



Ordinary Council Meeting

18 December 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-amble 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 to Councillors for up to five minutes unless the time is extended by the Presiding Member.

A person wishing to make a submission at the Agenda Briefing must complete the [Submission Registration form](#) and submit it to the Chief Executive Officer by 12 noon on the day of the Agenda Briefing 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

Submissions will be received at the beginning of an Agenda Briefing.

The benefit of making a submission at an Agenda Briefing will be that Councillors are given the opportunity to ask questions and the person making the submission may respond.

The Presiding Member will manage the process, asking Councillors if they have any questions in order to clarify any information contained in a submission.

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 (usually the Shire President).

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.

Information

Petitions

Petitions inform the Council, in a public way, of the views of a section of the community and serve as a means of placing community concerns before Council.

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

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

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

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

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

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

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

Council Meetings

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

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

Agendas are available for public inspection, at least 72 hours prior to the commencement of the meeting, from the Shire of Toodyay 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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W www.toodyay.wa.gov.au

Information



Public Submission Registration

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

Members of the public who wish to make a submission at an Agenda Briefing must complete this form

Date of Council Meeting: _____

Agenda Item and Name:

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

CONTACT DETAILS

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.

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: _____ Date: _____
Chief Executive Officer

Applicable Legislation and Operational Guidelines:

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

Local Government (Administration) Regulations 1996 (Regulation 19AD)

Local Government (Model Code of Conduct) Regulations 2021 (Regulation 22)

Local Government Operational Guideline (Disclosures of Interest)

Local Government Operational Guideline (Disclosure of gifts and disclosure of interests relating to gifts)

OFFICE USE ONLY

recorded in Minutes of Meeting

recorded in Disclosure of Interests Register

Date: _____ Officer Signature: _____

Information



Request for Works or Services OR Report an issue

Details of Person making the request or reporting the issue

Name: _____ Date: _____

Address: _____ (Residential / Property Address including postcode)

Phone (H): _____ Email: _____

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

Location _____

Description _____

RECORDS USE ONLY

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

Request forwarded to: _____ Date: _____

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

Contact made with Person making the request or reporting the issue

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

Contact made through: Phone In person Email Outgoing correspondence

The person was informed that: _____

SIGN OFF DETAIL – Works completed by

Name: _____ Signature: _____ Date: _____

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



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

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

Name	Type	Item	Extent
Cr Dival	Financial	10.1.2	Applicant is a client of hers.

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

Nil.

4.2 PUBLIC QUESTION TIME**5 APPROVED LEAVE OF ABSENCE****6 CONFIRMATION OF MINUTES****5.1 Ordinary Meeting of Council held on 27 November 2025****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 27 November 2025 be confirmed subject to the following amendment:

That Point 4 of the Revised Officer's Recommendation OCM223/11/25 be removed.

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 - Ancillary Dwellings**

Date of Report:	27 November 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:	<ol style="list-style-type: none">1. Current Ancillary Accommodation Policy (2008); ↗2. Revised LPP2 Draft Ancillary Dwellings policy. ↗

PURPOSE OF THE REPORT

To adopt a Revised 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 Shire's 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

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the Revised 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 Development Application at 97 Stirling Terrace, Toodyay

Date of Report:	4 December 2025
Applicant or Proponent:	Stirling Peter Thomson
File Reference:	A24/8STIT
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:	<ol style="list-style-type: none">1. Architectural Drawings; ↗2. Car Parking Calculations; ↗3. Car Parking Layout; ↗4. Heritage Impact Statement; and ↗5. Cover Letter. ↗

PURPOSE OF THE REPORT

To consider approving a development application for a retaining wall, a toilet structure and a land use of Shop, Café and Offices at 97 Stirling Terrace, Toodyay.



BACKGROUND

A development application has been received for 97 Stirling Terrace which is an existing heritage building listed on the Shire Municipal Inventory.

The proposal aims to support the use of a Shop, Café and Offices which are permitted uses under the Town Planning Scheme No. 5. in the Commercial Zone. Additionally, the application includes the construction of a retaining wall and a new toilet block.

The property is located within Special Control Area 3 – Toodyay Town Centre Precinct therefore, officers do not have delegated authority to approve this development application.

COMMENTS AND DETAILS

Site Location

The proposed development at 97 Stirling Terrace is located within the Commercial zone under the Toodyay Town Planning Scheme No. 5. The site lies between Stirling Terrace and Charcoal Lane, has a trapezoidal shape with its longer boundary fronting Stirling Terrace. The lot has a total area of 1,483 m².

Proposal

The proposal includes the following development **Attachment 1**:

- For the development of a shop, cafes and offices which are all permitted uses under the current Town Planning Scheme No.5. This will occur within the existing fabric of the heritage building and not involve any notable changes to the structure.
- A retaining wall at the rear of the property, with a proposed height of 1.8 m that retains land adjacent to Charcoal Lane to create a useful level area for the use of the shops and cafe.
- A new toilet block adjacent to the heritage structure.

Change of Use

The property has operated as a service repair station ever since its establishment, and this is reflected in its heritage listing. The last approval granted was for 'motor vehicle repair' use under Town Planning Scheme No. 1. Because the property has been unused for a period of more than 6 months, the non-conforming land use rights for this activity have expired, *Cause 22(2) of the scheme*.

The applicant is proposing to convert the old garage structure into retail spaces accommodating shops, cafés, and offices, complemented by adjacent seating areas. As the property is listed on the Shire's Municipal Inventory, an assessment must be undertaken in respect to the heritage values of the building and streetscape.

Parking

With any change of use application, an assessment must be undertaken to ensure that adequate parking provision is made so that the development operate in a way that does not detrimentally affect the neighbourhood, and that the imposition of an increased activity does not detrimentally impact upon parking provision. The original land use of Motor Vehicle repair would have required a small number of parking bays. This proposal requires substantially more parking for the efficient use of the site.

In accordance with the Town Planning Scheme No.5, the minimum parking provisions for the proposed development uses are as follows:

- Retail Shop: 1 space for every 20m² of Net Lettable Area (NLA).

- Cafe: 1 space for every 5m² of NLA
- Office: 1 space for every 50m² of NLA
- Garden Centre: 1 space for every 50m² of NLA

Refer to *Town Planning Scheme No.5: Schedule 6 – Car Parking requirements*.

On-site parking cannot be fully provided, given the building's heritage status, Council parking requirements will need to be varied to allow for an appropriate and practical solution.

Parking Assessment

The applicant has provided parking calculations. **Attachment 2**.

The requirements for the proposed development as per Schedule 6, of the Scheme, are as follows:

Use	Requirements	Net Lettable Area	Bays Required		Total
			Normal	Visitor	
Shop	1 per 20m ²	218.75m ²	10.93	2	12.93
Cafe	1 per 5m ²	53.88m ²	10.77	2	12.77
Garden Centre	1 per 50m ²	339.68m ²	6.79	2	8.79
Office	1 per 50m ²	33.37m ²	0.66	2	2.66
Total Car Parking Bays Required				37.15 = 38	
Bicycle Parking Bays Required				4	

As on-site parking provisions are minimal, only four car parking bays can be accommodated within the lot. However, the parking requirement can be met through off-site alternatives, as there are two nearby locations with sufficient parking availability. This is preferable given the nature of the preservation of Heritage and the potential negative impacts if a portion of the site were to be demolished to meet the parking requirements:

- Stirling Terrace: Street parking along Stirling Terrace can provide 5 car parking bays.
- Charcoal Lane: At the rear of the property, Charcoal Lane offers more than 35 underutilised parking bays, which can be conveniently used by visitors.
- Bicycle parking has been provided on the road reserve that meets the requirements of schedule 6 of the Scheme.
- Motorcycle Parking: 3 motorcycle parking bays are also being provided along Stirling Terrace.

In total, 40 car parking bays are accessible adjacent to the property, which exceeds the car parking requirements of the site and is unlikely to pose a significant burden on surrounding parking provision. **Attachment 3**

Local Planning Policy 1.1 – Car Parking

This local planning policy has been used to guide the assessment of parking for this development. However the policy relates to the old scheme, and the calculation table has now been superseded by the new scheme No.5. Scheme calculation table. Cash in lieu provisions within this policy have not been used, as Council is unable to request a cash in Lieu payment.

Historical Significance

According to the Heritage Council website, the property was originally constructed in 1925, and this development predates the establishment of a Local Planning Scheme in the district.

Heritage council signifies the property as “*A garage that has historic value as it demonstrates post-World War II development of the main street of Toodyay. The development is associated with transport and 'modern' design, influenced by the Art Deco movement of the 1930's. The place also has historic value for its associations with Ken Somers who established the first garage in Toodyay. The place has aesthetic value for its contribution to the streetscape of Toodyay.*”

Refer to Place No 12158 - <https://inherit.dplh.wa.gov.au/Public/Inventory/Details/0075f0b1-12ee-4cee-8aac-16e729be38ce>)

The site is classified under Management Category 3 in the Shire of Toodyay Municipal Inventory, with the Municipal Inventory Ref: 130. The building is classified as having ‘some’ heritage significance in the Shire’s Municipal Inventory.

Refer to MI: 130 - <https://www.toodyay.wa.gov.au/documents/47/municipal-inventory-jan-2013>

Assessment of Heritage Impact

Since the building is in SCA3 and is also included on the Shire’s Municipal Inventory, a Heritage Impact Statement was requested to assess the potential effects of this proposed development. **Attachment 4**

The proposal is situated between a residential dwelling on the east, the CWA Hall on the west, and offices across the street in the north, all of which are listed in the Shire’s Heritage Municipal Inventory.

The proposed retaining wall will be built to support a levelled area to match the finished floor level of the existing building. This results in the land towards Charcoal Lane being approximately 1.8 metres higher than the site level. The retaining wall will be located at the rear of the property and will not be visible from Charcoal Lane thereby causing no visual impact.

The proposed toilet block is positioned where an outbuilding previously existed, before its demolition earlier this year. The new structure will be discreetly located, screened from Stirling Terrace, and will not detract from the visual amenity of the site when viewed from Charcoal Lane. It is to be constructed with materials that resemble the existing structure.

The proposed change of use will not alter the exterior façade of the structure, ensuring its visual contribution to the streetscape remains intact. Internal alterations will be minimal, limited to essential modifications such as installing doors at specific locations and adding fire exits to meet safety requirements.

This development is considered to be minor and deemed unlikely to detract from the historical significance of the site.

IMPLICATIONS TO CONSIDER.

The applicant seeks approval for development on a municipal heritage property, involving an internal reconfiguration to facilitate the adaptive reuse of the building. **Attachment 5.**

As part of this application, the applicant has:

1. Requested a variation to the parking standards applicable to the development.
2. Sought consideration to the potential impacts on the building's heritage value; and is
3. Proposes to reuse the structure of the building to become a shop, café, and office spaces.

Consultative:

Neighbourhood consultation was not deemed necessary in this case as the property, while listed on the Shire's Municipal Inventory, is only subject to minor development works that involve a change of use and internal space modifications without any structural alterations or impact on the external appearance. The proposal does not affect the building facade, heritage fabric, or streetscape, and will not result in any adverse impacts on neighbouring properties such as amenity, privacy, or access.

Strategic:

Outcome 5.1 – Provide Responsible Planning and Development

Policy related:

- *Local Planning Policy 20: Central Toodyay Heritage*
- *Special Control Area 3 – Toodyay Town Centre Precinct*

This control within the Town Planning Scheme No.5 sets out criteria for the assessment and management of development within the town centre to protect its heritage significance and character. This scheme requirement places a stronger level of responsibility on a developer to ensure that new development, alterations, and signage respect the historic streetscape, architectural integrity, and amenity of the precinct while promoting its role as the Town Centre of the Shire.

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

Local Planning Policy 1.1 – Car Parking

Risk related:

None

Workforce related:

The processing of this application, including the request to council to approve the development application are within the normal workloads of the Town Planning business unit.

Conclusion:

The proposed development at 97 Stirling Terrace satisfies the relevant provisions within the Town Planning Scheme No. 5, including land use, building setbacks, and heritage considerations. The adaptive re-use of the existing structure for Shop, café and café uses, along with the construction of a retaining wall and toilet block, is considered minor and will not adversely impact the visual amenity or historical significance of the property.

Furthermore, adequate off-site parking arrangements have been identified thereby fulfilling the parking requirements for the new land uses proposed.

Overall, the proposal supports the revitalisation of the Toodyay Town Centre Precinct while preserving its cultural heritage.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants approval for application at 97 Stirling Terrace, Toodyay for the construction of retaining wall and toilet block, with land uses supporting a shop, café and office subject to the following conditions:

- a) The development hereby permitted must substantially commence within two years from the date of the approval letter.
- b) The proposed development shall comply with the Bushfire Attack Level Report No. 25370 dated 17 February 2025.
- c) The development shall be carried out in accordance with the plans submitted with the application as a part of the approval.
- d) All parking requirements must be maintained and utilised in accordance with the approved parking plans.
- e) Stormwater must be managed in a way that prevents any discharge onto adjoining properties, to the satisfaction of the Shire
- f) A building permit to be obtained prior to commencement of work.

Prior to Occupation

- g) The development hereby permitted shall be connected to an approved effluent disposal system.
- h) An appropriate and sufficient space to be provided for bin storage and a waste management plan to be submitted and approved to the satisfaction of the Executive Manager of Planning and Regulation.
- i) Signage to be installed adjacent to loading bays indicating the hours of operation.
- j) A Noise Management Plan must be submitted and approved to the satisfaction of the Executive Manager of Planning and Regulation.
- k) A Lighting Management Plan must be submitted and approved to the satisfaction of the Executive Manager of Planning and Regulation.

10.1.3 Scheme Amendment 1 - LPS5 - Resolution to proceed

Date of Report:	4 December 2025
File Reference:	PRO 18
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	OCM 6/3/2025 OCM 24/7/2025
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Updated Map - as advertised; ↗ 2. Modified Amendment Document; and ↗ 3. Submissions Table; and ↗ 4. Submission DFES ↗

SUMMARY

Applicant: **Shire of Toodyay**

Owner: **Shire of Toodyay**

Proposal: **Amendment 1 to Local Planning Scheme 5**

Location: **Lot 9508 and Lot 8006, Drummond Street and Burt Parkway, Nunile**

PURPOSE OF THE REPORT

For council to consider the submissions received in the second round of Community Consultation regarding the rezoning of Lot 9508 and Lot 8006 Drummond Street and Burt Parkway, Nunile.

To resolve to progress this amendment and if supported, forward all documentation and the Council resolution to the WAPC for approval. Without a Council resolution the item will not proceed to the WAPC for approval.

BACKGROUND

Council was presented at the OCM 27th March a request to commence advertisement of a proposal to change the Scheme. This proposal involved the rezoning of a portion of freehold Council land (Lot 9508) from Public Open Space to road and residential zoning, and the rezoning of Lot 8006 from Residential zone to Public Open Space. Consultation was undertaken and the results presented to Council 24 July 2025.

This consultation resulted in suggestions made by the community that have been incorporated into the new design and criteria which was then re-advertised. The Department

of planning has also requested minor changes to the R-Codes map **Attachment 1**, and updates to the accompanying report **Attachment 2**.

This report completes the required advertisement of the scheme amendment and incorporates comments received from service authorities.

This application is deemed to be a Standard amendment and was advertised for 49 days between 30/10/2025 and 12/12/2025.

COMMENTS AND DETAILS

Consultation

This round of consultation has raised three areas of concern. These concerns generally relate to:

1) The effects of climate change – Heat Island effect

Two respondents have referred to a Shire of Toodyay sponsored University of Western Australia study called *Future Climate Future Home*. In this study the Riverhills Estate (Foggarthorpe Structure Plan) is one of the test/study areas.

The Study considered the effects of increased global warming and the effects of liveability within the estate. Preliminary findings show that road network design and house design play a greater influence in moderation the effects of climate change, in some ways, a greater effect than increasing the tree canopy.

All the locations used in the study showed the best cooling effects were achieved when wind blew over water before reaching homes. This study is ongoing, and preliminary findings were presented to Council 4 December 2025. Even at this preliminary stage the Shire can consider these findings in designing the proposed housing estate to assist in moderating the heat island effect.

Upon conclusion of the study the Australian Urban Design Research Centre will recommend that there be a change to the Residential Design Codes of Western Australia, so that all new housing in WA be improved to address heat island effects, not just in Toodyay.

2) Comments regarding the subdivision design

The Shire has previously made public a design that proposes an extension of Rayner Loop to Burt Parkway and a modification to Batty Pass roadways. This is required to support the Bush Fire Management Plan requirements of evacuation routes for new homeowners. As the new roads have been moved, the internal lot configurations have also changed and will change again as more detailed subdivisional plans are developed.

Stage One of the subdivision will create more than 10 lots, and this will require consideration by Council before the application for subdivision is presented to the WAPC for approval. While the final layout of lots is not normally a public consideration, there remains a public opportunity to comment on these matters if this amendment is supported by the WAPC.

At this point it is anticipated that the first release of lots will occur on Murray Walkway and Drummond Street, subject to Council instruction.

3) Amendments required to the Bushfire Management Plan

The Bush Fire Management Plan (BMP) that the Shire has commissioned has been considered by the Department of Planning, referral to DFES has been made, with proposed modifications.

Concerns that Element 2 - Siting and Design are not fully satisfied.

Certain lots on Murray Walkway will have a portion of their lots in a very high bushfire risk area. While not ideal the Shire must ensure that an appropriate notification on the land title informs future buyers that there is an elevated risk from bushfire.

From a design perspective, these lots should be deeper and permit the landowners to set back their development in order to reduce their BAL rating.

Concerns that Element 3 - vehicle access is not fully satisfied.

While the Shire has placed this development on a series of dedicated roads, the requirement of providing two access routes to two different destinations hinges on the fact that only one evacuation route is on a dedicated road, *DFES preference*.

The secondary access provided via Drummond Street North is not dedicated nor is Burt Parkway, yet they do provide a formed carriageway for evacuation purposes. This Shire considers this arrangement satisfactory and will likely be accepted by DFES upon review of the Bushfire Management Plan.

Conclusion:

The Shire does not see these recommendations as insurmountable issues that cannot be overcome, and a modified Bushfire Management Plan will be prepared and sent to the WAPC and DFES prior to the approval of this amendment.

Placing notifications on titles, as to the bushfire risk and managing the reserve (drainage) will be implemented and this will provide a potential reduction to the BAL rating of future homes.

It is believed that the reduced number of submissions is related to the Councils efforts to respond to community concerns on matters raised in the OCM 24/7/2025.

Lot sizes

Initial community concerns centred around the potential location of small(er) lots adjacent to Drummond Street. In this amended proposal, the coding of land adjacent to Drummond Street has been reduced From R20 to R12.5 resulting in the average lot size being increased accordingly. The Shire is proposing to develop 900m² lots fronting Drummond Street but then must make up the shortfall of dwellings on the remainder of the site.

The western side of the amendment area has been simplified from R20 and R35 to an overall R30 coding. This residential code permits the Shire to create the two proposed group housing sites with the remainder of the estate's lots being on average 500m² each. These lots would not be able to be subdivided again with this code.

This change to the residential codes meets a concern of the community and still provides the flexibility to meet the objectives of the grant funding criteria.

Quantity of Houses

The Shire must conform with a previously submitted grant funding application, which was approved, that requires approximately 50 dwellings to be able to be produced within the boundaries of the scheme amendment area. This will be achieved through a combination of individual lots and two grouped housing sites.

From the original plans of having smaller lots and group housing sites, the Shire has now modified the outcome as advertised **Attachment 1**. This will not need to change its original objectives for a greater diversity of lot sizes, which is a state objective. Lots facing Drummond Street will have much larger dwellings with smaller ones in the remainder of the estate.

When the Shire develops the proposed group housing site it has committed to covenanting the lot to over 55's homes. This would commit a future developer to providing housing for community needs. This would meet an objective in the *Plan for the Future 2023 – 2033* document to broaden social housing options 5.2.1. *Advocate for more social housing in the Shire of Toodyay.*

IMPLICATIONS TO CONSIDER

Consultative:

Community consultation undertaken in April 2025 received 20 objections, 2 supported and 2 neutral comments. Most of those comments received were from residents within the 300-metre shire consultation radius, with the remainder from within the Shire. A petition was received from Nunile residents that objected to the proposed rezoning. Comments regarding those submissions was published in the OCM 24/7/2025 attachments.

The second round of consultation has reached out to all the initial referral landowners and included new residents that have moved into the consultation area. Correspondence has also been sent to relevant service authorities.

In this latest consultation received only **Ten (10)** submissions, with **five (5)** of them being from residents. **Attachment 3**

This consultation was advertised on our website and direct mailed to all previous submitters and residents in proximity to this proposal. From 30/10/2025 until 12/12/2025.

These consultation satisfy the legal requirement for Advertisement as per Sections 81, 83A, and 84 of the *Planning and Development Act 2005*.

Strategic:

From the Shire – ***Plan for the Future 2023 - 2033***

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

The Scheme Amendment 1 proposal will lots that will be relatively affordable compared with other estates, due to the Commonwealth Grant assisting with construction costs. There will be a selection of different lot sizes to the housing market.

5.2.1. Advocate for more social housing in the Shire of Toodyay.

The categories of social housing proposed will be for Key Worker housing and a development site for over 55's Housing which could be retirement homes.

5.2.2. Advocate for developers to build more affordable housing options.

With the provision of a range of lot sizes, developers will be able to provide homes to suit the lot sizes. Smaller lots will result in smaller houses (proportionally) as the R30 code requires 45% open space per lot.

Policy related:

This proposal has been considered against the Special Control Area No.5 (SCA5) contained within the Scheme. The SCA5 – Landscape Protection Special Control Area requires consideration to be made to maintain the integrity of landscapes for land within the control area. In this case those consideration would have been considered in the Foggarthorpe Structure Plan which predates this SCA5. Therefore, it is deemed that these values have been considered accordingly.

Financial:

In accordance with the *Planning and Development Regulations 2009* and *Planning and Development (Local Planning Schemes) Regulations 2015* the costs associated with the assessment, advertising and gazettal of the scheme amendment are met by the applicant.

As the Shire has prepared this Amendment rather than a proponent, all costs associated with preparation, advertising and processing will be borne within Council's adopted Budget.

This project will be funded through a commonwealth grant to support housing in the regions in conjunction with the AROC housing initiative.

General Function:

The *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015* gives local governments powers in relation to Local Planning Schemes and Local Planning Policies. The above provisions of the *Planning and Development Act 2005* require a decision to amend a Local Planning Scheme by Council resolution.

Legal and Statutory:**1. *Planning and Development Act 2005***

- Section 75 provides legislative power to the Council to prepare changes to its local planning scheme.
- Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising.
- Section 83A requires referral to the Minister for approval to advertise.
- Section 84 requires a scheme amendment to be advertised and for submissions to be considered by the local government.

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

- Regulations 34 and 35(2) require an amendment to be classified as basic, standard, or complex.
- Regulation 47 specifies requirements for advertising a Standard Amendment.
- Regulation 76A specifies requirements for making documents available to public.

Risk related:

Scheme amendments are ultimately determined by the Minister of Planning, who can approve, modify or refuse any amendment. Councils' role is to prepare and process an amendment at its cost with the greatest risk being the amendment is not supported by the WAPC and the Minister.

Workforce related:

the proposed amendment has been prepared by consultant town planners under the direction of senior staff. The community consultation undertaken has been conducted by Shire staff within normal operating budgets and working hours.

Actions to Consider:

requirements of the Western Australian Planning Commission. A response must then be forwarded to the WAPC to inform the Minister of Planning of Councils decision.

Council has three presented options as per the Act.

- Support; or
- Support, subject to proposed modifications; or
- to Not Support this proposal.

Support

The option to support the advertised Amendment 1, to the Shire of Toodyay Local Planning Scheme No.5. without modification.

To the WAPC-

What has been advertised does not require modification and the subsequent land subdivision can be modified with minor changes to effect the recommended changes made by the community.

Support subject to proposed modifications

An alternate option is to modify the Amendment 1, based upon community responses and then upon WAPC advice proceed with an approval. If the WAPC deems that Council proposed changes to be substantial, then the WAPC may require Council to readvertise the amendment for a further 42 days on matters changed by Council. Community may or may not receive greater community support with proposed changes in an amended Scheme Amendment 1.

An example of a modification may be to change any of the residential R-Codes or a portion of the site to a different development R-Code. This may also relate to the change of the shape of the proposed R-Codes or proposed zones. Placing a covenant on land is not appropriate within the scheme amendment process, as this is a subdivisional matter.

Council may choose at this point to proceed with the administrative change to the zones and reserve land for Jarratt Pass and change the drain reserve to public open space and not proceeding with the residential proposal.

To the WAPC –

What has been advertised does require minor modification to support a future subdivision, and to support the adjacent community with higher levels of surety of the outcomes of that future subdivision.

Delay that may result from WAPC imposing readvertising may also jeopardise the substantial grant application for this project.

Not Support the proposal

If Council were to not support this scheme amendment, then notification will be made to the WAPC of the failure of this proposal. The rezoning of land would not proceed, and future subdivision could not occur.

There are still two remaining pieces of land within this proposal that are not appropriately reserved, that would need to be rectified at some later date. A road would continue to run through a public open space, and a drainage reserve would continue to be zoned for residential development.

To the WAPC –

What has been advertised does not meet community expectations, and Council has chosen to not proceed with the Amendment 1 to Local Planning Scheme No. 5.

Conclusion:

It is recommended that Council support the Amendment 1 to Local Planning Scheme No.5 as presented to the community through two rounds of advertising. Matters raised by the community have been addressed with the remaining changes being resolved through subdivision design changes as presented in the OCM 24/7/2025 report. The proposed scheme amendment now presented to Council not detrimentally change the housing yield or financial return to the Shire.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council

1. Considers and recognises all the responses received from both community consultations and service authorities regarding the proposed Scheme Amendment No.1 **Attachment 3**.
2. Supports without further amendment, the proposed Scheme Amendment No. 1 pursuant to section 75 of the Planning and Development Act 2005, to amend the Shire of Toodyay Local Planning Scheme No.5 by:
 - a) reclassifying a portion of Lot 9508 Burt Parkway, Nunile from Public Open Space reserve to:
 - i. Residential zone and applying a density coding of R12.5 and R30 as per the amended map; and
 - ii. Local Road reserve; and
 - b) Reclassifying Lot 8006 Murray Walkway, Nunile from Residential zone to Public Open Space reserve and removing the R10 density coding from the affected parcel.
3. Forwards this report and a signed statement of intent to the WAPC, of Councils recommendation to proceed with the amendment.

10.2 FINANCE AND CORPORATE SERVICES**10.2.1 Amendment to the 2025/26 Fees and Charges**

Date of Report:	3 December 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	Fees
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	23/10/2024 OCM281/10/24 24/07/2025 OCM132/07/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To approve an amendment to the 2025/2026 Schedule of Fees and Charges.

BACKGROUND

When Council adopted the 2025/26 Annual Fees and Charges, the incorrect fees were included for entry fees Conners Mill, old Gaol Museum and the Wicklow Shearing Shed. The purpose of this report is to amend the fees and charges schedule to the correct fees for the 2025/26 financial year.

COMMENTS AND DETAILS

In October 2024, Council resolved to adopt a fee structure for entry fees to Connors Mill and Old Newcastle Gaol Museum and hire fees for the Old Newcastle Gaol Museum and Wicklow Shearing Shed. When preparing the fees and charges for the 2025/26 year, the fees and charges schedule was not updated to reflect the new fees. This fee structure was agreed to between the Shire and the volunteers that open the museum and there was no intention to change the fees back to what they previously were.

It is recommended that Council amend the 2025/26 fees and charges schedule to reflect what Council resolved at the OCM in October 2024.

IMPLICATIONS TO CONSIDER**Consultative:**

Shire of Toodyay Museum Volunteers

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

O9.1 Provide, strong, clear and accountable leadership.

O9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Nil

Financial:

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

Legal and Statutory:***1.7. Local public notice***

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

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

6.16. Imposition of fees and charges

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

* Absolute Majority required

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

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

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

Risk related:

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

Workforce related:

There are no workforce related risks to this item.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

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

Connors Mill admission fees

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

Old Newcastle Gaol Museum admission fees

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

Old Newcastle Gaol Museum Facility Hire

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

Wicklow Shearing Shed Facility Hire

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

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

Adult	\$10.00
Children sixteen and under	\$7.50
Students and Teachers of Toodyay District High School	\$nil
Pensioner Concession card holders	\$7.50
Toodyay residents	\$nil
Family Pass (2 adults and 2 children)	\$25

2. That Council gives local public notice that the date in which the proposed fees will change is 1 January 2026

10.2.2 Request for Rates Concession A262

Date of Report:	21 November 2025
Applicant or Proponent:	Toodyay Masonic Lodge
File Reference:	A262
Author:	K Christiansen – Rates Officer
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	27 October 2020 CRN: 292/10/20
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none"> 1. Request for reduction in Shire rates (confidential) <i>Section 5.23(2)</i> <i>(b) the personal affairs of any person (under separate cover)</i> 2. Correspondence from Masonic Care WA. (confidential) <i>Section 5.23(2)</i> <i>(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)</i>

PURPOSE OF THE REPORT

To consider a request from Toodyay Masonic Lodge for a rates concession on Property A262 located at 19 Fiennes Street, Toodyay WA 6566 under Section 6.26(2)(g) of the *Local Government Act 1995*.

BACKGROUND

Toodyay Masonic Lodge is seeking a reduction in Shire rates. A copy of the correspondence is attached (**Attachment 1**). The Toodyay Masonic Lodge is affiliated with the Masonic Foundation. Masonic Care WA have provided correspondence supporting the concession (**Attachment 2**).

Information regarding the charitable status of the Masonic Foundation is available on the Charities and not-for-profits Commission website here:

<https://www.acnc.gov.au/charity/charities/eb5ace7b-39af-e811-a963-000d3ad244fd/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.

Section 6.47 of the *Local Government Act 1995* (the Act) states that Council 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 other concessions in relation to a rate or service charge.

COMMENTS AND DETAILS

The Lodge has previously applied for and been granted a 50% reduction in the applicable rates, making the following points in support of an application for granting a concession of the 2025/2026 rates:

- Masonic Foundation is a charity and not for profit organisation. The Toodyay Masonic Lodge is affiliated with the Masonic Foundation.
- The Toodyay Masonic Lodge has operated continuously in Toodyay since 1899; and in the present location since the 1920's.
- Other local community organisations have not been charged rates or granted a rates concession.

The *Local Government Act 1995* requires that Council, each year, at the time of adopting the budget or afterwards resolve to either waive 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
A262	19 Fiennes Street, Toodyay	Toodyay Masonic Lodge	50%

The Ratepayer has requested a rates concession under section 6.47 as they are using the land exclusively for charitable purposes.

It is recommended that Council grant a 50% concession to this property for the 2025/26 financial year in-line with previous years. 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: \$2,149.50

Proposed concession: 50% Concession under s6.47

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

Legal and Statutory:

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.

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 A262 – 19 Fiennes Street, Toodyay under section 6.47 of the *Local Government Act 1995*.

10.2.3 Monthly Financial Statements - November 2025

Date of Report:	1 December 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 Report - November 2025 ↗

PURPOSE OF THE REPORT

To present to Council the Monthly Financial Statements for November 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 November 2025
(Attachment 1).

10.2.4 List of Payments - November 2025

Date of Report:	1 December 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 1 November 2025 to 30 November 2025 ↗

PURPOSE OF THE REPORT

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

Description	Amount \$
Municipal Cheques	\$0.00
Electronic Funds Transfer Payments	\$1,049,349.28
Payroll	\$306,323.63
Credit Cards	\$5,851.84
Other (Including Direct Debits)	\$91,796.78
Total	\$1,453,321.53

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

Nil.

10.4 EXECUTIVE SERVICES**10.4.1 BFAC Committee Meeting Schedule 2026**

Date of Report:	9 December 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG4/MTG7/CO2/FIR3/FIR27
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Annually
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To change the 2026 meeting dates of the Bush Fire Advisory Committee.

BACKGROUND

At the September 2025 Council Meeting Council adopted a meeting schedule intended to align with **Option 2** which was to hold the Committee Meetings on the 2nd Thursday of the month. The dates available were as follows:

<input type="checkbox"/> 8 January	<input type="checkbox"/> 9 April	<input type="checkbox"/> 9 July	<input type="checkbox"/> 8 October
<input type="checkbox"/> 12 February	<input type="checkbox"/> 14 May	<input type="checkbox"/> 13 August	<input type="checkbox"/> 12 November
<input type="checkbox"/> 12 March	<input type="checkbox"/> 11 June	<input type="checkbox"/> 10 September	<input type="checkbox"/> 10 December

On the schedule adopted by Council the dates were as follows:

Audit, Risk and Improvement Committee	Bush Fire Advisory Committee	Local Emergency Management Committee
Thursday 12 February 2026	22 January 2026	12 March 2026
Thursday 14 May 2026	9 April 2026	11 June 2026
Thursday 13 August 2026	9 July 2026	10 September 2026
Thursday 12 November 2026	8 October 2026	10 December 2026

COMMENTS AND DETAILS

This report seeks to change the dates of the Bush Fire Advisory Committee to the following:

12 March 11 June 10 September 10 December

This will bring the dates in alignment with the Local Emergency Management Committee as was intended and has been current practice. It is operationally beneficial to have these two meetings on the same day.

It is recommended that these dates be changed.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:***Shire of Toodyay Council Plan 2023-2033*****Outcome 9: Responsible and Effective Leadership and Governance.**

Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Section 5.25 (1)(g) of the Local Government Act 1995

Regulation 12(1) of the Local Government (Administration) Regulations 1996

Risk related:

The risk is insignificant if the decision is made so that a notice can be published on the Shire's website before the end of the year.

Workforce related:

Shire Officers will publish information on the Shire website.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council changes the Bush Fire Advisory Committee dates in 2026 to be as follows:

12 March 11 June 10 September 10 December

10.4.2 Budget Adjustment - Newcastle Bridge

Date of Report:	11 December 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	BR9025
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 reallocate funds to allow for the urgent replacement of the decking of Newcastle Bridge.

BACKGROUND

At the Ordinary Meeting of Council held on 24 July 2025, Council resolved to adopt the 2025/26 Annual Budget.

Since the adoption of the budget, Newcastle Bridge has been subject to repeated acts of vandalism, resulting in temporary closures for repairs and significant unplanned maintenance costs. These ongoing incidents have resulted in a significant financial burden due to the cost of continual maintenance.

The existing bridge decking is aged and deteriorated. Combined with ongoing vandalism, this has rendered the structure unsafe for continued use.



A full replacement of the decking is now required to ensure public safety and maintain the integrity of this critical piece of infrastructure.

In accordance with section 6.8(1) of the *Local Government Act 1995*, expenditure from the municipal fund for purposes not included in the adopted budget may be authorised by Council resolution, passed by an absolute majority.

COMMENTS AND DETAILS

Without Council approval to reallocate budget funds, staff are unable to proceed with the replacement of the Newcastle Bridge decking.

Staff have obtained an initial quote for the replacement of the decking, estimated at **\$125,000**. In addition, Staff are actively investigating alternative materials and solutions to improve durability and reduce future maintenance costs and ensure cost-effectiveness. Staff are in the process of obtaining the required number of quotes in accordance with Council's Purchasing policy.

To fund this essential work, Council must either:

- Utilise reserve funds; and/or
- Reallocate funds from other municipal projects that are of lower priority or unlikely to be completed this financial year.

If Council chooses to use reserve funds for a purpose other than that for which the reserve was established, section 6.11 of the *Local Government Act 1995* requires a minimum one-month local public advertising period is required.

However, the Newcastle Bridge Reserve currently holds \$47,695. As the purpose of this reserve is specifically for expenditure on the Newcastle Bridge, these funds can be used without the need for public advertising.

It is recommended that the remaining required funds be reallocated from the following projects, both of which can be deferred without significant impact:

- **\$30,000** – WO.10033 Niche Wall
- **\$50,000** – WO.10005 Recording Equipment – Chambers

Council may consider reinstating these projects during the mid-year budget review, subject to priorities and the Shire's financial position at that time.

The proposed budget adjustment will have a net impact of \$Nil on the overall budget.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.2. Govern Shire finances, assets and operations responsibly

Policy related:

Purchasing Policy.

Financial:

The Newcastle Bridge decking has been subject to significant ongoing vandalism.

The cost to replace the decking represents an unbudgeted expense; however, the net impact on the overall budget will be nil, as staff are recommending the reallocation of existing funds.

Following this adjustment, the Newcastle Bridge Reserve will be fully utilised, leaving a balance of nil.

Legal and Statutory:

Section 6.8 of the Local Government Act 1995

Risk related:

The risk rating is high (16). Failure to replace the decking poses a High Safety Risk (public injury or fatality), Financial Risk (increased repair costs and liability claims), and Reputational Risk (community dissatisfaction and loss of trust).

This report mitigates the risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council approve the following amendment to the 2025/26 budget:

<u>WO/GL</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
WO.10033	Niche Wall		30,000
WO.10005	Recording Equipment - Chambers		50,000
	Newcastle Bridge Reserve (From)		47,695
WO.10045	Newcastle Bridge Decking Replacement	127,695	

Budget Impact Nil

10.5 INFRASTRUCTURE, ASSETS AND SERVICES

Nil.

10.6 COMMITTEE REPORTS**10.6.1 Financial Management Review: Risk Assessment and Improvement Plan**

Date of Report:	1 December 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG269
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<ol style="list-style-type: none">1. Risk Assessment and Improvement Plan; (confidential) Section 5.23(2) <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property (under separate cover)</i>

PURPOSE OF THE REPORT

To receive an update of the Shire of Toodyay Risk Assessment and Improvement Plan.

BACKGROUND

One of the functions of the Audit, Risk and Improvement Committee (the Committee) is to review the results of the Financial Management Review (FMR) and the Audit Regulation 17 Review (AR17), in addition to monitoring and assessing risk and improvements.

COMMENTS AND DETAILS

The Risk Assessment and Improvement Plan has been updated (**Attachment 1**).

Report section 6.2 (General Policy actions): policies identified have been revised except for Debt Collection and Disposal of Property policies. All other policies mentioned were retired or revoked by Council. The Asset Management Policy is still under review.

Attendance at Events and Continuing Professional Development Policies were provided to Council at their November 2025 Council Meeting.

Report Section 7.1 (ICT Strategic Plan): the draft plan is scheduled to be presented to the committee in February 2026. The plan will include reference to the Business Continuity and Disaster Recovery Plan adopted by Council in June 2025.

Report Section 7.2 (Operational Procedures): This is an ongoing process. Staff meetings are happening weekly, and further training and education will occur as a continuing improvement of practice.

Report Section 7.2 (Risk Management Procedures): This is an ongoing process.

In the Draft ICT Strategic Plan, a risk evaluation will be undertaken, and a plan will be prepared to mitigate those risks.

It is recommended that this plan be received.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

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

Outcome 9. Responsible and effective leadership and governance

9.1.4. *Undertake regular reviews of organisation and Council culture and implement initiatives to improve.*

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

Policy related:

Risk Management Policy, Internal Control Policy and Legislative Compliance Policy

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Risk related:

The risk in not receiving and noting the plan that is attached to this report is considered low (4). This report mitigates the risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives and notes the updated Shire of Toodyay Risk Assessment and Improvement Plan (**Confidential Attachment 1**).

AUDIT, RISK AND IMPROVEMENT COMMITTEE RECOMMENDATION

That Council receives and notes the updated Shire of Toodyay Risk Assessment and Improvement Plan (**Confidential Attachment 1**).

10.6.2 Debt Write off - Australian Taxation Office

Date of Report:	1 December 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	TAX5
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	Nil

PURPOSE OF THE REPORT

To write off monies owed to the Shire by the Australian Taxation Office (ATO).

BACKGROUND

As part of Councils standard end of year procedure, a reconciliation should have been completed to ensure that all monies owed to the Shire by the ATO in the form of GST credits have been claimed and if not lodge revised Business Activity Statements (BAS) to ensure those monies are claimed and received by the Shire.

COMMENTS AND DETAILS

An investigation has found that no reconciliation of GST has occurred, and records have found that a significant amount of funds are being held by the ATO that is owed to the Shire in the form of GST credits for purchases made by the Shire. The reconciliation showed that \$633,000 was owed to the Shire by the ATO dating back to 2020.

Under the ATO rules, the Shire is able to amend BAS returns dating back 4 years. Funds owing from before December 2021 cannot be claimed by the Shire and this equates to \$195,000.

It is noted that this should have been picked up by management when preparing the Annual Financial Statements each year, however there is no evidence that this has occurred and more importantly was not detected by the auditors in undertaking previous years audits and reporting this to Council in the management report.

This reconciliation was supplied to the auditors as part of the 2024/25 audit and the auditors have accepted the reconciliation as part of their audit testing. In addition, we have supplied to the auditors all BAS returns and amended BAS returns as evidence of claiming all previously unclaimed GST.

To ensure this does not happen again, as part of the Shire's end of financial year processes, a reconciliation of GST receivable and payable has been included. In addition, when preparing the current months BAS, a review of the previous months BAS will also be undertaken to ensure that all funds have been claimed.

In order to tidy this up, it is necessary to seek Council's approval to write off any GST that cannot be claimed from the ATO due to it being past the timeframe that amendments can be made to the BAS return. This amount is approximately \$195,000.

It is therefore recommended that the Committee recommend to Council to write-off up to \$195,000 in GST owing to the Shire from the Australian Taxation Office.

IMPLICATIONS TO CONSIDER

Consultative:

Office of Auditor General

Audit Risk and Improvement Committee

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:

Expenditure for this is not included in the 2025-26 Annual Budget, if Council approves the write-off of \$195,000 this will need to be included in the 2025-26 mid-year budget review for consideration.

General Function:

Nil

Legal and Statutory:

Section 6.12 (1) (c) of the *Local Government Act 1995* as amended, grants the power of Council to write off any amount of money*

**Absolute Majority Required*

Risk related:

Without proper processes and suitably trained staff in place to continually monitor and undertake reconciliations of this type at least annually, the risk in the form of lost revenue is high for the Shire.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council, by absolute majority, write-off up to \$195,000 in GST owing to the Shire from the Australian Taxation Office from the period of June 2020 to December 2021.

AUDIT, RISK AND IMPROVEMENT COMMITTEE RECOMMENDATION

That the CEO undertakes further detailed investigation and seeks external advice on this issue and provides a detailed report back to the ARIC meeting of 12 February 2026.

10.6.3 Integrity Framework

Date of Report:	4 December 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	27 September 2023 OCM 220/09/23.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<p>1. Integrity Framework. (confidential) <i>Section 5.23(2)</i> <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law. (under separate cover)</i></p> <p>2. Maturity Assessment Tool April 2025. (confidential) <i>Section 5.23(2)</i> <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property (under separate cover)</i></p>

PURPOSE OF THE REPORT

To present an Integrity Framework for noting (**Confidential Attachment 1**).

BACKGROUND

Each year the Shire's Governance Coordinator is required to complete the Public Sector Commission's Integrity Framework Maturity Self-Assessment Tool. This had been done as recent as April 2025 (**Confidential Attachment 2**).

This tool is essentially a diagnostic tool for integrity within an organisation. It helps assess whether an organisation is just starting out with ethical practices (*Emerging*), progressing (*Developing*), integrating integrity into daily operations (*Embedded*), or fully committed (*Excelling*). Organisations can use this assessment to pinpoint where they stand and implement process improvements.

1. **Emerging** – Basic awareness, but no formal integrity framework.

2. **Developing** – Some integrity measures exist, but gaps remain.
2. **Embedded** – Integrity is integrated into daily operations.
3. **Excelling** – Integrity is a core part of organisational culture.

Integrity risks evolve—regular assessments keep organisations accountable.

- Helps track progress and adjust strategies.
- Ensures compliance with governance standards.
- Reinforces ethical leadership and decision-making.

COMMENTS AND DETAILS

The Governance Coordinator used a template, provided by the Public Sector Commission, to develop a comprehensive Integrity Framework in accordance with the Public Sector Commission's guidance. This framework is designed to promote ethical behaviour, prevent misconduct, and ensure compliance with relevant legislation and governance standards.

The framework outlines the Shire's commitment to integrity through structured governance, risk management, internal controls, and continuous improvement. It also includes mechanisms for reporting, investigation, and disciplinary action in response to integrity breaches.

Key Elements of the Framework

- **Governance and Oversight:** Led by the CEO, Executive Management Group, and Audit, Risk and Improvement Committee.
- **Legislative Compliance:** Adheres to the *Public Sector Management Act 1994*, *Corruption, Crime and Misconduct Act 2003*, and other relevant legislation.
- **Risk Management:** Utilises AS/NZS ISO 31000:2018 and AS 8001:2021 standards for fraud and corruption control.
- **Internal Controls and Audits:** Regular internal and external audits ensure financial and operational integrity.
- **Education and Training:** Mandatory integrity training for all staff, with targeted refreshers for high-risk roles.
- **Reporting and Investigation:** Clear pathways for reporting misconduct, including Public Interest Disclosure (PID) mechanisms.
- **Whistleblower Protections:** Strong safeguards to protect individuals who report misconduct.

Current Status

- The Integrity Framework has been finalised and approved for distribution by the CEO.
- Training programs and reporting mechanisms are in place.

It is recommended that the Integrity Framework be received and noted as the guiding document for ethical governance and compliance.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

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

Outcome 9. Responsible and effective leadership and governance.

Policy related:

Risk Management Framework

Financial:

Nil.

General Function:

N/A

Legal and Statutory:

Public Sector Commission Requirements

The Shire is required to:

- Align with PSC's Integrity Framework: The framework reflects Commissioner's Instruction 40 and incorporates minimum standards of conduct.
- Complete the Integrity Framework Maturity Self-Assessment Tool: This tool evaluates the Shire's current integrity practices and identifies areas for improvement.
- Submit Survey Results: The PSC requires authorities to submit survey data related to the self-assessment to monitor sector-wide integrity maturity.

Risk related:

Without a formalised framework, the Shire lacks a coordinated approach to detecting and preventing integrity breaches. This has the potential to compromise the Shire's ability to uphold integrity, accountability, and public confidence in its operations.

This report mitigates the risk.

Workforce related:

The framework will be published internally. Staff training will take place around integrity and this framework.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. receives and notes the Integrity Framework (**Confidential Attachment 1**) as the guiding document for ethical governance and compliance within the Shire.
2. Notes the ongoing commitment to integrity education, risk management and continuous improvement as outlined in the framework.

10.6.4 IT Health Check

Date of Report:	4 December 2025
Applicant or Proponent:	N/A
File Reference:	ITS/002
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	Nil
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<p>1. Essential 8 Implementation Plan (confidential) <i>Section 5.23(2)</i> <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property (under separate cover)</i></p> <p>2. IT Health Check Recommendations and Action Timetable-November 2025 (confidential) <i>Section 5.23(2)</i> <i>(f)(i) a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.</i> <i>(f)(ii) a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property (under separate cover)</i></p>

PURPOSE OF THE REPORT

To receive an update on the implementation of the recommendations of an IT Health Check that was completed in April 2025 on the Shire's corporate network

BACKGROUND

It is prudent that the Shire regularly undertake a review of the Corporate IT network to ensure that the IT network is maintained to current standards and any deficiencies are identified, or vulnerabilities exist, and corrective action be put into place prior to it becoming a serious issue for the Shire.

COMMENTS AND DETAILS

The Shire engaged focus Networks, an established IT network provider to undertake an audit of the Shire's IT environment.

This audit took place in April 2025 and involved contractors being onsite and offsite undertaking various tests and reviews of the IT network. The approach that that was undertaken was as follows:

1. Governance;
2. Business Systems and Applications;
3. Infrastructure and Technology;
4. Business Continuity;
5. Security; and
6. Project Management.

Focus Networks assessed the Shire's IT network against the framework from the Office of Auditor General and the report makes recommendations to ensure that the Shire complies with the framework.

There are a significant number of recommendations detailed in the report, management has now considered the recommendations and has proposed a timeframe to implement the recommendations.

A number of these recommendations have already been completed and have been noted in the attachment 2 to this report.

To address many of the issues raised in the report, the Shire has commenced implementing Essential 8 (E8). E8 is a cyber security framework consisting of 8 strategies to mitigate cyber threats and increase operational resistance in the Shires network. Attachment 2 details the implementation timeframe to implement E8 within the Shire's corporate network.

IMPLICATIONS TO CONSIDER

Consultative:

Each recommendation has a budgetary impact, discussions will need to be had with Council about allocating specific resources towards the corrective actions in future Budgets.

Strategic:

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

Outcome 9. Responsible and effective leadership and governance

- 9.1 Provide strong, clear, and accountable leadership.
- 9.2 Govern Shire finances, assets, and operations responsibly.

Policy related:

Nil.

Financial:

The financial implications are detailed in the report with a recommended timeframe for implementation

General Function:

Not Applicable

Legal and Statutory:

Not Applicable

Risk related:

There are significant operational risks associated with the issues that have been identified in this report and these need to be addressed to ensure the safety and security of the Shire's data and IT network.

Workforce related:

There are no significant workforce related implications to this item.

VOTING REQUIREMENTS

Simple Majority

REVISED OFFICER'S RECOMMENDATION

That Council notes the attached recommended actions report and action timetable – November 2025 (**Attachment 2**), which was received by the Audit, Risk and Improvement Committee on 4 December 2025. The Committee did not make a recommendation to Council

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

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

Nil.

14.2 EMPLOYEES

Nil.

15 CONFIDENTIAL BUSINESS**RECOMMENDATION**

That Council considers the confidential report listed below in a meeting closed to the public in accordance with Section 5.23(2) of the *Local Government Act 1995*:

15.1 Operational Efficiency Measures

This matter is considered to be confidential under Section 5.23(2) - (a) and (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees and a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

16 NEXT MEETINGS

Type of Meeting	Date	Time
Agenda Forum	29 January 2026	5.30pm
Ordinary Council	5 February 2026	5.30pm

17 CLOSURE OF MEETING