



# Committee Book

Section 5.8 of the *Local Government Act 1995*

Endorsed by Council Resolution at an Ordinary Council Meeting held on 22 Nov 2023 and updated as a living document.

Information contained in this document should be cross-referenced with information available from **The Western Australian Legislation website** at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

## **This book contains:**

### Terms of Reference for Council Committees as follows:

- Audit and Risk Committee
- Environmental Advisory Committee
- Heritage Advisory Committee
- Working Groups

### Terms of Reference for Mandated Committees as follows:

- Bush Fire Advisory Committee
- Local Emergency Management Committee
- Local Recovery Committee

### Information about External Representation to Other Committees or Organisations that Council nominates representatives for as follows:

- Avon Midland Country Zone of the WA Local Government Association
- Rural Water Council
- Avon Regional Organisation of Councils (AROC)
- Wheatbelt Regional Road Group (North) and the Avon Regional Road Sub-Group for WRRG
- Development Assessment Panels
- Butterly Cottages Association Inc.
- Toodyay Roadwise Committee
- Wheatbelt Development Commission (Board endorsement)

# Committee Book Index

<b>Overview</b> .....	1
<b>Review</b> .....	1
<b>Representation Summary</b> .....	1
<b>Committee &amp; Other Organisations Representation</b> .....	1
<b>Rules for Committees of Council</b> .....	1
1.1. Meetings.....	1
1.2. Appointment of Committee Members .....	1
1.3. Election of Presiding Member (Chairperson) .....	2
1.4. Responsibilities of Presiding Member .....	2
1.5. Support to Committees of Council .....	2
1.6. Invitees .....	2
1.7. Order of Meetings .....	2
1.8. Minutes .....	2
1.9. Reporting.....	3
1.10. Resignations .....	3
1.11. Decision Making.....	3
Audit & Risk Committee (ARC).....	3
Environmental Advisory Committee (EAC).....	6
Heritage Advisory Committee (HAC).....	8
Working Groups .....	1
<b>Rules for Mandated Committees</b> .....	2
Bush Fire Advisory Committee (BFAC).....	3
Local Emergency Management Committee (LEMC).....	6
Local Recovery Committee (LRC) .....	12
<b>Rules for External Representation</b> .....	14
1.1. Avon Midland Country Zone (AMCZ) of the WA Local Government Association.....	14
1.2. Rural Water Council of WA Inc.....	14
1.3. Avon Regional Organisation of Councils (AROC) .....	15
1.4. Wheatbelt Regional Road Group North (WRRG) and the Avon Regional Road Sub-Group 15	
1.5. Development Assessment Panels .....	16
1.6. Butterly Cottages Association Inc .....	17
1.7. Toodyay Roadwise Committee.....	18
1.8. Wheatbelt Development Commission .....	18

## Overview

**Refer to section 8.26 of the Shire of Toodyay Governance Framework for information related to Committee Meetings.**

This committee book (book) was developed to provide information to elected members and community representatives serving on council committees.

The Shire of Toodyay (Shire) recognizes the value of community contribution and continually seeks ways to engage more deeply with the community.

The Shire establishes Committees with a defined regulatory objective. These Committees are bound by provisions contained in the legislative instruments by which they were established including, but not limited to the following:

- *Shire of Toodyay Standing Orders Local Law 2008* where those Committees are established under the *Local Government Act 1995*;
- *Local Government (Model Code of Conduct) Regulations 2021*.
- Shire of Toodyay's Code of Conduct;
- *Corruption and Crime Commission Act 2003*; and the
- *Defamation Act 2005*.

This Committee Book also provides guidelines to ensure appropriate governance processes are followed for all committees and working groups, etc.

## Review

This book will be reviewed at least every two years, prior to the holding of a local government ordinary election. Amendments will be approved by the CEO.

Review Table			
Date	Detail	Approved on	Date
02/09/2021	Created first draft and submitted to the CEO for approval.	N/A	N/A
10/09/2021	Reviewed and added footers then printed for CEO.	N/A	N/A
15/10/2021	Reviewed and amended by CEO	N/A	N/A
18/10/2021	Added in a summary of Committee information	N/A	N/A
28/10/2021	Changed the order of Committees and differentiated between Council Committees and Mandated Committees	N/A	N/A
2/11/2021	Removed information that had been gathered via responses to correspondence sent by the CEO and put into officer report instead.	N/A	N/A
23/11/2021	Endorsed by Council with one minor amendment plus also included the nominations made at Item 9.3.2 in the	23/11/2021 – Council Resolution No.	23/11/2021

### Committee Book

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

<b>Review Table</b>			
<b>Date</b>	<b>Detail</b>	<b>Approved on</b>	<b>Date</b>
	Representation Summary.	241/11/21	
04/05/2023	Amendments made to this document in preparation for October 2023. Took into account Council resolutions to do with membership and also the information contained in the Governance Framework.	N/A	04/05/2023
11/10/2023	Amendments made to remove Committees from the book before being presented to the October 2023 Council Meeting	N/A	11/10/2023
8/11/2023	Amendments made following workshop held in November 2023 with 5 Councillors	N/A	11/10/2023
22/11/2023 and 27/11/2023	Amendment to LEMC Frequency of meetings as per Council Resolution 178/08/22; and as per Council Resolution made at November 2023 Meeting.	Council Resolution No. OMC279/11/23	22/11/2023
28/02/2024	Amendment – addition of terms of reference for Heritage Advisory Committee as per Council Resolution made at February 2024 Council Meeting	Resolution No. OCM	28/02/2024

**Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

## Representation Summary

### Committee & Other Organisations Representation

Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
Audit & Risk Committee (ARC)	February, March, June, Sept & Dec	1 <sup>st</sup> Wednesday at 10.00am	<p>This Committee has specific functions to follow that are set out in Regulation 16 of the <i>Local Government (Audit) Regulations 1996</i>.</p> <p>Refer to the <a href="#">Audit &amp; Risk Committee Charter</a> adopted by Council.</p>	<p>4 primary elected members [Crs Dival, McKeown, Prater and McCormick]</p> <p>3 community members [K Barrack, N Mills, and S Rutter]</p>	Not required	Executive Manager Corporate & Community Services
Environmental Advisory Committee (EAC)	March, June, Sept and Dec	1 <sup>st</sup> Wednesday at 4.00pm	Provide guidance and assistance on all matters that benefit or impact the natural environmental assets of the Shire of Toodyay.	<p>2 primary elected members [Crs Madacsi &amp; McCormick]</p> <p>Up to 6 community members [J Von Perger]</p> <p>Reserves Management Officer (non-voting)</p>	Not required	Executive Manager Development and Regulation
Bush Fire Advisory Committee (BFAC)	Feb, May, Aug and Nov	1 <sup>st</sup> Wednesday at 6.00pm	To provide advice to the local government on obligations contained within the <i>Bush Fires Act</i> , organising, managing, resourcing and training volunteer bush fire brigades.	<p>2 primary elected members: [Cr McKeown &amp; Cr Prater]</p> <p>CEO, CESM, Chief Bush Fire Control Officer (CBFCO), Deputy Chief Bush Fire Control Officers, Brigade Captain Representatives,</p>	Not required	CESM (Community Emergency Services Manager)

#### Committee Book

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## Committee & Other Organisations Representation

Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
				Shire Officers & Agency representatives		
Local Emergency Management Committee (LEMC)	Feb, May, Aug, and Nov	2 <sup>nd</sup> Wednesday at 10.00am	To oversee, plan and test Shire of Toodyay's local emergency management arrangements under s38(1) of the <i>Local Emergency Management Act 2005</i> .	2 primary elected members: [Cr Wrench and Cr Duri]  CEO, EMO, CESM, EMIAS, CBFCO or deputy, District Emergency Management Advisor, Local Recovery Coordinator and Deputy Local Recovery Coordinator, Welfare Liaison Officers, DFES District Officer (Avon); Main Roads Representative, St John Ambulance Community Paramedic, Principal, Toodyay District High School, Shire Officers & other Agency representatives	Not required	CESM (Community Emergency Services Manager)
Local Recovery Committee (LRC)	As required	As required	Established under s36(b) of the <i>Local Emergency Management Act 2005</i> for the purpose of coordinating and supporting the management of recovery following a major emergency in accordance with the Shire's local emergency management arrangements.	Shire President, Local Recovery Coordinator, Deputy Local Recovery Coordinator, Executive Manager Infrastructure, Assets & Services (EMIAS) and Community Emergency Services Manager (CESM).	Yes	CESM (Community Emergency Services Manager)

## Committee & Other Organisations Representation

Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
Avon Midland Country Zone of the WA Local Government Association	Bi-monthly from February	Usually a Friday	Zones are groups of geographically aligned member Councils who are responsible for direct election of State councillors, providing input into policy formulation and providing advice on various matters.	Shire President and Deputy Shire President	No.	WALGA
Rural Water Council of WA	Every four months commencing from March	Usually a Friday	Provides a voice to government on water issues affecting rural areas and towns and advocates for funding for water projects.	Shire President and Deputy Shire President	No.	External
Avon Regional Organisation of Councils	Bi-monthly Governance Group Meetings	2 <sup>nd</sup> Monday between March and November	Formed under a Memorandum of Understanding with the Shire's of Goomalling, Northam, Toodyay, Victoria Plains and York.	Shire President and Deputy Shire President	No.	CEO
Wheatbelt Regional Road Group North <b>Main Group</b>	Quarterly	Depends upon scheduling	Established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to the SAC regarding the Annual Local Government Roads Program for their Region and any other relevant issues.	The Avon Regional Road sub-group will nominate four Councillors to represent them on the main group <u>and</u> Wheatbelt Secondary Freight.  Executive Manager - Infrastructure, Assets & Services attends when invited by the organisers of the main group.	No	WALGA

## Committee & Other Organisations Representation

Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
Regional Road Group Avon Subgroup	4 times a year	Depends upon scheduling	<p>The group is a sub-group of the main group called Wheatbelt Regional Road Group (North) noted above in this table.</p> <p>The subgroup will nominate four Councillors to represent them on the main group <u>and</u> Wheatbelt Secondary Freight.</p>	<p><u>Any</u> Councillor can be nominated.</p> <p>Nomination in October 2023 was for the Shire President as Primary Delegate and the Deputy Shire President as Proxy delegate.</p> <p>Executive Manager - Infrastructure, Assets &amp; Services</p>	No.	WALGA
Development Assessment Panels	Irregular	Depends on availability	To enhance planning expertise by improving the balance between technical advice and local knowledge.	<p>2 primary elected members [Crs Duri and Wrench]</p> <p>2 deputy elected members [Crs Dival and Prater]</p>	Yes	Dept of Lands Planning & Heritage
Butterly Cottages Inc	bimonthly but special meetings may be called at other times.	Thursdays at 10am.	Not for profit organisation providing low-cost accommodation services to people in needy circumstances.	<p>Primary: Cr McCormick</p> <p>Deputy: no one nominated.</p>		External
Toodyay Roadwise Committee	Monthly	2 <sup>nd</sup> Tuesday	Stand-alone committee	Executive Manager Infrastructure, Assets and Services attends these meetings	No	External
Wheatbelt Development	Irregular	Depends on	The Wheatbelt Development Commission facilitate long term	Up to 2 elected members to make	No	WDC

### Committee Book

Location: W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc Modified: 2/04/2024 5:02 PM



## Committee & Other Organisations Representation

Committee Name	Frequency	Day/Date/Time	Overview	Members	Training Required ?	Responsible Officer
Commission		availability	development of the Wheatbelt by being a forward-thinking regional development agency. We are committed to connecting government and the private sector to create practical solutions for our region	an application to the board  [Cr Madacsi]		

## Rules for Committees of Council

*Reference should be made to the Disclaimer at the front of this document.*

Committees of Council are subject to the provisions of subsidiary legislation under the *Local Government Act 1995*.

Committees of Council are established to provide advice and guidance to assist Council to achieve its strategic direction which is illustrated via the adoption of the Shire's Community Strategic Plan and associated Integrated Planning Strategic documents.

Part 17 of the ***Shire of Toodyay Standing Orders Local Law 2008*** contains references from the *Local Government Act 1995* (the Act) and relevant subsidiary legislation. The local law will be provided separately.

### 1.1. Meetings

**Refer to Clause 8.2.6 of the Governance Framework**

#### **Frequency of Meetings**

Committee Meeting dates will be set by Council in November on an annual basis in the same month as when the schedule for Council Meetings is considered.

#### **Additional Committee Meetings outside of the schedule set by Council**

Additional committee meetings are to be held:

- (a) if called for in a verbal or written request to the CEO by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the committee.

The public notice of scheduled Council and Committee Meetings is in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

#### **1.7. Local public notice**

- (1) *Where under this Act local public notice of a matter is required to be given, notice of the matter must be —*
  - (a) *published on the official website of the local government concerned in accordance with the regulations; and*
  - (b) *given in at least 3 of the ways prescribed for the purposes of this section.*

### 1.2. Appointment of Committee Members

Appointment of Committee Members shall be in accordance with Section 5.10 of the *Local Government Act 1995* and Shire of Toodyay Standing Order 17.6.

#### **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

### 1.3. Election of Presiding Member (Chairperson)

The election of Presiding Members of committees and their deputies is dealt with in the *Local Government Act 1995*.

(Refer to Shire of Toodyay Standing Order 3.4.)

### 1.4. Responsibilities of Presiding Member

It is the responsibility of the Presiding Member to read and understand the *Shire of Toodyay Standing Orders Local Law 2008*.

### 1.5. Support to Committees of Council

The CEO or the CEO's nominee is to be available to attend meetings to provide advice and guidance to the committee. Secretarial/administrative support is available to the committee through the Office of the CEO.

### 1.6. Invitees

The Chairperson of a Committee may consult with the Manager responsible for that Committee in regard to inviting representatives from relevant government departments, and other bodies with specialist advice, to its meetings as and when required. Such representatives shall not be members.

### 1.7. Order of Meetings

Discussion at the committee meetings shall be controlled through an agenda in accordance with Part 4 Business of a Meeting from the Shire of Toodyay Standing Orders. Any member wishing a specific item to be included in the agenda should advise the Chief Executive Officer at least two weeks prior to the meeting date. Otherwise, the item may be discussed under "New Business of an Urgent Nature" in accordance with the Shire of Toodyay Standing Order 4.5.

### 1.8. Minutes

#### **Refer to Clause 8.2.9 of the Governance Framework**

The keeping of minutes of a meeting is regulated through Section 5.22, Part 5 (Division 2) of the *Local Government Act 1995* which states as follows:

#### **5.22. Minutes of council and committee meetings**

- (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
- (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
- (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

The keeping and confirmation of minutes is described in Part 13 of the *Shire of Toodyay Standing Orders Local Law*.

## 1.9. Reporting

Any recommendations made by a Committee shall be presented to the next available Ordinary Council Meeting with an Officer report. A copy of the Committee's unconfirmed minutes will be received by Council at the same meeting.

The Chairperson of a Committee may report informally to the Council at the Concept Forum on the activities of the Committee.

### Committee Meeting Status Report

The Status Report will be updated by the Minute Taker upon finalisation of the minutes of a Committee Meeting.

The Report may be forwarded to Executive Managers to consider and/or discuss at their regular Executive Management meetings.

The Status Report will include in summary form such information as is reasonably necessary to track progress of recommendations. Once recommendations have been completed, they may be removed from the status report.

## 1.10. Resignations

Committee members wishing to resign must do so in writing to the Chief Executive Officer. Resignations will be effective upon receipt by the CEO or on a date specified in the resignation whichever is the latter.

## 1.11. Decision Making

The majorities required for decisions of the Council and committees are in accordance with the *Local Government Act 1995* (described in Part 12 - Voting from the Shire of Toodyay Standing Orders).

## Audit & Risk Committee (ARC)

Established under section 7.1A of the *Local Government Act 1995*.

Please refer to the [Audit & Risk Committee Charter](#), adopted by Council as a result of receiving, from the Office of the Auditor General, a "*Western Australian Public Sector Audit Committees – Better Practice Guide*" which was published as part of the Auditor General's Report on 25 June 2020.

The opening summary to the abovementioned guide states the following:

***This report has been prepared for submission to Parliament under sections 23(2) and 24(1) of the Auditor General Act 2006. Better practice checklists regularly feature in my Office's performance audit reports as a means of providing guidance to help the Western Australian public sector perform efficiently and effectively. This is the first comprehensive stand-alone better practice guide we have produced. While prepared primarily as a resource for audit committees in State and local government entities, it also provides Parliament with further insight on the significant role public sector audit committees play in supporting quality public administration.***

The *Western Australian Public Sector Audit Committees – Better Practice Guide* provides principle-based guidance for State and local government entities in Western Australia.

### Committee Book

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

The Department of Local Government, Sport and Cultural Industries still publishes a separate guideline, in relation to the Appointment, Function and Responsibilities of Audit Committees. Please refer to the attached [Local Government Operational Guideline Number 09 – Revised September 2013](#).

The guideline states that the audit committee (or any other committee) cannot be given a management task where the Act and Regulations make the CEO specifically responsible. Where the local government is assigned the function through the legislation, the audit committee may have a role unless the function has been delegated to the CEO by Council.

### **Rules around Establishment of the Committee**

The *Local Government Act 1995*, Division 1A – Audit Committee, Section 7.1A states:

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

### **Rules around the Delegation to the Committee**

The *Local Government Act 1995*, Division 1A – Audit Committee, Section 7.1B states:

- (1) Despite section 5.16, the only powers and duties that a local government may delegate\* to its audit committee are any of its powers and duties under this Part other than this power of delegation. \* *Absolute majority required.*
- (2) A delegation to an audit committee is not subject to section 5.17.

### **Rules around the Decisions the Committee can make**

The *Local Government Act 1995*, Division 1A – Audit Committee, Section 7.1C states:

#### **7.1C. Decisions of audit committees**

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.

## **Training Requirements**

In accordance with the Department's guideline, Community Members (i.e. External persons) appointed to the committee will have business or financial management/reporting knowledge and experience and be conversant with financial and other reporting requirements.

However, training in Understanding Local Government and Meetings Processes (part of the Council Member Essentials training) can be offered to community members.

## **Role, Responsibilities, Membership and Meetings**

*Please refer to the [Audit & Risk Committee Charter](#), adopted by Council.*

# Environmental Advisory Committee (EAC)

## **Purpose**

Provide guidance and assistance to Council where possible on matters relating to the environment within the Shire of Toodyay.

## **Objectives**

- (a) make recommendations to Council on matters relating to the environment including but not limited to:
  - Protect and enhance natural resources.
  - Reduce, Reuse, Recycle and Recover
  - Sustainability;
  - Climate change resilience and action;
- (b) educate and generate community interest and participation in matters relating to the above items;
- (c) provide feedback to Council in relation to point (b) above;
- (d) provide input and advice to Council on the implementation of environmental strategies and policies.

## **Membership Composition**

- (a) 2 elected members be appointed (for primary and deputy positions).
- (b) Up to five community members - A pre-requisite to being appointed as a community member will be the applicant's commitment to preserving the natural environment.
- (c) Supporting Officers
  - i. Executive Manager Development and Regulation
  - ii. Development Services Officer
  - iii. Reserves Management Officer
  - iv. Environmental Sustainability Officer (*where applicable*)

## **Responsibilities**

Community representatives are expected to:

- (a) Have a broad understanding of the environmental and planning legislative framework operating in WA

## **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

- (b) Be fully conversant with agenda items and display a high level of preparedness for meetings.
- (c) Be regularly in attendance at meetings.
- (d) Contribute to the sustainability of the district of the Shire of Toodyay by understanding the relevant environmental issues facing the Shire.
- (e) Present evidence-based advice.
- (f) abide by the Shire of Toodyay's Code of Conduct for Council Members, Committee Members and Candidates.

### **Frequency of Meetings**

*Refer to 1.1 Meetings under the heading Rules in respect to Committees of Council.*

The Environmental Advisory Committee is scheduled to meet at least four times per year unless otherwise determined at the discretion of the Presiding Person, as explained under "1.1 Meetings under the heading Rules in respect to Committees of Council."

### **Annual Evaluation of Committee's Effectiveness**

The Committee may annually undertake an internal review to evaluate its effectiveness, and as a guide the following should be determined:

- Is the purpose of the Committee being met?
- Is the committee's effectiveness improving or deteriorating?
- Are committee members regularly attending meetings?

The Committee may recommend to Council, changes to its terms of reference.



# Heritage Advisory Committee (HAC)

## History

The HAC was previously known as the Museum Advisory Committee whose purpose was to provide guidance and assistance to the Council on matters affecting the selection, interpretation or display of the museums artefacts and matters relating to the promotion of the Museum.

The name change occurred at a meeting held on 22 Nov 2023 (CRN: OCM281/11/23).

*A Heritage Working Group (Microsoft Office Teams) was operating informally regarding the review of the Central Toodyay Heritage Policy. Some members from the MAC, the Planning and Compliance Officer, the Museum and Cultural Heritage Officer and the Shire's Heritage Advisor were involved in this review.*

## Purpose

The Heritage Advisory Committee will provide leadership and direction on the functions and responsibilities listed below.

## Functions

The main functions of the Committee are to:

1. Provide guidance and assistance to the Council on matters relating to the selection, interpretation, display of artefacts and promotion of the museums and displays in the Shire of Toodyay.
2. Provide input to Council on policy and strategy aimed at the conservation of heritage places and areas.
3. promote a wider appreciation of the Shire's indigenous and post-settlement heritage including but not limited to cultural, spiritual, educational, environmental, and economic terms and all things that make up the Shire of Toodyay's identity such as spirit and ingenuity, historic buildings and our unique living landscapes.
4. provide input to Council on the maintenance, restoration, and promotion of heritage sites under the control of the Council.
5. identify places that the community recognises as being of heritage significance within the Shire of Toodyay and to encourage their inclusion on recognised heritage lists.
6. provide input to the Council and the community on matters relevant to heritage preservation, restoration, education, and promotion.
7. identify heritage related opportunities within the Shire of Toodyay requiring further research and action.
8. liaise and seek input, when necessary, from the community, and other groups and organisations including community groups who share similar heritage related

## Committee Book

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

values/interests/concerns or issues.

9. liaise with Shire administration to investigate sources of funding for specific heritage projects.
10. provide advice on marketing, branding and promotion of heritage related tourism within the Shire.

### **Powers of the Committee**

This Committee does not have delegated authority. The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

### **Membership Composition**

The Heritage Advisory Committee Membership will consist of the following:

- An upper limit of one third of elected members;
- Cultural Heritage Officer of the Shire of Toodyay; and
- Up to six representatives from the broader community with knowledge or interest in the preservation and promotion of heritage of the Shire of Toodyay.

### **Support Staff**

- The Executive Manager of Development and Regulation, or nominee, shall provide appropriate advice and support to assist the Committee.
- The Economic Development Officer and Community Development Officer shall provide advice and support to assist the committee.

### **Frequency of Meetings**

The Heritage Advisory Committee meets at 4.00 pm on the 2<sup>nd</sup> Wednesday of the months of February, May, August and November unless otherwise determined by the Presiding Member unless otherwise determined at the discretion of the Presiding Person. as explained under “1.1 Meetings under the heading Rules in respect to Committees of Council.”

### **Annual Evaluation of Committee’s Effectiveness**

The Committee may annually undertake an internal review to evaluate its effectiveness, and as a guide the following should be determined:

- Is the purpose of the Committee being met?
- Is the committee’s effectiveness improving or deteriorating?
- Are committee members regularly attending meetings?

The Committee may recommend to Council, changes to its terms of reference.

#### **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

## Working Groups

### **Aims**

To provide guidance and assistance to Council on matters referred to it by Council.

### **Objectives**

The objectives of the Working Group will be set by Council resolution.

### **Membership Composition**

The composition of membership will be set by Council resolution.

### **Responsibilities**

Responsibilities will be set by Council resolution.

### **Frequency of Meetings**

The Chairperson of the working group will be responsible for setting the frequency of meetings, in consultation with the CEO or delegated Officer.

## Rules for Mandated Committees

*Reference should be made to the Disclaimer at the front of this document.*

The Shire of Toodyay, as a local government, is legislatively required to establish mandated committees for a specific regulatory purpose. The Committees that fall into this category are in the table below:

Name of Mandated Committee	Established under
Bush Fire Advisory Committee	Part V, Section 67 of the Bush Fires Act 1954
Local Emergency Management Committee	Section 38(1) of the Emergency Management Act 2005 and State Emergency Management Guidelines.
Local Recovery Committee	Section 36(b) of the Emergency Management Act 2005.

Information in relation to these Committees is also set out over the following pages.

### [Committee Book](#)

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

## Bush Fire Advisory Committee (BFAC)

Established under Part V, Section 67 of the *Bush Fires Act 1954*.

### Rules around Establishment of BFAC

The *Bush Fires Act 1954*, Section 67 states:

#### **67. Advisory committees**

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
  - (a) make rules for the guidance of the committee; and
  - (b) accept the resignation in writing of, or remove, any member of the committee; and
  - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
  - (a) may from time to time meet and adjourn as the committee thinks fit;
  - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;
  - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

#### **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

## **Role of the Bush Fire Advisory Committee**

To provide advice to the local government on matters pertaining to obligations contained within the Bush Fires Act, organising, managing, resourcing and training volunteer bush fire brigades.

This committee provides a very worthwhile role in engaging with brigades and gaining feedback and input on policy and strategy.

1. Recommend and regularly review Council's policies relating to the delivery of fire prevention, preparedness, response and recovery.
2. Provide support and guidance to all Bush Fire Brigades and Toodyay State Emergency Services Units within the Shire of Toodyay and to assist those brigades/unit to fulfil their objectives.
3. Establish and maintain an operational command and control structure by developing procedures to enhance the ability of the brigades/units to carry out operations, activities and training efficiently and effectively.
4. Ensure co-operation and co-ordination between all brigades/units within the Shire of Toodyay and between all other brigades/units and stakeholders in their efforts and activities.
5. Advise Council regarding all matters relating to prosecutions for breaches of the *Bush Fires Act 1954*.
6. Advise regional officers in the area and any other relevant person or organization on matters referred to the committee.
7. Committee to respond to Council on agenda items submitted from council.
8. Perform any other function assigned to the Committee under section 67 of the Bush Fires Act, Fire and Emergency Services Act, various Acts and Regulations or Council policy.

## **Responsibilities**

All members of the Bush Fire Advisory Committee are expected to adhere to the *Local Government (Model Code of Conduct) Regulations 2021* and the *Shire of Toodyay Code of Conduct*.

## **Operating Procedures**

Refer to the Bush Fire Operating Procedures which is an Administration Manual that includes Standard Operating Procedures. This document was last adopted by Council as an Interim Policy on 28 June 2023 and is supported by the Volunteer Bush Fire Brigade Service of WA.

## **Committee Membership Composition**

Membership of the BFAC shall be:

- (a) A minimum of two elected members

### **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

- (b) Chief Bush Fire Control Officer and:
  - v. Deputy Bush Fire Control Officer (DBFCO) 1
  - vi. Deputy Bush Fire Control Officer (DBFCO) 2
- (c) Captain (or their representative) from the following brigades:
  - vii. Bejoording
  - viii. Morangup
  - ix. Coondle-Nunile
  - x. Julimar
  - xi. Toodyay Central
- (d) Unit Manager Toodyay SES Brigade
- (e) Chief Executive Officer Shire of Toodyay, or in accordance with section 5.10(5) of the *Local Government Act 1995*, the CEO's Representative.
- (f) Reserve Management Officer (Resolution No. 178/05/20)
- (g) Emergency Management Officer
- (h) Other Non-Voting Representatives
  - xii. Toodyay Volunteer Fire & Rescue Representative
  - xiii. Department of Biodiversity Conservation and Attractions Representative
  - xiv. Department of Fire & Emergency Services (DFES) Representative
  - xv. Ranger(s) from the Shire of Toodyay;
- (i) Supporting and Operational Officers
  - xvi. Community Emergency Services Manager

### **Frequency of Meetings**

In accordance with s.67 (4)(a), the Bush Fire Advisory Committee may from time to time meet and adjourn as the committee thinks fit. These meetings have historically been scheduled to occur "quarterly."

The August BFAC Meeting in particular, is where FCO recommendations are made (Shire of Toodyay Bush Fire Operating Procedure 11.5).

The Bush Fire Advisory Committee at least four times per year, unless otherwise determined at the discretion of the committee, in accordance with s.67 (4)(a) of the *Bush Fires Act 1954*, through the CESM or the Presiding Person.

## Local Emergency Management Committee (LEMC)

Established under Section 38(1) of the *Emergency Management Act 2005*.

Part 3 (Division 1) Section 38 of the *Emergency Management Act 2005* provides for the establishment of a Local Emergency Management Committee.

Section 38(3) of the *Emergency Management Act 2005* provides for the membership of a LEMC subject to Section 38(4) of the *Emergency Management Act 2005* whereby the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

The State Emergency Management Procedure provides a strategic framework for Emergency Management in Western Australia.

It is available online at the link below:

<https://www.wa.gov.au/system/files/2022-08/State%20Emergency%20Management%20Procedures.pdf>

The above document states that *Local governments are the closest level of government to their communities and have access to specialised knowledge about the local environment and demographic features of their communities. Local governments also have specific responsibilities for pursuing emergency risk management as a corporate objective and as good business practice.*

The document provides guidelines to local government in relation to Local Emergency Management Committee roles and responsibilities under section 38(1) of the *Emergency Management Act 2005* to oversee, plan and test the local emergency management arrangements.

### **Rules around the Establishment of this Committee**

The SEMC procedures state:

*Each local government is required to establish, administer and maintain a LEMC. In order to meet this requirement, a local government may:*

- *have a single committee (i.e. one LEMC covers the entirety of the local government district)*
- *have more than one committee (i.e. if there are areas with very different emergency management needs within a local government, each area may have a separate LEMC. The entirety of the local government district must be covered, and the boundaries of the individual committees must be clearly set out)*
- *join with another local government and establish a LEMC for their combined districts (i.e. if two local governments are closely located and have very similar emergency management needs, the LEMC may cover more than one local government district).*

#### **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM



s.38 of the *Emergency Management Act 2005* states:

### **38. Local emergency management committees**

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
  - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
  - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

### **Role of the Local Emergency Management Committee**

The purpose of the Local Emergency Management Committee is to advise and assist the Local Government in ensuring that the Local Emergency Management arrangements are established for its district; to liaise with public authorities and other persons in the development, review and testing of Local Emergency Management arrangements; and to carry out other emergency management activities as directed by the SEMC or prescribed by the Regulations.

The Local Emergency Management Committee has specific functions to follow that are set out in Section 39 and 40 of the *Emergency Management Act 2005* (EM Act) which states as follows:

### **39. Functions of local emergency management committees**

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

#### 40. Annual report of local emergency management committee

- (1) After the end of each financial year each local emergency management committee is to prepare and submit to the district emergency management committee for the district an annual report on activities undertaken by it during the financial year.
- (2) The annual report is to be prepared within such reasonable time, and in the manner, as is directed in writing by the SEMC.

#### **Responsibilities**

It is expected that all members of the Local Emergency Management Committee will adhere to the *Local Government (Model Code of Conduct) Regulations 2021* and the *Shire of Toodyay Code of Conduct*.

The LEMC includes representatives from agencies, organisations and community groups that are relevant to the identified risks and emergency management arrangements for the community.

The LEMC is not an operational committee but rather the organisation established by the local government to assist in the development of local emergency management arrangements for its district.

The LEMC plays a vital role in assisting our communities become more prepared for major emergencies by

- Developing, enhancing and testing preparedness planning from a multi-agency perspective having local knowledge of hazards, demographic and geographic issues; they provide advice to Hazard Management Agencies to develop effective localised hazard plans;
- providing a multi-agency forum to analyse and treat local risk; and
- providing a forum for multi-agency stakeholders to share issues and learnings to ensure continuous improvement.

The LEMC membership must include at least one local government representative and the Local Emergency Coordinator. Relevant government agencies and other statutory authorities will nominate their representatives to be members of the LEMC.

The term of appointment of LEMC members shall be determined by the local government in consultation with the parent organisation of the members.

#### **LEMC Membership Composition**

Noting the requirements of the EM Act, the following provides guidance on the composition of LEMCs:

- the Chair should be an elected member of council
- the Local Emergency Coordinator should be appointed as Deputy Chair

#### **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

- an Executive Officer, who should be an officer of the relevant local government, and should be appointed to coordinate the business of the committee and/or provide administrative support
- the Local Recovery Coordinator, being the person nominated in the Local Recovery Plan (section 41(4) EM Act), should be appointed a member of the committee
- consideration should be given to appointing local government officers engaged in key roles and functions affecting emergency management (for example, community services, engineering services, corporate services or planning)
- membership should include representatives from emergency management agencies in the local government district (for example, the Department of Fire and Emergency Services) welfare support agencies or non-government organisations (for example, the Department of Communities, the Red Cross or Salvation Army), industry representatives (especially the owners or operators of hazardous facilities located within the local government district)
- consideration should be given to appointment of persons able to represent or advise on the interests of CaLD community members or community members with special needs
- LEMCs should, where possible include representatives of local Aboriginal community organisations to provide advice and guidance to the LEMC and to promote appropriate engagement with the local Aboriginal communities.

Where the local government identifies the need for representation from a sector for which there is no local representative, an appropriate alternative representative may be identified from existing community members. For example, specific arrangements may be made in which a local general practitioner attends the LEMC meetings as a representative of the medical services in the district, if the Director of Nursing from the nearest hospital cannot attend.

\*\*The term of appointment of LEMC members shall be as determined by the local government in consultation with the parent organisation of the members.

During the drafting process, the District Emergency Management Advisor responsible for the region may be consulted to provide advice on all facets of the process (i.e. structure, process and legislation).

### **LEMC Membership Roles and Responsibilities**

In addition to the normal roles assigned to office bearers of a committee, the following roles are specific to the needs of a LEMC.

The Chair will ensure the appointment of an Executive Officer and ensure that the Council is kept fully informed of emergency management discussion and significant outcomes from LEMC meetings.

The Deputy Chair should deputise for the Chair as required and chair any subcommittees or working groups. The Executive Officer should:

#### **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

- coordinate the development and submission of committee documents in accordance with legislative and policy requirements including an Annual Report, Annual Business Plan and maintenance of LEMAs
- provide advice to the Chair and LEMC as required
- facilitate communication between the LEMC and Executive Officer of the relevant DEMC.

### **Committee Membership Composition**

The composition of this committee is proposed to be as follows:

#### **Primary Members**

- (a) Police Officer in Charge – Toodyay;
- (b) Two primary elected members;
- (c) Chief Executive Officer – Shire of Toodyay, or in accordance with section 5.10(5) of the Local Government Act 1995, the CEO’s Representative;
- (d) Community Emergency Services Manager (CESM);
- (e) Emergency Management Officer;
- (f) Department of Communities representative;
- (g) District Emergency Management Advisor (DEMA);
- (h) Local Recovery Coordinator (LRC) – Executive Manager Infrastructure, Assets and Services;
- (i) Welfare Liaison Officer (WLO) – Economic Development Coordinator
- (j) DFES District Officer Avon
- (k) Main Roads Representative
- (l) St John Ambulance Community Paramedic;
- (m) Ranger Representative
- (n) Principal, Toodyay District High School

#### **Deputy Members**

- (a) Deputy LRC – Executive Manager Development and Regulation.
- (b) Deputy LRC – Executive Manager Corporate & Community Services.
- (c) Deputy WLO - Planning and Compliance Officer
- (d) Deputy WLO - Community Development Officer
- (e) Deputy WLO - Operations Officer (Infrastructure, Assets & Services)
- (f) DFES District Officer Natural Hazards

#### **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

### Other Attendees (Non-voting)

- (a) Chief Bush Fire Control Officer or deputy;
- (b) Toodyay Volunteer Fire & Rescue representative;
- (c) Toodyay St John Ambulance representative;
- (d) Morangup St John Ambulance representative;
- (e) Toodyay SES Representative.

### Frequency of Meetings

The SEMC procedure states that *LEMCs should meet quarterly or more frequently if required.*

The Local Emergency Management Committee is scheduled to meet at least three times per year as per Council Resolution No. 178/08/22, in the months of March, June and November (on a Wednesday and on the second Tuesday of those months). The CESM or the Presiding Person may use their discretion to schedule additional LEMC Meetings where required.

### LEMC Meeting Business

The SEMC procedure states that agenda items to be considered, in line with the annual reporting requirements, should include:

- confirmation of LEMA contact details and key stakeholders;
- committee membership and resources;
- status of LEMA including local recovery plans;
- exercises that include the local government(s) and/or test the LEMA;
- subcommittees or working groups;
- projects undertaken; and
- key achievements.

## Local Recovery Committee (LRC)

The **Local Recovery Committee** means a committee established under Section 36(b) of the *Emergency Management Act 2005*.

### **Rules around the Establishment of this Committee**

Refer to the rules in respect to Committees of Council

#### **36. Functions of local government**

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

### **Role of the Local Recovery Committee**

The Local Recovery Committee is set up for the purpose of coordinating and supporting local government in relation to the management in relation to the recovery processes within the community subsequent to a major emergency in accordance with the Shire's Local Emergency Management Arrangements.

The Local Recovery Committee is a subcommittee of the LEMC tasked with aspects of Recovery and its purpose is to assist the local government in the recovery process following a local emergency.

### **Responsibilities**

The responsibility of the Local Recovery Committee is “to ensure a coordinated multi-agency approach to community recovery and make appropriate recommendations, based on lessons learnt, to the Local Emergency Management Advisory Committee to improve the community’s recovery preparedness.”

### **Training Requirements**

As determined by the State Emergency Management Committee.

### **Committee Membership Composition**

As this is a sub-committee to the LEMC, the Presiding Person is to be either the CEO or the Community Emergency Services Manager (CESM).

- (a) Shire President
- (b) Local Recovery Coordinator

#### **Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc

**Modified:** 2/04/2024 5:02 PM

- (c) Deputy Recovery Coordinator
- (d) Chief Executive Officer Shire of Toodyay, or in accordance with section 5.10(5) of the Local Government Act 1995, the CEO's Representative.
- (e) Community Emergency Services Manager.

### **Frequency of Meetings**

The Local Recovery Committee shall meet as and when required to do so, unless otherwise determined at the discretion of the CEO in liaison with the CESM.

### **Reporting**

Reports and recommendations of each Local Recovery Committee Meeting shall be presented to the next Local Emergency Management Committee Meeting.

### **Incident Specific**

A Local Recovery Coordination Group (LRGC) is made up to suit the incident being recovered from and guidance is provided in the Local Emergency Management Arrangements.

## Rules for External Representation

Information about Other Committees that Council nominates representatives for below:

### 1.1. Avon Midland Country Zone (AMCZ) of the WA Local Government Association

**Refer to Clause 8.2.8 of the Governance Framework.**

The Chairperson for AMCZ is Cr Ken M. Seymour (from the Shire of Moora).

The Executive Officer is Mr Robert Dew, whose details are below.

- Phone - (08) 9620 1234
- Mobile - 0429 962 013 E-mail - [tambin@westnet.com.au](mailto:tambin@westnet.com.au)
- Post - PO Box 70, Wongan Hills 6603

#### **Delegates nominated by Council**

The Shire President and the Deputy Shire President are nominated before the first week of November to enable delegates to put their hand up for positions within the Zone such as Zone President; Zone Deputy President; Zone Representative to State Council; and Zone Deputy Representative to State Council. Only delegates to the Zone are eligible to nominate for these positions.

#### **Frequency of Meetings**

Zone meetings are held regularly. Dates are provided by the Executive Officer.

*Information correct @ 2/10/2023*

### 1.2. Rural Water Council of WA Inc.

The Shire has been a member of the Rural Water Council since 2010 after the Rural Water Council had undertaken its review of their aims and operations.

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

The Executive Officer of the Rural Water Council of WA (Inc) is Mr Robert Dew.

His details are below:

- Phone - (08) 9620 1234
- Mobile - 0429 962 013
- E-mail - [tambin@westnet.com.au](mailto:tambin@westnet.com.au)
- Post - PO Box 70, Wongan Hills 6603

#### **Delegates nominated by Council**

The Shire President and the Deputy Shire President are nominated.



### **Frequency of Meetings**

Meetings are held regularly. Dates are provided by the Executive Officer.

*Information correct @ 2/10/2023*

## **1.3. Avon Regional Organisation of Councils (AROC)**

AROC stands for "Avon Regional Organisation of Councils."

AROC was formed in 1999 through the use of a Memorandum of Understanding which is the group's Terms of Reference.

**Refer to Clause 8.2.7 of the Governance Framework.**

Refer to this link: <https://www.toodyay.wa.gov.au/council/council-meetings-committees/avon-regional-organisation-of-councils-aroc.aspx> for further information.

### **Delegates nominated by Council**

The Shire President and the Deputy Shire President are nominated.

### **Frequency of Meetings**

AROC meetings are held at the time and at the place determined by the group.

The AROC Governance Group meets every two months.

The AROC Officers Group will meet in the alternate months when the Governance Group does not meet. Meetings usually occur via zoom as this has been more convenient for the group.

*Information correct @ 02/10/2023*

## **1.4. Wheatbelt Regional Road Group North (WRRG) and the Avon Regional Road Sub-Group**

Information in respect to this group is available here:

<https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/Infrastructure/Roads/Regional-Road-Groups/Wheatbelt-North-RRG-reference-information-for-Elected-Members-June-2021.pdf?lang=en-AU>

### **Delegates nominated by Council**

Council nominates a Primary delegate and Proxy Delegate to be on this Committee.

### **Frequency of Meetings**

Meetings are held regularly throughout the year and dates are provided by the Executive Officer who is currently Mr Charles Sullivan, our Executive Manager Infrastructure, Assets and Services.

### **Establishment of the Avon Regional Road Sub-Group**

This group has established a Regional Road sub-group that assists to identify road-funding priorities; considers local road issues to inform decision making by the Regional Road Group and provides advice to the WRRG.

*Information correct @ 18/10/2023*

## 1.5. Development Assessment Panels

Development Assessment Panels (DAPs) have operated in Western Australia since 2011 and are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

There are five panels covering the State. The current structure is a transitional arrangement to a future model of no more than three panels, as outlined in the Action Plan for Planning Reform.

Training is regularly provided for delegates as well as for whomever from the local government would provide secretarial minute-taking at meetings, if called.

### **Delegates nominated by Council**

Council nominates two Primary delegates and two Proxy Delegates to be on this Committee.

### **Information available through google**

Information is available on this group through this link:

<https://www.dplh.wa.gov.au/about/development-assessment-panels/about-daps>

### **Frequency of Meetings**

Meetings may be held irregularly throughout the year and dates are provided by the Development Assessment Panels Secretariat on:

#### **Postal address:**

Development	Assessment	Panels	Secretariat
Locked	Bag		2506
PERTH WA 6001			

**Contact email:** daps@dplh.wa.gov.au

**Contact phone:** (08) 6551 9919

***Information correct @ 18/09/2023***

## 1.6. Butterly Cottages Association Inc

Butterly Cottages Association Inc. is a provider of low-cost accommodation services to persons in needy circumstances.

The Department of Housing (Government of Western Australia) publishes a Community Housing Rent Setting Policy (locatable publicly at this link: [https://www.housing.wa.gov.au/HousingDocuments/Community\\_Housing\\_Rent\\_Setting\\_Policy.pdf](https://www.housing.wa.gov.au/HousingDocuments/Community_Housing_Rent_Setting_Policy.pdf) which states:

- Providers must charge an affordable rent of no less than 25% and no higher than 30% of a household's net (after tax) income;
- No rent can exceed the current Market Rent for any property; and
- Commonwealth Rent Assistance (CRA) must be factored into any determination of rent.

Butterly Cottages Association Inc has provided Independent Living Units for aged persons in Toodyay since 1981. Their residents are Centrelink pension recipients.

The Shire partnered with Butterly Cottages to construct nine independent living units (Rosedale Village) on land owned by Butterly Cottages Association Inc that were opened on Monday 6 August 2018 by Member for the Agriculture region, Darren West, on behalf of Minister for Regional Development.

The Shire has an agreement, due to expire in March 2025, between the Shire of Toodyay and Butterly Cottages Association Inc that requires the Shire nominate a non-voting ex-officio representative to the Committee.

### **Information on the Shire website**

Information on the Shire website:

<https://www.toodyay.wa.gov.au/listings/community-groups/12/butterly-cottages-assoc>

### **Delegates nominated by Council**

A Primary delegate and Proxy Delegate are nominated.

### **Frequency of Meetings**

Meetings held regularly. Dates are provided by the Executive Officer.

***Information correct @ 09/11/2023***

## 1.7. Toodyay Roadwise Committee

Toodyay RoadWise Committee is a stand-alone locally administered committee. The Chairman is Bob Neville. (Mobile: 0419 853 160).

The Committee is

### **Delegates nominated by Council**

Council nominates the Executive Manager Infrastructure, Assets and Services to represent the Shire at on this Committee as it is deals with mostly operational matters.

### **Frequency of Meetings**

The Toodyay RoadWise Committee meets on the second Wednesday of each month at the Toodyay Community Centre.

*Information correct @ 10/10/2023*

## 1.8. Wheatbelt Development Commission

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

### **Delegates nominated by Council**

Council may endorse the nomination of up to two representatives.

*Information correct @9/11/23*