



# Ordinary Council Meeting

5 February 2026

Commencing at 5:30 PM

## AGENDA

### Notice of Meeting.

To: The President and Councillors.

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

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

Aaron Bowman JP

**CHIEF EXECUTIVE OFFICER**



## Information

### Our Vision, Purpose and Values

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

#### Our Vision

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

#### Our Purpose

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

#### Our Values

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

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

#### Community Aspirations

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

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

#### **Disclaimer**

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

#### **Availability of Meeting Agenda and its Attachments**

Information about Council Meetings is located on the website

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

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

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

## Information

### Conduct of Members of the Public at Council Meetings

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

#### Section 5.17 Prevention of disturbance

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

#### Section 8.6 Right of Presiding Member to adjourn

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

### Public Question Time

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

#### Procedures for Asking Questions

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

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

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

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

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

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

## Information

The following general rules apply to question time:

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

### 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 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](mailto:records@toodyay.wa.gov.au)

Anyone making a submission is required to state their name and identify whether they are a ratepayer or resident of the Shire when invited to present their submission by the Presiding Member (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 [petition template](#) and must be made by electors of the district and contain a summary of the reasons for the request.

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

- be addressed to the Shire President and Councillors;
- contain a concise statement of facts and the action sought on every page of the petition;

## Information

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

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

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

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

### Council Meetings

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

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

Agendas are available for public inspection, at least 72 hours prior to the commencement of the meeting, from the Shire of Toodyay Administration Centre (between 8.30 am and 4.30 pm).

### Disclosure of Interests

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

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

### Confidential Items

Some reports or attachments to reports are not for publication or distribution to members of the public, gallery or Council Officers. Such

reports are dealt with at a time when the meeting is closed to the public. The matters that can be considered when the public is excluded from a meeting is limited to Section 5.23 of the *Local Government Act 1995*.

### Unconfirmed and Confirmed Minutes

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

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

# Information



## Public Question Time Registration

s.5.24 of the Local Government Act 1995

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

Date of Council Meeting: \_\_\_\_\_

Name(s): \_\_\_\_\_

Postal Address: \_\_\_\_\_

Organisation (if applicable): \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

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

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

(1) \_\_\_\_\_  
\_\_\_\_\_ Agenda Item No: \_\_\_\_\_

(2) \_\_\_\_\_  
\_\_\_\_\_ Agenda Item No: \_\_\_\_\_

(3) \_\_\_\_\_  
\_\_\_\_\_ Agenda Item No: \_\_\_\_\_

(4) \_\_\_\_\_  
\_\_\_\_\_ Agenda Item No: \_\_\_\_\_

(5) \_\_\_\_\_  
\_\_\_\_\_ Agenda Item No: \_\_\_\_\_

*If you require extra room, please attach an A4 page*

Signature: .....

Date: .....



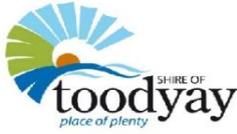
**Administration Centre**  
15 Fiennes Street (PO Box 96)  
TOODYAY WA 6566

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





# Information



## Disclosure of Interest Form

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

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

Meeting Date: \_\_\_\_\_ Meeting type:  Council Meeting  Committee Meeting  
 Report No: \_\_\_\_\_ Report Title: \_\_\_\_\_

Disclosure made by:  Councillor  Employee  Contractor  Committee Member  
 Your Full Name: \_\_\_\_\_  
 Type of Interest:  Financial  Proximity  Impartiality  
 Indirect Financial  Closely Associated Persons

Nature of Interest: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Extent of Interest: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### CEO Sign off

Signature: \_\_\_\_\_ Chief Executive Officer Date: \_\_\_\_\_

- Applicable Legislation and Operational Guidelines:**  
[Local Government Act 1995 \(Sections 5.65, 5.66, 5.67, 5.70, 5.71, 5.71A, 5.71B, 5.73 and 5.88 \(2\) \(b\)\)](#)  
[Local Government \(Administration\) Regulations 1996 \(Regulation 19AD\)](#)  
[Local Government \(Model Code of Conduct\) Regulations 2021 \(Regulation 22\)](#)  
[Local Government Operational Guideline \(Disclosures of Interest\)](#)  
[Local Government Operational Guideline \(Disclosure of gifts and disclosure of interests relating to gifts\)](#)

### OFFICE USE ONLY

recorded in Minutes of Meeting  recorded in Disclosure of Interests Register  
 Date: \_\_\_\_\_ Officer Signature: \_\_\_\_\_

\*\*\* This Document is not controlled once it has been printed \*\*\*

# Information



## Request for Works or Services OR Report an issue

### Details of Person making the request or reporting the issue

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_  
(Residential / Property Address including postcode)

Phone (H): \_\_\_\_\_ Email: \_\_\_\_\_

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

### Location

\_\_\_\_\_

### Description

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### RECORDS USE ONLY

RMS Record No.: \_\_\_\_\_ Assessment No.: \_\_\_\_\_  
(if applicable)

Request forwarded to: \_\_\_\_\_ Date: \_\_\_\_\_

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

### Contact made with Person making the request or reporting the issue

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

Contact made through:  Phone  In person  Email  Outgoing correspondence

The person was informed that: \_\_\_\_\_

### SIGN OFF DETAIL – Works completed by

Name: \_\_\_\_\_ Signature \_\_\_\_\_ Date: \_\_\_\_\_

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



**Administration Centre**  
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**T** (08) 9574 9300  
**F** (08) 9574 2158  
**E** records@toodyay.wa.gov.au  
**W** www.toodyay.wa.gov.au



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**ATTACHMENTS** can be found in the Attachments Paper on the Shire of Toodyay website alongside this agenda.

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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

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

**2 RECORDS OF ATTENDANCE****2.1 APOLOGIES****3 DISCLOSURE OF INTERESTS****4 PUBLIC QUESTIONS****4.1 PUBLIC QUESTION TIME****5 APPROVED LEAVE OF ABSENCE****6 CONFIRMATION OF MINUTES****6.1 Ordinary Meeting of Council held on 18 December 2025****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 18 December 2025 be confirmed.

**6.2 Special Meeting of Council held on 15 January 2026****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 15 January 2026 be confirmed.

**7 PETITIONS / PRESENTATIONS / SUBMISSIONS****7.1 PETITIONS**

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

**7.2 PRESENTATIONS**

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

**7.3 SUBMISSIONS**

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

**8 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)**

Nil.

**9 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**10 OFFICER REPORTS****10.1 PLANNING AND REGULATORY SERVICES****10.1.1 Development Applications at Lot 7,8 &9 / 44 Stirling Terrace, Toodyay**

Date of Report:	4 December 2025
Applicant or Proponent:	KTR Creations
File Reference:	A4743/9CAS   A4741/8CAS   A4728/7CAS
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. Location Plan 2. Application Drawings

**PURPOSE OF THE REPORT**

To seek Council approval for three development applications for single dwellings located at:

- Lot 7 – 15/44 Stirling Terrace, Toodyay
- Lot 8 – 14/44 Stirling Terrace, Toodyay
- Lot 9 – 13/44 Stirling Terrace, Toodyay

These developments fall within Special Control Area 3 – General Toodyay Town Centre Precinct, where Officers do not have delegated authority to approve.

**BACKGROUND**

Three individual dwelling applications have been received for single dwellings on survey-strata lots 7, 8, and 9 at 44 Stirling Terrace, Toodyay. As these sites are within Special Control Area 3, the proposals must be referred to Council for approval as officers do not have delegated authority to grant approval.

There is also a requirement to consider the implication of these dwellings against the *Local Planning Policy 20: Central Toodyay Heritage*.

## COMMENTS AND DETAILS

### Site Location

The three dwellings are located on a survey-strata subdivided lot (Survey-Strata Plan 79131) consisting of 21 strata lots, including an internal street road known as Cascade Lane (private road) at 44 Stirling Terrace, Toodyay. **Attachment 1**

These lots are zoned as Residential R10/40 under the Town Planning Scheme No.5 and are assessed under the Residential Design Codes of Western Australia.

### Proposal

The three lots at 44 Stirling Terrace, Toodyay each occupy a lot size of 313 m<sup>2</sup> and feature proposal of dwellings comprising three bedrooms along with a garage, alfresco, and porch. Lot 7(15/44) has a total floor area of 174.79 m<sup>2</sup>, Lot 8(14/44) offers a slightly larger floor area of 180.59 m<sup>2</sup>, and Lot 9(13/44) has a floor area of 174.77 m<sup>2</sup>. **Attachment 2**

### R-Code Assessment

A technical assessment of the three developments indicate that all deemed to comply provisions of the Residential Design Codes have been satisfied.

All setbacks have been maintained in accordance with the prescribed minimum distances from boundaries, and the design satisfies visual privacy requirements under Clause 5.4.1, ensuring there are no overlooking issues. Outdoor living areas have been designed to meet the minimum size requirements outlined in Clause 5.3.1, providing ample space for residents. Additionally, the proposed building heights are within the maximum limits specified by the deemed-to-comply provisions of the R-Codes.

### Impact on Heritage

The proposed dwellings meet the objectives of *Local Planning Policy 20 – Central Toodyay Heritage Area* by ensuring development is synonymous to the heritage character of the precinct. The designs respect the established streetscape through appropriate scale, siting, and orientation, maintaining the visual continuity of the area. Materials and colours have been selected to harmonise with traditional tones and textures, while the overall form and detailing are simple and unobtrusive, avoiding any adverse impact on the local visual amenity.

## IMPLICATIONS TO CONSIDER

The applicant is seeking development approval for three dwellings located on Lot 7, Lot 8, and Lot 9 at 44 Stirling Terrace, Toodyay.

The proposal complies with all relevant provisions of Town Planning Scheme No. 5, the Residential Design Codes, and Local Planning Policy 20: Central Toodyay Heritage Area.

### **Consultative:**

Consultation with neighbouring lots was not deemed necessary as the proposal is will not cause any significant amenity impacts on neighbouring properties such as visual impact, streetscape, privacy, noise, intensity of use, traffic generation, and parking adequacy. The proposal is in keeping with the architectural style of adjacent dwellings and is unlikely to disrupt the architectural theme of the overall development.

**Strategic:**

Outcome 5.1 – Provide Responsible Planning and Development

**Policy related:**

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

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

**Financial:**

Nil

**Legal and Statutory:**

*Planning and Development Act 2005*

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

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

*Shire of Toodyay Local Planning Scheme No. 5*

**Risk related:**

Nil.

**Workforce related:**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council approves the three proposed dwellings at:

Lot 7 – 15/44 Stirling Terrace, Toodyay

Lot 8 – 14/44 Stirling Terrace, Toodyay

Lot 9 – 13/44 Stirling Terrace, Toodyay

With the following conditions:

- a) The development hereby permitted must substantially commence within two years from the date of the decision letter.
- b) The development hereby permitted taking place in accordance with the approved plans that formed the subject of **Attachment 2** in the Officer's Report.
- c) All storm water shall be directed away from the single house and discharged in a manner where there is no discharge onto the adjoining properties to the satisfaction of the Shire of Toodyay.
- d) Prior to the occupation of the dwellings:
  - I. vehicle crossovers shall be constructed to the specification and satisfaction of the Shire of Toodyay.
  - II. there is an approved connection to the sewer and water networks.

**10.1.2 Recommendation of the renaming two portions of Drummond Street, Nunile**

Date of Report:	11 January 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	NAM1 OODRU
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	OCM 7/10/2025
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Submissions Table

**PURPOSE OF THE REPORT**

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

This proposal intends;

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

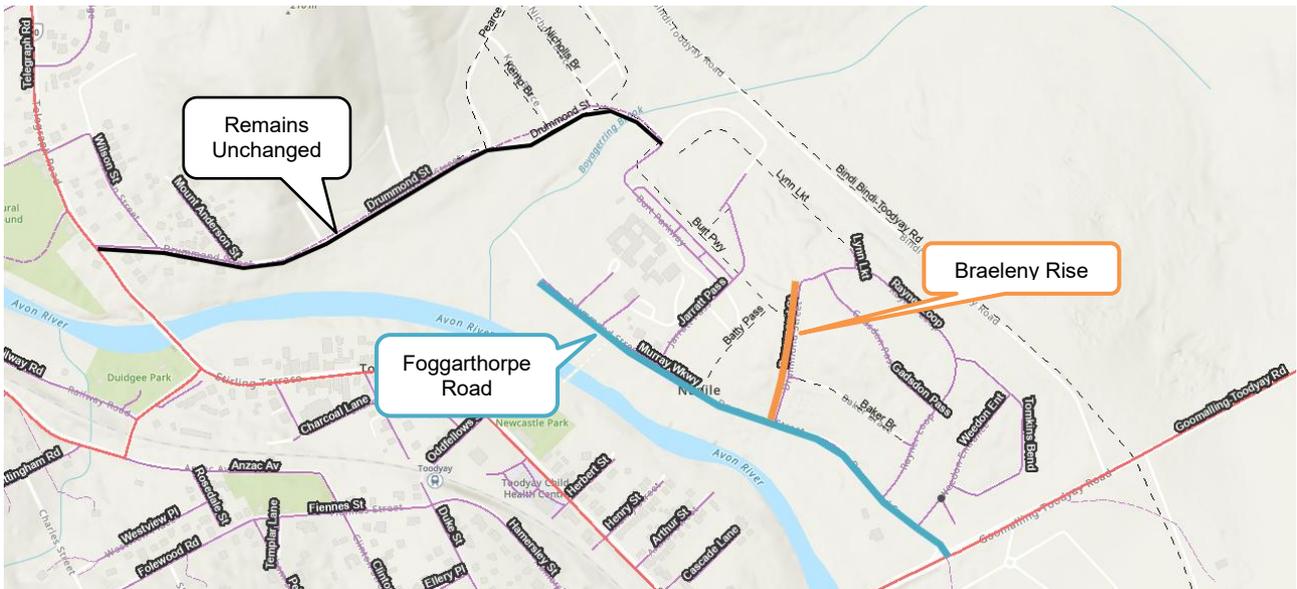
Advertising of this proposal was conducted between 11 November 2025 and 6 January 2026 (56 Days) with a total of Six (6) comments being received (**Attachment 1**).

Without a Council recommendation, an application to rename roads will not be approved by the Geographical Names Committee of WA.

**BACKGROUND**

Within the report to Council 30 October 2025, Council granted approval to commence advertising of the intent to rename the two southeastern portions of Drummond Street, that have been causing confusion with the third section of Drummond Street located further north. The road in its entirety cannot be traversed from end to end.

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



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

**COMMENTS AND DETAILS**

The advertisement of the road renaming proposal has concluded with the following results;

- 3 comments in support
- 2 comments objecting
- 1 neutral comment with further suggestions.

The objecting comments reflect a desire to keep the existing road names as they are. This is despite the reasoning for the change presented within the 30 October 2025 report. The need to support emergency services and proper land identification should be deemed to be the greater need. Only one of the objectors lives on a road that is proposed to be changed.

**IMPLICATIONS TO CONSIDER**

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

Not addressing this issue will amplify when more homes are built with increasing confusion for deliveries, mail, and emergency services. There is also a duplication of House Numbers as the Toodyay portion of the road (from Telegraph Road) is matched by the same numbering system for Nunile (from the Goomalling Road). While it would be possible to traverse these roads end to end, it would be via different road names.

If this proposal were to be supported, then the name Murray Walkway will be retired. There are no lots currently using Murray Walkway. The use of the name Drummond Street East

does not have official approval from the Geographic Names Committee, and those properties are deemed to be not correctly addressed.

**Consultative:**

Consultation is a requirement of the Geographic Names Committee, for a minimum 35 days. Evidence of this consultation must be provided along with a Council recommendation for the names to be approved.

The Shire has exceeded the required consultation period for this proposal with advertisement on our Shire website for a period of 56 days. Every landowner in the River Hills estate (Nunile) that was likely to use either of these road portions of Drummond Street was also contacted by email or letter accordingly.

**Strategic:**

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

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

**Policy related:**

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

**Financial:**

Nil

**Legal and Statutory:**

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

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

**Risk related:**

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

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

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

**Workforce related:**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council recommends the name change to two portions of road in the locality of Nunile, with the recommended names being Foggarthorpe Road and Braeleny Rise. This will include by consequence, the retirement of the name Murray Walkway.

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

Date of Report:	13 January 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	U Prill – Accounts Payable Officer
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of Payments - December 2025

**PURPOSE OF THE REPORT**

To present to Council the list of payments for the months of December 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 December 2025 and is attached. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

**IMPLICATIONS TO CONSIDER****Consultative:**

Nil

**Strategic:**

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

***Outcome 9. Responsible and effective leadership and governance.***

***O9.1: Govern Shire finances, assets, and operations responsibly.***

**Policy related:**

Purchasing Policy  
 Delegation CS1

**Financial:**

Expenditure is in accordance with s6.8(1) (a) of the *Local Government Act 1995*.

**Legal and Statutory:**

Local Government Act 1995

s.5.42 allows the local government to delegate its powers to the Chief Executive Officer.

s.6.8(1)(a) states a local government must not incur expenditure for an additional purpose except where it is incurred before the adoption of the annual budget.

Local Government (Financial Management) Regulations 1996

r.13 states that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared for each month and presented to Council.

**Risk related:**

There is a legislative requirement to present the list of payments to Council. Failure to do so would pose a minor compliance risk. This report and its attachments help to mitigate this risk.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER’S RECOMMENDATION**

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

<b>Description</b>	<b>Amount \$</b>
Municipal Cheques	\$942.30
Electronic Funds Transfer Payments	\$751,843.24
Payroll	\$382,211.92
Credit Cards	\$9,129.19
Other (Including Direct Debits)	\$209,132.49
<b>Total</b>	<b>\$1,353,259.14</b>

**10.2.2 Monthly Financial Statements - December 2025**

Date of Report:	13 January 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil.
Council's Role in the matter:	Legislative
Attachments:	1. Monthly Financial Statements December 2025

**PURPOSE OF THE REPORT**

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

**BACKGROUND**

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

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

**COMMENTS AND DETAILS**

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

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

**IMPLICATIONS TO CONSIDER****Consultative:**

Nil

**Strategic:**

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

**Outcome 9. Responsible and effective leadership and governance.**

9.2 Govern Shire finances, assets and operations responsibly.

**Policy related:**

Financial Governance

**Financial:**

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

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

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

**10.2.3 Management Audit Findings 2020-2025**

Date of Report:	29 January 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	Audit
Author:	A Hart – Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Management Letter 30 June 2021;</li> <li>2. Management Letter 30 June 2022;</li> <li>3. Management Letter 30 June 2023;</li> <li>4. Management Letter 30 June 2024;</li> <li>5. Management Letter 30 June 2025;</li> <li>6. Letter to Minister-'Significant' Items 30-06-24;</li> <li>7. Letter to Minister-'Significant' Items 30-06-25;</li> <li>8. Facebook Post-January 2026.</li> <li>9. Letter from Department of Local Government Dated 23 March 2021</li> <li>10. Letter from Department of Local Government Dated 22 April 2021</li> <li>11. Status of Local Government Audits 2025.</li> </ol>

**PURPOSE OF THE REPORT**

To provide to Council and the Toodyay Community background information regarding Audits that have been undertaken by the Office of Auditor General since the year 2020.

**BACKGROUND**

The Shire has an Annual Audit that is undertaken to verify that the Financial Statements accurately represent the financial position of the Shire. These Financial Statements and the Auditors report form part of the Annual Report, which is presented to the community at the Annual Meeting of Electors. The Auditors, in addition as per the requirements of the Local Government Act and Audit Regulations provide a Management Letter, detailing the audit findings. Any findings that have a 'significant' rating by the auditor are to be reported

to the Audit and Risk Committee, Council and the Minister for Local Government and also must be published on the Website.

## COMMENTS AND DETAILS

There has been some commentary on social media recently regarding the 'significant' findings (one in particular) and this report is to communicate to Council and the community of the Shire of Toodyay, 'significant' findings are not new in an audit report and only recently under the current management has full compliance with the Local Government Act and Audit Regulations has occurred by following the correct process and reporting these items to the Audit Committee highlighting the items, identifying corrective actions, reporting them to the Minister and publishing the results on the Shire's website.

Included as attachments to this report are Management letters issued from the 2020/21 Financial year onward, Audit Committee minutes of meetings where the Audit Report was presented to the Audit and Risk Committee and Council Minutes of the meeting where the item was considered by Council. The Table below is a summary of timeline of events and actions taken in relation to the above.

Year	'significant'	Moderate	Minor	Prior Year Finding	Audit Finding	Date Presented to ARIC	Date Presented to Council	Date 'significant' items Reported to Minister - (S7.12A(4))	Total
2020/2021	7	1	0	Auditor Did not report	Disclaimer	7-Jun-23	28-Jun-23	Did Report Not	8
2021/2022	9	1	0	Auditor Did not report	Disclaimer	6-Sep-23	Did not Report	Did Report Not	10
2022/2023	8	5	2	4	Qualified	5-Jun-24	26-Jun-24	Did Report Not	15
2023/2024	9	4	0	11	Disclaimer	4-Sept-25	25-Sep-25	26-Sep-25	13
2024/2025	7	5	0	6	Qualified	8-Jan-26	15-Jan-26	16-Jan-26	12

On the 28 January 2026, the Auditor General issued a report titled Status of Local Government Audits 2025. The purpose of this report is to present to Parliament the progress of Local Government Audits for the 2024/25 financial year. Appendix 2 of this report defines the meaning of the different types of audit opinions as below;

**“Qualified opinion:** when the audit identifies materially misleading information, inadequate controls or conflicts with the financial reporting frameworks.”

**“Disclaimer of opinion:** the most serious audit outcome, issued when the auditor is unable to form an opinion due to insufficient evidence to form an opinion after all reasonable efforts.”

Research has also found that in addition to the above, a 'significant' item was also raised in the 2019/2020 Audit, and whilst it was reported to the Department of Local Government on 4<sup>th</sup> March 2021 by the then CEO, the department determined in a letter dated 23 March 2021, that there was non-compliance with section 7.12A(4) of the Local Government Act as the item was not considered by the Audit Committee to determine if any action should be

taken and for the Audit Committee to oversee the implementation of any action the Government has taken or intends to take. It was later accepted by the Department of Local Government on 22 April 2021. When researching this item, it was found that the first letter dated 23 March 2021 was not reported to Council as per Council Resolution, however the letter dated 22 April 2021 was.

In the following years, from 2020/2021 to 2022/2023 there were a total of 24 'significant' items reported in the Management Letters, the requirements of Section 7.12A(4) were not complied with as these items were not specifically reported to the Audit and Risk Committee, Council and to the Minister for Local Government.

In the 2023/24 and 2024/25 audits a total of 16 'significant' items were reported in the Management letters, compliance with section 7.12A(4) was achieved by reporting these items to the Audit and Risk Committee, Council and the Minister for Local Government and the dates these were completed are detailed in the table above.

For the 2024/25 Audit, the Shire also achieved statutory compliance by completing the audit before the 31 December 2025. Something that has not been achieved in many years.

The 'significant' matters reported in the 30 June 2025 report highlighted 7 issues. Only one issue had a potential impact on the audit opinion. This was in relation to the comparative information and verification of opening balances. This relates to the previous years Disclaimer of Opinion and is a continuation of prior year findings for the financial years 2020-2021, 2021-2022 and 2022-2023.

As a result of the latest 'significant' matters report, which was published on the Shires website and has been forwarded to the Minister for Local Government, there has been 'significant' commentary on social media regarding two findings in the Audit and reported as a 'significant' findings.

### **Duplicate Payments of Transactions subsequent to year end.**

This was reported as a 'significant' item in the Management Letter for the year ending 30 June 2025. It was unfortunate that the social media post did not copy the entire section of the report, particularly the Management comment as it may have provided a different context for the social media post.

In addition to the detail in the management report the following action was taken by administration once the duplicate payment occurred:

- The second creditor payment was made on the 22 July 2025;
- On the 23 July 2025 an email was sent to all affected suppliers (included Councillors) advising them of the duplicate payment of their account requesting funds be refunded to the Shire's bank account;
- Within 7 days of the payment 82% of funds were repaid to the Shire;
- Within 30 days a further 13% of funds were repaid to the Shire;
- The Balance of the creditor Payments 5% of funds credit notes have been applied to their accounts and the double payment has been deducted from future payments;
- The payments in question, were reported to Council in the August meeting as per the requirements of Section 13 of the Financial Management (FM) Regulations. The second payment was not as it was subject to being refunded and was not deemed to be a payment; and
- Contrary to commentary in the Facebook post, all funds have been accounted for, and no supplier has kept the funds.

Since making this double payment additional control measures have been put in place to ensure this doesn't happen again including

- Requesting the supplier of the Shires ERP to lock a bank file once it has been downloaded from the ERP so it cannot be processed a second time,
- Ensuring that only one staff member is responsible for loading bank files for creditor payments
- Ensuring that the payment date is checked in the bank file to be the date of the upload.
- Ensuring that Bank transactions are downloaded into Datascape on a daily basis and reconciled against entries in Datascape to ensure that there are no duplicate transactions.

As a result of this finding, the auditor reviewed every transaction for the 2024/2025 year and did not find any other duplicate transactions.

During the audit year, it was also pointed out to the Auditor and the Council that in previous years not all payments were being reported to Council as payments by direct debit were not included in the payments list. This was contrary to the requirements of section 13 of the FM Regulations. This practice was corrected in the 2024/25 financial year.

### **Security weakness in active directory/workstation**

This issue was identified during an IT Systems Audit in May 2025. One finding was that laptops that have been issued to Councillors were configured at the request of the then CEO, so they were not on the corporate domain. This posed a security risk for the Shire as they were not receiving windows and other security updates as they were being rolled out to the organisation. Since May 2025 the Shire has been bringing these laptops onto the Shires domain to address this issue.

## **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 Provide, strong, clear and accountable leadership.*

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

### **Policy related:**

Nil.

### **Financial:**

Nil.

### **General Function:**

Nil.

**Legal and Statutory:**

Section 7.12A(4) of the *Local Government Act 1995*.

**Risk related:**

Nil.

**Workforce related:**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council receives the Officers Report and notes the details contained within the report.

**10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES**

Nil.

## 10.4 EXECUTIVE SERVICES

## 10.4.1 Legislative Reform - Amendments to Corporate Documents and Council Policies

Date of Report:	21 January 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG4
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Refer to background of the report
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Information about Local Government Oversight;</li> <li>2. Current Code of Conduct;</li> <li>3. Revised Code of Conduct (track changes included);</li> <li>4. Revised Code of Conduct (Track changes accepted);</li> <li>5. Email trail Inspectorate advice;</li> <li>6. Current Complaints of Alleged Breach of the Code of Conduct Policy;</li> <li>7. Revised Complaints of Alleged Breach of the Code of Conduct (with track changes included);</li> <li>8. Revised Complaints of Alleged Breach of the Code of Conduct (with track changes accepted);</li> <li>9. As amended Audit, Risk and Improvement Committee Charter (including track changes);</li> <li>10. Salaries and Allowances Tribunal Variation (Dec 2025);</li> <li>11. Revised Local Government Payments and Gifts to Members (Track changes included);</li> <li>12. Revised Local Government Payments and Gifts to Members (Track changes accepted);</li> <li>13. REVISED Electronic Attendance at Meetings;</li> <li>14. REVISED Live Streaming and Recording of Council Meetings Policy;</li> <li>15. Current Council Forum Policy; and</li> </ol>

	<p>16. Revised Council Forum Policy (track changes included); and</p> <p>17. Revised Council Forum Policy (track changes accepted).</p>
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## PURPOSE OF THE REPORT

This report is to consider the impacts of legislative changes effective from 1 January 2026 under the *Local Government Act 1995* and associated regulations requiring the adoption of a revised:

- Code of Conduct for Council Members, Committee Members and Candidates pursuant to Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021 (Attachment 4)*;
- Complaints of Alleged Breach of the Code of Conduct for Members, Committee Members and Candidates Council Policy to ensure compliance with Part 8A of the *Local Government Act 1995 (Attachment 8)*;
- Audit, Risk and Improvement Committee Charter as amended (**Attachment 9**);
- Local Government Payments and Gifts to Members (**Attachment 12**);
- Electronic Attendance at Meetings Policy (**Attachment 13**);
- Live Streaming and Recording of Council Meetings Policy (**Attachment 14**); and the
- Council Forums Policy (**Attachment 17**).

## BACKGROUND

The reforms introduced under the *Local Government Amendment Act 2024* and subsequent regulations represent the most significant governance overhaul since 1995.

The [Local Government \(Local Government Inspector\) Regulations 2025](#) (the Inspector Regulations) and the [Local Government Regulations Amendment \(Local Government Amendment Act 2024\) Regulations 2025](#) (the Inspector Consequential Regulations) provide the operational detail for new oversight powers under the *Local Government Act 1995*.

The *Local Government Amendment Act 2024* and associated regulations have also introduced significant governance reforms effective 1 January 2026. These changes impact council and committee meeting procedures, transparency obligations, and complaint handling processes. Key amendments to the *Local Government Act 1995* include sections 5.23, 5.93, 5.94, and 5.95, which directly affect policies governing electronic meetings, livestreaming, recording, and council forums.

Key changes that came into place on 1 January 2026 have implications for the following:

### 1. Code of Conduct for Council Members, Committee Members and Candidates

The Model Code of Conduct was introduced in 2021 to standardise behavioural expectations across all Western Australian local governments.

The Code applies to:

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

The *Model Code of Conduct Regulations 2021* were updated on 1 January 2026. Regulation 3A was inserted which means that complaints must now be referred to the Inspector if the person has two previous behavioural breach findings since 1 January 2026. There are also provisions for appointment of monitors and external handling of complaints as well as clearer behavioural standards for social media, meeting conduct, and relationships.

The implication is that the Shire must update its adopted Code of Conduct to align with the amended model code and referral requirements.

## 2. Complaints of Alleged Breach of the Code of Conduct Policy

From 1 January 2026, the process for dealing with breaches of the *Local Government Act 1995* has changed. The Local Government Standards Panel has been abolished. Complaints about behavioural breaches or conduct breaches by council members are managed under the *Local Government Act 1995* (Part 8A) and associated regulations.

From 1 January 2026, complaints about alleged breaches of the *Local Government Act 1995* and associated regulations are managed by the Local Government Inspector.

*The WA Government appointed Tony Brown as the State's first Local Government Inspector, marking a significant milestone in local government reform. The independent role was created under the Local Government Amendment Act 2024 to improve accountability, transparency, and decision-making across the sector.*

*The Inspector will oversee compliance, handle complaints, conduct inquiries, and promote good governance practices to ensure local governments deliver meaningful outcomes for their communities.*

(ref: <https://www.wa.gov.au/government/announcements/appointment-of-western-australias-first-local-government-inspector>)

In January 2026, there has been some confusion in the local government sector around the complaints processes in the legislation differing from information provided at a webinar held prior to 1 January 2026 by the Department of Local Government, Industry Regulation and Safety and information published on the Local Government Inspectorate's website.

*With the introduction of the Local Government Inspector, all new complaints relating to breaches and non-compliance of the Local Government Act 1995 and its subsidiary legislation are managed by the Inspector, even if the incident occurred before 1 January 2026. (Ref: <https://www.dlgsc.wa.gov.au/local-government/local-governments/compliance-and-governance/breaches-of-the-local-government-act>)*

Incorrect advice was received and later corrected by the Manager Compliance and Monitoring from the Office of the *Local Government Inspectorate (Attachment 5)*.

The current Complaints of Alleged Breach of the Code of Conduct for Council Members, Committee Members and Candidates Policy adopted in February 2025 (**Attachment 6**) outlines the process for managing complaints under Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*.

Since adoption, significant legislative reforms have come into effect on 1 January 2026, including:

- Abolition of the Local Government Standards Panel and transfer of breach complaint functions to the Local Government Inspector and Principal Adjudicator.

- Introduction of Part 8A of the *Local Government Act 1995*, which establishes a new framework for managing behavioural, conduct, and specified breaches.
- Requirements that the complaints process must reflect the mandatory referral requirement for escalation of behavioural breach complaints after two or more findings since 1 January 2026 and mandatory referral to the Inspector after those repeated breaches;
- Updating internal handling procedures and timelines;
- New confidentiality and publication obligations consistent with Inspectorate rules which include false information provisions with penalties of up to \$10,000.

The implication is that the Shire must update its Complaints of Alleged Breach of the Code of Conduct Policy to reflect legislative changes, incorporating referral triggers, interaction with Inspectorate processes, timeframes and confidentiality provisions. The form for Complaints of Alleged Breach (included in the policy) must also be updated to comply with the new requirements. Updating the policy now (including the form) ensures procedural fairness, compliance, and clarity for councillors and the community.

### 3. **Audit, Risk and Improvement Committee Charter**

Key legislative changes that affect the Charter under the *Local Government Amendment Act 2024* and updated *Local Government (Audit) Regulations 1996* (Audit Regulations) are to do with the functions of the Committee and the name change from Audit Committee to Audit, Risk and Improvement Committee with expanded functions. The amendments also included oversight of financial management, risk, compliance, and governance systems and review of CEO's mandatory system reviews every 4 years. These implications are referred to below.

- **Expanded Committee Functions (Regulation 16):**

The committee must now explicitly include oversight of risk management, legislative compliance, and governance improvement and must monitor implementation of actions required under s.7.12A and other improvement measures.

- **CEO System Reviews (Regulation 17):**

The CEO must review appropriateness and effectiveness of systems for financial management, risk, and compliance at least once every 4 years and report to the Committee.

- **Compliance Audit Return (Regulation 14 & 15):**

The Committee must review the annual Compliance Audit Return and report to Council with recommendations.

Once they are adopted by Council the return is submitted to the Inspector (instead of the Minister as was in the previous legislation).

There are transitional provisions in place which mean that the 2025 Compliance Audit Return must be given to the Inspector no later than 30 September 2026.

- **Electronic Attendance & Confidentiality:**

Administration Regulations now require clear rules for electronic attendance and confidentiality declarations for closed sessions. There has been a minimal amendment to the charter.

Updating the ARIC Charter is essential to reflect 2026 legislative changes, strengthen confidentiality and risk oversight, align with best practice, and ensure transparency, accountability, and compliance with expanded governance, audit, and continuous improvement responsibilities.

#### 4. Local Government Payments and Gifts to Members Policy

The Shire received notification in December 2025 of a signed variation from the Salaries and Allowances Tribunal (**Attachment 10**).

Receipt of this variation has necessitated an immediate review of the Local Government Payments and Gifts to Members Policy.

It is imperative to review and adopt the Local Government Payments and Gifts to Members Policy because recent legislative reforms have strengthened disclosure, transparency, and compliance requirements under the Local Government Act, introducing stricter reporting obligations and penalties for breaches to maintain public trust and integrity.

#### 5. Electronic Attendance at Meetings and Livestreaming Policies

Section 5.23AA (inserted by the *Local Government Amendment Act 2024*) introduces the requirement for broadcasting council meetings (livestreaming or equivalent electronic access). This section explicitly refers Council meetings, not committees.

Regulation 14C of the *Local Government (Administration) Regulations 1996* deals with electronic attendance for council and committee meetings but does not require livestreaming for committees.

There are also new provisions for electronic attendance and broadcasting however livestreaming is for Tier 1 and 2 local governments only and the Shire of Toodyay (Tier 3) has been broadcasting (livestreaming) since the adoption of the livestreaming policy in August 2019.

The Shire has also in accordance with Section 5.94 (Public access to information) ensured publication of recordings of livestreamed meetings on the local government's official website. In addition, confidential items have not been broadcast; the livestream is paused during the closed session in accordance with section 5.95. The reform changes do not impose livestreaming or recording obligations on committee meetings.

The policies on electronic attendance and live streaming of Council meetings must be reviewed and adopted now to comply with the legislative reforms, which introduced stricter confidentiality provisions, oversight requirements, and updated regulations governing virtual participation and transparency in formal decision-making processes.

#### 6. Meetings open to the public and Council Forum Policy

Section 5.23 of the *Local Government Act 1995* relating to Meetings being generally open to the public has been amended through local government reform.

Before 2026 (i.e. the 2025 version of the *Local Government Act 1995*) Council and committee meetings were required to be open to the public except in prescribed circumstances (e.g., matters affecting employees, legal advice, commercial negotiations, or other confidential matters). The Act allowed the council to close a meeting or part of a meeting by resolution, citing reasons consistent with regulations. Confidentiality provisions were primarily enforced through Improper use of information offences (s. 5.93) and Restrictions on publishing certain information (s. 5.90). No external oversight existed for decisions to close meetings—this was entirely at the discretion of the council, subject to compliance with the Act and regulations.

After 1 January 2026 (i.e. the current version of the *Local Government Act 1995*) Section 5.23 – Meetings generally open to the public remains, but new oversight and compliance mechanisms were introduced as follows:

**(a) New Section 5.23AA – Powers of Inspector and Departmental CEO relating to closing of meetings**

The Local Government Inspector and the Departmental CEO now have statutory powers to intervene where meetings are closed improperly or contrary to the Act. This introduces external scrutiny and enforcement over the use of confidential provisions.

**(b) Confidentiality framework strengthened under Part 8A and Part 8B:**

Section 8A.36 explicitly addresses confidentiality about complaints, prohibiting disclosure of information that could identify complainants or subjects of complaints unless authorised. Inspectorate officers have powers under Part 8B to require information and enforce compliance with confidentiality obligations.

**(c) Implications for closed meetings:**

Councils must still pass a resolution to close a meeting, but now:

- Decisions can be reviewed or challenged by the Inspector.
- There is a clear legislative expectation of transparency and accountability when invoking confidential provisions.
- Breaches can lead to sanctions under the new compliance regime.

Aspect	Pre-2026	Post-2026
<b>Authority to close meetings</b>	Council resolution only	Council resolution subject to Inspector oversight
<b>Confidentiality enforcement</b>	Limited to offences under s. 5.93 (Improper use of information) and s. 5.90 (offence to publish information in certain cases)	Expanded: Inspector powers, breach complaint confidentiality (Part 8A), sanctions
<b>Electronic meetings</b>	Allowed with some provisions.	Broader regulatory power to adapt confidentiality rules for virtual meetings
<b>External scrutiny</b>	None	Inspector and Departmental CEO can intervene

Section 5.23 of the *Local Government Act 1995* still requires formal ordinary and special meetings of council be open to the public, except for confidential items to be discussed during any part of a meeting of the council that is closed to members of the public under section 5.23(2), (3), and (4).

Previously, the legislation required that only committees with delegated authority were to be open to the public however the new section 5.23 removes this. The implication

means that the Audit, Risk and Improvement Committee meetings from 2026 must now be made open to the public. Although ARIC is established under Part 7 of the *Local Government Act 1995* which states that a local government must establish a committee of its council under section 5.8 to be called the audit, risk and improvement committee section 5.23 of the Act applies to Committees established under Part 5 of the *Local Government Act 1995*. Due to the mention of section 5.8 which is part of Part 5 the legislation has implied that even though ARIC is generally an advisory committee, not a decision-making body, the requirement for meetings to be open to the public does now apply.

Nevertheless, dates for the ARIC Meetings have already been published onto the [Shire's website](#). Officers will ensure that notices are provided on the website regarding the legislative changes in due course, and definitely once the Charter is adopted by Council.

**Section 5.93 – improper use of information** has an expanded scope meaning that it reinforces prohibition on using confidential information obtained at closed meetings or via livestream recordings for personal gain or to cause detriment.

The Council Forums Policy must now be reviewed because the legislative reforms introduced strict confidentiality provisions under Part 8A of the Local Government Act. These changes require forums to be held behind closed doors, ensuring compliance, protecting sensitive information, and maintaining governance integrity.

This expansion in scope has resulted in the review of the **Council Forum policy** (Current version – **Attachment 15**). When Council had adopted the 2026 Schedule of Council and Committee Meetings at its September 2025 Council Meeting part of the resolution included “noting that Agenda Forums will replace Agenda Briefings.”

## COMMENTS AND DETAILS

New regulations to support local government oversight (refer to **Attachment 1** for information provided by the Department of Local Government) came into place on 1 January 2026.

The [Local Government \(Local Government Inspector\) Regulations 2025](#) (the Inspector Regulations) and the [Local Government Regulations Amendment \(Local Government Amendment Act 2024\) Regulations 2025](#) (the Inspector Consequential Regulations) provide the operational detail for new oversight powers under the *Local Government Act 1995*.

### Code of Conduct

The current Code of Conduct (**Attachment 2**) was last reviewed and adopted on 30 October 2025 (Resolution No. OCM196/10/25) in accordance with Clause 15 of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* which required that it be reviewed by Council after each ordinary election.

The revised Code of Conduct (**Attachment 3**) incorporates requirements introduced under the *Local Government Act 1995* amendments and associated regulations, particularly those relating to Part 8A – Breach Complaints and general complaints and the *Local Government (Local Government Inspector) Regulations 2025*.

The revisions ensure the Shire's Code remains consistent with the *Local Government (Model Code of Conduct) Regulations 2021*.

New provisions such as clause 14A (Appointment of Monitor) and clause 14B (Performance of local government's functions) reflect reforms aimed at strengthening oversight and accountability in dealing with complaints.

The updated code introduces clearer processes for handling complaints, including:

- Referral to the Inspector under section 5.105 of the Act;
- Authority for the Inspector to appoint a monitor to assist councils; and
- Explicit timelines and procedural fairness requirements.

These changes respond to reform objectives of improving transparency and consistency in behavioural management.

References to closed meetings held before 1 January 2026 and transitional clauses (e.g., clause 15(3)) ensure continuity and legal clarity during the reform implementation period.

Updated definitions for term "closed meeting" align with legislative changes.

Expanded behavioural provisions, including social media conduct and respectful engagement, reflect community expectations and reform priorities.

The revisions to the Code of Conduct are required to align with the Local Government Reform program and legislative changes effective from 1 January 2026. These changes strengthen governance, accountability, and complaints management processes, introduce new oversight mechanisms such as the appointment of monitors, and ensure consistency with the amended Model Code of Conduct Regulations. The updated Code reflects the State Government's objectives to improve transparency, integrity, and community confidence in local government.

It is recommended that the Revised Code of Conduct for Council Members, Committee Members and Candidates (**Attachment 4**) be adopted.

### Complaint Policy

From 1 January 2026, the process for dealing with breaches of the *Local Government Act 1995* has changed. The Local Government Standards Panel has been abolished. Complaints about behavioural breaches or conduct breaches by council members are managed under the *Local Government Act 1995* (Part 8A) and associated regulations.

- **Behavioural breaches** under the *Local Government (Model Code of Conduct) Regulations 2021* must be lodged with the Chief Executive Officer, who has been appointed by Council (Resolution No. OCM036/02/25) as the Shire's authorised complaints officer.

If a council member has been found to have committed two or more behavioural breaches since 1 January 2026, the complaint must be referred to the Local Government Inspector, who may escalate the matter for formal adjudication.

- **Conduct breaches (rules of conduct)** are dealt with under Part 8A Division 5 of the Act by the Inspector and the Principal Adjudicator. Conduct breaches occur when a council member contravenes a rule of conduct under the Act. These are more serious and may result in formal adjudication.

A revised policy (**Attachment 7**) has been track changed to show the key amendments such as:

- Replacement of references to "minor breach" and Standards Panel with behavioural breach, conduct breach, and Local Government Inspector.

- Insertion of the escalation rule: complaints involving two or more behavioural breaches since 1 January 2026 must be referred to the Inspector.
- Updating mediation provisions to align with section 8A.15 of the Act and Inspector Regulations.
- Including confidentiality and false information warnings in the policy and complaint form.
- Updating legislative references to include *Local Government (Local Government Inspector) Regulations 2025*.
- Revision of the complaint form layout to include important information, escalation note, and statutory warnings.

It is recommended that the revised policy (**Attachment 8**) be adopted.

The adoption of the revised policy will enhance the Shire's reputation by demonstrating a commitment to integrity, ethical behaviour and good governance.

## 7. **Audit, Risk and Improvement Committee Charter**

The [current charter](#) was adopted in April 2025. It had included the changes referred to above that were made to the Audit Regulations.

The Charter has been reviewed again, and minimal amendments have been made to it (refer to **Attachment 9**) to comply with the changes in the Local Government (Audit) Regulations 1996 and to include reference to the Salaries and Allowances Tribunal determination (refer to variation - **Attachment 10**) to ensure that it was clear what instrument governed remuneration paid to independent committee members.

It is recommended this Charter be adopted as amended.

## 8. **Local Government Payments and Gifts to Members Policy**

The current [Local Government Payments and Gifts to Members Policy](#) was last reviewed by Council in March 2024. The report only provides a track changed version of the Local Government Payments and Gifts to Members Policy (**Attachment 11**) together with a track changed accepted version (**Attachment 12**) for reference.

The amendments are to the payments (remuneration) to independent committee members on the Audit, Risk and Improvement Committee.

It is recommended that this policy be adopted, as amended.

## 9. **Electronic Attendance at Meetings and Livestreaming Policies**

The Council Policy for **Electronic attendance at meetings** has been revised (**Attachment 13**) with track changes included. The changes are minimal and due to the local government reform mentioned above.

The Council Policy for **Live Streaming of Council Meetings** has been revised (**Attachment 14**) with track changes included. The changes are minimal and due to the local government reform mentioned above.

It is recommended that both policies be adopted as amended.

## 10. **Council Forum Policy**

The current [Council Forums](#) Policy was last reviewed in November 2024 (**Attachment 15**).

The policy has been reviewed (track changes included – **Attachment 16**).

Any mention of Agenda Briefings was immediately amended to read Agenda Forums.

Further changes were made to the policy due to the local government operational guidelines referencing Council Forums by the Department of Local Government, as being informal, non-decision-making sessions and therefore not being subject to s.5.23 public access requirements.

It is recommended that Council adopt the revised Council Forum Policy (**Attachment 17**).

## IMPLICATIONS TO CONSIDER

### **Consultative:**

Governance Coordinator and CEO and reference to Local Government Inspector guidelines.

Consultation with the Manager Compliance and Monitoring. Local Government Inspectorate in regard to complaints processes (Refer to **Attachment 5**).

Eleven local governments (Tier 3) two of which hold public agenda forums prior to the Council Meeting, one of which provides a schedule of the items to be discussed at the forum. 9 local governments do not hold forums at all. The two that do also do not publish any notes related to the forum.

### **Strategic:**

#### **Shire of Toodyay Council Plan 2023-2033**

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

### **Policy related:**

Complaints of Alleged Breach of the Code of Conduct for Council Members, Committee Members and Candidates

Local Government Payments and Gifts to Members Policy;

Electronic Attendance at Meetings Policy;

Live Streaming and Recording of Council Meetings Policy; and

Council Forums Policy

### **Financial:**

There are minimal financial implications with the adoption of these revised corporate documents and Council policies.

In respect to the Complaints Policy - where an Independent Investigator is engaged, the cost remains approximately \$4,000–\$5,000 per complaint. Currently, the budget allocation for complaints is included in the municipal budget under legal expenses expenditure.

In accordance with r.7(4)(e) of the *Local Government (Local Government Inspector) Regulations 2025* the Shire would also be required to pay an amount equal to the costs of the mediation, as determined and certified by the Principal Adjudicator (appointed by the Local Government Inspector) to the State where mediation is undertaken as part of the Adjudicator's dealings with the allegation as a conduct breach. This practice is no different to the fact that prior to the local government reform, any matters sent to the Standards Panel also incurred costs, although significant cost increases are expected.

**Legal and Statutory:**

*Local Government (Model Code of Conduct) Regulations 2021.*

*Local Government (Local Government Inspector) Regulations 2025*

**Local Government Act 1995**

- Part 8A Breach complaints and general complaints – containing provisions contains provisions about types of breaches; making and dealing with complaints about breaches; dealing with breaches; and making and dealing with general complaints.
- Part 5, Division 2 – Council and Committee Meetings only applies to formal meetings where decisions are made.
- Section 5.23 requires formal meetings of a council or a committee to be open to the public unless closed under prescribed circumstances.

**Risk related:**

Failure to not amend these corporate publications and Council Policies presents as a moderate (9) non-compliance risk to the Shire. Failure to choose to update these documents may result in non-compliance with statutory requirements. The compliance risk is high as this is a potential breach of statutory obligations, reportable to the Local Government Inspector.

The reputational risk is medium as outdated corporate documents and policies may undermine public confidence in governance processes. This report mitigates that risk.

**Workforce related:**

A Shire Officer will update the website and distribute the corporate publications and policies to Councillors, Committee Members, and Shire Staff.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION**

That following local government reforms that came into force on 1 January 2026 Council adopts the revised:

1. Code of Conduct for Council Members, Committee Members and Candidates pursuant to Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021* (**Attachment 4**);
2. Complaints of Alleged Breach of the Code of Conduct for Members, Committee Members and Candidates Council Policy including the complaint form to ensure compliance with Part 8A of the *Local Government Act 1995* (**Attachment 8**);
3. Audit, Risk and Improvement Committee Charter as amended to ensure compliance with the current *Local Government (Audit) Regulation 1996* (**Attachment 9**);
4. Local Government Payments and Gifts to Members to ensure compliance with the current *Local Government Act 1995* (**Attachment 12**);
5. Electronic Attendance at Meetings Policy to ensure compliance with the current *Local Government Act 1995* (**Attachment 13**);
6. Live Streaming and Recording of Council Meetings Policy to ensure compliance with the current *Local Government Act 1995* (**Attachment 14**);
7. Council Forums Policy to ensure compliance with the current *Local Government Act 1995* (**Attachment 17**).
8. requests the Chief Executive Officer make any necessary minor typographical amendments to the abovementioned documents, prior to publication.

**10.5 INFRASTRUCTURE, ASSETS AND SERVICES**

Nil.

**10.6 COMMITTEE REPORTS**

Nil.

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

**13 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

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

**14.1 MEMBERS**

Nil.

**14.2 EMPLOYEES**

Nil.

**15 CONFIDENTIAL BUSINESS****RECOMMENDATION**

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

**15.1 Operational Efficiency Measures No. 2**

This matter is considered to be confidential under Section 5.23 - (4) (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 information relating to the personal affairs of an individual

**16 NEXT MEETINGS**

<b>Type of Meeting</b>	<b>Date</b>	<b>Time</b>
Agenda Forum	26 February 2026	5.30pm
Ordinary Council	5 March 2026	5.30pm

**17 CLOSURE OF MEETING**