



Ordinary Council Meeting

30 October 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 Council Chambers, 15 Fiennes Street, Toodyay WA 6566 on Thursday **30 October 2025** commencing at 5.30pm.

Councillors are respectfully requested to review the agenda in advance and prepare any notes to support informed discussion and effective decision making during the 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.

Information

The following general rules apply to question time:

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

Information

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 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: _____

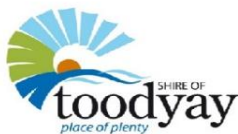


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Information



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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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 and the Yued and Whadjuk people, the traditional custodians of the land where we meet today within the Shire of Toodyay. I pay my respect to their Elders, past and present."*

2 RECORDS OF ATTENDANCE**2.1 APOLOGIES****3 DISCLOSURE OF INTERESTS**

Name	Type	Item	Extent
Cr R Madacsi	Impartiality	10.4.2	as she is a member of the Toodyay Garden Committee Association Inc and management committee.
Cr R Mills	Financial	10.4.4	as he is closely associated with one of the candidates.

4 PUBLIC QUESTIONS**4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the Ordinary Meeting of Council held on 25 September 2025, the following question was taken on notice:

4.1.1 B Ruthven**Question**

Is it true that the mobile Breast screen service was told by the Shire that there is nowhere in Toodyay for them to set up?

Response

That is not true. The organisation's Breast Screen Bus was way too big to be placed on Charcoal lane. The Shire provided a place at the back of the Medical Centre that was a better option and close to facilities and easy access.

4.2 PUBLIC QUESTION TIME**5 APPROVED LEAVE OF ABSENCE****5.1 APPLICATION FOR LEAVE OF ABSENCE – CR R MILLS****OFFICER'S RECOMMENDATION**

That Council grant the application for leave of absence from Cr Ray Mills from 7 November 2025 to 24 November 2025 inclusive.

6 CONFIRMATION OF MINUTES**6.1 Ordinary Meeting of Council held on 25 September 2025****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 25 September 2025 be confirmed.

6.2 Special Meeting of Council held on 20 October 2025**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 20 October 2025 be confirmed.

7 PETITIONS / PRESENTATIONS / SUBMISSIONS**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.

7.3 SUBMISSIONS

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

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 Non-habitable Structures Policy at Lot 122 Mcdermott Road, Dumbarton**

Date of Report:	2 October 2025
Applicant or Proponent:	Ms L Kimberley
File Reference:	A4035/122MCD
Author:	J Ngedup – Town Planner
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:	1. Applicants Letter; and ↗ 2. Outbuilding Drawing Details. ↗

PURPOSE OF THE REPORT

To consider varying two of the deemed criteria within *Local Planning Policy 13: Non-Habitable Structures* at Lot 122 McDermott Road, Dumbarton.

BACKGROUND

An application for an outbuilding (shed) has been received at Lot 122 McDermott Road, Dumbarton. The owners have requested that the proposal be built with an increased wall and ridge height greater than permitted in the local planning policy (**Attachment 1**).

The lot is also located within Special Area Control 5 – Landscape Protection, which requires an assessment for visual impact. Officers do not have delegation to approve this application as it exceeds the requirements of the Non-Habitable Structures local planning policy. The policy sets out the criteria that Council has determined to be acceptable. An assessment of the proposal has been undertaken, and it has been found that listed elements exceed deemed-to-comply provisions in the policy.

Local Planning Policy 13 requirements	Permitted Wall height		Permitted Ridge Height	
	4.2 metres		4.8 metres	
Proposed development	Proposed Wall height	Difference	Proposed Ridge Height	Difference
	5 metres	+ 0.8m	5.97 metres	+ 1.17m

Please refer to **Attachment 2** for more details.

COMMENTS AND DETAILS

Site Visit

A site visit was undertaken on 9 September 2025 to determine the site context and the nature of the proposal, for both the outbuilding and the visual impact assessment under Special Control Area 5 in the Scheme.

Site Location

The site is zoned Rural Smallholdings under *Toodyay Town Planning Scheme No. 5* and is in the locality of Dumbarton on the corner of McDermott Road and Nairn Drive. The development site lies on sloping terrain with panoramic views which also includes the Avon River. The subject lot is about 18.64ha in size surrounded by other large lot properties.

The proposed development site is positioned lower than McDermott Road. All development must occur within a 50m × 50m building envelope which is positioned 30m from the property boundary on McDermott Road (**Attachment 2**). This proposal contained within the building envelope is more than 300m from the nearest neighbouring house.

Assessment of Visual impact – Special Control Area 5

The proposed outbuilding will be fully visible from the northern, eastern, and western directions, and partially visible from the southern aspect. While the building envelope is situated on a gentle slope, which would provide some screening, the proposal will be clearly seen by neighbours.

Due to the surrounding large lots and separation of homes from this proposal, the additional requested heights would not significantly detract from the appearance of an outbuilding that would have complied with the Policy.

IMPLICATIONS TO CONSIDER

The applicants have provided justification for their proposal (**Attachment 1**) requesting variation to the Local Planning Policy. This letter has been considered in making an officer recommendation to Council.

The applicant has proposed the use of the outbuilding for:

- Storage of farming machinery.
- Storage of earthmoving equipment including truck and excavator.
- Parking of a large recreational boat.
- Potential future uses as business

Justification for the additional height is deemed to be acceptable and may result in a reduction of clutter on the building envelope.

Potential future use

The applicant has discussed that the proposal may be used for future business uses, and this must be treated as a separate development application when presented. This proposed land use is not part of this development application.

Visual Impact

While the assessment has determined that it would be difficult to differentiate the change of height from when viewed from long distances, it would also not be out of scale due to the large lot nature of the estate.

Comments were sought from neighbouring landowners regarding this proposal, and two responses received supported the application.

The visual impact to this proposed outbuilding will be further reduced by the applicant installing trees surrounding the outbuilding.

Consultative:

This application was advertised in accordance with Shire's *Local Planning Policy 27: Advertising of Planning Proposals*. Emails with notification letters were sent to all adjoining landowners on 16 September 2025, with a 14-day response period ending on 29 September 2025. During this period, two responses were received, both expressing support for the proposed variation of the Local Planning Policy development standards for the increased heights in this proposal.

Strategic:

Outcome 5.1 - Provide responsible planning and development.

Policy related:

Local Planning Policy 13 – Non-Habitable Structures

Sets the acceptable development standards for this application. Council can vary these standards upon request where it is deemed that the application contains suitable elements worthy of variation or where it can be demonstrated that exceptional circumstances apply to the application. If this consent is granted, then performance criteria is used to determine the outcome of the application.

Special Control Area 5 – Landscape

This control within the local planning Scheme No.5 sets out criteria for the assessment and protection of visual landscapes within the Shire of Toodyay. This scheme requirement places a stronger level of responsibility on a developer to maintain visual landscapes from key vantage points such as the Avon River.

Financial:

Nil

Legal and Statutory:

Planning and Development Act 2005

Schedule 7 – Matters which may be dealt with by planning scheme.

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 5

Risk related:

There is **minimal** risk to Council in exercising its discretion in this regard, as the proposed variation is deemed to be minor in nature, would support the hiding of farm machinery from view and has been offered support by adjacent properties.

Workforce related:

The processing of this application, including the request to council to seek a variation to a local planning policy are within the normal workloads of the Town Planning business unit.

Conclusion:

Upon assessment of this application, it has been determined that the variation to the local planning policy can be justified.

Considering the minor change in heights, it would be difficult to notice the variation due to the large distance from surrounding homes, and due to the large lot nature of the estate. During consultation with neighbours, no negative comments were received.

However, the inclusion of screening of this proposal will become a development condition upon issue of the development approval.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the application received for an outbuilding proposed at Lot 122 McDermott Road, Toodyay with a wall height of 5m and ridge height of 5.97m subject to the following condition:

- (a) that planting of appropriate vegetative screening be undertaken to the western and northern side of the shed to the satisfaction of the Shire.

10.1.2 Road Naming Policy LPP 22 - Retirement

Date of Report:	1 May 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	LPP22
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Road naming local planning policy; ➡ 2. Road naming flowchart.

PURPOSE OF THE REPORT

To consider the retirement of the Shire's Road Naming Policy.

BACKGROUND

The Current Local Planning Policy No. 22 Road Naming policy was adopted by Council on 26 July 2023 (**Attachment 1**).

The policy duplicates the existing Policies and Standards for Geographical Naming through the statutory Geographic Names Committee which are required to be used for the purposes of road naming in Western Australia. This document is found on the Landgate website at the link below:

<https://www.landgate.wa.gov.au/siteassets/documents/location-data-and-services/place-names-and-addressing/1574-geographic-names-policies-v3-november-2020.pdf>

If the Geographic Names Committee were to update their policies and standards then the Shire's current local planning policy would cease to have full effect.

The current Road Naming policy (LPP22) is therefore redundant as it cannot propose to vary State policy. As such, it is recommended that this policy be retired.

COMMENTS AND DETAILS

A local government's role is to make recommendations to the Geographic Names Committee for the use or retirement of a road name. As part of the naming process flowchart (**Attachment 2**) the Geographic Names Committee requires that pre-consultation with staff is undertaken to not raise expectations or waste time. Then evidence of consultation is provided through a Council resolution that also recommends a change to a road name.

Council policies should only deal with matters relevant to the role of Council, serving to provide uniformity in decision making, guidance in exercising discretion and establishing clear direction regarding the delegation of authority and exercise of the role of the CEO.

It is not being proposed that delegation be granted to officers, as is common in other local governments, but to remove the near verbatim replication of a State policy as a Local Planning Policy. Council still retains a role in the decision-making process through the support of officer's recommendations at an Ordinary Council Meeting.

It is recommended that the Local Planning Policy No. 22 Road Naming policy be retired.

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.

9.1 Provide strong, clear, and accountable leadership

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

s.2.7(2)(b) of the *Local Government Act 1995*.

Risk related:

The existing local planning policy is inferior to the State policy and offers mostly operational procedures, rather than direction to interpret a higher state direction.

There is risk related to the local government replicating a State policy that may change from time to time, thus not being in sync or in conflict to the higher power.

To not retire this policy may be considered a moderate compliance risk (3).

This report mitigates the risk.

Workforce related:

The website will be updated by a Shire Officer.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council retire the Local Planning Policy No. 22 - Road Naming.

10.1.3 Renaming two portion of Drummond Street, Nunile - consent to advertise

Date of Report:	7 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	NAM1 OODRU
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:	Advocacy
Attachments:	Nil

PURPOSE OF THE REPORT

To consider the renaming of the eastern portion of Drummond Street in the locality of Nunile.

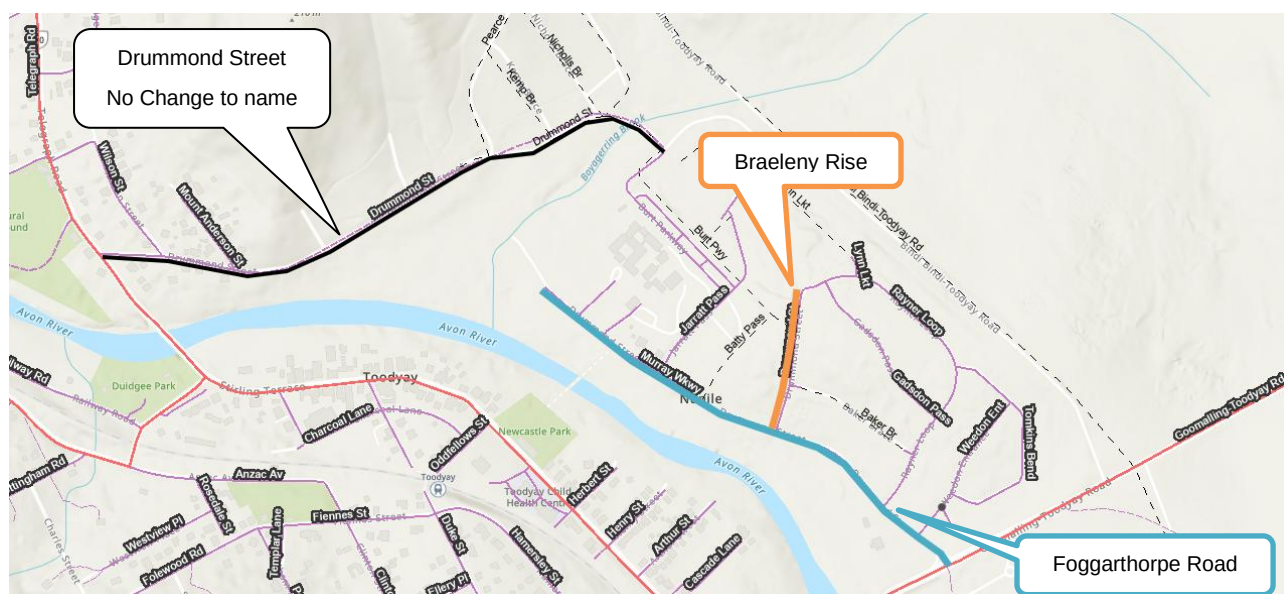
- To rename two road sections of Drummond Street;
- To remove the name Murray Walkway (replaced by Foggarthorpe Road);
- To retain Drummond Street on the northern side of the estate; and
- To consider the proposed names for consultation.

BACKGROUND

The Geographic Names Committee of Western Australia recommends that road names be connected and form a clear path from one end to the other.

During the initiation of the Foggarthorpe Structure plan (2001) a roads plan was produced and supported by Council – this established a naming plan for the development. However, a subsequent amendment to that structure plan permitted the construction of the Recreation Centre. With the Toodyay Recreation Centre now constructed Drummond Street can no longer be built as a connected road.

Two new road names are being recommended for the eastern section of Drummond Street coloured orange and blue on the map. As part of this proposal is the retirement of the name Murray Walkway as this name is not being used. The retirement of Murray Walkway will facilitate a continuous road name from the High School to the Toodyay – Goomalling Road.



The current road network including other approved road names (dashed). New road names are coloured.

COMMENTS AND DETAILS

Choosing Names

Utilising the policies of the Geographic Names Committee, duplicate names or unconnected roads are not recommended. Road names with similar sounds or where a road name already exists are not supported. Seeking approval for a road being 'east' or 'north' is also not supported by the Geographic Names Committee. In this case two new names will be required to uniquely identify the road portions.

For the purposes of this consultation, Foggarthorpe Road and Braeleny Rise have been chosen for consultation with the community. Pre-consultation with the Geographic Names Committee has received an in-principle agreement to advertise.

Affected properties

A total of 9 properties on the proposed Braeleny Rise.

A total of 14 properties on the proposed Foggarthorpe Road.

Name Significance

Foggarthorpe – relates to the historical name of the farm, to which this land once belonged.

Braeleny – Brae (steep hillside) Leny (light) – place in Scotland near Drummond.

Councillor Workshop June 2025

Due to the significance of the proposal, a briefing was undertaken with Councillors to discuss the matter, with the original proposal being to rename the northern portion of Drummond Street. As a result of that workshop it was recommended that:

- That the eastern section be renamed, instead of the northern section;
- Supports the name Braeleny as having a nice feel;
- Proposes that Raynor loop be extended back to the new Foggarthorpe (*Not recommended to have two separate road intersections with the same names*);
- Proposes an aboriginal name instead (*not recommended in this case*); and
- Has long term benefits but may cause short term pain to residents.

IMPLICATIONS TO CONSIDER

The initiation of this proposal is driven by the illegibility of the Toodyay – Nunile road network (Drummond Street). There is currently a duplication of house numbers at the northern and the eastern sections with mail and deliveries often being confused. There are also direct implications to the arrival of emergency services as they may arrive on the northern section rather than the eastern section and vice versa. Travelling from one end to the other is not possible without using other named roads.

It is recommended that with a community engagement exercise related to this matter, consensus can be reached with the community.

Not addressing this issue will amplify when more homes are built with increasing confusion for deliveries, mail, and emergency services. While it would be possible to traverse these roads end to end, it will be via different road names.

If this proposal were to be supported, then the name Murray Walkway will be retired. There are no lots currently using this road name. The use of the name Drummond Street East does not have official approval from the Geographic Names Committee, and those properties are not correctly addressed.

Consultative:

Consultation is a requirement of the Geographic Names Committee, for a minimum 35 days. Evidence of this consultation must be provided along with a Council recommendation for the names to be approved. It is proposed that all residents in the Foggarthorpe Estate be directly contacted, and the proposal be advertised on the Council Website.

As a result of this community consultation an alternate name may arise, and if it is pre-approved by the Geographic Names Committee, it will then be presented to Council for support.

Strategic:

Outcome 6.1 - Keep a persistent focus on building a safe, efficient road network.

Outcome 6.2 - Support safe, well designed, and connected paths and trails for people of all ages and abilities to get around.

Policy related:

Policies and Standards for Geographical Naming in Western Australia – Geographic Names Committee Landgate.

Financial:

Nil

Legal and Statutory:

The process of naming or re-naming of roads follows the guidelines contained with the *Policies and Standards for Geographical Naming in Western Australia*.

Evidence of community consultation and a Council resolution to recommend the names to the Geographic Names Committee is required to attain an approval.

Risk related:

There is a rising **Medium** risk to the community of having two nearby roads with the same name. House numbers will be duplicated and there is a risk that emergency services may be delayed by this disconnected road network.

There is a **Low** risk in conducting a well-structured community consultation that follows the Geographic Names Committee guidelines to then present to council for support.

With the two chosen names being already pre-approved there is a **Low** risk that the Geographic Names Committee will refuse this request.

Workforce related:

All activities can be undertaken through existing staffing levels and no external consultations are required.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council supports the commencement of advertising for the renaming of two sections of Drummond Street to Foggarthorpe Road and Braeleny Rise and the retirement of the name Murray Walkway.

10.1.4 Final Adoption - Local Planning Policy 7 - Mining and Resource Extraction and Repeal Local Law 2025.

Date of Report:	29 September 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	LPP7
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	OCM 22 March 2023 OCM001/03/23 OCM 27 March 2025 OCM002/03/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Current (2014) Local Planning Policy Extractive Industries - Road Contributions (LPP07); ⇒ 2. Draft Local Planning Policy Extractive Industries and Waste Disposal Policy for public advertising (2023); ⇒ 3. Draft Local Planning Policy - Mining and Resource Extraction Policy as advertised (2025); ⇒ 4. Current (1999) Extractive Industry Local Law; ⇒ 5. Submission for model conditions; ⇒ 6. Policy table of submissions; ⇒ 7. Amended Local Planning Policy - Mining and Resource Extraction (2025); ⇒ 8. Amended Model conditions; ⇒ 9. Advert for Repeal Local Law 2025; ⇒ 10. Repeal Local Law 2025. ⇒

PURPOSE OF THE REPORT

To consider the final adoption of the draft Local Planning Policy – Mining and Resource Extraction (2025) (**Attachment 3**); and

To consider the Repeal of the current Extractive Industries Local Law (**Attachment 10**).

BACKGROUND

The current Local Planning Policy 7 – Extractive Industries Road Contributions was adopted by Council in April 2009 and last reviewed by Council in October 2014 (**Attachment 1**).

Council adopted a Draft Local Planning Policy – Extractive Industries and Waste Disposal Policy on 22 March 2023 (**Attachment 2**) for public advertising. This policy was advertised and brought back to Council at its meeting held on 24 May 2023 however the meeting minutes state that report would be withdrawn, and it was not brought to Council again for consideration.

A new Draft *Local Planning Policy – Mining and Resource Extraction* (**Attachment 3**) was adopted by Council at its Ordinary Council Meeting held on 27 March 2025 for public advertising. This policy related to the management of Mining and Resource extraction and the Officer's Report for the March 2025 Council Meeting stipulated that *"the relinquishment of the Extractive Industries Local Law, and its conditions, can be incorporated into an updated Local Planning Policy"* implying that with the adoption of the new Draft *Local Planning Policy – Mining and Resource Extraction* that actions could be undertaken to repeal the current Extractive Industry Local Law (**Attachment 4**).

Upon assessment of the received consultation for the policy (**Attachment 6**) further minor changes have been made to the Local Planning Policy - *Mining and Resource Extraction* (**Attachment 7**).

Comments were received regarding the use of Model Conditions (**Attachment 5**). The model conditions have been updated (**Attachment 8**).

The review conducted and advertised 27 March 2025 proposes a simplification of the existing approval process that are covered under two different Acts. The outcome of this simplification will be to eliminate the need to grant a simultaneous Development Approval and an Extractive Industry (operating) Licence (EIL).

The new approval processes contained within the amended Local Planning Policy - *Mining and Resource Extraction* will no longer:

- require the applicant to provide an environmental bond; or
- replicate the need to prove compliance with other State agencies;
- require a simultaneous Development Approval (under the *Planning and Development Act 2005*) and an Extractive Industry Licence (under the *Local Government Act 1995*). *One part grants the approval to use the land for purpose with the other to grant a licence to operate.*

The new policy will:

- bind the applicant to an approved (but time limited) management plan;
- simplify reporting; and
- permit more flexibility with estimating tonnages, areas and stockpiles.

This approach makes enforcement of "conditions" easier to manage under the *Planning and Development Act 2005* and supports mediation as a path to resolve non-compliance.

A key part of Council adopting the amended Local Planning Policy - *Mining and Resource Extraction* to replace the current policy will also be the repeal of the Shire's Extractive Industries Local Law as it no longer meets the needs of the Shire and has created duplication and a complicated regulatory burden for operators (**Attachment 10**).

The advertising period in relation to the amended Local Planning Policy - *Mining and Resource Extraction* has now concluded. Community and industry consultation has

concluded with five (5) submissions being received with the majority of those submissions being in support of the amended policy.

The proposed repeal of the Extractive Industries Local Law must be advertised in accordance with section 3.12 of the *Local Government Act 1995* including:

- Publishing a notice in a local newspaper (**Attachment 9**).
- Making the proposal available for public inspection.
- Allowing at least **6 weeks** for public submissions.

COMMENTS AND DETAILS

The *Local Planning Policy - Mining & Resource Extraction* was locally advertised through the Shire's website, the local newspaper, and Facebook.

Submissions received were generally in favour of the new approach and comments made have resulted in minor but important textual changes that improved the functionality of the policy relating to:

- certain proposals will not require every condition to be met, because they're not relevant to the circumstance;
- an applicant cannot accurately predict the future; and
- reporting conditions cannot be met on time, or the frequency of reporting was high

A table of submissions containing all recommendations is provided (**Attachment 6**).

Only four (4) submissions were substantial and detailed. As a result of these submissions, there have been amendments made to the amended updated policy series of changes made, and these can be seen in the track changes attachment. Overall, most recommendations have been accepted, with recommendations made across a series of topics.

- Proposals cannot be completely accurate when setting expectations in the future, as they are aspirations for future mining activity where volumes and tonnages are driven by market forces.
- Movements of vehicles still requires reporting but at a reduced frequency with less reporting duplication across agencies.
- The language used meant that reports, assessments or requirements were required for all applicants regardless of whether the situation applied to their specific application. There are now more clauses with 'as required', which supports customisation of applications and may reduce the effort to provide required information.
- Some recommendations relate to procedures, and these have been clarified. Changes to text clarifies intent and reduces misinterpretation of definitions between agencies.
- An additional chapter has been added to the policy to clarify the process for amending an existing extractive industry development approval, including options for updating the Management plan. This clause also clarifies the Shire position that no further extensions or issue of Extractive Industry Licences (EIL) will be granted. Those holders of an EIL will need to progressively move to the new system over time.

- A series of terminologies in the policy had not been clearly defined. These references have now been aligned to terminology used in other agencies. This reduced the need for the Shire to make new non-standard definitions.
- Incorporation of the *WALGA Road Wear Cost Calculator* as the sole determinant of road use contributions for all extractive industry transport contributions.

While the submitters recommendations have been considered not all the recommendations made have been accepted.

A single submission (**Attachment 5**) provided feedback on the Shire's proposed Model Development Approval Conditions for extractive industries, seeking greater clarity, flexibility, and practicality. They pointed out that while the model conditions were not advertised. This is due to the document being an internal document guiding officers in their assessment of new applications. The submission supported a consistent approach to condition-setting and recommended the model conditions be treated as guidance only, allowing negotiation during assessment. The updated model conditions do not require Council approval but do support operational efficiency (**Attachment 8**).

With the adoption of the amended Local Planning Policy - *Mining and Resource Extraction* it will mean that a Development Approval will bind the operator to comply with a Site Management Plan which is time limited. As the needs of the operator change over time, an updated Site Management Plan will be required. This approach mirrors the processes of an Extractive Industries Local Law, but within a planning framework. The Shire would retain the ability enforce compliance to bad operators, issue caution notices, and issue larger fines through the State Administrative Tribunal when required.

The amended Local Planning Policy - *Mining and Resource Extraction* removes the need to duplicate the responsibilities of environmental remediation. Currently the Shire holds bonds to ensure that remediation is undertaken to a high standard, but these bonds are a significant financial burden to the operator to be paid upfront, and do not reflect the true cost of a future remediation. This amended updated policy includes references to other environmental agencies who are solely responsible for environmental enforcement as they have a greater capacity to issue fines and enforce compliance.

The proposed amalgamated conditions, under this amended updated policy means that it will be the sole point of assessment and approval for the Shire.

It is recommended that Council adopt the amended Local Planning Policy – Mining and Resource Extraction (**Attachment 7**) as it guides how the Shire assesses and manages development applications for extractive industries and mining operations, including those on “Minerals to Owner” land. It sets minimum information requirements, advertising protocols, and assessment criteria to ensure proposals are appropriately located, designed, operated, and rehabilitated. The amended policy aims to minimise environmental, amenity, and land use impacts, while maximising local benefits.

All applications are treated as being complex and must be publicly advertised, with consultation sought from nearby landowners. The policy also outlines conditions that may be imposed on approvals, such as operational limits, environmental safeguards, and road use contributions. It aligns with State Planning Policies and the Shire's Local Planning Scheme and replaces the issuing of Extractive Industry Licences with development approvals.

Repeal of the Local Law

It is recommended that Council resolve to propose its intent to repeal its Extractive Industries local law (**Attachment 4**) through the adoption of a draft local law titled “Repeal Local Law 2025” (**Attachment 10**).

In accordance with *Local Government Act 1995* 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 law in the prescribed manner."

It is recommended the Presiding Person read out the following:

Pursuant to section 3.12 of the *Local Government Act 1995* the Shire of Toodyay resolves its intent to adopt the Shire of Toodyay Repeal Local Law 2025.

The **purpose** of which is to repeal the obsolete Local Laws relating to the Extractive Industries Local Law relating to extractive industries.

The **effect** of which will repeal the Extractive Industries Local Law as published in the Government Gazette on 1 November 1999, page 1368-9 is repealed.

IMPLICATIONS TO CONSIDER

Consultative:

Consultation with extractive industry operators.

Considerations mediated in a series of SAT meetings.

LK Advisory.

Community advertising was undertaken between 9 April 2025 to 29 April 2025 with all extractive industry participants in the Shire directly contacted. Consultation was also initiated via the Shire's website which was live between 4 April 2025 and 29 April 2025.

Strategic:

Shire of Toodyay Council Plan 2023-2033

3.1. Preserve our land, water, and biological systems

5.1. Provide responsible planning and development.

7.1. Collaborate with government and industry to attract investment, grow, and diversify the local economy, create secure, quality jobs, and meet their corporate social responsibilities.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

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

Extractive Industries Local Law - If this report is successfully adopted by Council, then Council will be requested to consider the repeal of the Extractive Industries Local Law, which will be effectively superseded by this amended Local Planning Policy.

Local Planning Policy 7 - Extractive Industries Road Maintenance Contributions (current policy) which sets the policy framework to assess and issue development approvals for the land use component of extractive industry in the Shire.

Financial:

It is a requirement that Local Planning Policies undergo a formal advertising process which includes publication in a locally circulating newspaper. Costs to the Shire will relate to one advertisement and this has been allocated for in the Shire's adopted budget.

It is also a requirement to publish a notice in the local newspaper relating to the local law. The costs to the Shire will relate to one advertisement in the Shire pages. After the consultation period, Council must then consider any submissions received and may make changes to the proposed repeal if necessary.

Legal and Statutory:

Planning and Development Act 2005 – Part 5 Planning and Development (Local Planning Schemes) Regulations 2015 - Division 2 of Schedule 2 Local Planning Policies Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies. Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions.

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

Repealing the local law

In accordance with Section 3.12 (8) of the *Local Government Act 1995* "**making**" in relation to a local law, includes making a local law to amend the test of, or **repeal**, a local law. The process to repeal a local law is identical to the procedure for making local laws (Section 3.12 of the *Local Government Act 1995*).

In accordance with Section 3.12(3) and (3a) of the *Local Government Act 1995* Statewide and local public notice needs to occur in the repeal of a local law (refer to **Attachment 9**).

A copy of the Repeal Local Law is at **Attachment 10**.

Risk related:

Risk is minimised through by following of correct procedures and regulations regarding the management of Local Planning Policies. Review of a policy is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary and relevant. The Shires risk is reduced to low if the correct procedures are followed. However, there could be medium risk to the Shire's reputation if procedures are not correctly followed.

Implementation of this LPP7 will reduce risk to the shire in the assessment and issue of development approvals.

Workforce related:

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Adopts the Local Planning Policy 7 – Mining and Resource Extraction as a Local Planning Policy within the Shire (**Attachment 7**).
2. Authorises the Chief Executive Officer to make any necessary minor typographical changes to the above policy prior to publishing on the Shire website.
3. Pursuant to section 3.12 of the *Local Government Act 1995* resolves its intent to adopt the *Shire of Toodyay Repeal Local Law 2025* (**Attachment 10**):
 - (a) The **purpose** of which is to repeal the obsolete Local Laws relating to the Extractive Industries Local Law relating to extractive industries.
 - (b) The **effect** of which will repeal the Extractive Industries Local Law as published in the Government Gazette on 1 November 1999, page 1368-9 is repealed.

10.2 FINANCE AND CORPORATE SERVICES**10.2.1 List of Payments - September 2025**

Date of Report:	15 October 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. Creditors List of Payments Report - September 2025. ↗

PURPOSE OF THE REPORT

To present to Council the list of payments for the months of September 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 August 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 September 2025:

Description	Amount \$
Municipal Cheques	\$ 0.00
Electronic Funds Transfer Payments	\$589,761.76
Payroll	\$285,013.84
Credit Cards	\$ 4,409.83
Other (Including Direct Debits)	\$ 57,625.29
Total	\$936,810.72

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

Nil.

10.4 EXECUTIVE SERVICES**10.4.1 Discontinuation of the Committee Book**

Date of Report:	13 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Nil.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Current Committee Book; ⇒ 2. BFAC Charter; ⇒ 3. LEMC Charter. ⇒

PURPOSE OF THE REPORT

To seek Council endorsement to discontinue the current Committee Book format and implement a revised governance approach that separates Council-established committee Terms of Reference from external representation listings, in alignment with legislative requirements and good governance principles.

To formalise the governance arrangements for the Bush Fire Advisory Committee and the Local Emergency Management Committee in alignment with legislative requirements and contemporary governance practice.

BACKGROUND

The Shire of Toodyay currently maintains a Committee Book that includes both Council-established committees and external organisations where Council nominates representatives. This document has previously been adopted by Council and was reviewed biennially.

Although the Committee book has historically served as a consolidated reference, the inclusion of external organisations, that Council has no direction over, that can change in a Council endorsed Committee Book creates issues and is not good governance.

COMMENTS AND DETAILS

Council-established committees are governed by specific legislative provisions, including:

- *Local Government Act 1995* – Sections 5.8, 5.10, 5.22, and 7.1A;
- *Bush Fires Act 1954* – Section 67; and
- *Emergency Management Act 2005* – Sections 36(b), 38, 39, and 40.

External organisations such as WALGA Zones, AROC, and Development Assessment Panels operate independently and are not subject to Council governance.

Including both types of entities in a single adopted document misrepresents Council's authority and responsibilities, and has led to confusion regarding decision-making, reporting, and accountability.

Separating Terms of Reference for Council-established committees will ensure each committee's purpose, membership, meeting schedule, and reporting obligations are clearly defined.

Terms of reference for the Heritage Advisory Group and the Sustainability Working Group were endorsed by Council in February 2025 and do not require review at this time.

External representation details and terms of reference for the Heritage and the Sustainability Working Groups will remain available to staff and Councillors via an internal administrative register, ensuring operational continuity without requiring formal Council adoption.

The Charter for the Audit, Risk and Improvement Committee is already a terms of reference document for the Committee. It was adopted by Council in March 2025 and does not require review at this time. The information contained in the Committee Book is purely administrative therefore it will only remain available to staff via an internal administrative reference.

This report presents the proposed Charters for the Bush Fire Advisory Committee (BFAC) (**Attachment 2**), and Local Emergency Management Committee (LEMC) (**Attachment 3**) which have been developed to replace the previous Committee Book format.

The changes made to both committees are minimal in substance and primarily relate to formatting, clarity, and governance structure. The Charters consolidate existing legislative obligations and operational practices into a clear, standalone document for each committee.

Bush Fire Advisory Committee (BFAC) Charter

- The Charter is based on Section 67 of the *Bush Fires Act 1954*, which authorises the establishment of advisory committees for bushfire control.
- The role, membership, meeting procedures, and reporting obligations remain consistent with previous practice.
- The Charter introduces performance assessment criteria, a review cycle, and conflict of interest protocols, which were previously implied but not documented.
- The membership list has been clarified to reflect current brigade representation and agency involvement.
- The Charter confirms that BFAC is advisory only, with no delegated authority to make binding decisions or expend funds.

Governance Improvement:

- The Charter provides a transparent and accessible framework for committee operations.

- It supports compliance with the *Local Government (Model Code of Conduct) Regulations 2021* and the Shire's Standing Orders.
- It removes ambiguity around committee powers and responsibilities.

Local Emergency Management Committee (LEMC) Charter

- The Charter is based on Sections 38–40 of the *Emergency Management Act 2005* and reflects guidance from the State Emergency Management Committee (SEMC).
- The Charter formalises the LEMC's strategic advisory role, distinct from operational emergency response.
- Membership composition is consistent with previous arrangements and includes key stakeholders such as DFES, St John Ambulance, Department of Communities, and local school leadership.
- The Charter introduces a structured agenda format, including seasonal preparedness, subcommittee reports, and annual reporting obligations to the District Emergency Management Committee (DEMC).
- It includes performance indicators, such as completion of the Annual Business Plan and submission of the Annual Report.

Governance Improvement:

- The Charter enhances accountability and transparency in emergency management planning.
- It aligns with SEMC procedures and supports continuous improvement in local emergency preparedness.
- It provides a clear basis for Council oversight and community engagement.

The adoption of these Charters represents a governance refinement, not a substantive change. The content remains consistent with previous committee practices, but is now presented in a format that:

- Separates governance from administration;
- Clarifies roles and responsibilities;
- Supports legislative compliance; and
- Improves accessibility and transparency.

These Charters will replace the relevant sections of the Committee Book and be published on the Shire's website for public reference.

Administrative details (e.g. meeting dates, contact lists) will be maintained separately by the CEO's office.

It is recommended that Council endorse the Officer's Recommendation.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

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* – Sections 5.8, 5.10, 5.22, and 7.1A
- *Bush Fires Act 1954* – Section 67
- *Emergency Management Act 2005* – Sections 36(b), 38, 39, and 40

Risk related:

If Council choose to not support the Officer's Recommendation the risk is moderate (3)

Workforce related:

The Committee Book will be removed from the Shire website immediately and only the standalone charters for each committee will remain.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Discontinues the current Committee Book format which combines Council-established committees and external organisations into a single document;
2. Adopts the Bush Fire Advisory Committee Charter (**Attachment 2**);
3. Adopts the Local Emergency Management Committee Charter (**Attachment 3**); and
4. Authorises the Chief Executive Officer to make any typographical amendments necessary to these charters before they are published.

10.4.2 Submissions: Reserve 33931 (Old Works Depot) To Toodyay Community Garden Inc

Date of Report:	15 October 2025
Applicant or Proponent:	Toodyay Community Garden Inc
File Reference:	ENV20/MTG7
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Ordinary Council Meeting July 2025
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Report from 24 July 2025 OCM - Lease of a Portion of Old Works Depot (Reserve 33931) to Toodyay Community Garden Club Inc ➡ 2. August 2025 Report: Arts Toodyay; ➡ 3. All Submissions: Reserve 33931 To Toodyay Community Garden Inc ➡

PURPOSE OF THE REPORT

To consider public submissions received regarding the potential lease of Reserve 33931 (Old Works Depot) to Toodyay Community Garden Inc and to consider disposal (lease) of 1,000m² of land and shed at the Shire Community Depot site.

BACKGROUND

Council considered a proposal to lease 4,000m² of Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Inc (**Attachment 1**) at a peppercorn rent of \$300 per year until 2037 at the 24 July 2025 Ordinary Council Meeting where they resolved as follows:

To:

1. Agree to lease approximately 4000m² of vacant land only at Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Club.
2. Give local public notice of the proposed disposition of 4000m² on Reserve 33931 (Old Works Depot) for a period until 2037 at a peppercorn rent of \$300 per annum plus CPI to the Toodyay Community Garden Club and invite public submissions for a period 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 finalised and execute the disposition.

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.*

Public notice was issued through the Shire website, Facebook, and the Toodyay Herald, and multiple submissions have since been received, requiring Council's review.

COMMENTS AND DETAILS

At the close of advertising a total of 13 formal submissions were received in response to the proposed lease of 4,000m² of land at Reserve 33931 to Toodyay Community Garden Incorporated. Of these, eight submissions opposed the lease citing various issues, due mainly to the location, however all in general were supportive of the concept of a community garden. Five submissions were in support, although four were general support of a community garden, and only two providing specific comments about the location (reserve 33931).

Overall, submissions in support commended the initiative for its potential to enhance community spirit and provide opportunities for social connection and gardening.

Submissions opposing the proposal acknowledged the value of a community garden but raised concerns about the suitability of the proposed location, the size and cost of the site, risks of vandalism, or untidiness, and the loss of overflow parking. A list of the general Issues that were raised including a response to those issues is below.

- **Plans are overambitious / too large**

This could be addressed by reducing the size of the land to be leased.

- **The provision of the toilet**

Council has previously made it clear that it will not be providing a toilet and if the Toodyay Community Garde Inc wants a toilet it will be responsible for the capital outlay and ongoing costs.

- **Loss of overflow parking**

The site is used for overflow parking for various events, including Moondyne Festival; Tarmac; Community Christmas Party etc. This site is used due to the lack of any other suitable sites for overflow parking for larger scale events held in Toodyay. The removal of this option for overflow parking will have an impact to the Shire and will create parking issues for these types of events, that will have flow on impacts to other areas. Council needs to determine if this issue outweighs the benefits of a community garden in this location.

- **Vandalism / lack of fencing[-**

The Toodyay Community Garden Inc is aware of the lack of fencing, and any vandalism would be a matter for the group and police.

- **Potential for unsightly space**

conditions in the lease would allow for the termination of the lease if this was to become an issue.

- **Availability of utilities**

This is a matter for the Toodyay Community Garden Inc, and not Council. It has previously been communicated to the group that the Shire would not pay for the provision of services, but if available would look at submeter options.

- **Potential contaminated site**

The Toodyay Community Garden Inc is aware of the history of the site and has advised that raised beds will be used.

- **Length of the lease term**

Council could offer a reduced lease term. The length of the lease was simply to bring it in line with the expiration of the Men Sheds lease.

- **Site Suitability and Strategic (future Land Use)**

The land is a reserve vested in the Shire of Toodyay for “community purposes” and therefore has a number of possible future uses, many of these could have broader benefits for Toodyay than that of a community garden. The site has however been left dormant since the Shire depot was relocated, except for the Men’s Shed, although the lack of awareness of options, and the condition of the site – may have been a factor. Council must look at what the future strategic needs may be, given the lack of vacant land in the centre of town.

Several suggested alternative locations, including the Shire Community Depot on Railway Road and the Youth Park opposite the Newcastle Gaol Museum, which were seen as better equipped or more practical for the project.

Council now needs to consider the submissions and determine if the issues raised by the submitters are both justified and valid.

In considering all the submissions received, the request from the Toodyay Community Garden Inc, and acknowledging that community feedback is supportive in general of a community garden, it is recommended that Council agrees to provide a site for the establishment of a community garden. There is currently available space at the Shire community depot; it already has a toilet at that location, which is maintained by the Shire, there is a constructed shed already available, and the entire site is fenced. This is the most appropriate location, negates every issue raised in submissions and meets the needs of the Toodyay Community Garden Inc, apart from not being their preferred location.

IMPLICATIONS TO CONSIDER

Consultative:

Further consultation between the Shire of Toodyay and Toodyay Community Garden Inc may be required in response to the community depot site.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 2. An inclusive, connected community.

2.1.4. Explore opportunities to deliver more meeting places and activities for seniors, such as a community garden and craft groups.

Policy related:

Disposal of Property.

Financial:

There are no significant costings at this stage.

Legal and Statutory:

In accordance with the *Local Government (Functions and General) Regulations 1996*, regulations 30(2)(b) this disposition is excluded from the applications of section 3.58 of the *Local Government Act 1995* as the Toodyay Community Garden Club is a not for profit. However, notice of the disposition should be advertised seeking public comment.

Risk related:

Leasing the site activates dormant land for a proven community initiative, fosters social connection, supports local wellbeing, and aligns with strategic goals—at minimal cost. It demonstrates Council's commitment to inclusive, grassroots projects while retaining flexibility through lease conditions and review mechanisms.

Leasing Reserve 33931 risks strategic land use limitations, loss of overflow event parking, financial strain on the proponent, potential site contamination, vandalism, and community dissatisfaction due to location concerns. This would be a rating of moderate (5) if it was an insignificant risk in leasing the reserve which it is not as it would be a possible minor risk bringing it to a moderate (6).

The Shire has to ensure full compliance with advertising and submission review requirements under the *Local Government (Functions and General) Regulations 1996*.

This report mitigates the risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. formally receives and acknowledges the public submissions submitted **Attachment 3** following the advertised notice of disposal of Reserve 33931 to Toodyay Community Garden Incorporated; and
2. Not proceed with the disposal (lease) of 4,000m² at reserve 33931 (Old Works Depot) to the Toodyay Community Garden Inc; and
3. Agrees to disposal (lease) of 1,000m² of land and Shed at the Shire Community Depot for a term of 5 years plus an option of 5 years at \$300 PA plus CPI.

Additional Information

Due to an oversight, an additional submission was received and not included in Attachment 3. This is to be provided as a tabled attachment.

The voting requirements on this report is incorrect.

The voting requirement is “Absolute Majority” because under the *Local Government Act 1995*, the disposal of property by a local government is governed by section 3.58. The decision to dispose of property is typically made by absolute majority.

10.4.3 Adoption of the Code of Conduct for Council Members, Committee Members and Candidates

Date of Report:	29 October 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	COF1
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman – Chief Executive Officer
Previously Before Council:	23 February 2021 CRN: OCM40/02/21
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Code of Conduct; and ➡ 2. Revised Code of Conduct. ➡ 3. Revised Code of Conduct (Track changes accepted) ➡

PURPOSE OF THE REPORT

To present the current Model Code of Conduct for Council Members, Committee Members and Candidates (**Attachment 1**) for review following the 2025 ordinary local government election, in accordance with Clause 15 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*.

BACKGROUND

The Model Code of Conduct was introduced in 2021 to standardise behavioural expectations across all Western Australian local governments. Clause 15 of Schedule 1 requires that the Code be reviewed by Council after each ordinary election.

The Code applies to:

- Elected Council Members
- Committee Members (including non-Councillor members)
- Candidates for election

The Shire last reviewed its Code of Conduct on 22 November 2023, Resolution OCM269/11/23.

COMMENTS AND DETAILS

The post-election period provides an opportunity to reaffirm the standards of behaviour expected of elected and appointed officials and ensure alignment with current legislation, governance frameworks, and community expectations.

No amendments to the Model Code have been gazetted by the Department of Local Government since the last review. A summary of key obligations is contained in the table below.

Category	Obligation	Applies to
Personal Integrity	Act lawfully, honestly, and with reasonable care and diligence	All
	Identify and manage conflicts of interest	All
	Avoid reputational damage to the Shire	All
	Engage in training and development	Council & Committee Members
	Comply with Shire policies and resolutions	Council & Committee Members
	Do not be impaired by alcohol or drugs while performing duties	Council & Committee Members
Respectful Relationships	Treat others with respect, courtesy and fairness	All
	Do not bully, harass, or use offensive language	All
	Do not disparage or impute unethical motives to others	All
Respectful Relationships	Maintain a safe and productive environment	Council & Committee Members
Meeting Conduct	Do not disrupt meetings or act abusively	All
	Follow directions of the presiding officer	All
	Comply with meeting procedures and local laws	All
Use of Resources	Do not misuse Shire resources for electoral or personal gain	Council Members
Disclosure Obligations	Disclose impartiality interests in writing or at meetings	Council Members
	Do not disclose confidential information unless permitted	Council Members
Relationship with Staff	Do not direct or influence staff	Council Members & Candidates

Category	Obligation	Applies to
	Do not make offensive or dishonest statements about staff	Council Members & Candidates
Complaint Process	Complaints must be in writing and lodged within 1 month	All
	Cooperate with behavioural plans if issued	Council Members
Accountability	Make decisions based on facts and merit	Council & Committee Members
	Be open and accountable to the community	Council & Committee Members

Minimal administrative changes have been made to the code of conduct (**Attachment 2**) for Council to consider as part of its review. The version control box has been removed because there is an internal process for policy management and the reference, legislation and associated documents section have been updated.

The revised Code of Conduct for Council Members, Committee Members and Candidates continues to reflect the Model Code as prescribed by legislation and aligns with WALGA's recommended template. It is suitable for adoption and publication.

It is recommended that the Revised Code of Conduct for Council Members, Committee Members and Candidates (**Attachment 3**) be adopted.

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

General Function:

Nil.

Legal and Statutory:

Local Government Act 1995

Under section 5.104 of the *Local Government Act 1995*, all local governments are required to adopt a Code of Conduct for Council Members, Committee Members and Candidates that incorporates the provisions set out in Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*. The Act permits local governments to include additional provisions under Division 3 (Behaviour), provided they do not conflict with the Model Code and are not applied to Divisions 1 or 4.

Council is required to adopt the revised Code by absolute majority, and once adopted, it must be published and made available to all relevant parties, including as part of the Council Member induction process.

Local Government Amendment Bill 2024 cl. 125.

Risk related:

Failure to not review the Code of Conduct presents as a moderate (9) non-compliance risk to the Shire. This report mitigates that risk.

Workforce related:

A Shire Officer will update the website and distribute the revised code to councillors and Committee Members.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the revised Code of Conduct for Council Members, Committee Members and Candidates as presented in **Attachment 3**.

10.4.4 Membership of the Audit, Risk and Improvement Committee

Date of Report:	10 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2/GOV1
Author:	P Kaur – Executive Services Officer M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	October 2023 – Committee Appointments
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Audit, Risk and Improvement Committee Charter; ⇒ 2. Candidate A (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person (under separate cover)</i> 3. Candidate B (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person (under separate cover)</i> 4. Candidate C (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person (under separate cover)</i> 5. Candidate D (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person (under separate cover)</i> 6. Candidate E (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person (under separate cover)</i>

PURPOSE OF THE REPORT

To consider appointments of Independent members and Councillors to the Audit, Risk and Improvement Committee.

BACKGROUND

Council adopted the *Audit, Risk and Improvement Committee Charter* on 27 March 2025 (**Attachment 1**) which sets out the Committee's purpose, functions, authority, and governance arrangements, and provides comprehensive membership requirements under Section 6.

The *Audit, Risk and Improvement Committee (ARIC)* is established under section 7.1A of the *Local Government Act 1995*.

Council had resolved at its meeting held on 24 April 2025 to appoint Natalie Mills (Chair) as the Presiding Member and Simon Rutter as the Deputy Presiding Member (Deputy Chair) for the period from 1 April 2025 through to 30 September 2025. That period has now concluded.

In accordance with **section 6.2.6 of Attachment 1**, the Shire of Toodyay invited expressions of interest from suitably qualified and experienced community members who possess relevant professional backgrounds and expertise. The recruitment process sought to attract applicants with skills and knowledge in areas such as accounting, auditing, governance, risk management, compliance, and strategic oversight.

Advertising for expressions of interest commenced on Thursday, 21 August 2025, and was promoted across multiple platforms to ensure transparency and community reach, including the Shire's official Facebook page, the Shire's website, and the Toodyay Herald. The application period remained open for several weeks and formally closed on Tuesday, 30 September 2025.

Following the close of the application period, all expressions of interest were reviewed to assess eligibility, independence, and compliance with the Charter requirements and legislative provisions. This assessment ensured that no applicant was a current councillor, employee, or provider of paid services to the Shire, consistent with section 7.1A of the *Local Government Amendment Act 2024* and that no applicant had served as an ARIC member for six consecutive years as outlined in **Item 6.1 of Attachment 1**.

Council is required to appoint, by absolute majority, independent members to the roles of Presiding Member (Chair) and Deputy Presiding Member of the ARIC in accordance with sections 5.12(1), 7.1A(3), 7.1B(1) and 7.1A(4) of the *Local Government Act 1995*.

COMMENTS AND DETAILS

Before the local government ordinary election there were four Councillor positions on the Audit, Risk and Improvement Committee. The Committee is legislatively required to have at least three members, with a majority being Councillors.

A total of five expressions of interest were received from community members during the advertising period. The applications were assessed against selection criteria that aligns with legislation and **Attachment 1**. This is specified as follows:

1. **Independence** – The applicant is **not** a councillor, employee or provides paid services to the Shire (section 7.1A *Local Government Amendment Act 2024(WA)*).
2. **Qualifications** – Applicant holds relevant qualifications that provide valuable insight to the committee such as in accounting, auditing or governance.
3. **Knowledge and Expertise** – Demonstrates proven knowledge of corporate governance, risk, audit, compliance and performance reporting.
4. **Understanding of Local Governments** – The applicant has considerable experience in the local government sector.
5. **Risk and Compliance Awareness** – Is well versed in managing risks, fraud prevention and financial oversight.
6. **Ethics and conduct** – Provide a clear understanding of the Shire's governance framework/code of conduct and able to demonstrate impartiality, integrity and confidentiality.

7. **Strategic Insight** – Able to provide constructive insights to the committee based on all of the above.
8. **Committee/ Board Experience** – Previous experience in a similar role.

As a pre-requisite, all candidates were reviewed on their independence, as required by legislation, and whether any candidate was already an existing member of the ARIC for six consecutive years (Item 6.1 of **Attachment 1**). All candidates passed these criteria and were able to progress to the evaluation stage.

Assessment was conducted by the Chief Executive Officer and the Executive Manager of Finance and Corporate Services (the panellists). The results of the assessment are summarised in the table below, which outlines the comparative scores of each applicant against the evaluation criteria.

Candidate	A	B	C	D	E
Score	100%	83%	55.67%	100%	80.4%

Candidates **A** and **D** both achieved the maximum score of **100%**, demonstrating very strong alignment with the selection criteria across experience, qualifications, and ability to contribute strategically. Candidates **B** (83%) also performed well, indicating they meet the criteria to a high standard. Based on this, the panellists recommend candidates **A**, **B** and **D** as the most suitable applicants for appointment to the ARIC.

It is recommended that the term of appointment for the highlighted members to be from 30 October 2025 to 13 October 2027.

IMPLICATIONS TO CONSIDER

Consultative:

N/A

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:

Audit, Risk and Improvement Committee Charter

Financial:

Certain fees will be payable to the newly appointed independent members of the ARIC. This is in accordance with the *Salaries and Allowances Act 1975* and item 6.2.5 of **Attachment 1**.

Legal and Statutory:

Local Government Act 1995 – Sections 5.8 to 5.11 and including 5.11A.

Local Government (Administration) Regulations 1996 (Regulation 16)

Local Government Amendment Bill 2024

Risk related:

The risk of not appointing the Councillors nor independent Presiding Member and the Deputy Presiding Member is moderate (3) (with a potential to be moderate (6)) as it will affect the Shire's compliance with local government reforms processes initiated by the *Local Government Amendment Bill 2024* and *Local Government Act 1995*.

This report mitigates the risk.

Workforce related:

Officers will be required to inform the candidates and the public of the appointments. This will also include an induction and processing of documentation of successful candidates prior to the commencement of membership.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council

1. Appoints the following Councillors to the Committee for the 2025–2027 term:
 - (a) Cr _____[Name]
 - (b) Cr _____[Name]
 - (c) Cr _____[Name]
 - (d) Cr _____[Name]
3. Appoints independent **Candidates A, B and D** to the Audit, Risk and Improvement Committee for a term from 30 October 2025 to 29 October 2027.
4. Appoints independent **Candidate A** as the **Presiding Member (Chair)** of the Audit Risk and Improvement Committee, pursuant to section 5.12 *Local Government Act 1995* for a term from 30 October 2025 to 29 October 2027.
5. Appoints independent **Candidate D** as the **Deputy Presiding Member (Deputy-Chair)** of the Audit Risk and Improvement Committee, pursuant to section 5.12 *Local Government Act 1995* for a term from 30 October 2025 to 29 October 2027.

10.4.5 Appointment of members to the Bush Fire Advisory Committee and the Local Emergency Management Committee

Date of Report:	8 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIR3
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	October 2023 – Committee appointments
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Section 67 Bush Fires Act 1954. ⇒ 2. Extract from SEMC Guidelines. ⇒

PURPOSE OF THE REPORT

To seek Council's endorsement for the appointment of members and deputy members to the Bush Fire Advisory Committee (BFAC) for the 2025–2027 term, in accordance with Section 67 of the *Bush Fires Act 1954* (**Attachment 1**).

To seek Council's endorsement for the appointment of members to the Local Emergency Management Committee (LEMC) in accordance with the *Emergency Management Act 2005* and the State Emergency Management Committee (SEMC) Guidelines (**Attachment 2**).

BACKGROUND

Both committees mentioned below must include at least two Councillors. A separate Officer Report has asked Council to approve the Charters for each of these Committees.

Bush Fire Advisory Committee

The Bush Fire Advisory Committee is a key advisory body established under section 67 of the *Bush Fires Act 1954*.

Local Emergency Management Committee

Under section 38(1) of the *Emergency Management Act 2005*, local governments are required to establish one or more Local Emergency Management Committees (LEMCs) for their district. The LEMC plays a critical role in coordinating local emergency management arrangements, including prevention, preparedness, response, and recovery.

The LEMC is a key mechanism for ensuring that local emergency management arrangements (LEMA) are developed, maintained, and tested in collaboration with relevant agencies and community stakeholders.

COMMENTS AND DETAILS

Before the local government ordinary election:

- The Bush Fire Advisory Committee, before the local government ordinary election period, had two members. Cr McKeown (Chair) and Cr Prater (Committee Member).
- The Local Emergency Management Committee, before the local government ordinary election period, had two members. Cr Wrench (Chair) and Cr Duri (Committee Member).

The membership of both these committees is contained in their Charters which both serve as a Terms of Reference for each committee.

It is recommended that Council resolve in favour of the Officer's Recommendation as presented.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Plan for the future - Council Plan 2023-2033

Outcome 9: Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Bush Fire Advisory Committee

- Strengthens Council's oversight of bush fire risk and brigade coordination.
- Enhances community safety and preparedness.
- Supports continuity and quorum at meetings.
- Builds capacity and succession planning within brigades and the community.

Local Emergency Management Committee

- Ensures statutory compliance with the *Emergency Management Act 2005*.
- Strengthens local preparedness and coordination for emergencies.
- Enhances collaboration between Council, emergency services, and the community.

Policy related:

Nil.

Financial:

Nil.

General Function:

Nil.

Legal and Statutory:

Bush Fires Act 1954 – Section 67

Local Government Act 1995 – Sections 5.8 to 5.11

Emergency Management Act 2005 – Sections 36, 38, 39, 40

Local Government (Administration) Regulations 1996

Risk related:

The risk implications are moderate (4) if Council were to decide to defer the appointment of Councillors to these Committees however from a reputational perspective the risk could escalate to a high (10) given that meetings for these committees are scheduled for 6 November 2025. This report mitigates the risk.

Workforce related:

Officers will update the website accordingly.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Appoints the following representatives to the Bush Fire Advisory Committee;
 - (a) The Shire President (Presiding Member);
 - (b) Cr _____ (Deputy Presiding Member).
2. Appoints the following representatives to the Local Emergency Management Committee; and
 - (a) Deputy Shire President (Presiding Member);
 - (b) Cr _____ (Deputy Presiding Member).

10.4.6 Nominations of Delegates to key regional organisations

Date of Report:	17 September 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	GOV1
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	October 2023 – Committee appointments
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Administrative Reference - Key Regional Organisations. ⇒

PURPOSE OF THE REPORT

To seek Council's endorsement for the nomination of delegates to represent the Shire on key regional organisations for the upcoming term (**Attachment 1**)

To seek Council's endorsement for the nomination of two elected members to serve as the Shire's local government representatives on the regional Joint Development Assessment Panel (JDAP), in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011* and the *Local Government (Development Assessment Panels) Regulations 2025*.

BACKGROUND

Following the local government ordinary election, Council is required to consider nominations to a range of organisations located in Western Australia.

Information about these organisations is contained in an administrative document (**Attachment 1**). Note that this document is not required to be endorsed by Council.

COMMENTS AND DETAILS

The representation table contained in the attachment shows there are positions to fill as outlined below.

External Representation	Primary Delegate	Alternate Delegate
Avon Midland Country Zone (WALGA)	Shire President	Deputy Shire President
Rural Water Council of WA Inc.	Shire President	Deputy Shire President
Avon Regional Organisation of Councils (AROC)	Shire President	Deputy Shire President

External Representation	Primary Delegate	Alternate Delegate
Wheatbelt Regional Road Group North	Shire President	Deputy Shire President
Development Assessment Panels	Crs Duri and Wrench	Crs Dival and Prater
Wheatbelt District Emergency Management Committee	Deputy Shire President (Observer)	Not applicable.
Wheatbelt Development Commission	Cr Madacsi Board Member until 31 Dec 2025)	Not applicable

In regard to the:

- **Avon Midland Country Zone (WALGA);**

The Avon-Midland Country Zone of WALGA represents the Shires of Chittering, Dalwallinu, Dandaragan, Gingin, Goomalling, Moora, Northam Toodyay, Victoria Plains, Wongan-Ballidu and York.

It is recommended that no change take place and the Shire President be nominated as the Primary Delegate while the Deputy Shire President is nominated as the second delegate should the Shire President be unavailable.

- **Rural Water Council of WA Inc.;**

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

It is recommended that no change take place and the Shire President be nominated as the Primary Delegate while the Deputy Shire President is nominated as the second delegate should the Shire President be unavailable.

- **Avon Regional Organisation of Councils (AROC); and**

Meetings are held every two months. Current member local governments of AROC are the Shires of Goomalling, Northam, Toodyay, Victoria Plains and York.

It is recommended that no change take place and the Shire President be nominated as the Primary Delegate while the Deputy Shire President is nominated as the second delegate should the Shire President be unavailable.

- **Wheatbelt Regional Road Group North**

The Wheatbelt Development Commission has a Board comprised of two Ministerial representatives, two Community representatives and two Local Government representatives. The Wheatbelt Development Commission may seek nominations for one or two vacancies, depending on the term of office of the current representative.

It is recommended that no change take place and the Shire President be nominated as the Primary Delegate while the Deputy Shire President is nominated as the second delegate should the Shire President be unavailable.

- **Development Assessment Panels**

Development Assessment Panels (DAPs) were introduced by the State Government to improve decision-making for significant development applications by combining technical expertise with local knowledge. Each DAP comprises five members: three specialist members appointed by the Minister for Planning, and two local government members nominated by the relevant local government.

Local governments are required to nominate two elected members—one as the primary member and one as the alternate member—to represent the local government on the relevant DAP. These nominations are submitted to the Minister for Planning for formal appointment.

The *Local Government (Development Assessment Panels) Regulations 2025*, which came into effect on 1 May 2025, clarify the roles and responsibilities of local governments in relation to DAP functions, particularly the separation between administrative and decision-making roles.

It is recommended that, with the departure of the primary delegates, that Councillors nominates four councillors to serve on the Toodyay JDAP as follows:

- Two primary local government members; and
- Two alternate local government members (for each primary member)

Nominees must be elected members of Council and willing to undertake the mandatory DAP training provided by the Department of Planning, Lands and Heritage.

It is important to note that under Regulation 5 of the *Local Government (Development Assessment Panels) Regulations 2025*, the preparation of Responsible Authority Reports and other relevant DAP functions must be performed by the Chief Executive Officer or an authorised employee. These functions cannot be performed by Council or a committee of Council, nor can Council direct the CEO or authorised employee in relation to these functions.

This separation ensures the integrity and independence of the planning assessment process, while preserving Council's role in nominating elected members to participate in DAP decision-making.

- **Wheatbelt District Emergency Management Committee (WDEMC)**

Council resolved on 24 July 2025 the following:

That Council nominate the Deputy Shire President as a Primary nominee as an observer to attend the District Emergency Management Committee Meetings.

This report is not seeking to amend Council's decision other than noting that if Cr Dival is no longer the Deputy Shire President after the Special Council Meeting to be held on 20 Oct 2025, that whoever is elected Deputy Shire President will be the person who will attend the meetings of the Committee.

The Officer's recommendation in regard to the WDEMC ensures that the Shire's representation on the WDEMC remains consistent with the established practice of appointing the Deputy Shire President, while respecting Council's previous resolution. It also avoids the need for a separate amendment unless the role of Deputy is restructured or reallocated.

- **Wheatbelt Development Commission**

Cr Madacsi is listed on the Wheatbelt Development Commission's website as being a board member until 31 December 2025. The Officer's recommendation respects that the current appointment process is managed by the Wheatbelt Development Commission and as such it is recommended that Council nominate a Councillor for this posting in lieu of the nominations opening for the December 2025 period.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:

Shire of Toodyay 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:

Nil.

Financial:

Nil. DAP members receive sitting fees as determined by the State Government. Training and travel costs are covered by the Department of Planning, Lands and Heritage.

General Function:

Nil.

Legal and Statutory:

Local Government Act 1995 – Sections 5.8 to 5.11

Local Government (Administration) Regulations 1996

Planning and Development Act 2005

Planning and Development (Development Assessment Panels) Regulations 2011

Local Government (Development Assessment Panels) Regulations 2025

- *Regulation 5: Performance of relevant DAP functions*
- *Regulation 6: Authorisation of employees*
- *Regulation 7: Conflict of interest provisions*

Risk related:

The risk implications are low (3) if Council were to decide to defer the appointment of Primary and alternate delegates however there is a reputational risk which could make the risk moderate (6) if a decision is not made. This report mitigates the risk.

Workforce related:

Officers will notify the respective organisations accordingly.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION 1 – Zone Meetings

That Council:

1. Appoints the Shire President to represent the Shire for the 2025-2027 term on the Avon Midland Country Zone (WALGA);
2. Appoints the Deputy Shire President as an alternate delegate to stand in for the Shire President for the 2025-2027 term on the Avon Midland Country Zone (WALGA).

OFFICER'S RECOMMENDATION 2 – Rural Water Council

That Council:

1. Appoints the Shire President to represent the Shire for the 2025-2027 term on the Rural Water Council of WA Inc.;
2. Appoints the Deputy Shire President as an alternate delegate to stand in for the Shire President for the 2025-2027 term on the Rural Water Council of WA Inc.

OFFICER'S RECOMMENDATION 3 - AROC

That Council:

1. Appoints the Shire President to represent the Shire for the 2025-2027 term on the Avon Regional Organisation of Councils (AROC);
2. Appoints the Deputy Shire President as an alternate delegate to stand in for the Shire President for the 2025-2027 term on the Avon Regional Organisation of Councils (AROC).

OFFICER'S RECOMMENDATION 4 – Wheatbelt Regional Road Group

That Council:

1. Appoints the Shire President to represent the Shire for the 2025-2027 term on the Wheatbelt Regional Road Group North.
2. Appoints the Deputy Shire President as an alternate delegate to stand in for the Shire President for the 2025-2027 term on the Wheatbelt Regional Road Group North.

OFFICER'S RECOMMENDATION 5 - -- Regional JDAP 1

That Council:

1. Nominates Cr _____[Insert Name] as the first primary local government member to the Regional Joint Development Assessment Panel.
2. Nominates Cr _____[Insert Name] as the alternate local government member to the same Panel.
3. Nominates Cr _____[Insert Name] as the second primary local government member to the Regional Joint Development Assessment Panel.
4. Nominates Cr _____[Insert Name] as the alternate local government member to the same Panel.

OFFICER'S RECOMMENDATION 6 -- Wheatbelt District Emergency Management Committee (WDEMC)

That the elected Deputy Shire President will assume the role of Council's representative as an observer to the Wheatbelt District Emergency Management Committee for the 2025-2027 term.

OFFICER'S RECOMMENDATION 7 -- Wheatbelt Development Commission (WDC)

That Council:

1. Notes that Cr Madacsi is currently listed as a Board Member of the Wheatbelt Development Commission, with a term expiring on 31 December 2025.
2. Nominates _____ for consideration as a Board Member of the Wheatbelt Development Commission when nominations for the next term of Board membership are opened by the Wheatbelt Development Commission.

Additional Information:

The Officer's Recommendation 4 incorrectly referenced the Wheatbelt Regional Road Group North when it should have read "Sub-Group" A revised Officer's Recommendation will be provided.

REVISED OFFICER'S RECOMMENDATION 4 – Wheatbelt Regional Road Sub Group

That Council:

1. Appoints the Shire President to represent the Shire for the 2025-2027 term on the Wheatbelt Regional Road Sub Group.
2. Appoints the Deputy Shire President as an alternate delegate to stand in for the Shire President for the 2025-2027 term on the Wheatbelt Regional Road Sub Group.

10.5 INFRASTRUCTURE, ASSETS AND SERVICES

Nil.

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**

13.1 Questions on notice under Section 6.1(1)
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The following question on notice was received from Councillor Madacsi.

Question 1 (a)

Please explain what are the works at the Dewars-Pool and Bindi-bindi Road's intersection?

Response

As outlined and discussed during the budget briefing sessions, the works are those required under the approved State Black Spot funding application to complete the reconstruction of the carriageway including the intersection. These are components that were not previously completed and are necessary to bring the site up to the approved Black Spot design and safety standards. Failing to do will require the Shire to give all the money back.

Question 1(b)

Is the intersection part of the State Black Spot approved SLK 7.2-9.18 included in the \$700,000 carried forward in the budget?

Response

Yes. The intersection forms part of the approved Black Spot project limits SLK 7.2–9.18, and it is included within the \$700,000 carried forward in Council's budget.

Question 1(c)

If so, given the condition of the intersection could the intersection works be reduced and the balance of funds be returned to MRWA?

Response

No. The current intersection condition does not meet the Black Spot design. To claim and acquit Black Spot funding, all design components approved for the project must be delivered and submitted for compliance. Reducing or omitting the intersection scope would risk non-compliance, undermine safety outcomes, and perpetuate the elevated maintenance burden currently experienced. On that basis, the works cannot be reduced for the purpose of returning funds.

Question 1(d)

If the intersection is not included in the approved SLK 7.2-9.18 what funding is being sourced and what is the cost?

Response

This is not applicable. The intersection is included in the approved works for SLK 7.2–9.18 and is funded within the State Black Spot Program administered by Main Roads Western Australia (MRWA), with \$700,000 carried forward in the current budget to complete the scope. The intent is to deliver the road widening/reconstruction and intersection upgrades together to avoid weak joints, unsafe turning sections, or damage at the interface.

Question 2(a)

At the May OCM 2025, an explanation was sought for 2 April payments for a YANMAR powered 45kVA Diesel generator, each \$19,000. The response was *the original generator purchased was not the right size, was returned and the correct size was purchased. It's the same generator only slightly bigger.*

At the September OCM 2025, payments listed a Perkins 88KVVA generator for \$29,800. When questioned is this another generator and where is it to be located, the response was *this was the larger generator for the recreation centre. It is not another generator, it is the replacement for the one that was returned due to the original one being underpowered for the site.*

a. Please explain was the original entry of two YANMAR 45kVA a double entry error, or not?

Response

The original entry was neither a double entry nor an error. The invoices in April were both "paid" and is why they are included on the list of payments but were both rejected by the bank due to incorrect bank details. The \$29,800 (for the bigger generator) paid as reported in the September list of payments was paid and was accepted by the bank.

Question 2(b)

If we have 2 generators, where is the YANMAR located and for what purpose?

Response

This question has previously been responded to - We only have one generator. This has not changed since this answer was previously given.

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

Meeting	Date	Time
Bushfire Advisory Committee	6 November 2025	6.00pm
Local Emergency Management Committee	6 November 2025	10.30am
Agenda Briefing	20 November 2025	5.30pm
Ordinary Council Meeting	27 November 2025	5.30pm
Audit, Risk and Improvement Committee	4 December 2025	10.30am

17 CLOSURE OF MEETING