



Ordinary Council Meeting

28 August 2025

Commencing at 5:30 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.

Aaron Bowman JP

CHIEF EXECUTIVE OFFICER



Information

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 as notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to formal 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>



Information

Conduct of Members of the Public at Council Meetings

The *Shire of Toodyay Standing Orders Local Law 2008* prescribes the ways in which members of the public can contribute to a Council meeting. Members of the public attended Council meetings must comply with the Standing Orders Local Law. In particular, members of the public are reminded of sections 5.17 and 8.6 of the Standing Orders Local Law.

Section 5.17 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a Member.
- (2) A person addressing the Council or committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the Presiding Member.
- (3) A person present at a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Section 8.6 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Public Question Time

Procedures for Question Time for the public are governed by the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996*, and the *Shire of Toodyay Standing Orders Local Law 2008*. Regulation 6 specifies that minimum time for Question Time for the public is 15 minutes.

Procedures for Asking Questions

Regulation 7(1)(a) of the *Local Government (Admin) Regulations 1996* states the procedures for the asking of and responding to public questions are to be determined by the person presiding at the meeting. In accordance with the regulation and advice from the Department of Local Government, the Shire President of the Shire of Toodyay, has determined the following as a procedure for Public Question Time:

Procedure set by the Shire President pursuant to regulation 7(1)(a) of the *Local Government (Administration) Regulations 1996*

Members of the public who wish to ask a question at a Council Meeting **must complete** a [Public Question Registration Form](#) and submit it to the Chief Executive Officer by **12 noon on the day of the Council Meeting** via email: records@toodyay.wa.gov.au or in person at the Shire of Toodyay Administration Office, 15 Fiennes Street, Toodyay WA 6566.

Anyone that is incapable of submitting their questions in writing due to a physical or other

limitation is requested to contact the Shire of Toodyay as assistance is available.

A register will be kept of incoming questions and questions will be asked and responded to in order of receipt. The person presiding the meeting will manage public question time and ensure that each person wishing to ask their pre-submitted questions is given a fair and equal opportunity to do so.

The following general rules apply to question time:

- Questions relating to Council Business or to matters affecting Council will be

Information

considered at an Ordinary Council Meeting;

- At a Special Council Meeting only questions related to the purpose of the meeting will be considered.
- The first priority will be given to persons who are asking questions relating to items on the current meeting agenda.
- A person is required to state their name and to what item on the agenda their question refers to before they ask their question. Two questions are permitted to be asked at a time.
- Any preamble to provide context before a question is to be brief and relevant to the question itself and must directly support the question being asked.
- Questions should not include a statement or personal opinion.
- Questions may not be directed at specific Councillors or employees;
- Questions are not to be framed in such a way as to reflect adversely on a Councillor or Employee.
- No debate or discussion about the question or answer will take place at the meeting.
- Only pre-submitted questions will be allowed to be asked at the Council meeting.
- During the Council Meeting, no member of the public may interrupt the meeting's proceedings or enter into private conversations.
- Questions asked will be included in the minutes of the meeting however any pre-ambles to the questions asked will not be included.
- If questions cannot be answered at the meeting they will be 'taken on notice'. A written response will be provided, and the response will be recorded in the agenda of the next Ordinary Council Meeting.

Petitions

Petitions inform the Council, in a public way, of the views of a section of the community and

serve as a means of placing community concerns before Council.

Electors of the Shire of Toodyay may petition the Council to take some form of action over a particular issue.

A petition must be in the same format as the Shire's [petition template](#) and must be made by electors of the district and contain a summary of the reasons for the request.

Please note the following protocol for submissions of petitions. Petitions **MUST**:

- be addressed to the Shire President and Councillors;
- contain a concise statement of facts and the action sought on every page of the petition;
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed;
- state the name and address of the person who arranged the petition for correspondence to be delivered to. Correspondence is not sent to all the signatures on the petition.

Petitions should be presented to Council by a Councillor and a copy ought to be provided to the Administration prior to it being presented to the Council Meeting.

The Councillor presenting the petition is required to read the petition and if necessary, request that it be referred for an Officer's report.

Where a petition does not conform to the above, it will be treated as normal business correspondence.

Council Meetings

The Shire President presides at Council Meetings in accordance with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

The Chief Executive Officer and the Divisional Managers attend Council meetings to provide advice or any other information Councillors may seek but cannot vote or participate in debate.

Agendas are available for public inspection, at least 72 hours prior to the commencement of the meeting, from the Shire of Toodyay

Information

Administration Centre (between 8.30 am and 4.30 pm).

Disclosure of Interests

Councillors and Council Officers are required to disclose an interest when there may be a perception that there is a financial or proximity interest that could affect their impartiality.

Councillors must leave the meeting whilst the matter is discussed; however Council Officers are required to disclose their interest at the time of giving their advice to Council, whether in writing or verbally.

Confidential Items

Some reports or attachments to reports are not for publication or distribution to members of the public, gallery or Council Officers. Such reports are dealt with at a time when the meeting is closed to the public. The matters that can be considered when the public is excluded from a meeting is limited to Section 5.23 of the *Local Government Act 1995*.

Unconfirmed and Confirmed Minutes

A copy of the Unconfirmed Minutes of Council Meetings will be made available on the Shire's website within 14 days after the meeting is held pursuant to r.13 of the *Local Government (Admin) Regulations 1996*.

Council will confirm the minutes of a meeting at the next available Council Meeting.



Information



Public Question Time Registration

s.5.24 of the Local Government Act 1995

Members of the public who wish to ask a question at a Council Meeting must complete this form

Date of Council Meeting: _____

Name(s): _____

Postal Address: _____

Organisation (if applicable): _____

Phone: _____ Email: _____

I am a: ☐ Resident ☐ Ratepayer ☐ Non-Resident ☐ Non-Ratepayer

Privacy Statement – In accordance with privacy requirements, the Questioner's address will not be made public. The information collected will only be used for matters related to Public Question Time.

Please be advised that I intend to ask the following questions in the order as numbered:

(1) _____

_____ Agenda Item No: _____

(2) _____

_____ Agenda Item No: _____

(3) _____

_____ Agenda Item No: _____

(4) _____

_____ Agenda Item No: _____

(5) _____

_____ Agenda Item No: _____

If you require extra room, please attach an A4 page

Signature: _____

Date: _____



Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) 9574 9300
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Information



Disclosure of Interest Form

This form is provided for Councillors, Committee Members, Employees, or Contractors to use for the purpose of declaring an interest in a matter to be considered by Council or a Committee. It is to be completed and given to the CEO before the meeting takes place or at the meeting immediately before the matter is discussed.

This information will be read out by the Presiding Member at the Council or Committee Meeting in accordance with the Code of Conduct for Council Members, Committee Members and Candidates.

Meeting Date: _____ Meeting type: ☐ Council Meeting ☐ Committee Meeting
Report No: _____ Report Title: _____

Disclosure made by: ☐ Councillor ☐ Employee ☐ Contractor ☐ Committee Member

Your Full Name: _____

Type of Interest:

☐ Financial ☐ Proximity ☐ Impartiality
☐ Indirect Financial ☐ Closely Associated Persons

Nature of Interest: _____

Extent of Interest: _____

Signature: _____ Date: _____

CEO Sign off

Signature: _____ Date: _____
Chief Executive Officer

Applicable Legislation and Operational Guidelines:

[Local Government Act 1995 \(Sections 5.65, 5.66, 5.67, 5.70, 5.71, 5.71A, 5.71B, 5.73 and 5.88 \(2\) \(b\)\)](#)

[Local Government \(Administration\) Regulations 1996 \(Regulation 19AD\)](#)

[Local Government \(Model Code of Conduct\) Regulations 2021 \(Regulation 22\)](#)

[Local Government Operational Guideline \(Disclosures of Interest\)](#)

[Local Government Operational Guideline \(Disclosure of gifts and disclosure of interests relating to gifts\)](#)

OFFICE USE ONLY

☐ recorded in Minutes of Meeting ☐ recorded in Disclosure of Interests Register

Date: _____ Officer Signature: _____

Information



Request for Works or Services OR Report an issue

Details of Person making the request or reporting the issue

Name: _____ Date: _____

Address: _____
(Residential / Property Address including postcode)

Phone (H): _____ Email: _____

Are you a current resident or ratepayer? ☐ Yes - Resident ☐ Yes - Ratepayer ☐ No
☐ Other (specify) _____

Location

Description

RECORDS USE ONLY

RMS Record No.: _____ Assessment No.: _____
(if applicable)

Request forwarded to: _____ Date: _____

Works allocated to: ☐ Building ☐ Maintenance ☐ Reserve ☐ Parks and Gardens
☐ Technical Officer ☐ Other (specify) _____

Contact made with Person making the request or reporting the issue

Contacted by: _____ Date: _____
(Name of Officer, and Department)

Contact made through: ☐ Phone ☐ In person ☐ Email ☐ Outgoing correspondence

The person was informed that: _____

SIGN OFF DETAIL – Works completed by

Name: _____ Signature _____ Date: _____

RMS: ☐ No further action ☐ Comments added to record: _____; or
☐ IWR rescanned and attached: _____



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TOODYAY WA 6566

T (08) 9574 9300
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E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

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

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

Nil.

4.2 PUBLIC QUESTION TIME**5 APPROVED LEAVE OF ABSENCE****6 CONFIRMATION OF MINUTES****6.1 Ordinary Meeting of Council held on 24 July 2025****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 24 July 2025 be confirmed.

6.2 Special Meeting of Council held on 14 August 2025**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 14 August 2025 be confirmed.

7 PETITIONS / PRESENTATIONS**7.1 PETITIONS**

[A petition](#) is to be addressed to the Shire President and is to be presented by a Councillor.

7.2 PRESENTATIONS

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

8 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

10 OFFICER REPORTS**10.1 PLANNING AND REGULATORY SERVICES****10.1.1 Request to vary the Ancilliary Accommodation Policy LPP2 - 292 Folewood Road, Toodyay**

Date of Report:	30 July 2025
File Reference:	A2979/1665FOL
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	- Attachment 1 - Letter request to vary the LPP ↗ - Attachment 2 - Floor plan, 292 Folewood Road, Toodyay (confidential) Section 5.23(2) (e)(iii) a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person where the trade secret or information is held by, or is about, a person other than the local government (under separate cover) - Attachment 3 - Detailed site plan ↗

SUMMARY

Applicant: Bjorg Lynn
Owner: Bjorg Lynn
Proposal: Ancillary Dwelling
Location: 292 Folewood Road, Toodyay

PURPOSE OF THE REPORT

To request Council, to vary one of the deemed criteria within *Local Planning Policy 2 – Ancillary Accommodation* at 292 Folewood Road, Toodyay.

BACKGROUND

An application for an ancillary dwelling has been received at 292 Folewood Road and the owners have requested that the proposed ancillary dwelling be separated 65m from the main house.

Local Planning Policy 2 sets out the criteria that Council has determined to be acceptable for development within the Shire. In this case, what is being considered is an increase in the separation distance.



Location Plan showing the proposed ancillary dwelling in relation to the existing dwelling and the road. **Attachment 3**

COMMENTS AND DETAILS

Site Visit

A roadside site visit was undertaken 26 May 2025 to better understand the request for variation of the criteria, and to determine compliance with *Special Control Area 5 – Landscape Protection*, as the proposed development is within the policy area and adjacent to Folewood Road, which is identified as a road requiring high integrity of landscapes.

Site location

The proposed site sits in a high location and has substantial views. The proposal is in front of trees that partially screen the main dwelling. Moving the proposed ancillary dwelling away from the main access track would result in the location becoming progressively steeper, increasing development costs. There are few opportunities to view other neighbouring properties from the proposed location due to roadside trees, and the main trees adjacent to the main house. The main dwelling on the property is situated below the brow of the hill and is difficult to observe from Folewood Road. The proposed lot is large and impact to surrounding neighbours would be minimal.

The proposed site was chosen to separate the activities of the main dwelling's occupants and for the ancillary dwelling to operate independently. The chosen site is located on level ground and has been determined to be of a lower BAL rating. The proposed position is screened by an existing grove of trees from the main house and is about 90m from Folewood road which further reduces its visual appearance from passing traffic.

As per the requirements of the Ancillary Dwelling Local Planning Policy, the new site would contain water tanks and an independent septic system. A path back to the main house will be established, without any loss of trees.

View corridors and SCA5 criteria

Standing on the proposed site, the dwelling would not be able to be seen by the majority of passing traffic as there is adequate screening from the road from most directions. Along this portion of Folewood Road, the road engages a series of geometric curves that further reduces occasional observation of the proposed site. If a passerby were to directly look down the entrance driveway to the property the ancillary dwelling would be seen, however to the majority of passersby the ancillary dwelling would be effectively screened from view.

Tree removal

No trees are being proposed to be removed for the establishment of this ancillary dwelling.

Dwelling detail

The policy limits the size of an ancillary dwelling to a maximum of 70m² and limits the number of bedrooms, except when Council exercises discretion to vary this size. This proposed dwelling is 66m² and has two bedrooms and is compliant with the policy. Please refer to **Confidential Attachment 2** for more detail.

IMPLICATIONS TO CONSIDER

The applicants have sought to justify their request within correspondence received 30/7/2025 by email (**Attachment 1**) requesting the variation to the Local Planning Policy.

The location

Placement of the proposed ancillary dwelling in the identified location requires Council to vary the deemed requirements of that policy to enable Redipods to construct the ancillary dwelling at 292 Folewood Road, Toodyay for the owners.

The location chosen is deemed suitable and would not reduce the objectives of SCA5 with minimal opportunity for the public to observe the development. The proposed dwelling is small and partially screened in its surrounds and would not detract from the landscape.

Dwelling

The proposed dwelling meets all of Councils criteria stated in Local Planning Policy 2 – Ancillary Dwellings. Details of the proposed dwelling can be explored on **Confidential Attachment 2**.

Consultative:

No consultation has been deemed necessary as the proposal exceeds the shires required 50m boundary setbacks for Rural lots.

Strategic:

5.1. Provide responsible planning and development.

5.2. Enable access to affordable, sustainable, and diverse housing options.

Policy related:

Local Planning policy 2 – Ancillary Accommodation sets the acceptable development standards for this application. Council can vary these standards upon request where it is deemed that the application contains suitable grounds for variation or exceptional

circumstances to the policy. If this consent is granted, then performance criteria is used to determine the outcome of the application.

Special Control Area 5 – Landscape Protection sets the criteria for the assessment and protection of visual landscapes within the Shire. This scheme requirement places a stronger level of responsibility on a developer to maintain visual landscapes from key roads in the Shire.

Financial:

There is no additional financial cost to the Shire in processing this application, the applicant has paid a development fee for this service.

Risk related:

There is minimal risk to Council in exercising discretion in this regard.

Workforce related:

This application and its variances are covered within the normal operating procedures of the Planning Department.

VOTING REQUIREMENTS

Simple Majority

REVISED OFFICER'S RECOMMENDATION

That Council:

1. Supports the request for variation to Local Planning Policy 2 – Ancillary Accommodation in respect to the application for an ancillary dwelling at 292 Folewood Road, Toodyay;
2. Permits the ancillary dwelling to be located as per the plans at a greater separation distance than what is permitted under the policy.
3. That a development approval be issued accordingly

10.2 FINANCE AND CORPORATE SERVICES**10.2.1 Monthly Financial Statements - July 2025**

Date of Report:	12 August 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil.
Council's Role in the matter:	Legislative
Attachments:	1. Monthly Financial Statements. ⇒

PURPOSE OF THE REPORT

To present to Council the Monthly Financial Statements for July 2025.

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

That Council receives the Monthly Financial Statements for July 2025 (**Attachment 1**).

10.2.2 List of Payments - July 2025

Date of Report:	12 August 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Creditor Payments-Warrant Listing July 2025 ⇒

PURPOSE OF THE REPORT

To present to Council the list of payments for the months of July 2025.

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 July 2025 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

That Council receives the list of accounts as presented and listed below, for the month of July 2025:

Description	Amount \$
Municipal Cheques	\$4,805.79
Electronic Funds Transfer Payments	\$437,690.56
Payroll	\$385,279.00
Credit Cards	\$3,157.77
Other (Including Direct Debits)	\$161,939.41
Total	\$988,066.74

10.2.3 Monthly Financial Statements - June 2025

Date of Report:	14 August 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil.
Council's Role in the matter:	Legislative
Attachments:	1. June 2025 Monthly Financial Statements. ⇒

PURPOSE OF THE REPORT

To present to Council the Monthly Financial Statements for June 2025.

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

That Council receives the Monthly Financial Statements for June 2025 (**Attachment 1**).

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

Nil.

10.4 EXECUTIVE SERVICES**10.4.1 Community Depot Shed to Arts Toodyay Inc**

Date of Report:	5 August 2025
Applicant or Proponent:	Arts Toodyay Inc
File Reference:	LEG255
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	OCM140/07/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Correspondence from Arts Toodyay Inc. ↗

PURPOSE OF THE REPORT

To consider leasing a community depot shed to Arts Toodyay Inc for the purpose of storage of their equipment.

BACKGROUND

The Secretary of Arts Toodyay Inc wrote to the Shire of Toodyay on 31 July 2025 (**Attachment 1**) expressing interest in the availability of a Community Depot Shed currently under the care and control of the Shire.

This shed has been unoccupied for a period of time since the termination of a Roadwise Committee lease. with some old items recently relocated in there, for a short-term basis from when the West rail freight building was cleaned and will need to be removed once it is known who the relevant owners / custodians are.

COMMENTS AND DETAILS

Arts Toodyay Inc is currently expanding its delivery of exhibitions, workshops and community events, and have built up a collection of equipment that are currently dispersed across multiple private sheds, shire facilities and homes, which is proving to be unsustainable and limits their ability to deliver events efficiently.

Council resolved at the July 2025 Council Meeting, when considering leasing a portion of the Old Works Depot (Reserve 33931) to Toodyay Garden Inc., the following:

5. *The building known as the community bus shed be cleared of Shire property by the Shire staff and permit the Toodyay Community Garden Club use of the shed for a period of 12 months to help facilitate materials to establish the community garden.*

The proposed lease is currently being advertised which includes the “community bus shed”.

Depending on the outcome of the advertising, any submissions and further council resolution, if the “community bus shed” is provided to the Toodyay Garden Inc for 12 months, the events equipment that is available to be used by Community groups will need to be relocated, which will require the use of a community depot shed.

Council has three options

- OPTION 1) Make no decision regarding the request from Arts Toodyay Inc for the use of a Community Depot Shed until after any submissions have been received on the Community Garden Inc proposed lease, and Council then makes a determination if required.
- OPTION 2) Agree to lease the community Depot Shed in principle and advertise the disposition, and consider any comments received together with any comments received for the Community Garden Inc
- OPTION 3) Decline the request from Art Toodyay Inc for the use of community depot shed.

Option 2 is the suggested option to streamline the process.

IMPLICATIONS TO CONSIDER

Consultative:

Staff consulted with Arts Toodyay Inc.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 2: An Inclusive, Connected Community

Objective 2.6 Grow community capacity by attracting and supporting volunteers

Policy related:

Disposal of Property Policy

Financial:

The property and preparing the lease document.

A key lease condition would require Arts Toodyay Inc to be responsible for the ongoing maintenance of the building any necessary upgrades, and all outgoings. This arrangement would reduce the current costs incurred by the Shire in relation to the building.

Legal and Statutory:

This proposed disposition is excluded from the application of Section 3.58 of the *Local Government Act 1995*, as Arts Toodyay Inc is a not-for-profit organisation, pursuant to regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*,

However, it is recommended that public notice of the proposed disposition be given, inviting community submissions in accordance with the principles of transparency and good governance.

Under Section 3.58 of the *Local Government Act 1995*, “dispose” includes to sell, lease or otherwise dispose of property, and requires that:

- Public notice be given describing the property and the proposed disposition;

- Details of the proposed lease be included;
- Submissions be invited by a specific date, being no less than two weeks for the date of notice is first published;
- Council considers any submissions received before making a full decision; and
- If Council resolves to proceed, the decision and reasons be records in the minutes of the meeting at which the resolution is passed.

Risk related:

The risk in delaying the decision is low. This report mitigates the risk.

Workforce related:

A Shire Officer will prepare the lease.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Agrees to lease in principle a community depot shed to the Arts Toodyay Inc;
2. Gives local public notice of the proposed disposition of a community depot shed to for a term of 5 years at a rent of \$300 per annum plus CPI. Public submissions on the proposed disposition are to be invited for a period of not less than two weeks;
3. Notes that if any public submissions are received, a report be brought to Council for consideration; and
4. Notes that until a final decision has been made with the "Community Bus Shed" no further actions can be taken.

10.4.2 Adoption of Bush Fire Brigades Local Law 2025

Date of Report:	11 August 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW1
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	OCM083/04/25 – Adoption for advertising 2025 Local Law
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Bush Fire Brigades Local Law 2025. ↗ 2. Submissions to the 2024 Local Law; ↗

PURPOSE OF THE REPORT

To seek Council's approval to adopt the Shire of Toodyay *Bush Fire Brigades Local Law 2025* following the completion of the statutory public consultation period and consider submissions made in regard to the *Bush Fire Brigades Local Law 2025* and make the local law, as proposed (**Attachment 1**).

BACKGROUND

Local laws can only be made when authorised by the *Local Government Act 1995* (the Act) or other written laws but cannot be inconsistent with any State or Federal law.

The proposed Bush Fire Brigades Local Law 2025 was advertised in *The West Australian* on Saturday, 10 May 2025, in accordance with section 3.12(3) of the Local Government Act 1995. The law is intended to repeal outdated by-laws from 1946 and 1970, and to provide a contemporary framework for the establishment, organisation, and management of bush fire brigades within the Shire.

Council resolved at their April 2025 Council Meeting to adopt the Shire of Toodyay Bush Fire Brigades Local Law 2025. Part of the resolution and the process of adopting a local law was to send to the Minister a copy of (a) the proposed local law and a copy of the public notice. Submissions were received (**Attachment 2**).

COMMENTS AND DETAILS

Section 3.12 of the Act states that the next step in the process is Council need to consider the submissions before making the local law as proposed or not being significantly different from what was proposed.

The first submission is from the Minister of Local Government and the party to which she refers (the Department) have not provided any input or advice regarding the local law.

The second submission offers no further advice in regard to the new local law proposed.

Pursuant to section 3.12 of the *Local Government Act 1995* (the Act) the Shire of Toodyay, in making a local law, must follow the procedure described, in the sequence in which it is described.

It is recommended that Council resolve its intent to adopt and make the Bush Fire Brigades Local Law 2025.

Once this occurs the local law will be gazetted.

Section 3.12 (2) states:

"At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner."

It is recommended that the Presiding Person read out the following:

Bush Fire Brigades Local Law

1. Pursuant to section 3.12 of the *Local Government Act 1995* and Section 62 of the *Bush Fires Act 1954*, the Shire of Toodyay resolves its intent to adopt the *Shire of Toodyay Bush Fire Brigades Local Law 2025*:
 - (a) The **purpose** of which is to provide for the establishment, organisation and maintenance, administration and funding of bush fire brigades.
 - (b) The **effect** of which will repeal the previous local laws and ensure that bush fire brigades will be organised and managed to comply with this local law.
 - (c) The **justification** of which is that it will provide rules to a bush fire brigade governing the operation of a bush fire brigade pursuant to the *Bush Fires Act 1954* and the provisions of its subsidiary legislation.

IMPLICATIONS TO CONSIDER

Consultative:

National Competition Policy: Local Laws Review Guidelines

WALGA

Strategic:

Shire of Toodyay Council Plan 2023-2033

The Shire regulates compliance with legislation, regulations, local laws and policies.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Bush Fire Operational Procedures

Financial:

This proposal will require gazettal in the Government Gazette.

The cost for publishing in the General Gazette relates to the size/length of the notice – a ballpark figure is one A4 page costs \$293 (noting that formatting procedures tend to squash and shrink these notices). Two General Gazettes are published per week on Tuesdays and Fridays.

If the Shire's notice is larger than 13 pages it will be published in its own *Special Gazette*. If this is the case, extra time will be required to create a draft proof of this Special Gazette (at least 3-4 working days). Shire Officers will then receive this draft proof for checking and a quote for cost. Once the proof has been checked for accuracy and payment has occurred, the local law moves forward with publication (Special Gazettes can be published on any working weekday).

Legal and Statutory:

Section 3.12 Procedure for making local laws of the *Local Government Act 1995*

Section 62. Local government may make local laws of the *Bush Fires Act 1954*.

Risk related:

If Council chooses to delay the making of this amended local law there would be moderate reputational and compliance risks. This report mitigates the risk.

Workforce related:

Shire Officers will implement Council's decision.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Adopts the Bush Fire Brigades Local Law 2025 (**Attachment 1**) as advertised, noting that:
 - (a) The statutory advertising period has concluded.
 - (b) No substantial objections were received.
2. Authorises the local law to be published in the Government Gazette;
3. Provides a copy of the gazetted law to the Minister for Local Government;
4. Publishes the adopted law on the Shire's website and in a local newspaper;
5. Notes that the law will come into operation 14 days after gazettal.

10.4.3 Toodyay Colocated Emergency Facility

Date of Report:	13 August 2025
Applicant or Proponent:	ACORPP on behalf of DFES
File Reference:	LEG182
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	OCM140/07/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Correspondence from ACORPP. (confidential) Section 5.23(2) (e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government (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. (under separate cover)

PURPOSE OF THE REPORT

To seek Council approval for the formal transfer of ownership of the land and buildings located at the Toodyay Emergency Colocation Centre, Stirling Terrace, to the Department of Fire and Emergency Services (DFES).

BACKGROUND

At an Ordinary Council Meeting held on 28 August 2024 Council resolved the following:

That Council approves the Shire President and CEO entering into an exclusive licence, for the term of 20 years as attached (confidential Attachment 1) relating to the Toodyay Emergency Services Centre, located at Lot 239 on Deposited Plan 213259 being the whole of the land comprised in Certificate of Title Volume 1952 Folio 980 known as 67 Stirling Terrace Toodyay

There has been a delay with the exclusive licence as the interpretation of some conditions were clearly at odds by both parties. A further review and discussion between both parties was undertaken, with most issues resolved except one, being capital costs.

The draft exclusive license had the Shire of Toodyay responsible for all capital costs associated with the building and structure. This condition is at odds with the previous agreement.

The Toodyay Emergency Colocation Centre was developed as a shared facility to enhance emergency response coordination in the region. The facility currently houses Toodyay Central Brigade (emergency services) including DFES and has been operating under a collaborative arrangement between the Shire of Toodyay and DFES.

COMMENTS AND DETAILS

DFES have now proposed that the ownership of the land and associated buildings be formally transferred to DFES to streamline management, maintenance, and operational responsibilities.

The DFES proposal will be that Council endorses the formal transfer of the land and buildings at the Toodyay Emergency Colocation Centre to DFES, subject to the following conditions:

1. All legal and administrative processes are completed in accordance with s.3.58 of the *Local Government Act 1995* and relevant land transfer legislation.
2. DFES assumes full responsibility for all capital maintenance, ongoing maintenance, insurance, and management and/or operational costs associated with the emergency facility post-transfer.
3. A caveat in favour of the Shire stipulating on the title that if the site is no longer used for the local emergency services purpose, then the land and buildings must be transferred back to the possession of the Shire for the sum of \$1.00 plus GST, plus the reimbursement of capital costs.
4. A formal agreement is executed to ensure continued access for other emergency services as required.

Officers are in support of this proposal with one change, that being to remove the words “plus the reimbursement of capital costs” from the above condition 3.

It is unknown whether DFES will accept changes to the condition.

The condition as currently written would require any future decision made by DFES to expand or upgrade the facility, to be reimbursed by the shire at some later point in time if the site was no longer used for local emergency services. The amount the shire could be exposed to, is unknown and there is potentially no limit. In addition what may be considered capital costs could be considered / treated differently between the two parties.

Correspondence received from ACORPP who are representing DFES (**Confidential Attachment 1**) contains the options put forward to the Shire by DFES. Officers recommend the second option which is why it is recommended that Council approves the formal transfer.

IMPLICATIONS TO CONSIDER

Consultative:

Staff consulted with ACORRP.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 2: An Inclusive, Connected Community

Objective 2.6 Grow community capacity by attracting and supporting volunteers

This transfer aligns with the Shire's strategic objectives to:

- *Support regional emergency preparedness and response.*

- *Ensure sustainable management of community assets.*
- *Foster strong partnerships with state agencies.*

Policy related:

Disposal of Property Policy

Financial:

The transfer is not expected to incur significant costs to the Shire, aside from standard legal and administrative fees. The long-term financial benefit includes the reduction of ongoing maintenance and operational obligations.

This arrangement would reduce the current costs incurred by the Shire in relation to the building such as insurance and maintenance.

If the Shire agreed to the third condition it would be committing itself to an unknown expense.

Legal and Statutory:

Section 3.58 of the *Local Government Act 1995* **does not apply** if the property is disposed of to:

- The Crown in right of the State or Commonwealth
- A department, agency, or instrumentality of the State or Commonwealth
- Another local government
- A regional local government

With the recipient being the Department of Fire and Emergency Services which is a State government body the disposal is exempt.

Risk related:

The risk in delaying the decision is moderate due to the length of time this matter has taken. This report mitigates the risk.

Workforce related:

A Shire Officer will prepare the subdivision paperwork, the caveat, and the advertisement.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. approves the formal transfer of the land and buildings at the Toodyay Emergency Colocation Centre, Stirling Terrace, to the Department of Fire and Emergency Services (DFES) subject to the removal of the words "*plus the reimbursement of capital costs*" from the third condition.
2. authorises the Chief Executive Officer to, on behalf of Council, arrange for a caveat in favour of the Shire stipulating on the title that if the site is no longer used for brigade and local emergency services purposes, then the land and buildings must be transferred back to the possession of the Shire for the sum of \$1.00 plus GST.

3. authorises the Chief Executive Officer to, on behalf of Council, execute all necessary documentation to give effect to the transfer and ensure continued access for other emergency services as required.
4. Notes that DFES will assume full responsibility for the facility upon completion of the transfer which would include all capital maintenance, ongoing maintenance, insurance, and management and/or operational costs associated with the emergency facility.

10.4.4 Lease Proposal: Former Old Barracks to Marsupials Mammals and Pappas Inc.

Date of Report:	21 August 2025
Applicant or Proponent:	Marsupials Mammals and Pappas Inc
File Reference:	EOI20
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	July 2025 Council Meeting
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Expression of Interest Marsupial Mammals and Pappas Inc ⇒ 2. Advertisement of the proposed Disposal; ⇒ 3. Submissions received. ⇒

PURPOSE OF THE REPORT

That Council consider submissions in regard to leasing part of the old railway barracks building to Marsupials Mammals and Pappas Inc. for the purpose of conserving and rehabilitating native wildlife.

BACKGROUND

The Chairperson of Marsupials Mammals and Pappas Inc. wrote to the Shire of Toodyay on 7 June 2025 (**Attachment 1**), expressing interest in the availability of a portion of the old railway barracks building, which is under the care and control of the Shire.

At the July 2025 Council Meeting, Council resolved as follows:

That Council:

1. *Agree to lease a portion of the former Westrail Toodyay Freight Station to Marsupials Mammals and Pappas Inc.*
2. *Give local public notice of the proposed disposition of a portion of the former Westrail Toodyay Freight Station, by way of lease to Marsupials Mammals and Pappas Inc., for a term of five (5) years with a five (5) year option, at a peppercorn rent of \$300 per annum (plus CPI). Public submissions on the proposed disposition are to be invited for a period of not less than two weeks.*
3. *If any public comments are received, a further report be brought to Council for consideration*
4. *If no public comments are received, the CEO be authorised to finalise and execute the disposition.*

COMMENTS AND DETAILS

As was reported at the July 2025 Council Meeting, Marsupials Mammias and Pappas Inc. currently operate from a private residence and are seeking a central headquarters from which to run their operations.

Their proposal was outlined in their letter (**Attachment 1**).

An advertisement was published on Wednesday 30 July 2025 (**Attachment 2**). The closing date for submissions was Friday 22 August 2025 at 4pm.

Two submissions were received, both of which were in favour of the disposal by way of a 5-year lease with 5-year option (**Attachment 3**).

It is recommended that Council receive these submissions.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:

Grow community capacity by attracting and supporting volunteers.

Policy related:

Disposal of Property.

Financial:

There may be costs associated of approximately \$2,000 with regard to preparation of lease documentation. Councillors are reminded that a key lease condition would require Marsupials Mammias and Pappas Inc. to be responsible for the ongoing maintenance of the building, any necessary upgrades, and all outgoings. This arrangement would reduce the current costs incurred by the Shire in relation to the building.

Legal and Statutory:

In accordance with Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, this proposed disposition is excluded from the application of Section 3.58 of the *Local Government Act 1995*, as Marsupials Mammias and Pappas Inc. is a not-for-profit organisation.

Under Section 3.58 of the *Local Government Act 1995*, “dispose” includes to sell, lease, or otherwise dispose of property, and requires that:

- Council considers any submissions received before making a final decision;
- If Council resolves to proceed, the decision and reasons be recorded in the minutes of the meeting at which the resolution is passed.

Risk related:

Nil.

Workforce related:

Officers may outsource the lease preparation and will liaise with whomever will be preparing the lease.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. notes the submissions in regard to leasing a portion of the old railway barracks building to Marsupials Mammals and Pappas Inc.
2. authorises the CEO to finalise and execute lease documents relating to the proposed disposition of a portion of the old railway barracks building, to Marsupials Mammals and Pappas Inc. for a term of five (5) years with a five (5) year option, at a peppercorn rent of \$300 per annum (plus CPI).

10.4.5 Submission regarding Building Purchase by Toodyay & Districts CFSL

Date of Report:	21 August 2025
Applicant or Proponent:	Toodyay and Districts Community Financial Services
File Reference:	LEG007
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	24 July 2024 Ordinary Council Meeting 18 December 2024 Ordinary Council Meeting July 2025 Ordinary Council Meeting
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	- Letter of Offer Bendigo Bank (confidential) Section 5.23(2) <i>(e)(iii)a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person where the trade secret or information is held by, or is about, a person other than the local government (under separate cover)</i> - Advert of the Proposed sale; ➡ - Submission received. ➡

PURPOSE OF THE REPORT

That Council consider submissions in regard to the proposed sale of the Bendigo Bank Building to Toodyay and Districts Community Financial Services Limited.

BACKGROUND

On 4 July 2025, an offer was received from Toodyay & Districts Community Financial Services Limited (**Confidential Attachment 1**).

At the Council Meeting held in July 2025 Council resolved to:

That Council

- 1. Resolves that the valuation provided is a true indication of the current market value of the property;*
- 2. Accepts the highest offer received from Toodyay & Districts Community Financial Services Limited for the purchase of Lot 108 Stirling Terrace, Toodyay;*
- 3. Authorises the CEO to give local public notice of the proposed disposition and to invite public submissions for a period of not less than two weeks;*

4. *Notes that if any public submissions are received, a further report will be presented to Council for consideration;*
5. *Authorises the CEO to finalise and execute the disposition if no public submissions are received.*

COMMENTS AND DETAILS

As was reported at the July 2025 Council Meeting, Bendigo Bank provides a vital banking service to the Toodyay community and also delivers an essential Department of Transport licensing service.

An advertisement was published on Wednesday 30 July 2025 (**Attachment 2**). The closing date for submissions was Friday 22 August 2025 at 4pm.

One submission was received which was in favour of the disposal by way of a sale to Toodyay & Districts Community Financial Services Limited (**Attachment 3**).

It is recommended that Council receive this submission.

IMPLICATIONS TO CONSIDER

Consultative:

Toodyay & Districts Community Financial Services Limited regarding the proposed property purchase.

Strategic:

Plan for the Future: Council Plan 2023-2033.

Outcome 9 Responsible and Effective Leadership and Governance.

9.1 provide strong, clear and accountable leadership.

Policy related:

Disposal of Property.

Financial:

The sale of the property would generate funds that could be allocated to an appropriate Shire reserve for future use.

Legal and Statutory:

Section 3.58 of the *Local Government Act 1995* outlines the process a local government must follow when disposing of property, which includes selling, leasing, or otherwise disposing of any part of its interest in property (excluding money).

- Any submissions received before the closing date must be considered by the local government. If the decision is made by Council or a committee, both the decision and the reasons must be recorded in the minutes of the meeting at which the decision was made.

Risk related:

Councillors are reminded that Local governments are responsible for ensuring the provision of services to the community.

The primary risk associated with disposing of the building is the possibility that it could, in the future, be on-sold and no longer used as a bank. Given that this is the only banking

service available in Toodyay, this presents a major concern (Risk Rating: 4) and therefore represents a high risk (Risk Score: 16).

However, this risk is mitigated by the fact that Toodyay & Districts Community Financial Services Limited appears committed to maintaining banking services through the purchase of the building, particularly as they have already made significant investments in the property.

Workforce related:

The outcomes of this report can be managed within existing resources.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. notes the public submission received in regard to the sale to Toodyay & Districts Community Financial Services Limited for the purchase of Lot 108 Stirling Terrace, Toodyay.
2. **authorises** the CEO to finalise and execute the disposition documentation in regard to the sale of Lot 108 Stirling Terrace, Toodyay.

10.5 INFRASTRUCTURE, ASSETS AND SERVICES**10.5.1 Adoption of Amended Dog Local Law 2025**

Date of Report:	16 June 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW1
Author:	M Rebane – Governance Coordinator
Responsible Officer:	V Crispe – Executive Manager Infrastructure, Assets and Services
Previously Before Council:	November 2023
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Dog Local Law; ⇒ 2. Revised (Track Changes) Dog Local Law; ⇒ 3. Advert for Dog Local Law 2025. ⇒

PURPOSE OF THE REPORT

To consider the adoption of the amended Dog Local Law 2025 (refer to **Attachment 2**).

BACKGROUND

Local laws can only be made when authorised by the *Local Government Act 1995* (the Act) or other written laws but cannot be inconsistent with any State or Federal law.

At the November 2023 Ordinary Council Meeting Council resolved that *pursuant to section 3.16(4) of the Act, its intent to workshop and amend the Dogs Local Law*.

A workshop was held on 12 February 2024 with Councillors was held to go through the amended Dog Local Law 2024. All Councillors were in attendance.

The revised local law went to Council on 27 March 2024 however was deferred pending further review (Council Resolution No. OCM098/03/24).

COMMENTS AND DETAILS

In May 2025, Officers revised the current Dog local law (2000) and made it the *Dog Local Law 2025*. Key changes between the current local law and the amended Dog Local Law 2025 are detailed below.

New Additions in the 2025 Law

- Adoption of Surrendered Dogs:**

Introduces provisions for adopting surrendered dogs.

- Adoption may be limited to urban settings or nearby districts at the discretion of an Authorised Officer.

- Adoption costs are included in the Shire's Schedule of Fees and Charges.
- **Dangerous Dogs – GPS Tracking:**
Owners of declared dangerous dogs must:
 - Purchase and maintain a GPS collar.
 - Ensure the dog wears it at all times.
 - Provide GPS data to the Shire upon request.
- **Transfer of Kennel Licence:**
Allows for the transfer of a kennel licence with written consent and supporting documentation and introduces a fee for licence transfer.
- **Objections and Appeals:**
Explicitly references rights under the Local Government Act 1995 to object or appeal decisions regarding licences.

Modified or Expanded Provisions

- **Definitions:**
Expanded to include new terms like “dog management facility”, “local planning scheme”, “transferee”, and updated references to the *Dog Regulations 2013*.
- **Kennel Establishment Requirements:**
More detailed construction and hygiene standards for kennels and yards.
 - Clarifies fencing distances and materials.
 - Adds specific floor construction standards (e.g., slip resistance, impervious surfaces).
 - Introduces a height formula for kennel ceilings based on dog size.
- **Dog Exercise Areas:**
Replaces Reserve 27015 with Lot R48170 Drummond Street, Toodyay as a designated dog exercise area.
- **Prohibited Areas:**
Now includes all beaches, reserves, and freehold land in addition to specific locations.
- **Fees and Charges:**
Now explicitly referred to as “set fees” and linked to the *Local Government Act 1995* provisions.

Enforcement and Penalties

- **Updated Penalty Schedule:**
Increased fines for several offences (e.g., excreting in public: from \$40 to \$100).
Introduces new penalties for:
 - Failure to comply with conditions for keeping additional dogs.
 - Transfer-related offences.
 - Clarifies penalties for dangerous dogs in a separate column.

- **Infringement Notices:**

Now aligned with Forms 2 and 3 of the *Local Government (Functions and General) Regulations 1996*.

Track changes have been made in the revised local law (**Attachment 2**) and it is important to view this document electronically so that it is clear what wording has been amended and added within the revised local law.

This local law is ready to be presented to the community for public feedback.

It is recommended that Council resolve its intent to adopt the Dog Local Law.

Section 3.12 (2) states:

"At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner."

It is recommended that the Shire President read out the entirety of the Officer Recommendation as a means of meeting this provision.

IMPLICATIONS TO CONSIDER

Consultative:

National Competition Policy: Local Laws Review Guidelines

WALGA

Strategic:

The Shire regulates compliance with legislation, regulations, local laws and policies.

Outcome 5. High quality town planning complements our rural ambience and heritage.

5.1. Provide responsible planning and development.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Dogs Policy

Financial:

This proposal will require local notice/advertisement to the value of approximately \$555.00.

General Function:

Not applicable.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*.

Risk related:

If Council chooses to delay the making of this amended local law there would be moderate reputational and compliance risks. This report mitigates the risk.

Workforce related:

Shire Officers will implement Council's decision.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to the provisions of section 3.12(3) of the *Local Government Act 1995* and section 51 of the *Dog Act 1976*:

1. resolves its intent to adopt the *Shire of Toodyay Dog Local Law 2025*:
 - (a) The **purpose** of which is to regulate the keeping, control and management of dogs within the district to ensure public safety, amenity and responsible pet ownership.
 - (b) The **effect** of which will repeal the previous local law, and provide clear legal requirements for dog owners, including provisions for dog confinement, kennel licensing, dangerous dog management and designated exercise and prohibited areas.
 - (a) The **justification** for the local law lies in its alignment with updated legislative standards, community expectations, and the need to address emerging issues such as GPS tracking for dangerous dogs and the structured adoption of surrendered animals, thereby enhancing the Shire's capacity to manage dogs effectively and humanely.
2. Requests the CEO to advertise a local public notice (**Attachment 3**);
3. Requests the CEO to send to the Minister a copy of:
 - (a) The proposed local law – Refer to **Attachment 2**; and
 - (b) A copy of the public Notice – Refer to **Attachment 3**.
4. Requests the CEO to provide a copy of the proposed local law, in accordance with the notice to any person requesting it.

10.5.2 Bush Fire Control Officers Recommendations

Date of Report:	24 July 2025
Applicant or Proponent:	R Koch
File Reference:	FIR1
Author:	R Koch – Community Emergency Services Manager
Responsible Officer:	V Crispe – Executive Manager Infrastructure, Assets and Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	07 August 2025 BFAC Confidential Attachment (confidential) Section 5.23(2) (a) a matter affecting an employee or employees (b) the personal affairs of any person (under separate cover)

PURPOSE OF THE REPORT

To consider the nominations for the roles of Bush Fire Control Officers and make recommendations to Council for Bush Fire Control Officers and appointment of Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer(s) pursuant to Section 38(1) of the *Bushfires Act 1954*.

BACKGROUND

As per items 11.4 and 11.5, the Shire of Toodyay Bush Fire Operating Procedures requires that nomination, recommendation and resolution to appoint Bush Fire Control Officers is conducted annually.

As per item 11.5.1 (a-f), the Shire of Toodyay compiled a report on Bush Fire Control Officer nominations received and circulated to the Bushfire Advisory Committee (BFAC) via email on 17 July 2025, for consideration and review for the purpose. This report is attached as **Confidential Attachment 1**.

COMMENTS AND DETAILS

A report outlining the candidates can be reviewed in **Confidential Attachment 1**.

IMPLICATIONS TO CONSIDER**Consultative:**

The recommendations in this report have been compiled in line with the recommendations made by the BFAC at the meeting held on 07 August 2025.

A confidential attachment, (**Confidential Attachment 1**) was provided to the BFAC membership fourteen days prior to the 07 August 2025 BFAC meeting for consideration. This included candidates, levels of training and levels of activity with respect to turnouts to bush fire incidents.

Strategic:

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

Outcome 2: An inclusive and connected community.

O2.6: Grow community capacity by attracting and supporting volunteers

Outcome 4: Climate resilience.

O4.3: Improve the ability to prepare for, respond to, and recover from the impacts of hazardous climatic events and other emergencies.

Policy related:

Section 11.3 of the *Shire of Toodyay Bush Fire Operating Procedures* outlines the role, duties, responsibilities and qualifications of a Bush Fire Control Officer.

Financial:

There are no financial implications with respect to the recommendation contained in this report.

Legal and Statutory:

Local Governments appoint Bushfire Control Officers under Sections 38 and 38A of the *Bushfires Act 1954* and the duties of Bush Fire Control Officers are set out in the legislation. The Shire must appoint, at a minimum, a Chief and Deputy Chief Bush Fire Control Officer.

Risk related:

Fire Control Officers (FCOs) are provided powers under Section 39 of the *Bush Fires Act 1954*. While the appointment of FCOs aim to reduce risk to the community by providing leadership in control of bush fire incidents, having an untrained or under-skilled FCOs increases the potential exposure to the following risks:

Risk 1: *Reputational* – 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 appointment of FCOs. Rated: Medium

Risk 2: *Social/Economic/Environmental Risk* – There is the potential for social, economic and environmental impact of incidents, where life or property or other significant asset is lost due to unacceptable levels of training/skill or oversight in the appointment of FCOs. Rated: High

In response to this risk, Council adopted the *Shire of Toodyay Bush Fire Operating Procedures* as Council's Interim Policy on 24 June 2014 (with most recent amendments adopted 28 June 2023) which sets out the qualities and qualifications of an FCO.

Workforce related:

Shire Staff FCOs – The Shire also requires a number of staff members to be appointed FCOs to perform the function of their employment. As these appointments relate to the management of Shire staff, delegation to the CEO exists under the Shire's Delegation Register (Item ES8) in relation to Section 38 of the *Bush Fires Act 1954*.

Historically this includes the individuals holding the following positions:

1. Community Emergency Services Manager (CESM)
2. Emergency Management Officer (EMO)
3. Ranger 1
4. Ranger 2

The Shire of Toodyay has a Memorandum of Understanding (MOU) with the Department of Fire and Emergency Services (DFES) that the person employed in the CESM role will be appointed an FCO for the Shire of Toodyay. This extends to any staff member who is appointed to act in the role when the incumbent is on a period of leave.

The committee elected to recommend appointment of Robert Koch (CESM) as Deputy Chief Bush Fire Control Officer 2. The designation of this rank does not constitute any extra work in comparison to the Bush Fire Control Officer requirement for the role.

VOTING REQUIREMENTS

Simple Majority

BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION

That Council appoints Bush Fire Control Officers as follows:

Appointment of (to Position)

- | | |
|-----------------------|--|
| 1. Craig Stewart | (Chief Bush Fire Control Officer) |
| 2. Nicholas Griggs | (Deputy Chief Bush Fire Control Officer 1) |
| 3. Robert Koch - CESM | (Deputy Chief Bush Fire Control Officer 2) |
| 4. Garry Forsyth | (Bush Fire Control Officer) |
| 5. Charles Wroth | (Bush Fire Control Officer) |
| 6. Jeffrey Venn | (Bush Fire Control Officer) |
| 7. Ian MacGregor | (Bush Fire Control Officer) |
| 8. Peter Brennan | (Bush Fire Control Officer) |
| 9. Kevan French | (Bush Fire Control Officer) |
| 10. Samuel Roberts | (Bush Fire Control Officer) |

10.6 COMMITTEE REPORTS

Nil.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**13 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**14.1 MEMBERS**

Nil.

14.2 EMPLOYEES

Nil.

15 CONFIDENTIAL BUSINESS

Nil.

16 NEXT MEETINGS

Next Meetings	Date and Time
Ordinary Council Meeting	25 September 2025 at 5.30pm
Agenda Briefing	18 September 2025 at 5.30pm
Audit, Risk and Improvement Committee	4 September 2025 at 10.30am

17 CLOSURE OF MEETING