



# Agenda Briefing

## 16 October 2024

Commencing at 3:00 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 **23 October 2024**, commencing at **1.00pm**.

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.

An Agenda Briefing will be held at the above venue on the above-mentioned date and time to discuss the contents of this agenda.

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

Aaron Bowman

**CHIEF EXECUTIVE OFFICER**



## Our Vision, Purpose and Values

The Shire of Toodyay's Plan for the Future (Council Plan 2023-2033) is the Community's Strategic Plan outlining the direction that the Shire is undertaking to meet the needs and aspirations of its community.

### Our Vision

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

### Our Purpose

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

### Our Values

We conduct ourselves in line with values the local community cares deeply about:

- **Integrity** - we behave honestly to the highest ethical standard;
- **Accountability** – we are transparent in our actions and accountable to the community;
- **Inclusiveness** – we are responsive to the community and we encourage involvement by all people; and
- **Commitment** – we translate our plans into actions and demonstrate the persistence that will provide results.

### Community Aspirations

There are five core performance areas in this plan: People, Planet, Place, Prosperity, and Performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Toodyay.

For each area, there is an overarching aspirational statement and desired outcomes, summarised in the Council Plan which is available on the Shire's website at: <https://www.toodyay.wa.gov.au/documents/432/council-plan-plan-for-the-future-2023-2033>

### **Disclaimer**

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

### **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 25 September 2024****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 25 September 2024 be confirmed.

**5.2 Agenda Briefing held on 16 October 2024****OFFICER'S RECOMMENDATION**

That the Notes of the Agenda Briefing held on 16 October 2024 be received.

**6 PETITIONS / 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 PRESENTATIONS**

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

**6.3 SUBMISSIONS**

*A submission can be made by completing the [Submission Registration form](#) and submitting it to the CEO at midday, two days prior to a scheduled meeting.*

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

Nil.

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

Nil.

**9 OFFICER REPORTS**

**9.1 DEVELOPMENT AND REGULATION**

Nil.

## 9.2 CORPORATE AND COMMUNITY SERVICES

### 9.2.1 Monthly Financial Statements - August and September 2024

Date of Report:	3 October 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	T Bateman – Executive Manager Corporate and Community Services
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil.
Council's Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none"> <li>1. Monthly Financial Report - August 2024 <a href="#">⇒</a></li> <li>2. Monthly Financial Report - September 2024 <a href="#">⇒</a></li> </ol>

#### PURPOSE OF THE REPORT

To present to Council the Monthly Financial Reports for the months ended 31 August 2024 and 30 September 2024.

#### BACKGROUND

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity including the sources and applications of funds, comparing actuals against annual budget and year-to-date budget.

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.

#### COMMENTS AND DETAILS

Local governments are required to present to Council the Statement of Financial Activity to comply with Australian Accounting Standards (AAS) and the amended *Local Government (Financial Management) Regulations 1996*.

The Statement of Financial Activity, contained within the monthly financial statements, summarises the Shire's operating and capital activities and provides an indication of the Shire's financial performance as the year progresses. Officers have also provided additional supplementary information.

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

Nil

**Strategic:**

***Plan for the Future: Shire of Toodyay Council Plan 2023-2033***

***Outcome 9. Responsible and effective leadership and governance.***

9.2 Govern Shire finances, assets and operations responsibly.

**Policy related:**

Financial Governance

**Financial:**

Financial implications are reported in accordance with the approved material variances reporting threshold as adopted by Council; (+) or (-) \$10,000 or 10%, whichever is the greater.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council receives:

1. The Monthly Financial Statements and Supplementary Information as attached for the month ending 31 August 2024 (**Attachment 1**), and;
2. The Monthly Financial Statements and Supplementary Information as attached for the month ending 30 September 2024 (**Attachment 2**).



**9.2.2 Sale of land – rates and charges outstanding for more than three (3) years**

Date of Report:	8 October 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FI.RTS/A3342
Author:	A Bowman – Chief Executive Officer
Responsible Officer:	A Bowman – Chief Executive Officer
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. Local Government Operational Guidelines Number 22 – Possession of Land for recovery of rates and service charges; ⇨</li> <li>2. Property Details and summary of recovery action (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person (under separate cover)</i></li> </ol>

**PURPOSE OF THE REPORT**

To consider the sale of land under the *Local Government Act 1995*, section 6.56 or 6.64 – recovery of rates in arrears for a period of three (3) or more years.

**BACKGROUND**

Local governments may take action to sell land to recover rates and/or service charges outstanding for at least three (3) years. The three (3) years are calculated from the date they became due.

There is a legislative process that must be followed to comply with the requirements of the *Local Government Act 1995*. This includes giving public notice, advertising the sale, and allocation of the sale proceeds. It is anticipated the process will take approximately six to eighteen months for sale of land.

It is important to note at any time to the point of sale the owners may pay their rates and charges in full and all further action will cease.

This report has been prepared using the Department of Local Government, Sport and Cultural Industry’s Guideline: Possession of Land for recovery of rates and service charges (**Attachment 1**).

**COMMENTS AND DETAILS**

At the May 2022 Ordinary Council Meeting an item was presented to Council “Recovery of long outstanding rates revenue”, where Council resolved the following:

*“That Council request the CEO to take action for the recovery of outstanding rates on:*

- 1) *The two properties where the rates have not been paid for 10 years or more and there are no persons or entities prepared to take responsibility of the properties or the outstanding rates and, if necessary, utilise the provisions of Subdivision 6 – Actions against land where rates or service charges remain unpaid”.*

In the report presented at that Council meeting the details provided to councillors regarding property 1 were as follows;

*“Property 1 was owned by a Toodyay resident and attempts to identify a responsible connected person has not had any success. It has an outstanding balance of \$57,241.51 to date. There is a large file in Records documenting actions taken to resolve the case”.*

### **Property 1 is assessment number A3342.**

The report is ambiguous and is not clear that Council has in fact resolved to sell the property. The actions are not made in strict accordance with part 6, subdivision 6 and Schedule 6.3 of the *Local Government Act 1995*.

The minutes of the meeting also do not provide which Councillor seconded the motion, although it was carried 8/0.

The item is therefore being re-presented to Council to ensure the correct process is strictly adhered to and Council is well aware that the resolution is to sell the property.

A brief history of recovery action taken to date is provided below in support of the sale of this property.

- Shire records show that rates and charges have not been cleared to a nil balance on this property for many years, and the account has been subject to legal recovery since before 2009 with numerous final and demand notices issued.
- The Shire commenced use of Synergy Rates in 2010. The first transaction date on record is 31/08/2010, and the account balance was \$17,983.10.
- Legal action has been attempted on at least four occasions since 2002. Difficulties in the process were partly due to the property being held in the old Land Deeds system. Additionally, numerous skip traces and probate searches have been carried out, identifying no living relatives of the owner.
- The Shire re-commenced action and took possession of this property in December 2023. As required by Schedule 6.3 clause 1(4) of the *Local Government Act 1995*, the auction date must not be less than 3 months and not more than 12 months after service of the notice requiring the landowner to pay. The auction must take place on or before 3 December 2024.
- Further details on recovery action can be found within **Attachment 2**.

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Cloud Payment Group

### **Strategic:**

**Plan for the future: Council Plan 2023-2033**

### **Outcome 9. Responsible and effective leadership and governance.**

9.2. Govern Shire finances, assets, and operations responsibly.

**Policy related:**

Debt Collection

Financial Governance

Financial Hardship

**Financial:**

The sale of this property will equate to a decrease in the level of outstanding rates and charges of approximately \$86,080.28.

**Legal and Statutory:**

The proposed action must be made in strict accordance with Part 6, Subdivision 6 and Schedule 6.3 of the Local Government Act 1995.

**6.56. Rates or service charges recoverable in court**

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
- (2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

**6.64. Actions to be taken**

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
  - (a) from time to time lease the land; or
  - (b) sell the land; or
  - (c) cause the land to be transferred to the Crown; or
  - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

**6.69. Right to pay rates, service charges and costs, and stay proceedings**

- (1) Up to 7 days prior to the time of the actual sale of any land for non-payment of rates or service charges a person having an estate or interest in the land may pay the rates or service charges and the costs and expenses incurred to that time in proceedings relating to the proposed sale.
- (2) At any time after the 7 days referred to in subsection (1) but prior to the time of the actual sale of any land the local government may, upon such terms and

conditions as are agreed between the parties, accept payment of the outstanding rates or service charges.

- (3) On payment being made under subsection (1) or (2) the proceedings relating to the proposed sale are stayed and the local government is required to make such notifications and take such measures as are prescribed in relation to the payment and the cancellation of the proposed sale.

**Risk related:**

This matter has a risk score of Moderate (3) being a reputational risk for the Shire related to handling of these types of matters. The risk is High (12) regardless of the action taken in this matter. This report mitigates that risk.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council resolves to:

1. in accordance with the *Local Government Act 1995* and pursuant to sections 6.56 or 6.64 to proceed to sell assessment number A3342 which has rates and charges in arrears for three (3) or more years and recover from the proceeds, the outstanding balance which currently totals \$86,080.28.
2. authorise the Chief Executive Officer to act on Council's behalf or to authorise an agent to sign a contract of sale.

**9.2.3 List of Payments - September 2024**

Date of Report:	11 October 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	T Bateman – Executive Manager Corporate and Community Services
Responsible Officer:	T Bateman – Executive 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 Creditor Payments - September 2024 <a href="#">⇒</a>

**PURPOSE OF THE REPORT**

To present to Council the list of payments for the month of September 2024.

**BACKGROUND**

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

A Local Government is to develop procedures for the authorisation of any payment of accounts to ensure that there is effective security for which money or other benefits may be obtained.

**COMMENTS AND DETAILS**

The schedule of payments has been compiled for the month of September 2024 and is attached.

These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

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

Nil

**Strategic:**

***Plan for the Future: Shire of Toodyay Council Plan 2023-2033***

***Outcome 9. Responsible and effective leadership and governance.***

***O9.1: Govern Shire finances, assets, and operations responsibly.***

**Policy related:**

Purchasing Policy  
Delegation CS1

**Financial:**

Expenditure is in accordance with s6.8(1) (a) of the *Local Government Act 1995*.

**Legal and Statutory:**

Local Government Act 1995

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

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

Local Government (Financial Management) Regulations 1996

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

**Risk related:**

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

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER’S RECOMMENDATION 1**

That Council receives the list of accounts as presented, and listed below, for the month of September 2024:

Municipal Cheques	\$7,515.06
Electronic Funds Transfer Payments	\$230,211.60
Payroll	\$390,468.47
Purchasing Cards	\$4,587.62
<b>TOTAL</b>	<b>\$632,782.75</b>

**9.3 EXECUTIVE SERVICES**

**9.3.1 Council Decision to WALGA for inclusion in the December 2024 State Council Agenda**

Date of Report:	17 September 2024
Applicant or Proponent:	Western Australian Local Government Authority
File Reference:	WAL1
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman – Chief Executive Officer
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	1. <a href="#">InfoPage</a> . ⇨

**PURPOSE OF THE REPORT**

Local Governments are being asked to consider WALGA’s current and alternative advocacy positions as they relate to Local Government Elections.

**BACKGROUND**

WALGA’s Executive Director Member Services (Tony Brown) published an Info page (**Attachment 1**) on 6 September 2024 regarding Local Government Elections – Advocacy Positions.

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor/President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone’s, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

**COMMENTS AND DETAILS**

A Council decision has been requested to be received by **Monday 28 October 2024**.

The Elections Analysis Review and Report was presented to State Council 4 Sept 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

**WALGA State Council current advocacy positions:**

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 Elections	
	<p>The Local Government sector supports:</p> <ol style="list-style-type: none"> <li>1. Four year terms with a two year spill</li> <li>2. Greater participation in Local Government elections</li> <li>3. The option to hold elections through: <ul style="list-style-type: none"> <li>• Online voting</li> <li>• Postal voting, and</li> <li>• In-person voting</li> </ul> </li> <li>4. Voting at Local Government elections to be voluntary</li> <li>5. The first past the post method of counting votes</li> </ol>
Position Statement	<p>The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.</p>
Background	<p>The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p>
	<p>February 2022 – 312.1/2022</p> <p>December 2020 – 142.6/2020</p>
State Council Resolution	<p>March 2019 – 06.3/2019</p> <p>December 2017 – 121.6/2017</p> <p>October 2008 – 427.5/2008</p>
Supporting Documents	<p><a href="#">Advocacy Positions for a New Local Government Act</a></p> <p><a href="#">WALGA submission: Local Government Reform Proposal (February 2022)</a></p>



**2.5.16 Method of Election of President**

Position Statement Local Governments should determine whether their President will be elected by the Council or elected by the community.  
February 2022 – 312.1/2022

State Council Resolution March 2019 – 06.3/2019  
December 2017 – 121.6/2017

**2.5.18 Conduct of Postal Elections**

Position Statement The *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.  
May 2023 – 452.2/2023

State Council Resolution March 2019 – 06.3/2019  
December 2017 – 121.6/2017  
March 2012 – 24.2/2012

**WALGA has requested the following advocacy positions be considered by Councils:**

Advocacy Position	Choices
<p><b>1. Participation</b></p>	<p>(a) The sector continues to support voluntary voting at Local Government elections.</p> <p><b>OR</b></p> <p>(b) The sector supports compulsory voting at Local Governments elections.</p>
<p><b>2. Terms of Office</b></p>	<p>(a) The sector continues to support four-year terms with a two year spill;</p> <p><b>OR</b></p> <p>(b) The sector supports four-year terms on an all in/all out basis.</p>
<p><b>3. Voting methods</b></p>	<p>(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections</p>

Advocacy Position	Choices
	<p><b>OR</b></p> <p>(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.</p>
<p><b>4. Internal elections</b></p>	<p>(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.</p> <p><b>OR</b></p> <p>(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.</p>
<p><b>5. Voting accessibility</b></p>	<p>The sector supports the option to hold general elections through:</p> <p>(a) Electronic voting; and/or</p> <p>(b) Postal voting; and/or</p> <p>(c) In-Person voting.</p>
<p><b>6. Method of Election of President</b></p>	<p>The sector supports:</p> <p>(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the President (election by electors method), with regulations preventing a change in this method.</p> <p>(b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their President.</p> <p>(c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.</p>

WALGA’s Advocacy Positions for a New Local Government Act outlining the key issues from recent inquiries into Local Government (**Attachment 2**) makes recommendations.

Comments regarding the options provided for each advocacy position are below.

**1. Participation**

Option (a) would mean the status quo where it would be voluntary voting at Local Government elections. Voting numbers from the 2023 local government elections were approximately 1,569 people. Given that the population as per the 2021 bureau of statistics was 4,601, this means that approximately 34% of people in Toodyay voted in the local government elections.

Option (b) would mean that everyone eligible to vote would vote in the local government elections. The benefits of this may be that the dependence on having a local government electoral roll would no longer be required as the information on the WAEC website would be the same for all other electoral processes.

It is recommended that option (a) be favoured because the local government sector opposes compulsory voting in Local Government elections.

## 2. Terms of Office

Option (a) would mean the status quo, with terms being four years, and every two years there would be an election. This option is the preferred option that the WALGA Advocacy Positions paper supports.

Option (b) would bring the local government in to line with its state level counterparts. The benefits for a longer term would be that it would:

(a) allow for better policy making opportunities that would result in, from a planning, relationship and confidence in government perspective greater business and community confidence; and

(b) For ratepayers a four year cycle means less money being spent on elections. In Toodyay the amount spent on elections is below:

21 October 2017	<b>\$ 20,161.45</b>
15 June 2018	\$ 14,433.26 <i>extraordinary election</i>
19 October 2019	<b>\$ 23,499.19</b>
31 July 2020	\$ 22,000.00 <i>extraordinary election</i>
16 October 2021	<b>\$ 8,876.79</b>
21 October 2023	<b>\$ 31,818.18</b>

A key risk of a proposal for an all in/all out term is the loss of knowledge and the influence of a Council. This risk is assuming that there will be nobody on Council who was previously on Council because new people from the community would be elected to those positions.

It is recommended that option (a) be the chosen option as it supports the WALGA Advocacy position.

## 3. Voting methods

First past the post voting means the candidate who receives the most votes is elected.

Full preferential voting means candidates must poll an absolute majority of the total formal votes (in excess of 50% in order to be elected.)

Optional preferential voting means candidates must receive enough votes to equal a quota. A quota is the number of formal votes divided by the number of candidate positions to be elected plus one.

It is recommended that option (a) be the chosen option because as WALGA's report states: *In respect to voting methods, Local Governments over the past 40 years have experienced preferential voting, proportionate preferential voting and the current first past the post method. Due to its simplicity, and ease of understanding, the Local Government sector supports first past the post voting.*

## 4. Internal elections

It is recommended that option (a) be chosen as the method used should be the same as in 3 above. In addition as the cohort of candidates is vastly smaller and the candidates are generally known to each other. Also, FPTP may curb the impact of or opportunity for any factional voting.

## 5. Voting accessibility

It is recommended that option (a) (b) and (c) be the chosen option as general feedback from the community suggests that providing alternate means through which community members can vote, could increase the number of persons voting as it provides greater accessibility to voting methods. Also, it is likely that the ability to vote electronically would reduce the cost as paper in-person and postal voting are very costly and labour intensive.

## 6. Method of Election of President

It is recommended that option (c) is not supported as it does not provide the best outcome and can lead to a popularity contest instead of the best person. Options (a) and (b) do not impact the Shire of Toodyay.

## IMPLICATIONS TO CONSIDER

### Consultative:

WALGA

### Strategic:

#### Shire of Toodyay Council Plan 2023-2033

#### Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

### Policy related:

Nil

### Financial:

Nil

### Legal and Statutory:

*Local Government Act 1995*

### Risk related:

There is a risk from a reputational perspective in doing nothing however this report mitigates the risk.

### Workforce related:

Officers will advise WALGA of Councils decision.

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION 1**

That Council resolve to support the following WALGA advocacy position:

The Shire of Toodyay recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. Participation – Council Support Advocacy Position 1(a);
2. Terms of Office - Council Support Advocacy Position 2(a);
3. Voting Methods - Council Support Advocacy Position 3(a);
4. Internal Elections - Council Support Advocacy Position 4(a);
5. Voting accessibility - Council Support Advocacy Position 5 (a), (b) and (c); and
6. Method of Election of President - Council does not Support Advocacy Position 6(c)

**9.3.2 Community Funding**

Date of Report:	26 September 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG080
Author:	A Bowman – Chief Executive Officer
Responsible Officer:	A Bowman – Chief Executive Officer
Previously Before Council:	26 June 2024
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	Nil

**PURPOSE OF THE REPORT**

To consider funding applications received in the previous round of community funding whereby a decision has not yet been made.

**BACKGROUND**

The community funding round for the 2024/25 financial year was open for a four week period, between 4 March 2024 and 3 April 2024. 8 applications totalling \$36,607 were received.

No.	Applicant	Request	Funding
1	WA Bush Poets	Assistance to deliver annual festival (cash and in-kind)	\$ 1,540
2	Avon Valley Vintage Vehicle Association	Assistance to deliver community swap meet	\$ 3,000
3	Toodyay RSL	Canberra Scholarship	\$ 4,000
4	Butterly Cottages	Replacement of air-conditioners	\$10,000
5	Noongar Kaartdijin Aboriginal Corporation	Noongar Trail signage and finalisation	\$ 5,600
6	Morangup Progress Association	Community Hall Security upgrade	\$ 8,447
7	Arts Toodyay	Baby Art Exhibition	\$ 3,000
8	Toodyay Women’s Collective	“Getting to know you” pilot	\$ 1,020

In addition there are 3 funding agreements entering their third (and last) year, worth \$45,000.

Applicant	Status	Funding
Toodyay CRC	Third and final year	\$25,000

Applicant	Status	Funding
Toodyay Events Planning Inc	Third and final year	\$10,000
Toodyay Youth Care	Third and final year	\$10,000
<b>Total</b>		<b>\$45,000</b>

A panel of Officers assessed each application and provided a recommendation based on their assessment. This recommendation was included in a report to Council titled "Community Funding Budget Consideration" as part of 26 June 2024 Ordinary Council Meeting Agenda. Council subsequently resolved to defer the item for further consideration to a Council workshop to be held before 30 July 2024.

A workshop was held on 3 July 2024 at which further details were provided to Councillors on the community funding guidelines together with the community funding policy. Subsequent to this workshop Council adopted the 24/25 budget at the Ordinary Council Meeting held on 28 August 2024 which had included an amount for community funding.

### COMMENTS AND DETAILS

An enquiry from one community group during a meeting with the Chief Executive Officer on the 24 September 2024 raised a question about the progress of their application, resulted in being made aware that no further action had been taken on the community funding applications by the administration.

The Chief Executive Officer reviewed the community funding applications and an informal discussion was held with Councillors after the conclusion of the 25 September 2024 Ordinary Council Meeting.

On 1 October 2024 the following applicants were advised of the outcome of their applications

No.	Applicant	Request	Funding	Status
1	WA Bush Poets	Assistance to deliver annual festival (cash and in-kind)	\$ 1,540	Approved
3	Toodyay RSL	Canberra Scholarship	\$ 4,000	Not approved
5	Noongar Kaartdijin Aboriginal Corporation	Noongar Trail signage and finalisation	\$ 5,600	Approved
7	Arts Toodyay	Baby Art Exhibition	\$ 3,000	Approved
8	Toodyay Women's Collective	"Getting to know you" pilot	\$ 1,020	Not approved

The following three applicants have been brought to Council for a final determination.

No.	Applicant	Request	Funding
2	Avon Valley Vintage Vehicle Association	Assistance to deliver community swap meet	\$ 3,000
4	Butterly Cottages	Replacement of air-conditioners	\$10,000
6	Morangup Progress Association	Community Hall Security upgrade	\$ 8,447

### Butterly Cottages

The original request from Butterly Cottages was for \$10,000 (the maximum amount permitted under the large grant criteria) to supply and install 3 air conditioners.

Their application shows a \$3,000 amount of in-kind support being \$240 from the Butterly Committee for project planning, \$960 for volunteers for preparation works, tenant units and \$1,800 for clean-up of units (disposal of rubbish and other cleaning). The in-kind support appears to not be related to the project, and therefore the application does not demonstrate other funding streams.

The application should not be supported due to the following points:

- Benefit to the wider Toodyay community is not demonstrated;
- It is an ongoing operational cost; and
- Fails to demonstrate other sources of funding have been explored.

### Avon Valley Vintage Vehicles association of WA

The request is for \$3,000 to assist with the costs of a vintage swap meet at Toodyay Showgrounds on Sunday 16 March 2025.

Their application is an extremely worthy application meeting the intent of Council community funding and is seeking only a small portion of the total costs, however, has not been submitted by a group / organisation located in the Shire of Toodyay, which is a requirement for eligibility. The Avon Valley Vintage Vehicles Association members are made up of residents predominately from Northam, Toodyay and York.

The Shire of Toodyay policy does however state that “applications from individuals will be considered if the activity can demonstrate the benefit to the wider Toodyay community”. This is an example of the ambiguity of the policy. It should be noted that Council is not required to adhere to all parts of their policy, but when considering such should take into consideration all relevant information and have a valid reason for doing so.

The application clearly articulates that 60% of the gate fees will be donated to local community groups and charities, with the application showing this budgeted amount to be \$10,800. In addition, 10% of the gate entry fee (\$1,800) is proposed for a local community group to manage the entry gates. The application clearly shows benefits to residents and visitors of the Shire of Toodyay and supports promotion and development.

In further discussion with the event organisers, it has been suggested that three community organisations that would be worthy recipients would be the Toodyay RSL, Toodyay Locals Care and the Toodyay Staying in Place.

It is recommended that this application be supported.

### Morangup Progress Association Inc

The original request from the Morangup Progress Association Inc. was for \$8,447 for CCTV equipment and alarm monitoring for 3 years.

The application shows a \$570 in-kind support; being \$80 for design, \$240 for removing existing CCTV; and \$240 to install additional power points.

The application should not be supported due to the following points:

- It is a shire asset and the use of the community funding budget is not appropriate;
- It is an ongoing operational cost; and
- Fails to demonstrate other sources of funding have been explored.



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

Further details from one applicant  
Informal discussion with Councillors

**Strategic:*****Plan for the future, Shire of Toodyay Council Plan 2023-2033***

- Outcome 1 A safe and healthy community
- Outcome 2 An inclusive, connected community
- Outcome 7 A strong, diverse, and sustainable economy
- Outcome 8 Toodyay is a popular tourist destination

**Policy related:**

Community Funding Policy

**Financial:**

A commitment of \$3,000 expenditure is being recommended from the community funding budget. There are available funds for this expense in the budget.

**Legal and Statutory:**

All Council supported events will need to comply with and be assessed against any statutory policies and legislation.

**Risk related:**

The reputational risk is very high given the delay so far with the community funding program.

**Workforce related:**

Infrastructure and Assets assistance may be required to support some of the requests received to prepare sites for event use, these are managed within annual budgeting and resource allocation or under Ad-hoc funding.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council:

1. NOT support the application from Butterly Cottages for community funding;
2. Agree to vary the requirement of the Community funding policy requiring the organisation to be located in the Shire of Toodyay and SUPPORT the application from Avon Valley Vintage Vehicles Association of WA; and
3. NOT support the application from Morangup Progress Association Inc.

**9.3.3 Pelham Street - Reallocation of Funding**

Date of Report:	26 September 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	A Bowman – Chief Executive Officer
Responsible Officer:	A Bowman – Chief Executive Officer
Previously Before Council:	Nil
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	Nil

**PURPOSE OF THE REPORT**

To reallocate funding to address the Pelham Street verge/footpath (retaining wall).

**BACKGROUND**

The Shire undertook roads works several years ago, which resulted in the Pelham Street road level being modified.

The impact of this was the verge was modified in height, which resulting is a single skin brick boundary wall acting as a de facto retaining wall.

The wall was not suitable to act as a retaining wall, and the result being cracking of the wall, and large movement.

To rectify the issue trenching was undertaking immediately next to the wall, to immediate reduce the pressure on the wall, however the result being a dangerous situation that has not been rectified and is required to be.

**COMMENTS AND DETAILS**

The current condition of the Pelham Street verge / footpath is a significant risk and must be rectified immediately.

The photograph below shows the current situation.



The required action is to replace the single skin brick wall with a retaining wall, and then the backfilling of the trench to provide a safe and single level verge / footpath.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative:**

The impacted owners of the property  
LGIS – the Shire’s insurers

#### **Strategic:**

Shire of Toodyay Council Plan 2023-2033

Objective 9.2 Govern Shire finances, assets, and operations responsibly.

#### **Policy related:**

Procurement Policy

Legislative Compliance

#### **Financial:**

The estimated cost to undertake this work is \$10,000. The budget does not include an amount for this work. It is recommended that \$10,000 of the budgeted community sponsorships – donations paid be used to fund this expense.

#### **Legal and Statutory:**

*Local Government Act 1995 as amended.*

*Local Government (Financial Management) Regulations 1996*

#### **Risk related:**

There is a significant public liability risk currently due to the state of the verge.

**Workforce related:**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION 1**

That Council resolves to amend the 2024/2025 budget as follows:

1. Reduce GL 104.438.10 - Community Sponsorship - Donations Paid by \$10,000; and
2. Increase GL 121.336.10 - Streets, roads, bridges, depots – Contractors by \$10,000.

**9.3.4 Heritage Fees & Charges**

Date of Report:	8 October 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	A Bowman – Chief Executive Officer
Responsible Officer:	A Bowman – Chief Executive Officer
Previously Before Council:	Nil
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	Nil

**PURPOSE OF THE REPORT**

To amend the admission fees for entry to old Newcastle goal museum and Connors Mill schedule 11 fees and charges.

**BACKGROUND**

At the August 2025 Ordinary Council Meeting, council adopted its fees and charges.

<b>SCHEDULE 11 - HERITAGE</b>				
<b>Fee Description</b>	<b>Council/Statutory</b>	<b>GST</b>	<b>2023/2024</b>	<b>2024/2025</b>
<b>Hire of Connors Mill</b>				
Commercial and Private	(c)	***	41.50	42.90
Not-for-profit & Community Groups	(c)	***	23.50	24.30
Bond for Hire	(c)	Exempt	550.00	500.00
Students & Teachers of Toodyay District High School	(c)	Exempt	Free	Free
Pensioner Concession Card Holders	(c)	***	4.50	4.60
Toodyay Residents	(c)	Exempt	Free	Free
<b>Old Newcastle Goal Museum Facility Hire</b>				
Commercial and Private	(c)	***	41.50	42.90
Not-for-profit & Community Groups	(c)	***	23.50	24.30
Bond for Hire	(c)	Exempt	550.00	500.00

<b>SCHEDULE 11 - HERITAGE</b>				
<b>Fee Description</b>	<b>Council/Statutory</b>	<b>GST</b>	<b>2023/2024</b>	<b>2024/2025</b>
<b>Old Newcastle Gaol Museum Admission Fees</b>				
Per Person per venue	(c)	***	6.50	6.70
Family Pass (2 adults & 2 children)	(c)	***	16.00	16.50
Children sixteen and under	(c)	***	4.50	4.60
Students & Teachers of Toodyay District High School	(c)	Exempt	Free	Free
Pensioner Concession Card Holders	(c)	***	4.50	4.60
Toodyay Residents	(c)	Exempt	Free	Free
<b>Wicklow Shearing Shed Facility Hire</b>				
Commercial and Private	(c)	***	41.50	42.90
Not-for-profit & Community Groups	(c)	***	23.50	24.30
Bond for Hire	(c)	Exempt	550.00	500.00
<b>Visitor Centre Package</b>				
Admission per venue Connor's Mill & Museum (2 for 1)	(c)	***	6.50	6.70
<b>Heritage Consultant</b>				
Cost of Advice on applications	(c)	***	At cost	At cost

## COMMENTS AND DETAILS

Feedback from the volunteers of the Old Newcastle Goal Museum expressing serious concern and dissatisfaction with the adopted fees and charges. In particular the adopted admission fees make it cumbersome and difficult to manage, particularly when there may be large tour groups visiting the Museums.

The Chief Executive Officer has considered the feedback from the volunteers, acknowledging the concerns raised by the volunteers.

It is therefore recommended that the admission fees be amended and increased to whole \$ dollar amounts, and that they remain at that rate for the next three years subject to Council approval.

Further review of the adopted fees and charges raised other issues that also need to be addressed as follows:

- a) the fees for entry to Connors Mill for adults, children and family passes were not included in the adopted fees and charges;
- b) the fee inclusion of hire of Connors Mill is not required; and

- c) ambiguous fees (explanation) of the 2 for 1 package.

## IMPLICATIONS TO CONSIDER

### Consultative:

Shire of Toodyay Museum Volunteers

### Strategic:

Plan for the future: **Council Plan 2023-2033**

### Outcome 9. Responsible and effective leadership and governance.

9.2. Govern Shire finances, assets, and operations responsibly.

### Policy related:

Nil

### Financial:

There are no costs to publish to the website however there may be minimal advertising costs involved with arranging newspaper advertisement into the Toodyay Herald that will be met as part of the advertising budget.

### Legal and Statutory:

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

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

#### **6.16. Imposition of fees and charges**

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
  - (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.

\* Absolute Majority required

#### **6.19. Local government to give notice of fees and charges.**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

### Risk related:

The risks in amending fees and charges places insignificant (1) risk from a compliance and/or reputational standpoint. This report mitigates the risk.

**Workforce related:**

A Shire Officer will arrange advertising and update of the website.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION 1**

1. That Council by absolute majority in accordance with s6.16(3)(b) of the *Local Government Act 1995*, resolves to amend the following fees as follows.

Connors Mill admission fees

Adult	\$7.00
Children sixteen and under	\$5.00
Students and Teachers of Toodyay District High School	\$nil
Pensioner Concession card holders	\$5.00
Toodyay residents	\$nil
Family Pass (2 adults and 2 children)	\$17

Old Newcastle Gaol Museum admission fees

Adult	\$7.00
Children sixteen and under	\$5.00
Students and Teachers of Toodyay District High School	\$nil
Pensioner Concession card holders	\$5.00
Toodyay residents	\$nil
Family Pass (2 adults and 2 children)	\$17

Old Newcastle Gaol Museum Facility Hire

Commercial and Private	\$50
Not for profit and community groups	\$25
Bond for Hire	\$500

Wicklow Shearing Shed Facility Hire

Commercial and Private	\$50
Not for profit and community groups	\$25
Bond for Hire	\$500

Visitor Centre Package (entry to both Connors Mill and Old Newcastle Gaol Museum)

Adult	\$10.00
Children sixteen and under	\$7.50



Students and Teachers of Toodyay District High School	\$nil
Pensioner Concession card holders	\$7.50
Toodyay residents	\$nil
Family Pass (2 adults and 2 children)	\$25

2. That Council gives local public notice that the date in which the proposed fees will change is 1 January 2025.

**9.4 INFRASTRUCTURE AND ASSETS**

Nil.

**9.5 COMMITTEE REPORTS**

Nil.

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

Nil.

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

**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**

Ordinary Council Meeting	23 October 2024
Bush Fire Advisory Committee	6 November 2024
Heritage Advisory Committee	13 November 2024
Local Emergency Management Committee	13 November 2024
Agenda Briefing	20 November 2024
Ordinary Council Meeting	27 November 2024

**16 CLOSURE OF MEETING**