

Ordinary Council Meeting

24 July 2025

Commencing at 5:30 PM

AGENDA

Notice of Meeting.

To: The President and Councillors.

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

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

Aaron Bowman JP

CHIEF EXECUTIVE OFFICER

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

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

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.

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 <u>petition template</u> 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.



Public Question Time Registration s.5.24 of the Local Government Act 1995

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 C	Council Meeting:			
Name(s):				
Postal Ad	ldress:			
Organisa	tion (if applicable):			
Phone:		Email:		
I am a:	□ Resident □	Ratepayer	□ Non-Resident	□ Non-Ratepayer
Privacy S				Idress will not be made public. The
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	advised that I intend to as	_		er as numbered:
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				_ Agenda Item No:
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				_ Agenda Item No:
(5)				
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				_ Agenda Item No:
	ıt you requ	ire extra room,	please attach an A4	page
Signature:			Date:	
	Administration Centre 15 Fiennes Street (PO Bo TOODYAY WA 6566	× 96)	(08) 9574 9300 records@toodyay.vww.toodyay.wa.g	



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 Counci	l Meeting:			
Agenda Item aı	nd Name:			
Are you speakin	g for or agains	st the recommenda	ation in the Agenda?	? □ For □ Against
CONTACT DET	AILS			
Name(s):				
Postal Address:				_
Organisation (if	applicable):			
Phone:		Email:		
lama: □ R	esident	□ Ratepayer	□ Non-Resident	□ Non-Ratepayer
Privacy Statemer			nents, the Submitter's add for matters related to S	ddress will not be made public. The
				rding the item listed above.
			Defe	or attach another A4 page



Administration Centre 15 Fiennes Street (PO Box 96) TOODYAY WA 6566 (08) 9574 9300

(08) 9574 2158

Ε records@toodyay.wa.gov.au www.toodyay.wa.gov.au



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☐ Indirect Fin	ancial	☐ Proximity ☐ Closely Associa	☐ Impartiality ated Persons	
Nature of Interest:					
Extent of Interest:					
Signature:				Date:	
CEO Sign off					
Signature: —	C	hief Executive Officer	<u> </u>	Date:	
Applicable Legislation	and Operationa	l Guidelines:			
Local Government Act 1				.73 and 5.88 (2) (b))	
Local Government (Adm					
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Local Government Oper Local Government Oper				roots rolating to giffs)	
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OFFICE USE ONLY					
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Details of I	erson r	naking the	requ	est or	reportin	g the i	ssue		
Name: _									Date:
Address:	(Residen	tial / Property	Addı	ress inc	luding pos	stcode)			

Phone (H):		Email:							
Are you a current resident or ratepayer?		□ Yes - Ratepayer	□ No						
Location									
Description	Description								
RECORDS USE ONLY									
RMS Record No.:			Assessment No.: (if applicable)						
Request forwarded to:			Date:						
Works ☐ Building allocated to: ☐ Technic		nce □ Reserve er (specify)	☐ Parks and Gardens						
Contact made with Pers	son making the reque	est or reporting the issue							
Contacted by: Date: Date:									
Contact made through: ☐ Phone ☐ In person ☐ Email ☐ Outgoing correspondence									
The person was informed that:									
SIGN OFF DETAIL - V	Vorks completed by	/							



☐ No further action

☐ IWR rescanned and attached: _

Name:

RMS:

T (08) 9574 9300

Signature _____

F (08) 9574 2158

E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

_____ Date:

☐ Comments added to record: ______; or

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

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

2 RECORDS OF ATTENDANCE

2.1 APOLOGIES

2.2 APPROVED LEAVE OF ABSENCE

Nil

3 DISCLOSURE OF INTERESTS

Name	Туре	Item	Extent
Cr Duri	Proximity	9.1.1	Lives opposite of the proposed scheme amendment.
Cr Madacsi	Impartiality	9.4.3	Member of the Toodyay Community Garden Inc.
Cr Madacsi	Impartiality	14.1	Is mentioned in the report
Cr Prater	Impartiality	14.1	Is mentioned in the report
Cr Duri	Impartiality	14.1	Is mentioned in the report
Cr Dival	Impartiality	14.1	Is mentioned in the report
Cr M McKeown	Impartiality	14.1	Is mentioned in the report
A Bowman	Financial	14.2	Legal representation is for the CEO
A Bowman	Financial	14.3	Legal representation is for the CEO

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 26 June 2025, the following questions were taken on notice:

4.1.1 Responses to Questions taken on notice at the 26 June 2025 Ordinary Council Meeting

The following question on notice was received from **A Lamas**.

Question

As per the MRWA grant contribution from the State Black Spot Program and the Capital Works Program of the Shire of Toodyay 2024/25, the Bindi Bindi–Toodyay Road Project was approved for works between SLK 7.02 and SLK 9.18. However, it appears the project was completed only up to SLK 8.53—approximately 650 metres short of the approved scope and funding provided by MRWA. What was the reason for this shortfall?

Response

The shortfall in works on the Bindi Bindi—Toodyay Road Project, which concluded at SLK 8.53 rather than the approved SLK 9.18, resulted from a deviation from the original project scope by previous staff who are no longer with the Shire. Unfortunately, the required reconstruction works specified in the funding application were not correctly followed. Instead, there was an intention to apply a reseal treatment to the remaining section, which is inconsistent with both the project scope and the conditions of the State Black Spot and Capital Works Program funding.

This oversight was identified during a subsequent review, and we acknowledge that the incomplete section from SLK 8.53 to SLK 9.18 still requires full reconstruction in accordance with the approved funding agreement. The Shire is now taking steps to ensure the remaining works are planned and delivered to meet the original scope and funding intent.

The following question on notice was received from **P Ruthven**.

Question

What was the total cost of running the entire Toodyay Recreation Centre, including the Aquatic Centre for the 2024-25 Financial Year?

Response

\$483,516

The following question on notice was received from **S Hefferon**.

Question

Can the Shire clarify whether the underspend in roads of 860K is tied to any road project (so further work is pending) and if so which one and what project or works does the 75K Work-in-Progress relate to?

Response

The details of the variance to budget are provided on page 14 of the monthly financial statements. They are as follows:

WSFN Project Development - Bindoon Dewars Pool Road	137,763
Bindoon Dewars Pool Road - SLK 19.81 to 22.52 RRG funded	8,208
Toodyay-Bindi Bindi Road - SLK 5.63 - SLK 7.02 - Federal Black Spot Grant	249,738
Toodyay-Bindi Bindi Road - SLK 7.02 - SLK 9.18 - RRG Grant	(163,268)
Toodyay-Bindi Bindi Road - SLK 20.35 - SLK 22.67 - RRG Grant	(54,724)
Hoddywell Road - SLK 0.00 - SLK 1.50 - Reseal - RC	6,348
Salt Valley Road - SLK 6.16 - SLK 8.47- Reseal	53,567
Bejoording Road -Various SLK's - Surface Repairs - Muni	115,271
Davies Road - SLK 0.00 - SLK 0.41- Upgrade - Muni	56,685
Phillips Road - SLK 0.00 - SLK 2.00- Upgrade - Muni	199,476
Northam Toodyay Road - Upgrade - Access	16,667
Access & Egress Projects - Road Upgrades - scope to be confirmed	259,999
Julimar Rd - Rehabilitation - SLK 17.56-19.81	(3,715)
Julimar Rd - Rehabilitation - SLK 19.81-22.52	21,443
Bindi Bindi Toodyay Rd - SLK 11.08 to 13.45	(12,291)

Bindi Bindi Toodyay Rd - Wheel Pavement Repairs (2023/24)	(30,624)
Chitty Rd	(699)

The budget is 10 12th of the annual budget and is deducted from Actual Expenditure showing the following variances to budget.

"Works in Progress" is infrastructure works undertaken in the 2022/23 year and 2023/24 year.

That was not capitalised in those financial years financial statements. This has now been referred to the Shire's Auditors.

The following question on notice was received from **S Pearce**.

Question

In the May edition of the Toodyay Herald, the Shire President reported that Councill had approved at the April Ordinary Council Meeting an increase of \$500,000 in the current budget of maintenance for roads from \$190,000 to \$690,000, to be spent by 30 June.

We are now at the end of the financial year.

Would you please explain what additional projects were undertaken, completed and total of funds expended on these projects?

Response

Telegraph Road – 1,200 metres of re-sheeting.

Rockdale Road – heavy patching and 1,000 metres of re-sheeting

Pushed-up and crushing of gravel – for Telegraph Road, Rockdale Road, Beard Road, and Bindoon Springs Road.

Eight weeks of maintenance grading and gravel patching has been undertaken, covering 98% of the Shire's Road network—some roads receiving attention more than once due to condition and priority.

Vacuuming and cleaning of stormwater drains in the Toodyay townsite and Settlers Ridge

Drainage works along Toodyay Road

Street sweeping throughout the townsite

Repairs to the asphalt on Anzac Ave

These works form part of the Shire's broader commitment to maintaining and improving road and drainage infrastructure across the district.

The following question on notice was received from **S Pearce**.

Question

9.2.3 Item Monthly Financial,

According to the Monthly Financials budget, the Shire has underspent approx. \$900,000 for employee costs.

- a) How much has been spent on consultants, trades people to do maintenance and mechanical work previously done by shire employees.
- b) Under which cost centres have these payments been recorded.

What is the difference between total consultant/trades payments and the unspent budgeted employee costs.

Response

- a) None. There is no evidence through our records of Shire employees undertaking Building Maintenance and Mechanical Work previously, which is why significant costs have been incurred.
- b) Building and plant maintenance.

The following is additional information for a question received by **S Pearce**.

4.2.15 Question 2

Payments to IGA total \$2000, recorded as West Australian and Office Supplies for Cr, VC, CRC, planning, Admin, Library and Depot. 2. Please explain the office supplies that were provided for Councillors.

Response

Tea, coffee, milk.

Additional Information

It must be noted that the Payment to Toodyay IGA was for expenses over 3 months, January 2025, February 2025 and March 2025.

4.2 PUBLIC QUESTION TIME

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council held on 26 June 2025

OFFICER'S RECOMMENDATION

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 26 June 2025 be confirmed.

- 2.3 Applications for Leave of Absence
- 6 PETITIONS / PRESENTATIONS / SUBMISSIONS
 - 6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 SUBMISSIONS

Nil.

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9 OFFICER REPORTS

PLANNING AND REGULATORY SERVICES 9.1

9.1.1 Scheme Amendment 1- of LPS No.5 - report on submissions and request to resolve on the Amendment.

2 July 2025 Date of Report:

File Reference: **PRO 18**

P Nuttall – Executive Manager Planning and Regulatory Author:

Services

Responsible Officer: P Nuttall – Executive Manager Planning and Regulatory

Services

Previously Before Council: OCM 6/03/2025

Author's Disclosure of Nil

Interest:

Council's Role in the matter: Legislative

Attachments: 1. Attachment 1 - Scheme Amendment 1 Report

> 2. Attachment 2 - Petition recieved OCM 22/05/2025

3. Attachment 3 - Table of Submissions

4. Attachment 4 - Design Working Plan

SUMMARY

Applicant: Shire of Toodyay Owner: Shire of Toodyay

Amendment 1 to Local Planning Scheme 5 Proposal:

Location: Lot 9508 and Lot 8006, Drummond Street and Burt pass, Nunile

PURPOSE OF THE REPORT

For council to consider the submissions received in relation to this proposed amendment to the Scheme, and to resolve the progress of this amendment.

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. This application is deemed to be a Standard amendment and was to be advertised for 49 days. The report that was advertised is contained in Attachment 1.

As a result of this advertisement, one petition containing 48 signatures **Attachment 2** and a total of 24 submissions were received **Attachment 3**.

Both the EPA and the WAPC have consented to this amendment and now the Council is required to determine the progress of this amendment based upon the submissions received.

Council can choose to either; support, support - subject to proposed modifications, or not to support the amendment.

COMMENTS AND DETAILS

Hindsight

The Shire in March 2025 was presented with a proposal to Council to decide on returning a portion of lot 9508 (public open space), to a residential land use and road reserve. A proper process would have seen the scheme maps align with the 2019 Sporting Complex Master Plan in time for the new Local Planning Scheme No.5 which was gazetted 22 August 2024. Indications within that sporting complex masterplan demonstrated a reduced appetite for the land to the south of Lot 9508 to be developed for recreational purposes.

This oversight could have left this subject land as an Urban Development Zone and thus any proposed housing estate would have been subject to an amended Foggerthorpe structure plan advertised to the community. While this process may have resulted in the same community responses and sentiment, it would have been a more transparent open process. Advertisement of the new scheme contained community workshops, consultation and reports to Council in 2023 giving a clearer intent to prospective landowners long before the events of this amendment. Compilation of the new Scheme No.5 occurred over many years.

Consultative process:

As with all community consultations, there are community members that will and won't support amendment proposals. In this case there were 24 written comments received and a petition of 38 signatures.

As per the requirements of the Act the Local Government must advertise the amendment for at least 42 days and consult all landowners within 200m of the boundary of the proposal. The Shire exceeded these requirements by advertising for 49 days and directly contacted landowners in a 300m area.

The Shire undertook a direct email and letter campaign to all landowners within 300m of the boundaries of this proposal, advertised on the Shire website and was the subject of at least 2 stories within the local community newspaper "The Herald".

Further to this consultation and on request from Councillors, a face-to-face workshop was conducted at the recreation centre 8/5/2025 which was attended by 13 people. This open house event reached out to all the original mailout landowners offering the opportunity to attend.

The planning office received a further 30 in-person and email requests for information.

Protest rally

A community member had organised a protest rally on Saturday 31 May 2025 which was subsequently reported in the Toodyay Herald and was attended by 16 people and two poodles. This event generated two late submissions.

It should be noted that the rally occurred after the closing date of the submissions period which was 26 May 2025. This event inadvertently provided false hope for residents to contribute to the table of submissions. The Shire recognises this and has included received submissions after the rally, although it was not obliged to do so.

Petition received OCM 22/05/2025

A petition was received and presented to Council during the Ordinary Council Meeting 22/5/2025. The petition objected to the proposed Scheme Amendment 1. The petition can be viewed in **Attachment 2** and officer comments been included at the end of the table of submissions **Attachment 3** for reference.

Outcomes of consultation

Of the written comments received 20 objected, 2 supported and 2 neutral comments were received. Most of those comments received were from residents within the 300m shire consultation radius, and the remainer from within the Shire.

All the signatories on the petition were Nunile based, with the majority of landowners who signed being within the 300m area of consultation.

Attachment 3 details the comments received from the community and is paired with officer comments in response. These comments generally fell into themes, and this will be expanded in sections below.

Other comments of note were that the land was donated to the shire, which is inaccurate as the Shire purchased Lot 9508 for recreational uses. However, the comment made may refer to the ceding of land for public open space which is required as a subdivision requirement and that is generally located further to the north in the Foggerthorpe estate being the Boyagerring parklands.

Valid planning considerations

A comment made in relation to a planning proposal must acknowledge the concerns of the submitter and comply with the requirements of being related to the proposal and be based on valid planning concerns.

"Public submissions must be given due regard by decision-makers, and typically comments or submissions will be upheld (supported), partially upheld, dismissed (not supported) or noted (where the submission does not relate to a planning matter or is out of scope). Public consultation is an important element in planning decision-making, but the popularity (or otherwise) of a proposal is not the only factor to consider. Public submissions are most effective where they focus on planning issues, and the impact a proposal may have on the affected person".(WAPC 2025) https://www.planning.wa.gov.au/how-does-planning-work/making-good-planning-decisions

In the table of submissions, you will see comments that this proposal 'will devalue my property'. This is a subjective comment as the actual change of value has not yet been calculated and couldn't be known until the proposal has been completed. It is acknowledged that this is a concern to a landowner, but not considered to be valid for planning purposes.

Comments made in relation to the 'quantity of public open space' is a valid planning condition, however the overall loss of a portion of Lot 9508 to a residential zone and a road, does not constitute a net loss that would reduce the overall Foggerthorpe structure plan area falling below a required gross 10% open space. These comments are valid, but a calculation determines that an adequate supply of open space will continue to exist in the structure planning area.

Based on all the received comments, all the valid planning considerations have been answered and dismissed, and it is deemed that all comments have been suitable addressed.

Lastly there was a reasonable scare campaign undertaken by a few residents of Nunile who expressed their comments and fears as facts. While the table of submissions has sought to address these concerns, misinformation may continue, for the purpose of trying to influence the decision making role of Councillors.

IMPLICATIONS TO CONSIDER

Responses from the community

All of the consolidated responses have generally followed five key themes related to; lot sizes, the inclusion of social housing, distrust of Council, lack of open space, and changing community expectations.

These are not the only categories of issues and there are also good points and suggestions provided by the community as well.

Lot sizes

The rationale for utilising the R20 development code was that it is the most common code used in Western Australia and has a good track record of meeting the expectations of communities with varied housing types. The developer can choose lots as small as 450m² and as large as 850m² without triggering a duplex development.

During interactions with the community, there was a perception that the shire would choose to maximise the most lots out of the estate making all the lots as small as possible. This was perhaps a failing of the Shire to communicate its intention of having a wide selection of lot sizes large and small. Some communication with officers was received that even these lots proposed would be too large for first homeowners and that we should respond with even smaller lots. Other comments received was to increase the R20 coding to R15 to guarantee larger lots, which will be explored later in this report.

It was strongly communicated that if this amendment were to proceed than lots facing Drummond Street should be as large as possible to be complementary with the larger lots opposite. It should be noted (via strong comments) that a park view was the first preference.

The R35 areas selected for housing reflects the need for lower cost housing on smaller lots for Aged Persons Housing (over 55's) and for Staff accommodation. This code will not permit apartments but will encourage grouped housing solutions and is the better code to use for such developments, as it offers a greater flexibility in design options.

The two proposed grouped housing sites are relatively small in relation to the area of the site and in development yield. It is expected that up to 14 such dwellings may be possible from a development expected to realise 50 dwellings in total.

Social Housing

There are many categories of 'social housing', but the categories chosen by the Shire are Key Worker Housing and Aged Persons Housing. The term 'social housing' is a catch all phrase that often gives a negative impression in the minds of many, and these fears were realised in comments in the submissions table, and verbally in other interactions.

It is a Shire objective within 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.* However, the Shire has chosen to support just two of those categories in this location. It is important

that the Shire supports all members of the community and in doing so supports the provision of housing diversity and social inclusion.

Aged person housing is identified as being in critical demand with long waiting lists for few dwellings, and the Shire has almost no housing for staff. With very high rental prices in Toodyay attracting new employees to the Shire has become difficult (recruiting without a housing package places the shire at a disadvantage).

Distrust of Council and officers

The history of the site is contained within the report and proposed a low-density residential estate. Then the Shire reduced the size of the estate through a purchase of land from the developer for the new recreation centre, and now to return a small portion of that open space back to housing. This chance of plans, while not uncommon, does not support confidence with the Shire intentions, and can instil concerns about other locations and the outcomes of their open spaces.

It is acknowledged that people did purchase lots in the River Hills Estate with the understanding that Lot 9508 was to be Open Space, as most of the lots close to this proposal were purchased after the Shire purchased Lot 9508. It is not confirmed whether this communication was from real estate agents or shire staff. The site was always intended to be developed for something, but now Council has chosen to use the land for housing. This is the core issue of mistrust in the community.

Administration and elected officials may have also had slightly different opinions or points of view on particular issues of this proposal, and this has also reduced community perceptions of what the outcomes may be. Certainly, if this proposed amendment were to be approved by the WAPC then mistrust of the Shire may increase despite the intent to support the wider community.

Community expectations

With all plans in a shire there lies the risk to community that the 'Council of the day' may change plans. This is demonstrated with the most recent *Toodyay Plan for the Future 2023-2033* which is a response to the changing needs of the Toodyay community. Within this report is an emphasis on meeting community housing needs that change over time.

A key consideration is that the shire has an aging demographic and few places that our older community can live. Smaller land parcels with smaller dwellings is an option, and it allows our community to age in place, with supported care packages. This amendment and its resulting dwellings may provide those options. However, the larger first home owner market is also attracted to estates with more affordable lots and homes.

Local expectations for sporting and recreational activities are shown within the 2007 sporting master plan for Lot 9508. In 2014 a new masterplan was developed with most of the sporting activities focused to the north of the Lot. Within this plan, there are no specific developments proposed for the land to the south. Again, this demonstrates that Shire plans for land can change over time and that local government has an obligation to respond to wider community expectations.

It should also be noted that Lot 9508 is freehold, in the name of the Shire of Toodyay. This is unusual as recreational facilities or ovals are normally Crown Land vested in a Shire. It has also provided the Shire with a unique development opportunity unavailable to other local governments.

Lack of open space.

The original Foggerthorpe Structure Plan (SP) designed the road network, lots, and public open space and addressed other planning matters. As the Foggerthorpe SP has been

approved, consideration must be made to Development Control policy 2.3 - Public Open Space in residential areas. Based on the original Foggerthorpe plan, the WAPC approved the Structure Plan as meeting the requirements of adequate public open space, being 15.6% of that area. An additional 14.0650ha of open space was added to the structure plan in that amendment 1, and this Scheme amendment will remove only 4.8190ha from this reserve. This proposed residential subdivision that would fit within the SP without needing additional open space as the original SP already anticipated that this land was to be developed as houses.

A further argument that could be used is that the surrounding area has substantial amount of existing open space, being the Avon River parklands, and that the subdivision proposal could rely partly on that open space within its calculations to not need to provide any more open space. However, this argument is not needed, due to the large amount of open space within the current SP.

In the original Foggerthorpe SP, three drainage sumps were created on Drummond Street to slow down the road water and to provide silt traps and filtering before discharge into the Avon River. The current Scheme 5 has erroneously classified this land as being residential R10, alluding to the fact that the land could be developed for housing. The actual land ownership is a Crown Reserve for the purposes of drainage and can't be developed for anything other than drainage. This amendment sought to correct this zoning error, but inadvertently generated a conversation around these drainage reserves being an open space alternative.

Land development convention encourages drainage reserves that are unfenced to be zoned as public open space. In these three instances they are classified under DC 2.3 as restricted open space and cannot be fully used as credits towards the overall SP open space calculations, as the entire estate is in excess of its required 10% open space obligations. The change of lot 8006 to public open space is to correct an administrative error in the Scheme.

Useful and positive suggestions

It is important to note that consultation is a valuable community tool and can positively enhance a proposal, this has been demonstrated in community comments. Community members have made suggestions that can be incorporated into the project that will benefit the wider community and lessen the impact to landowners in the River Hills estate.

1. Relocate the access leg to the Shire group housing site from Drummond Street to Batty Pass. While this is deemed to be a minor change to the concept plan, it would reduce headlights and traffic impact to homes across the road from the proposed dwellings that the Shire would use. No changes to the advertised codes would be required as it would not materially affect a future subdivision design.

Recommendation - Support the design change.

2. Restrictive covenant on the larger grouped housing site. It was intended that a responsible developer would be encouraged to purchase the lot to be for Aged Persons Housing. However, the Shire is encouraged prior to sale to Covenant the new lot to restrict occupancy of any dwelling to over 55's residents. The downside for the Shire is that it is that the shire would not be able to sell the lot for a higher price,

due to the Covenant restriction. The Shire will still meet its obligations to the community through guaranteeing Aged Persons Housing on the new lot.

Recommendation – covenant the larger grouped housing lot for over 55's Aged Persons Housing.

3. Road design changes to the new Burt Parkway extention. In response to verbal and written comment regarding this new intersection, a realignment is proposed to intersect the new Burt Parkway at Rayner Loop further north. The result of this change would be to reduce the number of intersections and prevent vehicles headlights from shining into houses directly opposite the intersection. This change would not facilitate a need to amend the current Scheme proposal or zones.

Recommendation – realign Burt Parkway to the Raynor Loop intersection.

To indicate the Shire's intentions and incorporate the community feedback received, **Attachment 4** shows the post-consultation design working plan to instruct survey instructions for the final subdivision layout. Please note this plan is to guide subdivision and some areas and boundaries may change slightly.

Response to the petition

The petition to council was based upon three primary elements. Objection to;

- 1. A portion of Lot 9508 Public Open Space to residential
- 2. All of Lot 8006 from residential to public open space
- 3. Creation of a road reserve to be known as Jarrett Pass.

The primary change is the change of portion of Lot 9508 to residential, the other two elements are administrative actions to properly administer the Shires land reserves.

Lot 8006 is discussed within this report as being relevant to representing land with an appropriate zone or reserve designation. A drainage reserve is properly designated as open space rather than being zoned for housing development. As such this is an appropriate scheme reserve of land, suitable for purpose.

Jarrett Pass is a fully constructed road but does not have the appropriate land tenure or scheme reserve for purpose. Development of a subdivision resulting from amendment 1, would create a lot suitable for the purposes of a dedicated road, the appropriate zone then would be "Local Road" in the Scheme. As an administrative measure, this amendment is proposing to Reserve land in the scheme for an appropriate purpose. It should be noted that the Shire is not intending to close this road, and make the land as a park, rather it is seeking to represent the road appropriately in the Scheme.

Other responses to individual points are contained at the end of the Table of Submissions **Attachment 3.**

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 (shire Staff), and a development site for Aged Persons Housing which could be deemed as 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 R20 code requires 50% 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 Foggerthorpe 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:

The Shire is now required to resolve to the future of Scheme Amendment 1 as per the 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 preferred option is 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.

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

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.

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 advertising. Matters raised by the community may be resolved through subdivision design changes presented in this report and would 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 the responses received from the community regarding the proposed Scheme Amendment No.1 **Attachment 3**.
- 2. Supports without 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 R20 and R35; 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. Recommends that a review of a future subdivision design be made in accordance with community recommendations within this report to:

- (a) Relocate the access leg to the Shire group housing site from Drummond Street to Batty Pass; and
- (b) Place a Restrictive Covenant, at the time of subdivision, on the larger grouped housing site for the purposes of Aged Persons Housing
- (c) Make design changes to a future subdivision that relocates the intersection of the new Burt Parkway to Raynor Loop.
- 4. Forwards this report and a signed statement of intent to the WAPC, of Councils recommendation to proceed with the amendment.

9.2 FINANCE AND CORPORATE SERVICES

9.2.1 List of Payments - June 2025

Date of Report: 9 July 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 Nil

Interest:

Council's Role in the matter: Legislative

Attachments: 1. Payments List - June 2025

PURPOSE OF THE REPORT

To present to Council the list of payments for the month of June 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 June 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 June 2025:

Description	Amount \$
Municipal Cheques	\$ 21,664.28
Electronic Funds Transfer Payments	\$1,912,720.63
Payroll	\$250,166.42
Credit Cards	\$ 7,563.13
Other (Including Direct Debits)	\$ 197,597.28
Total	\$2,368,047.46

9.2.2 2025/26 Differential General Rates and General Minimum Payments

Date of Report: 9 July 2025

Applicant or Proponent: N/A

File Reference: FIN34

Author: A Hart – Executive Manager Finance and Corporate

Services

Responsible Officer: A Hart – Executive Manager Finance and Corporate

Services

Previously Before Council:

Author's Disclosure of Nil

Interest:

Council's Role in the matter: Legislative

Attachments: Nil

PURPOSE OF THE REPORT

The purpose of this report is to consider any comments received as a result of advertising the Shire's Differential Rating Strategy for the 2025/26 Financial Year.

BACKGROUND

Council resolved to give local public notice of its intention to impose differential general rates for the 2025/2026 financial year with submissions closing on 27 June 2025. At the closing of submissions, there were no submissions received.

COMMENTS AND DETAILS

As of the 27 June 2025, no submissions were received.

IMPLICATIONS TO CONSIDER

Consultative:

Via Local Public Notice

Strategic:

Differential rates represent a strategic approach to rating. Rates are a major revenue source of Council, used to achieve the objectives of the Shire's Council Plan. The purpose of levying rates is to meet the Shire's budget requirements to deliver services and projects each financial year.

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

Outcome 9. Responsible and effective leadership and governance

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

Policy related:

Significant Accounting Policy

Financial:

The differential rates model as endorsed by Council will directly influence Councils ability to fund expenditure requirements proposed to be included in the 2025/2026 budget. Expenses will be incurred in relation to advertising, which are accommodated within the current budget.

Legal and Statutory:

Sections 6.33 and 6.34 of the *Local Government Act 1995* allow local governments to impose differential rates and minimum payments. Section 6.36 requires local governments to give notice of certain rates before imposing them. Council is requested to endorse for advertising, the proposed rates in accordance with Section 6.36 of the Act.

Section 6.35 (6) of the *Local Government Act 1995* states that a differential minimum payment may be imposed.

Risk related:

There are significant financial and operational risks associated with setting rates for the budget adoption process. Setting the rates too high for the purpose of advertising, bears significant reputational risk as setting the rates in the dollar too high can cause stress and anger within the community. Setting them too low for the purpose of advertising may set unrealistic expectations and inhibit Council's ability to respond to cost increases from external factors. Compliance with statutory provisions helps to mitigate these risks.

Workforce related:

There are no workforce related implications in relation to this item.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council acknowledge that no submissions were received as a result of advertising the 2025/26 Differential Rating Strategy.

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9.2.3 **Annual Rate Concessions**

14 July 2025 Date of Report:

Applicant or Proponent: N/A

File Reference: FIN34

Author: A Hart – Executive Manager Finance and Corporate

Services

Responsible Officer: A Hart – Executive Manager Finance and Corporate

Services

N/A Previously Before Council:

Author's Disclosure of Nil

Interest:

Council's Role in the matter: Executive

Attachments:

Nil

PURPOSE OF THE REPORT

The purpose of this report is for Council to grant rate concessions for the 2025/26 Financial Year.

BACKGROUND

The Local Government Act requires all properties in the Shire to be rateable and details what properties are exempt from paying Rates. The Council can resolve to grant other discounts or concessions on properties that would otherwise be rateable.

COMMENTS AND DETAILS

Each year the Shire automatically grants concessions to Butterly Cottages and the CWA on their rates each year.

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

The properties that Council have previously granted rates concessions are as follows

Assessment	Address	Owner Name	Concession Amount
A13968	101 Stirling Terrace Toodyay	Country Womens Association	100%
A303276	15 Anzac Terrace Toodyay	Butterly Cottages Association Incorporated	100%

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A302509	,	Butterly Cottages Association Incorporated	100%
A301983	1A D Harper Street Toodyay	Butterly Cottages Association Incorporated	100%

It is recommended that Council grant concession to these properties for the 2025/26 financial year. 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

2.1 Support older people to age safely, happy, with dignity and respect

Policy related:

There are no council policies related to this item.

Financial:

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

Legal and Statutory:

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."

Risk related:

There are no risk related issues in relation to this item

Workforce related:

There are no workforce related issues in relation to this item

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VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council grant a rates concession of 100% for the 2025/2026 year to the following properties:

A13968 - 101 Stirling Terrace Toodyay

A303276 - 15 Anzac Terrace Toodyay

A302509 - 2 Henry Street Toodyay

A301983 – 1A D Harper Street Toodyay

(Note: the ratepayer is responsible for the payment of all rubbish charges, ESL levies and Waste Transfer Station Levies)

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9.2.4 Adoption of the Draft 2025/26 Municipal Budget

10 July 2025 Date of Report:

Applicant or Proponent: N/A

File Reference: FIN34

A Hart - Executive Manager Finance and Corporate Author:

Services

Responsible Officer: A Bowman JP - Chief Executive Officer

Previously Before Council: Nil

Author's Disclosure Nil of

Interest:

Council's Role in the matter: Executive

Attachments: 1. 2025-2026 Shire of Toodyay Statutory Budget

> 2. 2025-2026 Shire of Toodyay Capital Works Projects

2025-2026 Shire of Toodyay Fees and Charges

PURPOSE OF THE REPORT

For Council to consider and adopt the 2025/2026 Budget for the Shire of Toodyay.

BACKGROUND

Section 6.2(1) of the Local Government Act 1995 requires each local government to prepare and adopt by 'Absolute majority' a budget for the following financial year. The Act prescribes this must be done between 1 June and 31 August for the financial year ending 30 June.

The 2025/2026 Budget includes:

- Statutory financial statements, incorporating:
 - Statement of comprehensive Income;
 - Statement of cash flows;
 - Statement of financial activity; and
 - Notes to and forming part of the budget.
- Schedule of Fees and charges
- Capital Works Projects

COMMENTS AND DETAILS

The Draft 2025/2026 Municipal Budget is presented in its statutory form for Council adoption Pursuant to the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 and the Australian Accounting Standards.

Item 9.2.4 Page 34 The Draft 2025/2026 Budget is a balanced budget developed to consider the Shire's overall financial position, asset maintenance requirements resulting from ageing infrastructure, continued supply chain challenges and inflationary pressure pushing up cost of materials and contracts.

Capital Projects

The significant capital expenditure projects included in the 2025/2026 Budget are:

Project	Budget
Road Construction-Various Roads	\$3,057,093
Bejording fire station replacement	\$885,392
Key worker accommodation	\$600,000
Council building rehabilitation/refurbishment	\$500,000
CCTV Reinstatement	\$150,000
Community Events Trailer	\$20,000

Rates

At the Special Council Meeting on 22 May 2025, Council resolved to approve the differential rates and minimum payment for 2025/26 for advertising by public notice as follows:

The proposed differential rates were calculated using the following parameters.

An increase in the rate in the dollar from 2024/25 of 2.2%

The advertised minimum payment was \$1495, being an increase of \$35 from 2024/25.

Fees and Charges

Whilst increases to fees and charges have been kept to a minimum, generally 2.2%, some user fees have resulted in a larger increase to better reflect the actual costs of undertaking these services.

There have also been fees that have been deleted and these relate to services that are no longer offered or have never been offered.

IMPLICATIONS TO CONSIDER

Consultative:

A total of 4 budget workshops/briefing were held with Councillors.

Strategic:

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

Outcome 9 Responsible and effective leadership and governance

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

Statutory implications

Section.6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the minister allows, each local government is to prepare and adopt, (absolute majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the following 30 June.

Section.5.63(1)(b) of the *Local Government Act 1995* specifically excludes the need for Elected members to 'declare a financial interest' in imposing a rate, charge or fee.

Division 5 and 6 Local Government Act 1995 refers to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The Draft 2024/2025 Municipal Budget as presented is considered to meet statutory requirements.

There are no legislative requirements to re-advertise differential rates, even if they are changed from the advertised figures.

Section.6.35 of the *Local Government Act* 1995 – Council imposing on any rateable land, a minimum payment greater than the general rate otherwise payable.

Regulations 34(5) Local Government (Financial Management) Regulations 1996 requires each financial year, a local government is to adopt a percentage or value, calculated in accordance with the Australian Accounting Standards, to be used in statements of financial activity for reporting material variances.

Sections.6.33 and 6.36 of the *Local Government Act 1995* – Council's intention to levy differential rates for 2024/2025 financial year, as per it's published Statement of Objects and Reasons for Differential Rating

Policy related:

Local government Payments and Gifts to Members Council Policy

Financial:

The financial implications of the 2025/2026 Budget are based upon the objective of achieving a balanced budget on 30 June 2026 after carrying out normal operational requirements and an extensive capital program.

Legal and Statutory:

Section.6.2, section.6.33, section.6.35 and section.6.36 of the Local Government Act 1995.

Risk related:

There are significant financial, compliance and reputational risks to be considered when developing the annual budget. In particular there is a risk that by not adopting the budget incorporating rates and minimum payments, cashflow implications would more than likely arise and Council operations and capital projects proposed for 2025/26 could be jeopardised. The risk would be major (4), which would be between a moderate (8) risk rating to a high rating of (16). This report mitigates the risk.

Workforce related:

There are no workforce related issues in adopting the 2025/26 Budget.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Pursuant to the provision of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, adopt the 2025/2026 Municipal Budget as attached, which includes the following:
 - (i) Statement of comprehensive income;
 - (ii) Statements of cash flows;
 - (iii) Rates setting statement by type;
 - (iv) Notes to and forming part of the budget; and
 - (v) Capital expenditure program;
- 2. For the purpose of yielding the deficiency disclosed by the municipal fund budget adopted at part 2 above, Council, pursuant to section 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, impose the following differential general and minimum rates on Gross Rental and Unimproved Values

General Rates

Gross rental valuations	Rate in the Dollar	Minimum
GRV Residential	0.122530	1,495.00
GRV Commercial	0.158350	1,495.00
GRV Industrial	0.124950	1,495.00
GRV Rural	0.117740	1,495.00
GRV Rural Residential	0.112630	1,495.00
Unimproved valuations		
UV General	0.010628	1,495.00
UV Rural	0.005380	1,495.00

3. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, adopt the following due dates for the payment in full and by instalments.

Option 1 - payment in full

Due Date 30 September 2025

Option 2 – payment by instalments

1st Instalment Due
 2nd Instalment Due
 1 December 2025
 2nd Instalment Due
 1 December 2025

3 rd Instalment	28 January 2026
4 th Instalment	30 March 2026

- 4. That Council resolves to impose:
 - (a) In accordance with section 6.45(3) of the *Local Government Act 1995*, an additional charge of \$10.00 per instalment notice and interest rate of 5.5% applicable to rates and charges paid by the four instalments payment option.
 - (b) In accordance with section 6.13 of the *Local Government Act 1995*, a rate of interest of 11% applicable to any amount owing to the local government (other than rates or services charges) with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment.
 - (c) In accordance with section 6.51(1) of the *Local Government Act 1995*, a rate of interest of 11% applicable to overdue and unpaid rates, with interest calculated from the due date, which is 35 days from the date of issue shown on the account for payment.
 - (d) In accordance with Section 67 of the Waste Avoidance and Resource Recovery Act 2007 (as amended) an annual rubbish and recycling charge is imposed:
 - Domestic Service (Including Recycling)-Once per week single bin pickup and once per fortnight single recycling bin pickup \$352.00
 - Commercial/Light Industrial (Including Recycling)-Once per week single pickup and once per fortnight single recycling bin pickup \$425.92
 - (e) In accordance with Section 66 of the Waste Avoidance and Resource Recovery Act 2007 (as amended) impose the following differential waste transfer levy and minimum on Gross Rental and Unimproved Values;

Gross rental valuations	Rate in the Dollar	Minimum
GRV Residential	0.0003834	106.00
GRV Commercial	0.0003834	106.00
GRV Industrial	0.0003834	106.00
GRV Rural	0.0003834	106.00
GRV Rural Residential	0.0003834	106.00
Unimproved valuations		
UV General	0.0000118	106.00
UV Rural	0.0000118	106.00

5. Pursuant to section 6.16 of the *Local Government Act 1995*, adopt the Schedule of Fees and Charges included in the 2025/2026 Budget as attached effective 1st August 2025.

6. That in accordance with Section 6.20(1) of the *Local Government Act 1995*, Council proposes to borrow up to \$659,382 for the purpose of Construction of the Beejording Fire Station.

In accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, the level to be used in statements of financial activity in 2025/2026 for reporting material variances shall be 10% or greater or \$10,000 of the current budget, whichever is the greater. In addition, the material variance limit be applied to total revenue and expenditure for each nature and type classification and capital income and expenditure in the Statement of Financial Activity.

9.3 **ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES**

9.3.1 RFT: TEN97 - 04/2025 - Tender for the Management and Operation of the Shire of Toodyay Aquatic Centre.

Date of Report: 23 June 2025

Applicant or Proponent: Shire of Toodyay

File Reference: TEN97

Author: S Watson – Executive Manager Economic Development

and Community Services

Responsible Officer: S Watson – Executive Manager Economic Development

and Community Services

Previously Before Council: May 2025

Author's Nil

Interest:

Disclosure of

Council's Role in the matter: Executive

Attachments:

- RFT TEN97 04/2025 Management and Operation 1. of the Shire of Toodyay Aquatic Centre
- 2. RFT: TEN97 - 04/2025 - Tender response from XAV Group Pty Ltd (confidential)

Section 5.23(2)

- (e)(iii)a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person where the trade secret or information is held by, or is about, a person other than the local government
- (e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government
- (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)
- RFT: TEN97 04/2025 Tender Offer from XAV 3. Group Pty Ltd (confidential)

Section 5.23(2)

- (e)(iii)a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person where the trade secret or information is held by, or is about, a person other than the local government
- (e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government

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- (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)
- 4. Evaluation Report TEN97 04/2025 (confidential) Section 5.23(2)
 - (e)(iii)a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person where the trade secret or information is held by, or is about, a person other than the local government
 - (e)(i) a matter that if disclosed, would reveal a trade secret where the trade secret or information is held by, or is about, a person other than the local government
 - (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person where the trade secret or information is held by, or is about, a person other than the local government. (under separate cover)

PURPOSE OF THE REPORT

To consider awarding the tender for the Management and Operation of the Shire of Toodyay Aquatic Centre.

BACKGROUND

At the start of the 2024/25 summer season following the departure of the Shire employed Aquatic Centre Manager, a contractor was contracted on a short term basis by the Shire for the 2024/25 summer season (November 2024-April 2025) to manage the Toodyay Aquatic Centre. Following the expiration of this contract on 3 May 2025 and as resolved at a Special Council Meeting held 8 May 2025, the Shire sought suitable and experienced contractors via a tender process to manage and operate the Toodyay Aquatic Centre for a three year period commencing 1 September 2025 for the summer seasons of 2025/26, 2026/27 and 2027/28. This tender includes a two year option following the initial three year term. The statewide publicly advertised tender scope of works encompassed management and operations of the Toodyay Aquatic Centre including employment of the staff, undertaking cleaning and all matters associated with the day to day operation of the aquatic centre. Details of the tender scope of works is included in **Attachment 1** – Request for Tender document.

COMMENTS AND DETAILS

The tender for the management and operation of the Shire of Toodyay Aquatic Centre was advertised in the West Australian newspaper on Saturday 10 May 2025 and on the Shire website utilising the Tenderlink portal. A compulsory tender briefing/site inspection was undertaken on Monday 26 May 2025 at the Toodyay Aquatic Centre, which was attended by the CEO, the Executive Manager Economic Development and Community Services and two representatives from one prospective tenderer.

One tender response was received in response to TEN97 – 04/2025 from XAV Group Pty Ltd trading as Contract Aquatic Services. Their response and tender offer are included in confidential **Attachments 2 and 3**.

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Evaluation Summary

A tender Assessment Panel comprised of the following officers assessed the submissions received:

- Chief Executive Officer Aaron Bowman
- Executive Manager Economic Development and Community Services Sandra Watson
- Executive Manager Finance and Corporate Services Alan Hart

Item	Evaluation Criteria	Weight (%)	Scoring Methodology
1.	Qualifications & Experience	40%	Using a scale from 0-10 a score was assigned to each tenderer based on the evidence provided by the tenderer in relation to their experience and qualifications in managing and operating aquatic facilities.
2.	Access to alternative resources, managing risk & situations of customer need		Using a scale from 0-10 a score was assigned to each tenderer based on the evidence provided by the tenderer in relation to their access to alternative resources and managing risk and customer need.
3.	Tendered price	40%	Using a scale from 0-10 a score was assigned to each tenderer based on the price tendered to encompass all deliverables.

In addition, two reference checks were completed as part of the tender assessment process with referees nominated by the preferred tenderer in their tender submission. The completed Evaluation Report for TEN97 - 04/2025 can be found in confidential **Attachment** 4

IMPLICATIONS TO CONSIDER

Consultative:

A panel comprised of senior Shire officers assessed and evaluated the tenders for the Management and Operation of the Toodyay Aquatic Centre and two reference checks were completed for the preferred tenderer.

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.

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Policy related:

Shire of Toodyay Purchasing Policy.

Financial:

As this procurement process is to be undertaken via a tender and contract process, further information related to the price tendered is provided in the confidential attachments.

Legal and Statutory:

Local Government (Functions and General) regulations 1996

r.11A Part 4 - Provision of Goods and Services

Local Government Act 1995

Part 6 – Financial Management

Risk related:

A thorough and transparent tender process has been conducted. The management of the Toodyay Aquatic Centre by an external contactor will involve appropriate reporting mechanisms being established that balance the need for commercial efficiency with accountability to the Shire and the community, with particular emphasis on risk, including reputation, and public liability and safety.

Workforce related:

The majority of the works undertaken as per the scope of the tender will be completed by the successful tenderer via a contract. There will be oversight of the new contract for the management and operation of the Toodyay Aquatic Centre by senior Shire officers for the life of the contract, as well as regular engagement and liaison in order to establish and maintain a good working relationship between the two parties.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council awards tender TEN97-04/2025 – Management and Operation of the Shire of Toodyay Aquatic Centre to XAV Group Pty Ltd, trading as Contract Aquatic Services, for a three-year term with a two-year option following mutual agreement.

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9.3.2 Memorandum of Understanding with Avon Valley Vintage Vehicle Association

23 June 2025 Date of Report:

Applicant or Proponent: Shire of Toodyay

File Reference: COM₁

S Watson - Executive Manager Economic Development Author:

and Community Services

S Watson - Executive Manager Economic Development Responsible Officer:

and Community Services

Previously Before Council: Nil.

Author's Disclosure of

Interest:

Nil.

Council's Role in the matter:

Executive

Attachments:

Draft Memorandum of Understanding between the 1. Shire of Toodyay and the Avon Valley Vintage Vehicle Association

PURPOSE OF THE REPORT

To seek Council approval to enter into a new Memorandum of Understanding (MOU) between the Shire of Toodyay and the Avon Valley Vintage Vehicle Association (AVVVA) to support the staging of the annual AVVVA Swap Meet event in Toodyay for a five-year period.

BACKGROUND

The Avon Valley Vintage Vehicle Association (AVVVA) held their swap meet event in the Shire of Toodyay for the first time in March 2025. This very popular and well patronised event had previously been held in the Shire of Northam, however the AVVVA has a number of members in the Shire of Toodyay and wanted to support local members by trialling the event in Toodyay. As a result of the success of this year's swap meet held at the Toodyay Showgrounds, AVVVA approached the Shire with a request to enter into a longer term arrangement via a Memorandum of Understanding (MOU) for the next five years to secure the event in Toodyay.

COMMENTS AND DETAILS

A Memorandum of Understanding (MOU) is a written agreement that outlines the general terms and conditions of a potential partnership or collaboration between two or more parties. MOU's are designed to clarify mutual expectations and responsibilities and are not legally binding documents.

Following a meeting earlier this year between the Chief Executive Officer, Executive Manager Economic Development and Community Services and representatives of AVVVA, it was agreed that a draft MOU would be prepared outlining the arrangements between the

Item 9.3.2 Page 44 Shire of Toodyay and AVVVA for the AVVVA annual Swap Meet to be held in Toodyay for a five year period commencing in 2026 and running through to 2030.

The AVVVA was established in 1985 in Northam, Western Australia to cater for enthusiasts of machinery and motor vehicles, motorcycles and other motoring memorabilia over 25 years old. This group has successfully run their annual swap meet event since 2002 in Northam and in 2025 they felt it was time for a change and a fresh approach. The association also has many new AVVVA club members that live in the Toodyay area and these members had been suggesting the move to Toodyay for some time.

AVVVA held a trial swap meet in March this year at the Toodyay Showgrounds and the event was extremely well received, with sellers lining up in the early hours of the morning on the day of the event to enter the showgrounds (130 sellers), 2000+ people attending the event and 60 classic cars on display. In addition, the AVVVA involved a number of local sporting clubs and community groups in the event including looking after the entry gate and parking, selling food and other event related tasks. In total over \$6000 was returned to the local Toodyay community by AVVVA as a result of the swap meet event including payments for services received from groups assisting on the day and donations made after the event.

The new MOU sets out clearly the undertakings and responsibilities of each party being the Shire and AVVVA, with important tasks of the Shire including line marking the showgrounds, liaising with sporting clubs located at the venue and providing portable toilets to support the event to a value of up to \$3000. The MOU also outlines responsibilities of both parties related to community engagement and consultation, sponsorship recognition and post event evaluation, and is designed to facilitate and support collaboration between the Shire and AVVVA to present a well-received community focused swap meet event.

The MOU is proposed for a period of five years from 2026-2030, with an intention to review or extend the MOU or negotiate a replacement agreement following the conclusion of the 2030 event. The MOU may be terminated by mutual consent of the two parties and any party may terminate the MOU with six months written notice to each other. Further, the MOU may only be amended by agreement in writing between the two parties.

It is important to emphasise that the MOU does not confer on either party any financial obligations apart from those mutually agreed to. Any event fees or charges will be set by the Shire as part of its annual budget process and any sponsorship or fundraising commitments, whether cash or in kind, will be negotiated and agreed each year as required during the life of the agreement.

IMPLICATIONS TO CONSIDER

Consultative:

Shire officers have had several meetings with AVVVA representatives to discuss the 2025 swap meet and future events, along with the details of the proposed new MOU.

Strategic:

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

Outcome 2 An inclusive and connected community

Outcome 7 A strong, diverse and sustainable economy

Outcome 8 Toodyay is a popular tourism destination

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Policy related:

Nil.

Financial:

There are limited financial obligations on the part of the Shire as a result of this proposed MOU apart from funding portable toilets for the swap meet event up to an amount of \$3000 depending on the approved number of toilets. This amount will be funded through the Community Funding Program 2025/26.

Legal and Statutory:

All Shire supported events are required to comply with and be assessed against any relevant policies and statutory requirements.

Risk related:

Reputational risk is considered low given the consultation process that has supported the drafting of the MOU between the two parties, the good relationship between the Shire and the event organisers and the strong track record the event organisers have staging swap meet events for over 20 years.

Workforce related:

Shire staff will be required to undertake some minor operational tasks related to the AVVVA Swap Meet event as a result of this MOU being implemented.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the new Memorandum of Understanding between the Shire of Toodyay and Avon Valley Vintage Vehicle Association for a five-year period from 2026-2030.

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9.4 EXECUTIVE SERVICES

9.4.1 Voting Delegates for the 2025 WALGA AGM

Date of Report: 9 June 2025

Applicant or Proponent: Shire of Toodyay

File Reference: WAL1

Author: M Rebane – Governance Coordinator

Responsible Officer: A Bowman JP – Chief Executive Officer

Previously Before Council: N/A

Author's Disclosure of Nil

Interest:

Council's Role in the matter: | Executive

Attachments: 1. Notice of WALGA AGM;

PURPOSE OF THE REPORT

To consider appointing voting delegates and Proxies for the 2025 WALGA AGM before the deadline of 5:00pm on Monday, 8 September 2025.

BACKGROUND

Each year, the Western Australian Local Government Association (WALGA) holds an **Annual General Meeting** (AGM) of Members.

The **2025 Annual General Meeting (AGM)** for the Western Australian Local Government Association (WALGA) will be held in conjunction with the Local Government Convention 2025.

AGM Details

Date: Tuesday, 23 September 2025

Time: 2:15pm

Venue: Perth Convention and Exhibition Centre

COMMENTS AND DETAILS

It is proposed that Council nominates the Shire President and Deputy Shire President as voting delegates.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2022-2033

Outcome 9 Responsible and effective leadership and governance

Policy related:

Council's policy *Continuing Professional Development* provides for all elected members to attend the WALGA Annual Local Government Week Conference.

Financial:

Council's policy *Continuing Professional Development* provides that the Shire will meet the full cost of registration, travel, accommodation, meals, transport, and parking; verified through the provision of receipts, subject to the Local Government Payments and Gifts Council Policy, and other conditions specified in the *Continuing Professional Development* policy.

Legal and Statutory:

Section 5.98 (2) of the *Local Government Act 1995* provides for the payment of reimbursement of costs for Council Members.

Expenses that may be approved for reimbursement are covered under r.32 of the *Local Government (Administration) Regulations 1996.*

Risk related:

It is recommended that Council nominate voting delegates. To not do so would be seen as a low risk from an advocacy perspective. This report mitigates the risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council nominates the Shire President and Deputy Shire President as voting delegates for the 2025 WALGA AGM.

9.4.2 Wheatbelt District Emergency Management Committee - Representation

Date of Report: 16 June 2025

Applicant or Proponent: Shire of Toodyay

File Reference: ORG3

Author: M Rebane – Governance Coordinator

Responsible Officer: A Bowman JP – Chief Executive Officer

Executive

Previously Before Council: September 2023 OCM214/09/23

Author's Disclosure of Nil

Council's Role in the matter:

Interest:

Attachments: 1. DEMC Members Handbook

2. Wheatbelt District Emergency Management

Committee March 2025 Minutes.

PURPOSE OF THE REPORT

To consider the nomination of a representative from the Shire of Toodyay to attend as an observer, the District Emergency Management Committee meetings (**Attachment 1**).

BACKGROUND

The Wheatbelt DEMC is part of Western Australia's emergency management framework, established under the Emergency Management Act 2005. It plays a critical role in:

- Supporting and guiding Local Emergency Management Committees (LEMCs).
- Coordinating district-level emergency planning, preparedness, and response.
- Providing a forum for collaboration between local governments, emergency services, and state agencies.
- Reporting to the State Emergency Management Committee (SEMC).

The Wheatbelt District Emergency Management Committee (DEMC) aims to enhance emergency management capabilities within the Wheatbelt region of Western Australia. It focuses on establishing and maintaining effective emergency management arrangements, fostering interagency collaboration, and supporting local governments in their emergency management efforts.

COMMENTS AND DETAILS

Nomination to the Committee, as an observer will assist in improvement of information flow between district and local levels as well as demonstrate the Shire's commitment to community safety and compliance with the state emergency management policy. The March 2025 minutes are attached (**Attachment 2**) to understand what the committee generally discuss at their meetings.

It is recommended that a person be nominated as a Primary to ensure representation from the Shire as an observer at the District Emergency Management Committee Meetings.

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 Policy

Financial:

Nil

Legal and Statutory:

Local Government Act 1995

Risk related:

Nil.

Workforce related:

A Shire Officer will notify Cr Bantock, Zone representative to the Wheatbelt District Emergency Management Committee of the nomination of a representative.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

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

9.4.3 Lease of a Portion of Old Works Depot (Reserve 33931) to Toodyay Garden

Date of Report: 7 July 2025

Toodyay Community Garden Inc. Applicant or Proponent:

File Reference: ENV₂₀

A Bowman JP – Chief Executive Officer Author:

A Bowman JP - Chief Executive Officer Responsible Officer:

Previously Before Council: 28 August 2024 Ordinary Council Meeting

Author's Disclosure Nil of

Interest:

Council's Role in the matter: Executive

Attachments: 1. Minutes of Ordinary Council Meeting - Thurs 24 April

2024

2. Expression of Interest Toodyay Community Garden

3. Letter From Toodyay Community Garden 9 May 2025

4. Toodyay Community Garden Concept Plans

PURPOSE OF THE REPORT

For Council to consider leasing a part of the Old Works Depot located on Harper Road (Reserve 33931) to the Toodyay Community Garden Inc for a community garden.

BACKGROUND

On 12th April 2024, Councillor Madacsi submitted the following Notice of Motion:

That Council based upon:

- 1. A signed agreement on 16 February 2021 between the Shire of Toodyay and the Toodyay Tennis Club, to provide access to the Fiennes St courts until February 2023 at which time it would be reviewed by Council; and
- 2. A letter on 26 April 2022 informing the new Toodyay Tenns Club committee any agreement for on-going use of the premises will need to be formalised and considered by Council,

Resolves to

- a) Review the Toodyay Tennis Club's agreement for use of the Fiennes Street premises, as agreed;
- b) Consider the future use of the property in line with the Shire's long-term planning and plan for the future;
- c) Authorise the CEO to seek expression of interest for the Fiennes Street premises in accordance with the Local Government Act 12995 and regulations;

d) Request the CEO to bring a report back to Council for consideration by the August 2024 OCM

On 24 April 2024, Council resolved (OCM144/04/24)(Attachment 1):

- Review the Toodyay Tennis Club's agreement for use of the Fiennes Street premises, as in the agreement signed 16 February 2021 by the Shire and the Toodyay Tennis Club.
- 2. Consider the future use of this portion of crown reserve No 21797 and the whole reserve, proper in line with the Shire's long-term planning and plan for the future;
- 3. Authorise the CEO to seek expression of interest for the Fiennes Street premises in accordance with the Local Government Act 12995 and regulations;
- 4. Request the CEO to bring a report back to Council for consideration by the August 2024 OCM

On 30 May 2024, an Expression of Interest was received from the recently formed *Toodyay Community Garden Group*, to utilise a portion of the old Tennis Courts comprising an area of 1000m². (Attachment 2)

In June 2024, a notice was published in the June edition of the Toodyay Herald calling for Expression of Interests.

On 25 July 2024, the Toodyay Community Garden Inaugural General Meeting was held to establish the Toodyay Community Garden Group, adopt the objective, aims and rules of the association and to elect office bearers. The following were appointed to the committee

Chair	Gary Nelmes
Deputy Chair	Catherine Ehrhardt
Secretary	Rosemary Madacsi
Treasurer	Tanvier Fowler
Committee Members	Toni Anne Chrimes
	Catherine de Vos
	Annette Muller

On 28 August 2024, a report was presented to the August Council meeting with the outcome of the Expression of Interest, where Council resolved to:

"... defer the decision regarding the Expression of Interest received for the use of the Toodyay Tennis Club facility at 14 Fiennes Street Toodyay until the finalisation of the facilities and Building Review."

On 18 December 2024, Council received the Facilities and Building Evaluation Report and resolved that buildings or facilities scoring at or below a threshold of 50 out of 100 receive a detailed individual assessment by Council, facilitated by the CEO. Following this assessment, Council will determine the actions to be taken in relation to each building or facility.

The Tennis Club amenities building scored 22 and the Tennis Club Pavilion scored 29. This placed both buildings amongst the very bottom of the list.

On 14 April 2025, the Chief Executive Officer and the Executive Manager of Economic Development and Community Services met with Toodyay Community Garden Chair and Michael Noonan where an update was provided of where the Shire was at with the

assessment of the Tennis Club amenities building and Tennis Club Pavilion. Issues of concerns had been raised from inspections undertaken with both buildings and that an outcome of the future use of the "Old Tennis Courts" would likely be within 6 months at least.

It was suggested that an alternative location -part of the "Old Works Depot" site on Harper Road- was available and could be subject to Council approval within a shorter timeframe. A positive response was received to this suggestion and the Shire was later advised that the Committee "unanimously agreed to accept the offer". This was communicated in a letter received from the Toodyay Community Garden Inc on 9 May 2025 (Attachment 3). Included in the letter were 14 questions / points of discussion.

On 19 May 2025, the Chief Executive Officer and the Executive Manager of Economic Development and Community Services met the Chair of the Toodyay Garden Club and Michael Noonan at the Old Depot to go through the questions raised in the previous correspondence.

The questions and dot point response were as follows:

1. We would anticipate an area of approximately 4000m² from the eastern boundary to the Old Depot Shed and from the Railway Reserve to the norther boundary with Butterly Cottages. This would facilitate a 5-6 metre access road through the proposed garden.

Response: This is subject to Council approval. There appears to be no initial issue with this, however it is requested to be a little further away from the Old Depot Shed.

2. What would be the duration of the lease, and would it be a peppercorn payment or a specific value?

Response: The Shire will look at tying it in with the remaining time left on other leases within the area so all leases finish at the same time. Can suggest a peppercorn lease to Council.

- 3. What activities are acceptable?
- 4. What activities are not acceptable?

Response: Toodyay Community Garden Club Inc will need to advise which activities they wish to conduct, from there the request can be reviewed; however, approval would be limited to garden club activities.

5. Is it possible, with Council permission, to access the closest scheme water on the southeast corner of the existing Old Depot Shed (there is a live water point existing) and sub meter the supply? If acceptable, we would extend that live line to several watering points in the new garden.

Response: There appears to be no issue with this, subject to suitability and other relevant considerations.

6. Are rainwater tanks permissible if we decide to harvest water from half of the Old Depot building?

Response: The Old Depot building will need to be demolished due to its condition and associated issues.

7. Is the existing green shed (the old community bus shed) available for storage?

**Response: No – this is the community events shed.

8. Are we permitted to level the dips in the site prior to garden construction?

Response: Yes, subject to the provision of further details. The Shire may be able to assist with this work.

9. Are we permitted to trim branches on the existing trees or is that a Shire responsibility?

Response: Yes. The Shire can assist with this work.

10. Are we permitted to excavate the ground to construct garden beds and import soil for the latter?

Response: There are some concerns due to the findings of the previous contamination report. It is recommended that raised beds be used instead.

11. Does the Old Depot have power connected, and are we permitted to use it for power tools and reticulation controllers?

Response: Requires further investigation.

12. Are we permitted to use some of the Old Depot building for storage and running workshops as well at utilizing it when there is inclement weather?

Response: No. The Old Depot building is not suitable and workshops that are not held in the garden should be held at the Community Centre or another appropriate building.

13. Is a composting toilet on site acceptable?

Response: It would be necessary to obtain further details from the Environmental Health Officer, however, the need for on-site toilets is questionable, as many other community gardens operate without them, and there are existing toilet facilities located reasonably nearby.

14. Would the materials on site be relocated or can some of it be repurposed for the garden construction?

Response: The materials would be relocated; however, further discussions can be conducted as to whether they may be suitable for repurposing.

COMMENTS AND DETAILS

The Shire currently has several community groups located at the Old Railway Barracks, which is the preferred location for this type of activity. The site is secure and fenced. Shire staff lock and unlock the area each morning and early evening. There is a toilet for all to access, and there is currently a vacant shed available. The Toodyay Community Garden Club has previously advised this is too far out of town and they wanted a location in the centre of town. Reserve 33931 (the Old Works Depot) is a suitable option as the use of the reserve is "community purpose" and a community garden fits this criteria.

The Chair of the Toodyay Garden Club was advised if he provided a formal request by end of June 2025, that a report would be presented to the July Council meeting.

A formal request was received (**Attachment 4**) and is presented to Council for consideration.

The request comes with four conditions:

1. A ten-year lease at an agreed peppercorn rental to ensure the long-term viability and development of this community resource.

The Men's shed lease is until 2037, to streamline leases and to provide a longer-term lease to the Toodyay Community Garden Club it is recommended that a lease until 2037 be offered, at a peppercorn rent.

2. A rental agreement that includes a secure weatherproof building such as the community bus shed, or the eastern end of the existing depot shed.

Most community garden clubs have a small shed for the secure storage of a few garden tools etc only. These are often simple sheds that are available through any hardware store.

The need for a large *weatherproof shed* the size of the Community Bus Shed raises the concern that the intended purpose is not just for storage but may also be for meetings or other activities. This is further evidenced by previous correspondence in which the club advised, when referencing the old tennis club pavilion, that "*it may not be large enough for indoor event and ...*", suggesting a different intended use than initially proposed. The Shire has several current community buildings that are available to community groups for meetings and other activities.

Community groups should collaborate to share facilities, as the provision of dedicated buildings or spaces that experience low levels of use, as has been observed with other facilities in the Shire of Toodyay; This does not represent an effective or efficient allocation of resources. Shared use of infrastructure is an efficient and effective use of resources.

The Shire supports the Toodyay Community Garden Club in obtaining its own funding to build a shed. The club will also be responsible for the maintenance and upkeep of the shed. The Shire will not be providing a "weatherproof building" on site.

Alternatively, if the club was to locate to the Old Railway Barracks, the Shire could provide the remaining vacant shed to the club for their use.

3. Metered scheme water to be available within the leased area and a toilet within two years of lease commencement.

Most community gardens do not have a toilet on site. There are several available toilets within close proximity to this location. This unnecessary duplication is not supported. If the Toodyay Community Garden Club obtained funds to provide its own toilet and responsibility for the upkeep, the Shire should be supportive of this.

Alternatively, if the club was to locate to the Old Railway Barracks, a toilet already exists that would be available for use. The cleaning and maintenance of this toilet is undertaken by the Shire.

Regarding metred scheme water - it is unclear whether the expectation is that the costs for this are to be a Shire cost, or if the club will pay for the provision of a metered

scheme water access point. The Shire should support the provision of a metered scheme water access point for the club, as it is a necessity for a community garden. The cost of providing this are unknown and further discussion should occur on the expectations of who would pay for this.

4. Written notice to the Toodyay Men's Shed advising the lease duration and area leased.

If Council was to agree with approximately 4000 m² of the Old Works Depot site being leased to the Toodyay Community Garden Club, legislation requires that Council must advertise the "disposal" (lease) of property together with relevant details for any comments. The Toodyay Men Shed would also be notified as part of this process.

IMPLICATIONS TO CONSIDER

Consultative:

Discussions with the President of Toodyay Community Garden Club.

Strategic:

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

Policy related:

Disposal of Property.

Financial:

There will be a small cost with advertising the disposal of property and creating a lease document. Additional costs will be dependent on whether Council agrees to provide any of the requested additional elements.

Legal and Statutory:

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

Risk related:

Nil

Workforce related:

There are no notable workforce related impacts of the Officer's Recommendation.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to:

- 1. Agree to lease approximately 4000m² of vacant land only at Reserve 33931 (Old Works Depot) to the Toodyay Community Garden Club.
- 2. Give local public notice of the proposed disposition of 4000m² on Reserve 33931 (Old Works Depot) for a period until 2037 at a peppercorn rent of \$300 per annum plus CPI to the Toodyay Community Garden Club and invite public submissions for a period not less than two weeks.
- 3. If any public comments are received, a further report be brought to Council for consideration
- 4. If no public comments are received, the CEO be authorised to finalised and execute the disposition.

9.4.4 Annual Report 2023-2024

Date of Report: 7 July 2025

Applicant or Proponent: Shire of Toodyay

File Reference: MAN2

Author: A Bowman JP – Chief Executive Officer

Responsible Officer: A Bowman JP – Chief Executive Officer

Previously Before Council: N/A

Author's Disclosure of Nil

Interest:

Council's Role in the matter: | Executive

Attachments: Nil

PURPOSE OF THE REPORT

To adopt the Annual Report and set the date for the annual Electors Meeting.

BACKGROUND

The Local Government Act 1995 (the Act) requires every Local Government to prepare an Annual Report for each financial year (\$5.53 and 5.54) and to adopt it within 2 months of receiving the auditor's report. Section 5.27 of the Act requires that a general meeting of electors of a district is to be held once every financial year and that the general meeting is held on a day selected by the Local Government, no more than 56 days after the Local Government accepts the annual report.

COMMENTS AND DETAILS

The signed annual financial report for the financial year ended 30 June 2024 is now submitted to the Council for acceptance. Following acceptance, local public notice is required to be given that the document is available for inspection. An annual Meeting of Electors is also required to be held.

The Annual Report also contains the Annual Financial Report of the Shire for 2023/24. This includes the Statements of Comprehensive Income, Statement of Financial Position, Statement of Changes in Equity, Statement of Cash Flows, Statement of Financial Activity, and notes to and forming part of the accounts.

The Office of the Auditor General issued a Disclaimer of Opinion as they were unable to obtain sufficient appropriate audit evidence regarding the financial report, as the financial report was submitted for audit purposes without complete and accurate underlying records.

At the end of the financial year, the Shire had total assets of \$204.098 million and total liabilities of \$8.047 million, with total equity of \$196.051 million.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

9.2 Govern Shire finances, assets, and operations responsibly.

Policy related:

Nil.

Financial:

The cash and cash equivalent and other financial assets positions have increased from \$7,403,498 to \$8,009,828.

Legal and Statutory:

The Annual Report is to be accepted by the Shire no later than 5th August 2025 in accordance with s 5.54 of the *Local Government Act 1995*.

An Electors General Meeting is to be held on a day selected by the Shire, but not more than 56 days after the Annual report has been accepted in accordance with s5.27 of the *Local Government Act 1995*.

Risk related:

Nil.

Workforce related:

There are no notable workforce related impacts of the officer's recommendation

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council resolves to:

- 1. Accept the Annual Report for the year ended 30 June 2024, subject to design and authorise the CEO to approve any minor changes that may be required before the document is finalise for printing.
- 2. Approved the Annual Meeting of Electors for 6.30pm on 4 September 2025 at Morangup Community centre and give public notice in accordance with the *Local Government Act 1995*.

9.4.5 Outcome of Discussions on Building Purchase with Toodyay & Districts CFSL

8 July 2025 Date of Report:

Applicant or Proponent: Toodyay and Districts Community Financial Services

File Reference: LEG007

Author: A Bowman JP – Chief Executive Officer

Responsible Officer: A Bowman JP – Chief Executive Officer

24 July 2024 Ordinary Council Meeting Previously Before Council:

18 December 2024 Ordinary Council Meeting

Author's Disclosure of

Interest:

Nil

Council's Role in the matter: Executive

Attachments:

Letter of Offer Bendigo Bank (confidential) Section 5.23(2)

> (e)(iii)a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person where the trade secret or information is held by, or is about, a person other than the local government (under separate cover)

Valuation Report 108 Stirling Terrace (confidential) Section 5.23(2)

(c) 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 (under separate cover)

Asset Report 2015 3.

PURPOSE OF THE REPORT

To provide Council with an update on the outcome of discussions with Toodyay and Districts Community Financial Services Limited concerning the proposed purchase of the building.

BACKGROUND

At the Council Meeting held on 24 July 2024, Council resolved in part to:

- 2. Request the Acting CEO to liaise with representatives from the Toodyay & Districts Community Financial Services Limited regarding future tenure of the property: and Request the Acting CEO to report back to Council on the outcome of these discussions no later than 31 December 2024.
- 3. Request the Acting CEO to report back to Council on the outcome of discussions with Toodyay & Districts Community Financial Services Limited no later than 31 December 2024." (OCM226/07/24)

Subsequently, at the December 2024 Council Meeting, Council further resolved to:

Item 9.4.5 Page 60 " . . .

- Advise Toodyay & Districts Community Financial Services Limited that the Shire would be willing to consider an offer to purchase the entire property free of any caveats or any other requirements;
- 4. Authorise the CEO to enter into negotiations for the sale of 108 Stirling Terrace, Toodyay, to Toodyay & Districts Community Financial Services Limited; and
- 5. Authorise the CEO to give local public notice of the proposed disposition of Lot 108 Stirling Terrace, Toodyay, to Toodyay & Districts Community Financial Services Limited, subject to an agreement being reached that meets or exceeds the valuation outlined in the valuation report (Confidential Attachment 2)." (OCM342/12/24)

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

COMMENTS AND DETAILS

Bendigo Bank provides a vital banking service to the Toodyay community and also delivers an essential Department of Transport licensing service. A valuation of the property was conducted by an AAPI Certified Practising Valuer (Confidential Attachment 2).

Initial discussions have taken place with representatives of Toodyay & Districts Community Financial Services Limited regarding the potential purchase of 108 Stirling Terrace, Toodyay.

A previous Council report noted:

"The process of selling the building has been investigated in the past, according to reports previously presented to Council. It is unclear, however, why the matter failed to progress."

The Asset Report from August 2015 (**Attachment 3**) states that the building was acquired by the Shire to ensure that banking services remained available in the Toodyay townsite. The sale of the property to Toodyay & Districts Community Financial Services Limited would ensure the continued provision of these services.

Councillors were recently briefed on the condition of Shire-managed and owned buildings. During this briefing, it was noted that the ongoing financial outlay required to maintain all of the buildings represents a significant cost—one which the Shire is currently unable to meet within its budget.

IMPLICATIONS TO CONSIDER

Consultative:

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

Strategic:

Plan for the Future: Council Plan 2023-2033.

Outcome 9 Responsible and Effective Leadership and Governance.

9.1 provide strong, clear and accountable leadership.

Policy related:

Disposal of Property.

Financial:

The Shire currently receives rental income from the property; however, it is also responsible for ensuring adequate funding is allocated for the building's maintenance - an obligation that has not been met.

As previously reported to Council, Bendigo Bank intends to undertake a major refurbishment project at the site.

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

Legal and Statutory:

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

Unless the disposal falls under an exempt category (outlined in subsection 2), the local government must comply with the following requirements before agreeing to dispose of the property:

Public Notice:

The local government must give *local public notice* of the proposed disposition, including:

- A description of the property;
- Details of the proposed transaction;
- An invitation for submissions, with a deadline not less than 14 days from the date the notice is first given.

Consideration of Submissions:

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

• Disclosure of Disposition Details:

The notice must also include:

- The names of all parties involved in the proposed transaction;
- The consideration (purchase price or other value) to be received by the local government;
- o The market value of the property, based on:
 - A valuation undertaken within the previous six months; or
 - A Council resolution stating that an older valuation still accurately reflects the current market value.

Risk related:

Local governments are responsible for ensuring the provision of services to the community. The Asset Report from August 2015 states that the building was originally purchased by the Shire to ensure the continuation of banking services in the Toodyay townsite.

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

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

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

Workforce related:

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Resolves that the valuation provided is a true indication of the current market value of the property;
- 2. Accepts the highest offer received from Toodyay & Districts Community Financial Services Limited for the purchase of Lot 108 Stirling Terrace, Toodyay;
- 3. Authorises the CEO to give local public notice of the proposed disposition and to invite public submissions for a period of not less than two weeks;
- 4. Notes that if any public submissions are received, a further report will be presented to Council for consideration;
- 5. Authorises the CEO to finalise and execute the disposition if no public submissions are received.

9.4.6 Lease Proposal: Former Old Barracks to Marsupials Mammas and Pappas Inc.

Date of Report: 8 July 2025

Applicant or Proponent: Marsupials Mammas and Pappas Inc

File Reference: EOI20

Author: A Bowman JP – Chief Executive Officer

Responsible Officer: A Bowman JP – Chief Executive Officer

Previously Before Council: N/A

Author's Disclosure of Nil

Interest:

Council's Role in the matter: | Executive

Attachments: 1. Expression of Interest Marsupial Mammas and

Pappas Inc

PURPOSE OF THE REPORT

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

BACKGROUND

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

This section of the building was previously occupied by the Community Radio Station, which ceased operations several years ago. Since then, the space has remained largely unused, aside from the storage of miscellaneous items.

COMMENTS AND DETAILS

Marsupials Mammas and Pappas Inc. currently operate from a private residence and are seeking a central headquarters from which to run their operations.

As outlined in their letter (**Attachment 1**), they propose that access to the old railway barracks building would enable them to:

- Provide a centralised location and reception point for members of the public to hand over injured wildlife;
- Offer initial assessment and first aid for incoming injured wildlife before transporting them to a veterinarian or a permitted wildlife carer/rehabilitator;
- Create opportunities for school and veterinary students to undertake work experience;
- Provide Centrelink clients with opportunities to complete voluntary work;

- Store essential equipment and supplies, such as a laptop, microscope for faecal samples, marquees, tables, chairs, promotional signage, hot boxes, and other materials:
- Use the premises as a training and education facility, as well as a meeting space;
- Engage the community through open days and fundraising activities.

Due to the internal condition of the building, Shire staff removed stored items and arranged for the premises to be professionally cleaned. A subsequent inspection was conducted by the Chief Executive Officer, the Executive Manager of Infrastructure and Assets, and the Executive Manager of Economic and Community Development. During this inspection, the building's value as a facility for community use was clearly recognised.

Several community groups currently occupy spaces at the old railway barracks, which is considered the preferred location for this type of activity. The site is fenced and secure, with Shire staff responsible for opening and locking the facility each morning and evening. A toilet is also available for shared use.

An onsite meeting between Shire staff and representatives from Marsupials Mammas and Pappas Inc. confirmed the building's suitability for their intended use.

Councillors were recently briefed on the condition of Shire managed and owned buildings and were advised that the financial cost of maintaining all facilities is significant. At present, the Shire is unable to allocate sufficient funding to cover the full maintenance needs of all buildings.

IMPLICATIONS TO CONSIDER

Consultative:

Staff to consult with Marsupials Mammas and Pappas Inc.

Strategic:

Grow community capacity by attracting and supporting volunteers.

Policy related:

Disposal of Property.

Financial:

There will be a minor cost associated with advertising the proposed disposal of property and preparing the lease documentation.

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

Legal and Statutory:

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

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

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

- Public notice be given describing the property and the proposed disposition;
- Details of the proposed lease be included;
- Submissions be invited by a specified date, being no less than two weeks from the date the notice is first published;
- Council considers any submissions received before making a final decision;
- If Council resolves to proceed, the decision and reasons be recorded in the minutes
 of the meeting at which the resolution is passed.

Risk related:

Nil.

Workforce related:

There are no notable workforce related impacts of the Officers Recommendation.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to:

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

ADDITIONAL INFORMATION

The report incorrectly references the building as the old railway barracks, the correct reference is the **former Westrail Toodyay Freight Station**.

REVISED OFFICER'S RECOMMENDATION

That Council resolves to:

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

9.5 INFRASTRUCTURE, ASSETS AND SERVICES

Nil.

9.6 COMMITTEE REPORTS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice of Motion 1 - Cr Madacsi

This matter is considered to be confidential under Section 5.23(2) - (a), (e)(iii) and (f)(i) 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, a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person where the trade secret or information is held by, or is about, a person other than the local government and 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.

Notice of Motion 2 - Cr Madacsi

This matter is considered to be confidential under Section 5.23(2) - (a), (b) and (d) 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, the personal affairs of any person and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

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

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS

RECOMMENDATION

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

14.1 Findings of Code of Conduct Complaint

This matter is considered to be confidential under Section 5.23(2) - (b) 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 the personal affairs of any person

14.2 Legal Representation Costs 1

This matter is considered to be confidential under Section 5.23(2) - (a), (b), (d), (f)(iii), (f)(i) and (f)(ii) 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, the personal affairs of any person, legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting, a matter that if disclosed, could be reasonably expected to prejudice the maintenance or enforcement of a lawful measure for protecting public safety, 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. and a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property

14.3 Legal Representation Costs 2

This matter is considered to be confidential under Section 5.23(2) - (a), (b), (d) and (f)(i) 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, the personal affairs of any person, legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and 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.

14.4 Notice of Motion 1 - Cr Madacsi

This matter is considered to be confidential under Section 5.23(2) - (a), (e)(iii) and (f)(i) 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, a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person where the trade secret or information is held by, or is about, a person other than the local government and 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.

14.5 Notice of Motion 2 - Cr Madacsi

This matter is considered to be confidential under Section 5.23(2) - (a), (b) and (d) 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, the personal affairs of any person and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

15 NEXT MEETINGS

Ordinary Council Meeting	28 August 2025
Agenda Briefing	21 August 2025
Audit, Risk and Improvement Committee Meeting	9 September 2025
Bushfire Advisory Committee Meeting	7 August 2025
Local Emergency Management Committee Meeting	7 August 2025

16 CLOSURE OF MEETING