



Ordinary Council Meeting

5 February 2026

Minutes

To: The President and Councillors.

Here within are the Minutes of the Ordinary Council Meeting of the Shire of Toodyay held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

A handwritten signature in blue ink, appearing to read "A. Bowman", is positioned above the name of the Chief Executive Officer.

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 a notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to 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.

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Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following an Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 12 February 2026.



Aaron Bowman JP

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 5 March 2026.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 5:30 pm and read aloud an 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."

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCE

Members

Cr M McKeown	Shire President
Cr M Dival	Deputy Shire President
Cr R Madacsi	Councillor
Cr S McCormick	Councillor
Cr J Prater	Councillor
Cr R Mills	Councillor
Cr S Van der Heyden	Councillor

Staff

Mr A Bowman JP	Chief Executive Officer
Ms V Crispe	Executive Manager Infrastructure, Assets and Services
Mr P Nuttall	Executive Manager Planning and Regulatory Services
Mrs M Taylor	Executive Manager Economic Development and Community Services
Mrs M Rebane	Governance Coordinator
Ms P Kaur	Executive Support Officer

Visitors

Nil.

Members of the Public

5

2.1 APOLOGIES

Mr A Hart	Executive Manager Finance and Corporate Services
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3 DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.2 PUBLIC QUESTION TIME

Questions from Ms Susan Pearce

Question 1

Regarding Special Council Meeting held 16 January - Confidential Business Item 2.1 confidential reasoning 5.23(2).

Would you please explain how this section applied to Council closing the meeting.

From the agenda: Council closed the meeting to the public using Section 5.23(4)(e) and Section 5.23(4)(f) of the Local Government Act 1995.

If it deals with a matter that if disclosed, would be likely to impair the effectiveness of any lawful method or dealing with any contravention or possible contravention of the law.

Response

The reason for Closing the meeting to the public as detailed in the minutes of the SCM on 16 January 2026 was as follows;

“This matter is considered to be confidential under Section 5.23(4)(e) and Section 5.23(4)(f) of the Local Government Act 1995, 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 that if disclosed, would be likely to impair the effectiveness of any lawful method or dealing with any contravention or possible contravention of the law.”

As per the report – This section of the meeting was closed to the public in accordance with Section 5.23(4)(e) and section 5.23(4)(f) of the Local Government Act 1995. A typographical error does have a reference in Resolution SCM002/01/26 to Section 5.23(2) however the (2) is the error which will be rectified when the minutes are confirmed.

Question 2:

Did the Shire obtain legal advice on any matters in the report?

Response:

No.

Questions from Ms Beth Ruthven**Question 1**

(Item 10.2.3): The table on P25 of the agenda shows that the 2024-25 significant findings by the auditor were presented to the ARIC on 8 January 2026.

Was this done in a meeting of the ARIC? If not, how was it presented to the committee?

Response

As you indicated the table is on page 25 and it states that it was presented to the Audit Risk and Improvement Committee (ARIC) on 8 January 2026. If it was not presented to the ARIC then this information would not have been included within the table. The only way to present to the ARIC is at a meeting, otherwise it would be presenting the information to committee members of the ARIC. (Res No. ARC002/01/26).

Question 2

Would you please explain why the Officer Report states that research found that the management letters for the 2019/20, 2020/21, 2021/22 and 22/23 audits were not considered by the audit committee or council when minutes of the audit committee meetings and OCMs clearly show that they were?

Response

The report did not say that the Audit Committee or Council failed to receive or consider the Management Letters for the 2019/20 to 2022/23 audits. The minutes clearly show that those documents were tabled and received, and the report does not dispute that.

What the report actually refers to is a different requirement under section 7.12A(4) of the Local Government Act 1995. This requirement goes beyond receiving the audit documents. When the Auditor General identifies a significant matter, the law requires the Shire to:

- 1. prepare a written report (action plan) addressing each significant matter,*
- 2. provide that report to the Minister for Local Government, and*
- 3. publish it on the Shire's website.*

These steps were not completed in those earlier years, even though Council and the Committee did receive the Management Letters.

This is why the report refers to non-compliance with section 7.12A(4) — not because the documents were ignored, but because the additional statutory actions required by the Act were not carried out at the time.

Questions from Mr Allan Henshaw**Question 1**

What was the intent by including screen shots of social media comments in the attachments supporting item 10.2.3 of today's agenda?

Response

You may not be aware that a number of amendments have been made to the Local Government Act 1995, including changes to Section 5.23. As a result, there was no legislative basis for this attachment to be treated as confidential.

The attachment clearly identifies instances where false and misleading information was provided. It was included to ensure full transparency and accountability, and to ensure the context of the report was properly presented for all parties.

Question 2

Was the permission of the page administrators or the authors of comments sought prior to the inclusion of comments from social media on pages 157 to 172 of the attachment in today's agenda?

Response

No.

The names of the authors were removed, and given that the comments could be considered somewhat defamatory toward myself, some staff members, and the Shire of Toodyay entity, and appeared to have been written with the intent to cause personal damage and distress, the only parties the Shire would need to consider in relation to the "publication" of these comments would be myself, the relevant staff, and potentially the Shire of Toodyay entity.

Sections of the community are continually commenting about transparency, while the Shire is transparent in its decisions and information to the community, this report provides the next level in transparency about an issue with understandable community concern. Including the screenshots enhances this transparency by providing context.

As one of my children once said to me when they were younger, if you do not want something to be seen by others, it should not be posted on social media.

Questions from Ms Susan Pearce**Question 3**

Regarding CEO Management Letter to the Auditors Significant Findings for the 2024-2025 Financial Year – Duplicate Payment of a Transaction.

Please explain the difference between the Officer's statement and that of the auditor that it was a payment for \$242,000 that was duplicated and not a number of payments.

Response:

The auditor referred to "an expenditure amount" and also to "a payment". The auditor was incorrect when he referred to the amount as a payment.

The Shire's management response explained that Shire staff identified the duplicate expenditure when it occurred, that is, in July 2025. The auditor identified that expenditure amount, but the auditor did not discover the duplicate expenditure amount, Shire staff did so.

The Officers Report explained that there was a number of payments. Both statements are correct. It was an expenditure amount out of the bank account, which paid several suppliers and Councillors.

It is important to note that Officers did not amend the Auditors Report as has been implied by this question. The Officer has reported specific details to Council in full given that incorrect information has been posted to social media (Facebook) that includes yourself where you stated the community was promised transparency and accountability. Officers do not influence what exists in the Auditor's report.

Question 4

Regarding item 10.2.3 of this meeting.

Would you please explain the auditor findings of no monthly bank reconciliation for the 2024/25 yr considering the Shire has employed a new financial management team and why bank reconciliation was not addressed as per previous years auditor recommendations.

Response:

We cannot explain why the previous management did not action the findings and failed to undertake the reconciliations for the 2021/2022, 2022/2023, 2023/2024 years. In relation to the 2024/25 year, the previous Executive Manager Corporate and Community Services left the Shire in December 2024, and we cannot explain why she did not action the findings and undertake the reconciliations up to November 2024. The current Executive Manager Finance and Corporate Services commenced in January 2025. He assessed the situation and, given the quantum of items that had to be corrected prior to the audit, made the decision to complete one bank reconciliation on 30 June 2025. This decision was made in consultation with the Auditor.

The Shire currently has several senior staff who have financial qualifications, vast experience in the financial sector and who have made significant improvements with the Shire to obtain a Qualified Audit for the 2024/2025 financial year.

Questions from Ms Beth Ruthven**Question 3**

One of the significant findings was concerning a duplicate payment of \$242,521.73 with the first payment having been processed on 03/07/2025.

How many suppliers were paid twice?

Response

40.

Question 4

The auditor states that the second, duplicate, payment was made on 25/7/25, but the Officer Report says “the second creditor payment was made on 22/7/25”.

Is the officer saying that the auditor has the wrong date or, were duplicate payments made on both of those dates?

Response

The report states that action was taken “...once the duplicate payment occurred,” and I would like to emphasise the importance of the word “once.” The Officer’s Report confirms that the second creditor payment was made on 22 July, and that on 23 July an email was sent to all affected suppliers (including Councillors) to advise them of the duplicate payment.

Unless staff are able to foresee events before they occur, it is evident that the date referenced by the auditors is incorrect. Furthermore, this is not the only aspect of their information that is inaccurate.

On page 122 of the Attachments for today’s OCM, Item 2 under Findings Identified During the Final Audit – Duplicate Payments states:

- 1. “The first payment was processed on 03/07/2025 ...”
This is incorrect. The first payment was processed on 30/06/2025 and paid on 03/07/2025.*
- 2. “... a second identical payment was processed again on 25/07/2025.”
This is incorrect. The second payment was paid on 22/07/2025.*

Questions from Ms Susan Pearce**Question 5**

In 2023 a number of shire computers were not included in the Domain Group showing lack of proper management and oversight.

Exclusion from the domain could lead to unauthorised access and compromise of sensitive data. Similar finding in the auditor reports of 2024 and 2025.

Management comment:

2023 will raise with IT,

2024 – issues identified and processes put in place

2025 -historical issue

Would you please explain why the shire has not managed this recurring significant issue particularly as management indicated processes were in place?

Response:

We cannot explain why this was not addressed by the previous management in 2023. From what has been ascertained by the current management through investigation and the IT audit, there was no management oversight of the Shire's corporate network to the extent that the corporate network was vulnerable to attacks.

The current management have been proactive in ensuring the corporate network is secure by installing new firewalls at sites that either did not have any or were outdated making the site venerable to attack (which was the case at the Administration Building where all of the Shire's Corporate data is stored). It appears that whilst the previous management stated in the 2022 Management Letter that "Management will raise this matter with the Shire's IT provider for immediate action", nothing further occurred.

From discussions with the IT contractor, Councillor laptops were not on the corporate domain as it was an instruction from Management at the time (2023) that said laptops were to remain off the corporate domain.

In April 2025, which was the same time as the 2023/2024 Audit was being finalised and the management letter being prepared by the Auditor, the current Executive Manager Finance and Corporate Services engaged Focus Networks to undertake an IT audit, where it was again identified that the Councillor laptops where not on the corporate domain. This was reported back in the 2024 Management Letter as "issues identified and processes put in place" (April 2025).

The audit report from Focus Networks was provided to the Auditors in July 2025 during the interim audit for the 2024/25 year. To-date, all except one Councillor laptop have been brought onto the corporate domain.

Questions from Ms Beth Ruthven**Question 5**

The Officer Report states that the duplicate payments also included payments to councillors. Why are there no payments to councillors included in the payments list for July 2025?

Response

Because there was no payment made to Councillors in July 2025.

WA local governments use accrual accounting for financial reporting, recording revenue when earned and expenses when incurred. In compliance with Australian Accounting Standards, the Local Government Act 1995, and relevant regulations. This method ensures assets, liabilities, and equity are recognized in the period they occur, regardless of cash flow.

Financial reports must comply with the Local Government (Financial Management) Regulations 1996, which mandate using these standards for annual budgets and reports.

Local governments are required to use accrual accounting, which records revenue when it is earned and expenses when they are incurred, regardless of when cash is actually received or paid. In line with the matching principle, this approach aligns income with the related costs in the same reporting period, providing a more accurate and transparent view of the organisation's financial position over time.

As indicated in my previous response, the payment was processed on 30 June 2025 and is therefore recorded as a payment made in June 2025. I can confirm that, if the June 2025 payment listing included in the July OCM agenda is reviewed, it will show the payments made to the elected members of the Shire of Toodyay.

Question 6

How many other payments were not included in the July 2025 list?

Response

None.

Questions from Ms Susan Pearce**Question 6**

Has the Shire IT system been compromised as to unauthorised access and release of sensitive data due to the continued management oversight?

Response:

No. As the machines are not on the corporate domain, they do not have access to corporate data.

Question 7:

The auditor's basis for the qualified audit opinion for 2025 again was that comparative information was not supported with accurate underlying records.

The auditor was unable to obtain sufficient and appropriate audit evidence.

CEO and Council are required to correct the misstatement information.

Has the misstatement information been sent to the auditor?

Response:

In response I refer you to Auditing Standard ASA 315- Identifying and Assessing the Risks of Material Misstatements so you can get an understanding of what a misstatement is.

The finding that you are referring to - finding 1 - does not state that there is a misstatement of information as you have inferred in your question. This audit point refers to the inability to verify the opening balances from the 2024 year and is a continuation from financial years ending 2021, 2022, 2023. I point out that in the years 2021, 2022 and 2024 the Auditor determined the audit outcome was a disclaimer audit.

The following is a quote from the Auditors Report from 2024:

"...I do not express an opinion on the accompanying financial report of the Shire. Because of the significance of the matter described in the Basis for disclaimer of opinion section of my report, I have not been able to obtain sufficient appropriate audit evidence to provide a basis for an audit..."

This statement is the same for the 2021 and 2022 Audit Reports.

In the 2025 audit opinion, I quote from the Auditors report:

"...In my opinion, except for the possible effects of the matter described in the Basis for Qualified Opinion section of my report, the financial report is:

- is based on proper accounts and records*
- presents fairly, in all material respects, the results of the operations of the Shire for the year ended 30 June 2025 and its financial position at the end of that period; and*
- is in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards..."*

To quote directly from the Independent Auditors Report for 2025 again, the basis of the Audit Qualification was for 3 reasons:

- 1. "...The Auditor was unable to obtain sufficient and appropriate audit evidence regarding the prior year report, as the financial report was submitted for audit purposes without complete and accurate underlying records..."*
- 2. "The Shires bank reconciliation at the 30 June included an unreconciled balance of \$22,991."*
- 3. The Auditor was "...unable to obtain sufficient and appropriate audit evidence for the restatement of corresponding figures as set out in Note 28."*

In summary, the primary reason why the Shire received a qualified audit for the 2024/2025 financial year is that the opening balances could not be verified. the reason why they were not verified (although they were balanced and reconciled) was that the Shire did not ask the Auditor General to re-audit the 2023/2024 accounts. This decision was made on advice from the Office of the Auditor General and as the Shire did not want to burden the community with the significant cost associated with undertaking a new audit for the 2023/2024 financial year.

Questions from Ms Beth Ruthven.**Question 7**

Why was the second payment not included in the monthly payments list by the CEO, as legally required?

Response

It was a double payment. Not payment of creditors as per The Act.

Question 8

Bearing in mind Financial Regulation 13 (1) and (3), regardless of whether it was a first or duplicate payment, how can taking \$242,521.73 from the shire's bank account and paying it to suppliers be deemed to not be making a payment?

Response

You are correct in your reference to the Financial Management Regulations, specifically Regulation 13(1). However, as the second payment was subject to a refund, it was not considered a valid payment. Accordingly, we do not agree with your interpretation of the regulations. This matter was discussed with the Office of the Auditor General as part of the audit process.

Questions from Ms Susan Pearce**Question 8**

Has the Shire corrected the misstatement information?

Response:

As detailed above and again I refer you to [Auditing Standard ASA 315- Identifying and Assessing the Risks of Material Misstatements](#).

Question 9

If not, has the Auditor amended the report?

Response:

No.

Questions from Ms Beth Ruthven.**Question 9**

How many suppliers have had credit notes applied to their accounts for the overpayments?

Response

11.

Question 10

Why were credit notes issued for over \$12K instead of the supplier/s repaying the duplicate payment?

Response

The total value of the credit notes was \$10,669.57, not in excess of \$12,000 as stated. The amounts involved were generally small, ranging from as little as \$2.90, and included regular suppliers such as Broderick Waste Solutions. Given the nature of these suppliers and the values involved, it was more cost-effective to issue credit notes and offset them against current invoices.

Question 11

How will the use of these credit notes by the supplier/s be accounted for in the monthly payments list?

Response

The same as a payment.

Question 12

The Officer Report states “no supplier has kept the funds”.

Please explain how it can be said that they have not been kept by the supplier/s when the funds have not been repaid but have been made available for use by the supplier/s?

Response

Because those suppliers that did not refund have had credit notes raised against their accounts and been offset against invoices.

Question 13

Doesn't the issuing of credit notes equate to the shire having provided interest-free loans of \$10,669.57 to one, or more, supplier/s for at least six months?

Response

No.

There remain outstanding credit notes with a combined value of \$953.94.

Question 14

The CEO said in the management letter to the Minister “It must be noted that these duplicate payments were not identified during the audit as they were identified when they first occurred and was reported to Councillors at the time.”

This is not included in the minutes of the August meeting so when and how was this information communicated to council?

Response

To clarify, Councillors and Council are not the same. As advised previously, the notification was issued by email to Councillors on 23 July.

Question 15

Was the ARIC told at the time about the duplicate payment and is it minuted anywhere?

Response

No, as there was no ARIC meeting held on 22 July. However, ARIC has since been advised, and this matter was also discussed as part of the exit meeting between ARIC and the Office of the Auditor General.

Question 16

Did council direct the CEO to omit the duplicate payments in the July 2025 payments list?

If yes, in which minutes is the resolution?

If no, who made the decision to not include them in the payments list for July 2025?

Response

No. The Executive Manager Finance and Corporate Services made the decision.

Question 17

If council was told about the duplicate payments, haven't they concealed information that must, by law, have been included in the agenda?

Response

No.

Question 18

What is the date and time of the next ARIC meeting?

Response

As listed on the Shire's website, the next meeting is scheduled for 12 February 2026 at 10:30 am. The link is provided for your reference: <https://www.toodyay.wa.gov.au/council/council-meetings-committees/council-committees/audit-committee.aspx>

Question 19

When will the agenda for the next ARIC meeting be available on the shire's website?

Response

After it will be provided to ARIC members - in accordance with legislative requirements.

5 APPROVED LEAVE OF ABSENCE**5.1 Cr Madacsi Application**

OFFICER'S OCM005/02/26	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
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MOVED	Cr S Van der Heyden		
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SECONDED	Cr R Mills		
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That the Application for Leave of Absence by Cr Madacsi from 19 February to 30 March 2026 inclusive be granted.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

6 CONFIRMATION OF MINUTES**6.1 Ordinary Meeting of Council held on 18 December 2025**

OFFICER'S OCM006/02/26	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
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MOVED	Cr M Dival		
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SECONDED	Cr R Mills		
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That the Unconfirmed Minutes of the Ordinary Council Meeting held on 18 December 2025 be confirmed.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

Cr Dival objected, by way of a Point of Order at 6.16pm, in accordance with Standing Order 8.2 pertaining to Standing Order 5.17 *Prevention of Disturbance* due to difficulty hearing the proceedings.

The Presiding Member upheld the Point of Order in accordance with Standing Order 8.5 and in accordance with Standing Order 8.6(1) the Presiding Member adjourned the meeting for a period of five minutes at 6.18pm.

The meeting was resumed at 6:23 pm.

6.2 Special Meeting of Council held on 15 January 2026

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO.
OCM007/02/26

MOVED Cr S McCormick

SECONDED Cr J Prater

That the Unconfirmed Minutes of the Special Council Meeting held on 15 January 2026 be confirmed subject to the following amendments:

- Ms V Crispe be listed as an apology.
- Typographical changes to the cover page, contents page and numbering of items
- Typographical changes to resolution SCM002/01/26:
 - *“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..”* to be changed to *“That Council considers the confidential report listed below in a meeting closed to the public in accordance with Section 5.23 of the Local Government Act 1995..”*
- Typographical changes to SCM003/01/26:
 - *“Recommends the following to Council..”* to be changed to *“That Council...”*
- That the resolution to move from behind closed doors change the numbering from SCM002/01/26 to SCM004/01/26.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

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

Nil.

7.2 PRESENTATIONS

Nil.

7.3 SUBMISSIONS

Nil.

8 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

At 6:24 pm Cr Madacsi addressed the following announcement to Council:

"I wish to apologise for breaching clause 3(4)(b), 10(c) and 10(e) of the Shire of Toodyay Council Forum Policy at the November Agenda briefing during item 11.2 – request for financial support for continuing professional development as I:

- *Did not make a written disclosure of interest to the Presiding Member; and*
- *Did not leave the room as required by the policy during the Agenda Briefing for an item in which I had a financial interest."*

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Since the Ordinary Council Meeting held on 18 December 2025, the Presiding Member:

- Attended a Special Meeting of the Audit, Risk and Improvement Committee (ARIC) on 8 January 2026.
- Attended and Presided the Special Council Meeting on 15 January 2026.
- Attended the Shire of Toodyay Australia Day BBQ and Breakfast on 26 January 2026.
- Along with the Chief Executive Officer, met with the Ms Trish Cook MHR, federal member for Bullwinkle, on 28 January 2026.
- Along with the Chief Executive Officer, met with Mr Matthew Swinbourn MLC, State Minister for the Environment, on 3 February 2026.

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 m² 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 m², Lot 8(14/44) offers a slightly larger floor area of 180.59 m², and Lot 9(13/44) has a floor area of 174.77 m². **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/COUNCIL RESOLUTION NO. OCM008/02/26**MOVED** Cr S McCormick**SECONDED** Cr M Dival

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.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

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.

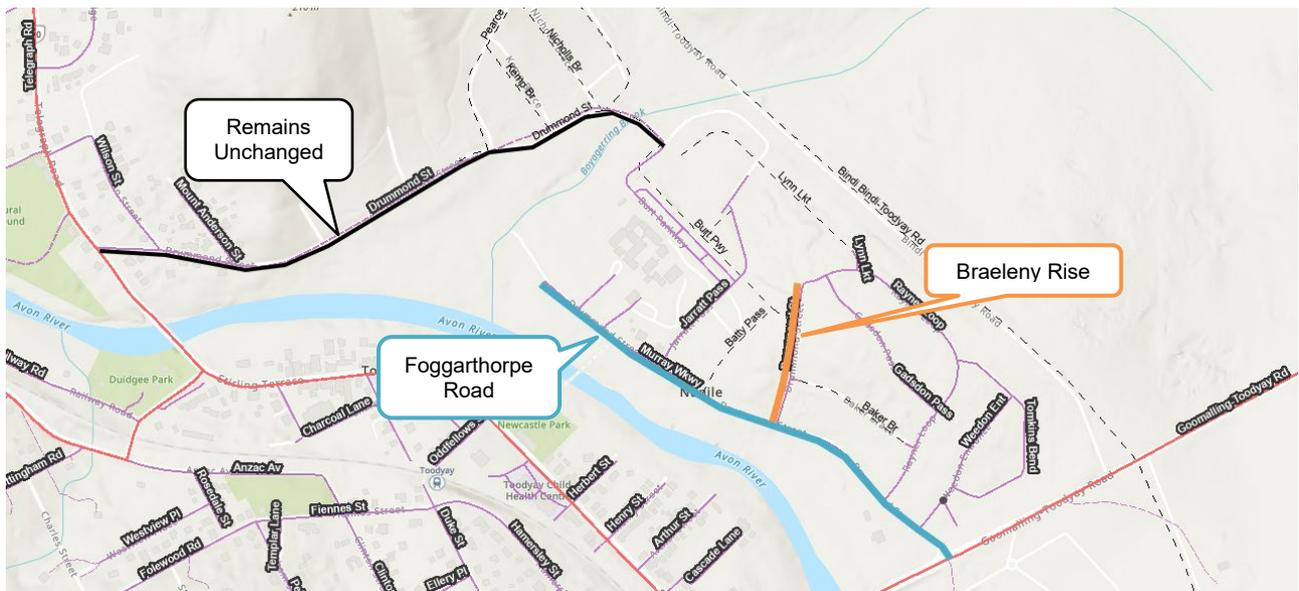
Advertising of this proposal was conducted between 11 November 2025 and 6 January 2026 (56 Days) with a total of Six (6) comments being received (**Attachment 1**).

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.

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM009/02/26

MOVED Cr M Dival

SECONDED Cr R Mills

That Council defer the item and request the CEO to provide alternative names for consideration.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

Reason for the alternative motion is:

“Staff have provided additional information that advises that the theme of the subdivision road naming theme was “Toodyay civilians who went to war”, and by deferring the item, this will allow the CEO to provide alternatives names to Council that will be accepted by Landgate and meet this theme.”

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/COUNCIL RESOLUTION NO. OCM010/02/26

MOVED Cr S McCormick

SECONDED Cr J Prater

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

Description	Amount \$
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
Total	\$1,353,259.14

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

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/COUNCIL RESOLUTION NO. OCM011/02/26

MOVED Cr M Dival

SECONDED Cr S Van der Heyden

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

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and
S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

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"> 1. Management Letter 30 June 2021; 2. Management Letter 30 June 2022; 3. Management Letter 30 June 2023; 4. Management Letter 30 June 2024; 5. Management Letter 30 June 2025; 6. Letter to Minister-'Significant' Items 30-06-24; 7. Letter to Minister-'Significant' Items 30-06-25; 8. Facebook Post-January 2026. 9. Letter from Department of Local Government Dated 23 March 2021 10. Letter from Department of Local Government Dated 22 April 2021 11. Status of Local Government Audits 2025.

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 4th 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 and 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.

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/COUNCIL RESOLUTION NO. OCM012/02/26

MOVED Cr M Dival

SECONDED Cr J Prater

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

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

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"> 1. Information about Local Government Oversight; 2. Current Code of Conduct; 3. Revised Code of Conduct (track changes included); 4. Revised Code of Conduct (Track changes accepted); 5. Email trail Inspectorate advice; 6. Current Complaints of Alleged Breach of the Code of Conduct Policy; 7. Revised Complaints of Alleged Breach of the Code of Conduct (with track changes included); 8. Revised Complaints of Alleged Breach of the Code of Conduct (with track changes accepted); 9. As amended Audit, Risk and Improvement Committee Charter (including track changes); 10. Salaries and Allowances Tribunal Variation (Dec 2025); 11. Revised Local Government Payments and Gifts to Members (Track changes included); 12. Revised Local Government Payments and Gifts to Members (Track changes accepted); 13. REVISED Electronic Attendance at Meetings; 14. REVISED Live Streaming and Recording of Council Meetings Policy; 15. Current Council Forum Policy; and

	<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
Authority to close meetings	Council resolution only	Council resolution subject to Inspector oversight
Confidentiality enforcement	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
Electronic meetings	Allowed with some provisions.	Broader regulatory power to adapt confidentiality rules for virtual meetings
External scrutiny	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/COUNCIL RESOLUTION NO. OCM013/02/26**MOVED** Cr S McCormick**SECONDED** Cr M Dival

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.

Voted For: Crs M McKeown, M Dival, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Cr R Madacsi

MOTION CARRIED 6/1 BY ABSOLUTE MAJORITY

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

Nil.

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**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM014/02/26****MOVED** Cr J Prater**SECONDED** Cr M Dival

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23 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 (4)(b) information relating to the personal affairs of an individual;

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

In accordance with Standing Orders 5.2 (3) the Presiding Member directed everyone to leave except the Members; the CEO and any employee specified by the Presiding Member at 6:40 pm.

The Executive Manager of Economic Development and Community Services, Executive Manager of Infrastructure, Assets and Services and the Governance Coordinator departed the meeting at 6:40pm.

The Council Chambers were re-opened at 6:43pm.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM015/02/26**MOVED** Cr M Dival**SECONDED** Cr R Mills

That Council approves the recommendations as detailed in the confidential Officer's Report – Operational Efficiency Measures No. 2.

Voted For: Crs M McKeown, M Dival, S McCormick, J Prater, R Mills and S Van der Heyden

Voted Against: Cr R Madacsi

MOTION CARRIED 6/1

16 NEXT MEETINGS

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

17 CLOSURE OF MEETING

The Shire President declared the meeting closed at 6:44pm.