able to seek refuge on higher ground in the immediate area.

The tents can also be collapsed and moved offsite, leaving the galvanized steel floor-frame on supports (ground anchors); which could be salvaged and reinstalled on new supports if necessary.

In a moderate weather event, the design and construction of the tents are as per the Building Code of Australia (BCA), and are designed for wind rating Region D (Sever Tropical Cyclones).

### **5. Land-Use Conflict**

#### ***Special Control Area***

The Avon River Valley Special Control Area (**SCA**) supports tourism whilst considering landscape values, and in response:

- **Tourism** – Proximity to the Avon River and the annual race Day 1 finish-line places the Site in a prime location to service an accommodation need. Outside of this event, the Avon River and the rural landscape provides an ongoing tourism drawcard.



- **Agriculture** – This land-use will continue onsite, and not impact offsite activities.
- **Effect on Water Catchment** – It is considered that the effect will be minimal given the modest scale of the proposal, and careful consideration to wastewater and effluent (see section 3 Wastewater Management).
- **Environmental Impacts** – No flora and fauna is proposed to be impacted upon, with no vegetation being removed.
- **Foreshore** – It is considered that acquiring foreshore land for public access is unnecessary, as the public is already welcome to access the land; and it is questioned if this is a reasonable imposition for the scale of this proposal (see section 1 Waterway Protection).
- **Visual Character** – The rural and scenic character of the locality will not be impacted due to the tents modest size and number, the earthy colours, and the conventional design and form.
- **Aboriginal Heritage** – There are no impacts (see section 8 Aboriginal Heritage).

### ***Planning Strategy***

It is understood that the 2018 Local Planning Strategy is a strategic planning tool to guide the formulation and adoption of a future local planning scheme and policy, and not current Development Applications under the existing Scheme.

In any event, the landowner (a farmer) currently uses the land for agricultural purposes, and does not regard the Site as 'priority agriculture' requiring protection. To this end, the landowner will continue to operate the Site for agricultural purposes, noting that the amount of land required to be excised for future tourism activities is negligible and an insignificant planning consideration.

With regard to agricultural noise and dust impacting the proposed use, it is considered that this is an internal (private) business matter outside the purview of the DPLH (and the Shire). The landowner can adequately coordinate the two activities; and if any impacts do occur, they would be realised in a business sense and responded to.

Furthermore, in the future the landowner will live onsite, and have an increased awareness of the day-to-day conditions of the property.

### **6. Effluent Disposal**

As per response in section 3 (Wastewater Management).

### **7. Bushfire Risk**

With a compliant BAL & Contour Plan submitted, the BMP and EEP is a formality, and will not impact the determination of the DA. Accordingly, it is requested that this issue be conditioned, and the Shire has expressed preliminary agreement.

It should be noted that the design and construction of the tents are as per the Building Code of Australia (BCA), and materials have also been treated with a fire retardant chemical which helps them self extinguish (fire test certificates can also be provided).

## 8. Aboriginal Heritage

As no development is proposed in the registered area (see **Attachment 1.2**), this is considered a non-issue.

### Other Factors

The landowner believes having the tents results in a higher level of property management than when it was only farming land:

- It's important to note that it's very difficult to generate an income off land of this type and size. Too small to be profitable just farming and yet the cost to manage a property of this size can be significant even without going to the extra lengths of rehabilitation. Income generated from camping sales will be used to manage the property (we will let our campers know that their money is going towards establishing a natural ecosystem. This includes fencing, roads/tracks, fire breaks, timber cutting/clearing, contours, dam water, rehabilitating the gully's to eliminate erosion and sediment into the brook, restricting cattle access (selective smaller paddock grazing). Planting native trees, scrubs and bush foods.
- We have repositioned about 200 meters of fencing along the brook which is keeping cattle back a further 30 meters than before. Basically we have begun managing the foreshore a lot more now that we are camping and have our Eco tent.
- Our property is one of few which has maintained fencing along the length of the Jimperding Brook both sides to keep cattle out. We are conscious of the erosion problem and challenges, we are actively finding ways to improve, including restoring contours and clearing debris. Our land and neighbouring properties have cattle and sheep grazing, cropping, weed spraying and fertilizers, runoff into the Brook is inevitable.
- It should be noted in other areas along the brook, livestock is grazing within a few metres, and has been for over 150 years.
- Maintaining and rehabilitating our property is something my partner is very passionate about, and she will complete her degree in Ag Science by Q1 next year. She is also consulting with Outback Trees and other local people to systematically introduce more native species.
- We have also engaged an expert in Aquaculture to help us understand how we can restore our spring fed dams which are right next to the brook into a natural state, such a natural pond.
- We want to encourage bush walks along the brook and Avon River and believe the Shire could also do more to provide viewing platforms, boardwalks, etc.

## Council Meeting

It is understood that a Council meeting is required, where we will submit a deputation and respond to any queries by Council.

## Conclusion

The referral responses from the DPLH and DWER raise several potential issues, however on closer examination the issues are either not relevant, not responsive to the scale of the proposal or surrounding context, found compliant, suitably capable of planning condition, or will be addressed at the Building Permit / Certificate phase.

Accordingly, it is considered that the proposed development is an acceptable outcome for the Site and the surrounding area, and as such the Shire's discretion is requested to approve the land-use.

If the Shire does not see this proposal as being acceptable, I would appreciate a call or meeting to discuss the most efficient way forward.

If you have any queries, or wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely



Matt Stuart

**Principal Urban Planning Consultant**

**BA (URP) Hons | Grad Cert (UD) | MLGPA**

0408 000 477 | [matt@townplanningadvice.com.au](mailto:matt@townplanningadvice.com.au)

Att. 1. Development Drawings (Rev. C)

## Eco Wastewater Solutions

10 Merchant Street, Margaret River

Western Australia, 6285

Ph: (08) 9758 8640

Mob: 0407 247 844

Email: [info@ecowastewater.com.au](mailto:info@ecowastewater.com.au)

Web: [www.ecowastewater.com.au](http://www.ecowastewater.com.au)

The logo for Eco Wastewater Solutions features the company name in a blue, sans-serif font. The words "ECO WASTEWATER" are on the top line, and "SOLUTIONS" is on the line below. The text is centered between two horizontal blue bars. The top bar is a solid dark blue line, and the bottom bar is a lighter blue line with a wavy, water-like shape at its ends.

## Matt Stuart

Planning Outcomes W.A.

To Matt,

In reference to the proposed development at NO. 175 (LOT 101) COBBLER POOL ROAD, MORANGUP, consisting of 2 x eco-tents, it can be shown that there is sufficient and suitable land available for effective on-site wastewater management which meets the requirements of the Government Sewerage Policy (GSP) and the relevant West Australian Health Dept. regulations. In deciding up the specifics of the most suitable on-site wastewater management system, including type and location of the system, more detailed site information would be required, typically in the form of a Site and Soil Evaluation (SSE). Upon reviewing the information outlined in a SSE, I will be able to make recommendations as to the most suitable wastewater management system and the specifics of the systems including the type and location of system and the type and location of the Land Application Area (LAA).

The main regulatory documentation that will need to be satisfied in order for the proposed onsite wastewater management system to be approved is the GSP. The proposed development is located within a 'Sewerage Sensitive Area' as defined by the GSP and hence the following parameters will need to be met:

- System **not** to be located within 30 meters of a bore **or** 100 meters of a waterway **or** in any area subject to inundation/flooding in a 10 percent Annual Exceedance Probability.
- The discharge point of the LAA will need to be 1.5m above high seasonal groundwater levels.
- Secondary Treatment Systems with nutrient removal are generally required in sewerage sensitive areas.

Given the proposed development site and proposed eco tent locations specified in your provided site plan (1.1 Site Plan\_Rev B.pdf emailed on 25/10/2019) and that the lot is 531,614m<sup>2</sup>, the below outlines my response to the above-mentioned parameters:

- The required setback of 30 meters from a bore and 100 meters from a waterway are easily achievable at this site. The property lies just outside of the mapped Western Australia Floodplain Mapping tool as can be seen in the image below. It can, however, be assumed that the property lies outside of any floodplain area being that it is on the opposite side of the road to the Avon River and all other floodplain areas shown on the Western Australia Floodplain Mapping tool are on the same side of the road as the Avon River.





- The depth to groundwater across the site is currently unknown. A SSE will provide more details of groundwater levels necessary in suitable onsite wastewater management design. However, it can be assumed that it would be likely that there will be areas within the large property, with varying elevations, in which a location can be found that has adequate depth to ground water levels. If no locations are found that meet this requirement, appropriate earthworks can be carried out or appropriate fill brought to site to achieve the required 1.5m of depth to groundwater.
- There are a number Secondary Treatment Systems approved by the West Australian Health Dpt available, which can be found at [https://ww2.health.wa.gov.au/Articles/A\\_E/Approved-wastewater-systems](https://ww2.health.wa.gov.au/Articles/A_E/Approved-wastewater-systems). The most suitable system for the proposed development will be dependant on information shown in the SSE and the needs of the proposed development. Stipulations of the GSP in regard to Secondary Treatment Systems such as nutrient removal may or may not be required at this site, again dependant on the results of the SSE.

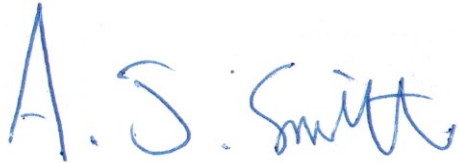
The hydraulic loading of the proposed development has been calculated below:

- 2 x eco-tents each with 2-person max occupancy
- Each eco-tent will produce 2 x 140L/day = 280L/day (Supplement to Regulation 29 and Schedule 9 – Wastewater system loading rates, Health Regulations 1974)
- Total daily hydraulic loading = 280 x 2 = **560L/day**.

In summary, given the location and size of the property and the relatively minor hydraulic loading, it can be assumed that the site is suitable for onsite wastewater management for the proposed

development and will be able to meet all relevant regulatory requirements in regards to onsite wastewater management. A SSE evaluation will need to be undertaken to further specify the location and type of wastewater management system most suited to the site and proposed development.

Please do not hesitate to contact me if you need clarification on any of the above or if any of this needs further discussion.



13/11/2019

Anthony Smith BSC. Env.Eng  
Director  
Eco Wastewater Solutions

## List of Payments Presented to Council for Period 1 October 2019 to 31 October 2019

Pay/Type	Date	Name	Description	Amount
IPV652	02/10/2019	Bendigo Bank	Payroll PPE 01102019	104,953.22
IPV653	16/10/2019	Bendigo Bank	Payroll PPE 15102019	108,161.52
IPV654	30/10/2019	Bendigo Bank	Payroll PPE 29102019	107,155.57
BPV4147	01/10/2019	Bendigo Bank	Monthly Service Fee	10.00
BPV4148	01/10/2019	Bendigo Bank	Bank Fee	97.70
BPV4149	01/10/2019	Bendigo Bank	Bank Fee	0.14
BPV4150	01/10/2019	Bendigo Bank	Bank Fee	3.42
BPV4151	01/10/2019	Westnet	Morangup Library Internet	334.90
BPV4152	01/10/2019	Alleasing Solar	Depot And Library Lease	1,407.46
BPV4153	01/10/2019	Bendigo Bank	BPay Monthly Fee	1,042.52
BPV4154	02/10/2019	Commonwealth Bank	Merchant Fee	42.90
BPV4155	02/10/2019	Bendigo Bank	Bank Fee	7.04
BPV4156	03/10/2019	Commonwealth Bank	Merchant Fee	74.96
BPV4157	03/10/2019	Commonwealth	Merchant Fee	3,156.42
BPV4158	03/10/2019	Commonwealth Bank	Merchant Fee	3,445.53
BPV4159	08/10/2019	Fuji Xerox	Admin Photocopier	470.34
BPV4160	08/10/2019	Commonwealth Bank - Equigroup	IT Hardware & Software Lease	527.74
BPV4161	14/10/2019	Bendigo Bank	CESM - Credit Card	4.00
			Card fee	4.00
BPV4162	14/10/2019	Bendigo Bank	MPD- Credit Card	373.13
			Officeworks - Dyno Labeller	359.90
			Secure Parking - BRM seminar WALGA	9.23
			Card Fee	4.00
BPV4163	14/10/2019	Bendigo Bank	CEO - Credit Card	546.94
			J and K Energy House - Phone repair	55.00
			Adobe Systems Subscription	387.94
			Bloomys Nursery – Flowers for M Lamb	100.00
			Card Fee	4.00
BPV4164	14/10/2019	Bendigo Bank	MWS - Credit Card	3,496.78
			Australia Direct Adventure - Battery Backup box - BFRMC	489.68
			National Storage - Storage boxes - CESM	115.40
			Transmit SMS - Harvest Bans Credit	2038.00
			Junction Hotel Moora - Accommodation - Apprentice	340.00
			Jurien Bay Hotel - Accommodation - BFRMC	403.75
			Toodyay Aust Post - FCO Gift	105.95
			Card fee	4.00
BPV4165	14/10/2019	Bendigo Bank	MCD - Credit Card	657.00
			Officeworks Midland – Stationary	101.74
			The Chamber of Arts – Crowd Safety & Risk Management - MCD	99.00
			Apple Perth – Ipad Iphone case	139.90

## List of Payments Presented to Council for Period 1 October 2019 to 31 October 2019

Pay/Type	Date	Name	Description	Amount
			<i>Officeworks Perth – Stationary</i>	27.56
			<i>Wilson Parking Perth –Truth Telling Recon, Australia and WA - MCD</i>	15.19
			<i>Kowloon - High Res images for Stirling Tce Banners</i>	42.00
			<i>Royal Wolf Trading - Ramp for Newcastle Gaol</i>	50.16
			<i>Altronics Midland – Battery and Charger</i>	137.45
			<i>Placemaking Masterclass - MCD</i>	40.00
			<i>Card Fee</i>	4.00
BPV4166	14/10/2019	CNHI Capital	Iveco Truck Lease	3,207.70
BPV4167	15/10/2019	Toyota Finance	BRPC Vehicle Lease	1,260.69
BPV4168	15/10/2019	Commonwealth Bank	BPoint Fee	119.57
BPV4169	15/10/2019	Fuji Xerox	Building And Planning Photocopier - Lease	155.10
BPV4170	15/10/2019	Fuji Xerox	Admin Photocopier - Lease	370.70
BPV4171	16/10/2019	Bendigo Bank	Bank Fee	0.30
BPV4172	16/10/2019	Bendigo Bank	Bank Fee	10.78
BPV4173	16/10/2019	Bendigo Bank	Bank Fee	7.26
BVP4174	16/10/2019	Komatsu	Grader Lease	4,901.37
BPV4175	17/10/2019	Bendigo Bank	Bank Fee	0.11
BPV4176	18/10/2019	Commonwealth Bank - Equigroup	IT Hardware & Software Lease	3,110.16
BPV4177	28/10/2019	Commonwealth Bank - Equigroup	IT Hardware & Software Lease	727.60
BPV4178	29/10/2019	Commonwealth Bank - Equigroup	IT Hardware & Software Lease	104.72
BPV4179	30/10/2019	Bendigo Bank	Bank Fee	6.93
BPV4180	01/10/2019	Bendigo Bank	Bank Fee	10.00
12682	15/10/2019	Department Of Transport	Registration - Various Vehicles	180.85
12683	15/10/2019	Old Gaol Museum	Old Gaol Volunteer Reimbursements - October 2019	350.00
12684	15/10/2019	Optus	Cr Wellburn Wireless Broadband - Sept 2019	28.95
12685	15/10/2019	Shire Of Toodyay - Visitor Centre Petty Cash	Sponsorship Gifts - Sport & Rec "Turning Of The Sod", Working with Children Check, Museum Display Materials, Cable Ties, Conference Parking	178.20
12686	15/10/2019	Shire Of Toodyay - Library Petty Cash	Media Player - TV In Reading Room & Materials for kids activites	81.45
12687	15/10/2019	Telstra Corporation Limited	Administration - Telephone Charges - September 2019	8,843.26
12688	15/10/2019	Synergy	Street Lighting Electricity Charges - 25/08 - 24/09/19	16,199.83
12689	31/10/2019	Commissioner Of State Revenue	Reimbursement Of Senior Rebate - Claimed in another Shire	121.00
12690	31/10/2019	Department Of Transport	Registration - Various Vehicles	844.20
12691	31/10/2019	Beth Ruthven	Members Monthly Allowance - October 2019	453.04
12692	31/10/2019	Shire Of Toodyay - Admin Petty Cash	Conference Parking, Building Materials, Mailing Tubes, Stationery - Authorised Inquiry, Eggs - Salmonella Testing, Fuel, Travel costs - Authorised Inquiry, Reticulation Parts, Refreshments for Community Information Session	315.75
12693	31/10/2019	Water Corporation	Water Rates & Usage	7,776.06
12694	31/10/2019	Synergy	Electricity Charges	362.77
EFT26909	02/10/2019	Shire Of Toodyay Salaries & Wages	Payroll Deductions	1,463.00



## List of Payments Presented to Council for Period 1 October 2019 to 31 October 2019

Pay/Type	Date	Name	Description	Amount
EFT26910	15/10/2019	Construction Training Fund	CTF Levies - Sept 2019	911.10
EFT26911	15/10/2019	Department Mines, Industry Regulation & Safety	BS Levies - Sept 2019	1,342.43
EFT26912	15/10/2019	Australia Post	Postage - September 2019	744.38
EFT26913	15/10/2019	Avon Skip Bins	Empty Front Lift Bins - Memorial Hall , Depot and Showgrounds	615.00
EFT26914	15/10/2019	Autopro Northam	Vehicle Parts & Tools	1,793.21
EFT26915	15/10/2019	Arm Security	Alarm Monitoring - 1/10 - 31/12/2019 - Community Centre	384.74
EFT26916	15/10/2019	Ag Implements Merredin P/L	Hydraulic Hose - Loader	178.16
EFT26917	15/10/2019	Avon Waste	Rubbish Collection	13,635.04
EFT26918	15/10/2019	Aus. Record	Records Labels	93.50
EFT26919	15/10/2019	ADCO Constructions Pty Ltd	Toodyay Recreation Precinct Project - Progress Claim 2	605,618.90
EFT26920	15/10/2019	Avon Valley Glass	Acrylic Sheeting - Police Lock-up	174.35
EFT26921	15/10/2019	Ampac Debt Recovery	Rates Debt Recovery Costs	5,114.93
EFT26922	15/10/2019	Afgri Equipment Australia Pty Ltd	Bushes, O-Rings, Seals & Washers - Grader	924.98
EFT26923	15/10/2019	Triset Boss Business Forms	2000 Rates Instalment Notices	737.00
EFT26924	15/10/2019	Broderick Waste Solutions Pty Ltd	Management Of Waste Transfer Station	9,999.88
EFT26925	15/10/2019	Wendy Binks	VC Consignment Stock	522.25
EFT26926	15/10/2019	Beesweet Honey & Apiaries	VC Consignment Stock	696.00
EFT26927	15/10/2019	John Butler	VC Consignment Stock	46.38
EFT26928	15/10/2019	Bunnings Midland	Expendable Stores, Rust Guard Spray Paint, Decking Oil	180.38
EFT26929	15/10/2019	Bev Royal	VC Consignment Stock	82.55
EFT26930	15/10/2019	Steven John Bryant	Refund Of Plan Search Request Due To No Plans Available	30.00
EFT26931	15/10/2019	Borrell Rafferty Associates Pty Ltd	Surveyors - Rec Precinct - Contract Administration Monthly Fee	4,895.00
EFT26932	15/10/2019	Child Support Agency	Payroll Deductions	443.51
EFT26933	15/10/2019	The Cola Cafe	Refreshments	939.10
			<i>Beverley VC Family Tour</i>	100.00
			<i>VC Sundowner - Area Promotion</i>	285.00
			<i>Ordinary Meeting of Council</i>	222.00
			<i>Volunteer Morning Tea</i>	123.50
			<i>Dementia Friendly Community - Memory Café</i>	208.60
EFT26934	15/10/2019	Corsign (WA) Pty Ltd	Various Roadwork Signs	378.40
EFT26935	15/10/2019	Winc Australia P/L	Stationery	29.24
EFT26936	15/10/2019	Countrywide Windscreens	Front Windscreen Replacement - Light Vehicle	352.00
EFT26937	15/10/2019	Alison Cromb	VC Consignment Stock	89.88
EFT26938	15/10/2019	Cundall Johnston & Partners Pty Ltd	Consultants - Sport & Rec Precinct - CCTV & Fire Alarm Changes	5,786.00
EFT26939	15/10/2019	Cameron Chisholm Nicol (WA) Pty Ltd	Project Management - Rec Precinct	12,056.00
EFT26940	15/10/2019	Charles Service Company	Monthly Contract Cleaners	12,670.79
EFT26941	15/10/2019	Cleanflow Environmental Solutions	Camera Inspection Of Underground Pipes for Road Maintenance	1,639.00
EFT26942	15/10/2019	Landgate	Landgate Townsite Aerial Imagery (10cm) - SAT Matter, Title Searches and Interim Valuations	638.15

## List of Payments Presented to Council for Period 1 October 2019 to 31 October 2019

Pay/Type	Date	Name	Description	Amount
EFT26943	15/10/2019	D Clements Smash Repairs	Excess - Holden Colorado Insurance Claim #3385095	300.00
EFT26944	15/10/2019	Datacom Solutions (Au) Pty Ltd	Datascape Monthly SAAS Fee - September 2019	3,300.00
EFT26945	15/10/2019	Suzanna Douglas	VC Consignment Stock	45.00
EFT26946	15/10/2019	Easy2C	VC Floor Stock	447.70
EFT26947	15/10/2019	Exit Weeds	Bulk Herbicide for Verge Spraying	25,575.00
EFT26948	15/10/2019	Equifax	Fit2Work Annual Licence Fee 01/04/2019 - 31/03/2020	275.00
EFT26949	15/10/2019	Eastern Hills Liquid Waste	Empty Septic Tanks, Leach Drains and Two Portable Toilets at Duidgee Park	1,680.00
EFT26950	15/10/2019	Esselmont Olives	VC Floor Stock	25.49
EFT26951	15/10/2019	Easifleet	Payroll Deductions	1,646.28
EFT26952	15/10/2019	Echo 1 Pty Ltd	BFB Printers	4,255.20
EFT26953	15/10/2019	Flick Anticimex Pty Ltd	Sanitary Bin Servicing - 19/20 - Various Buildings	7,027.02
EFT26954	15/10/2019	June Foote	VC Consignment Stock	13.95
EFT26955	15/10/2019	Fire Mitigation Services Pty Ltd	Reserves Maintenance - Grevillea Reserve & Wallaby Way Reserve	2,780.00
EFT26956	15/10/2019	Department Of Fire & Emergency Services	ESL Levies - for Shire Buildings	3,317.45
EFT26957	15/10/2019	Groeneveld Australia Pty Ltd	Parts - Loader	518.35
EFT26958	15/10/2019	GWY Painting	Painting Of Memorial Hall Toilets	9,196.00
EFT26959	15/10/2019	Geoff Ninnes Fong & Partners Pty Ltd	Design Development Stage - Sport & Rec Precinct	5,450.50
EFT26960	15/10/2019	Grove Wesley Design Art	Library Calico Bags & VC Polo Shirts	660.22
EFT26961	15/10/2019	Toodyay Hardware & Farm	Reticulation Parts, Keys Cut & Expendable Stores	401.55
EFT26962	15/10/2019	GR Hasenfuss	Test & Tagging Of Electrical Appliances, Relocation of Server & Telecommunications, Lighting	1,533.98
EFT26963	15/10/2019	Institute Of Public Works Engineering Australasia Ltd	NAMS Plus Subscription Fee 19/20	814.00
EFT26964	15/10/2019	Instant Products Hire	Hire Of Portable Toilets & Pump Out - Duidgee Park	972.25
EFT26965	15/10/2019	Invarion Rapidplan Pty Ltd	License Renewal - Rapid License - Traffic Control	412.50
EFT26966	15/10/2019	ITR WA	Curved Serrated Blades - Grader	4,354.02
EFT26967	15/10/2019	Kleen West Distributers	Cleaning Products - Administration	248.88
EFT26968	15/10/2019	Kidsafe WA	Playground Equipment Operational Inspection Course - Parks & Gardens	3,000.00
EFT26969	15/10/2019	LGIS Risk Management	Risk & Governance Day - CEO, MWS and CCO	313.50
EFT26970	15/10/2019	Limnios & Johns Pty Ltd	Project Management - Rec Precinct - Phase 3 - Sept 2019	11,874.50
EFT26971	15/10/2019	State Library Of WA	Walsco Self Adhesive Gloss Book Covering - 50M Roll	145.00
EFT26972	15/10/2019	Mark Middleton	Painting of Visitor Centre	1,100.00
EFT26973	15/10/2019	Marketforce	Advertising Of TEN05 2019 - Bituminous Resurfacing	584.01
EFT26974	15/10/2019	Mountain Park On Avon	VC Consignment Stock	60.00
EFT26975	15/10/2019	Multicon Commercial Constructions	September Progress Payment - Coondle Fire Station	73,796.25
EFT26976	15/10/2019	Outpost Central.Com	Outpost Loggers Annual Fee 19/20	1,108.80
EFT26977	15/10/2019	Officeworks	Stilford Professional Mobile Caddy - VC	428.95
EFT26978	15/10/2019	Professional Lockservice	Extra Keys - Duidgee Park	120.45
EFT26979	15/10/2019	Public Transport Authority	Transwa Ticket Sales - August 2019	398.28
EFT26980	15/10/2019	Quilts By Robyn	VC Consignment Stock	160.00

## List of Payments Presented to Council for Period 1 October 2019 to 31 October 2019

Pay/Type	Date	Name	Description	Amount
EFT26981	15/10/2019	Southern Cross Austereo Pty Ltd	Advertising - Around The Towns - September 2019	88.00
EFT26982	15/10/2019	Misty Rogers	VC Consignment Stock	104.90
EFT26983	15/10/2019	Stephanie Slater	VC Consignment Stock	35.00
EFT26984	15/10/2019	G & C Steytler	VC Consignment Stock	14.56
EFT26985	15/10/2019	Bottlemart Toodyay	Refreshments - Visitor Centre Sundowner - Area Promotion	93.97
EFT26986	15/10/2019	Sapio Pty Ltd	CCTV Project Variation	1,646.43
EFT26987	15/10/2019	Swift Hound Films & Photography	53 Digital Images Inc Aerials Of Toodyay - Area Promotion	1,660.00
EFT26988	15/10/2019	Signs & Lines	New Site Sign - Old Newcastle Gaol	910.90
EFT26989	15/10/2019	Shire Of Trayning	Long Service Leave Entitlements	1,505.74
EFT26990	15/10/2019	Shawmac Pty Ltd	Civil Design & Engineering - Sport & Rec Precinct - Part Payment	11,473.00
EFT26991	15/10/2019	EAG Electrical Airconditioning & Gas	Aircon Replacement - Insurance claim and Meter Box at Anzac Park	7,089.50
EFT26992	15/10/2019	Shearers & Pastoral Workers Social Club Inc	VC Consignment Stock	28.00
EFT26993	15/10/2019	Tanya Stuart	VC Consignment Stock	134.70
EFT26994	15/10/2019	Toodyay Traders	Small machine parts, Farm gates, 3 Pce Café setting, Vacuum Cleaner Coondle Fire Shed and various expendable stores	1,182.80
EFT26995	15/10/2019	Toodyay Agricultural Society (Inc)	Sponsorship - Sensory Room - Toodyay Ag Show 2019	500.00
EFT26996	15/10/2019	Toodyay Pharmacy	3 X Vaccinations	66.60
EFT26997	15/10/2019	Toodyay IGA	Administration Amenities - Sept 19	791.83
			<i>Aroc Meeting - Refreshments</i>	12.99
			<i>Library - Milk and Newspapers</i>	102.79
			<i>Fire Brigades - Batteries</i>	26.64
			<i>Depot - Milk and Coffee</i>	62.82
			<i>Rangers - Cat Litter and Dog Food</i>	77.88
			<i>Museum - Tape</i>	3.32
			<i>Visitors Centre - Milk, Refreshments for VC Sundowner</i>	56.60
			<i>Administration - Batteries, Milk, Coffee, Newspapers, Fruit and Cleaning items</i>	448.79
EFT26998	15/10/2019	Truckline	Parts - Prime Mover	94.38
EFT26999	15/10/2019	Toodyay Pumps	Repair Leak On Depot Water Tank Pump	138.00
EFT27000	15/10/2019	Tenderlink	Advertising - TEN05 2019 Supply, Delivery & Placement Of Sprayed Bituminous Surfacing	190.30
EFT27001	15/10/2019	Deborah Termann	VC Consignment Stock	62.70
EFT27002	15/10/2019	Western Australian Local Government Association	Training - BRMC & RMO	154.00
EFT27003	15/10/2019	Wheatbelt Business Network	Friends Membership 19/20	165.00
EFT27004	15/10/2019	Wurth Australia P/L	Depot Expendable Stores	590.89
EFT27005	15/10/2019	Wright Express Aust Pty Ltd	SES Fuel Card Admin Fee - Sept 2019	20.64
EFT27006	15/10/2019	Waterman Irrigation	Standpipe Remote Access Charge - 6 Months	257.40
EFT27007	15/10/2019	Wheatbelt Office & Business Machines	Photocopier Print Readings September 2019	982.20
EFT27008	15/10/2019	Ron Witt	Reserve Maintenance - Reserve Walk Track	240.00
EFT27009	15/10/2019	WacWil Landscaping & Earthworks Pty Ltd	Duidgee Park - Expose Septics & Leach Drains	660.00

## List of Payments Presented to Council for Period 1 October 2019 to 31 October 2019

Pay/Type	Date	Name	Description	Amount
EFT27010	16/10/2019	Shire Of Toodyay Salaries & Wages	Payroll Deductions	1,463.00
EFT27011	17/10/2019	Toodyay Pizza	Catering - FCO Meeting & IRS Meeting	288.00
EFT27012	30/10/2019	Shire Of Toodyay Salaries & Wages	Payroll Deductions	1,463.00
EFT27013	31/10/2019	Kirsten Ferrari	Refund of Trestle Table Bond -14 Sept 2019	200.00
EFT27014	31/10/2019	Department Mines, Industry Regulation & Safety	Adjustment to Sept 2019 BS Levies	315.74
EFT27015	31/10/2019	Autopro Northam	Brake Pads , Filters & Water Container	146.95
EFT27016	31/10/2019	Aquarius Freight	Water Cart Hire - Fire Inc# 454777 19/10/2019	660.00
EFT27017	31/10/2019	Allwest Plant Hire Australia	Hire Of Excavator From 09/10/2019 - 12/10/2019	6,902.50
EFT27018	31/10/2019	Avon Waste	Waste Collection	13,646.30
EFT27019	31/10/2019	Avon Midland Country Zone Of WA Local Govt Assoc	19/20 Membership Subscription	2,200.00
EFT27020	31/10/2019	Advanced Traffic Management (WA) P/L	Toodyay Bindi-Bindi Road - Traffic Control	1,184.70
EFT27021	31/10/2019	Allmark & Associates	Honour Board Slats X 9 - Council Chambers	275.00
EFT27022	31/10/2019	Avon Valley Glass	Make & Fit Screen Door To Shire Depot Office	710.20
EFT27023	31/10/2019	Avon Paper Shred	Shredder Bin Pickup & Destruction - October 2019	150.00
EFT27024	31/10/2019	Auscoinswest	VC Floor Stock	399.30
EFT27025	31/10/2019	Boral Construction Materials Group	1000Lt Emulsion	1,210.00
EFT27026	31/10/2019	Broderick Waste Solutions Pty Ltd	Management Of Waste Transfer Station	5,500.00
EFT27027	31/10/2019	Benjamin Bell	Monthly Members Attendance Allowance - October 2019	1,080.33
EFT27028	31/10/2019	Biomax Pty Ltd	Quarterly Maintenance Of C10 Waste Water Treatment - Depot	100.00
EFT27029	31/10/2019	Baileys Fertilisers	Bulk Fertilizer for Parks and Gardens	10,626.00
EFT27030	31/10/2019	Coates Hire	Hire Of Toilets For Toodyay Agricultural Show 2019	1,254.03
EFT27031	31/10/2019	Child Support Agency	Payroll Deductions	887.02
EFT27032	31/10/2019	Therese Chitty	Monthly Members Attendance Allowance - October 2019	1,326.19
EFT27033	31/10/2019	The Cola Cafe	LEMC Training, Council Agenda Meeting & Memory Café	524.60
EFT27034	31/10/2019	Clinton Long Project Management	Progress Payment - Old Newcastle Gaol Roof	143,176.96
EFT27035	31/10/2019	Jesse Nicholas Collins	2019 Toodyay Agricultural Show Art Acquisition	450.00
EFT27036	31/10/2019	ACMS Nominees P/L (Cobber Enterprises)	VC Floor Stock	264.00
EFT27037	31/10/2019	Clackline Fencing Contractors	Progressive Payment #1 - Fencing Upgrade - Showgrounds	4,875.00
EFT27038	31/10/2019	Dunnings Investments Pty Ltd	Bulk Water Bottles - October 2019	51.20
EFT27039	31/10/2019	Landgate	Interim Valuations	393.04
EFT27040	31/10/2019	Judy Dow	Monthly Members Allowance - October 2019	627.29
EFT27041	31/10/2019	AK Evans Earthmoving	Earthworks - McKnoe Drive Water Tank Site	3,850.00
EFT27042	31/10/2019	Eastern Hills Liquid Waste	Pump Out Septics - Pavillion	920.00
EFT27043	31/10/2019	Easifleet	Payroll Deductions	3,292.56
EFT27044	31/10/2019	Frontline Fire & Rescue Equipment	Bushfire Brigade PPE and SES GRT Refit	15,880.66
EFT27045	31/10/2019	Fuji Xerox Australia Pty Ltd	Photocopier Readings - September 2019	639.01
EFT27046	31/10/2019	Department Of Fire & Emergency Services	Recoup Of 18/19 BRMP - LG Grant Funds Acquittal	9,379.00
EFT27047	31/10/2019	Paula Greenway	Monthly Members Allowance - October 2019	1,080.33
EFT27048	31/10/2019	Groeneveld Australia Pty Ltd	Parts - Grader	702.57



List of Payments Presented to Council for Period 1 October 2019 to 31 October 2019				
Pay/Type	Date	Name	Description	Amount
EFT27049	31/10/2019	Geoff Ninnes Fong & Partners Pty Ltd	Progressive Structural And Water Treatment Drawings - Rec Precinct	5,489.00
EFT27050	31/10/2019	Grove Wesley Design Art	Community Centre Sign	572.00
EFT27051	31/10/2019	Global Machinery & Racking Systems	Tool Box For SES Ute	915.20
EFT27052	31/10/2019	Vodafone Hutchinson Australia P/L	Pager Charges - September 2019	405.90
EFT27053	31/10/2019	John Hansen	Reimbursement of PPE & Equipment	148.53
EFT27054	31/10/2019	Toodyay Hardware & Farm	Reticulations Parts	34.98
EFT27055	31/10/2019	Hills Concrete Products	Relocate Morangup Water Tank To New Site 800 McKnoe Drive	800.00
EFT27056	31/10/2019	G Horsfield	Window Cleaning - Shire Buildings	1,110.00
EFT27057	31/10/2019	Himac Attachments	Auger Drive Unit & 150Mm Rock Auger	3,443.00
EFT27058	31/10/2019	Hot Spot Electrical	Upgrade Power - Showgrounds	8,786.80
EFT27059	31/10/2019	Philip David Hart	Monthly Members Allowance - October 2019	453.04
EFT27060	31/10/2019	Kennards Hire	6 Week Hire Of 5 Variable Message Boards - 1st Payment	4,450.00
EFT27061	31/10/2019	Instant Products Hire	Hire Of Portable Unisex Toilet & Portable Accessible Toilet - Duidgee Park	752.25
EFT27062	31/10/2019	Jason Signmakers	Facility Sign - Bushfire Brigades	1,900.80
EFT27063	31/10/2019	Jonesy's Backhoe Hire	Screened Sand - Duidgee Park & Showgrounds	1,320.00
EFT27064	31/10/2019	JCB Construction	Parts - Loader	11,072.82
EFT27065	31/10/2019	Kleen West Distributers	Demineralised Water, Brake Cleaner & Towel Roll	197.01
EFT27066	31/10/2019	Local Government Professionals Australia WA	Attendance - Age Friendly Australia National Forum	230.00
EFT27067	31/10/2019	Limnios & Johns Pty Ltd	Project Management - Rec Precinct - Phase 3 - October 2019	11,874.50
EFT27068	31/10/2019	Luptons Liquid Waste	Hire Of Portable Toilets - Toodyay Ag Show 2019	990.00
EFT27069	31/10/2019	Rosemary Madacsi	Monthly Members Allowance - October 2019	507.68
EFT27070	31/10/2019	Mark Middleton	Paint To Lesser Hall And Stage Area - Memorial Hall	350.00
EFT27071	31/10/2019	Bill Manning	Monthly Members Attendance Allowance - October 2019	748.04
EFT27072	31/10/2019	Morangup Volunteer Bush Fire Brigade	Reimbursement For Temporary Phone & Internet Setup - Morangup Bush Fire Bridgade	152.00
EFT27073	31/10/2019	LGISWA	Liability Insurance & Property Insurance	123,146.10
EFT27074	31/10/2019	Midalia Steel P/L	Structural Steel	41.32
EFT27075	31/10/2019	Moore Stephens	ROU Assets - Term Of Lease - New Regulations AASB16 - Grader & Iveco	990.00
EFT27076	31/10/2019	Julians Pest Control	2 X Pest Inspections And Reports	600.00
EFT27077	31/10/2019	Mucky Duck Bush Band	Deposit - Entertainment For Australia Day Breakfast 2020	500.00
EFT27078	31/10/2019	WG & AM Morgan	Rates Refund For Assessment Folewood Road	177.21
EFT27079	31/10/2019	Metal Artwork Creations	Councillor Name Plates For Desks X 4	58.80
EFT27080	31/10/2019	Multicon Commercial Constructions	Variation Order #2 - Connection Of 2 DC Chargers For The Trucks	706.20
EFT27081	31/10/2019	National Pen	Australia Day 2020 Merchandise - BBQ Breakfast	316.14
EFT27082	31/10/2019	Northam Towing Services	Pick Up And Delivery Of Holden Colorado and Ford Ranger	605.00
EFT27083	31/10/2019	Susan Pearce	Members Monthly Allowance - October 2019	453.04
EFT27084	31/10/2019	Professional Lockservice	Supply 3 Complete Locks For Doors Of Street Bins	445.50
EFT27085	31/10/2019	Perth Region Tourism Organisation Inc	Area Promotion - Advertising	1,950.00
EFT27086	31/10/2019	Public Transport Authority	Transwa Ticket Sales - September 2019	774.44

## List of Payments Presented to Council for Period 1 October 2019 to 31 October 2019

Pay/Type	Date	Name	Description	Amount
EFT27087	31/10/2019	Rural Water Council Of WA (Inc)	19/20 Membership Subscription	200.00
EFT27088	31/10/2019	E & MJ Rosher P/L	Parts - Kubota Tractor	722.96
EFT27089	31/10/2019	Brian Rayner	Monthly Members Attendance Allowance - October 2019	3,071.58
EFT27090	31/10/2019	St John Ambulance - Toodyay & Districts	9 X Snake Bite Kits	180.00
EFT27091	31/10/2019	Stephen Carrick Architects Pty Ltd	Heritage Advisory Services - April 2019	1,221.00
EFT27092	31/10/2019	Simoco Australasia Pty Ltd	Repairs To Depot Radio System	2,088.24
EFT27093	31/10/2019	Sapio Pty Ltd	CCTV Work	4,086.79
EFT27094	31/10/2019	Scitech	Spacedome Incursion - 11 October 2019 - Youth Engagement	720.00
EFT27095	31/10/2019	Seek Limited	Advertising For General Hand / Plant Operator	489.50
EFT27096	31/10/2019	Shawmac Pty Ltd	Civil Design Engineering - Rec Precinct - Provision Of Civil & Servicing Design	11,408.10
EFT27097	31/10/2019	Snap West Perth	3000 DL Window Envelopes	644.66
EFT27098	31/10/2019	Toodyay Herald	Advertising For Bushfire Awareness Community Meet & Greet	383.50
EFT27099	31/10/2019	Shire Of Northam	AROC Membership 2019/2020 and Disposal of Waste	14,886.05
EFT27100	31/10/2019	Toodyay District High School	19/20 Community Sponsorship - Year 6 Academic Achievement Award	250.00
EFT27101	31/10/2019	Toodyay Brook Earthmoving	Clear Fenceline & Establish Fire Break On Malkup Brook Reserve	607.50
EFT27102	31/10/2019	Toodyay Pumps	Investigate Foam Issues On Morangup 2.4	554.50
EFT27103	31/10/2019	Eric Twine	Monthly Members Attendance Allowance - October 2019	627.29
EFT27104	31/10/2019	Tourism Council Western Australia Ltd	Registration - Gala Dinner Tourism Awards	199.00
EFT27105	31/10/2019	Toodyay Tyre & Exhaust	Tyres , Puncture Repairs, Battery	1,219.00
EFT27106	31/10/2019	Total Green Recycling	E Waste Recycling - 02/10/2019	596.31
EFT27107	31/10/2019	Toll	Freight - Depot Expendables	303.28
EFT27108	31/10/2019	IT Vision Aust Ltd	System restoration	275.00
EFT27109	31/10/2019	WA Hino Sales & Service	Parts - Prime Mover	141.26
EFT27110	31/10/2019	Wilmot Harvey Pty Ltd	VC Floor Stock	385.99
EFT27111	31/10/2019	Rob Welburn	Monthly Members Attendance Allowance - October 2019	627.29
EFT27112	31/10/2019	Wolfcom Australia Pty Ltd	4 X Wolfcom 360 Degree Rotating Clip	93.00
EFT27113	31/10/2019	Wheatbelt Office & Business Machines	Replacement Drum Kit For Planning & Development Printer	154.44
EFT27114	31/10/2019	WacWil Landscaping & Earthworks Pty Ltd	Install Fencing - Duidgee Park	2,475.00
EFT27115	31/10/2019	Wheatbelt Safetywear	Safety Boots	140.00
EFT27116	31/10/2019	Wren Oil	Collection Of Waste Oil	500.50
DD23642.1	01/10/2019	JAC Retirement Fund	Payroll Deductions	975.28
DD23642.2	01/10/2019	BT Super For Life	Superannuation Contributions	80.16
DD23642.3	01/10/2019	Rest Superannuation	Superannuation Contributions	219.69
DD23642.4	01/10/2019	WA Super	Superannuation Contributions	13,344.84
DD23642.5	01/10/2019	Hostplus Super	Superannuation Contributions	1,714.87
DD23642.6	01/10/2019	Australian Super	Superannuation Contributions	2,000.86
DD23642.7	01/10/2019	Bendigo Superannuation Plan	Superannuation Contributions	149.36
DD23642.8	01/10/2019	National Mutual Retirement Fund	Superannuation Contributions	335.48
DD23642.9	01/10/2019	AMP Financial	Superannuation Contributions	189.62
DD23661.1	15/10/2019	JAC Retirement Fund	Payroll Deductions	975.28

List of Payments Presented to Council for Period 1 October 2019 to 31 October 2019					
Pay/Type	Date	Name	Description	Amount	
DD23661.2	15/10/2019	Kaszanski Superfund	Superannuation Contributions		45.26
DD23661.3	15/10/2019	Rest Superannuation	Superannuation Contributions		225.63
DD23661.4	15/10/2019	WA Super	Superannuation Contributions		13,640.56
DD23661.5	15/10/2019	Hostplus Super	Superannuation Contributions		1,711.87
DD23661.6	15/10/2019	Australian Super	Superannuation Contributions		1,960.41
DD23661.7	15/10/2019	Bendigo Superannuation Plan	Superannuation Contributions		136.65
DD23661.8	15/10/2019	National Mutual Retirement Fund	Superannuation Contributions		355.95
DD23661.9	15/10/2019	AMP Financial	Superannuation Contributions		189.62
DD23676.1	29/10/2019	JAC Retirement Fund	Payroll Deductions		1,950.67
DD23676.2	29/10/2019	Local Government Superannuation Scheme - Pool A	Superannuation Contributions		378.82
DD23676.3	29/10/2019	Rest Superannuation	Superannuation Contributions		221.17
DD23676.4	29/10/2019	WA Super	Superannuation Contributions		13,342.71
DD23676.5	29/10/2019	Hostplus Super	Superannuation Contributions		1,714.76
DD23676.6	29/10/2019	Australian Super	Superannuation Contributions		1,954.61
DD23676.7	29/10/2019	Bendigo Superannuation Plan	Superannuation Contributions		133.27
DD23676.8	29/10/2019	National Mutual Retirement Fund	Superannuation Contributions		335.48
DD23676.9	29/10/2019	AMP Financial	Superannuation Contributions		189.62
DD23642.10	01/10/2019	MLC Superfund	Superannuation Contributions		413.92
DD23642.11	01/10/2019	Hesta	Superannuation Contributions		234.65
DD23661.10	15/10/2019	MLC Superfund	Superannuation Contributions		445.07
DD23661.11	15/10/2019	Hesta	Superannuation Contributions		234.65
DD23676.10	29/10/2019	MLC Superfund	Superannuation Contributions		437.22
DD23676.11	29/10/2019	Hesta	Superannuation Contributions		234.65
<b>Total Payments</b>					<b>1,805,410.51</b>

IPV/BPV	349,962.22
Trust Chqs	
EFT	1,359,240.27
DD Super	60,472.66
DD Loans	
Muni Chqs	35,735.36
<b>TOTAL</b>	<b>1,805,410.51</b>

This Page has been Left Blank "Intentionally"



**SHIRE OF TOODYAY**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ended 31 October 2019**  
**LOCAL GOVERNMENT ACT 1995**  
**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

**TABLE OF CONTENTS**

Statement of Financial Activity by Program	
Statement of Financial Activity by Nature and Type	
Note 2	Explanation of Material Variances
Note 3	Net Current Funding Position
Note 4	Cash and Investments
Note 5	Budget Amendments
Note 6	Receivables
Note 7	Cash Backed Reserves
Note 8	Capital Disposals
Note 9	Rating Information
Note 10	Information on Borrowings
Note 11	Grants and Contributions
Note 12	Trust
Statement of Capital Acquisitions and Capital Funding	
Note 13	Details of Capital Acquisitions

**SHIRE OF TOODYAY**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(Statutory Reporting Program)**  
**For the Period Ended 31 October 2019**

Note	2018/2019 Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	\$	\$	\$	\$	%	
<b>Operating Revenues</b>						
	49,500	16,496	10,394	(6,102)	(36.99%)	▼
9	6,542,879	6,542,079	6,409,818	(132,261)	(2.02%)	
	966,657	260,605	272,675	12,070	4.63%	
	768,066	108,790	497,181	388,391	357.01%	▲
	67,500	46,828	49,329	2,501	5.34%	
	10,500	3,496	3,675	179	5.13%	
	731,860	688,848	687,265	(1,583)	(0.23%)	
	127,250	47,732	28,156	(19,576)	(41.01%)	▼
	214,214	163,214	154,149	(9,065)	(5.55%)	
	294,164	95,816	73,260	(22,556)	(23.54%)	▼
	122,322	40,764	65,558	24,794	60.82%	▲
<b>Total Operating Revenue</b>	<b>9,894,912</b>	<b>8,014,668</b>	<b>8,251,461</b>	<b>236,793</b>		
<b>Operating Expense</b>						
	(837,896)	(368,315)	(284,135)	84,180	22.86%	▲
	(380,331)	(120,084)	(119,915)	169	0.14%	
	(1,371,427)	(477,602)	(509,226)	(31,624)	(6.62%)	
	(314,097)	(132,394)	(120,451)	11,943	9.02%	
	(67,858)	(22,604)	(23,053)	(449)	(1.99%)	
	(36,562)	(12,188)	(11,937)	251	2.06%	
	(1,259,157)	(419,696)	(415,917)	3,779	0.90%	
	(1,767,600)	(637,881)	(577,768)	60,113	9.42%	
	(5,376,071)	(1,809,617)	(1,677,022)	132,595	7.33%	
	(1,270,833)	(440,525)	(416,095)	24,430	5.55%	
	(242,323)	(158,961)	(171,718)	(12,757)	(8.02%)	
<b>Total Operating Expenditure</b>	<b>(12,924,155)</b>	<b>(4,599,867)</b>	<b>(4,327,236)</b>	<b>272,631</b>		
<b>Funding Balance Adjustments</b>						
	4,428,700	1,476,208	1,429,144	(47,064)	(3.19%)	
8	(28,616)	(1,064)	0	1,064	(100.00%)	
	0	0	1,705	1,705		
<b>Net Cash from Operations</b>	<b>1,370,841</b>	<b>4,889,945</b>	<b>5,355,074</b>	<b>465,129</b>		
<b>Capital Revenues</b>						
11	8,017,397	2,799,002	1,088,716	(1,710,286)	(61.10%)	▼
8	573,000	36,000	0	(36,000)	(100.00%)	▼
<b>Total Capital Revenues</b>	<b>8,590,397</b>	<b>2,835,002</b>	<b>1,088,716</b>	<b>(1,746,286)</b>		
<b>Capital Expenses</b>						
13	(6,439,706)	(2,146,568)	(427,515)	1,719,053	80.08%	▲
13	(2,383,285)	(794,452)	(372,524)	421,928	53.11%	▲
13	(9,066,049)	(3,022,016)	(1,006,238)	2,015,778	66.70%	▲

**SHIRE OF TOODYAY**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(Statutory Reporting Program)**  
**For the Period Ended 31 October 2019**

	Note	2018/2019 Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Infrastructure - Bridges	13	(374,733)	(124,908)	0	124,908	100.00%	▲
Infrastructure - Other	13	(190,000)	(163,332)	(21,659)	141,673	86.74%	▲
Plant and Equipment	13	(299,062)	(99,684)	(483,747)	(384,063)	(385.28%)	▼
<b>Total Capital Expenditure</b>		<b>(18,752,835)</b>	<b>(6,350,960)</b>	<b>(2,311,684)</b>	<b>4,039,276</b>		
<b>Net Cash from Capital Activities</b>		<b>(10,162,438)</b>	<b>(3,515,958)</b>	<b>(1,222,968)</b>	<b>2,292,990</b>		
<b>Financing</b>							
Proceeds from New Debentures		4,500,000	1,500,000	0	(1,500,000)	100.00%	
Transfer from Reserves	7	3,179,640	943,544	0	(943,544)	100.00%	
Repayment of Debentures	10	(383,563)	(123,609)	(38,170)	85,439	69.12%	▲
Transfer to Reserves	7	(683,350)	(227,756)	(26,755)	201,001	88.25%	▲
<b>Net Cash from Financing Activities</b>		<b>6,612,727</b>	<b>2,092,179</b>	<b>(64,925)</b>	<b>(2,157,104)</b>		
<b>Net Operations, Capital and Financing</b>		<b>(2,178,870)</b>	<b>3,466,166</b>	<b>4,067,180</b>	<b>601,014</b>		
<b>Opening Funding Surplus/(Deficit)</b>	3	<b>2,319,310</b>	<b>2,319,310</b>	<b>2,158,254</b>		<b>(6.94%)</b>	
	3	<b>140,440</b>	<b>5,785,476</b>	<b>6,225,434</b>	<b>601,014</b>	<b>7.60%</b>	

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.  
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

**SHIRE OF TOODYAY**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(By Nature or Type)**  
**For the Period Ended 31 October 2019**

	Note	2018/2019 Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
<b>Operating Revenues</b>							
Rates	9	\$ 6,542,879	\$ 6,542,079	\$ 6,409,818	(132,261)	(2.02%)	
Operating Grants, Subsidies and Contributions	11	1,810,387	493,261	872,499	379,238	76.88%	
Fees and Charges		1,312,780	923,272	895,420	(27,852)	(3.02%)	
Interest Earnings		145,000	48,328	55,896	7,568	15.66%	▲
Other Revenue		20,000	6,664	17,828	11,164	167.52%	▲
Profit on Disposal of Assets	8	63,866	1,064	0	(1,064)		
<b>Total Operating Revenue</b>		<b>9,894,912</b>	<b>8,014,668</b>	<b>8,251,461</b>	<b>236,793</b>		
<b>Operating Expense</b>							
Employee Costs		(4,590,707)	(1,561,443)	(1,555,167)	6,276	0.40%	
Materials and Contracts		(2,950,872)	(1,118,581)	(901,074)	217,507	19.44%	▲
Utility Charges		(259,801)	(93,084)	(70,291)	22,793	24.49%	▲
Depreciation on Non-Current Assets		(4,428,700)	(1,476,208)	(1,429,144)	47,064	3.19%	
Interest Expenses		(271,262)	(74,176)	(9,444)	64,732	87.27%	▲
Insurance Expenses		(257,063)	(193,221)	(271,512)	(78,291)	(40.52%)	▼
Other Expenditure		(130,500)	(74,324)	(90,605)	(16,281)	(21.91%)	▼
Loss on Disposal of Assets	8	(35,250)	(8,830)	0	8,830		
<b>Total Operating Expenditure</b>		<b>(12,924,155)</b>	<b>(4,599,867)</b>	<b>(4,327,236)</b>	<b>272,631</b>		
		<b>(3,029,243)</b>	<b>3,414,801</b>	<b>3,924,224</b>			
<b>Funding Balance Adjustments</b>							
Add back Depreciation		4,428,700	1,476,208	1,429,144	(47,064)	(3.19%)	
Adjust (Profit)/Loss on Asset Disposal		(28,616)	(1,064)	0	1,064	(100.00%)	
Adjust Provisions and Accruals		0	0	1,705	1,705		
<b>Net Cash from Operations</b>		<b>1,370,841</b>	<b>4,889,945</b>	<b>5,355,073</b>	<b>465,128</b>		
<b>Capital Revenues</b>							
Grants, Subsidies and Contributions	11	8,017,397	2,799,002	1,088,716	(1,710,286)	(61.10%)	▼
Proceeds from Disposal of Assets		573,000	36,000	0	(36,000)	(100.00%)	▼
<b>Total Capital Revenues</b>		<b>8,590,397</b>	<b>2,835,002</b>	<b>1,088,716</b>	<b>(1,746,286)</b>		
<b>Capital Expenses</b>							
Land and Buildings	13	(6,439,706)	(2,146,568)	(427,515)	1,719,053	80.08%	▲
Infrastructure - Roads	13	(2,383,285)	(794,452)	(372,524)	421,928	53.11%	▲
Infrastructure - Parks & Recreation	13	(9,066,049)	(3,022,016)	(1,006,238)	2,015,778	66.70%	▲
Infrastructure - Other	13	(190,000)	(163,332)	(21,659)	141,673	86.74%	▲
Plant and Equipment	13	(299,062)	(99,684)	(483,747)	(384,063)	(385.28%)	▼
<b>Total Capital Expenditure</b>		<b>(18,752,835)</b>	<b>(6,350,960)</b>	<b>(2,311,684)</b>	<b>4,039,276</b>		
		<b>(10,162,438)</b>	<b>(3,515,958)</b>	<b>(1,222,968)</b>	<b>2,292,990</b>		
<b>Net Cash from Capital Activities</b>		<b>(10,162,438)</b>	<b>(3,515,958)</b>	<b>(1,222,968)</b>	<b>2,292,990</b>		
<b>Financing</b>							
Proceeds from New Debentures		4,500,000	1,500,000	0	(1,500,000)	(100.00%)	
Transfer from Reserves	7	3,179,640	943,544	0	(943,544)	(100.00%)	
Repayment of Debentures	10	(383,563)	(123,609)	(38,170)	85,439	69.12%	▲
Transfer to Reserves	7	(683,350)	(227,756)	(26,755)	201,001	88.25%	▲
<b>Net Cash from Financing Activities</b>		<b>6,612,727</b>	<b>2,092,179</b>	<b>(64,925)</b>	<b>(2,157,104)</b>		
<b>Net Operations, Capital and Financing</b>		<b>(2,178,870)</b>	<b>3,466,166</b>	<b>4,067,180</b>	<b>601,014</b>		
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,319,310</b>	<b>2,319,310</b>	<b>2,158,254</b>		<b>(6.94%)</b>	
<b>Closing Funding Surplus(Deficit)</b>	3	<b>140,440</b>	<b>5,785,476</b>	<b>6,225,434</b>	<b>601,014</b>		▲

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.  
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements



**Shire of Toodyay**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**Note 2: EXPLANATION OF MATERIAL VARIANCES**

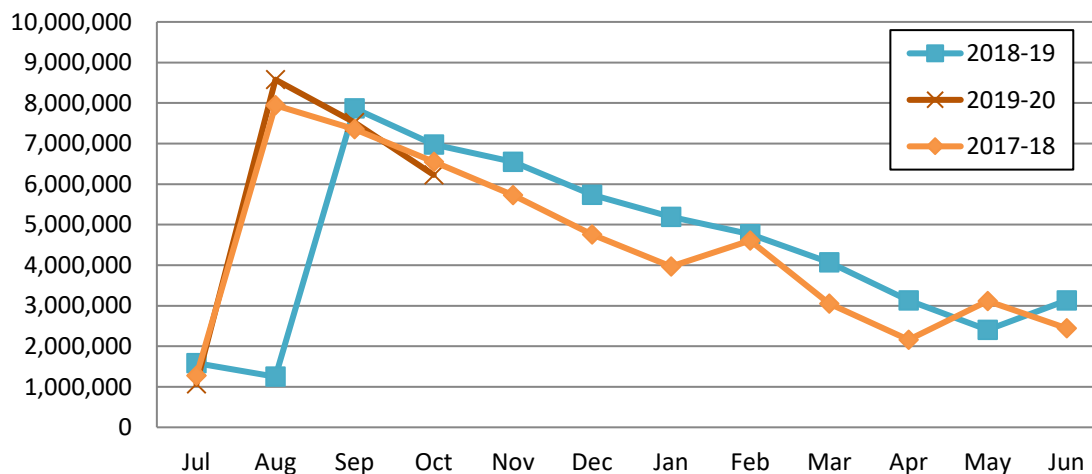
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
	\$	%			
<b>Operating Revenues</b>					
Governance	(6,102)	(36.99%)	▼	Timing	Recoups and Admin Income less than budgeted to date
General Purpose Funding - Rates	(132,261)	(2.02%)			
General Purpose Funding - Other	12,070	4.63%			
Law, Order and Public Safety	388,391	357.01%	▲	Timing	Grant received for Coondle Fire Truck - offset by 051250
Health	2,501	5.34%			
Education & Welfare	0	0.00%			
Housing	179	0.00%			
Community Amenities	(1,583)	(0.23%)			
Recreation and Culture	(19,576)	(41.01%)	▼	Timing	Grant and Rental income less than budgeted to date
Transport	(9,065)	(5.55%)			
Economic Services	(22,556)	(23.54%)	▼	Timing	Standpipe income and profit on sale of Assets less than budgeted to date
Other Property and Services	24,794	60.82%	▲	Timing	Workers Compensation Reimbursement received
<b>Operating Expense</b>					
Governance	84,180	22.86%	▲	Timing	Employee Costs less than budgeted to date and Election Expense still to be invoiced
General Purpose Funding	169	0.14%			
Law, Order and Public Safety	(31,624)	(6.62%)			
Health	11,943	9.02%			
Education & Welfare	(449)	(1.99%)			
Housing	251	2.06%			
Community Amenities	3,779	0.90%			
Recreation and Culture	60,113	9.42%			
Transport	132,595	7.33%			
Economic Services	24,430	5.55%			
Other Property and Services	(12,757)	(8.02%)			
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	(1,710,286)	(61.10%)	▼	Timing	Grant Income
Proceeds from Disposal of Assets	(36,000)	(100.00%)	▼	Timing	Sale of assets yet to occur
<b>Capital Expenses</b>					
Land and Buildings	1,719,053	80.08%	▲	Timing	Projects not yet commenced or not completed
Infrastructure - Roads	421,928	53.11%	▲	Timing	Projects not yet commenced or not completed
Infrastructure - Parks & Recreation	2,015,778	66.70%	▲	Timing	Projects not yet commenced or not completed
Infrastructure - Other	141,673	86.74%	▲	Timing	Projects not yet commenced or not completed
Plant and Equipment	(384,063)	(385.28%)	▼	Timing	Coondle Fire Truck - Offset by Income GL. 051331
<b>Financing</b>					
Loan Principal	85,439	69.12%	▲	Timing	Loan repayments yet to be made

**Shire of Toodyay**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 October 2019**

**Note 3: NET CURRENT FUNDING POSITION**

		Positive=Surplus (Negative=Deficit)		
		YTD 31 Oct 2019	30th June 2019	YTD 31 Oct 2018
		\$	\$	\$
<b>Current Assets</b>				
	4	3,792,348	2,291,507	3,885,693
	4	3,785,349	3,759,393	3,341,745
	6	2,944,581	940,360	3,505,567
	6	257,970	65,669	70,704
		67,468	73,576	81,953
		<b>10,847,717</b>	<b>7,130,506</b>	<b>10,885,662</b>
<b>Less: Current Liabilities</b>				
		(590,973)	(958,642)	(346,745)
		(695,294)	(696,799)	(676,558)
		<b>(1,286,267)</b>	<b>(1,655,442)</b>	<b>(1,023,303)</b>
	7	(3,785,349)	(3,759,393)	(3,341,745)
		200,679	238,849	209,914
		248,654	246,949	245,303
		<b>6,225,434</b>	<b>2,201,469</b>	<b>6,975,832</b>

**Note 3 - Liquidity Over the Year**



**Comments - Net Current Funding Position**

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**Note 4: CASH AND INVESTMENTS**

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>								
Municipal		982,300				982,300	Bendigo Bank	At Call
Trust				169,835		169,835	Bendigo Bank	At Call
<b>(b) Term Deposits</b>								
Municipal NCD: 3090680	1.34%	813,099				813,099	Bendigo Bank	21.11.19
Municipal NCD: 3122955	1.45%	1,000,000				1,000,000	Bendigo Bank	20.11.19
Municipal NCD: 3154815	1.20%	1,001,062				1,001,062	Bendigo Bank	21.11.19
Reserve NCD: 3142787	1.50%		3,785,349			3,785,349	Bendigo Bank	09.01.20
Trust - T83	2.25%			137,395		137,395	Bendigo Bank	19.12.19
Trust - T84	2.25%			214,337		214,337	Bendigo Bank	19.12.19
Trust - T794	1.60%			107,689		107,689	Bendigo Bank	27.12.19
Trust - T100	1.50%			139,301		139,301	Bendigo Bank	27.01.20
Trust - T4	1.55%			123,033		123,033	Bendigo Bank	26.01.20
Trust - T114	1.55%			204,987		204,987	Bendigo Bank	26.01.20
Trust - T214	1.55%			48,661		48,661	Bendigo Bank	26.01.20
Trust -T458	1.55%			444,429		444,429	Bendigo Bank	26.01.20
Trust - T793	1.55%			23,568		23,568	Bendigo Bank	26.01.20
Trust - T797	1.55%			32,345		32,345	Bendigo Bank	26.01.20
Trust - T807	1.60%			122,448		122,448	Bendigo Bank	19.01.20
Trust - T805	1.60%			24,004		24,004	Bendigo Bank	14.12.19
Trust - T809	1.60%			121,692		121,692	Bendigo Bank	18.01.20
<b>Total</b>		<b>3,796,461</b>	<b>3,785,349</b>	<b>1,913,723</b>		<b>9,495,533</b>		

**Comments/Notes - Investments**

The above totals reflect the actual balance of the bank statements held at the Bank at month end. These balances will not include items such as unrepresented cheques and payments, and monies received by the Shire on the last day of the month.

Trust monies held by the Shire of Toodyay are not reflected in Note 3: Net Current Funding Position.

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

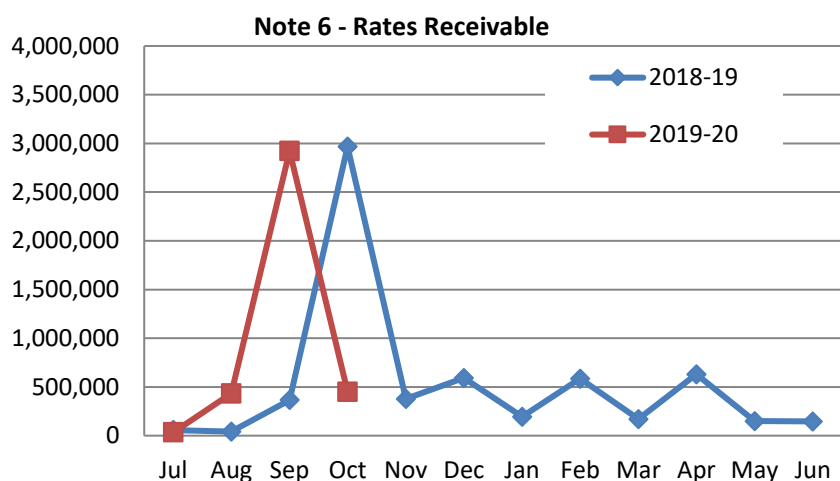
**Note 6: RECEIVABLES**

**Receivables - Rates Receivable**

Opening Arrears Previous Years  
Levied this year  
Less Collections to date  
Equals Current Outstanding

**Net Rates Collectable**  
% Collected

	YTD 31 Oct 2019	30 June 2018
	\$	\$
Opening Arrears Previous Years	681,435	567,647
Levied this year	6,528,079	6,231,002
Less Collections to date	(3,836,537)	(6,117,214)
Equals Current Outstanding	<b>3,372,977</b>	<b>681,435</b>
<b>Net Rates Collectable</b>	<b>3,372,977</b>	<b>681,435</b>
% Collected	53.21%	89.98%



**Comments/Notes - Receivables Rates**

**Comments/Notes - Receivables Rates and Rubbish**

**Current**

Legal Action	143,290
Pensioners	368,566
No Action Required	105
Payment Arrangement	431,772
Employee Direct Debit	3,372
Instalment Option	1,672,878
Properties in Recivership	26,147
Final Notice	435,326
Sale of Land LG Act S6.64	88,977
Properties in Credit	(40,851)

**Total Current** **3,129,582**

**Non- Current**

Deferred Pensioners	243,395
( not collectable till Pensioner property is sold)	
<b>Total</b>	<b>3,372,977</b>

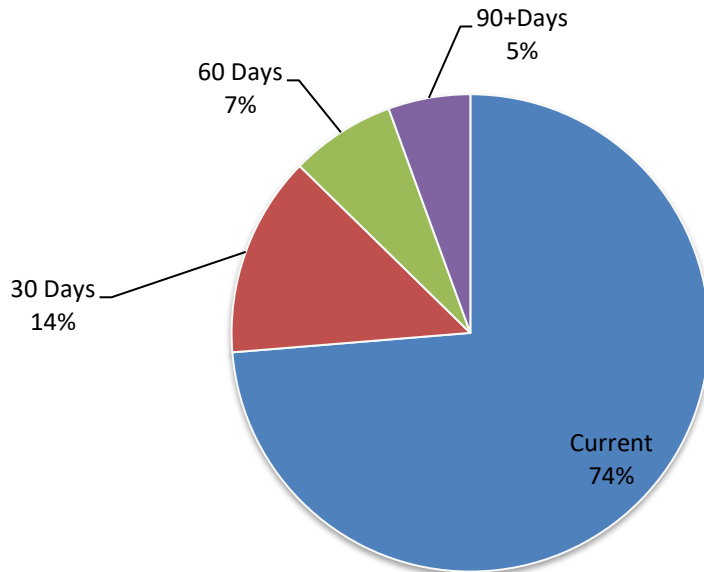


**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 October 2019**

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	7,077	1,308	684	534
<b>Total Receivables General Outstanding</b>				<b>9,602</b>

Amounts shown above include GST (where applicable)

**Note 6 - Accounts Receivable (non-rates)**



**Comments/Notes - Receivables General**

This note reflects Sundry Debtors only. It does not include other debtors such as GST due from the ATO & Pensioner Rebates due from the State.

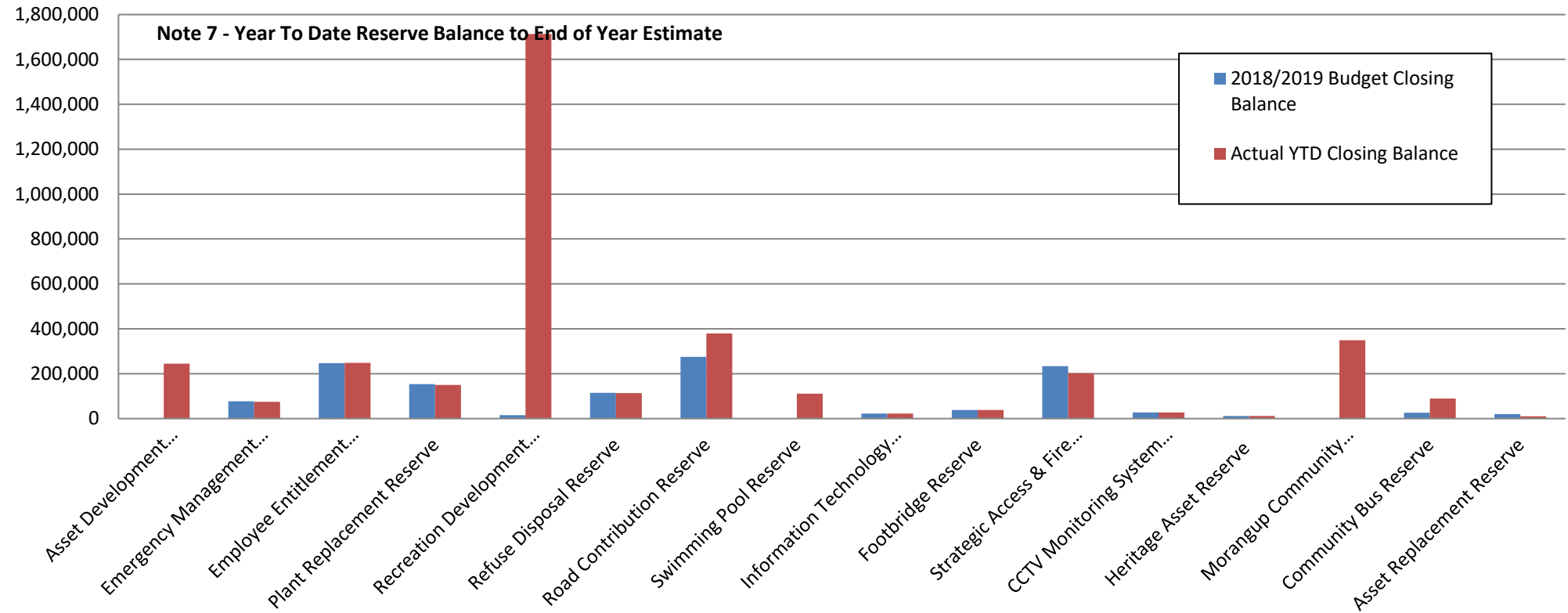
Final Letters	600
Seven Day Letters	1,308
Debt Collection	534
No Action Required	7,161
<b>Total Outstanding</b>	<b>9,602</b>

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**Note 7: Cash Backed Reserve**

2019-20									
Name	Opening Balance	2018/2019 Budget Interest Earned	Actual Interest Earned	2018/2019 Budget Transfers In (+)	Actual Transfers In (+)	2018/2019 Budget Transfers Out (-)	Actual Transfers Out (-)	2018/2019 Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Asset Development Reserve	242,991	5,000	1,678	465,000		(712,991)		0	244,669
Emergency Management & Recovery Reserve	74,001	2,500	511	0				76,501	74,511
Employee Entitlement Reserve	246,949	5,000	1,705	60,000		(65,000)		246,949	248,654
Plant Replacement Reserve	149,282	4,000	1,031	0				153,282	150,313
Recreation Development Reserve	1,701,552	15,000	11,748	0		(1,701,552)		15,000	1,713,300
Refuse Disposal Reserve	113,312	2,000	782	0				115,312	114,095
Road Contribution Reserve	377,283	5,000	2,605	70,000		(177,000)		275,283	379,888
Swimming Pool Reserve	110,691	2,000	764	0		(110,691)		2,000	111,455
Information Technology Reserve	22,173	500	153	0				22,673	22,326
Footbridge Reserve	37,805	500	261	0				38,305	38,066
Strategic Access & Fire Egress Reserve	200,567	3,000	1,385	30,000				233,567	201,952
CCTV Monitoring System Reserve	26,630	350	184	0				26,980	26,814
Heritage Asset Reserve	10,965	500	76	0				11,465	11,041
Morangup Community Centre Reserve	346,981	2,000	2,396	0		(348,981)		0	349,377
Community Bus Reserve	88,173	1,000	609	0		(63,425)		25,748	88,782
Asset Replacement Reserve	10,038	0	69	10,000				20,038	10,107
	<b>3,759,394</b>	<b>48,350</b>	<b>25,955</b>	<b>635,000</b>	<b>0</b>	<b>(3,179,640)</b>	<b>0</b>	<b>1,263,104</b>	<b>3,785,349</b>

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019



SHIRE OF TOODYAY  
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
 For the Period Ended 31 October 2019

Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal				Disposals	Amended Current Budget			Comments
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 31 10 2019			
					2019/2020 Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance	
\$	\$	\$	\$	\$	\$	\$		
				<b>Plant and Equipment</b>				
				PL046 JCB 436ZX FE Loader	2,713	0	(2,713)	
				PL024 Dynapac Vibrating Roller	(250)	0	250	
				MV154 Mitsubishi Triton Ute	489	0	(489)	
				<b>Land and Buildings</b>				
				BLG030 Telegraph Road - House	53,664	0	(53,664)	
				Telegraph Road - Land	(35,000)	0	35,000	
				808 Duke Street - Land	7,000	0	(7,000)	
0	0	0	0		28,616	0	(28,616)	

Comments - Capital Disposal/Replacements



**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**Note 9: RATING INFORMATION**

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2019/2020 Budget Rate Revenue \$	2019/2020 Budget Interim Rate \$	2019/2020 Budget Back Rate \$	2019/2020 Budget Total Revenue \$
<b>Differential General Rate</b>											
GRV Residential	12.9430	508	7,170,388	928,063	(12,757)		915,306	902,549			902,549
GRV - Commercial	14.0200	28	1,338,282	187,627	(3,827)		183,800	179,973			179,973
GRV - Industrial	12.3483	20	419,892	52,415	(136)		52,279	52,142			52,142
GRV - Rural	11.8690	100	1,427,920	169,480	0		169,480	169,480			169,480
GR V - Rural Residential	11.2600	878	12,824,500	1,444,039	610	336	1,444,985	1,445,932			1,445,932
UV - General	1.1680	450	96,148,000	1,123,009	3,477		1,126,486	1,129,964			1,129,964
UV Rural	0.8969	178	155,137,000	1,391,424	(879)	(425)	1,390,120	1,388,817			1,388,817
<b>Sub-Totals</b>		2,162	274,465,982	5,296,057	(13,511)	(89)	5,282,457	5,268,857	0	0	5,268,857
<b>Minimum Payment</b>	<b>Minimum \$</b>										
GRV Residential	1,351.00	225	1,239,049	303,975	0	0	303,975	303,975	0	0	303,975
GRV - Commercial	1,351.00	6	35,200	8,106	0	0	8,106	8,106	0	0	8,106
GRV - Industrial	1,351.00	10	38,040	13,510	0	0	13,510	13,510	0	0	13,510
GRV - Rural	1,351.00	43	354,688	58,093	0	0	58,093	58,093	0	0	58,093
GRV - Rural Residential	1,351.00	533	3,509,842	720,083	0	0	720,083	720,083			720,083
UV - General	1,351.00	105	6,500,800	141,855	0	0	141,855	141,855	0	0	141,855
UV Rural	1,351.00	0	0	0	0	0	0	0	0	0	0
<b>Sub-Totals</b>		922	11,677,619	1,245,622	0	0	1,245,622	1,245,622	0	0	1,245,622
				<u>6,541,679</u>			6,528,079				6,514,479
UV Pastoral Concession											0
Concession											0
<b>Amount from General Rates</b>							<b>6,528,079</b>				<b>6,514,479</b>
Ex-Gratia Rates							1,200				1,200
Less movement in rates in advance											
<b>Totals</b>							<b>6,529,279</b>				<b>6,515,679</b>

**Comments - Rating Information**

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**10. INFORMATION ON BORROWINGS**

(a) Debenture Repayments

Particulars	Principal 1-Jul-18	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	2019/2020 Budget \$	Actual \$	2019/2020 Budget \$	Actual \$	2019/2020 Budget \$
<b>Recreation &amp; Culture</b>								
Loan 65 - Community Centre	30,954		5,777	12,161	25,177	18,793	1,163	1,658
Loan 67 - Library Upgrade	222,702		0	38,951	222,702	183,751	862	15,033
Loan 69 - Library Upgrade	35,079		0	35,079	35,079	0	220	1,972
Loan 72 - Land - Rec Precinct	785,883		0	41,512	785,883	744,371	2,675	37,307
Loan 73 - Refurbish Courts	10,188		10,188	10,189	0	0	229	288
Loan 75 - Recreation Precinct	0	4,500,000	0	150,492	0	4,349,508	0	178,510
			0					
<b>Transport</b>								
Loan 70 - Footbridge	30,910		3,676	15,021	27,234	15,889	580	1,618
Loan 71 - Depot Stage 2	624,816		0	34,480	624,816	590,336	2,141	30,093
<b>Economic Services</b>								
Loan 64 - Visitor Centre	38,628		0	18,683	38,628	19,945	155	2,440
<b>Other Property &amp; Services</b>								
Loan 63 - Bank Building	34,424		8,211	16,680	26,213	17,744	1,188	2,052
Loan 74 - Refurbish Bank Building	10,317		10,317	10,317	0	0	232	291
	<b>1,823,901</b>	<b>4,500,000</b>	<b>38,170</b>	<b>383,565</b>	<b>1,785,732</b>	<b>5,940,337</b>	<b>9,444</b>	<b>271,262</b>

No new debentures were raised during the reporting period.

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**Note 11: GRANTS AND CONTRIBUTIONS**

Program/Details GL	Grant Provider	Approval	2019-20 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>								
GENERAL PURPOSE GRANT	Federal Government	Yes	468,704				112,551	356,154
ROAD IMPROVEMENT GRANT	Federal Government	Yes	270,453				63,799	206,654
Rates - Legal Expenses Recovered	Local Government	Yes	35,000				9,856	25,144
<b>GOVERNANCE</b>								
Recoups - Contributions, Donations & Reimburs	Local Government		7,500				0	7,500
LEGAL EXPENSES RECOVERED	Local Government		1,000				0	1,000
Grants - Governance	Local Government		1,000				0	1,000
Administration - Income	Local Government		30,000				2,180	27,820
Administration - Income - GST Free	Local Government		10,000				7,657	2,343
<b>LAW, ORDER, PUBLIC SAFETY</b>								
Fire Prevention - Grants	DFES	Yes	790,932				706,705	84,227
ESL Levy Recoup	DFES	Yes	176,358				50,238	126,120
CCTV	DFES	Yes	159,956				144,956	15,000
CESM Recoups	DFES & Shire of Goomalling	Yes	112,826				32,641	80,185
Toodyay Districts SES	DFES	Yes	57,621				9,458	48,164
<b>HOUSING</b>								
Recoups - Staff Housing	Local Government		500				435	65
<b>COMMUNITY AMENITIES</b>								
Community Sponsorship	Local Government		5,000				0	5,000

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**Note 11: GRANTS AND CONTRIBUTIONS**

Program/Details GL	Grant Provider	Approval	2019-20 Budget	Variations Additions (Deletions)	Operating	Capital	Recoup Status	
							Received	Not Received
<b>RECREATION AND CULTURE</b>								
Community Centre Recoups		No	1,500				530	970
Club Insurance		Yes	3,750				1,888	1,862
Toodyay Race Club Reimbursements		Yes	3,500				2,189	1,311
Sport & Rec Grants	Lotterywest	Yes	1,000				909	91
Grant Income - Writers Festival		Yes	1,500				231	1,269
EMRC - AVON/IFF Festival	East Metropolitan Reg Council	Yes	30,000				0	30,000
Grants Income	East Metropolitan Reg Council	Yes	3,000				0	3,000
Sport & Rec Grants	Dept Sport & Rec		2,500				0	2,500
Events Misc			1,500				0	1,500
Recreation Precinct	CSRFF & BBRF		5,575,425				187,214	5,388,211
Grant - Heritage	Lotterywest		197,000				0	197,000
<b>TRANSPORT</b>								
Operating Grants - Roads	MRWA	Yes	137,714				137,714	0
MRWA Street Light Subsidy	MRWA	Yes	1,500				0	1,500
Road Maintenance Contributions	Private	Yes	75,000				16,435	58,565
Road Program Grant	Main Roads	Yes	923,220				434,437	488,783
Roads to Recovery Grant	Dept of Infrastructure	Yes	530,820				0	530,820
<b>ECONOMIC SERVICES</b>								
Community Directory	Avon Valley Advocate		3,000				0	3,000
Tourism & Area Promotion			3,000				55	2,945
<b>OTHER PROPERTY &amp; SERVICES</b>								
Public Works Overheads			1,000				965	35
Workers Compensation	LGIS		0				14,249	(14,249)
Fuel Tax Credits	ATO		28,000				2,150	25,850
Bank Building Recoups	Bendigo Bank		2,000				1,166	834
Reimbursement - Parenting Payment Scheme	Centrelink		0				1,481	(1,481)
Insurance Reimbursement	LGIS		0				19,124	(19,124)
<b>TOTALS</b>			<b>9,827,784</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,961,215</b>	<b>7,866,569</b>
	Operating		1,810,387				1,059,712	
	Non-operating		8,017,397				901,502	
			<u>9,827,784</u>				<u>1,961,215</u>	



**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 31 October 2019**

**Note 12: TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

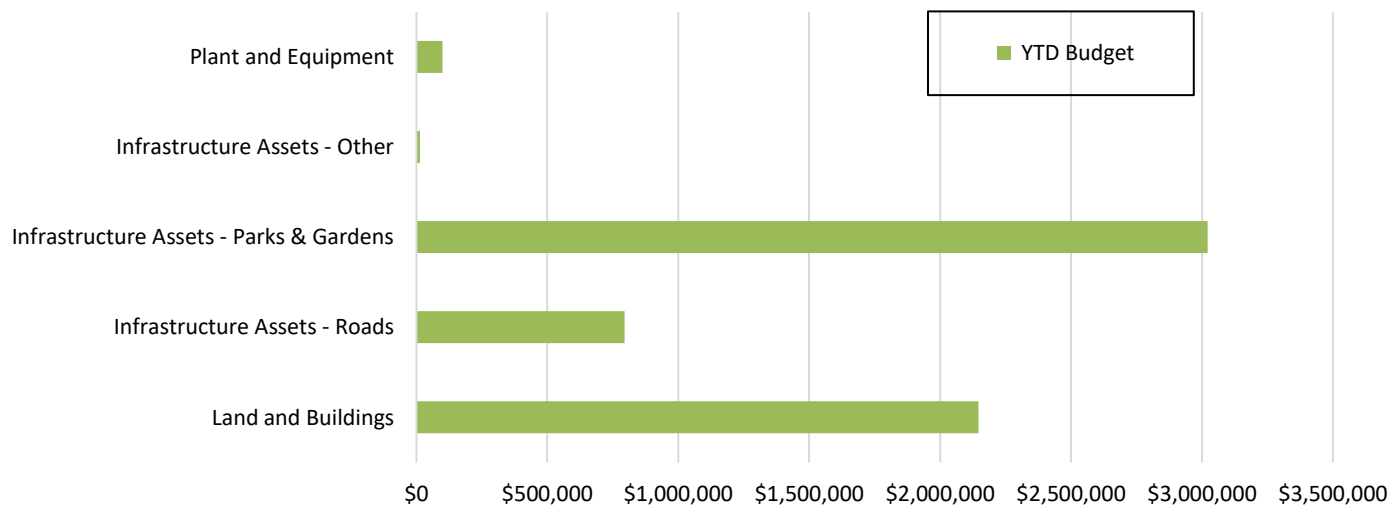
Description	Opening Balance 1 Jul 19	Amount Received	Amount Paid	Closing Balance 31-Oct-19
	\$	\$	\$	\$
Qarry rehabilitation Bonds	1,615,532	17,660		1,633,192
Housing bonds	14,525			14,525
Kerb Bonds	9,200			9,200
Key bonds	6,661	450		7,111
Venue Hire Bonds	7,900	3,300	(3,900)	7,300
Crossover Bonds	53,540			53,540
BCITF	2,706	26,930	(26,075)	3,561
Building Services	10,949	20,862	(21,484)	10,327
Library Bonds	175			175
Standpipe bonds	17,110	1,550		18,660
Road Construction Bonds	27,998			27,998
Other Bonds	5,394	800		6,194
Planning Bonds	537			537
Aged Housing Grant Funds	0			0
Swimming Pool Funds	121,404			121,404
	<b>1,893,631</b>	<b>71,552</b>	<b>(51,460)</b>	<b>1,913,724</b>

**SHIRE OF TOODYAY**  
**STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING**  
For the Period Ended 31 October 2019

Capital Acquisitions	Note	YTD 31 10 2019			
		YTD Actual New /Upgrade (a)	YTD Budget (d)	2019/2020 Annual Budget	Variance (d) - (c)
		\$	\$	\$	\$
Land and Buildings	13	427,515	2,146,568	6,439,706	(1,719,053)
Infrastructure Assets - Roads	13	372,524	794,452	2,383,285	(421,928)
Infrastructure Assets - Parks & Gardens	13	1,006,238	3,022,016	9,066,049	(2,015,778)
Infrastructure Assets - Other	13	10,206	13,332	40,000	(3,126)
Plant and Equipment	13	483,747	99,684	299,062	384,063
<b>Capital Expenditure Totals</b>		<b>2,311,683</b>	<b>6,226,052</b>	<b>18,378,102</b>	<b>(3,914,369)</b>

Comments and graphs

**Capital Expenditure Program YTD**



**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**Note 13: CAPITAL ACQUISITIONS**

% of Completion	Infrastructure Assets		Annual Budget 2019/20	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
	<b>LAND</b>		0	0	0	0	0	
	<b>Land Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
	<b>Total Land</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
	<b>BUILDINGS</b>							
	<b>Governance</b>							
0.0%	Admin Brickwork Remediation	Q191	5,000	1,668	0	(5,000)		
0.0%	Repaint of Chambers Ceiling	Q190	5,000	1,668	0	(5,000)		
0.0%	Planning for Replacement Donga	Q147	20,000	6,668	0	(20,000)		
	<b>Governance Total</b>		<b>30,000</b>	<b>10,004</b>	<b>0</b>	<b>(30,000)</b>	<b>0</b>	
	<b>Law, Order, Public Safety</b>							
57.7%	Coondle Nunile Fire Station	Q181A	400,366	133,456	230,941	(169,425)		
0.0%	Morangup Co Location Centre	Q187	432,340	144,112	0	(432,340)		
	<b>Law, Order, Public Safety Total</b>		<b>832,706</b>	<b>277,568</b>	<b>230,941</b>	<b>(601,765)</b>		
	<b>Health</b>							
0.0%	Alma Beard Medical Centre	Q137	15,000	4,996	0	(15,000)		
	<b>Health Total</b>		<b>15,000</b>	<b>4,996</b>	<b>0</b>	<b>(15,000)</b>	<b>0</b>	
	<b>Education &amp; Welfare</b>							
1.8%	Butterly House - Substructure & Drainage Repairs	083300	12,000	2,000	220	(11,780)		
	<b>Education &amp; Welfare Total</b>		<b>12,000</b>	<b>2,000</b>	<b>220</b>	<b>(11,780)</b>	<b>0</b>	
	<b>Recreation And Culture</b>							
0.0%	Community Centre Renewal	Q129	34,500	11,500	0	(34,500)		
0.0%	Memorial Hall Sound System, Curtains & Flooring	Q141	28,800	0	0	(28,800)		
0.0%	Morangup Community Centre	Q165	380,000	126,668	0	(380,000)		
127.3%	Memorial Hall Internal & External Paint of Bathrooms	Q141	10,000	12,936	12,732	2,732		

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**Note 13: CAPITAL ACQUISITIONS**

% of Completion	Infrastructure Assets		Annual Budget 2019/20	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
0.0%	Parks & Gardens - Depot Upgrade	Q192	20,000	6,668	0	(20,000)		
0.0%	Recreation Precinct Buildings	Q199	4,635,009	1,545,004	39,037	(4,595,972)		
0.5%	Toodyay Club Kitchen Upgrade	Q203	21,400	7,132	110	(21,290)		
0.0%	Library Brickworks	J038	5,500	1,832	0	(5,500)		
0.0%	Library Carpet Replacement	J067	6,000	2,000	0	(6,000)		
0.0%	Parkers Cottage	Q134	10,000	3,332	0	(10,000)		
0.0%	Grandstand Change Rooms	Q200	10,000	3,332	0	(10,000)		
18.2%	Donegans Cottage	Q135	5,000	1,668	909	(4,091)		
38.2%	Old Goal Roof Restoration	Q156	375,291	127,096	143,456	(231,835)		
	<b>Recreation And Culture Total</b>		<b>5,541,500</b>	<b>1,849,168</b>	<b>196,244</b>	<b>(5,345,256)</b>	<b>0</b>	
	<b>Other Property &amp; Services</b>							
1.3%	Bendigo Bank	Q145	8,500	2,832	110	(8,390)		
	<b>Other Property &amp; Services Total</b>		<b>8,500</b>	<b>2,832</b>	<b>110</b>	<b>(8,390)</b>		
	<b>Buildings Total</b>		<b>6,439,706</b>	<b>2,146,568</b>	<b>427,515</b>	<b>(6,012,191)</b>	<b>0</b>	
	<b>Computer Equipment</b>							
	<b>Law, Order, Public Safety</b>							
8%	CCTV - Closed Circuit Televisions Cameras - Security	053401	150,000	150,000	11,453			
	<b>Law, Order, Public Safety Total</b>		<b>150,000</b>	<b>150,000</b>	<b>11,453</b>	<b>0</b>		
	<b>Computer Equipment - Total</b>		<b>150,000</b>	<b>150,000</b>	<b>11,453</b>	<b>0</b>	<b>0</b>	
	<b>Plant , Equip. &amp; Vehicles</b>							
	<b>Transport</b>							
		122202		99,684				
		051250		0				
		054250						
0.0%	1TJR183 - Side Tip Trailer - Canopu		35,000			(35,000)		
0.0%	T0002 - Ranger Ute - Canopy		20,000			(20,000)		
0.0%	T0013 - Mitsubishi Triton		45,000			(45,000)		
0.0%	1EPF060 - Ford Ranger		60,000			(60,000)		



**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 31 October 2019

**Note 13: CAPITAL ACQUISITIONS**

% of Completion	Infrastructure Assets		Annual Budget 2019/20	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
43.0%	Mechanic Truck Fit Out		10,000		4,298	(5,702)		
0.0%	Single Axel Dolly		3,500			(3,500)		
0.0%	Track Loader - Auger Drive		4,000			(4,000)		
0.0%	Air Operated Oil Pumps		28,346			(28,346)		
0.0%	Community Bus		63,425			(63,425)		
0.0%	SES Gator Refit		0		12,384	12,384		
0.0%	SES Vehicle		29,791			(29,791)		
100.0%	Isuzu FTS 150/260 Coondle 3.4 Urban		0		467,065	467,065		New Coondle Truck - Funded by DFES
<b>Transport Total</b>			<b>299,062</b>	<b>99,684</b>	<b>483,747</b>	<b>184,685</b>	<b>0</b>	
Plant , Equip. & Vehicles Total			299,062	99,684	483,747	184,685	0	
<b>Roads</b>								
<b>Transport</b>								
0.6%	Lovers Lane	A0012	396,752	132,252	2,560	(394,193)		
88.7%	Julimar Road	A0004	249,127	83,044	220,898	(28,229)		
0.0%	Bejoording Road	A0001	329,939	109,972	0	(329,939)		
0.0%	Toodyay Bindi Bindi Road	A0197	252,009	84,000	0	(252,009)		
0.0%	Toodyay Street inc Footpath	B0011	286,720	95,572	0	(286,720)		
0.0%	Nunile Road/Bejoording Road	B0002	155,000	51,668	0	(155,000)		
0.0%	Dreyer Road	B0121	89,100	29,700	0	(89,100)		
0.0%	Sinclair Place	D0150	103,950	34,652	0	(103,950)		
85.7%	River Road	D0010	161,788	53,932	138,715	(23,073)		
0.0%	Rosedale/Fiennes Street	D0062	10,000	3,336	0	(10,000)		
0.0%	Recreation Precinct Firebreaks	J073	80,000	26,668	0	(80,000)		
0.0%	Hamersley Street	D0126	120,000	40,000	0	(120,000)		
0.0%	Fifth Road	D0244	46,200	15,408	0	(46,200)		
0.0%	Folewood Road	D0020	32,500	10,840	0	(32,500)		
0.0%	Bejoording Road	D0001	0	0	10,352	10,352		
0.0%	Harvester Drive	D0198	70,200	23,408	0	(70,200)		
<b>Transport Total</b>			<b>2,383,285</b>	<b>794,452</b>	<b>372,524</b>	<b>(2,010,761)</b>	<b>0</b>	
Roads Total			2,383,285	794,452	372,524	(2,010,761)	0	

SHIRE OF TOODYAY  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 31 October 2019

Note 13: CAPITAL ACQUISITIONS

% of Completion	Infrastructure Assets		Annual Budget 2019/20	YTD Budget	YTD Actual	Variance (Under)/Over	YTD Actual (Renewal Exp)	Strategic Reference / Comment
	<b>Infrastructure - Bridges</b>							
	<b>Transport</b>							
0.0%	Bridge Works - Telegraph Bridge		374,733	124,908	0	(374,733)		
	<b>Transport Total</b>		<b>374,733</b>	<b>124,908</b>	<b>0</b>	<b>(374,733)</b>		
	<b>Infrastructure Bridges - Total</b>		<b>374,733</b>	<b>124,908</b>	<b>0</b>	<b>(374,733)</b>	<b>0</b>	
	<b>Infrastructure - Other</b>							
	<b>Law, Order &amp; Public Safety</b>							
14.3%	Emergency Fire Water Tanks	Q205	25,000	8,332	3,573	(21,427)	0	
	<b>Law, Order &amp; Public Safety Total</b>		<b>25,000</b>	<b>8,332</b>	<b>3,573</b>	<b>(21,427)</b>	<b>0</b>	
	<b>Economic Services</b>							
44.2%	Community Standpipe	Q206	15,000	5,000	6,633	1,633		
	<b>Community Amenities Total</b>		<b>15,000</b>	<b>5,000</b>	<b>6,633</b>	<b>1,633</b>	<b>0</b>	
	<b>Infrastructure Other - Total</b>		<b>40,000</b>	<b>13,332</b>	<b>10,206</b>	<b>(19,794)</b>	<b>0</b>	
	<b>Footpaths</b>							
	<b>Infrastructure Footpaths - Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
	<b>Infrastructure - Parks &amp; Recreation</b>							
	<b>Recreation &amp; Culture</b>							
0.7%	Dudgee Park Toilet Upgrade	Q177	90,000	30,000	600	(89,400)		
11.2%	Recreation Precinct - Infrastructure Works	Q159	8,942,019	2,980,672	1,005,492	(7,936,527)		
0.4%	Toodyay Club Lighting & Paving	Q204	34,030	11,344	146	(33,884)		
	<b>Recreation &amp; Culture Total</b>		<b>9,066,049</b>	<b>3,022,016</b>	<b>1,006,238</b>	<b>(8,059,811)</b>	<b>0</b>	
	<b>Infrastructure Parks &amp; Recreation - Total</b>		<b>9,066,049</b>	<b>3,022,016</b>	<b>1,006,238</b>	<b>(8,059,811)</b>	<b>0</b>	
	<b>Capital Expenditure Total</b>		<b>18,752,835</b>	<b>6,350,960</b>	<b>2,311,684</b>	<b>(15,917,872)</b>	<b>0</b>	

**Shire of Toodyay - Bank Reconciliation As At 31 October 2019**

**Trust**

**Balance as per**

- Financial Statement - Trust - Unrestricted - 100617100 1,913,723.16

<b>Total</b>	<b>1,913,723.16</b>
--------------	---------------------

**Balance as per**

- Bendigo - 110482783	169,834.85
- Bendigo - Term Deposit No: 140619784 - T84	214,336.71
- Bendigo - Term Deposit No: 145326583 - T794	107,688.50
- Bendigo - Term Deposit No: 137945127 - T100	139,301.31
- Bendigo - Term Deposit No: 140619834 - T83	137,395.32
- Bendigo - Term Deposit No: 152237145 - T214	48,660.63
- Bendigo - Term Deposit No: 152238135 - T4	123,033.31
- Bendigo - Term Deposit No: 152238176 - T114	204,986.86
- Bendigo - Term Deposit No: 152238218 - T458	444,429.32
- Bendigo - Term Deposit No: 152240818 - T793	23,568.39
- Bendigo - Term Deposit No: 152240834 - T797	32,344.69
- Bendigo - Term Deposit No: 158622798 - T805	24,003.86
- Bendigo - Term Deposit No: - 161776315 - T807	122,447.94
- Bendigo - Term Deposit No: 165467309 - T809	121,691.50
Roundings	<b>(0.03)</b>

**Difference** 0.00

<b>Subtotal</b>	<b>1,913,723.16</b>
-----------------	---------------------

Adjustments (See Below)	0.00
Plus Outstanding Deposits - Current Month	0.00
Plus Outstanding Cheques - Current Month	0.00
Plus Outstanding Deposits - Previous Periods	0.00
Plus Outstanding Cheques - Previous Periods	0.00

<b>Total</b>	<b>1,913,723.16</b>
--------------	---------------------

Adjustment Breakdown

0.00

*C Murratt*

Signed: Accounts/Payroll Officer

4.11.19.

Date

*[Signature]*

Signed: Acting Manager Corporate Services

14/11/19

Date

**Shire of Toodyay - Bank Reconciliation As At 31 October 2019**

**Municipal**

**Balance as per**

- Financial Statement - Muni - Unrestricted - 10060010	2,842,186.77
- Financial Statement - Muni - Unrestricted - 10060050	947,711.65

<b>Total</b>	<b>3,789,898.42</b>
--------------	---------------------

**Balance as per**

- Bendigo - 110482809	982,300.00
NCD - 2988119	813,099.32
Bendigo - TD 3122955	1,000,000.00
Bendigo - TD 3122957	1,001,061.64

Roundings

**Difference** 0.00

Subtotal	3,796,460.96
----------	--------------

Adjustments (See Below)	3.47
Plus Outstanding Deposits - Current Month	3,521.81
Plus Outstanding Cheques - Current Month	(9,872.82)
Plus Outstanding Deposits - Previous Periods	0.00
Plus Outstanding Cheques - Previous Periods	(215.00)

<b>Total</b>	<b>3,789,898.42</b>
--------------	---------------------

Adjustment Breakdown

Roundings (31 May 2018)	(0.03)
VC EFT yet to be receipted	3.50
	<u>3.47</u>

*C Murratt*

Signed: Accounts/Payroll Officer

*4.11.19.*

Date

*[Signature]*

Signed: Acting Manager Corporate Services

*17/11/19*

Date



**Shire of Toodyay - Bank Reconciliation As At 31 October 2019**

**Reserve**

**Balance as per**

- Financial Statement - Reserve - 10075510 3,785,348.53

<b>Total</b>	<b>3,785,348.53</b>
--------------	---------------------

**Balance as per**

- Bendigo - NCD: 3142787 3,785,348.53

Roundings 0.00

**Difference** 0.00

<b>Subtotal</b>	<b>3,785,348.53</b>
-----------------	---------------------

Adjustments (See Below) 0.00

Plus Outstanding Deposits - Current Month 0.00

Plus Outstanding Cheques - Current Month 0.00

Plus Outstanding Deposits - Previous Periods 0.00

Plus Outstanding Cheques - Previous Periods 0.00

<b>Total</b>	<b>3,785,348.53</b>
--------------	---------------------

Adjustment Breakdown

	<b>0.00</b>
--	-------------

*C Murcott*

Signed: Accounts/Payroll Officer

*14.11.19*

Date

*[Signature]*

Signed: Acting Manager Corporate Services

*14/11/19*

Date

This Page has been Left Blank "Intentionally"

# HR.13 Payments to Employees above Contract or Award Policy

---

## Introduction

This policy is intended to ensure any payments made to employees finishing their employment, in addition to their contract or award, complies with the conditions prescribed by the *Local Government Act 1995*.

## Application

This policy applies to all employees of the Shire of Toodyay except the CEO and those designated as Senior Employees, if any, in which case the terms of the Contract of Employment and relevant legislation shall apply.

## Policy Intent including Legislative and Strategic Context

To meet the requirements of the following two legislative provisions:

- Section 5.50 of the *Local Government Act 1995* requires local governments to prepare a policy in relation to employees whose employment with the local government ends for whatever reason.
- Regulation 19A of the *Local Government (Administration) Regulations 1996* defines the limits of payments in addition to contract or award.

## Policy Conditions

Any gift or payment that exceeds the limits set out in this policy must be notified through Local Public Notice in accordance with the legislation.

## Manner of Assessment

1. The CEO may negotiate a payment to an employee within the statutory limits set out in Regulation 19A where:
  - The employee resigns from their position; or
  - The employee's position is made redundant; or
  - The employee agrees to resign or is dismissed in circumstances that might give rise to an unfair dismissal claim, whether likely to succeed or not, and the payment is the subject of a valid deed of separation.
2. The CEO may provide a gift to an employee who is resigning or whose position is being made redundant in recognition of long and loyal service to the Shire of Toodyay. Such a gift is in addition to any entitlements under any industrial award agreement or employment contract.

## Value of Gifts

Council's contribution to staff leaving its employment is as follows:

Completed Continuous Years of Service	Monetary Value
Up to 2	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
2 +	<ul style="list-style-type: none"> <li>• Council sponsored sundowner (all staff and the departing officer's partner) commencing at 5.00pm and closing at 7.00pm, with finger food, beer, wine and soft drink.</li> <li>• Council to purchase a gift up to the value of \$100.</li> </ul>
5 years +	<ul style="list-style-type: none"> <li>• Council sponsored sundowner (elected members, staff and the departing officer's partner) commencing at 5.00pm and closing at 7.00pm, with finger food, beer, wine and soft drink.</li> <li>• Council to purchase gift to the value of \$100 plus \$15 for each year of service plus presentation of a suitably engraved plaque.</li> <li>• Council to purchase an appropriate gift for the partner of the employee up to the value of \$50.</li> </ul>
20 years +	<ul style="list-style-type: none"> <li>• Council sponsored reception (elected members, staff and partners).</li> <li>• Council to purchase a gift to the value of \$500 plus \$15 for each year of service plus presentation of a suitably engraved plaque.</li> <li>• Recognition to be made through the local media by inviting them to attend the function. Council to purchase an appropriate gift for the partner of the employee up to the value of \$50.</li> </ul>

Employees with more than 5 years' service may be allowed at the CEO's discretion, to retain a mobile telephone or other device, provided that the device is no longer under contract and has no residual value, or the employee is prepared to pay out the balance of the contract price or residual value, and the transfer of the phone number would not be unduly disruptive to the organisation. All Shire information would be deleted from the phone or device and factory setting restored.



## 1. Reference Information

**Related Documents** N/A

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

**Related Legislation** Equal Opportunity Act 1984

Fair Work Act 2009

Workers Compensation and Injury Management Act 1981

**Associated Forms and Attachments** N/A

Version Information	Control	Version No.	Issue Date	Nature of amendment	Developed By	Approved By
		V1	26/11/2019	Reinstatement & Amendment of Policy revoked in Feb 2019	Exec Services	Council

### Document Control Information

<b>Document Theme</b>	Governance
<b>Document Category</b>	Governance – Human Resources
<b>Document Title</b>	Payments to Employees Above Contract of Award Policy
<b>Document ID</b>	HR.13
<b>Document Owner (position title)</b>	Chief Executive Officer
<b>Author (position title)</b>	Chief Executive Officer
<b>Date of approval</b>	26/11/2019
<b>Approving authority</b>	Council – Council Res No. 298/11/19
<b>Access restrictions</b>	Nil
<b>Date Published</b>	20/03/2020
<b>Date of last review</b>	26 November 2019 OCM
<b>Date of next review</b>	Feb 2021
<b>Archived antecedent documents and previous versions</b>	Feb 2019 A10 Policy that was rescinded in Feb 2019.

This Page has been Left Blank "Intentionally"



Department of  
**Local Government, Sport  
and Cultural Industries**

Our ref T10-18#002  
Enquiries Standards Panel Executive Officer  
Phone (08) 6551 4820  
Email [minorbreachcomplaints@dlgsc.wa.gov.au](mailto:minorbreachcomplaints@dlgsc.wa.gov.au)

Cr Benjamin Bell  
PO Box 1195  
TOODYAY WA 6566

[cr.bell@toodyay.wa.gov.au](mailto:cr.bell@toodyay.wa.gov.au)

Dear Cr Bell,

**NOTICE OF FINDING AND REASONS FOR FINDING  
COMPLAINT OF MINOR BREACH No. SP 2019-062**

I refer to the Complaint of a Minor Breach received on 11 June 2019 alleging Cr Chitty, as an elected member of the Shire of Toodyay breached the *Local Government (Rules of Conduct) Regulations 2007*.

At its meeting of 23 August 2019, the Local Government Standards Panel (the Panel) considered this matter and found no breach was committed.

Attached is a copy of the Panel's *Finding and Reasons for Finding*.

Please note, section 5.123 of the *Local Government Act 1995* includes confidentiality provisions regarding the disclosure of information relating to a complaint of minor breach.

Should you require further information in relation to this matter please contact the Executive Officer to the Panel, Department of Local Government, Sport and Cultural Industries via the details listed above.

Yours sincerely

Donna Kennedy  
A/MANAGER LEGISLATION AND REGULATORY SUPPORT

4 November 2019

enc

cc: Mr Stan Scott – Chief Executive Officer, Shire of Toodyay



---

## Local Government Standards Panel

---

Complaint Number	SP 2019-062
Legislation	<i>Local Government Act 1995</i>
<b>Complainant</b>	<b>Councillor Benjamin Bell</b>
<b>Respondent</b>	<b>Councillor Therese Chitty</b>
<b>Local Government</b>	<b>Shire of Toodyay</b>
Regulation	Regulation 7(1)(b) of the <i>Local Government (Rules of Conduct) Regulations 2007</i>
Panel Members	Ms Sarah Rizk (Presiding Member) Ms Elanor Rowe (Deputy Member) Ms Rebecca Aubrey (Deputy Member)
Heard	23 August 2019 Determined on the documents
Outcome	No breach

---

### FINDING AND REASONS FOR FINDING

Published 4 November 2019

---

#### DEFAMATION CAUTION

The general law of defamation, as modified by the *Defamation Act 2005*, applies to the further release or publication of all or part of this document or its contents. Accordingly, appropriate caution should be exercised when considering the further dissemination and the method of retention of this document and its contents.





## Summary of the Panel's decision

1. The Local Government Standards Panel ("the Panel") found that Councillor Therese Chitty ("Cr Chitty"), a councillor for the Shire of Toodyay ("the Shire"), did not commit a breach under the *Local Government Act 1995 (WA)* ("the Act") and regulation 7(1)(b) of the *Local Government (Rules of Conduct) Regulations 2007* ("the Regulations") when she sent an email on 27 March 2019 to all councillors, the Shire's Chief Executive Officer and five senior staff members.

## Jurisdiction and procedural fairness

2. The Act makes provision for the circumstances in which a council member commits a minor breach.<sup>1</sup>
2. On 11 June 2019 the Department of Local Government, Sport and Cultural Industries ("the Department") received a Complaint of Minor Breach Form dated 5 June 2019 ("Complaint"). The Complaint was signed by Councillor Benjamin Bell ("Complainant") and contained one allegation of a breach of Regulation 7(1)(b) by Cr Chitty when she sent an email on 27 March 2019 to all councillors, the Shire's Chief Executive Officer ("CEO") and five senior staff members ("Senior Staff Members"). The email was in relation to six notices of motion put forward by the Complainant at the Council Meeting on 26 March 2019 ("Council Meeting").
3. On 27 June 2019, the Department advised Cr Chitty of the Complaint and invited her to respond. The Department sent Cr Chitty a copy of the original Complaint and all the supporting documents provided by the Complainant.
4. Under the Act the Panel is required to consider a complaint of a minor breach and make a finding as to whether the alleged breach occurred.<sup>2</sup> On 23 August 2019 the Panel convened to consider the Complaint.
5. The Panel:
  - (a) accepted the Department's advice, based on information from the Western Australian Electoral Commission, that Cr Chitty was a councillor at the time of the alleged breach, having been elected on 21 October 2017, and was still a Councillor when the Panel met on 23 August 2019;
  - (b) was satisfied the Complaint had been made within two years after the alleged breach is said to have occurred<sup>3</sup>;
  - (c) was satisfied the Complaint had been dealt with in accordance with the administrative requirements in the Act for dealing with complaints of minor breaches<sup>4</sup>; and
  - (d) was satisfied that the Department had provided procedural fairness to Cr Chitty.

---

<sup>1</sup> Section 5.105 of the Act.

<sup>2</sup> Section 5.110(2)(a) of the Act.

<sup>3</sup> Section 5.107(4) of the Act

<sup>4</sup> Sections 5.107, 5.108, 5.109 of the Act.



6. If a councillor has previously committed two or more minor breaches, the Panel may send the complaint to the Chief Executive Officer of the department assisting the relevant Minister at the time instead of considering the Complaint itself.<sup>5</sup> Cr Chitty has not previously been found to have committed any minor breaches, and therefore the Panel did not consider sending the Complaint to the Chief Executive Officer of the Department.
7. Based on the information referred to in paragraphs 2 to 7 above the Panel found it had jurisdiction to determine whether Cr Chitty had breached Regulation 7(1)(b) in connection with the Complaint.

### **Panel's role**

8. The Panel is not an investigative body. It determines complaints of minor breaches solely upon the evidence presented to it.
9. Any finding, that a councillor has committed a minor breach, must be based on evidence from which it may be concluded that it is more likely than not that the breach occurred than that it did not occur (the required standard of proof).<sup>6</sup>
10. Where direct proof of an alleged fact, proposition or conduct is not available, in order to find the allegation, proposition or conduct has been established, the Panel must be satisfied from the evidence that it is more probable than not that it has occurred. The Panel cannot make a finding that the alleged fact, proposition or conduct occurred if the evidence merely supports two or more conflicting but equally possible inferences.<sup>7</sup>
11. For a finding that a councillor has breached a particular regulation the Panel must be satisfied that every element of the particular regulation has been established to the required standard of proof.

### **Regulation 7(1)(b)**

12. Regulation 7(1)(b) provides:

#### ***"7. Securing personal advantage or disadvantaging others***

*(1) A person who is a council member must not make improper use of the person's office as a council member –*

*(b) to cause detriment to the local government or any other person.*

*(2) Subregulation (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83."*

13. The Panel decided that the alleged conduct is not conduct that contravenes section 5.93 of the Act or section 83 of *The Criminal Code*.

### **Elements of Regulation 7(1)(b)**

<sup>5</sup> Sections 5.110(2)(b), 5.111(1) of the Act.

<sup>6</sup> Section 5.106 of the Act.

<sup>7</sup> *Bradshaw v McEwens Pty Ltd* (1951) 217 ALR 1, paragraph 5.



14. In order to find a breach of Regulation 7(1)(b), the Panel must be satisfied to the required standard of proof that:
- (a) the person, the subject of the Complaint, engaged in the alleged conduct (first element);
  - (b) the person, the subject of the Complaint, was a council member both at the time of the conduct and the time when the Panel makes its determination (second element);
  - (c) by engaging in the conduct, the person, the subject of the complaint, made use of his or her office as a council member (in the sense that he or she acted in their capacity as a councillor, rather than in some other capacity) (third element);
  - (d) when viewed objectively, such use was an improper use of the person's office as a council member in that it:
    - (i) involved a breach of the standards of conduct that would be expected of a person in the position of a councillor, by reasonable persons with knowledge of the duties, power and authority of the councillor and the circumstances of the case; and
    - (ii) was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty;(fourth element);
  - (e) the person engaged in the conduct in the belief that detriment would be suffered by the local government or any other person (fifth element).

*Fourth element - meaning of "to make improper use of....office"*

15. The Macquarie dictionary definition of "improper" is "not in accordance with propriety of behaviour, manners, etc; unsuitable or inappropriate for the purpose or occasion; abnormal or irregular."<sup>8</sup> The Shorter Oxford dictionary definition is "irregular, wrong; unsuitable, inappropriate; unbecoming, unseemly."<sup>9</sup>
16. Whether there is impropriety is to be assessed objectively: would a reasonable person with knowledge of the duties, powers and authority of a councillor, and all the circumstances of the particular case, form the view that the councillor had breached the standards of conduct expected of a councillor?<sup>10</sup> "For behaviour to be improper it must be such that a right-thinking person would regard the conduct as so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty."<sup>11</sup>

---

<sup>8</sup> Macquarie Dictionary, Revised Third Edition.

<sup>9</sup> Shorter Oxford English Dictionary, Sixth Edition.

<sup>10</sup> *Ryan and Local Government Standards Panel* [2009] WASAT 154, paragraph 27, referring to *R v Byrnes* (1995) 183 CLR 501.

<sup>11</sup> *Hipkins and Local Government Standards Panel* [2014] WASAT 48, paragraph 9, referring to *Robbins v Harness Racing Board* [1984] VR 641.



17. Under the Act Panel members must have regard to the general interests of local government in Western Australia.<sup>12</sup> It is in the interests of local government that councillors are, and are seen to be, professional and respectful in their dealings with fellow councillors, local government employees and members of the public.
18. Regulation 3 sets out general principles to guide councillors' behaviour, although contravention of any of these does not amount to a minor breach.<sup>13</sup> Regulation 3 provides, among other things, that councillors should act with reasonable care, diligence and integrity and treat others with respect and fairness.
19. The meaning of "*improper*" must be considered in the context of relevant legislation, such as the Act and the Regulations, and other rules and standards that apply to a councillor's role and conduct, such as the local government's Code of Conduct, and the circumstances and context of the case.<sup>14</sup> All these provisions form part of the backdrop to the Regulations and give context to a complaint but the alleged conduct must also be judged in the particular circumstances.
20. Conduct can be improper even though the councillor's judgment is that it isn't improper. A councillor's use of his or her office can be improper even though the councillor is intending to benefit the local government, the council or the ratepayers and residents.<sup>15</sup>

Fifth element - meaning of "to cause detriment to the local government or any other person"

*Detriment*

21. "*Detriment*" means loss, damage or injury.<sup>16</sup> It includes financial and non-financial loss and adverse treatment, such as humiliation, denigration, intimidation, harassment, discrimination and disadvantage. A person can suffer detriment through others thinking less favourably of them.<sup>17</sup>
22. For regulation 7(1)(b) to be satisfied it is not necessary to show that the local government or the person concerned actually suffered detriment.<sup>18</sup> However it is not enough to show that the local government or the person concerned suffered detriment, or could have suffered detriment. The Panel must find that it is more likely than not that the councillor believed that his or her actions would cause detriment and intended to cause detriment.<sup>19</sup>
23. "*To cause detriment*" has been interpreted as meaning "*in order to*" or "*for the purpose of*" causing detriment, or "*with the will to*" cause detriment.<sup>20</sup> There can be a finding of intent if, after considering all the evidence, the only reasonable inference is that the councillor intended to cause detriment.<sup>21</sup>

<sup>12</sup> Section 5.122(3) of the Act, Schedule 5.1 of the Act, clause 8(6).

<sup>13</sup> Regulation 3.

<sup>14</sup> *Hipkins and Local Government Standards Panel* [2014] WASAT 48, paragraph 10.

<sup>15</sup> *Yates and Local Government Standards Panel* [2012] WASAT 59, paragraph 64, referring to *Treby* 2010.

<sup>16</sup> Macquarie Dictionary Revised Third Edition, 2001.

<sup>17</sup> *Ryan and Local Government Standards Panel* [2009] WASAT 154, paragraphs 31, 32.

<sup>18</sup> *Treby* 2010, paragraph 96, referring to *Chew v The Queen* 1992 CLR 626 (*Chew* 2010).

<sup>19</sup> *Re and Local Government Standards Panel* [2014] WASAT 111, paragraph 51, referring to *Australian Securities and Investments Commission v Australian Property Custodian Holdings Ltd* [2013] FCA 1342.

<sup>20</sup> *Chew* 2010.

<sup>21</sup> *Treby* 2010.





## Substance of the Complaint

24. On 27 March 2019, following the Council Meeting the previous day, Cr Chitty (in her capacity as Shire President) sent an email (“Email”) to all councillors, the Shire’s CEO and Senior Staff Members (together “the Parties”).
25. The Senior Staff Members who were copied into the Email held the following positions:
- Manager of Records
  - Manager of Corporate Services
  - Manager of Works and Services
  - Manager for Planning and Development
  - Manager of Community Development
26. One of the Senior Staff Members included in the Email is the Shire’s Manager of Records, and all emails forwarded to this individual are allocated a file number and archived as part of official Shire records. As such, Cr Chitty’s Email has become official correspondence of the Shire and is discoverable by the public, now, and into the future.
27. According to the Complainant, Cr Chitty “*pitched*” her Email under the “*guise*” of being notes to the Council Meeting and agenda briefing meetings. However, the Complainant submits that it is clear:
- a. Cr Chitty had one single objective in sending the Email, which was to humiliate and denigrate him in the eyes of their fellow councillors and the Shire’s administrative employees, namely the Senior Staff Members;
  - b. the content of the Email did not relate to any of the areas that the Senior Staff Members work in, and as such, it cannot be argued that it was necessary for Cr Chitty to include them; and
  - c. the Email was not designed to seek answers from the Complainant and prior to sending it:
    - i. Cr Chitty did not contact the Complainant to enquire as to the reason why he was unavailable to attend the Council agenda briefing (“Agenda Briefing”) held before the Council Meeting that she refers to in her Email; and
    - ii. she did not seek to contact him privately regarding the negative opinion she held of him.
28. Furthermore, the tone and content of the Email mean that it fails to comply with Section 3.5 (“Section 3.5”) of the Shire’s *Code of Conduct* (“Code”). Section 3.5 states as follows:

### “3.5 Avoid Derogatory Statements

*We will not make any allegations that are derogatory or improper. We will always act in the best interests of the Shire and refrain from any type of communication, in our public or professional*



*duties, which may cause any reasonable person unwarranted offence or embarrassment. When we are uncertain about the probable impact of our communications, we should seek access to legal advice”.*

The comments in the Email would be considered to cause any reasonable person “*unwarranted offence or embarrassment*” and the allegations about him are “*derogatory*” and “*improper*”.

29. It is evident from the signature at the end of the Email that Cr Chitty sent the Email to all Parties in her capacity as a councillor and that she used her position as Deputy Shire President to intentionally cause detriment to the Complainant thereby breaching the Code and Regulation 7(1)(b).

### **Cr Chitty’ Response**

30. Cr Chitty denies that she committed the alleged conduct. Cr Bell put forward six notices of motion (“Motions”) at the Council Meeting; however, he failed to attend (or apologise for missing) the Agenda Briefing held beforehand which is when councillors are given the opportunity to ask questions and seek clarity on the report items and matters on the Agenda. Since they were introduced in January 2019, Cr Bell has a history of not attending agenda briefings and has only attended one out of six, mostly without apology.

31. The Agenda Briefing document was posted on the Shire’s hub on 15 March 2019 (eleven days prior to the Council Meeting), therefore, Cr Bell had ample time to question the CEO’s recommendations relating to his Motions. However, he waited until the Council Meeting to raise his concerns over the Motions to cause embarrassment to the CEO in front of the gallery, Senior Staff Members and Council.

32. In relation to the specific issues the Complainant raises, Cr Chitty says as follows:

- a. her objective was not to humiliate and denigrate the Complainant in the eyes of their fellow councillors and Senior Staff Members, as alleged;
- b. the Complainant submits that her Email did not relate to any of the Senior Staff Members; however, they all attend council meetings. In addition, in the past, the Complainant has made negative comments on his Facebook page that relate to the Shire’s administration and therefore Cr Chitty felt she needed to demonstrate her support for them; and
- c. the Complainant states that at no time did she contact him prior to sending the Email; however, in the past, the Complainant has very rarely answered her emails, particularly if the email relates to her trying to assist him in understanding his role as a councillor, or his poor behaviour towards staff.

33. Cr Bell also states the Email does not comply with Section 3.5 of the Code however her comments were true. The Council Meeting was particularly difficult with the decision being made not to renew the CEO’s contract. The Complainant could not “*contain his excitement*” at that decision, and while the Council Meeting was in progress, published a Facebook post (“Post”) to that effect as follows:



The Post is disrespectful to councillors, staff and the proper process of a council meeting.

34. Cr Chitty submits she did not use her position as the Shire's Deputy President, with almost six years experience, to cause the Complainant detriment. Instead, she used her position to assist the Complainant in understanding the correct process of Agenda briefings, and to ask him once again to show due respect to all councillors, staff and the Shire's CEO. Her intention in sending the Email was to appeal to the Complainant, in the hope he would improve his behaviour.

#### **Panel's Consideration**

*First, second and third elements satisfied*

35. The Panel finds that Cr Chitty engaged in the conduct which is the subject of the Complaint and that she was a councillor and was acting as a councillor at all relevant times.

36. The first, second and third elements of Regulation 7(1)(b) are established.

*Whether Cr Chitty acted improperly (fourth element)*

37. Based on the evidence before it, the Panel is not satisfied that the fourth element has been established and finds that Cr Chitty did not act improperly. The Panel makes this finding because it is not satisfied to the required standard of proof that a reasonable person would consider that Cr Chitty did not meet the standards of conduct expected of a councillor when she sent the Email:

- a. It is clear from the evidence that prior to the Email being sent, there had been a series of emails sent by Cr Chitty, to the Complainant, regarding the following two issues:
  - i. the Complainant's treatment of the CEO and other administrative staff; and
  - ii. issues concerning the bringing of motions by the Complainant and attendance at agenda briefings.



- b. Both issues had again arisen at the Council Meeting, (which was held the day before the Email was sent), in the following manner:
  - i. the Complainant put forward several Motions at the Council Meeting, which evidently were problematic. It is likely that the issues with the Motions were compounded by the fact the Complainant had again failed to attend (or apologise for missing) the Agenda Briefing held prior to the Council Meeting; and
  - ii. the CEO's departure was announced at the Council Meeting and it is likely that Council would have followed a specific process in making the community aware of that information; however the Complainant published the Post on Facebook during the meeting itself stating: "*Council voted 5/4 not to renew the CEO's contract*" thereby bypassing that proper process.
- c. As stated above, the Email addressed these two recurring issues, which were serious and directly related to the Complainant's role as a councillor. It is clear from the Email that Cr Chitty was disappointed and frustrated with the Complainant's actions in the lead up to, and at, the Council Meeting. However, the Panel finds that the Email is not derogatory or rude, and rather it seeks an explanation from the Complainant as to his conduct while imploring him to reconsider his behaviour and respond accordingly.
- d. While Cr Chitty is direct and firm in her Email and she states clearly what her position is, she is also fair and shows due respect towards the Complainant as a fellow councillor. In the circumstances, the Panel finds the content of the Email was appropriate and did not breach the Code as alleged.
- e. Finally, with regard to the Parties that the Email was sent to, the Panel has considered the entire contents of the Email and the context in which it was sent. Local government employees (as well as being responsible for their particular areas of local government), are part of a team, and along with councillors, are responsible for the effective functioning of Council. The matters raised in the Email were pertinent to the Senior Staff Members and the Panel finds it was not unusual or perverse that Cr Chitty chose to include them as recipients.

38. The Panel does not find that Cr Chitty's actions were so wrongful or inappropriate to call for the imposition of a penalty.

*Whether Cr Chitty intended to cause detriment to the local government or any other person.*

39. The Panel finds that the fourth element has not been satisfied and therefore it is not necessary to consider the fifth element. However, to be clear, the Panel is also not satisfied to the required standard of proof that Cr Chitty intended to cause detriment to the Complainant by sending the Email:

- a. Cr Chitty submits that her intention behind sending the Email was to assist the Complainant in understanding the correct process of agenda briefings





and submitting motions, and to ask him once again to show due respect to all councillors, staff and the Shire's CEO. The Panel finds Cr Chitty's explanation to be plausible.

b. The evidence provided by Cr Chitty in her Response, which includes several emails that set out the history leading up to the Email being sent, strongly supports a finding that she did not intend to cause the Complainant detriment, but instead wanted to address the issues and resolve them once and for all.

c. In an email dated 30 August 2018, Cr Chitty had written to the Complainant to explain that his motions were well supported, but poorly drafted:

*"Hi Ben*

*I had observed at the council meeting on Tuesday that more councillors agreed with the essence of your notice of motions, but not as they were worded and as you know there can be no amendments. Therefore the suggestion at the OCM to take the ideas to a forum for discussion.*

*I do remember making this suggestion to you before, but wouldn't it be more beneficial to bring your ideas to a forum instead of an OCM..."*

d. Likewise, it is clear from the evidence that Cr Chitty had also raised the issue of the Complainant's treatment of staff in previous correspondence. When the issue arose again at the Council Meeting, the Panel finds that it is more likely than not, that she sent the Email the following day, as she wished to show her support for the administrative staff and that she believed his behaviour was unacceptable and had to stop.

## Findings

40. Accordingly for the above reasons, the Panel finds that Cr Chitty did not breach Regulation 7(1)(b).

Sarah Rizk (Presiding Deputy Member)

Elanor Rowe (Deputy Member)

Rebecca Aubrey (Deputy Member)

This Page has been Left Blank "Intentionally"



Department of  
**Local Government, Sport  
and Cultural Industries**

Our ref T1-20#02  
Enquiries Standards Panel Executive Officer  
Phone (08) 6551 4820  
Email [minorbreachcomplaints@dlgsc.wa.gov.au](mailto:minorbreachcomplaints@dlgsc.wa.gov.au)

Cr Benjamin Bell  
PO Box 1195  
TOODYAY WA 6566

[bellbenjamin@hotmail.com](mailto:bellbenjamin@hotmail.com) and [cr.bell@toodyay.wa.gov.au](mailto:cr.bell@toodyay.wa.gov.au)

Dear Cr Bell,

**NOTICE OF FINDING AND REASONS FOR FINDING  
COMPLAINT OF MINOR BREACH No. SP 2019-061**

I refer to the Complaint of a Minor Breach received on 11 June 2019 alleging Cr Paula Greenaway, as an elected member of the Shire of Toodyay breached the *Local Government (Rules of Conduct) Regulations 2007*.

At its meeting of 23 August 2019, the Local Government Standards Panel (the Panel) considered this matter and found no breach was committed.

Attached is a copy of the Panel's *Finding and Reasons for Finding*.

Please note, section 5.123 of the *Local Government Act 1995* includes confidentiality provisions regarding the disclosure of information relating to a complaint of minor breach.

Should you require further information in relation to this matter please contact the Executive Officer to the Panel, Department of Local Government, Sport and Cultural Industries via the details listed above.

Yours sincerely

Donna Kennedy  
A/MANAGER LEGISLATION AND REGULATORY SUPPORT

6 November 2019

cc: Mr Stan Scott – CEO/Complaints Officer, Shire of Toodyay  
[ceo@toodyay.wa.gov.au](mailto:ceo@toodyay.wa.gov.au)



---

## Local Government Standards Panel

---

Complaint Number	SP2019-061
Legislation	<i>Local Government Act 1995</i>
<b>Complainant</b>	<b>Councillor Benjamin Bell</b>
<b>Respondent</b>	<b>Councillor Paula Greenway</b>
<b>Local Government</b>	<b>Shire of Toodyay</b>
Regulation	Regulation 7(1)(b) of the <i>Local Government (Rules of Conduct) Regulations 2007</i>
Panel Members	Ms Sarah Rizk (Presiding Member) Ms Elanor Rowe (Deputy Member) Ms Rebecca Aubrey (Deputy Member)
Heard	23 August 2019 Determined on the documents
Outcome	No breach

---

### FINDING AND REASONS FOR FINDING

Published 6 November 2019

---

#### DEFAMATION CAUTION

The general law of defamation, as modified by the *Defamation Act 2005*, applies to the further release or publication of all or part of this document or its contents. Accordingly, appropriate caution should be exercised when considering the further dissemination and the method of retention of this document and its contents.





## Summary of the Panel's decision

1. The Local Government Standards Panel ("the Panel") found that Councillor Paula Greenway ("Cr Greenway"), a councillor for the Shire of Toodyay ("the Shire"), did not commit a breach under the *Local Government Act 1995 (WA)* ("the Act") and regulation 7(1)(b) of the *Local Government (Rules of Conduct) Regulations 2007* ("the Regulations") when she replied to an email from another councillor, which was sent to all councillors, the Shire's Chief Executive Officer and five senior staff members.

## Jurisdiction and procedural fairness

2. The Act makes provision for the circumstances in which a council member commits a minor breach.<sup>1</sup>
3. On 11 June 2019 the Department of Local Government, Sport and Cultural Industries ("the Department") received a Complaint of Minor Breach Form dated 5 June 2019 ("Complaint"). The Complaint was signed by Councillor Benjamin Bell ("Complainant") and contained one allegation of a breach of Regulation 7(1)(b) by Cr Greenway when she replied to an email from another councillor, which was sent to all councillors, the Shire's Chief Executive Officer ("CEO") and five senior staff members ("Senior Staff Members").
4. On 27 June 2019, the Department advised Cr Greenway of the Complaint and invited her to respond. The Department sent Cr Greenway a copy of the original Complaint and all the supporting documents provided by the Complainant.
5. Under the Act the Panel is required to consider a complaint of a minor breach and make a finding as to whether the alleged breach occurred.<sup>2</sup> On 23 August 2019 the Panel convened to consider the Complaint.
6. The Panel:
  - (a) accepted the Department's advice, based on information from the Western Australian Electoral Commission, that Cr Greenway was a councillor at the time of the alleged breach, having been elected on 21 October 2017, and was still a Councillor when the Panel met on 23 August 2019;
  - (b) was satisfied the Complaint had been made within two years after the alleged breach is said to have occurred<sup>3</sup>;
  - (c) was satisfied the Complaint had been dealt with in accordance with the administrative requirements in the Act for dealing with complaints of minor breaches<sup>4</sup>; and
  - (d) was satisfied that the Department had provided procedural fairness to Cr Greenway.

---

<sup>1</sup> Section 5.105 of the Act.

<sup>2</sup> Section 5.110(2)(a) of the Act.

<sup>3</sup> Section 5.107(4) of the Act

<sup>4</sup> Sections 5.107, 5.108, 5.109 of the Act.



7. If a councillor has previously committed two or more minor breaches, the Panel may send the complaint to the Chief Executive Officer of the department assisting the relevant Minister at the time instead of considering the Complaint itself.<sup>5</sup> Cr Greenway has not previously been found to have committed any minor breaches, and therefore the Panel did not consider sending the Complaint to the Chief Executive Officer of the Department.
8. Based on the information referred to in paragraphs 2 to 7 above, the Panel found it had jurisdiction to determine whether Cr Greenway had breached Regulation 7(1)(b) in connection with the Complaint.

### **Panel's role**

9. The Panel is not an investigative body. It determines complaints of minor breaches solely upon the evidence presented to it.
10. Any finding, that a councillor has committed a minor breach, must be based on evidence from which it may be concluded that it is more likely than not that the breach occurred than that it did not occur (the required standard of proof).<sup>6</sup>
11. In order to find the allegation, proposition or conduct has been established, and where direct proof is not available, the Panel must be satisfied from the evidence that it is more probable than not that it has occurred. The Panel cannot make a finding that the alleged fact, proposition or conduct occurred if the evidence merely supports two or more conflicting but equally possible inferences.<sup>7</sup>
12. For a finding that a councillor has breached a particular regulation, the Panel must be satisfied that every element of the particular regulation has been established to the required standard of proof.

### **Regulation 7(1)(b)**

13. Regulation 7(1)(b) provides:

***"7. Securing personal advantage or disadvantaging others***

*(1) A person who is a council member must not make improper use of the person's office as a council member –*

*(b) to cause detriment to the local government or any other person.*

*(2) Subregulation (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83."*

14. The Panel decided that the alleged conduct is not conduct that contravenes section 5.93 of the Act or section 83 of *The Criminal Code*.

### **Elements of Regulation 7(1)(b)**

---

<sup>5</sup> Sections 5.110(2)(b), 5.111(1) of the Act.

<sup>6</sup> Section 5.106 of the Act.

<sup>7</sup> *Bradshaw v McEwens Pty Ltd* (1951) 217 ALR 1, paragraph 5.



15. In order to find a breach of Regulation 7(1)(b), the Panel must be satisfied to the required standard of proof that:

- (a) the person, the subject of the Complaint, engaged in the alleged conduct (first element);
- (b) the person, the subject of the Complaint, was a council member both at the time of the conduct and the time when the Panel makes its determination (second element);
- (c) by engaging in the conduct, the person, the subject of the complaint, made use of his or her office as a council member (in the sense that he or she acted in their capacity as a councillor, rather than in some other capacity) (third element);
- (d) when viewed objectively, such use was an improper use of the person's office as a council member in that it:
  - (i) involved a breach of the standards of conduct that would be expected of a person in the position of a councillor, by reasonable persons with knowledge of the duties, power and authority of the councillor and the circumstances of the case; and
  - (ii) was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty;(fourth element);
- (e) the person engaged in the conduct in the belief that detriment would be suffered by the local government or any other person (fifth element).

*Fourth element - meaning of "to make improper use of....office"*

16. The Macquarie dictionary definition of "improper" is "not in accordance with propriety of behaviour, manners, etc; unsuitable or inappropriate for the purpose or occasion; abnormal or irregular."<sup>8</sup> The Shorter Oxford dictionary definition is "irregular, wrong; unsuitable, inappropriate; unbecoming, unseemly."<sup>9</sup>

17. Whether there is impropriety is to be assessed objectively: would a reasonable person with knowledge of the duties, powers and authority of a councillor, and all the circumstances of the particular case, form the view that the councillor had breached the standards of conduct expected of a councillor?<sup>10</sup> "For behaviour to be improper it must be such that a right-thinking person would regard the conduct as so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty."<sup>11</sup>

---

<sup>8</sup> Macquarie Dictionary, Revised Third Edition.

<sup>9</sup> Shorter Oxford English Dictionary, Sixth Edition.

<sup>10</sup> *Ryan and Local Government Standards Panel* [2009] WASAT 154, paragraph 27, referring to *R v Byrnes* (1995) 183 CLR 501.

<sup>11</sup> *Hipkins and Local Government Standards Panel* [2014] WASAT 48, paragraph 9, referring to *Robbins v Harness Racing Board* [1984] VR 641.



18. Under the Act Panel members must have regard to the general interests of local government in Western Australia.<sup>12</sup> It is in the interests of local government that councillors are, and are seen to be, professional and respectful in their dealings with fellow councillors, local government employees and members of the public.
19. Regulation 3 sets out general principles to guide councillors' behaviour, although contravention of any of these does not amount to a minor breach.<sup>13</sup> Regulation 3 provides, among other things, that councillors should act with reasonable care, diligence and integrity and treat others with respect and fairness.
20. The meaning of "*improper*" must be considered in the context of relevant legislation, such as the Act and the Regulations, and other rules and standards that apply to a councillor's role and conduct, such as the local government's Code of Conduct, and the circumstances and context of the case.<sup>14</sup> All these provisions form part of the backdrop to the Regulations and give context to a complaint but the alleged conduct must also be judged in the particular circumstances.
21. Conduct can be improper even though the councillor's judgment is that it isn't improper. A councillor's use of his or her office can be improper even though the councillor is intending to benefit the local government, the council or the ratepayers and residents.<sup>15</sup>

Fifth element - meaning of "to cause detriment to the local government or any other person"

*Detriment*

22. "*Detriment*" means loss, damage or injury.<sup>16</sup> It includes financial and non-financial loss and adverse treatment, such as humiliation, denigration, intimidation, harassment, discrimination and disadvantage. A person can suffer detriment through others thinking less favourably of them.<sup>17</sup>
23. For regulation 7(1)(b) to be satisfied it is not necessary to show that the local government or the person concerned actually suffered detriment.<sup>18</sup> However it is not enough to show that the local government or the person concerned suffered detriment, or could have suffered detriment. The Panel must find that it is more likely than not that the councillor believed that his or her actions would cause detriment and intended to cause detriment.<sup>19</sup>
24. "*To cause detriment*" has been interpreted as meaning "*in order to*" or "*for the purpose of*" causing detriment, or "*with the will to*" cause detriment.<sup>20</sup> There can be a finding of intent if, after considering all the evidence, the only reasonable inference is that the councillor intended to cause detriment.<sup>21</sup>

<sup>12</sup> Section 5.122(3) of the Act, Schedule 5.1 of the Act, clause 8(6).

<sup>13</sup> Regulation 3.

<sup>14</sup> *Hipkins and Local Government Standards Panel* [2014] WASAT 48, paragraph 10.

<sup>15</sup> *Yates and Local Government Standards Panel* [2012] WASAT 59, paragraph 64, referring to *Treby* 2010.

<sup>16</sup> Macquarie Dictionary Revised Third Edition, 2001.

<sup>17</sup> *Ryan and Local Government Standards Panel* [2009] WASAT 154, paragraphs 31, 32.

<sup>18</sup> *Treby* 2010, paragraph 96, referring to *Chew v The Queen* 1992 CLR 626 (*Chew* 2010).

<sup>19</sup> *Re and Local Government Standards Panel* [2014] WASAT 111, paragraph 51, referring to *Australian Securities and Investments Commission v Australian Property Custodian Holdings Ltd* [2013] FCA 1342.

<sup>20</sup> *Chew* 2010.

<sup>21</sup> *Treby* 2010.





## Substance of the Complaint

25. On 27 March 2019, Cr Greenway sent an email (“Email”) to all councillors, the CEO and five Senior Staff Members (together “the Parties”). A copy of the Email is as follows:

Hello Therese,

Thank you for the email and comments on Briefing meetings and last nights meeting outcomes.

There was quite a bit of emotion in the Chambers last night so no apologies required. Apparently someone in chambers shared information to a member of the public of Cr Brooks resignation last night as well. At least that would have happened after the meeting had been closed.

Cr Bells behaviour is not acceptable but is at the very least consistent.

Regards

Paula Greenway

Councillor West Ward

Shire of Toodyay

26. The Senior Staff Members who were copied into the Email held the following positions:

- Manager of Records
- Manager of Corporate Services
- Manager of Works and Services
- Manager for Planning and Development
- Manager of Community Development

27. One of the Senior Staff Members is the Shire’s Manager of Records and all emails forwarded to this individual are allocated a file number and archived as part of the official Shire records. As such, Cr Greenway’s Email has become official correspondence of the Shire and is discoverable by the public, now, and into the future.

28. Cr Greenway’s Email was sent in reply to an earlier email from Councillor Therese Chitty (“Cr Chitty”) who is the Deputy Shire President. Cr Chitty’s email (“Cr Chitty’s Email”) related to the Council Meeting (“Council Meeting”) held the previous day.

29. Cr Greenway’s Email stated that the Complainant’s behaviour at the Council Meeting was “*not acceptable*”. However, Cr Greenway did not explain in what way his behaviour was unacceptable, nor did she suggest what she considers “*acceptable behaviour*” to be. Furthermore:

- a. Cr Greenway did not seek to email him or contact him privately regarding the opinions she held; instead, she sent the derogatory Email about him to all the Parties;
- b. the content of the Email did not relate to any of the areas that the administrative employees work in and as such, it cannot be argued that it was necessary for Cr Greenway to include them; and



- c. the Email denied the Complainant the opportunity to address any of the matters of concern that Cr Greenway may have had prior to her sending it.
30. It is alleged by the Complainant that the “*sweeping (negative) generalisation*” made by Cr Greenway regarding the Complainant in her Email is a breach of Section 3.5 of the Shire’s *Code of Conduct* (“Code”). Section 3.5 states as follows:

**“3.5 Avoid Derogatory Statements**

*We will not make any allegations that are derogatory or improper. We will always act in the best interests of the Shire and refrain from any type of communication, in our public or professional duties, which may cause any reasonable person unwarranted offence or embarrassment. When we are uncertain about the probable impact of our communications, we should seek access to legal advice”.*

The Email contains statements about the Complainant that are clearly “*derogatory*” and “*improper*” and her comments towards the Complainant would be considered to cause any reasonable person “*unwarranted offence or embarrassment*”.

31. It is evident from the signature at the end of the Email, that Cr Greenway sent the Email to all Parties in her capacity as a councillor and that she used her position as a councillor with the intention of seeking to cause detriment to the Complainant.

**Cr Greenway’ Response**

32. Cr Greenway does not accept the information detailed in the Complaint, nor does she accept that she committed the alleged conduct.
33. When replying to Cr Chitty’s Email, she chose to “*reply all*”. All the Senior Staff Members included in Cr Chitty’s original Email were “*present and witness to the events leading to Cr Chitty’s email*”.
34. In her opinion, the Complainant’s behaviour at the Council Meeting was unacceptable; however, she did not seek to denigrate him in the Email, but to point out his ongoing disrespect of the Shire’s Code.

**Panel’s Consideration**

*First, second and third elements satisfied*

35. The Panel finds that Cr Greenway engaged in the conduct which is the subject of the Complaint and that she was a councillor and was acting as a councillor at all relevant times.
36. The first, second and third elements of Regulation 7(1)(b) are established.

*Whether Cr Greenway acted improperly (fourth element)*

37. Based on the evidence before it, the Panel is not satisfied that the fourth element has been established in relation to the Complaint and finds that Cr Greenway did not act improperly. The Panel makes this finding because it is not satisfied to the required standard of proof that a reasonable person would consider that Cr



Greenway did not meet the standards of conduct expected of a councillor when she sent the Email:

- a. The Email, which is reasonably short in length, discusses the Council Meeting held the previous day in general terms, while touching upon a couple of noteworthy occurrences during it. There is only one comment (“Comment”) in the Email that directly relates to the Complainant, as follows:

*“Cr Bell’s behaviour is not acceptable but is at the very least consistent”.*

- b. The Panel has considered the context in which the Email was sent. Cr Chitty’s Email (which Cr Greenway was replying to) had addressed some serious issues regarding the Complainant’s behaviour in the lead up to, and at, the Council Meeting. The Email in its entirety is, as already stated, limited in terms of its length and its content is moderate and reasonable. The Comment itself, while direct and somewhat critical of the Complainant (in the context of the Council Meeting), is a single sentence that is not particularly rude or offensive. In the circumstances, the Panel finds the content of the Email was appropriate and did not breach the Code as alleged.
- c. With regard to the Parties that the Email was sent to, the Panel notes that Cr Greenway did not initiate the correspondence, and was simply replying to all the Parties included in Cr Chitty’s Email.
- d. Furthermore, the Panel finds that it is more likely than not that the Email did relate to the Parties, including the Senior Staff Members, and therefore it was reasonable that Cr Greenway continued to include them in the email trail. Local government employees (as well as being responsible for their particular areas of local government), are part of a team, and along with councillors, are responsible for the effective functioning of Council. Cr Greenway’s Email related to Council business, and therefore it was pertinent to them.

38. The Panel does not find that Cr Greenway’s actions were so wrongful or inappropriate to call for the imposition of a penalty.

*Whether Cr Chitty intended to cause detriment to the local government or any other person.*

39. The Panel finds that the fourth element has not been satisfied and therefore it is not necessary to consider the fifth element. However, to be clear, the Panel is also not satisfied to the required standard of proof that Cr Greenway intended to cause detriment to the Complainant by sending the Email:

- a. The Complainant alleges that it is clear that Cr Greenway intended to cause him detriment when she sent the Email. However, Cr Greenway submits that she believed the Complainant’s behaviour at the Council Meeting was unacceptable, and that her intention behind sending the Email was to point out his *“ongoing disrespect”* of the Code.



- b. Any finding, that a councillor has committed a minor breach, must be based on evidence from which it may be concluded that it is more likely than not that the breach occurred than that it did not occur (the required standard of proof). In order to find the allegation, proposition or conduct has been established, and where direct proof is not available, the Panel must be satisfied from the evidence that it is more probable than not that it has occurred. The Panel cannot make a finding that the alleged fact, proposition or conduct occurred if the evidence merely supports two or more conflicting but equally possible inferences. In this matter, based on the evidence before it, the Panel finds Cr Greenway's explanation as to her intention behind sending the Email, to be plausible.

### **Findings**

40. Accordingly for the above reasons, the Panel finds that Cr Greenway did not breach Regulation 7(1)(b).

---

Sarah Rizk (Presiding Deputy Member)

---

Elanor Rowe (Deputy Member)

---

Rebecca Aubrey (Deputy Member)



# Expression of Interest to Participate in a Committee of Council

SHIRE OF TOODYAY

EXPRESSIONS OF INTEREST

**Council Committees**

If you have ever wanted to participate in a Council Committee now is your opportunity to do so.

We are seeking expressions of interest for community members on the:

- Audit Committee;
- Museum Advisory Committee; and the
- Environmental Advisory Committee.

Information in relation to Council Committees is available on Council's website at <http://www.toodyay.wa.gov.au/Council/Council-Meetings/Council-Committees>

Please submit your Expressions of Interest in writing, addressed to the CEO via email to [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au) or PO Box 96, Toodyay, WA, 6566.

Expressions of Interest close midday on Friday 22 November 2019.

**STAN SCOTT**

Chief Executive Officer

## Related Information

---

 [Committee-Information.pdf](#) (PDF, 303KB)

 [Expression of Interest Registration Form](#) (PDF, 71KB)

