



Ordinary Council Meeting

27 November 2025

Commencing at 5:30 PM

AGENDA

Notice of Meeting.

To: The President and Councillors.

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

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

Aaron Bowman JP

CHIEF EXECUTIVE OFFICER



Information

Our Vision, Purpose and Values

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

Our Vision

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

Our Purpose

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

Our Values

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

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

Community Aspirations

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

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

Disclaimer

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

Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website

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

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

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



Information

Conduct of Members of the Public at Council Meetings

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

Section 5.17 Prevention of disturbance

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

Section 8.6 Right of Presiding Member to adjourn

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

Public Question Time

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

Procedures for Asking Questions

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

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

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

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

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

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

The following general rules apply to question time:

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

Information

considered at an Ordinary Council Meeting;

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

Submissions

An owner, applicant or any member of the public who has an interest in an item on an Agenda, or generally, can make a submission on an agenda item if invited by the Presiding Member. Submissions must be relevant, concise, and limited to five minutes unless the time is extended by the Presiding Member.

Unlike Agenda Briefings, submissions at Ordinary Council Meetings do not allow for discussion or questions from Councillors. Prior written notice to the CEO is encouraged through completion of the [Submission Registration form](#) which must be received by 12 noon on the day of the Council Meeting either in Person at the Shire of Toodyay Administration Office, 15 Fiennes Street, Toodyay WA 6566 or alternatively, via email to records@toodyay.wa.gov.au

Anyone making a submission is required to state their name and identify whether they are a ratepayer or resident of the Shire when invited to present their submission by the Presiding Member.

Anyone making a submission must comply with any direction from the Presiding Member.

Submissions are to be concise. Where it is a submission regarding an Officer Report, state whether you agree with or object to the recommendation of the report and include your reasons for agreement or objection of the recommendation.

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;

Information

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

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

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

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

Council Meetings

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

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

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

*cl.5.11 of the Shire of Toodyay Standing Orders Local Law
Div. 3 of the Local Government Act 1995*

Date of Council Meeting: _____

Agenda Item and Name:

Are you speaking for or against the recommendation in the Agenda? ☐ For ☐ Against

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 Submitter's address will not be made public. The information collected will only be used for matters related to Submission time.

Please be advised that I intend to make a submission for regarding the item listed above.

[illegible]

If you require extra room please write on the back of this form or attach another A4 page

Signature: Date:

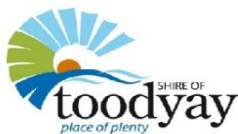
Please return this form to the Shire of Toodyay



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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: _____ Chief Executive Officer Date: _____

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 Ray Mills	Financial	10.2.2	He is a financial member with RSLWA Toodyay Sub Branch and a voting member who attends meetings and events.
Cr M Dival	Impartiality	10.3.1	She knows several of the nominees

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

Nil.

4.2 PUBLIC QUESTION TIME**5 APPROVED LEAVE OF ABSENCE****5.1 Request from Cr Dival for Leave of Absence**

Cr Dival has requested leave of absence from 17 December 2025 to 19 December 2025 inclusive and from 4 February 2026 to 6 February 2026 inclusive.

OFFICER'S RECOMMENDATION

That the Applications for leave of absence made by Cr Dival be granted as follows:

- (A) from 17 December 2025 to 19 December 2025 inclusive; and
- (B) from 4 February 2026 to 6 February 2026 inclusive.

6 CONFIRMATION OF MINUTES**6.1 Ordinary Meeting of Council held on 30 October 2025****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 30 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 Consent to advertise Revised Local Planning Policy 2 - Ancilliary Dwellings**

Date of Report:	12 May 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	LPP2
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	22 June 2022: OCM22/06/22
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Current Ancilliary Accomodation Policy (2008); ↗ 2. LPP2 Draft Ancillary Dwellings policy (Revised). ↗

PURPOSE OF THE REPORT

To adopt a Draft Ancillary Dwellings Policy (**Attachment 2**) for the purposes of public advertisement.

It is intended that the current Ancillary Accommodation Local Planning Policy No.2 (LPP2) (**Attachment 1**) will be renamed “Ancillary Dwellings” To realign the policy to State definitions and align it also with the name in the current Local Planning Scheme No.5 gazetted on 22 August 2024.

BACKGROUND

The current LPP2 Ancillary Accommodation policy was last reviewed 13 May 2010 and was presented to Council as an Ancillary Dwelling policy for advertisement in June 2022.

That version of policy predated the new planning Scheme No.5 which has required the policy to be reviewed again to consider the current Local Planning Scheme. The review of the current policy incorporated changes to State Government legislation that have occurred since 2008, as well as a link to Local Planning Scheme No.5 provisions. This new policy proposes substantial changes to the way the Shire has previously assessed ancillary dwellings.

COMMENTS AND DETAILS

The review of this policy has considered the fundamental basis of the need to provide Ancillary Dwellings into the broad landscape of the Shire while catering for the Shire's unique needs and demands.

While the fundamentals of this policy stem from the need to keep elderly residents close to their families, as a planning concession, the changes made to State government legislation can now permit non-family members to occupy these dwellings. With changes to the Short-Term Rental Accommodation (STRA) State policy, ancillary dwellings are now meeting housing needs within our community as well as short term holiday rental accommodation.

Those original planning concessions were focused on the proximity to the main house, size of the dwelling, number of bedrooms, and use by family members. This is no longer the need in the community, and this will be reflected with the new policy.

Key considerations for changing this policy to reflect contemporary housing and lifestyle choices in the Shire are:

The key elements are:

1. Size of an ancillary dwelling
2. Number of bedrooms
3. Separation from the primary house
4. Proportionality
5. Building Envelopes & Setbacks
6. Large rural lot bonus
7. Land uses
 - (a) Townsite (R-codes)
 - (b) Rural zones

Dwelling Size

The current requirement of a 70m² ancillary dwelling is deemed to be too small and will be replaced with a more efficient scaling or proportionality to the main dwelling. The Shire is proposing to increase that floorspace minimum in rural areas, however the 70m² base cap will still apply in cases where proportionality calculations are made (Example 3).

The current regulated 70m² dwelling size has more merit within an urban residential framework, and even that framework permits larger dwellings under the R-Codes for special needs housing. If a larger than 70m² ancillary dwelling were to be proposed, then performance criteria in the R-Codes could be applied.

The draft policy recognises that on larger rural lots a larger ancillary dwelling is not out of character, if it is clearly and measurably ancillary to the main house. To ensure this proportionality a 40% requirement is introduced, in that the ancillary dwelling must not be greater than 40% (in floor area) of the main house.

Based on the size of the main house, a rural ancillary dwelling could under this policy have a larger floorspace. Lots in the Residential and commercial zones in the Shire are bound by the provisions of the R-Codes. Those codes can consider larger ancillary dwellings on residential lots in certain circumstances, such as disabled housing etc.

While the base maximum floor areas proposed will support larger houses, a 40% proportional cap to the ancillary dwelling will apply to larger rural lots.

Number of bedrooms

This element of the current policy no longer has a basis in modern design or is fit for community need. This is seen as a redundant criteria and restricts the use of an ancillary

dwelling, especially when a new (larger) main dwelling is proposed on the same lot. It is proposed that this design element be removed from the future criteria in this policy.

Dwelling Separation.

This design element imposes a requirement for clustering of development to the proximity to the main dwelling. This old criteria was used to support elderly residents, or to share existing infrastructure but can cause unforeseen issues in rural areas, due to tree clearing or difficult terrain. There have been a few examples in the Shire where the placement of an ancillary dwelling in proximity of the main house would have resulted in loss of tree cover or placed the ancillary in a high bushfire risk area. Having greater flexibility with this criteria will support alternate locations that do not require Council resolution to proceed.

There are many locations within the Shire where lots have building envelopes. In these cases, the new separation criteria will bind the landowner to only construct within the established building envelope. Boundary setbacks will still apply in all cases as per Scheme provisions in Clause 32 – *General development standards and requirements*.

Proportionality:

This is a new design criteria to be used to measure the relationship between the main dwelling and the ancillary dwelling. This consideration relates to the relative size of a dwelling relative to the lot size and to the proportionality between the main house and the secondary house.

There are no planning controls over the size of a primary dwelling on a rural lot, apart from the boundary setbacks. In townsite areas with smaller lots the size of the dwelling land area is dictated through the R-Codes. There will still need to be a demonstrated differentiation between the size of the two dwellings. If both dwellings were approximately the same size then the *Planning and Development Act*, and R-Codes would deem that development a Grouped Dwelling which is generally not permitted in most rural zoned areas (except the rural zone, with conditions in this policy).

The same reverse concept applies when an old house becomes an ancillary dwelling under this policy. The area of the old house must then be used to dictate the minimum size of the new house. The proportionality must be maintained under this policy (example 3).

Building Envelopes and Setbacks

As per all applications under this proposed policy, consideration will be made regarding building envelopes on lots. Ancillary dwellings will not be permitted outside of these allocated envelopes, to preserve the estates design guidelines.

Alternate locations on open rural lots will always have to conform with existing Table 6 – *site and development requirements* in the scheme or to R-Code requirements. These provisions form the basis of responsible siting of development on a lot.

Large rural lot bonus

In response to housing needs within the community the draft Ancillary Dwelling policy will provide an additional opportunity for large rural lots. Current scheme provisions 32(11) may allow the shire to permit two main dwellings to lots greater than 40ha, however the requirement of only one ancillary dwelling has remained. This policy is proposing to support two ancillary dwellings in these circumstances.

This new provision may provide extra housing stock on working farms in the Shire of Toodyay which is at the forefront of planning in local governments.

This approach to housing development on rural land, while not explicitly forbidden in *SPP2.5 - Rural living or DC policy 3.4 - subdivision of rural land*, is worth maintaining in the Shire, as it appears in the Scheme Clause 32 (11)b.

GENERAL PROPOSAL

The two tables below represent the criteria and restrictions of the current policy and the proposed policy. The key difference is the use of lot size or zoning to determine the ancillary dwelling cap for proposals.

Table 1- Current policy requirement

Land Use	Dwelling Size	Bedrooms	Separation	Quantity
Residential	R-codes chapter 5.5	N/A	N/A	1
All Rural	<70m ²	max 2	max 20m	1

Table 2 proposed policy requirements

Land Use / Lot Size	Dwelling Size	Bedrooms	Separation	Quantity
Residential	R-codes chapter 5.5	N/A	N/A	1
Rural Residential / Rural Enterprise <4ha	<100m ²	N/A	N/A unless there is a building envelope	1
Rural Smallholdings 4-40ha	<120m ² or <40% of the primary dwelling's area	N/A	N/A unless there is a building envelope	1
Rural >40ha	<130m ² or <40% of the primary dwelling's area	N/A	N/A	2
All zones default	70m ²	N/A	N/A	1

WORKED EXAMPLES

Under the current policy all applications must meet the criteria of Table 1. The proposed policy will increase the dwelling caps, which may again exceed those caps where large main dwellings exist.

In some cases, the base line cap of 70m² may be applied when dealing with the proportionality criteria.

Example 1 – 20ha rural zoned lot, main house 320m².

The 20ha size of the Lot means that assessment will be made as if it were zoned Rural Smallholdings, 120m² base cap. The main house is more than 300m² so the shire can use the 40% rule to expand the base cap to 128m² (300x0.4=128m²).

Example 2 – 4ha rural residential zoned lot, main house 160m².

The 4ha sized lot and zone would use the 100m² base cap, because the main house is 160m², the 40% provision would not enlarge the cap (160x0.4=64m²) the new cap is larger.

Example 3 – 32ha Rural zoned lot, 120m² main house

The 32ha sized lot and zone would use the 130m² base cap. In this case the main house is only 120m² so we have a negative calculation.

- a) The current house becomes the ancillary house and the new house becomes the main house, but the new house would then need to be a minimum of 300m² to meet this policy requirement, or*
- b) The new proposed ancillary house must be less than 40% of the main dwelling = 48m². In this case a default 70m² cap would apply.*

IMPLICATIONS TO CONSIDER

This new policy will relax and enlarge the longstanding practice of:

- small maximum dwelling sizes;
- remove the imitations to the number of bedrooms;
- remove the requirements for small separations distances between dwellings.

It will now focus on:

- relative dwelling proportionality;
- finding the best location on the lot;
- retain consideration of existing building envelopes; and
- providing additional dwelling bonuses for large rural lots.

This amended policy will expand the development options of landowners, especially those where subdivision may not be a viable option.

Consultative

Councillors were invited to comment on the Ancillary Dwelling policy at a workshop on 17th April 2025. During that meeting questions were raised regarding the proposed policy and possible outcomes. Adjustments have been made accordingly. Referral to the Department of Planning was made as there is potential to conflict with the State level R-Codes of WA. Advice received back from the department of planning in September, advised a few tweaks, but gave general support for the updated policy. Local Planning Policies Clause 4(1)-(3) of Schedule 2, Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 outlines the statutory requirement and process for the advertising of Local Planning Policies.

If the local government resolves to create or amend a local planning policy, in accordance with the Regulations, the local government must, unless the WAPC otherwise agrees, advertise the proposed policy. Advertising of Local Planning Policies must be for a period of not less than twenty-one (21) days. Where it is proposed that a deemed-to-comply provision of the R-Codes is to be amended or replaced – the WAPC will need to be consulted.

Strategic:

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

5.1. Provide responsible planning and development.

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

Policy related:

Pursuant to Clause 3, Division 2 of Schedule 2 ('the deemed provisions'), the local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. However, with regards to any matters where the R-Codes are involved, there is a caveat. A local planning policy local planning policy, will only be a relevant consideration in the exercise of judgement where it is:

- (a) specifically sanctioned by a provision of the R-Codes Volume 1;
- (b) consistent with the design principles of the R-Codes Volume 1; and
- (c) consistent with the objectives of the R-Codes Volume 1.

Therefore, any changes to the Local Planning Policy which proposes to amend or replace a deemed-to-comply provision of the R-Codes must be given consent by the Western Australian Planning Commission. Local Law, which will be effectively superseded by this amended Local Planning Policy.

Consultation has been received from the department and no negative comment has been received.

Financial:

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

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

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

Risk related:

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.

There is a **Low** risk to the Council when new local planning policies are developed and proper community consultation is undertaken.

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 adopts the Draft Ancillary Dwellings Policy (**Attachment 2**) for the purposes of public advertisement in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.2 Application for an outbuilding at 80 Harvester Drive, Toodyay

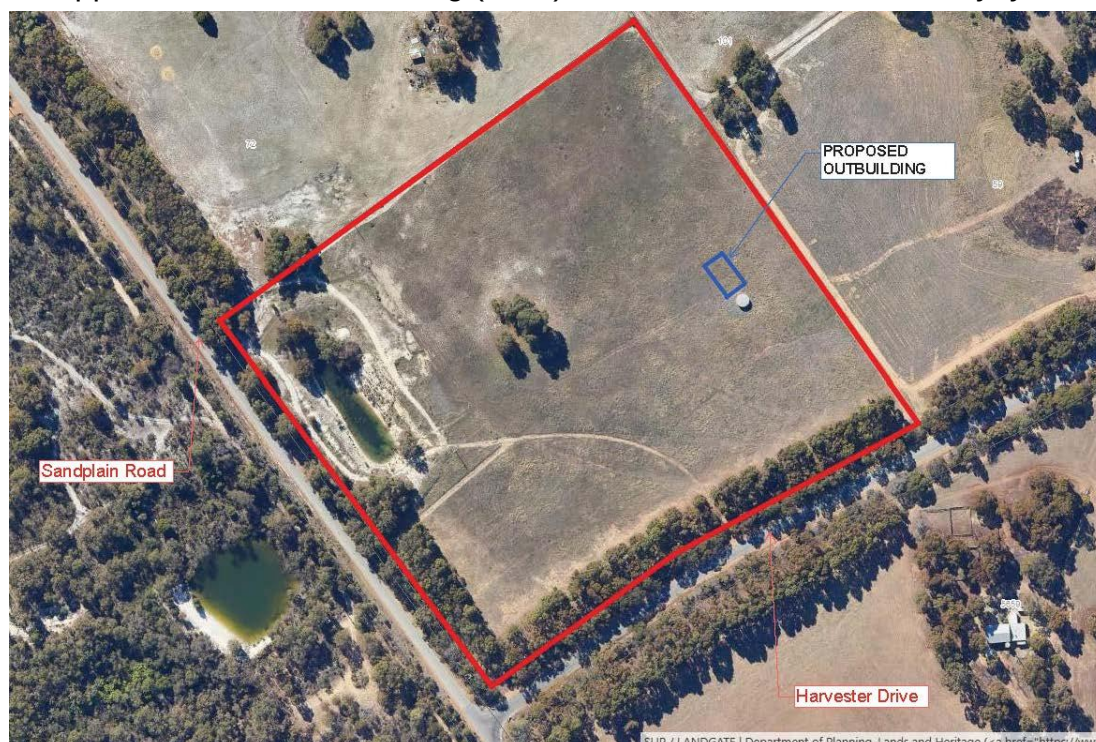
Date of Report:	21 October 2025
Applicant or Proponent:	Kosoula Chase – Complete Approvals
File Reference:	A3152/340HARV
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	- Cover Letter; and ↗ - Site Plan. ↗

PURPOSE OF THE REPORT

To consider approving an application received for an outbuilding at 80 Harvester Drive, Toodyay, by varying one of the deemed criteria within the Non-Habitable Structures *Local Planning Policy 13*.

BACKGROUND

An application for an outbuilding (shed) at 80 Harvester Driver, Toodyay was received.



The applicants have requested that the proposal be built with an increased ridge height greater than permitted in the Non-habitable Structures 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 following criteria exceeds the deemed-to-comply provision in the policy.

Local Planning Policy 13 Requirements	Permitted Ridge Height	
	4.8 metres	
Proposed Development	Proposed Ridge Height	Difference
	5.25 metres	+0.45m

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

COMMENTS AND DETAILS

Site Visit

A site visit was undertaken to determine the nature of the proposal and the visual impact of the development under the requirements of Special Control Area 5 in the Scheme.



Site Location

The lot is zoned Rural Residential under Toodyay Town Planning Scheme No. 5 and is located on the corner of Harvester Drive and Sandplain Road. The lot is 6.99ha in size and is predominantly flat. The proposed outbuilding has a setback of 129m from the North-western boundary, 30m from the North-eastern boundary, 111m from the South-eastern boundary and sufficient distance from the south-western boundary. (**Attachment 2**). The proposed outbuilding is more than 280m away from the nearest neighbouring house.

Assessment of Visual impact – Special Control Area 5: Landscape protection

The proposed outbuilding will be fully visible only from two directions: the north-eastern and north-western neighbouring properties. In all other directions, the proposed development will be completely screened by existing trees along the boundaries of Harvester Drive and Sandplain Road, ensuring minimal visual impact along Sandplain Road and Harvester Drive.

Due to the surrounding large lots and significant distance from neighbouring dwellings, the additional requested ridge height 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 for Non-habitable structures.

The applicant proposes to use the outbuilding for the storage of a caravan, vehicles, and tractors associated with property maintenance. While the proposed wall height of 4.2 metres is permitted for this intended use, the design includes a 10-degree roof pitch over a 12-metre span, resulting in a ridge height of 5.25 metres. This exceeds the maximum ridge height permitted under the applicable Local Planning Policy: Non-Habitable Structures.

Visual Impact

An assessment conducted on site determined that visual impact from Sandplain Road and Harvester Drive would be minimal. These boundaries are well screened by two rows of mature trees planted along the perimeter, effectively obscuring the development from public view. In contrast, more visual impact is expected along the north-western and north-eastern boundaries, where screening is recommended.

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 21 October 2025, with a 14-day response period ending on 04 November 2025. During this period, only one response was received expressing support for the proposed application.

Strategic:**Shire of Toodyay Council Plan 2023-2033**

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 and designated roads.

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 and would support the hiding vehicles and machinery from view. Consultation has resulted in support from an adjacent property.

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

The proposed variation to the Local Planning Policy - Non-habitable Structures is supported. The proposed change involves a minor increase in roof height, which is unlikely to be noticeable due to the significant distance from neighbouring properties and existing screening along the adjacent roads. Community consultation has been undertaken, and no objections or negative feedback were received.

Given the functional need for the roof pitch and the minimal visual impact, the variation is supported. The inclusion of vegetative screening from two directions will be recommended for this development approval.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the application received for an outbuilding at 80 Harvester Drive, Toodyay with a ridge height of 5.25m subject to the following condition:

- (a) That planting of vegetative screening be required to the north-eastern and north-western side of the outbuilding, to the satisfaction of the shire.

10.1.3 Application for Outbuilding at 62 Challeon Lane, Hoddys Well

Date of Report:	3 November 2025
Applicant or Proponent:	AMC Sheds
File Reference:	A3901/503CHAE
Author:	C MacKenzie – Assistant 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. Applicant letter ⇒ 2. Site plan proposal ⇒

PURPOSE OF THE REPORT

To consider approval of an application for an outbuilding at 62 Challeon Lane, Hoddys Well.

BACKGROUND

An application for an outbuilding at 62 Challeon Lane, Hoddys Well was received



The application request exceeds the maximum ridge height permitted by *Non-Habitable Structures* Local Planning Policy 13. The property is also located within Special Control Area 5 – *Landscape Protection*, which requires the proposal to be assessed for visual impact.

Officers do not have delegation to approve this application as it exceeds the limits 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 the ridge height of the proposed outbuilding exceeds provisions made in the Policy.

Local Planning Policy 13 requirements	Permitted Ridge Height	
	5.0 metres	
Proposed development	Proposed Ridge Height	Difference
	6.072 metres	1.072 metres

*Proposed plans can be found in **Attachment 2***

COMMENTS AND DETAILS

Site Visit

A site visit was undertaken to determine the context of the property and the potential visual impact of the proposed development. During that visit it was deemed that the prominent location of the shed may produce a visual impact to the community and the need for some screening was deemed necessary.



Site Location

The site is zoned Rural under Shire of Toodyay Local Planning Scheme No.5 and located at the end of a cul-de-sac. The property is 40.08 ha in size and located on higher ground than the road. The proposed outbuilding has a setback of 210 metres from the closest boundary and 396 metres from the furthest. The proposed outbuilding is located over 500 metres away from the nearest neighbouring dwelling.

Therefore, the proposed outbuilding is compliant with all development setback requirements for the *Rural* zone, being greater than 50 metres away from all lot boundaries.

Assessment against Special Control Area 5

The proposed outbuilding will be completely visible from the West, Southwest, and Southern sides of the property and is blocked from view by the slope from any properties from the North. Due to the surrounding lots and distance between homes and added vegetation screening by the applicant, it has been deemed that the requested variation to the policy would not significantly detract from the visual landscape of the area.

IMPLICATIONS TO CONSIDER

The applicant has provided a justification for their proposal (Attachment 1), requesting the variation to the Local Planning Policy. This letter has been considered in making an officer recommendation to Council. Within that letter and shown on the plans is a grove of trees to further reduce any visual impact to the community.

The additional height has been deemed acceptable, subject to applicants adding in vegetative screening shown on the provided plan which will further mitigate any negative impact on visual landscapes, in accordance with the requirements of Special Control Area 5.

Future Use

The applicants propose to construct the outbuilding before the main dwelling. Once the outbuilding is completed, they will proceed with building the dwelling, which will complement the proposed shed.

Visual Impact

As a result of the site visit it was recommended to the applicant that a grove of trees would be needed to mitigate the prominent location of the outbuilding, the plans and request has now been updated. With these additional measures, officers are satisfied that the proposed vegetative screening will mitigate and distract from the over height structure.

Consultative:

Neighbourhood consultation was not deemed necessary in this instance due to the large distances to the nearest dwelling, and the exceeding of the boundary setbacks in Table 6 of the Scheme. Also with the proposed mitigation, neighbour consultation requirements are not required.

Strategic:

Outcome 5.1 – Provide Responsible Planning and Development

Policy related:Non-Habitable Structures Local Planning Policy 13

This Local Planning Policy sets the acceptable development outcomes for this application. Council can vary these standards upon request where it is deemed that the application contains suitable elements worthy of a 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 – Visual Landscapes

This control within the local planning scheme sets out criteria for the assessment and protection of visual landscapes within the Shire of Toodyay, this scheme requirement places

a strong level of responsibility on the developer to maintain visual landscapes from key vantage points.

Financial:

Nil

Legal and Statutory:

Planning and Development Act 2005

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 proposals variation is deemed to have satisfied officers request for the mitigation of an impact on the visual landscape.

Workforce related:

The processing of this application, including the request to Council to vary Local Planning Policy 13, are within the usual workloads of the Planning unit.

Conclusion:

The proposed variation to the Local Planning Policy – *Non-Habitable Structures* is supported. The proposed change involves an increase in roof height, which is unlikely to be noticeable due to the long distances from neighbouring properties. Additionally, the implementation of vegetative screening has been deemed to further mitigate any potential visual impact.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves an application for an outbuilding at 62 Challeon Lane Hoddys Well with a ridge height of 6.072 metres subject to the following condition:

- (a) The planting of vegetative screening is required to the satisfaction of the Shire.

10.2 FINANCE AND CORPORATE SERVICES**10.2.1 Request for Rates Exemption A3020**

Date of Report:	20 September 2025
Applicant or Proponent:	St John Ambulance Toodyay
File Reference:	A3020
Author:	K Christiansen – Rates Officer
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	June 2003: CRN: <u>146/06/03</u>
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Request from St John Ambulance. ⇒

PURPOSE OF THE REPORT

To consider a request from St John Ambulance Australia for a rates exemption on Property A3020 located at 120 Stirling Terrace, Toodyay WA 6566 under Section 6.26(2)(g) of the *Local Government Act 1995*.

BACKGROUND

St John Ambulance Australia is a registered charity providing emergency medical services. The property at 120 Stirling Terrace is used solely for these purposes.

Information regarding their charitable status is available on the Charities and not-for-profits Commission website here: <https://www.acnc.gov.au/charity/charities/02bf8170-38af-e811-a960-000d3ad24282/documents/8b71640f-d561-eb11-89f5-000d3ad1f9f4>

Section 6.26 Rateable Land of the *Local Government Act 1995* requires all properties in the Shire to be rateable and details what properties are exempt from paying Rates.

Council can resolve to grant other discounts or concessions on properties that would otherwise be rateable.

To qualify under s6.26(2)(g), the following must be demonstrated:

- The organisation is registered with the Australian Charities and Not-for-profits Commission (ACNC).
- The property is used exclusively for charitable purposes (e.g. ambulance services, community health).
- No commercial or private use of the property occurs.

COMMENTS AND DETAILS

The Shire has automatically granted a concession to St John Ambulance on their rates each year since 2003.

The Local Government Act requires that Council, each year, at the time of adopting the budget or afterwards resolve to either wave a rate or grant a concession. This must be done each year to ensure compliance with the Act.

This property has been granted a concession previously as follows;

Assessment	Address	Owner Name	Concession Amount
A3020	120A C Stirling Terrace, Toodyay	St John Ambulance	50%

The Ratepayer has requested a rates exemption under section 6.26(2)(g) as they are using the land exclusively for charitable purposes.

It is recommended that Council grant concession to this property for the 2025/26 financial year, consistent with past years (i.e. 50%) of the general rate only. The ratepayer will continue to be responsible for the payment of all rubbish charges, ESL Levy and Waste Transfer Station Levy.

IMPLICATIONS TO CONSIDER**Consultative:**

Council

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

Outcome 2 An inclusive, connected community

Policy related:

Council's rating and hardship policies.

There are no council policies relating to this item

Financial:

The Rates concession budget is approximately \$21,000 per annum. This is included in the 2025/26 Budget.

Annual rates levied: \$7830.25

Proposed concession: 50% Concession under s6.47

Budget impact: [Minimal/moderate], offset by community benefit.

Legal and Statutory:***Section 6.26(2)(g) – Land Exempt from Rates Local Government Act 1995***

*Land used exclusively for charitable purposes is **not rateable (Exempt from rates)**. This includes properties owned or occupied by registered charities, provided the use aligns with their charitable objectives.*

Section 6.47 – Concessions Local Government Act 1995

Section 6.47 of the Local Government Act 1995 as amended. ...”a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant another concession in relation to a rate or service charge.”

A local government may waive or grant concessions in relation to rates or service charges, but this is discretionary and typically applies where full exemption under s6.26 does not apply.

Local Government (Financial Management) Regulations 1996: requires accurate classification and documentation of exemptions.

Charitable exemptions or concessions under Section 6.26 and 6.47 of the Act

Risk related:

Nil.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION

That Council approves a 50% rates concession for the 2025/2026 year for Assessment A3020 – 120A C Stirling Terrace, Toodyay under section 6.47 of the *Local Government Act 1995*.

10.2.2 Request for Rates Exemption A9017

Date of Report:	15 October 2025
Applicant or Proponent:	RSL – The Returned Services League of Australia WA Branch Incorporated
File Reference:	A9017
Author:	K Christiansen – Rates Officer
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. Correspondence from RSL. ⇒

PURPOSE OF THE REPORT

To consider a request from the Toodyay RSL for a rates exemption on Property A9017 located at 7 Clinton Street, Toodyay WA 6566 under Section 6.26(2)(g) of the *Local Government Act 1995*.

BACKGROUND

The Toodyay RSL is a registered charity providing support to returned service personnel. The property at 7 Clinton Street is used solely for these purposes.

Information regarding their charitable status is available on the Charities and not-for-profits Commission website here: <https://www.acnc.gov.au/charity/charities/c2ac6300-3aaf-e811-a95e-000d3ad24c60/profile>

Section 6.26 Rateable Land of the *Local Government Act 1995* requires all properties in the Shire to be rateable and details what properties are exempt from paying Rates.

Council can resolve to grant other discounts or concessions on properties that would otherwise be rateable.

To qualify under s6.26(2)(g), the following must be demonstrated:

- The organisation is registered with the Australian Charities and Not-for-profits Commission (ACNC).
- The property is used exclusively for charitable purposes.
- No commercial or private use of the property occurs.

COMMENTS AND DETAILS

The Shire has not previously granted a rates concession to the Toodyay RSL.

The Local Government Act requires that Council, each year, at the time of adopting the budget or afterwards resolve to either wave a rate or grant a concession. This must be done each year to ensure compliance with the Act.

The Ratepayer has requested a rates exemption under section 6.26(2)(g) as they are using the land exclusively for charitable purposes.

It is recommended that Council grant concession to this property for the 2025/26 financial year of the general rate only. The ratepayer will continue to be responsible for the payment of all rubbish charges, ESL Levy and Waste Transfer Station Levy.

It is also recommended that Council approves a rates exemption for Property A9017, 7 Clinton Street, Toodyay WA 6566, under Section 6.26(2)(g) of the *Local Government Act 1995*. In doing so, this means that a decision will not need to be made each year.

IMPLICATIONS TO CONSIDER

Consultative:

Council

Strategic:

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

Outcome 2 An inclusive, connected community

Policy related:

Council's rating and hardship policies.

There are no council policies relating to this item

Financial:

The Rates concession budget is approximately \$21,000 per annum. This is included in the 2025/26 Budget.

Annual rates levied: \$1,709.00

Proposed exemption: Full exemption under s6.26(2)(g)

Budget impact: [Minimal/moderate], offset by community benefit.

Legal and Statutory:

Section 6.26(2)(g) – Land Exempt from Rates Local Government Act 1995

*Land used exclusively for charitable purposes is **not rateable (Exempt from rates)**. This includes properties owned or occupied by registered charities, provided the use aligns with their charitable objectives.*

Risk related:

Financial risk

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council approves a rates exemption for Property A9017, 7 Clinton Street, Toodyay WA 6566, under Section 6.26(2)(g) of the *Local Government Act 1995*, noting the charitable status and exclusive charitable use of the property.

10.2.3 List of Payments - October 2025

Date of Report:	12 November 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. List of Payments - October 2025 ⇒

PURPOSE OF THE REPORT

To present to Council the list of payments for the months of October 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	\$ 1417.60
Electronic Funds Transfer Payments	\$1,420,720.06
Payroll	\$324,818.49
Credit Cards	\$ 4,502.06
Other (Including Direct Debits)	\$ 31,368.88
Total	\$1,782,827.09

10.2.4 Monthly Financial Statements - September 2025

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

PURPOSE OF THE REPORT

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

BACKGROUND

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

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

COMMENTS AND DETAILS

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

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

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:***Plan for the Future: Shire of Toodyay Council Plan 2023-2033*****Outcome 9. Responsible and effective leadership and governance.**

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Financial Governance

Financial:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

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

10.2.5 Monthly Financial Statements - October 2025

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

PURPOSE OF THE REPORT

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

BACKGROUND

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

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

COMMENTS AND DETAILS

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

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

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:***Plan for the Future: Shire of Toodyay Council Plan 2023-2033*****Outcome 9. Responsible and effective leadership and governance.**

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Financial Governance

Financial:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

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

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES**10.3.1 2026 Australia Day WA Community Citizen of the Year Awards**

Date of Report:	5 November 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	EVT6
Author:	M Taylor – Executive Manager Economic Development and Community Services
Responsible Officer:	M Taylor – Executive Manager Economic Development and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Advocacy
Attachments:	- Community Citizen of the Year Nominations; (confidential) Section 5.23(2) (e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover) - Youth Community Citizen of the Year nominations; (confidential) Section 5.23(2) (e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover) - Senior Community Citizen of the year nominations; (confidential) Section 5.23(2) (e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government

	(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover) 4. Active Citizenship (Group or event) nominations. (confidential) Section 5.23(2) (e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)
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PURPOSE OF THE REPORT

To consider nominations and select recipients for the 2026 Australia Day Community Citizen of the Year Awards categories.

BACKGROUND

The Community Citizen of the Year Awards are held annually across the State, promoted, and coordinated by the Australia Day Council of Western Australia (ADCWA).

Local governments are encouraged to engage residents to nominate fellow citizens. There is no additional cost for the Shire to support the Awards, or for those wishing to submit a nomination.

The recipients are selected from people and groups who have made community contribution and participation rather than personal achievement.

The Community Citizen of the Year Awards consist of four categories for presentation:

1. Community Citizenship of the Year;
2. Community Citizen of the Year (Youth under 25 years);
3. Community Citizen of the Year (Senior over 65 years); and
4. Active Citizenship (Group or Event).

ADCWA and participating local governments call for nominations from community groups and individuals. Nominations are submitted to ADCWA online via the website or using the form provided by the local government. All nominations received before the close-off date are provided to the relevant local government for consideration and selection.

In choosing the recipients of the Community Citizen of the Year Awards, regard is given to the nominee's achievements in the year immediately prior to receiving the award, as well as their past achievements and ongoing contribution to the community. A nominee need only be nominated once to be considered, though can receive numerous nominations.

Nominations for the 2026 Community Citizenship Awards opened on 1 September 2025 and closed on 31 October 2025. Posters and the link to the nomination form were published on the Shire of Toodyay website and Facebook. Additionally, an article was included in the Toodyay Herald October edition.

The winners of these awards will have been judged to have shown active citizenship and:

- Significant contribution to the local community;
- Demonstrated leadership on a community issue resulting in the enhancement of community life;
- A significant initiative which has brought about positive change and added value to community life; and
- Inspiring qualities as a role model for the community.

The eligibility criterion for these awards is as follows;

- A person must first be nominated to be considered for the Awards;
- Nominees should reside or work principally within the local authority making the award (Shire of Toodyay);
- Awards may be granted posthumously in recognition of recent achievements Groups of people will not normally be eligible except when meeting the criteria for a community group;
- A couple may be recognised in an individual category;
- A person may receive an award on more than one occasion in recognition of their particularly outstanding community contribution or involvement in an alternative initiative;
- Self-nominations are not accepted;
- Individuals must be at least 16 years of age on 26 January, though younger nominees may be considered for exceptional contribution;
- Unsuccessful nominees may be nominated in future years;
- Sitting members of State, Federal and Local Government are not eligible Nominations must be apolitical in their nature;
- Nominees should not in any way bring the awards program or local government area into disrepute.

Community Active Citizenship Awards are a means of recognising those who show outstanding commitment and contribution to their local community.

Nominees are notified in writing by the Shire of Toodyay and will receive a Certificate of Nomination, produced by the Shire of Toodyay. The nominees are invited to attend and participate in the annual Australia Day celebrations in 2026, the nominees will be announced and called up to receive their Certificate of nomination. Following the announcement of nominations, the winner will be announced. The award certificates are produced by the ADCWA free of charge.

COMMENTS AND DETAILS

The Community Citizen of the Year Awards are an opportunity for the Shire of Toodyay to recognise and honour the efforts of many residents, who dedicate their own time to actively work for the betterment of our community.

The Shire of Toodyay produces certificates for all nominees, and they are formally invited to attend and participate in the Australia Day celebrations.

ADCWA provides Certificates and Medals to the selected recipients at no cost to the Shire of Toodyay.

Although it customary for only one winner from each category to be awarded, the Shire of Toodyay has previously awarded joint recipients in Citizenship Awards.

The Australia Day Council requests that it receive Award winner names by early December 2025 to allow time for printing and forwarding the Award certificates and medals to the Shire of Toodyay.

IMPLICATIONS TO CONSIDER

Consultative:

Nominations were called for via various mediums including the Shire's Community Newsletter, distribution of posters on all notice boards, the Shire of Toodyay website, Facebook posts and all Toodyay Community groups were sent details via email.

Strategic:

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

Outcome 2 – An inclusive, connected community

O 2.5 Celebrate cultural diversity through art, culture and community activities

Policy related:

Nil.

Financial:

There are minimal financial implications which include costs of printing certificates, and obtaining frames for those certificates, all of which can be covered through operational budgets.

Legal and Statutory:

Auspire Australia Day Council Community Citizen of the year awards criteria.

Risk related:

The reputational risk of Council choosing to not nominate by secret ballot, recipients for the 2026 Community Citizen of the Year Awards categories, is considered minor (2) however this report mitigates the risk.

Workforce related:

Officers will arrange for nomination certificates and inform nominees.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council, having considered the nominations for the 2026 Australia Day WA Community Citizen of the Year Awards:

1. selects Nominee ____ as the recipient for the 2026 Community Citizen of the Year;
2. selects Nominee ____ as the recipient for the 2026 Youth Community Citizen of the Year;
3. selects Nominee ____ as the recipient for the 2026 Senior Community Citizen of the Year; and
4. selects Nominee ____ as the recipient for the 2026 Active Citizenship (Group or Event).

Additional Information

Following the Agenda Briefing, Councillors submitted their votes for nominees by secret ballot. A revised Officer's Recommendation is provided below.

REVISED OFFICER'S RECOMMENDATION

That Council, having considered the nominations for the 2026 Australia Day WA Community Citizen of the Year Awards:

1. selects Nominee C as the recipient for the 2026 Community Citizen of the Year;
2. selects Nominee D as the recipient for the 2026 Youth Community Citizen of the Year;
3. selects Nominee A as the recipient for the 2026 Senior Community Citizen of the Year; and
4. selects Nominee B as the recipient for the 2026 Active Citizenship (Group or Event).

10.4 EXECUTIVE SERVICES**10.4.1 Attendance at Events Policy.**

Date of Report:	22 November 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Attendance at Events Policy; ⇒ 2. Revised Attendance at Events Policy (with track changes); ⇒ 3. Revised Attendance at Events Policy (Track changes accepted). ⇒

PURPOSE OF THE REPORT

To consider the review and adoption of the revised Attendance at Events Policy in accordance with section 5.90A of the *Local Government Act 1995*, following the recent ordinary local government election (**Attachment 3**).

BACKGROUND

The current Attendance at Events Policy was adopted on 25 May 2022 (CRN: OCM093/05/22) (**Attachment 1**).

Section 5.90A of the *Local Government Act 1995* requires local governments to adopt a policy that governs the attendance of Council Members and the Chief Executive Officer at events. The policy must address transparency, integrity, and the appropriate acceptance of invitations to events.

COMMENTS AND DETAILS

It is best practice to review policies every three years, to ensure that policies remain relevant and effective.

The revised Attendance at Events policy is presented as a track changed attachment (**Attachment 2**).

The revised Attendance at Events policy:

- introduces a broader governance lens, embedding fairness, strategic alignment, and ethical leadership as core principles.

- improves clarity on who the policy applies to and under what circumstances.
- incorporates legislative definitions and introduces new categories to improve legal compliance and policy clarity.
- Strengthens procedural clarity and timelines for handling invitations.
- Provides clear boundaries to prevent misuse of public resources and ensure ethical conduct.
- Introduces a more rigorous and transparent decision-making framework for approving attendance.
- Provides improved clarity and reinforcement of financial accountability.
- Enhanced compliance support and visual guidance for users.

The revised Attendance at Events Policy represents a necessary and timely enhancement to Council's governance framework. While the current policy (adopted May 2022) provides a foundational approach to managing attendance at events, the revised version introduces critical improvements that better reflect contemporary governance standards, community expectations, and legislative compliance.

It is recommended that Council adopt the revised Attendance at Events Policy (**Attachment 3**) as it introduces substantial improvements in governance, clarity, and compliance. It reflects current legislative standards, community expectations, and operational needs. Key changes include expanded definitions, clearer exclusions, strengthened approval processes, and enhanced tools for implementation.

These revisions ensure that Council's approach to event attendance is fair, transparent, and strategically aligned—supporting both community engagement and ethical leadership.

IMPLICATIONS TO CONSIDER

Consultative:

The operational guideline from the department with regard to this policy is here: <https://www.dlgsc.wa.gov.au/department/publications/publication/operational-guideline---attendance-at-events-policy>

The guideline was used to revise the policy.

The policy was provided to Councillors individually with a copy of the report on 20 Oct 2025 with a deadline of 10 November 2025.

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:

Risk Management Policy

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995.

s.5.90A. Policy for attendance at events

Local Government (Administration) Regulations 1996

Local Government (Model Code of Conduct) Regulations 2021.

Risk related:

The risk related to not accepting the revised policy is moderate (3). This report mitigates that risk.

Workforce related:

A Shire Officer will update the website and distribute the revised policy list to councillors and staff via email.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. adopts the revised Attendance at Events Policy (**Attachment 3**);
2. requests the Chief Executive Officer make any necessary minor typographical amendments to the policy, prior to publication.

10.4.2 Continuing Professional Development Policy

Date of Report:	22 November 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Continuing Professional Development Policy; ➡ 2. Revised Continuing Professional Development Policy (with track changes); ➡ 3. Revised Continuing Professional Development Policy (Track Changes accepted). ➡

PURPOSE OF THE REPORT

To consider the adoption of the revised Continuing Professional Development Policy (**Attachment 3**).

BACKGROUND

The current Continuing Professional Development policy was last adopted in May 2022 (CRN: OCM091/05/22) (**Attachment 1**).

Section 5.128 of the *Local Government Act 1995* requires the policy to be adopted or amended by absolute majority and must be reviewed after each ordinary election.

When the Financial Management Review was undertaken by Moore Australia in November 2023 it was noted that the Continuing Professional Development Policy had not been reviewed after the 2023 ordinary local government election.

The Actions List of the FMR Review requested that the Shire adopt the policy by absolute majority to comply with Section 5.128.

COMMENTS AND DETAILS

It is best practice to review policies every three years, to ensure that policies remain relevant and effective.

A track changed version of the revised Continuing Professional Development policy is provided as an **Attachment 2**.

This revised Continuing Professional Development Policy has been updated to reflect legislative requirements under Division 10 of the *Local Government Act 1995* (sections 5.126, 5.127 and 5.128), and to align with sector best practice as outlined in WALGA's template policy and guidance materials.

Key changes are outlined below:

Terminology and enhanced structure and clarity

- The term “Members” has been replaced with “Councillors” to align with the terminology used in the *Local Government Act 1995*.
- The definition of Professional Development has been amended to remove one training provider from it as the provider's courses focus mainly on boards for institutions that had a foundational corporate governance core instead of the environment where Councillors operate in, being the local government core.
- The revised policy is significantly restructured into clearly numbered sections and sub-sections, improving readability and navigation.
- New sections have been introduced, including:
 - 1.1 Councillor's Induction;
 - 1.3 Continuing Professional Development Activities;
 - 1.4 Training Providers;
 - 1.5 Eligibility Criteria;
 - 3. Application and Approval;
 - 4. Registration for Training and Development; and
 - 6.1 Sharing Professional Development Insights.

Expanded definitions and New Terms

- New definitions added, including:
 - Associated Costs;
 - Loyalty Program or Reward Program;
 - Reasonable Expenses;
 - Training Costs; and
 - Travel Costs.

These additions provide greater clarity on what expenses are covered and under what conditions.

Councillor Induction and Continuing Professional Development (CPD activities)

- A new section on Councillor Induction outlines structured onboarding for newly elected Councillors, including optional participation for returning Councillors.
- CPD Activities are now explicitly defined with eligibility criteria and examples, linking training to strategic objectives, governance, and leadership development.

The revised policy provides improved clarity around eligibility, approval processes, financial controls, and reporting obligations. These enhancements reduce ambiguity, strengthen accountability, and support consistent decision-making.

The revised policy also encourages Councillors to share insights from training, fostering a culture of learning and collaboration. This supports team cohesion and builds collective capability across Council.

These revisions ensure the Continuing Professional Development Policy remains compliant, contemporary, and fit for purpose, reflecting the Shire's commitment to good governance.

It is recommended that Council adopt the revised Continuing Professional Development Policy (**Attachment 3**) as it provides a more robust, transparent, and future-focused framework for Councillor development.

IMPLICATIONS TO CONSIDER

Consultative:

WALGA model template (<https://walga.asn.au/policy-and-advocacy/our-policy-areas/governance-and-procurement/templates-and-resources>).

The policy was provided to Councillors individually with a copy of the report on 20 Oct 2025 with a deadline of 10 November 2025. Two Councillors provided a detailed response.

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:

Risk Management Policy

Attendance at Events Policy

Legal Representation and Costs Indemnification Policy

Financial:

The revised policy strengthens compliance with the *Local Government Act 1995* and associated regulations, particularly in relation to s.5.126–5.128 and r.35. It introduces clearer limitations on expenditure, travel, and timing of training approvals, reducing reputational and financial risk.

Legal and Statutory:

Local Government Act 1995 (s.5.126 and s.5.128).

Section 5.128 of the *Local Government Act 1995* requires the policy to be adopted or amended by absolute majority and must be reviewed after each ordinary election.

Local Government (Administration) Regulations 1996 (regulation 35)

Local Government (Model Code of Conduct) Regulations 2021.

Risk related:

There is a moderate (3) reputational and compliance risk regarding the content of the current policy. Retaining the current policy would limit the Shire's ability to respond to evolving governance expectations and may expose Council to avoidable risks.

The Shire would not be able to substantiate the non-compliance with the actions required by the Shire in terms of the Financial Management Review undertaken in 2023 as well as their legislative responsibility to review it after an ordinary election.

This report mitigates that risk.

Workforce related:

While the revised policy introduces additional structure, it does not increase administrative burden. Instead, it provides clearer pathways for approval and reimbursement, reducing uncertainty for Councillors and Officers alike.

A Shire Officer will update the website and distribute the revised policy list to councillors and staff via email.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. adopts the revised Continuing Professional Development Policy (**Attachment 3**); and
2. requests the Chief Executive Officer make any necessary minor typographical amendments to the policy, prior to publication.

10.4.3 Legal Representation Costs Indemnification Policy

Date of Report:	9 October 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Legal Representation and Costs Indemnification Policy; ⇒ 2. Revised Legal Representation and Costs Indemnification (with track changes); ⇒ 3. Revised Legal Representation and Costs Indemnification Policy (track changes accepted). ⇒

PURPOSE OF THE REPORT

To seek Council's adoption of the revised Legal Representation and Costs Indemnification Policy, in accordance with the Shire's policy review schedule.

BACKGROUND

The Legal Representation and Costs Indemnification Policy was last reviewed and adopted in April 2022 (CRN: OCM057/04/22). Under the Shire's Policy Framework, policies are to be reviewed at least every three years.

As part of the Financial Management Review conducted by Moore Australia in November 2023, officers undertook a comprehensive evaluation of the policy to determine its ongoing relevance, effectiveness, and alignment with statutory and organisational requirements.

The policy was previously classified as an "Administrative" policy. As part of the broader policy realignment process, it has now been reclassified under the "Financial" policy group,

COMMENTS AND DETAILS

A track changed version of the revised Legal Representation and Costs Indemnification policy is provided as an **Attachment 2**. Key amendments include:

Plain English Enhancements

- Summary sentences added to key sections (e.g. Payment Criteria, Delegation to CEO, Repayment) to improve readability.

- Complex legal clauses simplified for accessibility by elected members and staff.

Definition of Exceptional Circumstances

- A new definition added to clarify the scope of “exceptional circumstances” for approving legal representation costs.

Insurance Requirement Clarification

- Clause 5.2 strengthened to require applicants to confirm whether insurance coverage has been sought or is available prior to Council consideration.

Conflict of Interest Declaration

- Clause 3.1 amended to require applicants to declare any financial or non-financial interests, in line with the *Local Government Act 1995* and the Shire’s Code of Conduct.

Delegation to CEO – Plain Language and Reporting

- Clause 6 reworded to clearly outline the CEO’s authority to approve urgent legal costs and the obligation to report such approvals to Council.

Repayment Clause Simplification

- Clause 7 revised to clearly state that the Shire may pursue legal recovery of unpaid costs.

Legislative Review Trigger

- A clause added to Document Control section requiring immediate review of the policy following any relevant legislative amendments.

Rationale for Changes: These changes were made to improve the policy’s accessibility, ensure consistent interpretation, strengthen governance safeguards, and align with best practice standards for local government policy frameworks in Western Australia.

Terminology Clarification

- The term “Members” has been replaced with “Councillors” and “Shire Officers” to reflect the indemnification provisions under the *Local Government Act 1995*, which apply to:
 - Elected Members (Councillors)
 - Local Government Employees (Shire Officers)

These roles are explicitly referenced in sections such as:

s.9.56 – Protection from liability for actions done in good faith.

s.5.98–5.100A – Payments and reimbursements to council members.

s.6.7(2) – Use of municipal funds for lawful functions.

Committee members who are external appointees (e.g. community representatives) are not automatically covered under the Act unless Council has adopted a policy to include them. The revised definition of “Member” retains coverage in exceptional circumstances.

Rationale for Changes:

- The amendments aim to improve policy clarity, ensure consistent interpretation, strengthen governance safeguards, and align with best practice standards for local government in Western Australia.

It is recommended Council adopt the revised Legal Representation and Costs Indemnification policy (**Attachment 3**) as presented.

IMPLICATIONS TO CONSIDER

Consultative:

The policy was provided to Councillors individually with a copy of the report on 20 Oct 2025 with a deadline of 10 November 2025.

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:

Risk Management Policy

Continuing Professional Development Policy

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995 (s.5.126 and s.5.128).

Local Government (Administration) Regulations 1996 (regulation 35)

Local Government (Model Code of Conduct) Regulations 2021.

Risk related:

There is a moderate (3) reputational and compliance risk regarding the content of the current policy, which has necessitated review. This report mitigates that risk.

Workforce related:

A Shire Officer will update the website and distribute the revised policy list to councillors and staff via email.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. adopts the revised Legal Representation and Costs Indemnification Policy (**Attachment 3**); and
2. requests the Chief Executive Officer make any necessary minor typographical amendments to the policy, prior to publication.

10.4.4 Retirement of Policy: Committee Recommendations

Date of Report:	5 November 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Committee Recommendations Policy. ↗

PURPOSE OF THE REPORT

To retire the “Committee Recommendations” policy (GOV.16), as it is considered administrative in nature and its intent is already addressed through existing legislative requirements and administrative practices.

BACKGROUND

The “Committee Recommendations” policy was adopted by Council on 23 November 2022 (CRN: OCM244/11/22) (**Attachment 1**) to ensure that recommendations from Council and Mandated Committees are presented to Council for consideration and that agreed actions are tracked to completion.

The policy outlines processes for the provision of committee minutes, preparation of officer reports, and maintenance of a status report to monitor implementation progress.

COMMENTS AND DETAILS

A review of the policy has identified that its objectives are operational in nature and are already embedded within the Shire’s administrative practices.

Clause 17.12 of the *Shire of Toodyay Standing Orders Local Law 2008* establishes that committees are answerable to Council and must report on their activities when required. Specifically, it provides that, “*as soon as possible after [a committee] has decided on a matter referred to it by the Council, [it] is to prepare a report containing recommendations and submit it to the Council.*”

This clause affirms the procedural expectation that committee recommendations are to be presented to Council for consideration. As such, the intent of the Committee Recommendations Policy is already embedded within the Standing Orders and operational practice, rendering the policy redundant from a governance perspective.

The Financial Management Review noted that there was a “risk” that several council policies may be operational in nature, citing that *Council policies are not intended to provide direction*

on how different operational functions are to be executed as these are the responsibility of the CEO.” The mitigation and management strategy of this “risk” was to review policies to consider the appropriate separation of the role of the Council and the CEO.

As part of the broader Financial Management Review (FMR) and ongoing governance framework improvements, it is appropriate to retire this policy as it is procedural and administrative in nature and instead the CEO will manage these matters through internal protocols and procedures.

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

Supports good governance practices and aligns with the Shire's commitment to continuous improvement and regulatory compliance.

Policy related:

This report recommends the retirement of the “Committee Recommendations” policy (GOV.16).

Financial:

Nil.

Legal and Statutory:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Shire of Toodyay Standing Orders Local Law 2008*

Risk related:

Retiring redundant or administrative policies reduces the risk of duplication, inconsistency, and confusion between policy and procedure.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council retire the Committee Recommendation Policy.

10.5 INFRASTRUCTURE, ASSETS AND SERVICES**10.5.1 Bridge 4085 Toodyay West Road - Bridge Development and Replacement Project**

Date of Report:	11 November 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	BR4085
Author:	V Crispe – Executive Manager Infrastructure, Assets and Services
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	17 April 2024 and 22 May 2024
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	15% Civil Drawings - Bridge Development Project, Toodyay West Road ⇒ 15% Structural Drawings - Bridge No. 4085 over Toodyay Brook, Toodyay West Road ⇒ - MRWA Bridge Alignment Options ⇒ - B4085 Toodyay West Road - Speed Limit Diagrams (MRWA Speed Zone Assessment) ⇒ - Precast Concrete Bridge Option (Preliminary concept) ⇒ - Unibridge Steel Bridge Deck Option (Preliminary concept) ⇒ - Bridge 4085 Toodyay Brook Hydraulic Assessment; ⇒ - Bridge 4085 Critical Repairs Required March 2023. ⇒

PURPOSE OF THE REPORT

To consider and provide Main Roads WA (MRWA) direction for the reconstruction of Bridge 4085 Toodyay West Road.

BACKGROUND

A report on Bridge 4085 was presented to Council on **22 May 2024** but was **not moved or noted**. Since then, MRWA has now provided 15% civil drawings, 15% structural Drawings

and preliminary budget advice (November 2025), enabling Council to refine its position and progress planning, funding applications and staging.

As per the report submitted to the Council at the Ordinary Council meeting 22 May 2024 that planning had commenced to replace the bridge with a notional program as follows:

- 2021/22 Waterways Investigation was undertaken. – undertaken by MRWA
- 2023/24 Commence Preliminary Design – undertaken by MRWA
- 2023/24 Obtain clearances Aboriginal Cultural Heritage, Vegetation and clearing permits – this has not been undertaken Shire responsibility that includes the following:
 - Consultation with the Whadjuk Aboriginal Corporation (WAC).
 - Section 18 application to, Aboriginal Heritage Conservation, Heritage and Property Services, Department of Planning, Lands and Heritage.
- 2024/25 Finalise replacement design. This was not achieved.
- 2026/27 Construction to occur once design is finalised and funding obtained and all clearances and permits approved. (This will not be achieved due to no clearances, design and or funding approved).

The report provided to Council at the ordinary Council meeting 22 May 2024 funding for the bridge replacement was believed to be entirely from the Federal Bridge Renewal Program, based on a funding application by the Shire with MRWA to carry out the detailed design.

COMMENTS AND DETAILS

A capacity assessment undertaken by Main Roads WA (MRWA) in November 2021 identified significant deterioration in the timber elements of the bridge's support structure on Toodyay West Road. The existing structure provides a single 4.2-metre kerb-to-kerb lane, currently operating under a 40 km/h speed limit with bollards in place.

In March 2023, MRWA advised Shire officers to implement load-limiting measures pending full replacement. Following emergency repairs in September/October 2023, a 9-tonne load limit was imposed and a heavy-vehicle diversion established. Additional propping was also installed beneath the structure.

In June 2025, MRWA completed a one-month monitoring program of several installed props on Bridge 4085. The monitoring indicated that props at Span 4 had loosened and required strengthening. The Shire inspected the site, consulted specialist bridge contractors, and prepared a scope of works for MRWA approval. MRWA subsequently approved the proposed methodology, and the Shire lodged a Section 18 (S18) application with Aboriginal Heritage Conservation, Heritage and Property Services, Department of Planning, Lands and Heritage.

Recent feedback on the S18 application recommends withdrawing the S18 and instead submitting a Regulation Application (RA) under the Aboriginal Heritage Regulations 1974 (AHR). Prior to lodging an RA, the Shire must consult with the Whadjuk Aboriginal Corporation to seek their agreement.

The Shire remains in regular contact with MRWA regarding residual risk. MRWA has advised that the two existing props are to be monitored pending MRWA's next inspection scheduled for June 2026. MRWA is also exploring maintenance funding for the bridge; if approved, this would apply in the 2027/28 financial year.

Attachment 1: 15% Civil Drawings — Bridge Development Project, Toodyay West Road.

Attachment 2: 15% Structural Drawings — Bridge No. 4085 over Toodyay Brook, Toodyay West Road.

Attachment 3: MRWA Bridge Alignment Options.

Attachment 4: B4085 Toodyay West Road — Speed Limit Diagrams (MRWA speed zone assessment).

Attachment 5: Precast Concrete Bridge Option (preliminary concept).

Attachment 6: Unibridge Steel Bridge Deck Option (preliminary concept)

Attachment 7: Toodyay Brook Hydraulic Assessment

Attachment 8: Critical Repairs Required March 2023

Alignment Options and Speed Zoning - **Attachment 3** was discussed with Elected Members at the Council Forum on 17 April 2024. At that forum, Shire Officers proposed Option 3 from the alignment study, on the basis that it minimises land acquisition from adjacent private properties and supports a design speed of 70 km/h. MRWA subsequently undertook a speed zone assessment for the **preferred Option 3** (see **Attachment 4**), confirming a posted speed limit of 60 km/h from the railway level crossing south of the bridge through—and past—the horizontal curve north of the bridge.

Property and Cost Considerations - While Option 3 minimises impacts, it will still require some land acquisition, which has not yet been addressed and will need to be included in the Shire's project expenditure. For comparison, Option 5 follows the existing road alignment and remains wholly within the existing road reserve.

Bridge Form Options - Two construction types have been assessed for the bridge replacement: Precast concrete plank deck (**Attachment 5**), and Unibridge steel deck (**Attachment 6**). Preliminary 15% concepts for both options are provided for reference.

Active Transport Provision - The Council Forum also discussed inclusion of a separated pedestrian footpath to enable safer bicycle and pedestrian crossings and reduce potential conflict with vehicle movements.

MRWA has supplied concept drawings at 15% completion and indicative replacement costs using a current post-COVID benchmark of \$25,000/m² (bridge structure only; roadworks are excluded and are estimated by MRWA at approx. \$2.0M).

MRWA advised that there has been a change to the Federal funding program that commenced on 1 July 2024. The new requirement for bridge replacement on roads which the Local Government responsibility will be 80% from the Federal fund and the local authority will have to fund the remaining 20%. MRWA will continue to fund the detail design of the bridges.

MRWA indicative costings and replacement options are as follows: Using the rate of \$25,000m² MRWA current replacement cost post COVID.

Description	Single Lane Bridge	2 Lane Bridge	2 Lane Bridge with Footpath
Length	23		
Width Between Kerbs	4.2	7.2	7.2
Footpath			2.5

Description	Single Lane Bridge	2 Lane Bridge	2 Lane Bridge with Footpath
Replacement Cost MRWA	\$3,000,000	\$4,800,000	\$6,200,000
80% Bridge Renewal Programme - Federal Gov	\$2,400,000	\$3,800,000	\$4,960,000
20% Shire contribution	\$600,000	\$960,000	\$1,240,000

Funding options currently available advised by MRWA utilising MRWA indicative costs:

WALGGC – Special project fund (Bridge Maintenance – funding like-for-like)

Bridge replacement at 7.2m \$4.8M

Bridge replacement at 4.2m \$3M (\$2M Federal Gov, \$1M State Gov.)

Widening to 7.2m (3m) \$1.8M (Shire to Fund)

Roads to Recovery

Bridge replacement at 7.2m \$4.8M

There are limits to the level of 100% Federal Gov funding

R2R funding is typically topped up with various other funding sources(Shire/Main Roads).

Bridge Renewal funding – SLRIP funding currently in place

Bridge replacement at 7.2m \$4.8M

The lesser of 80% or \$5M \$3.84M (Federal Gov)

Balance \$0.96M (Shire / Main Roads)

Funding parameters and Shire co-contribution - As advised by MRWA, Bridge Renewal Programme (BRP) funding cannot be combined with any other Federal Government funding for this project.

Should Council allocate a minimum 20% co-contribution, it would:

- Demonstrate the Shire's commitment and intent to proceed; and
- Strengthen the case for MRWA support and potential co-funding.

The precise level and timing of the Shire's contribution remains a decision for Council.

Cost realism and escalation: Based on officer experience with comparable projects, the indicative bridge costs provided by MRWA appear materially low, particularly given current market conditions and supply-chain pressures.

With delivery likely 2-3 years away, cost escalation is expected to be significant, and allowances should be revised accordingly. Likewise, the provisional \$2.0 million for roadworks (approaches, drainage, barriers, traffic management) is unlikely to be sufficient, as it appears to exclude permits/approvals, vegetation clearing, services/utility relocations, and full-depth road reconstruction to current standards.

Council should treat the MRWA figures as baseline placeholders only, pending detailed design and an updated estimate incorporating realistic escalation and contingency.

Realisation - Closure of Bridge 4085 (Toodyay West Road) Network Implications:

The Shire was required to close the bridge immediately which occurred at 9am on Friday 14th November following confirmation advice received from Main roads and provided to the Chief Executive Officer on Thursday 13th November.

*“Based on our discussion and the information you provided below regarding the delays in obtaining heritage approvals for the propping reinstallation, it was clear that the installed props (as per the attached Critical Repairs Required Memo) (**Attachment 8**) to achieve the current 9t load posting, which is in place, appear to be no longer effective.*

Noting that this bridge’s extremely poor condition, and that the propping works from the last load rating analysis were a temporary fix pending bridge replacement.

At the time, several years ago, there were options, including lane closures/banding/speed restrictions, and abutment potting, to achieve a 4T limit. Additionally, propping Pier 4 piles to get to 9T limit. The Pier props are now ineffective, and additionally, with a three-pile bent, the affected piles (the middle and right ones) create a critical situation with limited redundancy due to poor half-caps. That is, the currently implemented 9T load restriction is not achievable. Public adherence to a further reduced limit would be doubtful.

Specifically, for a 4T option (according to the attached Critical Repairs Memo), the risk/criticality scenario, given the inevitable deterioration that has occurred since the last DIR four years ago, means that the 4T limit option is not considered reliable.

Given the above reasons, it was not prepared to recommend keeping the bridge open in any capacity until propping is reinstated. Main Roads agrees with closing the bridge on safety grounds. This bridge needs to be replaced.”

Due to the absence of committed funding for replacement, it is acknowledged that Bridge 4085 on Toodyay West Road immediate closure will create issues. Alternative routes however are available to maintain network connectivity, including Picnic Hill Road-. Toodyay-Bindi Bindi Road and Julimar Road.

While these detours will result in longer travel times and operational inefficiencies for heavy vehicles and local businesses, continuity of access to the townsite and regional network can be maintained. The Shire will implement a traffic management and communications plan (detour signage, emergency services liaison, school bus and freight notifications) and continue to monitor the structure, approaches, and signage for safety compliance.

Main Roads WA (MRWA) has also advised that Dumbarton Bridge (4084) has exceeded its service life and requires full replacement. MRWA and the Shire have commenced the initial phase of the replacement program, including preliminary concept drawings and waterway investigations, as the notional starting point for delivery.

Funding capacity: The Shire does not have the financial capacity to fund-or part-fund-both Dumbarton Bridge (4084) and Bridge 4085 within the current Long-Term Financial Plan without unacceptable impacts on service levels, rates, or debt settings. Any Shire contribution must be modest, time-phased, and contingent on substantial external funding (State/Commonwealth) and on delivery schedules aligned to the Shire's fiscal constraints. Concurrent co-funding of both bridges is not feasible.

Dumbarton Bridge 4084 is a critical network asset with no practical alternative detour offering comparable capacity or travel time. Any failure or enforced closure would have region-wide impacts on residents, emergency services, agriculture, and freight, significantly disrupting access to Toodyay and surrounding districts. Preliminary advice indicates that the replacement cost will be substantial, exceeding the estimates for Bridge 4085. Given the

absence of viable detours and the bridge's strategic importance, securing external funding for the timely replacement of Dumbarton Bridge 4084 is a higher priority.

IMPLICATIONS TO CONSIDER

Consultative:

Main Roads

LGIS.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 5.1 Provide Responsible Planning and Development

Outcome 6. Safe, sustainable, and affordable transport options.

Policy related:

Risk Management

Long term Financial Planning

Financial:

The estimated replacement costs provided by MRWA for Bridge 4085 range from \$3.0m to \$6.2m, depending on the selected bridge. The figures are materially low based on previous experience and do not include the costs for roadworks, vegetation clearing, service relocations permits / approvals.

There appears to have been no previous consideration of future bridge replacement / upgrade costs, and as such no reserve funds have been allocated for any large future bridge expenses. This together with the lack of ongoing upgrade and maintenance has now created a significant financial issue for the shire. Given current fiscal constraints, the Shire of Toodyay is unable to provide the 20% co-contribution for the bridge reconstruction and will need to seek alternative avenues.

Legal and Statutory:

Local Government Act 1995

Risk related:

Since the financial impact is higher than \$500,000 the rating level is catastrophic (5). Until other funding sources are confirmed, the likelihood is rated as likely (4) and hence the risk is extreme (20)

Workforce related:

While MRWA are entirely funding and implementing the detailed design of both bridge 4085 and 4084, Shire Officers will need to assist with public consultation.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Notes that Bridge 4085 (Toodyay West Road) was required to be closed immediately with detours via Picnic Hill Road/Toodyay Bindi Bindi and via Toodyay West Road/Julimar Road.
2. Recognises Dumbarton Bridge as a higher priority asset with no practical detour, requiring significant external funding to replace; and
3. Requests the Chief Executive Officer to request an urgent meeting with the Minister for Infrastructure, Transport, Regional Development and Local Government, seeking funding support and advising of interim risks and detour arrangements for Bridge 4085.

10.6 COMMITTEE REPORTS

Nil.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Notice of Motion: allotted seating position in Chambers**

Date of Report:	10 November 2025
Applicant or Proponent:	Cr Madacsi
File Reference:	MTG7
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Minutes from April 2025. ↗

PURPOSE OF THE REPORT

To consider a notice of motion provided by Cr Madacsi that changes her allotted seating position in chambers.

BACKGROUND

On 6 November 2025 Councillor Madacsi provided the Chief Executive Officer notification of a notion of motion for the November Ordinary Meeting of Council as follows

That Council acknowledges the changes to local government representation in the *Local Government Act 1995* which took effect at the 2023 local government elections, caused two seats to become vacant at the Shire of Toodyay council table, and endorses

1. The removal of the seat at the head of the table that backs the gallery from the elected member seating ballot, and
2. Cr. Madacsi's designated seat at the head of the table being reallocated to the remaining unoccupied seat at the council table.

Clause 4.4(4) (c) of the *Shire of Toodyay Standing Orders Local Law 2008* states that the Chief Executive Officer (CEO) "may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget, and law." This clause empowers the CEO to offer insight and context to support informed decision-making by Council through this report.

Standing Orders 7.1, titled “members to be in their proper places”, mandates that the CEO is to allot a position at the Council Table to each member. This allotment is determined by a random draw.

COMMENTS AND DETAILS

At the Ordinary Council meeting held on 24 April 2025, Council resolved unanimously (7/0) to implement changes to the seating plan within the Council Chambers to improve the functionality and safety. The resolution addressed the following concerns:

1. The monitor at one Councillor’s seat obstructed visibility, limiting the ability of Councillors to maintain clear lines of sight during meetings.
2. A microphone cord near the steps posed a tripping hazard, with near misses reported despite awareness of the risk.
3. The seating arrangement required Councillors and Executive Staff to squeeze past one another, causing discomfort and inefficiency.
4. Several seats at the table were unoccupied, contributing to a cluttered and impractical layout.

Council resolved that the Deputy Shire President would no longer be seated at the head table and that this seat would be allocated to an Executive Manager. Additionally, the first seat to the left of the Shire President on the horseshoe table (directly in front of the Executive Managers) was to be removed and left vacant.

The notice of motion submitted by Councillor Madacsi proposes changes that would reintroduce issues 1, 2, and 3, and may therefore be counterproductive. In particular, the reintroduction of a known tripping hazard is not recommended. Should Council support the notice of motion, mitigation of this risk must be addressed.

The notice of motion does not provide reasons for the proposed change, and it is unclear what the intent is, other than a possible preference for a different seat. There is no record of Councillor Madacsi previously raising concerns about her current seat, which has historically been used without issue.

Following the April 2025 meeting, the public lectern was relocated from directly behind Councillor Madacsi’s seat to a position closer to the wall, improving the overall functionality of the chamber layout.

The semi-circular (horseshoe) seating arrangement ensures that all Councillors face each other and the Presiding Member, promoting open dialogue and equitable participation. This layout fosters visibility, inclusivity, and effective communication.

While seating arrangements are not a determining factor in Council decision-making—given that meetings are conducted through the Presiding Member—if the intent of the notice of motion relates to public question time, it may be more appropriate to consider vacating the seat currently allocated to Councillor Mills, as his position places his back toward members of the public addressing Council.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:**Shire of Toodyay Council Plan 2023 to 2033**

Outcome 9. Responsible and effective leadership and governance

Policy related:

Risk Management policy

Financial:

Nil.

Legal and Statutory:

Local Governments in Western Australia are required to:

- Comply with the *Disability Access and Inclusion Plan* (DAIP) requirements, which mandate that public facilities including council chambers are accessible to people with disabilities;
- Adhere to the *Work Health and Safety Act 2020* and its accompanying regulations to ensure that all work environments, including council chambers, are safe and free from hazards;
- Develop and enforce local laws under the *Local Government Act 1995* to address specific needs and safety concerns within their districts.

Risk related:

The risk is insignificant (low) however the notice of motion if supported would increase the risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council agrees that no changes to the allotted council seating be undertaken.

NOTICE OF MOTION – CR MADACSI

That Council acknowledges the changes to local government representation in the *Local Government Act 1995* which took effect at the 2023 local government elections, caused two seats to become vacant at the Shire of Toodyay council table, and endorses:

1. The removal of the seat at the head of the table that backs the gallery from the elected member seating ballot, and
2. Cr. Madacsi's designated seat at the head of the table being reallocated to the remaining unoccupied seat at the council table.

11.2 Request for Financial Support for Continuing Professional Development

Date of Report:	13 November 2025
Applicant or Proponent:	Cr R Madacsi
File Reference:	MEM4
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider a request from Councillor Madacsi to reallocate the previously approved financial support allowance of \$3,000 originally designated for the Diploma of Local Government (Elected Member) towards participation in the Australian Institute of Company Directors course, as promoted through the Australian Local Government Women's Association.

BACKGROUNDMonday 22 September 2025

- Cr Madacsi requested to undertake the WALGA diploma of Local Government course
- The CEO advised Cr Madacsi that *the cost of the WALGA diploma is \$10,170, and even if (which I know WALGA allows) the cost is split over 2 years, it is still over \$5,000 per year, which is outside of the delegation of the CEO to approve. As per Council policy you can put forward a Notice of Motion to be considered by Council.*
- Cr Madacsi requested to undertake this training within the CEO's delegation in the Continuing Professional Development policy, citing that it allowed a \$3,000 allocation in any twelve-month period and permitted the CEO approval of the Diploma of Local Government, without need to seek council approval.

Thursday 25 September 2025

The CEO advised Cr Madacsi that he would provide approval regarding her request for financial support of \$4,500 toward the Diploma of Local Government (Elected Member) over an 18-month period.

Monday 27 October 2025

WALGA Training advised the Shire that Cr Madacsi had requested to undertake all 10 units of the WALGA course as Recognized Prior learning, which was declined by WALGA as it was not a suitable option for the Diploma course.

Wednesday 5 November 2025

Officers did up two separate requisitions in lieu of the advice provided for financial support.

Monday 10 November 2025

- Shire Officers returned the executed letter of offer on Cr Madacsi's behalf to WALGA together with approved purchase orders.
- A formal welcome email was received from WALGA Training; sent to Cr Madacsi confirming the course details, welcoming her to the course which was to have commenced on Thursday 13 November 2025 at WALGA from 9am – 4:30pm.
- Cr Madacsi advised WALGA as follows:
"To formalise the conversation I have just had with Shenay; due to a sudden change of circumstances I cannot commit to the duration of the Diploma and have as a subsequence notified Shenay I need to withdraw. I will continue my studies by undertaking the AICD course with a shorter course duration."
- Cr Madacsi advised CEO of her withdrawal.

Tuesday 11 November 2025

Cr Madacsi emailed Shire President as follows:

"Good morning, Cr McKeown,

I am seeking council's permission to utilise the annual professional development financial support allowance of \$3,000 approved for the Diploma of Local Government course, towards the Australian Institute Corporate Directors course instead.

Due to a recent unexpected event, I am now unable to guarantee an eighteen-month study commitment and have withdrawn from the WALGA diploma course. In its place I registered for the AICD at a cost of \$8,425 ex GST as offered by the Australian Local Government Women's Association. The reason for the course change is this course is designed for local government, has a much shorter duration while still providing the governance, financial literacy, strategic judgement and decision-making skills I was seeking to improve.

I am requesting this matter is put to the November council meeting for consideration."

Information about AICD Course

The Australian Local Government Women's Association is currently promoting the Australian Institute of Company Director's (AICD) course.

They state in their marketing brochure:

"This course is designed for local government and will be offered to local councillors and CEOs in an online format spread across five consecutive Fridays commencing in February instead of five days in a row which members said was difficult to do with council and community commitments. The full course outline is attached.

Friday, February 6, is a short briefing meeting to ensure participants are clear on the course materials, delivery and program. Then, the CDC course starts a fortnight later on Friday, February 20 for five weeks.

ALGWA members can access the course for \$8425 ex and non-members \$9425 ex. In addition to participation, this fee includes AICD membership for one year (if eligible) and the use of MAICD post-nominal. However participants who chose to sit the three assessments and graduate can then use the GAICD post-nominal".

The AICD Company Directors Course is provided in person, and online. The AICD provides the following:

“Online AICD courses offer flexibility and convenience, while in-person and residential options provide a more immersive experience with enhanced networking opportunities. The best choice depends on your learning style, time constraints, and preference for social interaction; the curriculum and core content are the same across formats, but the delivery method changes how you interact with the material and other participants.”

Online

- **Format:** Live, interactive sessions via a virtual classroom or self-paced e-learning modules.
- **Best for:** Individuals who need flexibility to learn from any location with an internet connection.
- **Pros:** Convenient, accessible, and allows you to manage your own time more easily.
- **Cons:** May lack the in-person networking and energy of a face-to-face environment.

In-person / Face-to-face

- **Format:** Traditional classroom setting.
- **Best for:** Learners who thrive in a physical, collaborative environment and prefer organic interactions.
- **Pros:** Facilitates direct, spontaneous networking and a sense of shared experience with peers.
- **Cons:** Requires physical attendance and may be less flexible with scheduling.

Residential

- **Format:** An immersive, in-person experience at a specific location that includes class time, downtime, and social events.
- **Best for:** Those who want to fully disengage from their daily routine to focus on the course.
- **Pros:** Offers a high degree of immersion, with significant networking and social opportunities built in.
- **Cons:** Most intensive and may not fit with certain schedules or travel preferences.

Key takeaway

- All formats are facilitated by experienced directors and cover the same core curriculum, ensuring you receive the same foundational knowledge.
- The primary difference lies in the delivery method, which affects your learning environment, schedule flexibility, and networking opportunities”

The 5 units that make up the AICD Company Directors course are:

1. GOVERNANCE AND THE PRACTICE OF DIRECTORSHIP

- Develop a director mindset by learning the difference between governing and managing.
- Find out how governance structures impact organisational performance and culture.

- Understand how evolving societal expectations impact trust and business legitimacy.

2. THE LEGAL ENVIRONMENT

- Deepen your understanding of your directors' duties, including fiduciaries, loyalty and good faith, and care and due diligence.
- Recognise your responsibilities to employees, environmental law and climate change.
- Stay up to date on competition law, consumer protection, privacy, cybersecurity, intellectual property and international operations.

3. RISK AND STRATEGY

Gain essential knowledge of board-level strategy development and monitoring, as well as all aspects of organisational risk:

- Structures for risk management and reporting
- Setting risk appetite
- The role of the board in risk oversight
- Where risk, strategy and culture intersect
- Crisis management and organisational resilience.

4. FINANCIAL LITERACY AND PERFORMANCE

- Understand your internal and external financial reporting obligations and responsibilities.^[1]_{SEP}
- Apply theoretical knowledge to interpreting financial statements and ratio analysis.^[1]_{SEP}
- Understand the three stages of board reporting and how to frame financial questions.
- Recognise insolvency signs and consequences.

5. ACHIEVING BOARD EFFECTIVENESS

- Learn how to create value and improve organisational performance through your board.
- Build a constructive board culture that values open discussion and collective decision making.
- Understand the importance of developing as a director, as well as evaluating and renewing the board.

COMMENTS AND DETAILS

The Shire of Toodyay's Continuing Professional Development Policy adopted by Council on 25 May 2022 provides delegation to the Chief Executive Officer to approve requests from Councillors for professional development training and conference attendance without referral to Council provided the cost does not exceed \$3,000 per member per 12 months. In addition the training is required to be legitimate, industry recognised and relevant to Council business.

There are no specific courses listed in the authorised training / conferences area at clause 2 of the policy. The policy however does allow for attendance at AICD courses under clause 3 which supports:

“participation by members in legitimate industry recognised professional development, relevant to the business of Council, even if they are not part of an accredited qualification”

AICD is explicitly named under the definition of Professional Development Support.

Clause 3.1 of the policy requires the Councillor to submit a Notice of Motion for Council consideration; and Clause 3.2 requires the Councillor to submit a written request to the CEO for inclusion in the Council agenda at least three weeks prior to the Agenda Briefing. Although neither of these clauses were complied with, the information contained in this report is being presented for Council's consideration.

Cr Madacsi states that *“I have registered for the AICD at a cost of \$8,425.”* The policy is silent on retrospective approval, however it does not need to be as no Councillor can commit the Shire of Toodyay to an expense, as this would be a breach of legislation.

Unlike the WALGA Diploma of Local Government (Elected Members) which is for elected members only, it is specific for WA Local Government as well and it is developed by local government for local government Councillors. The AICD Company Directors Course is not.

The choice appears to be based more on the “fewest days of commitment and not wanting to participate in in person training” rather than that of the learning experience, and therefore it is not recommended that this request be supported.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1.3. Review and improve the Councillor induction program.

Policy related:

Continuing Professional Development Policy

Financial:

Council may be inclined to part pay an amount of \$3,000 in line with Council's Continuing Professional Development Policy.

If Council was to approve a contribution of \$3,000 for Cr Madacsi to attend the AICD Company Directors Course this can be accommodated in the Shire budget.

The remaining amount (\$5,425) would be the responsibility of Cr Madacsi, and it would be suggested that a reimbursement be provided to Cr Madacsi of \$3,000 one receipt of her paying of the full amount instead of the Shire raising an invoice for reimbursement from Cr Madacsi.

Legal and Statutory:

Local Government Act 1995

Risk related:

The risk is insignificant given the recommendation being made. This report mitigates the risk.

Workforce related:

Significant staff time was invested in the previous liaison with Cr Madacsi regarding the diploma of Local Government due to several challenges.

There is no impact on the workforce as the recommendation is not to approve.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council does not approve the request from Cr Madacsi of financial support to undertake the AICD Company Directors Course.

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

Nil.

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

Nil.

14.2 EMPLOYEES

Nil.

15 CONFIDENTIAL BUSINESS

Nil.

16 NEXT MEETINGS

Name of Meeting	Date	Time
Audit, Risk and Improvement Committee	4 December 2025	10.30am
Agenda Briefing	11 December 2025	5.30pm
Ordinary Council Meeting	18 December 2025	5.30pm

17 CLOSURE OF MEETING