Ordinary Meeting of Council

Minutes

27 June 2017

MINUTES OF ORDINARY MEETING OF COUNCIL
HELD IN SHIRE OF TOODYAY COUNCIL CHAMBERS ON 27 JUNE 2017

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.

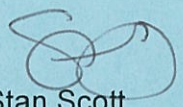
The "Confirmed" Minutes are then signed off by the Presiding Person.

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 28 June 2017.



Stan Scott
CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on .....

Signed: .....

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

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Shire of Toodyay

ORDINARY MEETING ï 27 JUNE 2017

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr D Dow, Shire President, declared the meeting open at 4.07pm.

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 D Dow	Shire President
Cr T Chitty	Deputy Shire President
Cr E Twine	
Cr J Dow	
Cr S Craddock	
Cr R Welburn	
Cr P Greenway	
Cr B Rayner	

Staff

Mr S Scott	Chief Executive Officer
Mrs D Andrijich	Acting Manager Community Development
Mrs T Phillips	Acting Manager Corporate Services
Mr G Bissett	Manager Planning & Development
Mr S Patterson	Manager Works and Services
Mrs M Rebane	Executive Assistant

Visitors

B Foley	L Graham	D Smith
M Sinclair-Jones	G Appleby	H Appleby
P Robinson	R Merendino	B Sampson

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3. DISCLOSURE OF INTERESTS

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

4. PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 23 May 2017, the following questions were taken on notice.

L Graham on behalf of the Toodyay Progress Association

Questions and responses summarised as follows:

1. Prior to its submission to Council, what processes were undertaken to verify the lawfulness of item 9.4.4 from the Ordinary Council meeting of 26 July 2016?

   Prior to submission to Council the proposed rates were advertised to the community inviting public submissions. There were none.

   The differential categories identifies were the same categories that had been used by the Shire of Toodyay for over a decade. The only difference was that in previous years some categories had been given a concession rather than a different rate in the dollar (a differential rate). The outcome was the same as if a concession had been applied.

   The intent of the differential rate was to ensure that changes in property values did not result in one group of ratepayers bearing a higher rate burden relative to other groups than had been the case in the previous year.

2. Who conducted those processes?

   The processes were conducted by Shire staff.

3. Were these processes checked? (a) If not, why not? And (b) if so, who checked them?

   The modelling was checked by Shire staff and elected members and advertised for public comment.

4. Were any elected officials involved in checking, verifying or overseeing those processes? (a) If not, why not? (b) if so (i) who was involved, and (ii) what did the involvement constitute?

   The entire Council endorsed the proposed rates prior to advertising. Clearly Council was not aware at the time the rates were adopted that the classifications did not meet the requirements of the Act.

5. Have these processes been reviewed since 12 Dec 16? (a) If not, why not? (b) If so, (i) who conducted the review, and (ii) what were the outcomes of that review?

   When the mistake was drawn to Councilôs attention every factor used to differentiate rating categories was checked by staff to ensure that it complied with the requirements of the Act. Council took immediate steps to quash the adopted rates and new compliant classifications were adopted at the earliest opportunity. The lesson here was not to accept historical classifications, and check every classification every year.

6. Precisely when was the matter relating to changing the rating system first raised with Council officials; and (a) who raised it, and (b) with whom was it raised, and (c) what action was taken in response to it being raised with Council officials?

   The classification of unimproved value properties was the same classifications that had been in place for over 10 years. The only difference was that a differential rate (that is a different rate in the dollar) was applied for the first time. The differential rate was adopted for advertising at the May 2016 Ordinary Meeting of Council on 24 May 2016. At no time since these classifications been in place had the mistake in classification been picked up by staff, Councillors, members of the public, auditors or the Department.

7. Since correcting this unlawful act, has council advised all those affected? (a) If so when were they advised, and (i) how were they advised? and (b) if not, why not?

   Everyone who was affected by the rating error has been advised in writing.

8. When did the Council change to a rating system based on a differentiation of (a) location, and (b) land size?

   The differentiations has been in place for over 10 years. It is not clear when they were first differentiated in this way.

9. What external advice did Council seek before changing to an unlawful rating system?

   There was no external advice. At no time did Council say letôs adopt an unlawful rating system ï it was clearly an error that has since been corrected. In 2016 for the 2016-17 financial year Council decided for the first time to adopt a different rate in the dollar for different categories of UV properties. In previous years they had applied a concession to achieve the same result. Concessions do not have to be advertised in the same way as differential rates and were considered a less transparent device.

P Judge

Summary of Question One

I refer to Current Planning Approval 24/02/2015 Opal Vale Pty Ltd and Current Works Approval 27/08/2015 Opal Vale Pty Ltd. ASIC Records show Opal Vale Pty Ltd A.C.N.106512896. Australian Business Register show Opal Vale Pty Ltd does not trade. Has the Shire of Toodyay researched the ASIC History for Opal Vale Pty Ltd A.C.N. 106512896?

The Shire cannot comment on the Works Approval but has referred your question to the Department of Regulation for their response. They advised they had already been made aware of this. Council has researched the history of this company. This has shown that it is currently a registered Company.

Summary of Question Two

Does Opal Vale Pty Ltd have a current clay Extractive Industries License?

There is no record of OPALVALE Currently having a clay extractive industries license with the Shire of Toodyay.

4.2 PUBLIC QUESTION TIME

B Foley

Summary of Question One

Are the Shire aware that Specialised Tree Services do not have a qualified arborist on their staff? They are a member of the Arborist Society, they display their logo on their website.

Summary of Question Two

How was the viability of these trees ascertained? Were core samples taken? If so were Shire staff there to witness these cores? If cores were not taken what other method was used?

Summary of Question Three

Are the Shire comfortable with having the same Company that remove trees as a business, making an assessment as to the viability of trees, even if they have a qualified arborist on their staff

Summary of Question Four

Are the Shire personnel aware that there are qualified Arboristsô within the Toodyay Shire? Is there any reason for not using them?

Summary of Question Five

Will the Shire personnel, in future, use an independent qualified Arborist to ascertain if trees have to be removed or can be treated and retained?

The Shire President advised that the above questions would be taken on notice.

L Graham, Toodyay Progress Association

Summary of Question One

1. In the last 12 months, how many unsolicited offers to purchase council property have been received?

The Shire President took the question on notice.

Summary of Question Two

2. If unsolicited offers have been received, to which property did each offer relate?

The Shire President took the question on notice.

Summary of Question Three

3. How many of these unsolicited offers were formally considered by Council?

The Shire President took the question on notice.

Summary of Question Four

4. What is the process used by Council to formally consider unsolicited offers to dispose of property?

The Shire President took the question on notice.

Summary of Question Five

5. How many of these unsolicited offers were accepted?

The Shire President took the question on notice.

Summary of Question Six

6. How many of these unsolicited offers were rejected?

The Shire President took the question on notice.

Summary of Question Seven

7. What is the process used to decide which offers, unsolicited or otherwise, are presented to Council?

The Shire President took the question on notice.

Summary of Question Eight

8. What is the process used to decide which offers, unsolicited or otherwise, are considered by Council?

The Shire President took the question on notice.

Summary of Question Nine

9. What is the process used by Council to formally assess, accept or reject an unsolicited offer to purchase property?

The Shire President took the question on notice.

Summary of Question Ten

10. In the last twelve months, how many offers to sell property has the Council solicited?

The Shire President took the question on notice.

Summary of Question Eleven

11. Does the Council have a preferred valuer? (a) If so who is that valuer? (b) If not, why not?

The Shire President took the question on notice.

Summary of Question Twelve

12. How many times has council used ABC Midland & Hills Property Valuers?

The Shire President took the question on notice.

Summary of Question Thirteen

13. Why were ABC Midland &Hills Property Valuers chosen to value 98 Stirling Terrace, (OôReillyôs Cottage)?

The Shire President took the question on notice.

Summary of Question Fourteen

14. Were ABC Midland & Hills Property Valuers advised that 98 Stirling Terrace was on the Municipal Inventory and that Council Policy determines the property to have a ñconsiderableò level of heritage significance? (a) If not, why not? (b) If so, by whom and when was this advice given?

The Shire President took the question on notice.

Summary of Question Fifteen

15. The Shire of Toodyay 2013 - 2023 Strategic Community Plan prescribes that ñrequires a rates increase of at least 5% on top of inflationò to fund infrastructure. How much revenue have these rate increases raised? And what are the specific infrastructure projects funded by this increase in rates?

Summary of Question Sixteen

Without asking Council to comment on the amount applicable to any particular case, reflect adversely, breach any privilege, confidentiality agreements or any other restrictions; the TPA examination of the monthly accounts shows expenditure on legal matters amounts to $571,037.82. Obviously this expenditure had to be considered in a budgetary context, I ask:

16. Were any Shire initiatives postponed as a consequence of these legal costs?

The Shire President took the question on notice.

Summary of Question Seventeen

17. Were any Shire initiatives delayed as a consequence of these legal costs?

The Shire President took the question on notice.

Summary of Question Eighteen

18. Was any project funding reduced as a consequence of these legal costs?

The Shire President took the question on notice.

Summary of Question Nineteen

19. Was any project funding not proceeded with as a consequence of these legal costs?

The Shire President took the question on notice.

Summary of Question Twenty

20. If the answers to any of questions 16 to 19 are yes, will Council accurately identify what initiatives were deleteriously affected as a consequence of those legal costs?

The Shire President took the question on notice.

Summary of Question Twenty-one

21. If the answers to questions 16 to 19 are no, has Council's operating surplus been reduced?

The Shire President took the question on notice.

L Graham

Summary of Question One

At the Council Meeting held on 23 May 2017 I asked what processes were undertaken to verify the lawfulness of item 9.4.4 from the July 2016 Ordinary Council Meeting? The response provided does not seem to actually answer the question. Therefore, can my question be responded to?

The Shire President took the question on notice.

Summary of Question Two

At the Council Meeting held on 23 May 2017 I asked whether the processes have been reviewed since December 2016 and if not, why not and if so, who conducted the review, and what were the outcomes of that review? The response provided does not seem to actually answer the question. Therefore, can my question be responded to?

The Shire President took the question on notice.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 23 May 2017

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 88/06/17

MOVED Cr Greenway

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 23 May 2017 be confirmed, subject to an amendment to be made to Council Resolution 83/05/17 where the motion was carried 6/2.

MOTION CARRIED 8/0

5.2 Special Meeting of Council held on 1 June 2017

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 89/06/17

MOVED Cr J Dow

That the Unconfirmed Minutes of the Special Meeting of Council held on 1 June 2017 be confirmed.

MOTION CARRIED 8/0

5.3 Council Forum held on 13 June 2017

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO NO. 90/06/17

MOVED Cr Twine

That the Notes of the Council Forum held on 13 June 2017 be received.

MOTION CARRIED 8/0

5.4 Confidential Items

5.4.1 Special Meeting of Council held on 1 June 2017

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO NO. 91/06/17

MOVED Cr J Dow

That the Unconfirmed Confidential Minuted Items listed as 6.1 Confidential Legal Matter from the Special Meeting of Council held on 1 June 2017 be confirmed.

MOTION CARRIED 8/0

5.4.2 Council Forum held on 13 June 2017

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO NO. 92/06/17

MOVED Cr Rayner

That the Unconfirmed Confidential Noted Program Item containing the following:

- Confidential Concept Program Items
  - 8.1 Parks and Gardens Depot Use
  - 8.2 Control of Vehicles (Off-Roads) Legislation
  - 8.3 Morangup Community Hall Future Plans
  - 8.4 Connors Cottage Lease;
- 9. CEO Confidential Update; and
- 10. Confidential Matters

from the Council Forum held on 13 June 2017 received.

MOTION CARRIED 8/0

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)

8.1 PRESIDENTâS REPORT

The Shire President did not make an announcement.

9. REPORTS OF COMMITTEES AND EMPLOYEE REPORTS

9.1 COMMUNITY DEVELOPMENT

9.1.1 Toodyay Tidy Towns Mural Project ï Duke Street ï Ablution Building

Date of Report:	19 June 2017
Name of Applicant / Proponent/s:	Toodyay Tidy Towns Committee
File Reference:	COM 25
Author:	D Andrijich ï Acting Manager Community Development
Responsible Officer:	A Bell ï Manager Community Development
Previously Before Council:	13/09/2016 Forum 27/09/2016 OCM 9.3.2 Res No 153/09/16
Author's Disclosure of Interest:	Shire Staff representative on committee
Nature of Council's Role in the matter:	Executive.
Attachments:	1. Mural concept design; 2. Proposed mural site; and 3. Project Plan
Voting Requirements:	Simple majority

PURPOSE OF THE REPORT

Approval is sought for the mural concept design to be approved by Council. The Toodyay Tidy Towns committee wish to progress forward and seek out a mural Artist and input from the Community as per Level E of the Shire of Toodyay Members Policy M.2 ï Public Consultation Formal Matters (M2).

BACKGROUND

A discussion paper was presented to Council at the 13 September 2016 Council Forum.

Mr Greg Warburton ï Chairperson of the Toodyay Tidy Town Committee, shared with Council a visual presentation showcasing a number of outstanding murals from around Australia, as well as from overseas.

The Shire of Toodyay has shown great support to the Toodyay Tidy Town Committee over the past few years, with this Committee winning the National Tidy Town Award in 2015.

Building on the strength of this partnership, this new project will add to the vibrancy of Toodyay as well as the possibility of linking in with other groups to

keep the spirit of community actively working together on future projects within the Shire.

At an Ordinary Meeting of Council held on 27 September 2016, Council resolved (Res. No. 153/09/16) as follows:

That:

1. *Council authorises the Acting CEO to provide a letter of support to the Tidy Town Committee in respect to the Committee being responsible for organising a concept design for the proposed mural wall on the ñAblution buildingòlocated at Duke Street;*
2. *A concept design be brought back to Council for consideration at a future Council Meeting, with approval to then seek input from the Community as per Level E of the Shire of Toodyay Members Policy M.2 ï Public Consultation Formal Matters; and*
3. *An update be provided to Council at a future Council Forum containing further details in relation to the mural including but not limited to:*
   (a) *A project plan;*
   (b) *Who the project will involve; and*
   (c) *Approximate costingôs to complete the mural*

Discussions and planning have been undertaken at many committee meetings. An art collaboration workshop attended by committee members and research on Mural artists and murals, has culminated in a concept design for the Charcoal Lane wall.

The next step, is Council approval to embellish the wall with the concept design.

The project will then seek a suitably qualified Artist who will transfer the design to the wall. Source funding, establish collaborative communication with TDHS and community groups and set a date.

CONSULTATION IMPLICATIONS

In April 2016 early discussions were held between the Toodyay Tidy Towns Committee and the Shire CEO regarding the project concept.

Arts Toodyay were invited to submit an expression concept design and research on Mural Artists and murals, has culminated in a concept design for the Charcoal Lane wall.

Toodyay Tidy Town articles in the Herald have highlighted the mural project concept and in particular September 2016 article sought community ideas.

STRATEGIC IMPLICATIONS

Shire of Toodyay Strategic Community Plan 2013-2023

Vision

ñWe are a vibrant rural community that celebrates our past and embraces a sustainable futureò

Mission

Local Government and community working together to obtain the best possible social, economic and environmental

Councilôs Strategic Priorities

Community Services:

- *Building trust, partnerships and support for community action*

Shire of Toodyay Corporate Business Plan

SP1.7a & SP1.7b ï Activities to support the preservation and development of Toodyayôs heritage, culture and art in order to enrich community identity, develop community cohesion and improve visitorôs experience to the Shire.

POLICY IMPLICATIONS

Toodyayôs abundant heritage is an integral part of our town. It is of considerable social and economic value to our community. Because of this, the planning framework has strict controls built in to guide development and in doing so, protect the heritage feel. The most prominent tools being used are the Central Toodyay Heritage Area Precinct and the application of the Shire of Toodyay Local Planning Policy No. LPP.20 ï Central Toodyay Heritage Area (LPP20).

The Shire of Toodyay Memberôs Policy No. M.2 Public Consultation ï Formal Matters (M2) applies as this matter has a potential impact on the community. In this case we would deem it:

e) Level E ï Locality: development, use or activities that are likely to affect the amenity, character or function of an area greater than neighbouring properties.

FINANCIAL IMPLICATIONS

Currently the efforts of the Committee over the past few years has resulted in the Committee being awarded winning funds. The current remaining balance in the 2016/2017 Annual Budget is $2,300 (GL: 102202). The Committee was also successful in being granted Council sponsorship of $1,500 (GL: 104201) $500 was spent on the Mural workshop. The committee has requested a further $1,500 in sponsorship from the Shire in 2017/2018 budget towards this project and will also be seeking external funding from various avenues.

A breakdown of costingôs is as follows;

Item	**Cost**
Mural Artist	$ 6,000.00
Paint	$ 300.00
Local Artistôs for workshops	$ 2,000.00
Art materials	$ 500.00
Catering	$ 500.00
Miscellaneous	$ 700.00
Total Cost of Project	**$** 10,000.00

Intention to fund the project

Donated Materials		$ 500.00
Cash in hand for the project		$1,500.00
Fundraising (estimate)		$ 500.00
Other ï Grant funding		$6,000.00
Total Funds Available / Expected	**$**	8,500.00

Total Cost of Project	**$**	10,000.00
Less Total funds available	**$**	8,500.00
Amount Requested from Shire	**$**	1,500.00

LEGAL AND STATUTORY IMPLICATIONS

The *Planning and Development Act 2005* and its Regulations provides for the creation of a Local Planning Scheme.

The Shire of Toodyay Local Planning Scheme No. 4 (LPS4) provides the mechanism for protecting and enhancing the environment of the district and its historical associations, controlling land and building development, setting aside land for future use as reserves and other matters authorised by the *Planning and Development Act 2005*.

RISK IMPLICATIONS (including DAIP)

This proposal does not contain any notable Risk Implications.

SOCIAL IMPLICATIONS

As written in our Mission statement ï Local Government and community working together to obtain the best possible social, economic and environmental outcomes for the Toodyay Shire.

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 proposal has been assessed against relevant objectives and development

Murals for Toodyay have been discussed for some time. The Tidy Towns Committee has been working with the Shire and other community groups, this project will be another step forward in making the Shire a vibrant and inclusive place.

Administration is supportive of this project and will assist where possible to make this project happen.

OFFICERõS RECOMMENDATION

That Council:

1. Support the Tidy Towns Committee by approving the concept drawing to be transferred by a mural artist onto the Duke Street toilet wall; and
2. Seek input from the community as per Policy M.2 ï Public Consultation Formal Matters Level E.

Cr Chitty moved the Officerõs Recommendation as follows:

That Council:

1. **Support the Tidy Towns Committee by approving the concept drawing to be transferred by a mural artist onto the Duke Street toilet wall; and**
2. **Seek input from the community as per Policy M.2 ï Public Consultation Formal Matters Level E.**

Cr Twine seconded the motion.

Clarification was sought.

Cr Chitty moved an amendment to the motion as follows:

That a Point 3 be inserted to read as follows:

3. **That the matter returns to Council for final consideration following public consultation.**

The amendment was put.

AMENDMENT/COUNCIL RESOLUTION NO 93/06/17

MOVED Cr Chitty **SECONDED** Cr J Dow

That a Point 3 be inserted to read as follows:

3. That the matter returns to Council for final consideration following public consultation.

AMENDMENT CARRIED 8/0

The substantive motion was put.

OFFICERõS RECOMMENDATION/COUNCIL RESOLUTION NO. 94/06/17

MOVED Cr Chitty **SECONDED** Cr Twine

That Council:

1. Support the Tidy Towns Committee by approving the concept drawing to be transferred by a mural artist onto the Duke Street toilet wall; and
2. Seek input from the community as per Policy M.2 ï Public Consultation Formal Matters Level E.
3. That the matter returns to Council for final consideration following public consultation.

MOTION CARRIED 6/2

9.2 PLANNING AND DEVELOPMENT

9.2.1 Lot 75 (No. 911) McKnoe Drive - Rural Home Business (Cabinet Making)

Date of Report:	15 June 2017
Name of Applicant / Proponent/s:	B. J. Sampson
File Reference:	A1726/75MCK
Author:	H. de Vos ï Planning Officer
Responsible Officer:	G. Bissett ï Manager of Planning and Development
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Quasi-judicial
Attachments:	1. Location Map; 2. Application Documents; and 3. MAP - Distance between machine and neighbouring dwelling.
Voting Requirements:	Simple Majority

PURPOSE OF THE REPORT

Approval is sought for a proposed Rural Home Business (Cabinet-Making) at Lot 75 (No. 911) McKnoe Drive in Morangup.

BACKGROUND

The proposal requires development approval as it is a ñDòuse.

The matter has been referred to Council for determination as an objection has been received as part of the public consultation process.

Lot 75 (No. 911) McKnoe Drive in Morangup is a ten (10) hectare property in the Gidgegannup Springs subdivision. Under the Shire of Toodyay Local Planning Scheme No. 4 the property is zoned Rural Residential (**Attz.1)**.

The Shire of Toodyay received an application on 5 May 2017 for a proposed cabinet making rural home business (**Attz.2**).

A general summary of the business is as follows:

- Hours ï 8:00am to 4:00pm (Monday to Friday);
- Cutting and fabricating domestic kitchen cabinets;
- Premises will not be used as a ñshop front/showroomò;
- Equipment for cutting is a Robland E300 E2800 table saw;

- No external machinery (generators).

The Applicant proposes to operate his cabinet-making business from an existing machinery shed as identified on the map supplied in **Attachment 1**. This shed is located approximately 26.4m off the eastern boundary. The nearest neighbouring dwelling is located approximately 150m away.

A site inspection was conducted on 15 June 2017 and present were the Manager Planning Development, the Planning Officer, the Environmental Health Officer and the applicant.

The following observations were noted:

- The machinery shed is comprised of two sections separated by a wall. The applicant had intended to place the machine in the Eastern portion of the shed, however, in light of the objection received he indicated that he would be placing it in the furthest corner away from the neighbouring dwelling in the Western portion of the machinery shed.
- Whilst the distance listed is approximately 150m, a desktop survey and measurement has given the actual distance between the location of the machine and the neighbouring dwelling as 170.7m (**Attz.3**).
- In regards to noise attenuation the applicant is proposing to install Earthwool Acoustic batts along the walls. He also indicated that he could place hay bales storage areas along the outside walls on the northern side of the machinery shed.
- There is a 40FT Sea Container (which will be subject to future Shire approval in a separate application) on the Eastern wall of the machinery shed which is facing the neighbouring property. Should Council approve this sea container it will provide a further buffer for any noise. In the event that the sea container is removed or moved, the applicant has indicated that the wall could be used for additional hay storage.
- Shire Officers were advised that the saw machine would only be used as required. On average no more than an hour at a time and usually only one day per week. The Applicant expressed a willingness to operate the machine around midday only in order to be as least disruptive as possible.

The Applicant has previously operated his cabinet-making business in a Rural Residential zone in the Shire of Jerramungup. The Planning Officer from the Shire of Jerramungup has provided a letter outlining the nature of the previous operation and it is noted that no objections were received. This letter can be viewed as part of **Attachment 1**.

CONSULTATION IMPLICATIONS

The proposal underwent a Level C consultation in accordance with the Shire of Toodyay M2 Public Consultation policy. Letters and supporting material were sent out to adjoining properties for review. The 14 day consultation period expired on the 23 May 2017 and one objection was received.

Submissions are summarised in the table below.

Summary of submissions	
Issue / Concern	**Assessment / Comment**
• Objection to proposal; • **Noise -** The nature of carpentry is high pitched noise produced by routers, power saws and plainer/thicknesses. These machines rotate at high revs and generate considerable noise. • **Proximity of the proposed work location -** The shed, as shown in the lot layout provided with the correspondence received, is close to the property boundary and roughly 150m from our house. As an example, our neighbour directly opposite us on McKnoe Drive, over 300m away, has a router and plainer/thicknesser. We can clearly hear these machines when in use which we have no objection to as they are being used on an ad hock basis and in the endeavour of building additions to the house. Having this type of noise potentially every day from 08:00 to 16:00 is not desired. • **Stay at home house Wife -** My wife, is a stay at home homemaker and as such will be subjected every day to the noise generated by the home business. • **Zoning -** As Morangup is zoned Rural Residential, we are afforded a quite rural lifestyle which is why we have lived in Morangup for 11 years. There are no shops, 40km round trip for milk, bread and the paper. This is not an area for businesses, Toodyay has a Light Industrial Area set aside for business such as the proposed Cabinet Maker.	• Noted; • Noted ï The Shire has been in consultation with the applicant regarding possible mitigation measures to reduce noise output. These measures would be incorporated into the proposal as a condition if approved; • The proposal has been assessed against the Environmental Protection Authorityôs *Guidance for the Assessment of Environmental Factors - Separation Distance between Industrial and Sensitive Land Uses 2005* to determine appropriate land use buffers. The guidelines stipulate that the appropriate buffer for joinery & wood working premises is between 100m and 300m depending on the size of the operation. The nearest neighbour dwelling is approximately 145m away and given the small scale of this business it is considered that the appropriate buffer distance is adequately met. • Noted; • One of the objectives of the Rural Residential zone is to enhance the district's social and economic structure without detrimentally affecting the landscape, environment and existing agricultural activity. Whilst the submission raises a valid point about other zoning alternatives such as the Light Industry zone, this might not be a viable option for the applicant to consider. Therefore the assessment is made based only on the proposed land use on the current piece of

Summary of submissions	
Issue / Concern	**Assessment / Comment**
	land. In this instance any potential likely noise emissions can be adequately addressed through planning conditions and therefore the proposal is unlikely to detrimentally affect the area.

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

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

LEGAL AND STATUTORY IMPLICATIONS

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

Under the LPS4 the land use approval being sought is for a Rural Home Business.

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

Other relevant legislation includes:

- *Environmental Protection Act 1986; and*
- *Environmental Protection (Noise) Regulations 1997*

RISK IMPLICATIONS (including DAIP)

As noted above, should Council resolve to refuse or conditionally approve the proposal, the Applicant has a right of review through the State Administrative Tribunal (SAT) which will incur legal costs.

SOCIAL IMPLICATIONS

Given there has been an objection received regarding the proposal. There is a risk that any noise generated may result in tension between adjoining landowners.

ENVIRONMENTAL IMPLICATIONS

As the primary impact is noise, the matter was referred to the Shire of Toodyay Environmental Health Officer who made the following comments:

Under the Environmental Protection (Noise) Regulations 1997, Regulations 8 sets the assigned levels of noise that is given to premises receiving the noise for certain times of the day. There are no noise levels that are assigned that says you can make x amount of noise at this particular property. For reference sake, this is the assigned noise level table:

Type of premises receiving noise	**Time of day**	**Assigned level (dB)**		
		La10	**La1**	**LaMAX**
Noise sensitive premises: highly sensitive area	0700 to 1900 hours Monday to Saturday	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days	40 + influencing factor	50 + influencing factor	60 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises: any area other than highly sensitive areas	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and utility premises other than those in the Kwinana Industrial Area	All hours	65	80	90

The highly sensitive area refers to a 15 metre parameter around a house or main dwelling where the occupier usually resides.

For this particular instance, there is no influencing factor therefore the decibel levels listed above are final. To reiterate, these levels are for the receiving premises of the noise not the emitter of the noise. As a general rule, noise from

a source will decrease 6dB with a doubling of distance. Without knowing the sound power level of the equipment, itôs hard to estimate the noise levels that will be experienced by neighbouring properties. Also noise levels received is also dependent on a number of factors such as weather conditions, barriers, vegetation etc.

However, the Noise Regulations identify particular activities that may not be able to meet the assigned levels at times and therefore special exemptions are given to these activities. Regulation 14 of the Noise Regulations gives exemptions for equipment used on residential premises. Power tools would fit the definition of specified equipment stated under this Regulation. Regulation 14(2) states:

*õRegulation 7 **(in reference to meeting the assigned levels of Regulation 8)** does not apply to noise emitted from residential premises for the use of specified equipment on any day if ï*

(a) The specified equipment is used in a reasonable manner; and

(b) The specified equipment has not been used ï

i. In the case of equipment other than a musical instrument, for more than 2 hours since the beginning of the relevant day; or

ii. In the case of a musical instrument, for more than one hour since the beginning of the relevant day; and

(c) The noise resulting from the use of that specified equipment on those premises, having regard to the duration of the noise emission, the frequency of similar noise emissions from those premises and the purpose for which the equipment is used, does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of premises receiving the noise; and

(d) The specified equipment is used ï

i. Between 0700 and 1900 hours on Monday to Saturday inclusive; or

ii. Between 0900 and 1900 hours on a Sunday or public holiday.

ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

OFFICER COMMENT / DETAILS

The proposal has been assessed against relevant objectives and development provisions of LPS4. It generally complies, with any exceptions identified in the table below.

Local Planning Scheme No. 4	
Scheme Requirement / Clause	**Assessment / Comment**
SCHEDULE 1 ð DICTIONARY OF DEFINED WORDS AND EXPRESSIONS *ñrural home businessò means a dwelling or land around a dwelling used by an occupier of*	The applicant has expressed a willingness to operate out of the Western side of the machinery shed which is separated by a wall. The overall area of this portion of the shed is approximately 230m². The business will be limited to an area less than 200 m² so will meet the

Local Planning Scheme No. 4	
Scheme Requirement / Clause	**Assessment / Comment**
the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation ï *a) does not involve employing more than 2 people who are not members of the occupierôs household; and* *b) will not cause injury to or adversely affect the amenity of the neighbourhood; and* *c) does not occupy an area greater than 200 m2; and* *d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and* *e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and* f) *does not involve the presence, use or calling of more than three vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;*	requirement specified in Schedule 1(c).

It is the assessment of this report that the proposed Rural Home Business (Cabinet-Making) is considered to be in keeping with what is permitted in this zone. The consultation process has however raised some concerns from an adjoining landowner about the potential noise arising from such an operation.

This concern is howeverôacknowledged and therefore should Council choose to approve this application, it is recommended that appropriate planning conditions are put in place to further regulate and ameliorate noise protection.

Council can choose to either:

- Approve the application;
- Approve the application with conditions; or
- Refuse the application.

The submission objecting to the proposal is concerned with the appropriateness of the zone for the intended land use due to its noise outputs.

In regard to the zoning, it is an ongoing issue where small rural landholdings mean different things to different people. Therefore it is common for the appropriateness of land uses to raise concerns due to differing interpretations of what is reasonable.

It is therefore important to also consider the overall objectives of the zone. In this instance two objectives are significant as they mean different things to each party.

Firstly the zone must provide for a range of lifestyle opportunities as permitted under the zoning table and other provisions of the scheme. Therefore such a range should include the right to enjoy a peaceful residential existence and a right for a land user to obtain some financial benefit from the land.

Secondly, this zone should enhance the district's social and economic structure without detrimentally affecting the landscape, environment and existing agricultural activity. Small business land uses are important enhancements to our economic structure. Yet it is can be argued that they could potentially damage the amenity of the area.

The challenge therefore is to strike a balance between flexibility and control. This is best achieved through planning conditions.

The noise is the other issue raised. The proposal has been assessed against the EPAôs guidelines stipulating recommended buffer distances. The distance between the location of the machine and the neighbouring dwelling is 170m. This comfortably meets the minimum 100m buffer recommended. Additionally, the Applicant has advised that the noise producing part of his business represents a small amount of the overall time. The one hour of operation proposed each day (possibly only one day a week) meets the permissible requirements of the *Environmental Protection (Noise) Regulations 1997.*

Given the Applicant is installing acoustic sound-proofing, the location of the machine in relation to the neighbouring dwelling, the walls and other barriers and the fact that noise reduces in level over a distance ï it is considered that the noise will be manageable through conditions.

It should also be considered that a neighbour could produce similar noise if they were an enthusiastic hobbyist in work working. An example could be a retired wood turner. Working under the same noise guidelines such an activity would not require approval if it were to observe the noise laws.

However in order to recognise the concerns of the neighbours, it is recommended that should Council decide to approve the application, that a condition be placed to allow either a 6 or 12 month trial of the operation to ensure that the conditions are being met, the acoustic protections in place are satisfactory and that there are no ongoing concerns from the neighbouring property. This would be the fairest outcome.

After considering the content of this report, it is recommended that Council approves the development application subject to conditions.

OFFICERÕS RECOMMENDATION

That Council grants planning approval for the proposed Rural Home Business (Cabinet Making) at Lot 75 (No. 911) McKnoe Drive in Morangup, subject to the following conditions:

1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan;
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development;
3. A building permit being obtained prior to commencement of any building works;
4. Hours of operation are Monday to Friday (0800-1600). Sundays and Public Holidays are not permitted;
5. The area of the machinery shed (western portion) is to be lined with acoustic batts prior to the commencement of operations to the satisfaction of the Shire of Toodyay;
6. If the noise measures are found to be insufficient a noise study shall be undertaken at the ownerÕs cost to determine what further measures are required to reduce noise to acceptable levels and its findings shall be implemented immediately;
7. The business will undergo a six (6) month trial period from the date of this approval. After which the matter will be taken back to Council at the next available Ordinary Council Meeting for review.

Cr Greenway moved the OfficerÕs Recommendation.

That Council grants planning approval for the proposed Rural Home Business (Cabinet Making) at Lot 75 (No. 911) McKnoe Drive in Morangup, subject to the following conditions:

1. **Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan;**
2. **Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development;**
3. **A building permit being obtained prior to commencement of any building works;**
4. **Hours of operation are Monday to Friday (0800-1600). Sundays and Public Holidays are not permitted;**
5. **The area of the machinery shed (western portion) is to be lined with acoustic batts prior to the commencement of operations to the satisfaction of the Shire of Toodyay;**
6. **If the noise measures are found to be insufficient a noise study shall be undertaken at the ownerÕs cost to determine what further measures are required to reduce noise to acceptable levels and its findings shall be implemented immediately;**

7. **The business will undergo a six (6) month trial period from the date of this approval. After which the matter will be taken back to Council at the next available Ordinary Council Meeting for review.**

Cr J Dow seconded the motion.

Clarification was sought.

Cr Craddock moved an amendment to the motion as follows:

That at Point 6 the word ñmitigationò be inserted following the words óof the noiseô

The amendment was put.

AMENDMENT/COUNCIL RESOLUTION NO 95/06/17

MOVED Cr Craddock

That at Point 6 the word ñmitigationòbe inserted following the words óof the noiseô

MOTION CARRIED 8/0

The substantive motion was put.

OFFICERôS RECOMMENDATION/COUNCIL RESOLUTION NO. 96/06/17

MOVED Cr Greeenway **SECONDED** Cr J Dow

That Council grants planning approval for the proposed Rural Home Business (Cabinet Making) at Lot 75 (No. 911) McKnoe Drive in Morangup, subject to the following conditions:

1. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan;
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development;
3. A building permit being obtained prior to commencement of any building works;
4. Hours of operation are Monday to Friday (0800-1600). Sundays and Public Holidays are not permitted;
5. The area of the machinery shed (western portion) is to be lined with acoustic batts prior to the commencement of operations to the satisfaction of the Shire of Toodyay;
6. If the noise mitigation measures are found to be insufficient a noise study shall be undertaken at the ownerôs cost to determine what further measures are required to reduce noise to acceptable levels and its findings shall be implemented immediately;
7. The business will undergo a six (6) month trial period from the date of this approval. After which the matter will be taken back to Council at the next available Ordinary Council Meeting for review.

MOTION CARRIED 8/0

9.2.2 Morangup Hall Future Plans

Date of Report:	20 June 2017
Name of Applicant / Proponent/s:	Morangup Progress Association (MPA)
File Reference:	A4234/48WAL/Reserve 35789
Author:	G Bissett ï Manager Planning and Development
Responsible Officer:	G Bissett ï Manager Planning and Development
Previously Before Council:	Council Forum item 7.2 - 13 June 2017
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Executive
Attachments:	1. Proposed five year Building Improvement Plan.
Voting Requirements:	Simple Majority

PURPOSE OF THE REPORT

To consider Morangup Progress Associationôs (MPA) proposed plans for the future improvement of Morangup Community Hall (the Hall).

BACKGROUND

Councilôs allocation of $20,000 in the 2016/2017 Annual Budget for storage at the Morangup Community Hall has not been expended for this purpose.

Recent discussions with the MPA centred upon the long-term needs of the Centre, and as a result of these discussions, it was decided, subject to Councilôs support, that an amount of $5,000 taken from the above allocation be used to develop plans and drawings for an addition to the Morangup Community Hall that would include a Library Area.

The balance of the $15,000 balance together with an additional contribution of $20,000 has been requested for inclusion in the 2017/2018 Annual Budget. The MPA has indicated that it can source donated materials and labour for the project meaning the Shire contribution would result in a higher value project.

The MPA also agreed that they would submit a five year Building Improvement Plan for the Hall for Councilôs consideration (**Attz.1**)

The Hall was originally constructed with assistance from the local community and is run by the community through the MPA. Councilôs user agreement allows the MPA to collect and use hall fees to maintain and run the building. The Shireôs Building Maintenance Program covers significant maintenance like repaints, plumbing repairs, refurbishments and structural repairs.

This matter was considered at Councilôs June 2017 Forum where the following guidance was given:

That a report be presented at the June 2017 Council Meeting that would ask Council to consider upgrades to the Morangup Community Hall and whether they would approve in general principle that this project was worthwhile pursuing further provided the report contains detail of:

Å Up-to-date Hall usage Statistics; and

Å Approximate costings for the proposed five-year period.

And the recommendation may be that the Shire budget enough funds this year subject to the CEO liaising with the MPA to encourage the MPA to source other donations to make up any budgetary shortfall.

This report will address these issues.

CONSULTATION IMPLICATIONS

A request for the hall usage figures has been made to the secretary of the MPA.

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

It is anticipated that funding will need to be included in upcoming budgets to cover the cost of the proposed upgrades. It is proposed to include $35,000 in the upcoming budget to assist with the additions planned which are anticipated to cost in the region of $78,000. It is anticipated that the MPA will contribute in kind or via funding obtained.

In terms of their five year plan it is anticipated that this will require a total contribution of $144,000 from the Shire with the balance funded by the MPA (**Attz.1**)

Five Year Project	**Grant Funded**	**MPA**	**Shire**	**Balance**
Complete 2016/17				
Rear Gates		$ 1,000.00		$ 1,000.00
Design Work			$ 5,000.00	$ 5,000.00
Floor (every two years)			$ 800.00	$ 800.00
Defer 2017/18				
Car park			$ 5,000.00	$ 5,000.00
Play Area		$ 1,000.00		$ 1,000.00
Hall bathrooms		In Kind	$ 600.00	$ 600.00
2017/2018				
Storage and library		$43,000.00	$35,000.00	$78,000.00
Defer 2018/19				
Acoustics		In Kind	$15,000.00	$15,000.00
Complete 2018/19				
Power * *to be further*		$ 5,000.00	$20,000.00	$25,000.00

Five Year Project	Grant Funded	MPA	Shire	Balance
investigated				
Painting (Shire supplies materials)		In Kind	$ 5,000.00	$ 5,000.00
Floor (every two years)			$ 800.00	$ 800.00
Water Tanks * *Grant Funded*	$25,000.00			$25,000.00
Complete 2019/20				
Rear Outdoor area under cover		In Kind	$ 5,000.00	$ 5,000.00
Gardens		In Kind	$ 1,000.00	$ 1,000.00
Complete 2020/21				
Kitchen		$50,000.00	$50,000.00	$100,000.00
Floor (every two years)			$ 800.00	$ 800.00
TOTALS	**$25,000.00**	**$100,000.00**	**$144,000.00**	**$269,000.00**

LEGAL AND STATUTORY IMPLICATIONS

The necessary approvals and compliances will be required to be obtained in relation to any building works including compliance with:

- The *Food Act 2008* for the kitchen upgrade;
- The *Building Act 2011* for building works; and
- The *Planning and Development Act 2005* in relation to further site development.

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

As can be seen from the very preliminary budget it is anticipated that the proposed works will cost the Shire in the region of $150,000 over the next five years.

As of the date of the writing of this report the usage figures had not been received. These will be sent out to Members once received.

OFFICERÕS RECOMMENDATION

That Council:

1. Receive the Morangup Community Hall proposed five year plan dated the

27 March 2017 and work with the Morangup Progress Association (MPA) to implement this subject to allocation of future budget funds and agreed contributions from the MPA.

2. Consider the allocation of funds in the 2017-18 Annual Budget deliberations, and note the commitment of substantial contributions of donated material and labour;

3. Note that there will be a further report to obtain planning consent and approve building plans when received.

Cr Greenway moved the Officerôs Recommendation.

Cr Twine seconded the motion.

Clarification was sought.

The motion was put.

OFFICERôS RECOMMENDATION/COUNCIL RESOLUTION NO. 97/06/17

MOVED Cr Greenway **SECONDED** Cr Twine

That Council:

1. Receive the Morangup Community Hall proposed five year plan dated the 27 March 2017 and work with the Morangup Progress Association (MPA) to implement this subject to allocation of future budget funds and agreed contributions from the MPA.

2. Consider the allocation of funds in the 2017/2018 Annual Budget deliberations, and note the commitment of substantial contributions of donated material and labour;

3. Note that there will be a further report to obtain planning consent and approve building plans when received.

MOTION CARRIED 8/0

9.2.3 Use of Sports/Show Ground for Caravan Overflow use

Date of Report:	20 June 2017
Name of Applicant / Proponent/s:	Kevin Hug
File Reference:	A2031/7TOOS/CAM1
Author:	K Stonham ï Environmental Health Officer
Responsible Officer:	G Bissett ï Manager Planning and Development
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Executive
Attachments:	1. Submission letter; and 2. Location of Proposed Area.
Voting Requirements:	Simple Majority

PURPOSE OF THE REPORT

To consider a request for Council to make the Sports/Show Grounds available for Caravan Use when all licensed facilities are full .

BACKGROUND

The Administration has been approached by the owner of the two main Caravan Parks in the Shire (**Attz.1**). This request has resulted after a meeting with the applicant and the CEO. The applicant advised that a number of times in the year both his parks became full and he was turning visitors away. The opportunity of allowing vans on the old hockey oval (**Attz.2**) was suggested as a way of addressing this for such occasions if done under controlled conditions and rules. Mr Hug further advised other regional shires were already doing this.

CONSULTATION IMPLICATIONS

The Owner of the third Caravan Park at Hoddywell Archer Park was contacted and asked his views. He advised he had no objections to this proposal and was not concerned if his park was not full at any time this activity were to be permitted.

No other consultation is proposed but if Council agrees to this proposal a few trail weekends over a 6 month period could then be reviewed on the basis of any feedback received either positive or negative.

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

It is envisaged that potential users would be charged at an unpowered site rate to match that charged by the town caravan park.

There are no adverse financial implications envisaged from this report. It is seen as revenue neutral.

There would be no additional staff required. Fees could be collected by the Visitor Centre or Rangers who could keep an eye on the activity from time to time as part of normal duties. They could also open and close facilities at the Pavilion as required.

LEGAL AND STATUTORY IMPLICATIONS

In accordance with Regulation 11(1) of the *Caravan Parks and Camping Grounds Regulations 1997:*

õA person may camp ï

(a) For up to 3 nights in any period of 28 consecutive days on land which he or she owns or has legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written under subregulation (2) and is complying with that approvalö

Regulation 11(2) of the *Caravan Parks and Camping Grounds Regulations 1997 states*:

Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights ï

(a) By the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;

(b) By the Minister, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months; or

(c) Despite paragraph (b), by the local government of the district where the land is situated ï

(i) If such approval will not result in the land being camped on for longer than 12 consecutive months; and

(ii) If the person owns or has legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.ö

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

This is something a number of other Shires do in regional areas to provide for additional caravans/campers who need somewhere to locate themselves during very busy weekends in the Shire. It is only anticipated this would be needed a handful of times a year. This could include, Easter, big event weekends and the occasional long weekend.

This is seen as a low risk activity that can be overseen by the Rangers. The way it is envisioned it would work is as follows:

1. The area allocated would be behind the pavilion on the former hockey oval.
2. The use would only be permitted with two weeksônotice from the operator of the two main caravan parks closet to town that both parks were booked out.
3. The use would only be for a maximum of 3 nights over a weekend period.
4. The charge per site would be set at the same rate as that charged by the two parks referred to in point 2 for an unpowered site.
5. No power would be offered.
6. The only access allowed to facilities in the pavilion would be to the external toilets. No access to showers would be provided subject to point 7.
7. A group could hire the kitchen and showers at normal hire rates providing the normal bond was lodged.
8. Users would need to collect and dispose of any waste from a caravan generated elsewhere.
9. The number of persons permitted on the area would be limited to a total of 20 unless the Pavilion facilities were hired.
10. If the pavilion was included the total use could be increased to 40.
11. Use of this facility for caravans would be subject to there being no conflict with pre-booked or schedule events, sporting use or other function or use of this area. This will be determined by the CEO.
12. Vehicle entry to the area to be used will be only via the nominated gates at the furthest corner of Toodyay Street (**Attz.2**).
13. Users will only be permitted on site on the basis that they will be directed to leave if they cause any nuisance or disturbance to other users or surrounding residents.

The above policy measures could be introduced by the administration if a trail was permitted.

It is suggested that a trial be carried out over a few weekends when this use occurs if Members agree to such a trial and that this activity be reviewed with a view to extending the trial depending on any feedback or complaints received.

OFFICERõS RECOMMENDATION

That Council in relation to the proposal to permit Camping at the Showgrounds Sports Ground on Toodyay St:

1. Endorse the proposal of a trial for a period of six months to use the former hockey field as an alternative location for camping when the two main caravan parks are at capacity.
2. Direct the administration to ensure appropriate controls/rules are in place in regards to any trial.
3. Review the trial in six months and, subject to positive feedback and minimal complaints, consider extending the trial for a longer period.

Cr Rayner moved the Officerõs Recommendation.

Cr Welburn seconded the motion.

Clarification was sought.

The motion was put.

OFFICERõS RECOMMENDATION/COUNCIL RESOLUTION NO. 98/06/17

MOVED Cr Rayner **SECONDED** Cr Welburn

That Council in relation to the proposal to permit Camping at the Showgrounds Sports Ground on Toodyay St:

1. Endorse the proposal of a trial for a period of six months to use the former hockey field as an alternative location for camping when the two main caravan parks are at capacity.
2. Direct the administration to ensure appropriate controls/rules are in place in regards to any trial.
3. Review the trial in six months and, subject to positive feedback and minimal complaints, consider extending the trial for a longer period.

MOTION CARRIED 8/0

9.2.4 Adoption of Health Local Laws 2017

Date of Report:	20 June 2017
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference:	LAW1
Author:	K Stonham ï Environmental Health Officer
Responsible Officer:	G Bissett ï Manager Planning and Development
Previously Before Council:	OCM 18 April 2017 Forum 3 March 2017
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Executive
Attachments:	1. DRAFT *Shire of Toodyay Health Local Law 2017*; 2. Submission for Department of Local Government and Communities; and 3. Submission from Department of Health.
Voting Requirements:	Absolute Majority

PURPOSE OF THE REPORT

To endorse the DRAFT *Shire of Toodyay Health Local Law 2017 (HLL 2017).*

BACKGROUND

The Shire of Toodyay does not currently have Health Local Laws (HLL) in force throughout its district. Without the provision of HLL, the Shireôs authorised officers have limited powers to safeguard the protection of public health. The Shireôs Authorised Officers predominately utilise the *Health (Miscellaneous Provisions) Act 1911* (Health MP Act) to impose compliance of public health issues however as this legislation is outdated, there is only so much contained within the law that authorised officers can enforce. Legislation and/ or polices from other Shire departments are at times required to be used to enforce public health matters which limits the powers of Environmental Health Officers.

Health Local Laws are generally made under Section 342 of the Health MP Act in accordance with subdivision 2 of division 2 of Part 3 of the *Local Government Act 1995* (the LG Act). However with the introduction of the *Public Health Act 2016*, the Act has been amended to provide for local governments to make health local laws under this Act. Health Local Laws made under the *Health MP Act* will need to be reviewed and possibly repealed when Stage 5 of the new Act occurs in 3 to 5 years. Therefore the Shireôs DRAFT *Health Local Laws* will be made under the powers contained within the LG Act to make local laws.

The HLL 2017 have been written as set out by the Model by-laws ôSeries Aô which many local governments have based their Health Local Laws on. The

HLL 2017 have been amended to accommodate local matters within the district in consultation with Shire Staff.

Members considered the HLL 2017 at its April 2017 Ordinary Meeting and endorsed it for advertising. This has since occurred. This matter is brought back to Council for final endorsement after considering submissions so it can be considered by the Department of Local Government for adoption.

CONSULTATION IMPLICATIONS

The HLL 2017 was advertised for a period of 6 weeks, ending on 7 June 2017, in accordance with Section 3.12 of the LG Act. The HLL 2017 was advertised in the Toodyay Herald, the West Australian as well as a copy being available at the Toodyay Library and the Administration Centre.

The Shire received one submission from the Department of Local Government and Communities (**Attz.2**) and one submission from the WA Department of Health (**Attz.3**). These changes have been incorporated into a revised draft for consideration (**Attz.1**).

These changes do not change the substance of the Local Law but rather are more about making them legally compliant and acceptable to the regulators with the exception it was recommended we include modified penalties (see ***Financial Implications***).

Interestingly these submissions highlighted there are old previous Local Health Laws that need repealing. The amended draft incorporates this.

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

This proposal does not contain any adverse financial implications. Under section 3.10 of the LG Act, local laws may provide for an offence to be punishable on conviction of a penalty not exceeding a fine of $5,000 and a daily penalty not exceeding a fine of $500. These Health Local Laws are consistent with this section of the Act.

One submission from the Department of Local Government and Communities suggested that modified penalties be included within the HLL 2017 to increase the Shireôs options in how offences are dealt with. As such modified penalties for prescribed offences have been amended within the Health Local Laws. Under Section 9.17(3), a modified penalty for a prescribed offence cannot exceed 10% of the maximum fine that could be imposed for that offence by the court therefore the maximum penalty cannot exceed $500.

The proposed modified penalties are in Schedule 13 of the HLL 2017 (**Attz.1**). These have all been set at $500.

There are three applications with subsequent fees for licensing and/ or annual renewal noted in the HLL 2017; lodging houses, offensive trades, and morgues. Offensive trades and lodging house currently have a fee schedule set out within the Shireôs 2016/2017 Annual Budget however an annual registration of

morgues do not have any fees presently. Adoption of a fee for the annual registration of morgues will be required in the Shireôs 2017/2018 Annual Budget.

LEGAL AND STATUTORY IMPLICATIONS

The procedure for making local laws is stated under section 3.12 of the LG Act. This procedure must be adhered to in the sequence in which it is described within the Act. If during the procedure for making the local laws the local government decides to make a local law which is significantly different to what was first proposed, the procedure is to be recommenced. Whilst amendments have been made to the HLL 2017 that was presented to Council at their Ordinary Meeting held on 18 April 2017, the local law is not significantly different.

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

The purpose of this local law is to regulate, protect, and manage public health within the district.

The effect of this local law is to protect public health. Some activities are permitted only under a permit or by determination and approval by the Shire of Toodyay and some activities are restricted or prohibited. Offences have been created for negligence of public health within the district

The HLL 2017 will provide enforcement options for issues that previously are unable to be dealt with by the Shireôs authorised officers under the *Health (Miscellaneous Provisions) Act 1911* or its subsidiary legislation. The proposed local law will also provide for clear breaches of public health matters that were previously dealt with under planning legislation and policies such as animal control and nuisances. The Building Code of Australia cannot be applied retrospectively in some instances and therefore fit out requirements for lodging houses or maintenance of dwellings would not be able to be enforced however these local laws will be able to capture any issues that may have previously been unable to be dealt with by the Shire.

The Shire of Toodyay would benefit from the creation of local laws that better protect public health and also gives the Shire greater powers of enforcement in the management of public health.

Submissions have been received from two State Departments and the HLL 2017 has been amended accordingly with the major amendments being inserting repeal provisions as well as providing modified penalties for prescribed offences.

OFFICERõS RECOMMENDATION

That Council:

1. Adopt, by absolute majority, the DRAFT *Shire of Toodyay Health Local Law 2017* with the changes incorporated as a result of the submissions received from advertising.
2. Authorise, by absolute majority, the CEO to follow the procedure as outlined under Section 3.12 of the *Local Government Act 1995* in relation to obtaining Gazettal of the *Shire of Toodyay Health Local Law 2017*.

Cr Chitty moved the Officerõs Recommendation as follows:

That Council:

1. **Adopt, by absolute majority, the DRAFT *Shire of Toodyay Health Local Law 2017* with the changes incorporated as a result of the submissions received from advertising.**
2. **Authorise, by absolute majority, the CEO to follow the procedure as outlined under Section 3.12 of the *Local Government Act 1995* in relation to obtaining Gazettal of the *Shire of Toodyay Health Local Law 2017*.**

Cr Welburn seconded the motion.

Clarification was sought.

Cr Dow moved an amendment to the motion as follows:

That at Point 1, the words ñand other amendments as follows:ò be inserted following the words ðfrom advertisingô and dot points be inserted as follows:

- **That at Clause 3.1.2 the words ñdwelling houseò be inserted following the words ñThe owner or occupier of aò; and**
- **That at Clause 3.1.2(a) the word ñofò replace the word ñorò (for the sentence to read good state of repair); and**
- **That at Clause 3.1.2(b) the words ñtake all reasonable and practical steps to preventò replace the words ñnot permitò**

Cr Rayner seconded the amendment.

Clarification was sought.

The amendment was put.

AMENDMENT/COUNCIL RESOLUTION NO. 99/06/17

MOVED Cr D Dow **SECONDED** Cr Rayner

That at Point 1, the words ñand other amendments as follows:ò be inserted following the words ðfrom advertisingôand dot points be inserted as follows:

- That at Clause 3.1.2 the words ñdwelling houseò be inserted following

the words ñThe owner or occupier of aò; and

- That at Clause 3.1.2(a) the word ñofò replace the word ñorò (for the sentence to read good state of repair); and
- That at Clause 3.1.2(b) the words ñtake all reasonable and practical steps to preventò replace the words ñnot permitò

MOTION CARRIED 8/0

Clarification was sought in respect to the substantive motion.

Discussion ensued.

Cr J Dow moved an amendment to the substantive motion as follows:

That at Point 1 a new dot point be inserted to read as follows:

- **That at Clause 5.4.8(1) the words ñand swallowsò be inserted following the words ñon which pigeonsò**

The amendment was put.

AMENDMENT/COUNCIL RESOLUTION NO. 100/06/17

MOVED Cr J Dow

That at Point 1 a new dot point be inserted to read as follows:

- That at Clause 5.4.8(1) the words ñand swallowsò be inserted following the words ñon which pigeonsò

AMENDMENT CARRIED 8/0

Cr D Dow moved an amendment to the substantive motion as follows:

That at Point 1 a new dot point be inserted to read as follows:

- **On Page 97 an area should be provided under the common seal for the Executive Director of Public Health to sign their approval.**

The amendment was put.

AMENDMENT/COUNCIL RESOLUTION NO. 101/06/17

MOVED Cr D Dow

That at Point 1 a new dot point be inserted to read as follows:

- On Page 97 an area should be provided under the common seal for the Executive Director of Public Health to sign their approval.

AMENDMENT CARRIED 8/0

Cr Welburn foreshadowed an alternative motion if the substantive motion is not passed.

Discussion ensued.

Further clarification was sought.

The substantive motion was put.

OFFICERÕS RECOMMENDATION/COUNCIL RESOLUTION NO. 102/06/17

MOVED Cr Chitty **SECONDED** Cr Welburn

That Council;

1. Adopt, by absolute majority, the DRAFT Shire of Toodyay Health Local Law 2017 with the changes incorporated as a result of the submissions received from advertising and other amendments as follows:
   - That at Clause 3.1.2 the words ñdwelling houseò be inserted following the words ñThe owner or occupier of aò;
   - That at Clause 3.1.2(a) the word ñofò replace the word ñorò (for the sentence to read good state of repair);
   - That at Clause 3.1.2(b) the words ñtake all reasonable and practical steps to preventò replace the words ñnot permitò;
   - That at Clause 5.4.8(1) the words ñand swallowsò be inserted following the words ñon which pigeonsò; and
   - On Page 97 an area should be provided under the common seal for the Executive Director of Public Health to sign their approval.
2. Authorise, by absolute majority, the CEO to follow the procedure as outlined under Section 3.12 of the *Local Government Act 1995* in relation to obtaining Gazettal of the *Shire of Toodyay Health Local Law 2017.*

MOTION CARRIED BY ABSOLUTE MAJORITY 6/2

9.3 WORKS AND TECHNICAL SERVICES

Nil

9.4 CORPORATE SERVICES

9.4.1 List of Payments ï May 2017

Date of Report:	6 June 2017
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference:	FIN6
Author:	K Wandless ï Accounts Officer
Responsible Officer:	T Phillips ï A/Manager Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Review
Attachments:	1. List of Payments.
Voting Requirements:	Simple majority

PURPOSE OF THE REPORT

To present the cheques and electronic payments raised during the month of May 2017.

BACKGROUND

Creditor invoices are processed as they are received and on the 15th 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 Councilôs on-line (internet) banking system.

OFFICERôS RECOMMENDATION/COUNCIL RESOLUTION NO. 103/06/17

MOVED Cr Chitty

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

1. Trust Fund Cheques numbered 1613 to 1618 amounting to $18,889.68;
2. Electronic Fund Transfers (EFT) payments numbered EFT21965 to EFT 22168 and Municipal Fund Cheques numbered 12344 to 12354 amounting to $874,783.25;
3. Direct Debits numbered IPV576 to IPV578 and BPV3005 to BPV3041 amounting to $323,346.18; and
4. Super Direct Debits totalling $60,036.65 and Loan payments totalling $66,811.97.

as being paid

MOTION CARRIED 8/0

9.4.2 Monthly Financial Statements ï May 2017

Date of Report:	16 June 2017
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference:	FIN24
Author:	N Rodger ï Senior Finance Officer
Responsible Officer:	T Phillips ï Acting Manager Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Review
Separate Attachments:	1. Monthly Financial Statements including Outstanding Rates Debtors and Outstanding Sundry Debtors for month ending 31 May 2017; 2. Bank Reconciliations for month ending 31 May 2017.
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 May 2017.

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 ï

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 May 2017.

OFFICERõS RECOMMENDATION

That Council accept the monthly Financial Statements, Outstanding Rates and Outstanding Sundry Debtors Information and Bank Reconciliations for the period ending 31 May 2017.

Cr Welburn moved the Officerôs Recommendation.

Cr Twine seconded the motion.

Clarification was sought.

The motion was put.

OFFICERôS RECOMMENDATION/COUNCIL RESOLUTION NO. 104/06/17

MOVED Cr Welburn **SECONDED** Cr Twine

That Council accept the monthly Financial Statements, Outstanding Rates and Outstanding Sundry Debtors Information and Bank Reconciliations for the period ending 31 May 2017.

MOTION CARRIED 8/0

9.5 EXECUTIVE SERVICES

9.5.1 Delegation Register Review ï June 2017

Date of Report:	22 May 2017
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference:	MAN6/ COFG1 / NFN11687
Author:	M Rebane ï Executive Assistant
Responsible Officer:	S Scott ï Chief Executive Officer
Previously Before Council:	Annual review last undertaken June 2016
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Executive
Separate Attachment:	1. REVISED Delegation Register
Voting Requirements:	Absolute Majority

PURPOSE OF THE REPORT

To consider the REVISED Delegation Register (**Attachment 1**).

BACKGROUND

The Delegation Register was presented to Council as part of its June 2017 Council Forum. Guidance from Elected Members was as follows:

ñThat a report be presented for consideration by Council at the June 2017 Council Meeting that would include amendments raised above together with any further amendments proposed by Elected Members, where applicable, made via email to the CEO.ò

CONSULTATION IMPLICATIONS

The current Delegation Register was taken to a Senior Management Group meeting on 30 March 2017 to seek clarification in respect to the section titled ñRecord-keeping references (s. 546(3))ò

When the delegation register was redesigned in June 2016 prior to adoption, as a result of copying and pasting across the board, the Record-keeping references on more delegations than are necessary state that ódetails of decisions be included in the Council Information Bulletin.ô

The Council Information Bulletin (CIB) template was amended in December 2016, after cross-referencing it with the adopted delegation register record keeping section requirements.

Once put into practice, it was realised that many delegations may not need reporting of statistics in the CIB as doing so would create extra óduplicateô record-keeping tasks for staff who provide information to the CIB.

At the Senior Management Group meeting it was decided by the CEO that Legislation to be checked first so make sure no legislation mentions of a singular register available to the public. It was also decided that:

The MPD would review the Planning Delegations and where under the Planning legislation no mention of a singular register is mentioned, then the term ôbe included in the CIB on a monthly basisô be deleted from those delegations.

And that: *the CEO and EA would work together on the review.*

STRATEGIC IMPLICATIONS

Councilôs Strategic Community Plan ï Toodyay 2023 (SCP) makes the following statements in regards to Policies:

Advocacy: Develop Policy and Procedures which support organisational advocacy for staff and elected members; and

Governance: The Council seeks to have sound governance, promote community leadership and engagement and advocacy. It develops Local Laws and Policies that provide the structure by which the Shire meets its obligations under the *Local Government Act 1995* and other legislation affecting the function and powers of local government.

Council's Corporate Business Plan ï Toodyay 2023 (CBP) states in relation to Governance (S26) that the Shire maintains a high standard of governance and accountability through maintaining a register of delegations from Council to the CEO, employees and committees.

The use of delegated authority for staff to determine certain classes of planning approvals (while Council considers more strategically important applications) is a critical component of an efficient and effective regulatory approvals system. The draft delegations will improve the efficiency and effectiveness of the Shireôs planning approval framework.

The proposed delegations are aligned with Councilôs strategic planning program.

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

Section 5.42 Delegation of some powers and duties the CEO from the *Local Government Act 1995* provides Local Government (Council) the authority to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under (a) this Act other than those referred to in section 5.43; or (b) the *Planning and Development Act 2005* Section 214(2), (3) or (5). ** Absolute majority required.*

19. Delegates to keep certain records (Act s. 5.46(3))

    Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of ð

(a) how the person exercised the power or discharged the duty; and

(b) when the person exercised the power or discharged the duty; and

(c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

5.46**. Register of, and records relevant to, delegations to CEO and employees**

(1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

(3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

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

The current Delegation Register is available on the Shireôs website at http://www.toodyay.wa.gov.au/Council/Shire-Documents

WALGA provided a free webinar in respect to delegations on 1 June 2017. During this webinar they advised that they are releasing a ómodel Delegation Register.ô Information in respect to the release will be forthcoming from 1 July 2017. On 2 June 2017 a Governance Advisor (and Trainer) from WALGA provided a series of draft templates from the model delegation register to the administration. Essentially the template does away with the headings the Shire currently has in their instruments of delegation, and puts all the information into a table format.

In respect to the current scope of the review, amendments were made to the current Delegation Register; summarised in the table below.

Summary of Amendments made to the Delegation Register	
Issue / Concern	**Assessment / Comment**
Introduction	Made a few cosmetic additions that

Summary of Amendments made to the Delegation Register	
Issue / Concern	**Assessment / Comment**
	provide further clarification in respect to the register.
ES1	Added in 9.49 reference and took out a duplication of a reference.
All delegations	Removed the Previous Delegation(s) No & Name as this is a new review and the reference to the previous delegation is not required.
Delegations made to the CEO from External Agencies	Where these appeared in specific delegations such as ES2, they have been unified and put into Section 8 of the Delegation Register.
The term Caravan Parks and Caravans Act 1995 in Delegation ES2	Was amended to read Caravan Parks and Camping Grounds Act 1995
ES2	Updated the Record Keeping Section
ES2	Changed the title to be Delegation to the CEO ï Local Government Act 1995 because it is not just dealing with s.9.10 Appointment of Authorised Persons.
Section 9.23 "Restriction on appointment of authorised persons" of the Act states that a person who is authorised to give infringement notices under section 9.16 is not eligible to be an authorised person for the purposes of section 9.17, 9.19 or 9.20.	This was under the conditions section of the Instrument of Delegation No. ES2. The *Local Government Act 1995* Reference (s.9.23. Deleted by No. 26 of 2016 s. 22.] Therefore reference to it has been removed from the Instrument of Delegation.
Other References in ES2	References from other pieces of legislation other than the Local Government Act were removed as those functions are specifically to do with how an authorised person will perform a function under the Local Government Act 1995 delegated by local government or authorised to perform a function by the CEO. These functions cannot be amended by Council
ES2 - s.9.19 is a power that has been prescribed by legislation to be performed by the CEO of a local government	Have included in section that says delegations made to the CEO from external agencies in Instrument of Delegation No.ES2
ES3 - Statutory legislation had changed. Had to include the reference to the Public Health Act 2016 as there were specific terms for authorised officers and districts.	Some of the references in the current delegation no longer apply so they had to be amended. Also, have removed, as per the above, any references to the functions performed by authorised or designated Officers, other than requirements for appointment of those persons under those relevant Acts.
Management Practice being subject to	Have had to delete these words from

Summary of Amendments made to the Delegation Register	
Issue / Concern	**Assessment / Comment**
Shire of Toodyay adopted planning schemes and strategies	some instruments of delegation because the head of power in planning schemes and strategies would not necessarily be the same as in the instrument of delegation.
This delegation is also subject to the requirements of other Acts and subsidiary legislation, and the Shire of Toodyayôs adopted Local Laws, schemes, codes, policies and practices.	Have had to delete these words from some instruments of delegation because the head of power in planning schemes, codes, policies, practices and strategies would not necessarily be the same as in the instrument of delegation.
Delegation ES4	Have amended to use the right words from legislation. Removed references related to the functions, as Council is delegating the exercise of those functions of the Act (that it can delegate) to the CEO.
Section 9 ï One Off Delegations	These have been removed because they are one off, and a record of these would be contained in the minutes of a Council Meeting at which time they would have been made.
Section 10 ï Revoked and Archived Delegations ï removed from the Delegation Register	Once delegations are revoked, record of their previous existence will be able to be found in the attachments to the minutes at which they were adopted/revoked.
BHS1 - [27-34. Deleted by No. 19 of 2016 s. 9.]	As there was a change in legislation affecting this delegation the inclusion of the correct legislative reference (i.e. Public Health Act 2016) was made.
EA1	Environmental protection notices issued are to be kept on relevant subject file in accordance with the Shire of Toodyay Record Keeping Plan.
In ES8 ï the words ñMinor variationò means a variation that the CEO is satisfied is minor having regard to the total goods or services that tenders were invited to supply.	This is a copy exactly of what appears in legislation and Council is not permitted to alter / amend legislation. It has been removed from the instrument because the CEO, delegated by Council would be required to comply with legislation.
Health Act 1911 references in the Delegation Register and several instruments of delegation.	In respect to the Delegations for the Building area these were referred to our EHO for comment/amendment, as references are still being made to the Health Act 1911 which has been superseded by the Public Health Act 2016 and now is known as the Health Act (Miscellaneous Provisions) Act 1911.
Section 28 of the *Health (Miscellaneous Provisions) Act 1911* states that every	This SECTION has been deleted from legislation.

Summary of Amendments made to the Delegation Register	
Issue / Concern	**Assessment / Comment**
appointment by a local government of an environmental health officer shall be subject to the approval of the Executive Director, Public Health, unless the environmental health officer is the holder of a qualifying certificate of competency approved by the Executive Director, Public Health.	
In Delegation for works and services Crossovers (WS1)	Sections 12 to 16 as a reference removed as they were not located in the legislation.

OFFICERÕS RECOMMENDATION

That:

1. Council notes the summary of amendments made to the Delegation Register adopted in June 2016, as contained in the OfficerÕs Report;
2. Council adopts, by absolute majority, delegations contained in the Executive Services Section of the REVISED Delegation Register, as attached;
3. Council adopts, by absolute majority, delegations contained in the Corporate Services Section of the REVISED Delegation Register, as attached;
4. Council endorses, by absolute majority, delegations contained in the Building Services section of the REVISED Delegation Register;
5. Council endorses, by absolute majority, delegations contained in the Planning Services sections of the REVISED Delegation Register;
6. Council endorses, by absolute majority, delegations contained in the Works and Services section of the REVISED Delegation Register;
7. Council endorses, by absolute majority, delegations contained in the Community Development section of the REVISED Delegation Register;
8. Council notes the delegations contained in the External Agencies ï Assignment of Power to Statutory Officeholders of the REVISED Delegation Register as attached.

Cr D Dow moved the OfficerÕs Recommendation as follows:

That:

1. **Council notes the summary of amendments made to the Delegation Register adopted in June 2016, as contained in the OfficerÕs Report;**
2. **Council adopts, by absolute majority, delegations contained in the Executive Services Section of the REVISED Delegation Register, as attached;**

3. **Council adopts, by absolute majority, delegations contained in the Corporate Services Section of the REVISED Delegation Register, as attached;**
4. **Council endorses, by absolute majority, delegations contained in the Building Services section of the REVISED Delegation Register;**
5. **Council endorses, by absolute majority, delegations contained in the Planning Services sections of the REVISED Delegation Register;**
6. **Council endorses, by absolute majority, delegations contained in the Works and Services section of the REVISED Delegation Register;**
7. **Council endorses, by absolute majority, delegations contained in the Community Development section of the REVISED Delegation Register;**
8. **Council notes the delegations contained in the External Agencies ï Assignment of Power to Statutory Officeholders of the REVISED Delegation Register as attached.**

Cr Chitty seconded the motion.

Clarification was sought.

Cr Twine moved an amendment to the motion as follows:

That at Point 4 of the Officerôs Recommendation the words ñsubject to an amendment being made to Point 1(j) of BHS3 that 1ha be amended to read 5haò be inserted following the words ñBuilding Services Section of the REVISED Delegation Registerò

The amendment was put.

AMENDMENT/COUNCIL RESOLUTION NO. 105/06/17

MOVED Cr Twine

That at Point 4 of the Officerôs recommendation the words ñsubject to an amendment being made to Point 1(j) of BHS3 that 1ha be amended to read 5haò be inserted following the words ñBuilding Services Section of the REVISED Delegation Registerò

AMENDMENT CARRIED 8/0

Clarification was sought in respect to the substantive motion.

The substantive motion was put.

OFFICERôS RECOMMENDATION/COUNCIL RESOLUTION NO. 106/06/17

MOVED Cr D Dow **SECONDED** Cr Chitty

That:

1. Council notes the summary of amendments made to the Delegation Register adopted in June 2016, as contained in the Officerôs Report;
2. Council adopts, by absolute majority, delegations contained in the Executive Services Section of the REVISED Delegation Register, as

attached;

3. Council adopts, by absolute majority, delegations contained in the Corporate Services Section of the REVISED Delegation Register, as attached;
4. Council endorses, by absolute majority, delegations contained in the Building Services section of the REVISED Delegation Register subject to an amendment being made to Point 1(j) of BHS3 that 1ha be amended to read 5haǫ
5. Council endorses, by absolute majority, delegations contained in the Planning Services sections of the REVISED Delegation Register;
6. Council endorses, by absolute majority, delegations contained in the Works and Services section of the REVISED Delegation Register;
7. Council endorses, by absolute majority, delegations contained in the Community Development section of the REVISED Delegation Register;
8. Council notes the delegations contained in the External Agencies ï Assignment of Power to Statutory Officeholders of the REVISED Delegation Register as attached.

MOTION CARRIED 8/0

9.5.2 Memorandum of Understanding (MoU) for the operation of Avon Regional Organisation of Councils (AROC)

Date of Report:	23 May 2017
Name of Applicant / Proponent/s:	Avon Regional Organisation of Councils (AROC)
File Reference:	ORG3
Author:	S Scott ï Chief Executive Officer
Responsible Officer:	S Scott ï Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Executive/Advocacy
Attachments:	1. DRAFT AROC MOU
Voting Requirements:	Simple majority

PURPOSE OF THE REPORT

To consider the updated Avon Regional Organisation of Councils (AROC) Memorandum of Understanding (MoU) before the Shire President and CEO to sign it on behalf of Council.

BACKGROUND

AROC is a regional body that operates under the auspices of member Councils.

The mission of AROC is to ñWork cooperatively for the benefit of the region and well-being of the communityò AROC membership has evolved over time between the Shires of Chittering, Dowerin, Goomalling, Northam, Toodyay, and Victoria Plans. The Shire of York Council voted in February 2017 to re-join AROC and authorised their Shire President and CEO to engross the MoU.

The updated MoU reflects the inclusion of the Shire of York as a member. While there has been no other change to the content of the MOU, the associated Action Plan has been amended to include the following:

- Under Human Resource Management ï Build relationship with Central TAFE;
- Under Information Technology ï Regional support;
- Under Economic Development ï Strategic Road Projects; and
- Under Environmental Health Services - Joint Mosquito Project (three years). In addition a project to audit the Regional Sporting Infrastructure has commenced.

CONSULTATION IMPLICATIONS

The Shire of Toodyay is the Secretariat for AROC.

The updated MoU was considered by AROC Members at their meeting held on 3 April 2017. The Shire President, as the Shire of Toodyay representative on AROC, was present at the meeting when the updated MoU was considered by AROC who resolved as follows:

ñThat the AROC MOU be adopted, as amended and circulated to members for endorsement.ò

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

AROC membership for each member Council is $5,000 (ex GST) per annum. This amount has been included in the 2017/18 budget and therefore signing the MoU would not impact the Shireôs finances. This funding is used to fund collaborative projects as authorised by AROC members. Any project emerging as a result of this MoU that may have a resource implication for the Shire of Toodyay will be brought before Council for specific consideration.

LEGAL AND STATUTORY IMPLICATIONS

Section 3.61 of the Local Government Act 1995 relates to Regional Local Governments. Formation of Regional Councils is complex and can be expensive. Section 3.68 provides that Councils can work jointly without forming a Regional Local Government.

> ***3.68. Other arrangements not affected***
>
> *Nothing in this Division prevents local governments from making arrangements under which ð*
>
> *(a) a local government performs a function for another local government; or*
>
> *(b) local governments perform a function jointly.*

AROC is a voluntary regional organisation of Councils.

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

The Shire of York Council voted in February 2017 to re-join AROC and authorised their Shire President and CEO to engross the AROC MoU to include the Shire of York.

AROC Members welcomed the Shire of York as members of AROC soon after and on 3 April 2017 resolved that the AROC MoU be adopted, as amended, and circulated to members for endorsement.

The Shire of Dowerin as at 23 May 2017 are the only other AROC member Council that has put the AROC MoU up to their Council for endorsement.

An email was sent out by the Chief Executive Officer on Monday 29 May 2017 in respect to the above, requesting that all remaining AROC Member Councils endorse the AROC MoU.

OFFICERôS RECOMMENDATION/COUNCIL RESOLUTION NO. 107/06/17

MOVED Cr J Dow

That Council, pursuant to Section 3.18 of the *Local Government Act 1995,* endorse the Avon Regional Organisation of Councils (AROC) Memorandum of Understanding on behalf of the Shire of Toodyay, as attached.

MOTION CARRIED 8/0

9.5.3 October 2017 Local Government Ordinary Election

Date of Report:	21 June 2017
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference:	ELT1
Author:	S Scott ï Chief Executive Officer
Responsible Officer:	S Scott ï Chief Executive Officer
Previously Before Council:	April 2017 OCM June 2017 Forum
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Executive
Attachments:	1. Letter from WAEC ï Agreement to conduct 2017 Election if requested, with quotation
Voting Requirements:	Absolute Majority

PURPOSE OF THE REPORT

It is recommended that Council appoint the Western Australian Electoral Commission to conduct a postal election for the 2017 Local Government Ordinary Elections.

BACKGROUND

Cr Wood has resigned as a Councillor with effect on 7 April 2017. The Local Government Act allows that a vacancy occurring between 21 January 2017 and 21 July 2017 may be filled through an extraordinary election held on the same day as the Ordinary Election, subject to approval by the Electoral Commissioner. The WA Electoral Commissioner has approved the consolidation of elections.

Council must decide more than 80 days before the ordinary election (that is before 2 August) if it is going to appoint the Electoral Commissioner to conduct its election. In these circumstances the Electoral Commissioner would appoint a returning officer. This is also the deadline for appointing a person other than the CEO as returning officer.

At the June Council Forum Mr Phil Richards for the WAEC made a presentation to Council and responded to questions from elected members.

At the last Ordinary Election voter turnout in Toodyay was 29.8 %.

Voter turnout at the same election for elections conducted by the Electoral Commissioner are set out in the table below. While there may well be other factors in play, and other reasons why the turnout at a particular election was lower or higher, all bar two of the sample had higher voter turnout than Toodyay.

Local Government	**Voter Turnout (%)**
Gingin	38.9
Chittering	41.7
Lake Grace	47.6
Moora	46.7
Mount Marshall	82.0
Murray	23.6
Northam	30.4
Wongan-Ballidu	53.1
York	29.5

CONSULTATION IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Under the heading of ***responsible and responsive civic leadership*** in the Strategic Community Plan Council has set a goal of increased voter turnout at local government elections as an indicator. Results from other municipalities suggest that postal voting through the WAEC may increase voter turnout.

POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

FINANCIAL IMPLICATIONS

The Electoral Commissioner has provided a quote of $23,000 to run the election. Council may also have some additional expenses ï say $2,000, making a total election cost of $25,000.

In 2015-16 Council spent $10,426 on election expenses, but this did not include the cost of the CEOõs time in the lead up to the election.

LEGAL AND STATUTORY IMPLICATIONS

The effect of the postponement of the Extraordinary Election will be that 2 vacancies would be contested for East Ward at the Ordinary Election rather than one. The candidate receiving the highest number of votes would be elected for a 4 year term and the candidate with the next highest number of votes would be elected for a 2 year term. If there are only two candidates they would draw lots to determine which candidate serves which term.

There are statutory deadlines for making decisions in relation to the forthcoming election, but we are well ahead of the time limits.

RISK IMPLICATIONS (including DAIP)

The WAEC would appoint an independent Returning Officer. This would reduce any perception of conflict form the CEO also being returning officer.

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

While voter turnouts for Local Governments with postal elections are generally higher than the recent turnout in Toodyay, this was not the case for Northam. It could be argued that the best way to find out if voter turnout improves is to try it, and that is what is proposed here.

While the cost of having the Electoral commissioner run a postal election is higher than a voting in person election run by the CEO, this does not take account of the opportunity cost of the CEO performing this task. If Council chose instead to appoint an independent Returning Officer the cost of running a voting in person election would increase substantially.

Mr Richards in his presentation described some of the processes that would be in place for the election including:

- The election pack distributed to electors will include Candidate Profiles prepared by the candidates;
- Ballot Papers are returned by mail to the WAEC, including a Saturday Morning delivery on Election Day;
- Ballot papers will be delivered from the WAEC to the Shire Offices on Election Day;
- The Shire Office would be open as a polling place so that people may hand deliver election packs in the day;
- There will be a requirement for a Shire staff member to be available to check any questions about the owners and occupiers roll on Election Day;
- Counting will take place in the Council chambers in the usual way and results should be known on the evening of the election.

OFFICERôS RECOMMENDATION

That Council, by absolute majority, appoint the WA Electoral Commissioner to conduct a postal election for Toodyay the October 2017 Ordinary Local Government Election.

Cr Chitty moved the Officerôs Recommendation.

Cr Twine seconded the motion.

Clarification was sought.

Debate commenced.

The motion was put.

OFFICERõS RECOMMENDATION/COUNCIL RESOLUTION NO. 108/06/17

MOVED Cr Chitty **SECONDED** Cr Twine

That Council, by absolute majority, appoint the WA Electoral Commissioner to conduct a postal election for Toodyay the October 2017 Ordinary Local Government Election.

MOTION CARRIED BY ABSOLUTE MAJORITY 6/2

The Shire President adjourned the meeting at 6.21pm.

The Shire President resumed the meeting at 6.58pm.

9.6 COMMITTEE REPORTS

9.6.1 Community and Public Transport Advisory Committee Recommendations

Date of Report:	19 June 2017
Name of Applicant / Proponent/s:	Community and Public Transport Advisory Committee
File Reference:	COC16
Author:	S Scott ï Chief Executive Officer
Responsible Officer:	S Scott ï Chief Executive Officer
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Nature of Council's Role in the matter:	Executive
Attachments:	1. Excerpt of unconfirmed minutes.
Voting Requirements:	Simple Majority

PURPOSE OF THE REPORT

To receive the minutes of the Community and Public Transport Advisory Committee (CPTAC) and consider recommendations made at their meeting held on 1 June 2017.

BACKGROUND

In accordance with Council Policy A.17 ï Council Consideration of Committee Recommendations ñRecommendation from Council Committees will be considered by Council at the earliest opportunity.ò

At the CPTAC Meeting held on 1 June 2017 recommendations were made to Council as follows:

Recommendation 1 Retention of the Avon Link

That the CPTAC make a recommendation to Council as follows:

1. *That Council acknowledge the efforts of the Avon Link Supporter's Group Members past and present in retaining the Avon Link Service;*
2. *That Council writes to Minister Saffioti, Hon Darren West MLC, Mia Davies MLA and Shane Love MLA to thank them for their ongoing support for the Avon Link Service;*
3. *Invite Tim Woolerson to the next Committee meeting in the next two to three weeks;*
4. *Email details of revised services to committee members.*

Recommendation 2 ï Purpose of the Committee

That the CPTAC make a recommendation to Council as follows:

That the purpose of the Community and Public Transport Committee be as follows:

1. *To develop plans and advocacy positions for consideration by Council in the areas of community and public transport including but not limited to:*
2. *Identifying current, emerging and/or potential public transport issues likely to result from a growing, ageing and more diverse Shire;*
3. *Identifying current, emerging and/or potential public transport accessibility issues likely to affect people with disability or with mobility issues across the Shire;*
4. *Provide advice on public transport projects, initiatives and strategies; and*
5. *Investigate other forms of public transport that may enhance the Avon Link and Merredin Link Rail Services.*

CONSULTATION IMPLICATIONS

There has been no further consultation.

STRATEGIC IMPLICATIONS

A key point of the *Shireôs Strategic Community Plan ï Toodyay 2023* outlines that some of the key recommendations of the Avon Arc Sub-Regional Strategy which have informed the Shireôs Local Planning Strategy include a ring road being developed that connects a range of expanded rural towns, including Toodyay, by an improved transport network with commuter links to Perth. The SCP also lists that a Strategic Priority of Council within the Governance is Advocacy to include health, medical, education, infrastructure and public transport, including train services.

The *Shireôs Corporate Business Plan Toodyay 2023* focuses on continued delivery across the range of our services, with priority enhancements such as taking a more systematic approach in respect to advocacy in priority areas that are outside the Shireôs direct responsibility (e.g. infrastructure, public transport and improved train services).

A community outcome that the Council has identified to meet the aspirations for Toodyay as a vibrant and sustainable rural community is balanced development in the Planning and Transport Service sector which talks about the range of services as being:

- S16 Land Use Planning;
- S17 Building;
- S18 Roads & Drainage; and
- S19 Footpaths and Cycle-ways.

And the focus for strategic priorities being Toodyay pathways and trails.

The Advocacy Section of the *Corporate Business Plan* (SP5.3b) identifies that Council will lobby key Federal and State Government Members, Agencies and Departments on key issues of community interest, including health, medical, education, infrastructure, public transport, train services and Main Roadsï initial

focus on obtaining funding for the development of the recreation precinct ï significant work including: train services; etc.

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

This committee is established under Section 5.8 ôEstablishment of Committeesô of the *Local Government Act 1995* which states as follows*:*

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

* Absolute majority required.

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

A key point of the *Shireôs Economic Development Plan adopted by Council on 16 February 2015* is to ensure that Council advocates to other government agencies in respect to infrastructure, public transport and improved train services.

The Avon Sub-regional Economic Strategy, providing framework for the economic development of the Avon sub-region (including Toodyay) identified Transport and Logistics as being one of the three major global trends and drivers that would influence the growth and direction of the Avon economy in the future.

OFFICER COMMENT / DETAILS

The CPTAC met on 1 June 2017 where they made two recommendations to Council.

Recommendation 1 Retention of Avon Link Service

In respect to Recommendation 1 ï Retention of Avon Link Services:

Point 3 of the Recommendation to invite Tim Woolerson to the next Committee Meeting in the next two to three weeks has already occurred.

There was a meeting held on 15 June 2017 where the following was discussed:

- The service has been returned to the service that existed prior to the trial, that is, daily commuter service between Northam / Toodyay and Midland, with three Merredin link services on Monday Wednesday and Fridays.

- Several of the innovations from the trial will be retained including walk up start with no booking required and a smart commuter card giving regular users a substantial discount.
- Even though the trail was assessed based on percentage cost recovery, there is no target for ongoing cost recovery.
- There are no plans for supplementary coach services, though they have employed an external consultant to review needs and country services;
- There is no realistic prospect of coach or Transperth services for Gidgegannup or Morangup.

Point 2 of the recommendation was to write to Minister Saffioti, Hon. Darren West (MLC), Mia Davies (MLA) and Shane Love (MLA) to thank them for their ongoing support of the Avon Link Service.

The CEO has already written to Minister Saffioti and has arranged for a meeting with the Shire President, to attend the Ministerôs Office in August 2017. While the subject of that meeting is Toodyay Road and the Toodyay bypass, the CEO acknowledged the Ministers decision to retain the Avon Link.

The emailing of details of revised services to Committee members, can be handled administratively also by the CEO once the revised service information is provided by Mr T Woolerson from TRANSWA.

As the other matters can and have been dealt with administratively the remaining recommendation is as follows:

COMMITTEE / OFFICERôS RECOMMENDATION 1 / COUNCIL RESOLUTION NO. 109/06/17

MOVED Cr J Dow

1. That Council acknowledge the efforts of the Avon Link Supporter's Group Members past and present in retaining the Avon Link Service; and
2. That Council writes Hon Darren West MLC, Mia Davies MLA and Shane Love MLA to thank them for their ongoing support for the Avon Link Service.

MOTION CARRIED 8/0

Recommendation 2 ï Purpose of the Committee

The Committee has recommended that Council consider an amendment the purpose so that the parameters would be easily understood by the community and by any members who may wish in the future to become part of the committee. At the time the committee was formed the decision to retain the Avon Link had not been made by the Government.

OFFICER / COMMITTEE RECOMMENDATION 2

That the purpose of the Community and Public Transport Committee be as follows:

1. To develop plans and advocacy positions for consideration by Council in the areas of community and public transport including but not limited to:
2. Identifying current, emerging and/or potential public transport issues likely

to result from a growing, ageing and more diverse Shire;

3. Identifying current, emerging and/or potential public transport accessibility issues likely to affect people with disability or with mobility issues across the Shire;
4. Provide advice on public transport projects, initiatives and strategies; and
5. Investigate other forms of public transport that may enhance the Avon Link and Merredin Link Rail Services.

Cr Greenway moved Officerôs / Committee Recommendation 2 as follows:

That the purpose of the Community and Public Transport Committee be as follows:

1. **To develop plans and advocacy positions for consideration by Council in the areas of community and public transport including but not limited to:**
2. **Identifying current, emerging and/or potential public transport issues likely to result from a growing, ageing and more diverse Shire;**
3. **Identifying current, emerging and/or potential public transport accessibility issues likely to affect people with disability or with mobility issues across the Shire;**
4. **Provide advice on public transport projects, initiatives and strategies; and**
5. **Investigate other forms of public transport that may enhance the Avon Link and Merredin Link Rail Services.**

Cr Welburn seconded the motion.

Clarification was sought.

Cr Craddock moved an amendment to the motion as follows:

That Point 1 be incorporated in the first paragraph to read as follows:

That the purpose of the Community and Public Transport Committee be to develop plans and advocacy positions for consideration by Council in the areas of community and public transport including but not limited to:;

That Points 2 to 5 be made into dot points;

The third dot point to replace the word ñProvideò with the word ñprovidingò; and

The fourth dot point to replace the word ñInvestigateò with the word ñinvestigatingò.

Discussion ensued.

The amendment was put.

AMENDMENT/COUNCIL RESOLUTION NO. 110/06/17

MOVED Cr Craddock

That Point 1 be incorporated in the first paragraph to read as follows:

That the purpose of the Community and Public Transport Committee be to develop plans and advocacy positions for consideration by Council in the areas of community and public transport including but not limited to:;

That Points 2 to 5 be made into dot points;

The third dot point to replace the word ñProvideò with the word ñprovidingò; and

The fourth dot point to replace the word ñInvestigateò with the word ñinvestigatingò

AMENDMENT CARRIED 8/0

Debate commenced on the substantive motion.

The substantive motion was put.

OFFICER / COMMITTEE RECOMMENDATION 2 / COUNCIL RESOLUTION NO. 111/06/17

MOVED Cr Greenway **SECONDED** Cr Welburn

That the purpose of the Community and Public Transport Committee be to develop plans and advocacy positions for consideration by Council in the areas of community and public transport including but not limited to:

- Identifying current, emerging and/or potential public transport issues likely to result from a growing, ageing and more diverse Shire;
- Identifying current, emerging and/or potential public transport accessibility issues likely to affect people with disability or with mobility issues across the Shire;
- Providing advice on public transport projects, initiatives and strategies; and
- Investigating other forms of public transport that may enhance the Avon Link and Merredin Link Rail Services.

MOTION CARRIED 8/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

11.1 Councillor Greenway ï Notices of Motion - Proposed Preventative Maintenance Strategy

Cr Greenway gave notice of a motion for consideration at the 25 July 2017 Ordinary Meeting of Council as follows:

That in relation to Item 13.2.1 Proposed Preventative Maintenance Strategy considered at the May 2017 Ordinary Meeting of Council:

A report be brought to Council outlining the changes made to the Morangup Preventative Maintenance Strategy and financial implications to the transport budget.

CEO COMMENTS

Shire of Toodyay Standing Orders Local Law 2008 provides as follows:

4.4 Motions of which Due Notice has been given

(4) The CEO -

(a) with the concurrence of the President, may exclude from the agenda any notice of motion that is considered to be, or may involve, a breach of any of these Standing Orders (such as clauses 7.8 and 7.15) or any other written law; or,

(b) may make such amendments to the form but not the substance as will bring the notice of motion into due form; and

(c) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law.

Council Resolution

The following resolution was passed at the May 2017 Ordinary Meeting of Council:

That Council:

1. *Endorses the Preventative Maintenance Strategy of sealing gravel roads where the cost of sealing is offset by maintenance savings;*
2. *Endorses the priorities as set out in the attachments, and*
3. *Approves the Priority One sealing of remaining gravel roads in Morangup and the remaining section of Hoddyôs Well Road in the 2016/2017 financial year from the adopted transport budget.*

Summary of Progress

At the time of preparing the Agenda final invoices had not been received for all works, but I am able to report that it was not possible to seal all roads in Morangup from the available funds. Two of the proposed roads were not able to be sealed as part of the program. These roads are Charcoal Road and Echidna Road. Both of these roads require drainage works prior to sealing.

A full report on the project outcomes can be provided to the July 2017 Ordinary Council Meeting if the motion is passed by Council.

CR GREENWAY NOTICE OF MOTION/COUNCIL RESOLUTION NO. 112/06/17

MOVED Cr Greenway

That in relation to Item 13.2.1 Proposed Preventative Maintenance Strategy considered at the May 2017 Ordinary Meeting of Council:

A report be brought to Council outlining the changes made to the Morangup Preventative Maintenance Strategy and financial implications to the transport budget.

NOTICE OF MOTION CARRIED 8/0

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

Nil

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

13.1 MEMBERS

Nil

13.2 EMPLOYEES

Nil

14. CONFIDENTIAL BUSINESS

14.1 CEO Performance Review

The Chief Executive Officer recommended to the Shire President that the meeting be closed to the public.

The Shire President requested a motion be moved in accordance with Standing Order 5.2 (2) that the meeting be closed to the public.

MOTION/COUNCIL RESOLUTION NO. 113/06/17

MOVED Cr Rayner

That Council move behind closed doors in accordance with Standing Order 5.2(2) order for confidential business to be discussed.

That in accordance with Standing Order 5.2 (5) while the resolution under sub-clause 5.2(2) remains in force, the operation of clause 7.9 is to be suspended until the Council, by resolution, decides otherwise.

MOTION CARRIED 8/0

The meeting was closed to the public in accordance with Section 5.23 (2) (a), (b), (c), and (2) (e) (ii) and (iii) of the *Local Government Act 1995*.

All members of the public departed the Council Chambers at 7.10pm.

OFFICERõS RECOMMENDATION/COUNCIL RESOLUTION NO. 114/06/17

MOVED Cr Craddock **SECONDED** Cr J Dow

That Council:

1. Appoint FitzGerald Strategies to conduct the CEO performance appraisal for Council.
2. Convene a Special Meeting in the next three weeks to allow the Consultant to meet with Council and the CEO to agree to the details of the process.

MOTION CARRIED 8/0

14.2 Leasing of Connors Cottage

OFFICERÕS RECOMMENDATION/COUNCIL RESOLUTION NO. 115/06/17

MOVED Cr J Dow **SECONDED** Cr Rayner

Council offer a commercial year to year lease to Mrs Clare Love for ConnorÕs Cottage (5 Piesse St) subject to this matter going through the legal formalities and formal endorsement.

That should the CEO be unable to negotiate a satisfactory lease with Mrs Love that the lease will be offered to 4Farmers Australia.

MOTION CARRIED 8/0

MOTION/COUNCIL RESOLUTION NO. 116/06/17

MOVED Cr Craddock

That Council move from behind closed doors.

MOTION CARRIED 8/0

The Council Chambers were re-opened at 7.47pm. The Shire President read aloud the following resolutions for the benefit of the public gallery:

114/06/17 ï Resolution made by Council; and

115/06/17 ï Resolution made by Council.

15. NEXT MEETINGS

Council Forum	11 July 2017
Works Advisory Committee	20 July 2017
Council Meeting	25 July 2017
Community Depot Management Advisory Committee	27 July 2017

16. CLOSURE OF MEETING

The Shire President declared the meeting closed at 7.58pm.

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Ordinary Meeting of Council **Tuesday 27 June 2017**

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WORKS AND TECHNICAL SERVICES N/A

Nil

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WASTE

Overall Status: **On Track**

Toodyay Tidy Towns Mural

Toodyay Tidy Towns - Charcoal Lane Mural Project Plan

Project Manager **Greg Warburton**

Project Overview

In March 2015, eleven delegates comprising the Toodyay Shire President and members and supporters of the Toodyay Tidy Towns Committee (TTTC) travelled to Sheffield Tasmania (KAB Australia's Tidiest Town 2014) for the Keep Australia Beautiful, Australia's Tidiest Town Finals. Toodyay was the successful finalists receiving 4 category awards and the main award of Australia's Tidiest Town 2015.

Sheffield has many murals in the town and now hosts an international Murals festival

The TTTC following a successful hosting of the 2016 KAB Australia's Tidiest Town 2016, felt that there needed to be something to mark the occasion. A new public toilet block being built in Charcoal Lane had been designed to include a wall for a mural. The TTT committee felt it was a fitting tribute and link to create a mural on the Charcoal Lane building commemorating their success. The plan is to come up with a concept design, find a suitable mural artist to transfer the design to the wall and host a community workshop on Mural planning and creating.

Discussions with the CEO Stan Scott and many committee meetings, an art collaboration workshop and research on Mural artists and murals, has culminated in a concept design for the Charcoal Lane wall. The next step, is council approval to embellish the wall with the concept design. The project will then seek a suitably qualified artist who will transfer the design to the wall. Source funding, establish collaborative communication with TDHS and community groups and set a date.

Status Code Legend

- On Track: Project is on schedule
- High Risk: At risk, with a high risk of going off track
- At Risk: Milestones missed but date intact
- Off Track: Date will be missed if action not taken

The project is **ON TRACK** Due to the following:	● April – September 2016 – Discussions held at various committee meetings with concept elements discussed and agreed at Tidy Towns Committee "brainstorm session" and then submitted to the Shire of Toodyay for approval ● September 2016 – Council approved project concept and requested further information ● February 2017 – Arts Toodyay agree to support and participate in the Mural Project ● April 2017 – TTTC participate in a collaborative "ideas to concept drawing" workshop with resident artist – create a base design

	● May 2017 – Artist and TTTC chair prepares concept presentation for council – more collaboration and agreement with TTTC ● June 2017 – submit report, project plan and concept drawing back to council for approval
Challenges:	● Council approval ● Sourcing a competent mural artist ● Sourcing funding ● Collaborating with Toodyay District High School and interested community groups to participate in the mural workshops – setting the date ● Suggested Date for Mural – March 2018
Milestones to be accomplished	● June Shire meeting – council approval ● July 2017 – Send request for Expression of Interest to Western Australian Mural artists ● August 2017 Grant Funding applications submitted ● September 2017 Mural artist chosen ● September 2017 Invitation to participate - send to Toodyay District High School, and other interested community groups ● Set a date
Milestones planned this week	● Complete submission to June Shire meeting

Budget for project

Mural Artist	$ 6,000
Paint	$ 300
Local Artist for Workshop	$ 2,000
Art materials	$ 500
Catering	$ 500
Miscellaneous	$ 700
Total	**$10,000**

Neighbouring dwelling (Located 170m away from actual location of machine)
Dividing wall
Machine Location
Machinery Shed
Eastern shed
Western shed
100m buffer

5/5/2017

BRAD SAMPSON / CABINET MAKER

*HOURS - 8am - 4:00pm MON - FRI

*NO EXTERNAL MACHINERY (GENORATORS)

* I AM A CABINET MAKER THAT NEEDS PERMISSION TO CUT AND FABRICATE DOMESTIC KITCHEN CABINETS FOR CLIENTS. THE PREMISIS WILL NOT BE USED AS A "SHOP FRONT / SHOW ROOM". IT IS SOLEY FOR MY USE TO CUT AND FABRICATE MY CABINETS.

B Sampson

BRADLEY J SAMPSON

Development Application - Lot 75 McKnoe Drive, Morangup - Cabinet making

Information in summary in support of the above Development Application and in Response to Shire of Toodyay questions:

An important fact is that the saw will only be operated when I have work and then it is not the major component for any job.

1. **What types of machinery will you be operating and what are their decibel ratings? Could you please supply evidence such as machine specifications?**

See attached copy of noise emission as taken from product manual for Robland E300-E2800 Saw.

Rarely, when is use, would the saw be operating at maximum level.

2. **What proportion of the time will you be engaged in activities that will require the use of such machinery?**

It is IMPORTANT to remember that the saw will only be operated when I have the work.

Cutting out jobs is not the major factor in my operation and that is the only component of my operation that creates noise.

IF I had a whole kitchen the saw would only be used for approximately 25% of my working week – 10 hours out of 40 BUT it would be used in accordance with the guidelines.

To keep it in perspective a job for a vanity takes approximately 1 hour to cut out therefore some weeks the saw would only be used for 1 or 2 hours.

Assembly is silent and then the rest of the time the work is offsite.

3. What steps will you be undertaking to mitigate noise?

The shed on 911 McKnoe has three major compartments under the same roof, divided internally. My saw will be located in the furthest compartment from the complainant to maximise the sound buffering using the shed itself and stored contents for added sound mitigation. Plus, there will be a sea container against the outside wall of the shed to further mitigate the noise.

I will line this section of the shed with Knauf r2.5hd batts (acoustic barrier with flame retardant properties) for the internal dividing wall to the shed and then conceal them with 19mm MDF panels further adding to this acoustic barrier.

See attached Product Information PDF for Knauf Insulation Earthwool Acoustic Batts.
See attached Material Safety Data Sheet.

- **The Shire of Toodyay requests that you consider engaging an independent acoustic engineer and commission them to prepare an acoustic report to supplement your application.**

In order for a correct assessment I would need to completely set up my operation and install the sound mitigation barrier as anything less would produce incorrect data.

It is important to keep things in perspective, the fact is using the saw is a minor part of my operation therefore the noise impact will be minimal.

As stated in the letter from Shire of Jerramungup a large component of my trade is offsite. It is simply not the case that the saw would be generating the maximum noise emission for 100% of my working week. During a busy week it would only be approximately 25% so 10 hours out of 40.

At this point in time it would be an unnecessary outlay and I believe with all of the information at hand the relevant people within the Shire of Toodyay will be able to apply the distance calculation plus factors of weather conditions, barriers and vegetation to gauge the noise level at the receiving property.

Distance to receiving premises is approx. 150 metres.

See attached Google Maps distance measurement as a guide and apply the calculation (As a general rule, noise from a source will decrease 6dB with a doubling of distance).

- **Alternatively you might consider providing the Shire with some independent professional advice demonstrating that the noise impact will be minimal and controlled.**

See attached letter from Craig Pursey, Planning Officer, Shire of Jerramungup.

Attachments:

1. Copy of noise emission as taken from product manual for Robland E300-E2800 Saw.
2. Product Information PDF for Knauf Insulation Earthwool Acoustic Batts.
3. Material Safety Data Sheet.
4. Google Maps distance measurement as a guide and apply the calculation (As a general rule, noise from a source will decrease 6dB with a doubling of distance).
5. Letter from Craig Pursey, Planning Officer, Shire of Jerramungup.

SHIRE OF JERRAMUNGUP

VASEY STREET, JERRAMUNGUP

ALL COMMUNICATIONS TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER
PO BOX 92 JERRAMUNGUP WA 6337

ENQUIRIES: Craig Pursey, Planning Officer

TELEPHONE: (08) 9837 4070
FACSIMILE: (08) 9835 1161

29 May 2017

Mr Bradley Sampson
C/o Bremer Bay Cabinets
bremerbaycabinets@hotmail.com

Dear Bradley,

RE: CABINET MAKING BUSINESS

Thank you for your enquiry regarding the circumstances when you operated from Lot 15 Short Beach Road, Bremer Bay for a period of time.

Lot 15 Short Beach Road, Bremer Bay is zoned 'Rural Residential' by the Shire of Jerramungup Local Planning Scheme No.2. Your cabinetry making business was considered to be a 'home business' in this zone.

The home business operated from an existing workshop on the property but most of the work was off-site meeting clients and installing cabinetry and kitchens. There was rarely any customer attendance on site and the Shire received no objections from any neighbouring landowner as to any aspect of the land use.

The Shire of Jerramungup is generally supportive of small business seeking to operate in Bremer Bay. In this case the low key nature of the land use suited the setting well.

If you wish to discuss this further or have any other enquiries please do not hesitate to contact me.

Yours sincerely,

C Pursey

Craig Pursey
Planning Officer

Shire of Jerramungup
8 Vasey Street, Jerramungup 6337
Phone: 9837 4171
Mobile: 0458 705 283
Email: planning@jerramungup.wa.gov.au

ROBLAND

Explanation of accoustic levels

The values given are the emission levels; these are not necessarily the levels at which the operator can work safely.
Although there is a link between the emission values and the exposition level, it cannot be used in a reliable way to determine if supplementary measures should be taken.

NOISE INFORMATION

Measurements as per ISO norm 7960 as per annexe D

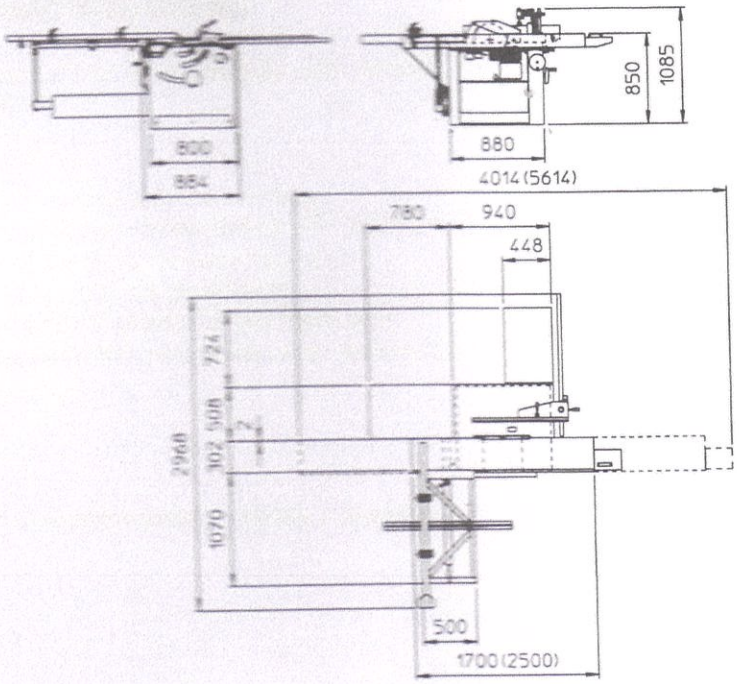
Workpost under load	Level continuous accoustic pressure per index A dB (A)	Level accoustic power dB (A) (MW)	Max. value accoustic pressure as per index C (instantaneous) dB
Saw	91	105 dB (A)(26,3)	< 130

DUST EMISION LEVELS

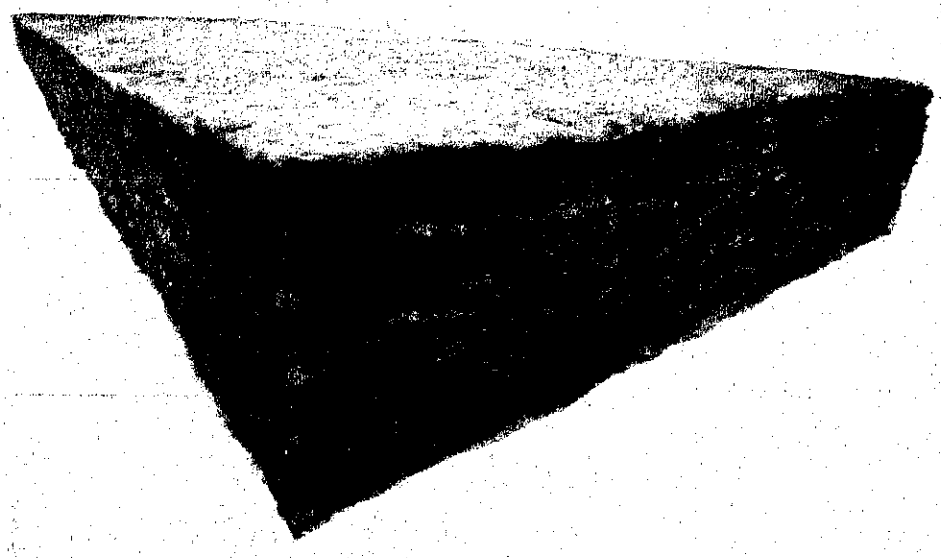
The dust emission level examination was carried out by the following approved body:
Prüfinstitut für Holzstaubmessungen
Institut für Werkzeugmaschinen
Universität Stuttgart – Germany

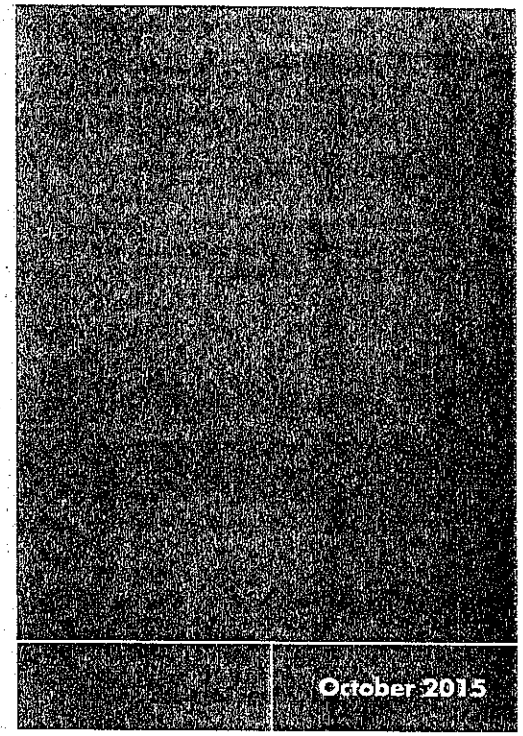
Measurements as per DIN 33 893 (GS-HO-05)
Measurements show that the TRK value of 2 mg/m³ has not been exceeded.
Notification number and date: 08.03.1996/FPH-AZ: 029/95

General dimensions E-300



KNAUF INSULATION
it's time to save energy





Earthwool® Acoustic Batts

Description

Earthwool Acoustic batts are made using recycled glass and with ECOSE® Technology, a revolutionary binder based on rapidly renewable materials instead of petro-based chemicals. It reduces embodied energy and contains no added phenol, formaldehyde, acrylics or artificial colours.

Application

Earthwool Acoustic batts provide a cost-effective thermal and acoustical barrier for energy-efficient construction. The consistent quality, low dust, and clean-cutting resilient glasswool makes installation fast. Earthwool Acoustic batts can be used in timber and metal frame applications in residential and commercial structures. Knauf Insulation offers Acoustic batts in a wide range of sizes.

Light Commercial Applications

Earthwool Acoustic batts can improve Rw ratings in wood stud construction by 3 to 5 decibels and in metal stud construction by 8 to 10 decibels, depending on the complexity of the wall configuration and the thickness/density. Earthwool Acoustic batts can be used for exterior and interior walls, floors, crawlspaces and a variety of ceiling applications.

Performance

Thermal Conductivity
ASTM C 518 and AS/NZS 4859.1: 2002

Thermal Resistance
ASTM C 653 and AS/NZS 4859.1: 2002

Technical Data

Water Vapour Absorption (ASTM C 1104)
- Less than 5% by weight.

Corrosion Resistance (ASTM C 665)
- No greater than sterile cotton.

Microbial Growth (ASTM C 1338)
- Does not support microbial growth.

Fire Hazard Properties (AS/NZS 1530.3)
- Ignitability: 0, Spread of flame: 0, Heat Evolved: 0, Smoke Developed: 0-1.

Combustibility (AS 1530.1)
- Non-combustible

EARTHWOOL
the feel good glasswool insulation

BRANZ Appraised
Appraisal No.648 (2009)
Wall, Ceiling and Acoustic

NATURALLY NO ADDED FORMALDEHYDE BROWN

with ECOSE TECHNOLOGY

KNAUF INSULATION
it's time to save energy

Earthwool® Acoustic Batts

Specification Compliance
AS/NZS 4859.1: 2002 Materials used in the Thermal Insulation of Buildings and comply with the Building Code of Australia (BCA) requirements.

Bio-solubility
The formulation used for Earthwool insulation has been independently assessed to meet the requirements of the stringent Note Q standard (and is therefore consistent with the highest Australian and New Zealand industry standards), and also assessed by Knauf Insulation against the criteria of the Australian Safety and Compensation Council ASCC Approved Criteria for Classifying Hazardous Substances [NOHSC: 1008 3rd Edition]. As a result of this assessment, Earthwool insulation is not classified as hazardous according to the NOHSC criteria.

Features and Benefits

Proven Performance
- Preferred by professional installers concerned with quality, appearance and productivity.
- Excellent acoustical properties reduce sound transmission in the home when properly installed.

Durability
- Earthwool Acoustic batts are odourless, rot proof, non-hygroscopic, does not sustain vermin and will not encourage the growth of fungi, mould or bacteria.

Superior Handling
- Highly resilient insulation recovers quickly to full thickness for a snug fit and superior finished aesthetics.
- Consistent quality materials feel good, cut easily and install fast.
- Low dust for easier handling and increased productivity.

Convenient Packaging, Easier Handling
- Earthwool Acoustic batts are packaged in a strong, white poly bag that offers excellent protection from abuse, dust and moisture.
- Earthwool Acoustic batt packages feature easy to follow installation instructions.
- MasterBag insulation units (containing multiple packs) ensure reduced handling costs with improved compression – more square metres per bag, more square metres per truck load, fewer trips to the job site and less warehouse space for storage.

Superior Service and Support
- Knauf Insulation is focused on providing first class customer service, producing high quality product and 'on time in full' deliveries.
- Knauf Insulation recognises the need to establish, develop and support a professional network of distributors and re-sellers in order to service a growing insulation market.
- Knauf Insulation is committed to providing a comprehensive range of relevant sales and marketing literature and web-based technical information to support specifiers and customers.

Environmental
Earthwool Acoustic batts are free from CFCs, HCFCs and any other material with ozone depletion potential in the manufacture and content and represent no known threat to the environment. Earthwool Acoustic batts' manufacture has low impact on the environment and is classified as Zero ODP and Zero GWP.

Knauf Insulation's Earthwool® products with ECOSE® Technology benefit from a formaldehyde-free binder based on rapidly renewable materials instead of petro-based chemicals which is up to 70% less energy intensive. The technology has been developed for Knauf Insulation's glass and rock mineral wool products, enhancing their environmental credentials without affecting the thermal, acoustic or fire performance. Earthwool products made with ECOSE Technology contain no dye or artificial colours – the colour is completely natural.

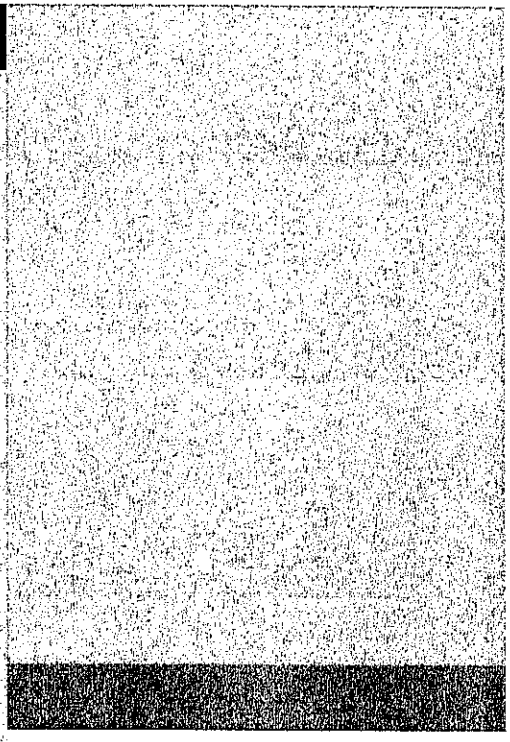
Specification Guide
The acoustic insulation shall be Earthwool Acoustic batts *kg/m³, *mm thick, BRANZ appraised to meet the provisions of the BCA. The product will be non-combustible, CFC/HCFC free, zero ODP and GWP, Global GreenTag Cert™ Level A certified, glasswool insulation with high post-consumer recycled glass content and with ECOSE® Technology. It will be manufactured under Quality Assurance Standards ISO 9001:2008 and ISO 14001:2004 by Knauf Insulation and shall be installed in accordance with the instructions issued by them.

*architect to insert details of products used.

For more information please visit www.knaufinsulation.com.au

KNAUF INSULATION
it's time to save energy

Earthwool Acoustic Batts



Basic Acoustic Batts – 11kg/m³

		Material Code	Thickness (mm)	Density (kg/m³)	Est. R-Value (m²K/W)	Width (mm)	Length (mm)	Pieces per Pack	m²/Pack
11kg/m³	Timber Frame	290594	50	11	1.2	430	1160	40	19.95
		248352				580	1160	40	26.91
		290599	75	11	1.8	430	1160	28	13.97
		290600				580	1160	28	18.84
	(Folded) Metal Frame	248361	50	11	1.2	450	2700	20	24.30
		248360				600	2700	20	32.40
		248362	75	11	1.8	450	2700	14	17.01
		2437819				600	2700	14	22.68
		546373	110	11	2.5	600	1160	20	13.92

Ultra Acoustic Batts – 14kg/m³

		Material Code	Thickness (mm)	Density (kg/m³)	Est. R-Value (m²K/W)	Width (mm)	Length (mm)	Pieces per Pack	m²/Pack
14kg/m³	Timber Frame	2437822	50	14	1.3	430	1160	38	18.95
		2438637				580	1160	38	25.57
		2438916	75	14	1.9	430	1160	24	11.97
		2438638				580	1160	24	16.15
	Metal Frame	2437560	50	14	1.3	450	1160	38	19.84
		2437561				600	1160	38	26.45
		2437562	75	14	1.9	450	1160	24	12.53
		2437563				600	1160	24	16.70

High Density Acoustic Batts – 17kg/m³, 20kg/m³, 24kg/m³ and 27kg/m³

	Material Code	Thickness (mm)	Density (kg/m³)	Est. R-Value (m²K/W)	Width (mm)	Length (mm)	Pieces per Pack	m²/Pack
High Density	244462	75	17	2.0	430	1160	20	9.98
	2438626	75	17	2.0	580	1160	20	13.46
	2437532	90	20	2.5	430	1160	14	6.98
	2437533	90	20	2.5	580	1160	14	9.42
	248357	50	24	1.4	580	1160	22	14.80
	256736	90	27	2.7	430	1160	10	4.99
	251511	90	27	2.7	580	1160	10	6.73

BRANZ Appraised
Appraisal No.648 [2009]
Wall, Ceiling and Acoustic

Knauf Insulation Pty Ltd
Unit 1, 44 Borthwick Avenue
Murarrie QLD 4172

Customer Service (sales)
Tel: +61 7 3393 7300
Fax: +61 7 3902 0613
Email: sales@au.knaufinsulation.com

Technical Advisory Centre
Email: tech@au.knaufinsulation.com

For more information please visit:
www.knaufinsulation.com.au

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KIAU03151720S

MATERIAL SAFETY DATA SHEET

Glass Mineral Wool with ECOSE® Technology

Non-Hazardous Substance **Non-Dangerous Goods**

SECTION 1: IDENTIFICATION OF THE MATERIAL AND SUPPLIER

Product Name:	Glass Mineral Wool with ECOSE Technology
Other Names:	Earthwool®, Space Blanket®, Supafil®, Jet Stream® MAX
Recommended Use:	Thermal and acoustic insulation, and energy conservation. Used in homes, public and commercial buildings, warehouses, industrial and petrochemical plants, motor vehicles, ships, public transport, power stations and white goods.
Supplier:	Knauf Insulation Pty Ltd
Address:	Unit 2, 44 Borthwick Ave, Murarrie QLD 4172
Telephone:	+61 7 3393 7300
Email address:	info.au@knaufinsulation.com
Website:	www.knaufinsulation.com.au
Emergency contact:	000 Fire Brigade and Police or 13 11 26 Poisons Information Centre

As Glass Mineral Wool with ECOSE Technology products by Knauf Insulation are classified as **NON-HAZARDOUS**, a Material Safety Data Sheet (MSDS) is not strictly required under Australian Regulations. This MSDS is issued by Knauf Insulation for the information of users, installers and the community. It has been formatted in accordance with the Code on Preparation of a Material Safety Data Sheet 2003 Safe Work Australia (SWA – formerly ASCC/NOHSC).
The information in this MSDS must not be altered, deleted or added to. Knauf Insulation will not accept any responsibility for any changes made to its MSDS by any other person or organisation. Knauf Insulation will issue a new MSDS when there is a change in product specifications and/or ASCC standards, codes, guidelines, or regulations.

SECTION 2: HAZARDS IDENTIFICATION

STATEMENT OF HAZARDOUS NATURE: Classified as **Non-Hazardous** according to the criteria of the Australian Safety and Compensation Council ASCC (formerly NOHSC) Approved Criteria For Classifying Hazardous Substances [NOHSC: 1008] 3rd Edition. Glass Mineral Wool with ECOSE Technology is classified as **Non-Dangerous Goods** according to the Australian Code for the Transport of Dangerous Goods by Road and Rail.

SECTION 3: COMPOSITION / INFORMATION ON INGREDIENTS

Chemical Name:	Proportion:	CAS Number:
Mineral glasswool fibre (amorphous, non-crystalline, bio-soluble – Note Q applicable)	87-100%	65997-17-3
Thermo set, inert polymer bonding agent derived from plant starches (without added formaldehyde)	0-13%	-

Notes:

1. Mineral wool man (machine) made vitreous fibre (mmvf), alkali and alkaline earth (CaO + MgO + NaO + K2O) > 18 % in weight meeting the requirements of Note Q of directive 97/69/EEC and Classification, Labelling and Packaging (CLP), 1272/2008.
2. CAS-No.: Chemical Abstract Service
3. Glass mineral wool insulation fibres are not classified carcinogenic according to regulation n° 1272/2008 (page 335 of the JOCE L353 of December 31, 2008).
4. Possible facing materials: glass veil, or polyester mat or aluminium or Kraft paper.

SECTION 4: FIRST AID MEASURES

Swallowed:	Rinse lips and mouth with water. Drink plenty of water if accidently ingested. Emergency procedures not normally required. May be a temporary irritant to the GI system.
Eye:	Rinse abundantly with clean water until irritation subsides or for at least 15 minutes. If discomfort persists, seek medical attention.
Skin:	Normal good personal hygiene practices. Wash with mild soap and water after each exposure. If mechanical irritation occurs, remove contaminated clothing and wash skin gently with water and soap. If itch or discomfort persists, seek medical attention.
Inhaled:	Remove to fresh air. Rinse the throat and blow nose to clear dust. If symptoms persist, seek medical attention.
Advice to Doctor:	Any symptoms and signs of ill-health are likely to be due to other causes. Can be slightly itchy on prolonged contact with skin. Does not produce any acute or chronic health effects. Treatment should be directed toward cleansing the skin and symptomatic treatment as necessary.

SECTION 5: FIRE FIGHTING MEASURES	
Flammability:	Non-flammable, will not burn.
Suitable Extinguishing Media:	As needed for surrounding fire conditions. Any extinguishing media may be used as required. Waterfog may be used to cool intact containers and nearby storage areas.
Hazards from combustion products:	Glass Mineral Wool with ECOSE® Technology is non-combustible in line with AS1530.1:1999, but the plastic wrapping, binder and some facings may decompose, smoulder or burn in a fire or when heated above 300°C. If product is present in a fire, toxic gases or smoke may be evolved depending on surrounding fire conditions. Glass Mineral Wool with ECOSE Technology has a 4 zero fire rating when subjected to early fire hazard tests in accordance with the Australian Standard - AS1530.3:1999
Fire Fighting Procedures:	As needed for surrounding fire conditions. If required, evacuate area and contact emergency services; remain upwind and notify those downwind of fire hazard; and wear protective equipment including Self-Contained Breathing Apparatus (SCBA).
HAZCHEM Code:	None allocated.

SECTION 6: ACCIDENTAL RELEASE MEASURES	
Containment Procedure:	If product is torn or loose, cover or reseal to minimise fibre release. Reuse where possible or place in a sealable plastic bag for disposal according to local authority guidelines.
Clean Up Procedure:	Personnel directly involved in clean-up of loose material should wear personal protective equipment as described in Section 8. Clean area so as to avoid dispersion of loose material or fibres using wet sweep methods or micro-filter vacuum cleaner.

SECTION 7: HANDLING & STORAGE	
Handling:	These products are safe in use. Once installed, Glass Mineral Wool with ECOSE Technology does not release dust or fibres. Handling, installing or removing the product may result in some dust and airborne fibre. Minimise eye or skin contact and inhalation during handling, installation and removal (see Section 8). Observe good personal hygiene, including washing hands before eating.
Storage:	Glass Mineral Wool with ECOSE Technology must be stored under cover and in dry conditions. Heavy objects must not be stacked on the packs. The packs must be stored in an orientation that avoids excessive compression of the product. Compression packaged glasswool is subjected to a maximum combination of compression density and storage time after which the product may not loft to its nominal thickness and therefore may not achieve its designed thermal performance.
Incompatibilities:	None

SECTION 8: EXPOSURE CONTROLS / PERSONAL PROTECTION	
Exposure Standards:	National Occupational Exposure Standard (NES) Australian Safety and Compensation Council, ASCC (formerly NOHSC): None allocated for Glass Mineral Wool with ECOSE® Technology products, which may be regarded as nuisance dusts. Knauf Insulation recommends following the National Occupational Exposure Standard (NES) Australian Safety and Compensation Council, ASCC (formerly NOHSC) general guide to keep all occupational exposures to dust and other atmospheric contaminants to as low a level as is workable (practicable). For non-hazardous nuisance dusts: 2.0 mg/m³ TWA for inspirable dusts and/or 10 mg/m³ TWA (time-weighted average) for total dust (of any type, or particle size) is recommended.
Engineering Controls, Ventilation:	During most applications and installation no special ventilation will be required. However, if installing in dusty or poorly-ventilated areas, or during the first heat-up cycle in high- temperature applications, local exhaust ventilation should be considered. Work practices should aim to minimise the release of, and exposure to, fibres and/or dust. Hand tools generate the least amount of dust and fibres. If power tools are used directly on the product appropriate dust collection systems are recommended. Work areas should be cleaned regularly, and vacuuming or wet sweeping is recommended.
Personal Protection:	
Skin Protection:	Direct skin contact can be minimised by wearing long-sleeved shirts and long trousers, a cap or hat, and gloves. Work clothes should be washed regularly and separately from other clothes.
Eye Protection:	When handling these products overhead or in enclosed or poorly-ventilated areas such as ceiling spaces or risers, eye contact with dust or fibre can be avoided by wearing ventilated non-fogging dust-resistant goggles conforming to Australian and New Zealand Standards AS/NZS 1336.
Respiratory Protection:	None normally required. If dust is generated in enclosed or poorly-ventilated areas, an approved particulate respirator conforming to Australian and New Zealand Standards AS/NZS 1715 and 1716 is recommended. P1, P2 or N95 type respirators are appropriate. Use only respirators that bear the Australian Standards mark and are fitted and maintained correctly, and kept in clean storage when not in use.
Personal Hygiene:	Washing of exposed skin with soap and water at the end of a shift or as required is recommended as a comfort measure.

SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES	
Appearance:	A matt of fibrous material resembling wool. It is supplied in different shapes and sizes, in outer packaging. It may be rigid or flexible, and facings such as aluminium foil and glass tissues applied to meet specific purposes.
Odour:	Not applicable
pH:	Not applicable
Boiling Point:	Not applicable
Melting Point:	>704°C
Vapour Pressure/Density:	Not applicable
Specific Gravity (H_2O = 1)	Generally low, but variable depending on facings
Volatile Organic Compounds (VOC) Content / % Volatiles:	Very low; <1%
Flash Point:	Not applicable
Decomposition Temperature:	>300°C
Lower/Upper Explosive Limits:	Not applicable

SECTION 10: STABILITY AND REACTIVITY	
Chemical Stability:	Stable. The cured binder is stable and will remain intact for the life of the product under normal atmospheric conditions.
Incompatible Materials / Conditions to Avoid:	No reported incompatibilities. Acids, alkalis or organic solvents may cause degradation of binder.
Hazardous Reactions / Decomposition Products:	None known

SECTION 11: TOXICOLOGICAL INFORMATION

Toxicology data: The fibre component of these products is classified by Safe Work Australia (formerly ASCC/NOHSC) as Mineral Wool (Not Elsewhere Specified). In accord with EU ATP 31 (2009) these fibres are not classified as irritant, and being bio-soluble they are not regarded as carcinogenic. Glass Mineral Wool with ECOSE® Technology is bio-soluble, which means that any fibres inhaled into the lungs dissolve in body fluids and are then cleared from the lungs. They are certified as having low biopersistence, e.g. after inhalation, as specified under Note Q as listed in the Australian Hazardous Substances Information System and in the Australian Approved Criteria documentation. Fibres of these products comply with the short-term bio-persistence test and fulfil the requirements of Australian and international authorities on bio-solubility. SWA (formerly ASCC/NOHSC) and international authorities do not classify mineral wool fibres with high bio-solubility as carcinogenic or as capable of causing fibrosis.

Fibres are generally clumped by the binder or resin coating and single strand respirable fibre is present only in trace amounts when any dust is formed in the workplace during installation. Bound fibre is not of respirable size. Extensive research over the past 50 years on workers handling these fibres and products in many countries has shown that the inspirable and respirable size fibres are not harmful, having no long term health effects or respiratory effects.

Toxicology test data is generally not available on the products, but is estimated as being very low with LD50 >5000 mg/kg.

Health Effects: Acute (short-term)

Swallowed:	Unlikely in normal use, but may result in temporary itching of the lips, mouth and throat. Attempting to swallow large amounts would be expected to cause gagging and possibly vomiting.
Eyes:	May cause eye discomfort resulting in watering and redness.
Skin:	Handling repeatedly during installation may cause temporary itching of exposed skin. This is not an allergy and usually disappears quickly.
Inhaled	Unprotected exposure to high levels of dust of these products (during installation or removal) may cause discomfort of the nose, throat, and upper and lower respiratory tract, especially in persons suffering from upper respiratory or chest complaints such as hay fever, asthma or bronchitis.

Health Effects: Chronic (long-term)

There are no known long-term health effects.

SECTION 12: ECOLOGICAL INFORMATION	
Ecotoxicity:	Neither the raw materials nor the finished product contain any ozone-depleting chemicals This product is not ecotoxic to air, water or soil, by composition. No harm to fish or wildlife would be caused by this product.
Persistence and Degradability:	Will not bio-accumulate. Less than 1% leachable organic carbon if landfilled. Inert inorganic product with Thermo set, inert polymer bonding agent derived from plant starches; 0 - 13%.

SECTION 13: DISPOSAL CONSIDERATIONS

Place in plastic bags or containers and close or seal for disposal in accordance with local authority guidelines. Label as NON-HAZARDOUS insulation wool or as general building waste (non-hazardous), as appropriate to assist local authorities waste disposal sites. Department of Environment and Climate Change NSW classifies glasswool insulation as General Solid Waste (non-putrescible), and local authorities will usually advise any local handling arrangements at their disposal sites.

SECTION 14: TRANSPORTATION INFORMATION

Transport Requirements:	Glass Mineral Wool with ECOSE® Technology products are not classified as Dangerous Goods and have no special transport requirements.
UN Number:	None allocated
Packing Group:	None allocated
Class:	None allocated
HAZCHEM Code:	None allocated
Subsidiary Risk	None allocated

SECTION 15: REGULATORY INFORMATION

Poisons Schedule: None allocated.

No specific regulatory requirements are applicable regarding occupational health and safety, consumer protection or environmental protection measures.

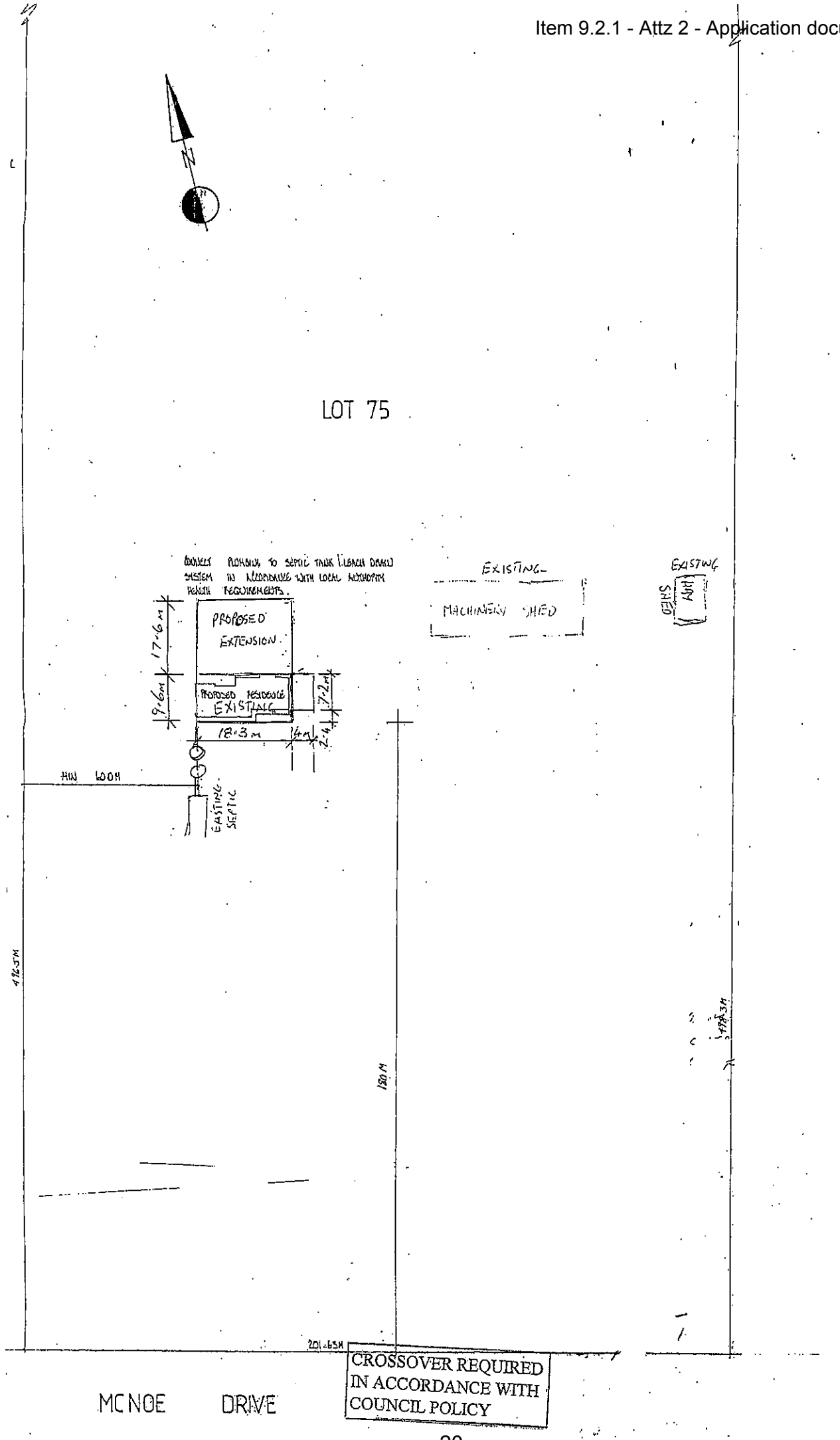
SECTION 16: OTHER INFORMATION

The following references are intended as guides to good industrial practice applicable to building and construction products.	
AS/NZS 1336	Recommended Practices for Occupational Eye Protection
AS/NZS 1715, 1716	Selection, Use and Maintenance of Respiratory Protective Devices

The information contained in this document is accurate and reliable at the time of preparation. The provision of this information should not be construed as a recommendation to use any of our products in violation of any patent rights or in breach of any statute or regulation.

Users are advised to make their own determination as to the suitability of this information in relation to their particular purposes and specific circumstances. Since the information contained in this document may be applied under conditions beyond our control, no responsibility can be accepted by us for any loss or damage caused by any person acting or refraining from action as a result of this information.

Issue Date: October 2014 **END of MSDS**


LOT 75
PROPOSED EXTENSION
EXISTING
MACHINERY SHED
EXISTING SHED
HAY
17·6m
9·6m
18·3m
1·4m
2·4m
PROPOSED RESIDENCE
EXISTING
HW
EXISTING SEPTIC
482.5M
180.1M
178.3M
201.65M
CROSSOVER REQUIRED IN ACCORDANCE WITH COUNCIL POLICY
MC NOE DRIVE

170.7 Meters
P014520
T4

Morangup Progress Association Inc.
3 Wallaby Way MORANGUP WA 6083

27 March 2017

Mr Stan Scott
Chief Executive Officer
Shire of Toodyay
15 Fiennes Street
TOODYAY WA 6566

Dear Stan

5 YEAR PLAN – COMMUNITY HALL RECREATION CENTRE (COMMUNITY HALL)

Thank you for taking the time, along with Graeme Bissett and Alan Giles, to meet with the Morangup Progress Association's (MPA) building committee on Thursday 16 March 2017 to discuss and view the building improvements the MPA would like to undertake over the next 5 years.

Following this meeting and your request for the MPA committee to provide a 5 year plan for the community hall, the committee met for an extraordinary meeting on Monday 20 March to identify, consider and agree to the works to be completed. To follow we list each proposed improvement, along with the financial year we would like to see the work completed.

Please note this document is an overarching plan and does not contain specific information, costings or precise drawings of proposed improvements. Clarity on responsibilities for the overall and onsite project management of each body of work will be required, once confirmation of approval has been received to progress each item.

Complete 2016/17

Rear storage

- Install gates to rear toilets for storage purpose that ensure security of items.
    - MPA to fund and install based on discussion of 16 March 2017.

Floor (every two years)

- Strip and seal floors.
    - Shire to fund works.

Car park

- Shire of Toodyay to undertake levelling of carpark to resolve drainage and erosion issues.
- Please refer to plan.
    - Shire to schedule work following clarification of requirement/recommendation.

Play area

- Install LED spotlights over play area.
    - MPA to fund and install.

Hall bathrooms

- Current bathrooms are tired with the hardware starting to breakdown.
- Renovate bathrooms with new hardware, to include dual flush toilets.
    - MPA to project manage and undertake work, where suitable.
    - Shire to fund a registered plumber, creation of plans, purchase of materials and costs associated with renovations.

Complete 2017/18

Storage and library

- Build on to the existing building.
- Push the building out from the front of the current building, from south east corner east towards carpark.
- Total size of building addition 5 metres deep by 12 metres wide.
- Divide new area into two with the south east side to a be set up as the library (at 5 by 5 metres) and the north east side to be set up as storage (at 5 by 7 metres).
- Push the two existing windows out to the new walls, turn the voids left into doorways.
- Change the window on the east south wall into door for playgroup, to allow for easy access and supervision of the children on the outside play equipment.
- Push veranda forward around building addition to continue current veranda wraparound of entire building at existing width.
- Build a portico over entry, from where the new build finishes across to line up with existing north wall.
- Include an entry statement at the front of the portico to identify entry and welcome visitors to the Hall.
- Landscape area.
- Please refer to plan.
    - MPA to project manage and undertaken work, where suitable.
    - Shire to fund a registered builder, creation of plans, purchase of materials and costs associated with the build itself.

Acoustics

- Source an acoustics engineer to quote on options for resolving the acoustics problems with hall to allow the removal of the current ceiling curtain set-up.
- Undertake the installation of recommendations.
    - MPA to project manage and undertake work, where suitable.
    - Shire to fund an acoustic engineer, creation of plans, purchase of equipment and costs associated with required building alterations.

Complete 2018/19

Power

- Resolve power issues – source grants to upgrade transformer >25k.
- Shire to support MPA in sourcing possible grants for purchase.
    - MPA to project manage and undertake work, where suitable.
    - Shire support for sourcing possible grants required.
    - Possible shire funding for purchase of equipment if grant options are not identified or successful.

Water tanks

- Move location of water tanks to new pads.
- Initially purchase and install one tank (47,000 litre), second to be purchased by 2021/22.
- Purchase and install new water pump and related plumbing.
- Shire of Toodyay to support MPA in sourcing possible grants for purchase.
- Please refer to plan.
    - MPA to project manage and undertake work, where suitable.
    - Shire support for sourcing possible grants required.
    - Possible shire funding for purchase of equipment if grant options are not identified or successful.

Painting

- Repaint building – internal and external.
    - MPA to project manage and undertake work, where suitable.
    - Shire to fund the purchase of materials and tools as required.

Floor (every two years)

- Strip and seal floors.
    - Shire to fund for works.

Complete 2019/20

Rear outdoor area under cover

- Move water tank placement to new pads.
- Replace and move placement of water pump to location of water tanks.
- Install shade sails.
- Brick pave area where current water tanks sit.
- Install electric BBQ.
- Install metal table/chair combo – x 2.
- Install outdoor lighting.
- Landscape area.
- Please refer to plan.
    - MPA to project manage and undertake work, where suitable.
    - Shire to fund purchase of equipment and registered tradespersons as required.

Gardens

- Re-fresh gardens with low maintenance native landscaping.
    - MPA to project manage and undertake work, where suitable.
    - Shire to fund purchase of flora and landscaping as required.

Complete 2020/21

Nil

Complete 2021/22

Kitchen

- Renovate kitchen to meet commercial kitchen standards.
- Remove walls to playgroup storage room to extend kitchen size.
- Build servery across kitchen entry.
- Remove existing kitchen walls on entry.
- Please refer to plan.
    - MPA to project manage and undertake work, where suitable.
    - Shire to fund a registered builder, creation of plans, purchase of equipment and building materials and the build itself.

Floor (every two years)

- Strip and seal floors.
    - Shire to fund works.

The committee understands that the above is a large and somewhat costly list but note that limited improvements or maintenance have been undertaken to the hall from the start of operations.

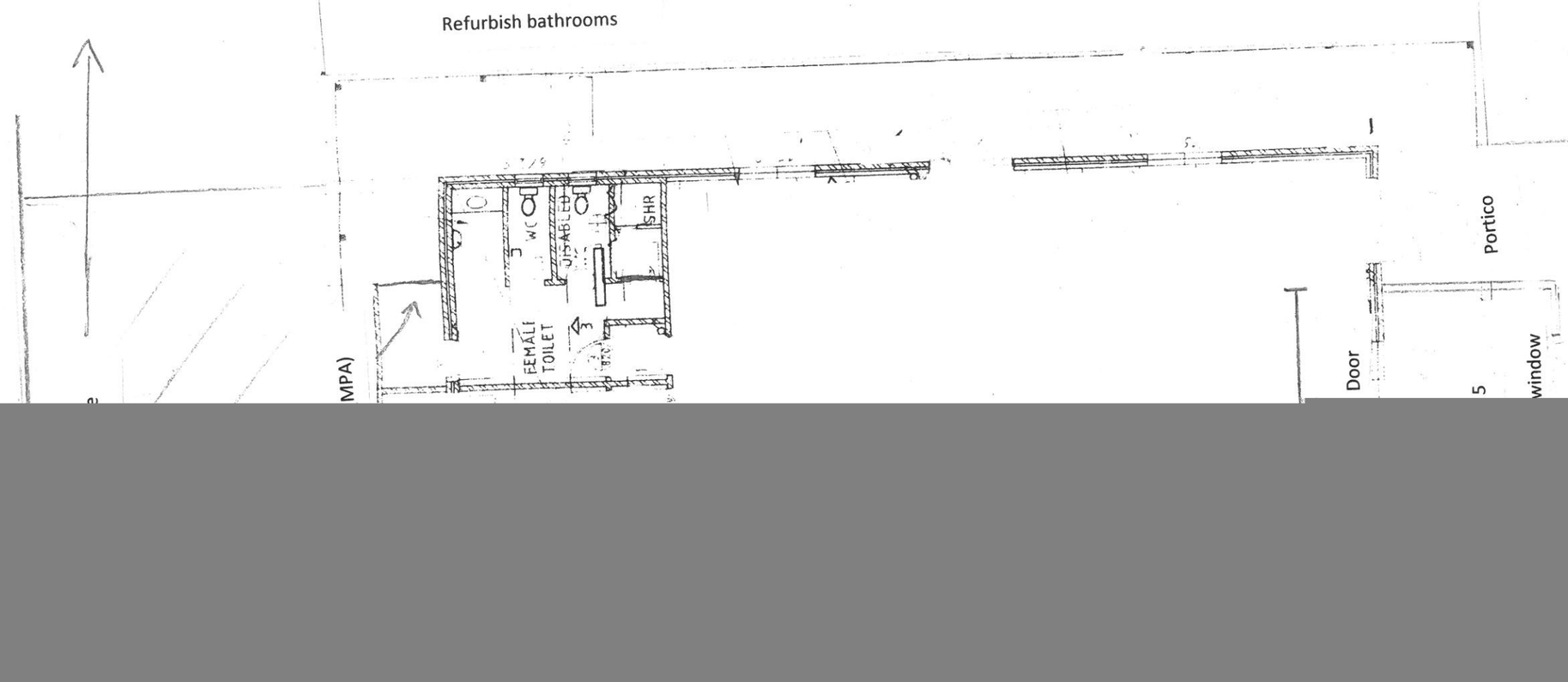
The committee will undertake the project management of these activities along, with the support of residents, the majority of work. Where required, support and guidance will be provided by the Shire. Funding will be provided by the MPA, Shire or via grants, as identified in each activity listed.

The outcome of this body of work is a community hall that is an attractive and user friendly space for residents to utilise, that meets current and future purpose and encourages community participation, connection and a sense of belonging.

If you require further information or would like to discuss any or all of the above in greater detail, please do not hesitate to contact the MPA. It would be appreciated if you could notify the timeframe for decisions and any other processes we need to undertake.

Kind regards

Danielle Wrench
President
Morangup Progress Association Inc.


Refurbish bathrooms
WC
DISABLED
SHR
FEMALE TOILET
Portico
Door
window