



# Ordinary Council Meeting

28 June 2023

Commencing at 1.00 pm

## AGENDA

### Notice of Meeting.

To: The President and Councillors.

The next Ordinary Council Meeting of the Shire of Toodyay will be held at the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566 on the above-mentioned date and time.

Elected Members are requested to familiarise themselves with the Agenda and prepare notes to help address key issues for the debate during the Ordinary Council Meeting.

Elected Members are requested to email questions to the CEO via email at [ceo@toodyay.wa.gov.au](mailto:ceo@toodyay.wa.gov.au) at the earliest opportunity so that Officers can respond to those questions prior to the Agenda Briefing.

An Agenda Briefing will be held at the same venue as above on 21 June 2023, commencing at 1.00pm to discuss the contents of this agenda.

Tabitha Bateman

**ACTING CHIEF EXECUTIVE OFFICER**



## Our Vision, Purpose and Values

The Shire of Toodyay works together with the community to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

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

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

**Community Values:** We value highly:

- Our sense of community support and spirit;
- Our natural environment and healthy ecosystems;
- Our rural lifestyle;
- Our historic town; and
- Our local economy built on agriculture and emerging tourism, arts and cultural opportunities.

**Shire Values:** To progress the community's aspirations, the Shire is guided by:

***Integrity:*** We behave honestly to the highest ethical standard.

***Accountability:*** We are transparent in our actions and accountable to the community.

***Inclusiveness:*** We are responsive to the community and we encourage involvement by all people.

***Commitment:*** We translate our plans into actions and demonstrate the persistence that produces results.

## **Disclaimer**

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken as notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

## **Availability of Meeting Agenda and its Attachments**

Information about Council Meetings is located on the website

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

Agendas & Minutes are located under the heading "Council Meetings" at

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

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



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

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

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

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

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

Nil

**2.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**3 DISCLOSURE OF INTERESTS****4 PUBLIC QUESTIONS****4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4.2 PUBLIC QUESTION TIME****5 CONFIRMATION OF MINUTES****5.1 Ordinary Meeting of Council held on 24 May 2023****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 24 May 2023 be confirmed.

**5.2 Special Meeting of Council held on 29 May 2023****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 29 May 2023 be confirmed.

**5.3 Agenda Briefing held on 21 June 2023****OFFICER'S RECOMMENDATION**

That the Notes of the Agenda Briefing held on 21 June 2023 be received.

**6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS****6.1 PETITIONS**

*A petition is to be addressed to the Shire President and is to be presented by a Councillor.*

**6.2 DEPUTATIONS**

*A deputation must be applied for, to the CEO in writing at least 5 working days prior to the Meeting.*

**6.3 PRESENTATIONS**

*A presentation can only be made with prior approval of the CEO.*

**6.4 SUBMISSIONS**

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

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

Nil.

**8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

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

**9 OFFICER REPORTS****9.1 DEVELOPMENT AND REGULATION****9.1.1 Draft Local Planning Policy - Caravan Park and Camping Grounds**

Date of Report:	31 May 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	S Cope – Environmental Health Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	13 May 2010
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. CURRENT LPP.03 - Caravan Parks and Camping Grounds; and</li> <li>2. REVISED LPP Caravan Parks and Camping Grounds.</li> </ol>

**PURPOSE OF THE REPORT**

To review the REVISED *Local Planning Policy (LPP) – Caravan Parks and Camping Grounds* with a view to adopt for formal advertising.

**BACKGROUND**

The CURRENT LPP.03 – *Caravan Park and Camping Grounds* was last reviewed by Council on 13 May 2010 (**Attachment 1**).

Council resolved to undertake a comprehensive review of Shire policies in February 2022. The REVISED LPP has been developed as part of that review.

**COMMENTS AND DETAILS**

Shire Officers researched a range of local policies from a number of local government authorities to determine good policy examples. The REVISED LPP (**Attachment 2**) has been developed using the best elements of these.

Key Changes:

- Update to new Local Planning Policy document style and format.
- Update to reflect Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Minor spelling, grammatical and formatting amendments.

- Update of definitions and state agencies.
- Added provisions of temporary campground and campsite approvals.

## IMPLICATIONS TO CONSIDER

### **Consultative:**

Local Planning Policies Clause 4(1)-(3) of Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the statutory requirement and process for the advertising of Local Planning Policies.

If the local government resolves to create or amend a local planning policy, in accordance with the Regulations, the local government must, unless the WAPC otherwise agrees, advertise the proposed policy. Advertising of Local Planning Policies must be for a period of not less than twenty-one (21) days.

The policy was made available to Councillors via the Teams environment before being discussed at the Council Workshop in June 2023, attended by five elected members.

### **Strategic:**

#### Community Strategic Plan – Toodyay 2028

*Objective 1: Provide accountable and transparent leadership for the community*

*Objective 2: Consistently improve our governance practices*

### **Policy related:**

#### *Local Planning Policy No. 3 – Caravan Parks and Camping Grounds*

This policy was last reviewed in 2010. At a very basic level, the current policy is inconsistent with the planning framework – for example, it does not reference the *Planning and Development (Local Planning Schemes) Regulations 2015* – (the deemed provisions) and therefore any future iteration of the policy will need to address these factors.

### **Financial:**

It is a requirement that Local Planning Policies undergo a formal advertising process which includes publication in a locally circulating newspaper. This cost to the Shire is approximately \$250 for the advertisement and has been provided for in the Shire's adopted budget.

### **Legal and Statutory:**

#### *Planning and Development Act 2005*

#### Part 5 – Local Planning Schemes

#### *Planning and Development (Local Planning Schemes) Regulations 2015*

#### Local Planning Policies

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies.

Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the



scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

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

**Risk related:**

It is a role of Council to review policies. Regular reviews of policies result in contemporary documents reflecting the current needs of the community and consistency with the State Planning Framework.

If the Shire ignores this requirement and does not engage in routine review of this framework it risks reputational damage which is considered a medium risk.

**Workforce related:**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

1. Adopts the draft REVISED *Local Planning Policy – Caravan Parks and Camping Grounds (Attachment 2)* for the purpose of public advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy prior to publication.
3. Requests that the draft REVISED *Local Planning Policy – Caravan Parks and Camping Grounds* is brought to the August 2023 Ordinary Council Meeting for final adoption.

**9.1.2 Draft Local Planning Policy - Disused Materials**

Date of Report:	31 May 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	S Cope – Environmental Health Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. DRAFT NEW Local Planning Policy - Disused Materials

**PURPOSE OF THE REPORT**

To consider the draft NEW *Local Planning Policy (LPP) – Disused Materials* with a view to adopt for formal advertising.

**BACKGROUND**

Council resolved to undertake a comprehensive review of Shire policies in February 2022. This draft NEW LPP has been developed as part of that review of the Shire's policy framework.

**COMMENTS AND DETAILS**

Officers have researched a range of local policies from a number of local government authorities to determine good policy examples. This draft NEW LPP (**Attachment 2**) has been developed using the best elements of these.

The draft NEW LPP:

- has been developed to guide fair assessment and action when there are complaints relating to disused materials on properties;
- is designed to guide the use of existing powers of the local government more transparently; and
- allows Council to review the approach taken to disused materials and its definitions of disused materials and positions.

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

Local Planning Policies Clause 4(1)-(3) of Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the statutory requirement and process for the advertising of Local Planning Policies.

If the local government resolves to create or amend a local planning policy, in accordance with the Regulations, the local government must, unless the WAPC otherwise agrees, advertise the proposed policy. Advertising of Local Planning Policies must be for a period of not less than twenty-one (21) days.

The policy was made available to Councillors via the Teams environment before being discussed at the Council Workshop in June 2023, attended by five elected members.

**Strategic:****Community Strategic Plan – Toodyay 2028**

*Objective 1: Provide accountable and transparent leadership for the community*

*Objective 2: Consistently improve our governance practices*

**Policy related:****Local Planning Policy – Advertising of Planning Proposals**

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

**Financial:**

It is a requirement that Local Planning Policies undergo a formal advertising process which includes publication in a locally circulating newspaper. This cost to the Shire is approximately \$250 for the advertisement and has been provided for in the Shire's adopted budget.

**Legal and Statutory:**

*Planning and Development Act 2005*

Part 5 – Local Planning Schemes

*Planning and Development (Local Planning Schemes) Regulations 2015*

Division 2 of Schedule 2

**Local Planning Policies**

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies.

Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

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

**Risk related:**

It is a role of Council to review policies. Regular reviews of policies result in contemporary documents reflecting the current needs of the community and consistency with the State Planning Framework.

If the Shire ignores this requirement and does not engage in routine review of this framework it risks reputational damage which is considered a medium risk.

**Workforce related:**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

1. Adopts the draft NEW *Local Planning Policy – Disused Materials (Attachment 1)* for the purpose of public advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy prior to publication.
3. Requests that the draft NEW *Local Planning Policy - Disused Materials* is brought to the August 2023 Ordinary Council Meeting for final adoption.

**9.1.3 Draft Local Planning Policy - Temporary Accommodation**

Date of Report:	31 May 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	S Cope – Environmental Health Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	20 November 2012
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>CURRENT LPP 10 - Temporary Onsite Accommodation during construction of a dwelling; and</li> <li>REVISED Temporary Accommodation Policy</li> </ol>

**PURPOSE OF THE REPORT**

To consider the REVISED *Local Planning Policy (LPP) Temporary Accommodation* with a view to adopt for formal advertising.

**BACKGROUND**

The CURRENT *LPP.10 – Temporary On Site Accommodation during construction of a dwelling* policy was last reviewed by the Council on November 2012 (**Attachment 1**).

Council resolved to undertake a comprehensive review of Shire policies in February 2022. The REVISED LPP has been developed as part of that review.

**COMMENTS AND DETAILS**

Shire Officers have researched a range of local policies from a number of local government authorities to determine good policy examples. The REVISED LPP has been developed using the best elements of these. The REVISED LPP (**Attachment 2**) will now be known as *Temporary Accommodation*.

Key Changes

- Update to new Local Planning Policy document style and format.
- Update to reflect Schedule 2 of the *Planning and Development (Local Planning Schemes Regulations 2015)*.
- Minor spelling, grammatical and formatting amendments.
- Update of definitions.

- Updated temporary on-site accommodation requirements following the replacement of the Toodyay Local Planning Scheme 3 provisions.
- Consolidated with caravanning and camping outside of licenced facilities.
- Consolidated with policy on Class 10 building conversion and use.
- Change of the policy name to reflect broader scope.

## IMPLICATIONS TO CONSIDER

### **Consultative:**

Local Planning Policies Clause 4(1)-(3) of Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the statutory requirement and process for the advertising of Local Planning Policies.

If the local government resolves to create or amend a local planning policy, in accordance with the Regulations, the local government must, unless the WAPC otherwise agrees, advertise the proposed policy. Advertising of Local Planning Policies must be for a period of not less than twenty-one (21) days.

The policy was made available to Councillors via the Teams environment before being discussed at the Council Workshop in June 2023, attended by five elected members.

### **Strategic:**

#### ***Shire of Toodyay Community Strategic Plan – Toodyay 2028***

*Objective 1: Provide accountable and transparent leadership for the community*

*Objective 2: Consistently improve our governance practices*

### **Policy related:**

*Local Planning Policy No. 10 – Temporary On-Site Accommodation during the construction of a dwelling.*

This policy was last reviewed in 2012. At a very basic level, the current policy is inconsistent with the planning framework – for example, it does not reference the *Planning and Development (Local Planning Schemes) Regulations 2015* – (the deemed provisions) and therefore any future iteration of the policy will need to address these factors.

### **Financial:**

It is a requirement that Local Planning Policies undergo a formal advertising process which includes publication in a locally circulating newspaper. This cost to the Shire is approximately \$250 for the advertisement and has been provided for in the Shire's adopted budget.

### **Legal and Statutory:**

*Planning and Development Act 2005*

Part 5 – Local Planning Schemes

*Planning and Development (Local Planning Schemes) Regulations 2015*

### Local Planning Policies

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies.

Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

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

### **Risk related:**

It is a role of Council to review policies. Regular reviews of policies result in contemporary documents reflecting the current needs of the community and consistency with the State Planning Framework.

If the Shire ignores this requirement and does not engage in routine review of this framework it risks reputational damage which is considered a medium risk.

### **Workforce related:**

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

## **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION 1**

1. Adopts the REVISED *Local Planning Policy – Temporary Accommodation (Attachment 2)* for the purpose of public advertising in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the policy prior to publication.
3. Requests that the REVISED *Local Planning Policy – Temporary Accommodation* is brought to the August 2023 Ordinary Council Meeting for final adoption.

**9.1.4 Local Planning Policies Review**

Date of Report:	16 June 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7/PCY2
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	26 Oct 2022
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Landscaping Plans;</li> <li>2. Commercial Alfresco Dining;</li> <li>3. Transported Dwellings;</li> <li>4. Glencoe Estate Design Guidelines;</li> <li>5. Foggarthorpe Structure Plan - Design Guidelines;</li> <li>6. Amendments to Local Planning Scheme; and</li> <li>7. Subdivision Contributions for Road and Footpath upgrading.</li> </ol>

**PURPOSE OF THE REPORT**

To consider the final adoption of DRAFT Shire of Toodyay Local Planning Policies as follows:

- (a) Landscaping;
- (b) Commercial Alfresco Dining;
- (c) Transported Dwellings;
- (d) Glencoe Estate Design Guidelines;
- (e) Foggarthorpe Structure Plan - Design Guidelines;
- (f) Amendments to Local Planning Scheme; and
- (g) Subdivision Contributions for Road and Footpath Upgrading.

**BACKGROUND**

Council resolved to implement a review of all Shire policies in February 2022.

At the Ordinary Council Meeting (OCM) held on 26 April 2023, Council adopted the abovenamed Local Planning Policies for the purpose of public advertising in accordance



with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### COMMENTS AND DETAILS

Council requested these policies to be brought back to the June 2023 OCM for final review. After the expiry of the period within which submissions may be made, the local government must —

- (a) review the proposed policy in the light of any submissions made; and
- (b) resolve to —
  - (i) proceed with the policy without modification; or
  - (ii) proceed with the policy with modification; or
  - (iii) not to proceed with the policy.

All of the LPP's underwent the 21-day advertising and the Shire received no submissions.

It is recommended that the Council adopts these policies without modifications.

The final draft policies are provided at **Attachments 1, 2, 3, 4, 5 and 6** for Council's consideration.

### IMPLICATIONS TO CONSIDER

#### **Consultative:**

Local Planning Policies Clause 4(1)-(3) of Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the statutory requirement and process for the advertising of Local Planning Policies.

If the local government resolves to create or amend a local planning policy, in accordance with the Regulations, the local government must, unless the WAPC otherwise agrees, advertise the proposed policy. Advertising of Local Planning Policies must be for a period of not less than twenty-one (21) days.

The policies were discussed at the Council Workshop held on 26 April 2023 and made available on the Teams environment for input by elected members.

The advertising of the draft Local Planning Policies ended on 25 May 2023 with no submissions received.

#### **Strategic:**

##### *Shire of Toodyay Community Strategic Plan – Toodyay 2028*

*Governance: The way the Shire Leads and Operates*

*O 1: Provide accountable and transparent leadership for the community*

*O 2: Consistently improve our governance practices*

The adoption of the revised policy will demonstrate the Shire of Toodyay's continued commitment to these objectives.

#### **Policy related:**

These policies were last reviewed over ten years ago and are inconsistent with the current planning framework. All policies have been updated to meet the Corporate Documents

Policy requirements and new definitions and diagrams/illustrations have been added where applicable.

**Financial:**

There are no immediate financial implications as these policies have been advertised and only need to be put onto the Shire's website.

**Legal and Statutory:**

*Planning and Development Act 2005*

Part 5 – Local Planning Schemes

*Planning and Development (Local Planning Schemes) Regulations 2015*

**Local Planning Policies**

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies.

Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

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

**Risk related:**

The review of the policy framework is the role of Council and is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary and relevant.

If the Shire ignores this requirement and does not engage in routine review of this framework it risks reputational damage which is considered a medium risk.

**Workforce related:**

Reviews of this nature place additional, yet necessary additional demands on workforce time and resources.

However, a benefit of successful and regular reviews of policies will ensure the Shire is operating as efficiently as possible by aligning these documents with the prevailing community expectations and state government frameworks of the day.

This ultimately will reduce the burden on the workforce moving forward.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council

1. Pursuant to clause (3)(b)(ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the *Local Planning Policy - Landscaping Plans* as per **Attachment 1**.
2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**OFFICER'S RECOMMENDATION 2**

That Council

1. Pursuant to clause (3)(b)(ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the *Local Planning Policy – Commercial Alfresco Dining* as per **Attachment 2**.
2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**OFFICER'S RECOMMENDATION 3**

That Council

1. Pursuant to clause (3)(b)(ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the *Local Planning Policy Transported Dwellings* as per **Attachment 3**.
2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**OFFICER'S RECOMMENDATION 4**

That Council

1. Pursuant to clause (3)(b)(ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the *Local Planning Policy - Glencoe Estate Design Guidelines* as per **Attachment 4**.
2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**OFFICER'S RECOMMENDATION 5**

That Council

1. Pursuant to clause (3)(b)(ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts

the *Local Planning Policy - Foggarthorpe Structure Plan - Design Guidelines* as per **Attachment 5**.

2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### **OFFICER'S RECOMMENDATION 6**

That Council

1. Pursuant to clause (3)(b)(ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the *Local Planning Policy - Amendments to Local Planning Scheme* as per **Attachment 6**.
2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### **OFFICER'S RECOMMENDATION 7**

That Council

1. Pursuant to clause (3)(b)(ii) of clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the *Local Planning Policy - Subdivision Contributions for Road and Footpath Upgrading*, as per **Attachment 7**.
2. Requests the CEO to publish notice of the policy in accordance with clause 87 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## 9.2 CORPORATE AND COMMUNITY SERVICES

### 9.2.1 Policy - Volunteering

Date of Report:	9 January 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. CURRENT Volunteer National Police Check and Working with Children Check – Volunteers;</li> <li>2. CURRENT Volunteering Policy; and</li> <li>3. CURRENT Standards for Volunteers on Committees.</li> </ol>

#### PURPOSE OF THE REPORT

To consider the revocation of the following policies:

- Volunteer National Police Check and Working with Children Check – Volunteers;
- Volunteering; and
- Standards for Volunteers on Committees.

#### BACKGROUND

Council implemented a review of all Shire policies at an Ordinary Council Meeting held in February 2022.

#### COMMENTS AND DETAILS

The abovementioned policies were reviewed and information regarding their review is provided below.

##### **(a) Volunteer National Police Check and Working with Children check - volunteers;**

The CURRENT policy was adopted by Council on 1 August 2001 (**Attachment 1**).

The Working with Children Check (WWC) is a legislative, compulsory criminal check for people who work with children in Western Australia. The WWCC is required in addition to the Nationally Accredited Criminal History Check.

The main difference between a WWCC and a national police check is that the Working with Children Check is an ongoing assessment. Once an application for the WWCC

has been approved, that approval will last for three years. However, throughout that period, the information will be monitored.

The policy stipulates that:

- The cost of a National Police check is borne by the Shire of Toodyay;
- The cost of a Working with Children Check is borne by the Shire of Toodyay;
- The CEO has the authority to determine whether a volunteer is acceptable.

It is recommended that this policy be revoked because:

- the CEO has powers statutorily delegated to hire employees which would include volunteers; and
- The Shire has a Recruitment and Selection policy which includes associated documents that include the requirement for volunteer checks.

**(b) Volunteering**

The CURRENT Volunteering policy was adopted by Council on 19 April 2007 (**Attachment 2**).

The Register of Delegations states that the Volunteering Policy in place allows the Chief Executive Officer to exercise his or her discretionary powers in accordance with his/her delegated authority as follows:

Volunteering	Where a volunteer has a question whether a conflict exists, that person shall notify their supervisor immediately. The supervisor will determine (after consulting the CEO, or legal counsel is sought, at the CEO’s discretion) whether a conflict exists and may determine that the volunteer shall not take part in any decision or activity relating to or arising from that conflict or may attach conditions to further involvement.
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Delegation ES1 states that Volunteer records are to be kept up to date in accordance with the Shire of Toodyay Record Keeping Plan and Record Keeping Policy.

This policy was removed from the Shire website when the policies were due for review in February 2022 and the identifying numbers of the policy were amended. This policy became a Human Resources (HR) policy, and it is the intention that HR policies be endorsed by the CEO in accordance with operational requirements.

With the passing of the new *Work Health and Safety Act 2020*, it was envisaged that the contents of the existing policy would be included in the Code of Conduct for Employees, to incorporate new legislation. As the Shire is covered by the WHS Act, it must ensure, so far as is reasonably practicable, the health and safety of all of its workers, including volunteers.

The Code of Conduct for Workers will replace the Code of Conduct for Employees and will be available from the Shire’s website and distributed to all Shire Officers.

A comparison was done between this CURRENT Volunteer policy and the current Code of Conduct for Employees. It was noted that a number of areas included in the Volunteer policy were not specifically added to the Code of Conduct as most of the information could be found in the Shire’s HR policies related to Disciplinary Action; the Prevention of Discrimination, Harassment and Bullying; Resolving Workplace Grievances and Complaints; and Performance and Development Review.

This policy also refers to an Equal Employment Opportunity Policy revoked by Council decision on 26 February 2019. The existing Recruitment and Selection Policy and

Equal Employment Management Plan 2023-2027 communicates the Shire's commitment to equal opportunity.

It is recommended that this policy be revoked as the information in the policy can be found in other policies, procedures, and associated documents.

The Register of Delegations has already been amended to remove the reference to volunteers as it is not needed once the policy is revoked.

**(c) Standards for Volunteers & Community Representatives on Council Committees**

The CURRENT Standards for Volunteers & Community Representatives on Council Committees policy was adopted by Council on 1 August 2001 (**Attachment 3**).

Requirements of this policy are also covered within existing policies and procedures. Further, the existing policy adopted by Council, [Council Delegates Roles and Responsibilities](#), covers committee members.

It is recommended that this policy be revoked.

**IMPLICATIONS TO CONSIDER**

**Consultative:**

[Volunteer Management Guide](#) – Department of Local Government, Sport and Cultural Industries.

<https://workingwithchildren.wa.gov.au/about/wwc-and-other-checks>

**Strategic:**

A key factor in the Strategic Community Plan, Toodyay 2028 is Governance: The way the Shire leads and operates.

The strategic outcome is: *A Council that engages with the community and provides good governance on behalf of the community.*

*S.1.1 states that the SCP will be used as the blueprint for Council Policy development and decisions.*

**Policy related:**

Volunteers are covered under the Shire's Code of Conduct for Workers, in addition to various HR policies mentioned in this report.

**Financial:**

Nil.

**Legal and Statutory:**

Under section 6 of the *Working with Children (Criminal Record Checking) Act 2004* work is 'child-related work' if the usual duties of the work involve, or are likely to involve, contact with a child in connection with any of the determined categories unless an exemption applies.

**Risk related:**

There are no compliance risks involved with revoking these policies.

**Workforce related:**

The policy list will be updated, and the policies archived in the record keeping system.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICERS RECOMMENDATION 1**

That Council revoke the following policies:

1. Volunteer National Police Check and working with children check – volunteers Policy;
2. Volunteering Policy; and the
3. Standards for Volunteers on Committees Policy.



**9.2.2 Review of the Strategic Community Plan 2023-2033**

Date of Report:	14 June 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	T Bateman – Manager Corporate and Community Services
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Shire of Toodyay Council Plan 2023-2033

**PURPOSE OF THE REPORT**

To consider the adoption of the draft Shire of Toodyay Council Plan 2023-2033 (the Council Plan) (**Attachment 1**) prior to formal publication and presentation to the community.

**BACKGROUND**

Regulation 19BA of the *Local Government (Administration) Regulations 1996*, states that a Plan for the Future is to incorporate a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP).

The SCP provides the long-term view for the Shire and sets out the vision, aspirations and objectives of the community. There is a strong emphasis on community engagement in the development of the SCP, underpinned by a regulatory requirement to consult with electors and ratepayers.

At the June 2022 Ordinary Council Meeting, Council resolved to approve the process and timeline for a major review of the Shire of Toodyay Strategic Community Plan. Soon thereafter, Council engaged Catalyse to develop the community scorecard survey, gather and collate feedback and facilitate a series of workshops to provide further opportunity for community input.

More than 500 community members and key partners provided input through this planning process, addressing three key areas:

- Where are we now?
- Where do we want to be?
- How do we get there?

In addition to input from the community, Councillors took part in a series of workshops to ensure the draft plan reflects the aspirations of the community they represent.

Since implementation of the integrated planning framework, it has been common practice for local governments to prepare a Strategic Community Plan as their overarching key

planning document supported by the Corporate Business Plan. Additionally, Council has adopted various informing documents and strategies in the past that have informed the review process. A number of these documents will be reviewed and updated and, in some cases, may be retired as any outstanding actions are reviewed and incorporated into the Council Plan as necessary. A list of these key informing documents is provided in the draft Council Plan.

For this and future reviews, it is proposed to incorporate both the SCP and CBP documents into one single plan for the future. This approach articulates the priorities as heard from the community and identifies specific actions to be taken to achieve these priorities.

## COMMENTS AND DETAILS

The Council Plan communicates how the Shire will operate and deliver projects and services over the medium to long term, providing an overall vision to help guide decision making.

To ensure the Council Plan stays current and accurately reflects the priorities of the local community, a full review is undertaken every four years, with a desktop review every two years. Actions identified in the plan will be reviewed annually to help inform the budget process.

Over 500 people took part in the community survey. Data from the surveys was then collated and the Community Scorecard was presented to Councillors, informing key areas for focus in the development of the new Council Plan. Areas of the Community Scorecard were further tested with the community during two engaging and interactive community workshops facilitated by Catalyse on 29 and 30 March 2023.

Information gathered from the surveys and workshops has now been formalised into the Shire of Toodyay Council Plan 2023-2033. This comprehensive document highlights the priority projects for the coming years, to ensure that the community's vision for the future is achieved.

## IMPLICATIONS TO CONSIDER

### Consultative:

Catalyse conducted the **MARKYT® Community Scorecard** and received over 500 responses from community members and key stakeholders.

The Markyt® Community Scorecard was put onto the Council Hub on 20 January 2023 and posted on the Shire's website and Facebook pages on 22 March 2023.

**Two FUTYR® Community Workshops were held 29 March and 30 March to share the results of the scorecard and further fine tune the community's priorities for inclusion in the draft Council Plan.**

### Strategic:

*Governance: the way the Shire leads and operates*

*O 1: Provide accountable and transparent leadership for the community.*

### Policy related:

Corporate Documents

Community Consultation and Engagement

**Financial:**

At the June 2022 Ordinary Council Meeting (OCM), an allocation of \$20,500 was included in the 2022/23 Draft Budget for Catalyse to undertake a Markyt® Community Scorecard to inform the review of the Strategic Community Plan.

The cost of Catalyse undertaking the review of the revised SCP was \$44,000. The cost comprised of them reviewing the SCP and other existing informing documents, using the information provided through the Markyt Community Scorecard, and providing the Shire with an updated Council Plan. This cost was included in the mid-year budget review adopted by Council at their March 2023 OCM for the purpose of completing their review of the Strategic Community Plan.

**Legal and Statutory:**

Section 5.56(1) of the *Local Government Act 1995*.

Regulation 19BA of the *Local Government (Administration) Regulations 1996*

Regulation 19C of the *Local Government (Administration) Regulations 1996*

**Risk related:**

Should the Shire fail to adopt the new Council Plan there is a compliance risk. This is rated high (12). This report mitigates that risk.

**Workforce related:**

Once the draft Council Plan is adopted it shall be published on the Shire's website and promoted through the community utilising social media and the Toodyay Herald.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION 1**

That Council:

1. Adopts the draft Shire of Toodyay Council Plan 2023-2033 (**Attachment 1**); and
2. Requests the CEO to make any necessary minor typographical adjustments prior to final design and presentation to the community.

**9.2.3 Monthly Financial Statements - May 2023**

Date of Report:	1 June 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN24
Author:	N Mwale– Finance Coordinator
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	NA
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative/Review
Attachments:	1. Monthly Financial Statements as at 31 May 2023

**PURPOSE OF THE REPORT**

This report provides Council with financial information for the period ending 31 May 2023.

**BACKGROUND**

Local governments are required to prepare general purpose financial reports in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and the *Australian Accounting Standards*.

A statement of financial activity and any accompanying documents are to be presented at an ordinary meeting of the Council within two months after the end of the month to which the statement relates.

**DETAILS:**

The following documents, included as **Attachment 1**, comprise the statement of financial activity for the period ending 31 May 2023:

<b>Note</b>	<b>Description</b>	<b>Page</b>
1	Statement of Comprehensive Income by Nature or Type	1
2	Statement of Financial Activity	2
3	Variance Analysis	3-4
4	Rating Information	5
5	Debtors Report	6
6	Investments	7
7	Capital Works	8-9

Note	Description	Page
8	Mid-Year Budget Review amendments	10

## COMMENTS AND DETAILS

The Statement of Financial Activity summarises the Shire's operating and capital activities and provides an indication of the Shire's financial performance as the year progresses. In accordance with *FM Regulation 34(1)* this statement is to include comparisons with the annual budget and the year-to-date budget.

### Key Financial areas

The following information provides balances for key financial areas for the Shire of Toodyay's financial position for month ending 31 May 2023.

#### Outstanding Rates

The notices for rates and charges levied for 2022/23 were raised on 7 September 2022 after the adoption of the budget.

The *Local Government Act 1995* provides for ratepayers to pay rates by four instalments. The due dates adopted for each instalment for 2022/23 were:

Instalment	Due Date
First Instalment	12 October 2022
Second Instalment	12 December 2022
Third Instalment	13 February 2023
Fourth Instalment	13 April 2023

The total outstanding rates and charges balance at the end of May 2023 was \$1,017,099.13 compared to April 2023 closing balance of \$1,341,518.77. A significant decrease in May was due to the fourth rates instalment falling due and a number of ongoing payment arrangements.

#### Outstanding Sundry Debtors

The total outstanding sundry debtors balance at the end of May 2023 was \$140,472.69 broken down as follows:

Category	30/04/2023	31/05/2023
> 90 days and over	\$ 31,882.66	\$ 42,307.67
> 60 days and over	\$ 15,674.80	\$ 10,314.12
> 30 days and over	\$ 13,901.33	\$ 34,809.37
Current	\$ 72,082.09	\$ 53,039.53
<b>TOTAL</b>	<b>\$133,540.88</b>	<b>\$140,472.69</b>

The table above shows minor increase in the outstanding sundry debtors balance from \$133,540.88 to \$140,472.69. During the month additional workers compensation claims were raised and are due for payment .

The composition of outstanding debtors is included in **Attachment 1**.

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

Consultation with Datacom is ongoing in the preparation of the monthly financial statements. Dry Kirkness (auditor contracted by the Office of the Auditor-General)

**Strategic:*****Shire of Toodyay Strategic Community Plan 2028***

*Governance: The way the Shire leads and operates.*

Objective 3: Ensure rigorous organisational systems.

**Policy related:**

F2      Authorised Signatories  
F3      Purchasing  
F11     Corporate Credit Cards  
F16     Financial Governance

**Delegation**

CS1     Payments from the municipal or trust fund (referred to in Section 6.10 "Financial management regulations" of the *Local Government Act 1995*)

**Financial:**

Financial implications are reported, and explained, in the attached financial statements.

The Shire's surplus funds are invested in bank term deposits for various terms to facilitate maximum investment returns in accordance with the Shire's investment policy.

The Shire's investment portfolio is diversified across two accredited financial institutions.

As at 31 May 2023, the total funds held in the Shire's operating accounts was \$498,758.89 and the total of all interest bearing term deposits invested for the period ended 31 May 2023 was \$4,138,900.30

Of the \$4,138,900.30 invested in interest bearing deposits, \$1,819,415.43 relates to reserve funds.

**Legal and Statutory:**

*Local Government Act 1995*

Section 6.4 requires a local government to prepare financial reports.

Section 6.8(1)(a) states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

*Local Government (Financial Management) Regulations 1996*

Regulation 34 sets out the form and content of the financial reports.

**Risk related:**

There is a compliance risk in relation to this report, as it is a requirement of the *Local Government (Financial Management) Regulations 1996* that local governments prepare a Statement of Financial Activity within two months after the end of the reporting period. This report mitigates the risk of non-compliance with the regulations.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives the Monthly Financial Statements for the month ending 31 May 2023.

**9.2.4 List of Payments - May 2023**

Date of Report:	9 June 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	Y Tyson – Accounts Payable/Payroll Officer
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of Payments May 2023

**PURPOSE OF THE REPORT**

To present cheques and electronic payments raised during May 2023.

**BACKGROUND**

Payments made from the municipal and trust funds are required to be reported to Council for each month, under section 13 of the *Local Government (Financial Management) Regulations 1996*.

**COMMENTS AND DETAILS**

The list of all payments processed under delegated authority during May 2023 are attached at **Attachment 1**.

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

Direct Debits are for direct debits against the bank account such as bank fees, leases, loans, and other charges.

Payroll Direct Debits are for payroll and superannuation expenditures which are paid through Council's online (internet) banking system.

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

Nil

**Strategic:**

Shire of Toodyay Strategic Community Plan 2028

*Governance: The way the Shire leads and operates*



O1: Provide accountable and transparent leadership for the community.

O3: Ensure rigorous organisational systems.

**Policy related:**

Council has delegated authority to the Chief Executive Officer to make payments from the Municipal and Trust Accounts. Creditor invoices and other charges paid have been duly incurred and authorised for payment in accordance with Shire policies F.2 Authorised Signatories and F.3 Purchasing.

**Financial:**

Payments made in May 2023 total \$1,179,639.84.

**Legal and Statutory:**

*Local Government Act 1995*

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

Section 6.8(1)(a) states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

*Local Government (Financial Management) Regulations 1996*

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

**Risk related:**

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

**Workforce related:**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER’S RECOMMENDATION 1**

That Council notes as being paid, payments listed and presented for the month of May 2023 as attached to this report, summarised as follows:

Direct Debits	\$ 61,056.08
EFTs	\$ 861,225.86
DD Loans	\$ 0.00
Payroll	\$ 257,357.90
Municipal Cheques	\$ 0.00
<b>TOTAL</b>	<b>\$1,179,639.84</b>



**9.3 EXECUTIVE SERVICES****9.3.1 Register of Delegations - Review 2023**

Date of Report:	15 May 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN6
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	May 2022
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. REVISED Register of Delegations;

**PURPOSE OF THE REPORT**

To consider the review of the Register of Delegations (the Register) for the 2023-2024 financial year.

**BACKGROUND**

Section 5.46 of the *Local Government Act 1995* requires the CEO of a local government to keep a Register of Delegations. This register is to be reviewed by the delegator (Council) at least once every financial year.

Legislation provides the Head of Power that enables local governments to firstly exist and then to act and serve their communities. Legislation contains two elements that create the ability for Local Government to act:

1. Express Powers and Duties; and
2. Power vested in a Decision-maker.

Although legislation includes an Express Power or Duty that is vested in a Decision-maker it may (or may not) be capable of being delegated.

Instruments of delegation are about discretion. An authorised person may make a decision about something within the framework of the delegation.

Express Power or Duty means a power or duty written specifically within legislation. It does not include actions or decisions that occur operationally, arising from policy, procedure, implementing council decisions, or any other matter not described by legislation.

**COMMENTS AND DETAILS**

The current Delegation Register is available on the Shire's website at <https://www.toodyay.wa.gov.au/council/council-registers/delegation-register.aspx>

The revised Register of Delegations (**Attachment 1**) has had amendments made to it during the 2023 review as described in the table below:

Summary of Amendments made as part of the review	
Detail	Reason
The financial period of 2023/2024	Amended because the financial period will change from 2022/2023 to 2023/2024.
Policies that give discretion to the Chief Executive Officer	This section was amended because many policies have been reviewed since May 2022.
Typographical amendments	Amendments made to ensure the register was consistent throughout.

The revised Register of Delegations was made available to Councillors via teams from 12 June 2023. There were five Councillors at the workshop.

It is recommended that the Officer's Recommendation be moved.

## IMPLICATIONS TO CONSIDER

### Consultative:

Shire Officers assisted in the administrative review of the Delegation Register that commenced in February 2023.

[Item 19 – determining what should be delegated in the Department of Local Government, Sport and Cultural Industries Operational Guideline.](#)

Amendments made to the register are listed above. The Register was provided to the Executive Management Team in the week ending 26 May 2023. The Team considered operational requirements, the volume of decisions under each statutory power or duty and the risks and sensitivities of the decisions.

### Strategic:

#### Community Strategic Plan (Toodyay 2028)

Governance: The way the Shire leads and operates

Strategic outcomes: A Council that engages with the community and provides good governance on behalf of the community.

Objectives: O 2: Consistently improve our governance practices.

The Shire observes the requirement to have a high standard of governance and accountability through maintaining a delegation register and the nature of the delegations made in the register to the CEO allows for the responsiveness of the Shire operationally to be efficient in its business and other regulatory practices.

### Policy related:

During the review of the register of delegations it was noted that there were some policies still to be reviewed and updated such as the Community Complaints Policy and the Application for Public Events Policy. The policies will continue to be brought to Council when they have been reviewed.

**Financial:**

Nil.

**Legal and Statutory:**

*'The council of a local government is to ensure that there is an appropriate structure for administering the local government.'* – Section 5.2 of the *Local Government Act 1995*.

Section 5.46 of the *Local Government Act 1995* – Register of Delegations

Section 9.10 (2) of the *Local Government Act 1995* states that the "CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of s.9.10(1) or more specified laws or specified provisions of s.9.10(1) or more specified laws".

**Risk related:**

The Register must be reviewed by the CEO and adopted by Council by absolute majority each financial year. To not do so would be a moderate compliance risk.

**Workforce related:**

Once the Delegation Register is adopted by Council and signed off by the CEO and the Shire President, a Shire Officer updates the Returns Register, and issues Memorandums to all Shire Officers. Both registers are published on the Shire's website (link: <https://www.toodyay.wa.gov.au/council/council-registers/delegation-register.aspx> )

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION 1**

That Council:

1. Notes, by simple majority, the summary of amendments made to the Register of Delegations (**Attachment 1**), as contained in the Shire Officer's Report;
2. Adopts, by absolute majority, the instruments of delegation contained in the following sections of the REVISED Register of Delegations (**Attachment 1**), as amended:
  - (a) Executive Services section;
  - (b) Corporate and Community Services Section;
  - (c) Development and Regulation Section;
  - (d) Infrastructure and Assets; and the
  - (e) External Agencies – Assignment of Power to Statutory Officeholders section.
3. Authorises the Chief Executive Officer to make any necessary minor typographical changes prior to publication.

**9.4 INFRASTRUCTURE AND ASSETS**

Nil.

## 9.5 COMMITTEE REPORTS

### 9.5.1 Bush Fire Advisory Committee Recommendations

Date of Report:	16 May 2023
Applicant or Proponent:	Bush Fire Advisory Committee
File Reference:	FIR3
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	246/11/22
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Extract of 03 May 2023 Bushfire Advisory Committee Minutes</li> <li>2. Extract of proposed changes; items 11.4 and 11.5 of Shire of Toodyay Bushfire Operating Procedures</li> </ol>

#### PURPOSE OF THE REPORT

To receive the minutes (**Attachment 1**) from the Bush Fire Advisory (BFAC) Committee Meeting (BFAC) held on 03 May 2023 and consider recommendations made by the BFAC.

#### BACKGROUND

The BFAC made two recommendations to Council at their May 2023 meeting as follows:

##### Recommendation 1 – Changes to Bush Fire Operating Procedures

The Bushfire Advisory Committee recommends to Council the following:

That Council approves and adopts changes to Item 11.4 and 11.5 of the Shire of Toodyay Bush Fire Operating Procedures, as per Attachment 2.

##### Recommendation 2 – Bush Fires Regulations 1954 Regulation 24ZC – Total Fire Ban Prescribed Activity – Road Works

The Bushfire Advisory Committee recommends to Council the following:

That Council requests the CEO to communicate to DFES:

1. Support for the current provisions of Bush Fire Regulation 24ZC; and
2. Need for review of the Australian Fire Danger Rating System with respect to declaration of Total Fire Bans.

#### COMMENTS AND DETAILS

##### Recommendation regarding Changes to Bush Fire Operating Procedures

This item addresses Council's request (246/11/22) for a revised proposal regarding the process of recommending Bush Fire Control Officer appointments to Council. The changes relate to Item 11 of the Shire of Toodyay Bush Fire Operating Procedures document. There are two main parts:

3. New nominations are accompanied by a cover letter from the nominated individual to better inform both BFAC and Council. Specifically, these changes can be found in 11.4.5 with associated modification to 11.5.1e.
4. Alteration of wording of BFAC voting process to ensure voting on a recommendation to Council follows normal committee procedures. Specifically, these changes can be found in 11.5.2, 11.5.3, 11.5.4 and 11.5.5.

Further officer comments are contained within the BFAC minutes (Attachment 1).

Proposed wording in relation to this recommendation is contained in Attachment 2.

#### Recommendation regarding Bush Fires Regulations 1954 Regulation 24ZC

BFAC considered a request from the Department of Fire and Emergency Services (DFES) for stakeholder feedback regarding Bush Fires Regulation 24ZC which relates to Road Works (grading and bituminising works) during a Total Fire Ban (TFB). Council's role is largely advocacy in this regard. The BFAC considered an Officer's report and deemed the current regulations appropriate, however BFAC advocate a review of DFES declaration of TFBs to make sure that TFB related regulations are only being enacted during appropriately unfavourable fire weather conditions.

The committee noted, during discussion, competing needs namely; Regulation 24ZC does negatively impact Shire road work programs; while positively controlling bush fire ignition risk and reducing risk to responders (also Shire responsibility).

Further officer comments are contained within the BFAC minutes (Attachment 1).

The Officer is supportive of both BFAC recommendations made to Council.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative:**

#### Recommendation regarding Changes to Bush Fire Operating Procedures

Consultation with the Shire of Toodyay Executive Services Officer and WALGA occurred prior to redrafting and BFAC post redrafting.

#### Recommendation regarding Bush Fires Regulations 1954 Regulation 24ZC

In addition to BFAC membership, consultation information has been distributed to relevant internal stakeholders for comment.

#### **Strategic:**

- As the Strategic Community Plan indicates:  
*"The Shire actively supports five Volunteer Bush Fire Brigades, a DFES Fire and Rescue Brigade and a State Emergency Service Unit in Morangup. The Shire gains excellent service from a committed force of volunteers, both in emergency service units and as volunteer Fire Control Officers. Our Local Emergency Management Committee ensures that the Shire is well prepared in the event of an emergency."*
- Bush Fire Preparedness and Resilience Strategies.



**Policy related:**

Bush Fire Operating Procedures.

**Financial:**

There are no financial implications.

**Legal and Statutory:****Recommendation regarding Changes to Bush Fire Operating Procedures**

Strengthens Shire policy in line with relevant legislation (*Local Government Act 1995*) which govern the committees of Council.

Continues to support *Bush Fires Act 1954* requirement on Local Government to appoint Bush Fire Control Officers.

**Recommendation regarding Bush Fires Regulations 1954 Regulation 24ZC*****Bush Fires Regulations 1954***

The Shire is an employer that is defined as a PCBU (Person conducting a Business or Undertaking) as per the *Work Health and Safety Act 2020* and its subsidiary legislation – the *Work (Health and Safety) General Regulations 2022*.

**Risk related:**

Safe and effective management of Bush Fire is a responsibility of Local Government under the *Bush Fires Act 1954* and other legislation. Improving and reviewing procedures, standards, operating procedures, and to a lesser extent advocacy positions, are key elements in addressing requirements of the *Work Health and Safety Act 2020*.

There is a risk that insufficient or inaccurate documented procedures could result in a negative compliance finding against the Shire.

*Consequence: Unlikely (2), Likelihood: Minor (2), Calculated Risk: Low (4)*

There is a risk that insufficient or inaccurate documented procedures could result in a negative public perception (reputation) of the Shire.

*Consequence: Major (4), Likelihood: Unlikely (2), Calculated Risk: Moderate (8)*

**Workforce related:**

There are no workforce related implications.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICERS RECOMMENDATION 1**

That Council receives the extract of the Bush Fire Advisory Committee Minutes of meeting (Attachment 1) held on 03 May 2023.

**BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION 1**

That Council approves and adopts changes to Item 11.4 and 11.5 of the Shire of Toodyay Bush Fire Operating Procedures, as per Attachment 2.

**BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION 2 (Changed by Officers)**

That Council:

1. Supports the current provisions of Bush Fire Regulation 24ZC; and
2. Supports the need for review of the Australian Fire Danger Rating System with respect to the declaration of Total Fire bans; and
3. Requests the Chief Executive Officer write to the Department of Fire and Emergency Services to communicate the above points.

**9.5.2 Audit Committee Recommendations - from Meeting held on 7 June 2023.**

Date of Report:	12 June 2023
Applicant or Proponent:	Audit & Risk Committee
File Reference:	COC2
Author:	M Rebane – Executive Assistant T Bateman – Manager Corporate and Community Services
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Extract of ARC Minutes from meeting held on 7 June 2023;</li> <li>2. Correspondence from Auditor General;</li> <li>3. Management Letter for the year ended 30 June 2021;</li> <li>4. Annual Report 2020-2021;</li> <li>5. REVISED Disposal of Property Policy;</li> <li>6. REVISED Financial Governance Policy;</li> <li>7. REVISED Purchasing Policy;</li> <li>8. NEW Personal Information Policy; and</li> <li>9. Risk Management Action Plan Progress Update to Audit &amp; Risk Committee (confidential) <i>Section 5.23(2)</i> <i>(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government.</i> <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government’s property (under separate cover)</i></li> <li>10. Report 24: 2022-23 Security Basics for Protecting Critical Infrastructure from Cyber Threats.</li> </ol>

## PURPOSE OF THE REPORT

To consider recommendations made by the Audit and Risk Committee (ARC) at their meeting held 7 June 2023.

## BACKGROUND

At the ARC Meeting held on 7 June 2023, the Committee made recommendations as follows:

### **Recommendation 1: Annual Report 2020/2021**

The recommendation the ARC made in regard to this matter is below:

*That Council:*

1. *Receives the correspondence from the Auditor General (Attachments 1 & 2);*
2. *Receives the Management letter for the 2020/2021 financial year (Attachment 3);*
3. *Receives the Audited Annual Financial Statements (Attachment 4), and Independent Auditor's Opinion as attached to this report (Attachment 5) for the year ended 30 June 2021, noting the disclaimer opinion received and the explanation provided for this.*
4. *Accepts the Annual Report for the year ended 30 June 2021 incorporating the Annual financial report (Attachment 6).*
5. *Authorises the Chief Executive Officer to make any necessary minor typographical changes prior to publication of the Annual Report.*
6. *Requests the Chief Executive Officer to:*
  - (a) *give local public notice of the availability of the Annual Report.*
  - (b) *convene the Annual Electors Meeting to be held on Wednesday, 16 August 2023 at 5.00pm in Council Chambers.*
7. *Notes the ongoing challenges the Shire continues to manage during the transition to Datascape.*

### **Recommendations 2, 3 and 4 – Finance Policy Review**

The recommendations the ARC made in regard to this matter is below:

*That the Audit & Risk Committee recommends to Council the following:*

1. *Adopts the REVISED Disposal of Property Policy (Attachment 2); and*
2. *Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy, prior to publication.*

*That the Audit & Risk Committee recommends to Council the following:*

1. *Adopts the REVISED Financial Governance Policy (Attachment 4); and*
2. *Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy, prior to publication.*

*That the Audit & Risk Committee recommends to Council the following:*

1. *Adopts the REVISED Purchasing Policy (Attachment 6); and*

2. *Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.*

#### **Recommendation 5 – Administration Policy Review**

The recommendations the ARC made in regard to this matter is below:

*That Council:*

1. *Adopts the NEW Personal Information Policy (Attachment 1); and*
2. *Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy prior to publication.*

#### **Recommendation 6 – Risk Management Action Plan – Cyber Security**

The recommendations the ARC made in regard to this matter is below:

*That Council:*

1. *Receives the progress update to the Audit and Risk Committee (Attachment 1); and*
2. *Requests the CEO continue to provide a six monthly process update to the Audit and Risk Committee, until Council resolves otherwise.*

### **COMMENTS AND DETAILS**

An extract from the minutes of ARC meeting is attached (**Attachment 1**).

Comments in regard to the recommendations made by the Committee are below:

#### **Recommendation 1: Annual Report 2020/2021**

The Annual Financial Statements for the year ended 30 June 2021 were signed off by the Office of the Auditor-General (OAG) on Friday, 1 June 2023.

The audit process was forced to close prematurely when the Auditor-General contacted all local governments with incomplete audits (approximately 40 in total) to inform them that she would be bringing the audit process for 2021/2022 to a close. As a result, these local governments would receive a qualified audit or a disclaimer opinion on their financials. This effectively drew a line in the sand for all local governments with incomplete audits, giving them an opportunity to reset and recover from the drawn-out process.

It was further acknowledged that whilst this was an unfavourable position for local governments, the result reflected the high-level workload and lack of resources for the sector. Staff of the OAG noted that the Department of Local Government, Sport and Cultural Industries was supportive of the Auditor-General's decision, observing that it bought capacity for local governments to enhance their internal capabilities in readiness for the 2022/23 audit season.

For the Shire of Toodyay, this correspondence meant that the outstanding 2020/2021 audit would also be closed and that a disclaimer opinion would almost certainly be received for both years. The Shire had the opportunity to request a very short extension however, considering the history and circumstances surrounding the audit, and the inability to satisfy the auditors to date, the option was abandoned with the support of the OAG and auditors.

The ARC was provided with an update detailing the audit process, drawn out over many months, and the concerns and findings from the auditors. As raised with the ARC, the auditors were unable to verify all balances affected by the transition to Datascape from Synergy, ultimately leading to a disclaimer opinion being received on the financials. It is

important to note that at no point were the auditors or Shire management concerned that the financials contained fraudulent transactions or activities. For the most part, individual transactions could be easily identified and verified. The audit difficulties arose from the posting of bulk journals and erroneous mapping between the two systems.

Details of the auditor's findings as attached at **Attachment 3** are summarised below;

1. Incomplete and inaccurate financial report and records;
2. Comparative financial information;
3. Bank reconciliations;
4. Purchases;
5. Review of systems and procedures;
6. Payroll;
7. Fair value of infrastructure assets - frequency of valuations; and
8. Supporting documentation for credit card transactions.

Six of the above eight findings tie back to a lack of internal controls and the implementation of robust procedures. The main reasons for this were that many of the modules were not in operation or were not working as expected, and normal monthly processes could not be maintained. Datascape continued to change as new developments were introduced and the training manuals and videos became out of date very quickly. Officers did not have standard monthly procedures to follow. Additionally, the Shire was under-resourced to manage the transition in tandem with business-as-usual tasks.

Further findings regarding incomplete payroll records were a result of the combination of staff changeovers, administrative errors, and the lack of staff resources to undertake the duties required. The finding regarding the lack of supporting information for 3 out of 80 credit card purchases, was a result of human error and considered by the auditor to have a lower risk rating than the other seven items.

Officers will continue to work on these issues over the coming months and are committed to improved financial management practices. To assist with this process, the Shire has engaged Moore Australia to undertake the statutory Financial Management and Audit Regulation reviews.

A report on the results and recommendations arising from this process will prove to be a valuable benchmarking tool for Officers. A full report will be brought back to the Audit and Risk Committee upon completion.

#### *Finalisation and presentation of the Annual Report 2020/2021*

The Shire is required, under Section 5.53 of the Act, to prepare an annual report for each financial year ending 30 June. The content of the annual report is prescribed by the Act and includes a summary of the Council's annual activities, including the audited annual financial statements and the auditor's report for the financial year. Section 5.27 of the Act requires that the Shire holds an annual electors' meeting not more than 56 days after the acceptance of the annual report for the previous year.

Officers are recommending that an Annual Electors Meeting is held on Wed 16 August 2023 and an advertisement is placed in the Toodyay Herald and on Facebook and the Shire's website.

# Shire of Toodyay Annual Electors Meeting

*s.5.29 of the Local Government Act 1995*

At a Council Meeting held on 28 June 2023, Council made a decision to set the date for the Annual General Meeting of Electors to be held as follows:

Date: Wednesday 16 August 2023

Time: 5.00pm

Venue: Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay 6566

All electors, ratepayers and residents of the Shire of Toodyay are welcome to attend.

The order of business at this meeting will be as follows:

1. Declaration of Opening/Announcement of Visitors;
2. Records of Attendance/Apologies;
3. Confirmation of Minutes;
4. Annual Report 2020/2021;
5. General Business; and
6. Closure.

Copies of the 2020/2021 Annual Report incorporating the Audited Financial Statements will be available at the meeting, and beforehand as follows:

- Shire website: <https://www.toodyay.wa.gov.au/documents/annual-reports> ;
- Shire Admin Centre: 15 Fiennes Street, Toodyay, WA 6566; or
- Or by phoning the Shire Admin Centre on 9574 9300 to have a copy posted.

The Shire invites questions prior to the meeting by 4.00pm on **Friday 11 August 2023**.

Please address your questions to the Chief Executive Officer:

Via Email: [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

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

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

If you have any queries regarding the above, please contact Maria Rebane, Executive Services, on (08) 9574 9305.

Suzie Haslehurst  
**Chief Executive Officer**

## **Recommendations 2, 3 and 4 – Finance Policy Review**

The following policies were reviewed and revised and presented to the ARC:

- Disposal of Property Policy (**Attachment 5**);
- Financial Governance Policy (**Attachment 6**); and
- Purchasing Policy (**Attachment 7**).

The main amendments made were to do with the reformatting to the policy template; the addition of definitions; and ensuring reference, legislative and associated document information was updated.

The ARC was consulted and some further amendments were made to improve the policies and to fix typographical errors. Councillors were provided, through teams, the updated policies and workshopped these policies on 14 June 2023 where 5 councillors were present.

It is recommended that all three policies be adopted by Council.

### **Recommendation 5 – Personal Information Policy**

This NEW Personal Information Policy (**Attachment 8**) has been reviewed by the Audit and Risk Committee.

The Shire, as an agency, is responsible for ensuring privacy and responsible information sharing. This Policy supports the current obligations that the local government has regarding the use and release of personal information.

This policy may address community perceptions in relation to how the Shire will manage their personal information.

Councillors were provided the new policy through teams which was workshopped on 14 June 2023 where 5 councillors were present.

### **Recommendation 6 – Risk Management Action Plan – Cyber Security**

Officers provided an update on the action plan adopted in December 2022 (**Confidential Attachment 9**) for the Audit and Risk Committee's review and recommendation to Council focussing on the action items (highlighted in orange) for attention in 2022/23.

Each year, as part of the insurance renewal process, Officers complete a series of questionnaires which help to determine required levels of cover and identify new areas of risk. Due to the increased number of cyber-attacks, leaks of personal data, and fraudulent web activity, LGIS sought information from local governments specifically relating to cyber security controls with the goal of identifying the Shire's cyber vulnerabilities and strengths and provided a report as a benchmarking tool for improvement.

The report incorporated the 'Essential Eight' mitigation strategies, developed by the Australian Cyber Security Centre (ACSC), into the development of 12 Key Controls to assist local governments in setting priorities in relation to cyber risk management.

Further, the Office of the Auditor General published their Report 24: 2022-23 Security Basics for Protecting Critical Infrastructure from Cyber Threats on 14 June 2023 (**Attachment 10**). This guide focuses on better practice principles to safeguard critical operational technology and aims to help Western Australian public sector entities better manage cyber security threats to their critical infrastructure.

It is imperative that to protect data held by the Shire of Toodyay and the individuals/organisations to which it refers, the results of the review and associated action plan are kept confidential.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Department of Local Government, Sport, and Cultural Industries

Office of the Auditor-General

Butler Settineri/Dry Kirkness



Updates regarding Datascope challenges and preparation of the annual financials have been provided to the Audit and Risk Committee and Councillors on a regular basis since December 2021.

Shire Officers have been consulted. Officers did consider example policies from various other local governments and referenced relevant information from the Department of Local Government Operational Guidelines and other online examples.

Landgate

After the ARC considered the policies, they were made available to Councillors via the Teams environment and were discussed at the 14 June 2023 Council Workshop attended by five councillors.

*Australian Cyber Security Centre Annual Threat Report 2022:* [ACSC-Annual-Cyber-Threat-Report-2022.pdf](#)

LGIS

XL2

### **Strategic:**

*Community Strategic Plan (Toodyay 2028)*

Governance: The way the Shire leads and operates

Strategic outcomes: A Council that engages with the community and provides good governance on behalf of the community.

Objectives:

- 1: Provide accountable and transparent leadership for the community.
- 2: Consistently improve our governance practices.
- 3: Ensure rigorous organisational systems.

### **Policy related:**

The structure of policies presented is in accordance with Council's Corporate Documents Policy, adopted in November 2021.

[Risk Management Policy \(ADM18\);](#)

[Record Keeping Policy \(ADM21\);](#)

[Legislative Compliance Policy \(ADM20\);](#)

[Internal Control Policy \(ADM19\)](#)

[Use of Surveillance Devices Policy \(REG08\)](#)

Internal Control

Financial Governance

Significant Accounting Policies

### **Financial:**

Considering the longer-than-expected timeframe to complete the 2020/2021 audit, the costs will be higher than originally budgeted. This additional cost will be offset by a reduction in the cost of the 2021/2022 financial audit considering no field work will be undertaken as a result of the Auditor-General's decision not to finalise the audit for 2021/2022.

There are costs associated with design of the annual report and advertising for the Annual Electors Meeting.

Actions taken in relation to cyber security improvements to date have been managed within existing budget allocations. Any budget requests for 2023/24 will be presented to Council for their consideration during the annual budget processes.

### **Legal and Statutory:**

*Local Government (Administration) Regulations 1996*

Regulation 16 (a)(ii) of the *Local Government (Audit) Regulations 1996* states that the Audit Committee has functions to guide and assist the local government in carrying out its functions relating to other audits and other matters related to financial management.

*Freedom of Information Act 1992*

*Privacy and Responsible Information Sharing (pending)*

*r.16 (f) - Local Government (Audit) Regulations 1996*

*r.51 of the Local Government (Financial Management) Regulations 1996*

*s.5.27, s.5.29, s.5.41, s.5.53, s.5.54, s.7.9 and s.7.12A of the Local Government Act 1995*

### **Risk related:**

The requirement to accept the Shire's annual report and to hold an annual electors' meeting is a legislative obligation. Failure to do so exposes Shire officers and Councillors to significant compliance risk. This report helps to mitigate this risk.

Robust policies may mitigate the Shire's exposure to reputational and financial risks including potential litigation arising from civil claims against privacy breaches.

Cyber-attacks have increased significantly over the past 12 months. Consequently, cyber risk is considered both an extreme financial and reputational risk. Reviewing and implementing recommendations provided by the Australian Cyber Security Centre, the Shire's insurers and the Auditor-General helps to mitigate the risk.

The Shire's insurers have indicated that whilst the results of the LGIS Shire of Toodyay Cyber Review 2022 do not affect insurance levels currently in place, there may be implications for coverage in future years. Responding to the recommendations within the report may result in greater insurance protection and/or lower premiums in future years.

### **Workforce related:**

The transition to Datascope and challenges in preparing the annual financials and attending to the audit has had a significant impact on the finance team. A dedicated project manager continues to focus on the Datascope transition.

When the policies are adopted, they will be put onto the Shire website and distributed to workers and members.

Whilst the Shire of Toodyay currently outsources its IT management, significant officer time is required to assist the monitoring and implementation of any IT security and safety measures.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives the minutes extract from the Audit and Risk Committee Meeting held on 7 June 2023 (**Attachment 1**).

**AUDIT & RISK COMMITTEE RECOMMENDATION 1 (Revised by Officers):**

That Council:

1. Receives correspondence from the Auditor General (**Attachment 2**);
2. Receives the Management letter for the 2020/2021 financial year (Attachment 3);
3. Accepts the Annual Report for the year ended 30 June 2021, incorporating the Audited Annual Financial Statements and the Independent Auditor's Opinion (Attachment 4).
4. Authorises the Chief Executive Officer to make any necessary minor typographical changes prior to publication of the Annual Report.
5. Requests the Chief Executive Officer to:
  - (a) give local public notice of the availability of the Annual Report.
  - (b) convene the Annual Electors Meeting to be held on Wednesday, 16 August 2023 at 5.00pm in Council Chambers.
6. Notes the ongoing challenges the Shire continues to manage during the transition to Datascape.

**AUDIT & RISK COMMITTEE RECOMMENDATION 2**

That Council:

1. Adopts the REVISED Disposal of Property Policy (Attachment 5); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 3**

That Council:

1. Adopts the REVISED Financial Governance Policy (Attachment 6); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 4**

That Council:

1. Adopts the REVISED Financial Governance Policy (Attachment 6); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 5**

That Council:

1. Adopts the REVISED Purchasing Policy (Attachment 7); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policies, prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 6**

That Council:

1. Adopts the NEW Personal Information Policy (Attachment 8); and
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy prior to publication.

**AUDIT & RISK COMMITTEE RECOMMENDATION 7**

That Council:

1. Receives the 'Risk Management Action Plan – Cyber Security' progress update to the Audit and Risk Committee (Attachment 9); and
2. Requests the CEO to continue to provide a six-monthly updates to the Audit and Risk Committee, until Council resolves otherwise.

**9.5.3 Museum Advisory Committee Recommendations**

Date of Report:	14 June 2023
Applicant or Proponent:	Museum Advisory Committee
File Reference:	HER9
Author:	M Eberle – Museum Curator and Cultural Heritage Officer
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Extract of MAC Minutes from meeting held on 7 June 2023.

**PURPOSE OF THE REPORT**

To consider recommendations made by the Museum Advisory Committee (MAC) at its meeting held on 7 June 2023.

**BACKGROUND**

At the June 2023 MAC meeting they made the following recommendations:

**Recommendation 1: Museum Advisory Committee Update**

*That the Museum Advisory Committee recommends to Council the following:*

*That Council receives the Museum update report on current activities – Shire Museum and its Collections.*

**COMMENTS AND DETAILS**

Council is being asked to receive the minutes of the MAC and consider the recommendations made by the Committee. Commentary about the recommendations made appears below.

**Recommendation 1: Museum Advisory Committee Update**

This report is a standard update that goes to the Committee at each meeting and Council receive it at the next available Council Meeting. It is recommended that the update be received.

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

Nil

**Strategic:*****Shire of Toodyay Community Strategic Plan – Toodyay 2028***

*Social: Our community well-being and connection*

O3: Support the development of places and spaces for recreation, learning, art and culture

**Policy related:**

Committee Recommendations Policy

**Financial:**

Nil

**Legal and Statutory:**

The Museum Advisory Committee has been established under Section 5.8 of the *Local Government Act 1995* and does not have any delegated authority.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives the extract of the Museum Advisory Committee Minutes (**Attachment 1**) from the meeting held on 7 June 2023.

**MUSEUM ADVISORY COMMITTEE RECOMMENDATION 1**

That Council receives the Museum update report on current activities – Shire Museum and its Collections, as contained in the Officer's Report.

**9.5.4 Local Emergency Management Committee Recommendations - from meeting held on 14 June 2023.**

Date of Report:	14 June 2023
Applicant or Proponent:	Local Emergency Management Committee
File Reference:	FIR27
Author:	M Rebane – Executive Assistant E Francis – Emergency Management Officer
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<ol style="list-style-type: none"> <li>1. Extract of LEMC Minutes of Meeting held on 14 June 2023;</li> <li>2. Extract of Section 8 - Plan for Animal Welfare in Emergencies from the LEMA; and</li> <li>3. REVISED Acronymns list from the Local Emergency Management Arrangements (LEMA).</li> </ol>

**PURPOSE OF THE REPORT**

To consider recommendations made by the Local Emergency Management Committee (LEMC) at its meeting held on 14 June 2023.

**BACKGROUND**

At the June 2023 LEMC meeting the following recommendations were made:

Recommendation 1: LEMA update - addition of a 'Plan for Animal Welfare in Emergencies'.

*That the Local Emergency Management Committee recommends to Council the following:*

*That Council:*

1. *Endorse the attached Draft 'Plan for Animal Welfare in Emergencies' for inclusion in Section 8 of the Local Emergency Management Arrangements (LEMA), subject to amendments in section 3;*
2. *Requests the CEO make any typographical amendments needed in the plan and update the acronymns table in the LEMA; and*
3. *Authorises the CEO to submit the revised Local Emergency Management Arrangements (LEMA) to the District Emergency Management Committee.*

Recommendation 2: Formalised call out procedure for Shire Officers – Shire of Toodyay

*That the LEMC make a recommendation to Council as follows:*



*That Council requests the CEO to prepare a formalised call-out procedure for Shire Officers as required in emergency situations and provide it to the Local Emergency Management Committee by 31 October 2023.*

## COMMENTS AND DETAILS

Council is being asked to receive the minutes of the LEMC and consider the recommendations made by the Local Emergency Management Committee. Commentary about the recommendations made appears below.

### Recommendation 1: LEMA update - addition of a 'Plan for Animal Welfare in Emergencies'.

Reference to Animal Welfare in the current LEMA is minimal, however meets the requirement for District approval. In 2022 the Shire was successful in a grant application for the purpose of developing the concept of Animal Welfare within the LEMA.

The addition of the 'Plan for Animal Welfare in Emergencies' (Attachment 2) will form Section 8 of the LEMA and subsequently be reviewed every five years as per legislative requirements.

### Recommendation 2: Formalised Call out procedure for Shire Officers – Shire of Toodyay

The WAPOL representative spoke of the difficulties that emergency services sometimes encounter when trying to contact appropriate Shire staff for assistance with emergency incidents (specifically relating to assistance with traffic management, equipment, materials, etc). The two incidents discussed were different in nature, one being bush fire and the other a HAZMAT (Hazardous Materials) incident.

These difficulties have resulted in the request for the CEO to prepare a formalised call-out procedure, which LEMC have requested be made available to the committee.

## IMPLICATIONS TO CONSIDER

### Consultative:

The LEMC is made up of representatives from a number of emergency services and emergency management organisations.

Development of the Plan for Animal Welfare in Emergencies included consultation with these groups.

### Strategic:

#### Community Strategic Plan (Toodyay) 2028

S 2.3: Facilitating community safety and wellbeing by collaborating with fire and emergency services.

S 1.4 Reducing the impact of extreme weather conditions through emergency management planning.

### Policy related:

Committee Recommendations Policy

### Financial:

Nil

**Legal and Statutory:**

Section 36(b) of the *Emergency Management Act 2005*.

Under section 41 of the Emergency Management Act 2005 Local Government is required to have a LEMA in place and review it every five years.

**Risk related:**

There is a potential reputational risk to the Shire should review of a major incident expose unacceptable levels of training/skill or oversight in the application of emergency management.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives the extract of the Local Emergency Management Committee Minutes (**Attachment 1**) from the meeting held on 14 June 2023.

**LOCAL EMERGENCY MANAGEMENT RECOMMENDATION 1**

That Council:

1. Endorses the attached Draft 'Plan for Animal Welfare in Emergencies' (**Attachment 2**);
2. Requests the CEO make any typographical amendments needed in the plan and update the acronyms table in the LEMA (**Attachment 3**); and
3. Authorises the CEO to submit the revised Local Emergency Management Arrangements (LEMA) to the District Emergency Management Committee.

**LOCAL EMERGENCY MANAGEMENT RECOMMENDATION 2**

That Council requests the CEO prepare a formalised call-out procedure for Shire Officers as required in emergency situations and provide it to the Local Emergency Management Committee by 31 October 2023.

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

Nil.

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

Nil.

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

Nil.

**13.2 EMPLOYEES**

Nil.

**14 CONFIDENTIAL BUSINESS**

Nil.

**15 NEXT MEETINGS**

Agenda Briefing	10 July 2023
Ordinary Council Meeting	26 July 2023
Bushfire Advisory Committee Meeting	2 August 2023
Environment Advisory Committee Meeting	2 August 2023
Audit & Risk Committee Meeting	6 September 2023
Museum Advisory Committee Meeting	6 September 2023
Local Emergency Management Committee Meeting	8 November 2023

**16 CLOSURE OF MEETING**