



Ordinary Council Meeting

5 March 2026

Commencing at 5:30 PM

AGENDA

Notice of Meeting.

To: The President and Councillors.

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

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

Aaron Bowman JP

CHIEF EXECUTIVE OFFICER



Information

Our Vision, Purpose and Values

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

Our Vision

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

Our Purpose

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

Our Values

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

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

Community Aspirations

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

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

Disclaimer

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

Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website

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

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

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

Information

Conduct of Members of the Public at Council Meetings

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

Section 5.17 Prevention of disturbance

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

Section 8.6 Right of Presiding Member to adjourn

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

Public Question Time

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

Procedures for Asking Questions

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

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

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

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

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

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

Information

The following general rules apply to question time:

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

Submissions

An owner, applicant or any member of the public who has an interest in an item on an Agenda, or generally, can make a submission to Councillors for up to five minutes unless the time is extended by the Presiding Member.

A person wishing to make a submission at the Agenda Briefing must complete the [Submission Registration form](#) and submit it to the Chief Executive Officer by 12 noon on the day of the Agenda Briefing either in Person at the Shire of Toodyay Administration Office, 15 Fiennes Street, Toodyay WA 6566 or alternatively, via email to records@toodyay.wa.gov.au

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

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

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

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

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

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

Information

Petitions

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

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

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

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

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

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

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

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

Council Meetings

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

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

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

Disclosure of Interests

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

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

Confidential Items

Some reports or attachments to reports are not for publication or distribution to members of the public, gallery or Council Officers. Such reports are dealt with at a time when the meeting is closed to the public. The matters that can be considered when the public is excluded from a meeting is limited to Section 5.23 of the *Local Government Act 1995*.

Unconfirmed and Confirmed Minutes

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

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

Information



Public Question Time Registration

s.5.24 of the Local Government Act 1995

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

Date of Council Meeting: _____

Name(s): _____

Postal Address: _____

Organisation (if applicable): _____

Phone: _____ Email: _____

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

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

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

(1) _____
_____ Agenda Item No: _____

(2) _____
_____ Agenda Item No: _____

(3) _____
_____ Agenda Item No: _____

(4) _____
_____ Agenda Item No: _____

(5) _____
_____ Agenda Item No: _____

If you require extra room, please attach an A4 page

Signature:

Date:

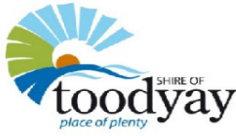


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Information



Disclosure of Interest Form

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

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

Meeting Date: _____ Meeting type: Council Meeting Committee Meeting
 Report No: _____ Report Title: _____

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

Nature of Interest: _____

Extent of Interest: _____

Signature: _____ Date: _____

CEO Sign off

Signature: _____ Chief Executive Officer Date: _____

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

OFFICE USE ONLY

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

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

Information



Request for Works or Services OR Report an issue

Details of Person making the request or reporting the issue

Name: _____ Date: _____

Address: _____
(Residential / Property Address including postcode)

Phone (H): _____ Email: _____

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

Location

Description

RECORDS USE ONLY

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

Request forwarded to: _____ Date: _____

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

Contact made with Person making the request or reporting the issue

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

Contact made through: Phone In person Email Outgoing correspondence

The person was informed that: _____

SIGN OFF DETAIL – Works completed by

Name: _____ Signature _____ Date: _____

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



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ATTACHMENTS can be found in the Attachments Paper.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

2 RECORDS OF ATTENDANCE**2.1 APOLOGIES****2.2 APPROVED LEAVE OF ABSENCE**

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS**4 PUBLIC QUESTIONS****4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

4.2 PUBLIC QUESTION TIME**5 CONFIRMATION OF MINUTES****5.1 Ordinary Meeting of Council held on 5 February 2026****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 5 February 2026 be confirmed.

6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**6.1 PETITIONS**

A petition is to be addressed to the Shire President and is to be presented by a Councillor.

6.2 DEPUTATIONS

A deputation must be applied for, to the CEO in writing at least 5 working days prior to the Meeting.

6.3 PRESENTATIONS

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

6.4 SUBMISSIONS

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

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9 OFFICER REPORTS**9.1 PLANNING AND REGULATORY SERVICES****9.1.1 Request to Advertise - Toodyay Local Heritage Survey and Heritage List**

Date of Report:	18 December 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG451
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none"> 1. Heritage List; and 2. Local Heritage Survey (under separate cover) 3. Guidelines for Local Heritage Surveys 4. Municipal Inventory (2013) (under separate cover)

PURPOSE OF THE REPORT

To receive the DRAFT Local Heritage List (**Attachment 1**) and the Local Heritage Survey (**Attachment 2**) and to advertise for public comment for a period of **42** days.

BACKGROUND

A Request for Quotation process conducted in May 2024, resulted in the appointment of Stephen Carrick Architects. SCA were engaged to conduct the review and update of the Shire's Local Heritage Survey (LHS), previously referred to as the Municipal Inventory & Heritage List (2013).

This project involved photographing and inspecting properties already listed as Local Heritage Places with a view to update Place Record forms with the most accurate and current information.

The Shire encouraged, through advertisements in the local newspaper and on the Shire's website, property owners and occupiers to contribute any new information that may enhance the understanding of existing heritage sites. Property owners were also encouraged to nominate new sites to be considered for inclusion in the local heritage survey.

COMMENTS AND DETAILS

Stephen Carrick Architects (SCA) have brought their final draft document to the Shire, and this has been deemed suitable for public advertising.

While Officers can see that the Precincts within the Local Heritage Survey may produce unnecessary call-ins for heritage assessment, these issues can be addressed after the community consultation process. The results of the community consultation will be returned to Council, prior to the adoption of the new List and Survey.

A substantial amount of historical data including data collected from site visits has been incorporated into the final draft Heritage List (**Attachment 1**) and the Local Heritage Survey (**Attachment 2**). This far surpasses the existing Municipal Inventory (2013) (**Attachment 4**).

IMPLICATIONS TO CONSIDER**Consultative:**

Given the potential impact on Heritage properties a 42-day advertising period is recommended. This period should provide sufficient time for affected landowners to properly consider and respond to the implications of the review.

Strategic:

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

Outcome 5 High quality town planning complements our rural ambience and heritage

5.3. Preserve and showcase local history and heritage.

Outcome 9: Responsible and effective leadership and governance.

9.1 Provide strong, clear, and accountable leadership

Policy related:

Central Toodyay Heritage Area

Community Consultation and Engagement

Municipal Inventory (2013)

Financial:

Nil.

Legal and Statutory:

Heritage Act 2018

Local Government Act 1995 s.103(1)

Planning and Development (Local Planning Schemes) Regulations 2015

Risk related:

There is reputational risk if the report is not progressed. The risk is low (4), but this report mitigates the risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to advertise the Heritage List (**Attachment 1**) and the Local Heritage Survey (**Attachment 2**) for a period of 42 days.

9.2 FINANCE AND CORPORATE SERVICES**9.2.1 List of Payments - January 2026**

Date of Report:	10 February 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. Creditor Payment Report January 2026

PURPOSE OF THE REPORT

To present to Council the list of payments for the months of January 2026.

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 January 2026 and is attached. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

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

Outcome 9. Responsible and effective leadership and governance.

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

Policy related:

Purchasing Policy
Delegation CS1

Financial:

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

Legal and Statutory:

Local Government Act 1995

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

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

Local Government (Financial Management) Regulations 1996

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

Risk related:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council receives the list of accounts as presented and listed below, for the month of January 2026:

Description	Amount \$
Municipal Cheques	\$453.34
Electronic Funds Transfer Payments	\$1,020,061.11
Payroll	\$331,393.44
Credit Cards	\$5,740.06
Other (Including Direct Debits)	\$150,645.68
Total	\$1,176,900.19

9.2.2 Monthly Financial Statements - January 2026

Date of Report:	18 February 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 January 2026

PURPOSE OF THE REPORT

To present to Council the Monthly Financial Statements for January 2026.

BACKGROUND

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

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

COMMENTS AND DETAILS

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

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

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

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

Outcome 9. Responsible and effective leadership and governance.

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Financial Governance

Financial:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Monthly Financial Statements for January 2026
(Attachment 1).

9.2.3 Mid-Year Budget Review 2025/2026

Date of Report:	19 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN28
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. 2025-2026 Budget Review Report 2. Supplementary Material

PURPOSE OF THE REPORT

To consider the Mid-Year Budget Review 2025/2026 and adopt budget amendments as presented in the attached report pursuant to r.33A(3) of the *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

Local Governments are required to conduct a budget review between 1st January and 28th February each financial year. The budget review is to be submitted to Council by the 31st March for Council to consider and determine whether or not to adopt the review and any recommendations made within the review.

The budget review is a comparison of the year-to-date actual results with the adopted or amended budget. The original budget was adopted in July 2025. The purpose of the budget review in accordance with the legislation is to;

1. Consider the financial performance of the Council for the 2025/26 financial year to-date;
2. Consider the Council's financial position at the date of review; and
3. Review the estimated financial position at the end of the financial year.

COMMENTS AND DETAILS

There is no statutory format to present the budget review to Council, the report together with the Statement of Financial Activity will be used as the basis of the Budget Review, with another column added detailing the amended budget forms the budget review. The use of the standard monthly report is to ensure consistency in reporting to Council in a format that is familiar to the Council.

This Statutory mid-year review will focus on the known budget adjustments required in relation to Plant and Equipment replacement for the 2025/26 financial year.

IMPLICATIONS TO CONSIDER

Consultative:

The Executive were involved in this Statutory Review.

Strategic:

The way the Shire leads and operates:

O 2: Consistently improve our governance practices.

O 3: Ensure rigorous organisational systems.

Policy related:

F6 Significant Accounting Policy

F16 Financial Governance Policy

Financial:

The financial impact of the mid-year budget review is detailed within the tabled reports.

Legal and Statutory:

Local Government Act 1995

Section 6.2 Local government to prepare annual budget

Section 6.10 Financial management regulations

Local Government (Financial Management) Regulations 1996

Part 2. Reg 5(g) CEO's duties as to financial management

Part 3. Reg 33A Review of budget

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a Local Government to conduct a mandatory review no earlier than the 31 December each year and must be submitted to Council on or before the 31 March each year and a copy to be forwarded to the Department within 15 days of the determination by Council.

Risk related:

It is a legislative requirement to undertake a review of the budget and to lodge it with the Department of Local Government, Sport and Cultural Industries. Failure to monitor and financially manage budgeted projects exposes the Shire to significant financial risk. This report helps to mitigate this risk.

It is critical that any projects required to be carried forward are identified and quarantined in order that expenditure is catered for in development of the 2025/26 annual budget. Additionally, grant income received to date for these projects must be recognised as a contract liability at year end and included in the upcoming budget. These funds must not be recognised as revenue for the current year.

The review does not seek to make amendments below the materiality threshold unless strictly necessary. The materiality threshold is set at \$5,000 as adopted by Council. Should

a number of accounts exceed their budget within these thresholds, it poses a risk that the forecasted year end position may be understated.

Workforce related:

The budget review process has been managed within current resources.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the mid-year budget review for the 2025/26 Financial Year (**Attachment 1**) and supporting information (**Attachment 2**);

9.2.4 Differential Rates

Date of Report:	25 February 2026
Applicant or Proponent:	Differential Rates
File Reference:	MTG7
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. Memorandum to Councillors (confidential) <i>Section 5.23(2)</i> <i>(4) (f) information the making public of which would be likely to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;</i> 2. Excerpt from the Shire of Toodyay Authorised Inquiry 3. SAT Determination 2016 4. SAT Determination 2022 5. Rating Model

PURPOSE OF THE REPORT

For Council to consider whether to continue rating properties in the Shire of Toodyay using the Differential Rating method of rating or change to a uniform rate in the dollar for UV and GRV valued properties.

BACKGROUND

The Shire has had differential rating in place since 2014 and has had a checkered past in relation to the statutory compliance with imposing differential rates, with the State Administrative Tribunal quashing the Shire's rates in the 2016/17 and 2022/23 financial year.

Differential rating is complex, involving numerous factors that must be considered when levying such rates. The process itself can be equally intricate, requiring multiple steps to ensure compliance with the *Local Government Act 1995* (the Act).

COMMENTS AND DETAILS

Shire of Toodyay Differential Rating Historical Data

The Shire has had a history with imposing differential rates - specifically having the rates quashed by the State Administrative Tribunal (SAT) in 2016 (2016WASAT141) and 2022 (2022WASAT113) (**Attachments 3 and 4**). In addition, the 2019 Report of the Inquiry into the Shire of Toodyay prepared by the Department of Local Government, Sport and Cultural Industries referenced the SAT determination of 2016 in points 68-73 of the report (**Attachment 2**).

It is essential that the matter of differential rates be addressed and resolved prior to Council's drafting the 2026–2027 Annual Budget.

The differential rate in the dollar for many of the differently zoned properties in the Shire are similar. The Gross Rental Value (GRV) rate in the dollar for all properties (except for commercial zoned properties) are within 10.9% between the lowest GRV rate and the highest. The following graph and table portray the changes in rate for GRV Rural and GRV Commercial over 12 years.

Graph 1: Historic Rates in the Dollar of GRV Rural and GRV Commercial.

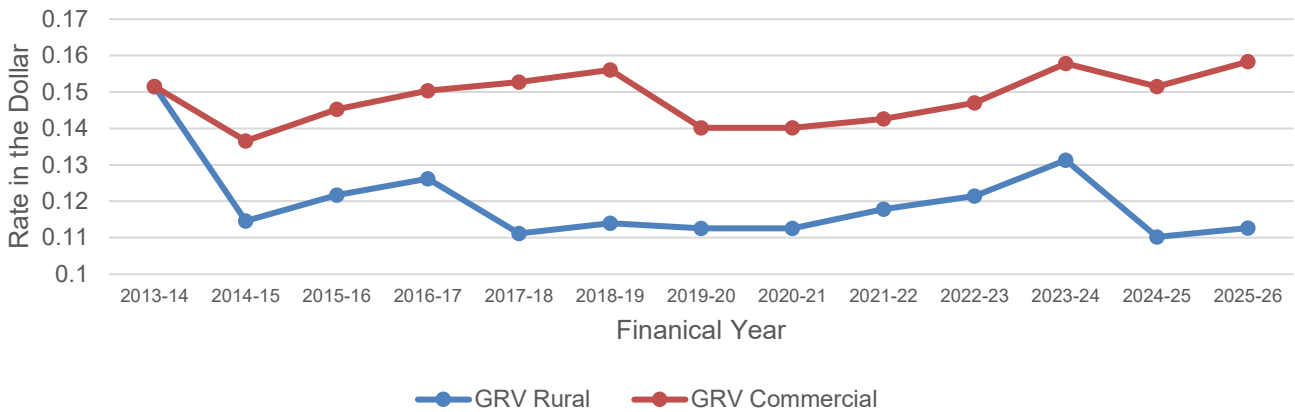


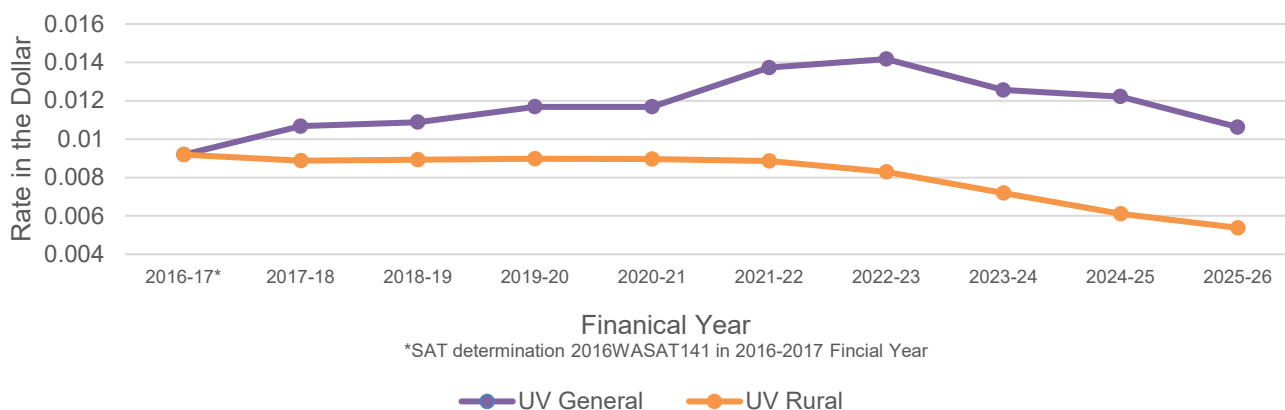
Table 1: Historic Percentage Difference Between the Lowest and Highest Rate in the Dollar of GRV Rural and GRV Commercial.

2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
0%	19%	19%	19%	37%	37%	25%

2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
25%	21%	21%	21%	37%	41%

When analysing the difference between Unimproved Value (UV) General and Unimproved Value (UV) Rural rating categories, one observes a 49.95% difference between the highest and lowest UV rate in the dollar. The graph below depicts the changes to the UV General and UV Rural rates over time in the Shire of Toodyay.

Graph 2: Historic Rates in the Dollar of UV General and UV Rural.



Benchmarking of Differential Rating Practices

When reviewing differential rating strategies, it is useful to consider the practices of comparable local governments to provide context and inform decision-making. The table below summarises the approaches adopted by neighbouring local governments:

Table 2: Comparison of Neighbouring Shires in Rating Practices.

Local Government	Differential Rating Applied?	Notes
Shire of Toodyay	Yes	Differential rating applied
Shire of York	No	Uniform rate structure applied
Shire of Chittering	No	Uniform rate structure applied
Shire of Victoria Plains	No	Uniform rate structure applied
Shire of Northam	Yes	Differential rating applied
Shire of Goomalling	Yes	Differential rating applied
Shire of Gingin	No*	*Differential rate applies to only UV Intensive Mining; all other properties are rated uniformly

This overview is provided to assist Councillors and the community in understanding how differential rating is applied across the region.

As mentioned above, the process to adopt a differential rate each year is complex, and Council often do not get it right each year. The process is summarised below:

- **April-** Draft Budget is prepared detailing the amount of funds required from rates to fund the budget deficiency and Council endorses the objects and reasons for each differential rating category and each minimum payment

- **May-** In Accordance with s.6.36 of the Act, Council publishes a notice of its intention to impose differential rates giving a 21-day public comment period.
 - In rating categories where there are less than 30 ratepayers, each ratepayer must be individually written to advising them of Councils intentions to raise rates by a differential rate and including a copy of the objects and reasons for their comment.
- **May/June–** Council must consider the submissions received and determines the appropriate level of differential rates.
 - If Ministerial approval is required due to a differential rate which is more than twice the lowest differential general rate imposed by it, then Council must resolve to make an application to the Minister.
 - Following Councils decision where all submissions were considered, Council must respond to all submissions individually (where Ministerial approval is required to be obtained).

If there is a differential rate which is more than twice the lowest differential general rate imposed by it, Ministerial approval is required. Additional steps to undertake in this situation are as follows:

- An application must be made to the Minister for Local Government to request Council is imposing a differential rate that is more than twice the lowest differential general rate imposed. The application must include the following documents:
 - The rate information table for the year of application, detailing the differential rates and minimums that are to be proposed.
 - The rate information table for the previous financial year, detailing the differential rates and minimums that were imposed.
 - Draft budget.
 - The Minutes of the Council Meeting where the draft budget was adopted and budget efficiency measures were identified.
 - The objects and reasons that was advertised.
 - Minutes of the Council Meeting where the objects and reasons were adopted by Council.
 - In rate categories where there are less than 30 ratepayers; copies of the letters and related information supplied to ratepayers must be included.
 - Copies of all submissions received in response to letters to ratepayers.
 - Council Minutes where all of the submissions received were considered by Council.
 - Copies of responses to all submissions that were received by Council.
 - Copies of all the public notices notifying ratepayers of Councils intention to levy a Differential rate.

As detailed, the process is complex and bureaucratic. If any of the above steps are not complied with, then there is a potential for the rates to be quashed by the State Administrative Tribunal. If Ministerial approval is required, then the process must start again.

The setting of rates is complex as there are a number of pre-conditions that must be complied with, including:

- Ensuring that the amount to be raised in rates is no more than 110% of the budget deficiency or no less than 90% of the budget deficiency and,
- The minimum rate is not less than 50% of the total number of properties in the Shire and is not less than 50% of the total number of properties in each rate category.

At the commencement of the budget cycle for the 2026/27 financial year, it is appropriate that Council consider its options in relation to how rates will be raised and if the current practice of differential rating continue or use the uniform method of rating. Options include:

1. Maintain differential rating.
2. Abolish differential rating in the Shire of Toodyay and use the uniform method of rating.

Option 2 is the preferred option. Rating within the Shire would be simplified and move away from the factors that caused the SAT to quash rates in 2016 and 2022. It also eliminates the differing rate-in-the-dollar amounts for properties valued under GRV, resulting in all ratepayers being charged a uniform rate and thereby promoting equity across the rating base.

Modelling based on the 2025-2026 Rate Book has been completed to depict the impact on the Rate Book if Council decides to implement the above (**Attachment 5**) for the 2026-2027 financial year.

To equalise the rate in the dollar, the following changes would apply to the respective zoned property categories:

Table 3: Changes to Categories

<i>Rate Category</i>	<i>2025/26 Rate in \$</i>	<i>2025/26 Adjusted Rate in \$ (Uniform Rate in \$ method)</i>	<i>Number of Properties affected by Change (Excluding properties on Minimum Rate)</i>	<i>Percentage Change in Rate in Dollar</i>
<i>GRV Commercial</i>	15.14950	11.57130	26	31% Decrease
<i>GRV Industrial</i>	12.22660	11.57130	22	6% Decrease
<i>GRV Residential</i>	11.99010	11.57130	626	4% Decrease
<i>GRV Rural</i>	11.52100	11.57130	118	0.43% Increase
<i>GRV Rural Residential</i>	11.02130	11.57130	1055	5% Increase
<i>UV General</i>	1.22130	0.77500	410	58% Decrease
<i>UV Rural</i>	0.61070	0.77500	198	21% Increase
<i>Total</i>			2455	

In addition, the change would also affect the number of properties subject to the minimum rate and the number of properties would increase from 705 to 785, with the majority of these properties in the UV General rate category due to the significant decrease in the rate in the dollar for these properties.

When considering the information outlined above, and in the interest of providing equity for the majority of ratepayers, a change to the Rate Book is warranted. Furthermore, to align with the approach adopted by most neighbouring Councils, the uniform method of rating is considered the most appropriate option for the Shire of Toodyay moving forward.

Based on this, it is the Officer's recommendation that, from the 2026–2027 financial year, Council determine rates using a uniform rate in the dollar for properties valued under Gross

Rental Value (GRV), and a uniform rate in the dollar for properties valued under Unimproved Value (UV).

IMPLICATIONS TO CONSIDER

Consultative:

Council.

Strategic:

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

Outcome 9 Responsible and effective leadership and governance

9.1 Provide, strong, clear and accountable leadership

9.2 Govern Shire finances, assets and operations responsibility.

Policy related:

Nil.

Financial:

There are no financial implications for the Shire as the total amount of rates raised will not change significantly, however, there will be changes in what individual property owners are charged based on the adjustment to the rate in the dollar as detailed in this report.

Legal and Statutory:

Local Government Act 1995 s.6.33

Local Government (Financial Management) Regulations 1996 Regulation 52A

Risk related:

There are significant financial, compliance and reputational risks to be considered when raising rates as part of developing the Annual Budget. In particular, ensuring that rates and minimum payments raised and the method of doing so complies with the requirements of the *Local Government Act 1995* to ensure that rates are not quashed again. By changing the method of rating, risk is mitigated.

Workforce related:

There are no workforce related issues in changing the method of rating.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council change the method of rating from 1 July 2026 for all rateable properties from differential rates to a uniform rate in the dollar for properties valued using Gross Rental Value (GRV) and a uniform rate in the dollar for properties valued using the Unimproved Value (UV).

9.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

Nil.

9.4 EXECUTIVE SERVICES

9.4.1 Making the Amended Cat Local Law 2026

Date of Report:	21 January 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW1
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Nov 2023 – Local Law Review CRN: OCM268/11/23
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none"> 1. Current Cat Local Law; 2. Amended Cat Local Law 2026 (track changes included); 3. Advert - Cat Local Law.

PURPOSE OF THE REPORT

To seek Council approval to commence the statutory process under section 3.12 of the *Local Government Act 1995* to make the amended *Shire of Toodyay Cat Local Law 2026*, replacing the *Cat Local Law 2018* (refer to **Attachment 2**).

BACKGROUND

Council resolved (CRN: OCM268/11/23) at their November 2023 Council Meeting pursuant to section 3.16(4) of the Act, its intent to workshop and amend the Cat Local Law.

A workshop was held on 12 February 2024 with Councillors was held to go through the amended *Cat Local Law 2024*. All Councillors were in attendance.

The revised local law went to Council on 27 March 2024 however was deferred pending further review (Council Resolution No. OCM097/03/24).

The initial *Cat Local Law 2018* was adopted to support the implementation of the *Cat Act 2011* and to regulate matters left to local governments including:

- number of cats permitted on a property;
- cat nuisance;
- catteries and cat management facilities;
- enforcement processes; and
- identification of cat-prohibited places.

Since adoption:

- Legislation and regulatory expectations have evolved.
- The 2018 Local Law became inconsistent with modern drafting standards.
- The *Cat (Uniform Local Provisions) Regulations 2013* now provide more consistent guidance.
- The long Schedule listing 30+ conservation reserves is outdated and impractical to maintain.

Council previously attempted amendments in 2025; however, the version was incomplete and required re-drafting.

This review delivers a consolidated, modernised 2026 Local Law suitable for advertising.

Feedback is currently being sought for the [Review of the Cat Act 2011 by the Department of Local Government, Industry Regulation and Safety](#) (LGIRS) who are conducting a statutory review of the *Cat Act 2011*. The Department's statutory review builds on the findings of the 2019 statutory review, with written submissions invited on topics including:

- Registration;
- enforcement and compliance;
- sterilisation;
- microchipping;
- breeding; and
- limits on the number of cats owned.

Consultation is now open and closes at 5pm on Monday, 31 August 2026.

The Department of Local Government, Industry and Regulation and Safety (LGIRS) is currently undertaking a [comprehensive review of the Cat Act 2011](#). The review covers key elements of cat management in Western Australia, including registration, enforcement and compliance mechanisms, sterilisation and microchipping requirements, breeding controls, and limits on cat numbers. Public submissions on these matters are being accepted until 5pm on Monday, 31 August 2026. The State Government has also noted that it is progressing the drafting of legislative amendments that will enable local governments to make cat containment local laws in future. While these proposed reforms are welcomed and may ultimately strengthen the legislative framework for responsible cat ownership, the review process and the development of any subsequent legislation will extend well beyond the timeframe required for the Shire's update to its local law.

Given that the Shire's Cat Local Law has been scheduled for review and amendment since 2023, further delay would prolong the application of an outdated 2018 version and limit the Shire's ability to address current operational, compliance and community expectations around cat management. Proceeding with the making of the *Cat Local Law 2026* ensures that contemporary provisions are put in place now, providing clarity for the community and supporting effective enforcement in the interim. Should the State Government introduce legislative amendments following the CAT Act review, the Shire will retain the ability to undertake a subsequent, targeted amendment process to align its local law with any new statutory requirements. Proceeding at this time therefore represents a balanced and responsible approach that maintains good governance while still enabling future alignment with State reforms as they arise.

COMMENTS AND DETAILS

A comprehensive review of the Shire's existing Cat Local Law 2018 has been undertaken to ensure alignment with relevant legislation including:

- *Cat Act 2011*;
- *Cat Regulations 2012*;
- *Cat (Uniform Local Provisions) Regulations 2013*;
- *Local Government Act 1995*;
- *Biosecurity and Agriculture Management Regulations 2013*; and
- *Dog Regulations 2013* (cross-referencing only).

The review identified outdated terminology, enforcement limitations, duplicated legislative provisions, cumbersome Schedules, and inconsistencies with modern animal management practice.

Key improvements in the Draft Cat Local Law 2026	
Modernised nuisance clause	A broad nuisance definition has been included, providing clearer grounds for enforcement relating to noise, roaming, property damage, harassment and environmental impacts.
Retention of three-cat limit	The Shire will continue permitting up to three cats per household, unless an approval is granted.
Simplified Schedule 3 (Cat Prohibited Places)	Replaces 30+ individually listed reserves with category-based protection aligned with DBCA conservation land categories, reducing maintenance effort and ensuring ongoing legal accuracy.
Full licensing system retained	Part 4 retains the full licensing framework for Cat Management Facilities, with strengthened operational and animal welfare standards in Schedule 2.
Removal of duplicated registration provisions	The <i>Cat Act 2011</i> already regulates registration, sterilisation and microchipping; duplicating such provisions risks disallowance. All such duplication has been removed.
Two-tier modified penalties adopted	<ul style="list-style-type: none"> • \$200 – general offences • \$500 – high-risk offences (cat in prohibited place, facility breaches)
Updated terminology and cross-references	Terminology is consistent with current legislation, including “local planning scheme” and references to DBCA.

The draft *Shire of Toodyay Cat Local Law 2026*:

- updates definitions and structure;
- retains the three-cat standard;

- modernises nuisance and enforcement provisions;
- retains the full licensing system for Cat Management Facilities;
- simplifies Cat Prohibited Places into a category-based Schedule;
- introduces a two-tier modified penalty system; and
- includes a Repeal Clause to revoke the 2018 Local Law.

The draft Local Law is ready for advertising and public submissions.

Option 1 (Recommended)

That Council resolves to initiate the making of the *Shire of Toodyay Cat Local Law 2026* under section 3.12.

Option 2

Council defers the matter pending further amendments.

Option 3

Council resolves not to proceed with the new Local Law (not recommended due to obsolescence of 2018 Local Law).

It is recommended that Council resolve its intent to make the *Shire of Toodyay Cat Local Law 2026*.

Section 3.12 (2) states:

"At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner."

It is recommended that the Presiding Person read out the entirety of the Officer Recommendation as a means of meeting this provision.

IMPLICATIONS TO CONSIDER

Consultative:

National Competition Policy: Local Laws Review Guidelines

Ranger Services

Planning Services (for alignment with Local Planning Scheme)

Strategic:

Shire of Toodyay Council Plan 2023-2033

The Shire regulates compliance with legislation, regulations, local laws and policies.

Outcome 5. High quality town planning complements our rural ambience and heritage.

5.1. Provide responsible planning and development.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

This Local Law aligns with the Shire's strategic intention to protect biodiversity, reduce nuisance behaviours, and improve domestic animal management.

Central Toodyay Heritage Area Policy

Dogs Policy

Caravan Park and Camping Grounds Policy

Glencoe Estate Guidelines Policy

Financial:

This proposal will require local notice/advertisement to the value of approximately \$555.00.

The Local Law provides for fees associated with:

- approvals for additional cat numbers;
- cat management facility licences;
- renewals and transfers;
- infringement revenue.

All fees must be adopted separately through the annual Fees & Charges process.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Establishes mandatory procedures for making local laws, including:

1. Council initiates the process by giving local public notice.
2. Minimum 6-week submission period.
3. Copy provided to the Minister.
4. Council considers submissions and may make the Local Law by absolute majority.
5. Law is then gazetted.
6. Explanatory memorandum is sent to the Joint Standing Committee on Delegated Legislation.

Cat Act 2011

Enables local laws relating to cat numbers, nuisance, facilities, and prohibited places.

Cat (Uniform Local Provisions) Regulations 2013

Defines “standard number of cats” and processes for approvals.

Risk related:

If Council chooses to delay the making of this amended local law there is a moderate to high reputational and compliance risks. This report mitigates the risk.

Risk	Rating	Mitigation	Risk	Rating
Repeal of outdated Local Law without replacement	High	Adopt updated Cat Local Law 2026	Repeal of outdated Local Law without replacement	High

Risk	Rating	Mitigation	Risk	Rating
Challenge or disallowance by the Joint Standing Committee	Medium–Low	Draft is compliant, clear, and avoids duplication of the Act	Challenge or disallowance by the Joint Standing Committee	Medium–Low
Insufficient enforcement clarity	Medium	Nuisance and prohibited-place clauses improved	Insufficient enforcement clarity	Medium
Biodiversity risks from unmanaged roaming cats	High	Category-based prohibited areas adopted	Biodiversity risks from unmanaged roaming cats	High

The adoption of the 2026 Local Law reduces governance, legal, and environmental risk.

Workforce related:

Shire Officers will implement Council’s decision.

Formal public consultation will occur in accordance with **s.3.12 Local Government Act 1995**, requiring:

- Local public notice (minimum 6 weeks);
- Copy provided to the Minister for Local Government; and a
- Copy publicly available at the Administration Centre and website.

Submissions will be returned to Council for consideration prior to making the final Local Law.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION

That Council, pursuant to the provisions of section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that it proposes to make the *Shire of Toodyay Cat Local Law 2026*, the purpose and effect of which are:

Purpose: to regulate the keeping, identification, control and management of cats within the district, including matters relating to responsible cat ownership, cat confinement, nuisance behaviour, cat-prohibited areas, approvals for additional cats, and the operation of cat management facilities, as permitted under section 79 of the *Cat Act 2011*. It also provides additional measures to support the Shire in addressing cat nuisance and enhancing permit conditions, definitions, prohibited places and penalties.

Effect: to provide a clear regulatory framework for responsible cat ownership and the management of cats and cat facilities, protect environmental values, and enable enforcement of nuisance behaviours. It establishes obligations for cat owners, supports enforcement of the *Cat Act 2011*, and equips the Shire with the regulatory tools necessary to administer cat management within the district.

9.4.2 Making the amended Dog Local Law 2026

Date of Report:	9 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW1
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	Nov 2023 – Local Law Review
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none"> 1. Current Dog Local Law; 2. Amended Dog Local Law (with track changes included); 3. Advert for Dog Local Law.

PURPOSE OF THE REPORT

To seek Council approval to commence the statutory process under section 3.12(3) of the *Local Government Act 1995* to make the amended *Shire of Toodyay Dogs Local Law 2026* replacing the *Dog Local Law 2000* (refer to **Attachment 2**).

BACKGROUND

Council resolved (CRN: OCM268/11/23) at their November 2023 Council Meeting pursuant to section 3.16(4) of the Act, its intent to workshop and amend the *Dogs Local Law* to:

- modernise out-of-date content from the 2000-era law (current Dogs Local Law);
- address operational and compliance gaps identified by Rangers;
- ensure alignment with the *Dog Act 1976* and *Dog Regulations 2013*; and
- incorporate contemporary animal management practices.

A workshop was held on 12 February 2024 with Councillors to go through the amended *Dog Local Law*. All Councillors were in attendance.

The revised local law went to Council on 27 March 2024 however was deferred pending further review (Council Resolution No. OCM097/03/24).

A draft updated version — *Dogs Local Law 2026 (Attachment 2)* — has been prepared. It includes structural improvements, corrected legislation references, updated schedules, new provisions for surrendered dogs, and expanded standards for kennel establishments.

The draft is now ready for Council consideration **prior to public advertising**.

COMMENTS AND DETAILS

It has been one year since the local law was reviewed. This local law is ready to be presented to the community for public feedback.

Key updates include:

- **New “Adoption of Surrendered Dogs” section** allowing rehoming consistent with Shire procedures, community expectations for rehoming and compliance with Dog Act provisions;
- **Updated definitions**, including “assistance dog”, “dog management facility”, “dangerous dog”, “public place” and others, bringing the law in line with 2013 Regulations.
- **Keeping and confinement of dogs** maintains clear obligations for occupiers to fence and secure premises to prevent dogs escaping; and this preserves community safety while updating terminology and cross-references.
- **Clear obligations for dangerous dogs** which strengthens public safety and aligns local obligations with State statutory requirements;
- **Modernised impounding and release provisions** reflecting contemporary identification standards and improves procedural certainty;
- **Expanded Kennel Establishment criteria** specifying that it is a licence to operate; aligning notice and consultation requirements with planning processes, providing clarity in assessment criteria for determining an application and updating Schedule 2.
- **Corrected references** replacing outdated references to the *Health (Food Hygiene) Regulations 1993* with the *Food Act 2008*;
- **New transitional provisions** allows existing licences and approvals to continue under the Local Law and removes the risk of inadvertently invalidating current approvals, ensuring orderly transition.
- **Updated prohibited areas and dog exercise areas**, clarified exemptions for assistance dogs, adds new exercise areas, and allows Council to approve additional areas by resolution.

Photo 1: Portion of Reserve 48170 as shown on map.

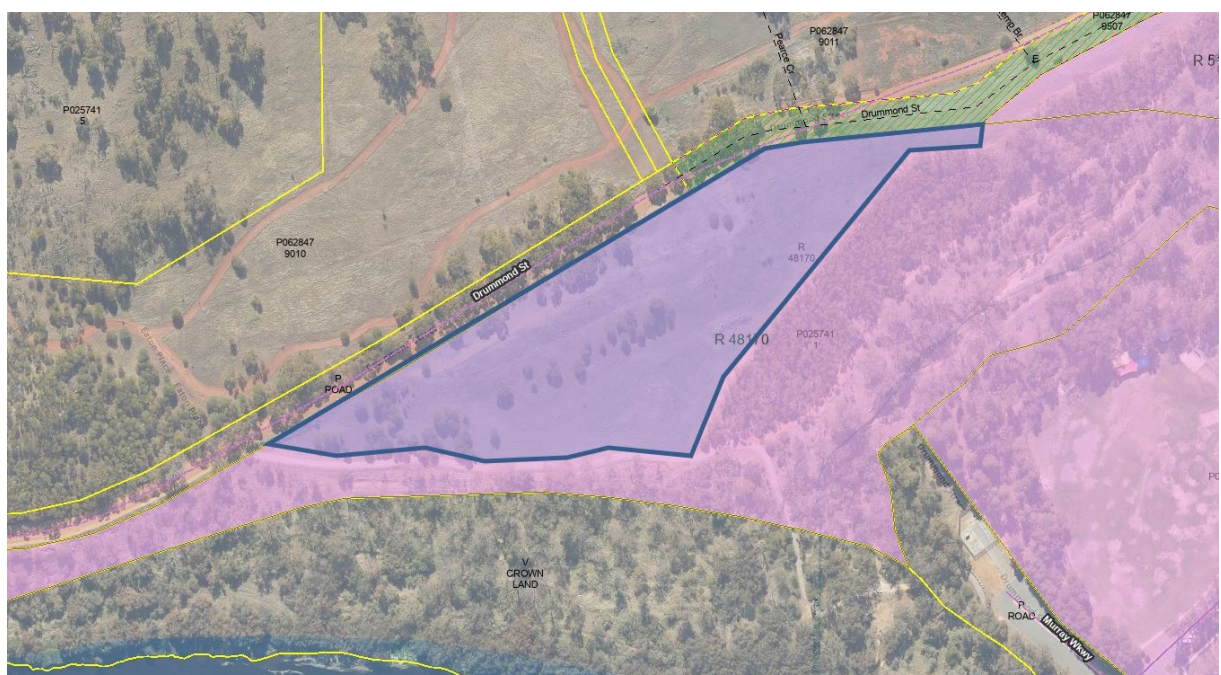
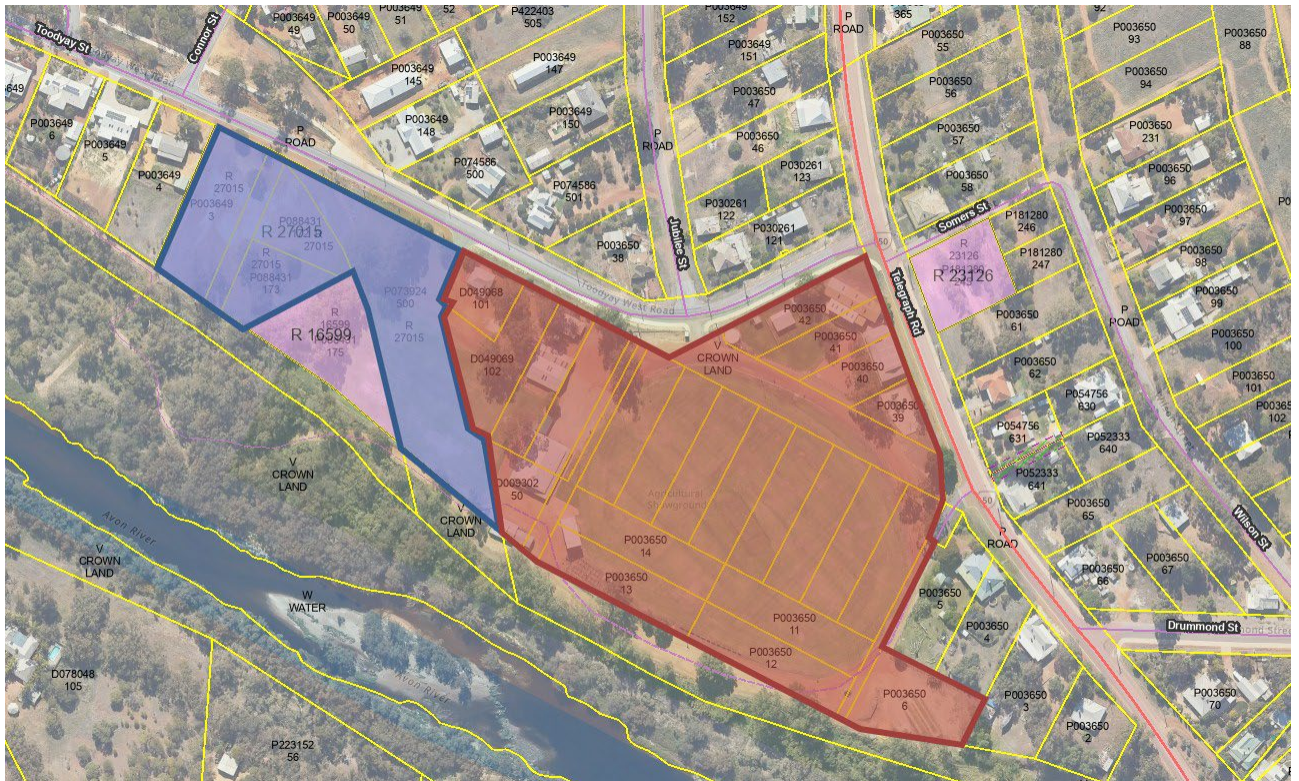


Photo 2: Showgrounds (Permitted area shown in Blue ----- Prohibited Area shown in Red)



- **Updated penalty and enforcement provisions**, aligning with the *Local Government (Functions and General) Regulations 1996* (Forms 2 and 3).
- **Integration with Public Health, Planning and Animal Welfare Requirements** Schedule 2 (kennel conditions) revised to reflect *Public Health Act 2016*, environmental health standards, and planning scheme provisions. The change ensures alignment across State legislation; addresses environmental health, odour, noise and amenity concerns raised in modern kennel applications.
- **Improved Clarity on Expectations for Additional Dogs** which clarifies decision-making criteria and conditions for approvals above the two-dog limit which will address inconsistencies and remove discretionary uncertainty present in the old local law.
- **Structural Modernisation and Reorganisation** for readability; clause numbering modernised. This improves usability for rangers, customers, and administrators.

OPTIONS

1. **Approve the Dogs Local Law 2026 for advertising** (recommended).
2. Request amendments before advertising.
3. Not approve the draft (not recommended).

It is recommended that Council resolve its intent to adopt the Dog local law.

Section 3.12 (2) states:

"At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner."

It is recommended that the Presiding Person read out the entirety of each Officer Recommendation as a means of meeting this provision.

IMPLICATIONS TO CONSIDER**Consultative:**

National Competition Policy: Local Laws Review Guidelines

Ranger Services

Planning Services (for alignment with Local Planning Scheme)

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

The Shire regulates compliance with legislation, regulations, local laws and policies.

Outcome 5. High quality town planning complements our rural ambience and heritage.

5.1. Provide responsible planning and development.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Central Toodyay Heritage Area Policy

Dogs Policy

Caravan Park and Camping Grounds Policy

Glencoe Estate Guidelines Policy

Financial:

This proposal will require local notice/advertisement to the value of approximately \$555.00.

The Local Law provides for fees associated with modified penalties. All fees must be included for adoption in the annual Fees & Charges process.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Establishes mandatory procedures for making local laws, including:

1. Council initiates the process by giving local public notice.
2. Minimum 6-week submission period.
3. Copy provided to the Minister.
4. Council considers submissions and may make the Local Law by absolute majority.
5. Law is then gazetted.
6. Explanatory memorandum is sent to the Joint Standing Committee on Delegated Legislation.

Risk related:

If Council chooses to delay the making of this amended local law there is a moderate reputational and compliance risks. This report mitigates the risk.

Risk	Likelihood/Impact	Mitigation
Non-compliance with law-making procedures	Medium/High	Follow s3.12 strictly, seek internal legal review
Outdated local law remains in force if not progressed	Medium	Proceed with advertising
Potential community concerns	Low/Medium	Transparent consultation period

Workforce related:

Shire Officers will implement Council's decision.

Formal public consultation will occur in accordance with s.3.12 *Local Government Act 1995*, requiring:

- Local public notice (minimum 6 weeks);
- Copy provided to the Minister for Local Government; and a
- Copy publicly available at the Administration Centre and website.

Submissions will be returned to Council for consideration prior to making the final Local Law.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to the provisions of section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that it proposes to make the *Shire of Toodyay Dog Local Law 2026*, the purpose and effect of which are:

Purpose: to provide for the regulation, control and management of dogs within the Shire of Toodyay by providing clear requirements for the keeping of dogs, the operation of kennel establishments, the control of dogs in public places, and matters relating to impounding and enforcement, as permitted under section 51 of the *Dog Act 1976*.

Effect: to control the keeping of dogs; establish requirements for kennels; determine dog exercise and prohibited areas; provide for the impounding of dogs within the district and ensure that dogs are kept and managed in a manner that protects community safety and amenity, establishes obligations for dog owners, identifies dog exercise and prohibited areas, and provides for enforcement powers consistent with the *Dog Act 1976* and the *Local Government Act 1995*.

9.4.3 Adoption of Repeal Local Law 2025

Date of Report:	12 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	30/10/2025 OCM191/10/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Repeal Local Law (that was advertised); 2. Advertising Notice (Local Public Notice);

PURPOSE OF THE REPORT

To present the Shire of Toodyay Repeal Local Law 2025 to Council for official adoption, following completion of the statutory public advertising period with no submissions received

BACKGROUND

At its earlier meeting, Council resolved to advertise the proposed *Shire of Toodyay Repeal Local Law 2025*, which seeks to repeal the *Extractive Industries Local Law* originally published in the Government Gazette on 1 November 1999, pages 1368–1369

Public notice was issued on 10 November 2025, inviting community submissions. The submission period was extended to Thursday, 8 January 2026.

COMMENTS AND DETAILS

The purpose and effect of the proposed local law, as advertised, were:

- **Purpose:** To repeal the *Extractive Industries Local Law* relating to extractive industries.
- **Effect:** The *Extractive Industries Local Law* published on 1 November 1999 (pages 1368–9) will be repealed

The statutory minimum 42-day advertising period under Sections 3.12(3) of the *Local Government Act 1995* has now concluded.

No submissions were received during the extended advertising period (ending 8 January 2026).

The Repeal Local Law 2025 presented for adoption is unchanged from the advertised version.

Once adopted, the local law must be published in the Government Gazette and will take effect 14 days after publication, as per clause 2 of the local law

IMPLICATIONS TO CONSIDER**Consultative:**

Public advertising undertaken in accordance with s.3.12(3) of the *Local Government Act 1995*. No submissions received.

Strategic:

Supports contemporary, relevant, and streamlined governance documentation by removing outdated or redundant local laws.

Policy related:

Nil.

Financial:

Gazettal fees and incidental administrative costs are included within the Governance budget

General Function:

Nil.

Legal and Statutory:

Local Government Act 1995 – s.3.12 (procedure for making local laws).

Compliance achieved for advertising and consideration of submissions.

Council must now determine whether to adopt the local law as advertised.

Risk related:

Low risk. Adoption completes required statutory process and removes an obsolete local law, improving regulatory clarity.

Workforce related:

Minor administrative workload associated with gazettal and registration.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Adopts the *Shire of Toodyay Repeal Local Law 2025*, as advertised, in accordance with section 3.12(4) of the *Local Government Act 1995*.
2. Instructs the Chief Executive Officer to add in the date of adoption and the date of signing to the Repeal Local Law together with any other typographical amendments prior to signing and affixing the common seal.
3. Authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal to the local law.
4. Instructs the Chief Executive Officer to:

- a. Arrange publication in the Government Gazette;
- b. Provide a copy of the gazetted local law to the Minister for Local Government;
- c. Give local public notice of the adoption and commencement date; and
- d. Ensure the local law is included in the Shire's Local Law Register.

9.4.4 Arts Toodyay Inc - Lease of Toodyay Junction Shed

Date of Report:	19 January 2026
Applicant or Proponent:	Arts Toodyay Inc
File Reference:	LEG255
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	OCM140/07/25 / OCM163/08/25
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	1. Report Extract and correspondence from Arts Toodyay Inc.

PURPOSE OF THE REPORT

To consider disposal (leasing) of a shed at the Shire Community Depot (Toodyay Junction) site to Arts Toodyay Inc for the purpose of storage of their equipment.

BACKGROUND

At the Council Meeting held in August 2025, Council resolved as follows:

That Council:

1. *Agrees to lease in principle a community depot shed to the Arts Toodyay Inc;*
2. *Gives local public notice of the proposed disposition of a community depot shed to for a term of 5 years at a rent of \$300 per annum plus CPI. Public submissions on the proposed disposition are to be invited for a period of not less than two weeks;*
3. *Notes that if any public submissions are received, a report be brought to Council for consideration; and*
4. *Notes that until a final decision has been made with the “Community Bus Shed” no further actions can be taken.*

A copy of the August report is attached (**Attachment 1**).

The Secretary of Arts Toodyay Inc wrote to the Shire of Toodyay on 15 December 2025 asking for an update regarding the availability of a Community Depot Shed currently under the care and control of the Shire.

This shed had been unoccupied for a period of time since the termination of a Roadwise Committee lease. with some old items recently relocated in there, for a short-term basis from when the West rail freight building was cleaned and will need to be removed once it is known who the relevant owners / custodians are.

Submissions were called for via the Shire of Toodyay website and the local newspaper.

Public Notice – Proposed Lease of Community Junction Shed

Published on Wednesday, 1 October 2025 at 11:25:09 AM

The Shire of Toodyay gives notice of an agreement to lease in principle of a community depot shed to Arts Toodyay Inc for a term of five years at a rent of \$300 per annum plus CPI.

*Community members are invited to make written submissions regarding this proposed disposition. Submissions must be received by **4.00pm on Friday, 31 October 2025**. Please address submissions to the CEO.*



There were no submissions received.

COMMENTS AND DETAILS

Arts Toodyay Inc (ABN: 34 136 326 531 [ASIC: A1013780V) have become a regular user on the SpacetoCo facility booking system and have an agreement with the Shire to use the Youth Hall for their events for \$550 per year.

Arts Toodyay Inc contacted the Shire in January 2026. They advised that the President of Toodyay Community Garden nor that organisation wanted the shed. As the Shire cannot take the word of a third party, we consulted the President who responded that TCGI has no interest in the shed at the Toodyay community depot.

It is recommended that Arts Toodyay Inc be given approval to lease the shed.

IMPLICATIONS TO CONSIDER**Consultative:**

Arts Toodyay

Toodyay Community Garden Inc.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 2: An Inclusive, Connected Community

Objective 2.6 Grow community capacity by attracting and supporting volunteers

Policy related:

Disposal of Property Policy

Financial:

The property and preparing the lease document.

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

Legal and Statutory:

Section 3.58 of the *Local Government Act 1995*'

Local Government (Functions and General) Regulations 1996.

As there were no submissions made Council cannot consider them under section 3.58 of the *Local Government Act 1995*, however public notice has occurred in respect to the disposal.

Risk related:

The risk in delaying the decision is low. This report mitigates the risk.

Workforce related:

A Shire Officer will prepare the lease.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council agrees to lease a shed at the Community Depot (Toodyay Junction) to Arts Toodyay Inc for a term of 5 years at a rent of \$380 per annum plus CPI.

9.4.5 Toodyay Community Garden

Date of Report:	19 January 2026
Applicant or Proponent:	Toodyay Community Garden Inc
File Reference:	LEG255
Author:	A Bowman JP – Chief Executive Officer P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	OCM194/10/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Extract of Report and attachments 30 Oct 2025. 2. Non Site Specific Practical Brief.

PURPOSE OF THE REPORT

To offer Toodyay Community Garden Inc. a choice of three sites for the establishment of a community garden.

BACKGROUND

Council resolved in October 2025 that Council:

1. *formally receives and acknowledges the public submissions submitted Attachment 3 following the advertised notice of disposal of Reserve 33931 to Toodyay Community Garden Inc; and*
2. *Not proceed with the disposal (lease) of any land at reserve 33931 (Old Works Depot) to the Toodyay Community Garden Inc; and*
3. *Invite Toodyay Community Garden (TCG) to provide a non-site-specific practical brief to the CEO of a community garden ideal requirements for success; and once received request the CEO to invite the TCG to the next available Councillor Workshop to enable a collective discussion.*

A copy of the October report is attached (**Attachment 1**).

Toodyay Community Garden Inc provided the Shire with a non-site-specific assessment of a community garden (**Attachment 2**).

COMMENTS AND DETAILS

Representatives from Toodyay Community Garden Inc met with Councillors at a workshop held on 15 January 2026.

The representatives explained their site scoring matrix they had developed, and together with Councillors the scoring of one location was undertaken – to allow Councillors to fully understand the matrix. Further discussion was had.

Based on a better understanding of the Toodyay Community Garden Inc needs and wants, staff looked at all possible locations within the Toodyay townsite, eliminating those that did not fundamentally meet their needs.

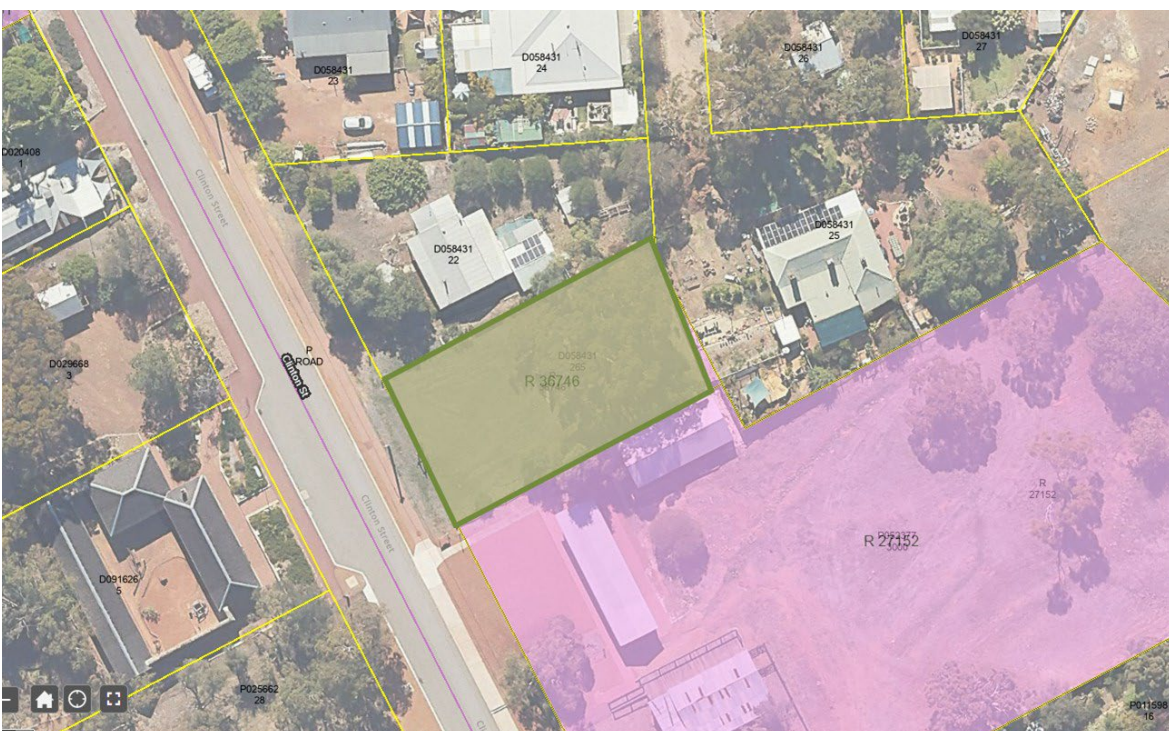
Shire owned Freehold sites were also excluded, given previous debate of Council, and comments made during the Councillor workshop.

Staff investigation together with the use of the Toodyay Community Garden Inc matrix, now provides three locations. The three locations being:

SITE A. Next To the Old Hospital --- Lot 83 Reserve 6605



SITE B. Youth Park ---Reserve 36746



SITE C. Overflow Carpark – Toodyay Showgrounds



These sites were informally communicated to the Toodyay Community Garden Inc on 10 February 2026.

Further informal discussions and site visits were undertaken with a representative of the Toodyay Community Garden Inc and the CEO, in which an additional site, being west of the toilets at Duidgee park was also included for consideration. Further investigation of this site has however been undertaken, which identified a number of issues with this site, including part located on the road reserve, a leased currently over part of the site to the miniature railway (although noting the map contained with the lease is very large and covers areas that are incorrect, such as part of the toilet building) All of these issues could possibly have been overcome, however the septic tanks and leach drains location restricts the site to a very small parcel, which now makes it not a suitable option.

The following was received via email from the Chair of the Toodyay Community Garden Inc on 11 February 2026.

Aaron, the 3 sites Michael and I see as having the elements for success are as follows

1. *The vacant unused bowling green: not sure if there are 2 stakeholders present i.e. The Toodyay Club Inc and the Toodyay Bowling Club that would have to be consulted.*
2. *The old Harper Road Depot (2000mtsq) north of the vehicular access towards Butterfly Cottages.*
3. *The area west of the toilet block at Duidgee Park up to the green tank (1 stakeholder being the Toodyay mini rail group) which may have a lease up to the road reserve boundary.*

At this stage we will enter these sites into our matrix to ascertain a scoring.

Thank you for your assistance and hopefully together we can find a mutually acceptable location

Regards Gary.

The sites identified above by the Toodyay Community Garden Inc are not available options for the following reasons:

1. They are freehold lots; and
2. Council at its October 2005 meeting resolved not to lease any land at reserve 3391 to Toodyay Community Garden Inc; and
3. For reasons already previously stated.

IMPLICATIONS TO CONSIDER

Consultative:

Toodyay Community Garden Inc

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 2: An Inclusive, Connected Community

Objective 2.6 Grow community capacity by attracting and supporting volunteers

Policy related:

Disposal of Property Policy

Financial:

The property and preparing the lease document.

A key lease condition would require Toodyay Community Garden Inc to be responsible for the ongoing maintenance any necessary upgrades of the Community Garden and all outgoings.

Legal and Statutory:

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

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

Risk related:

The risk in delaying the decision is low. This report mitigates the risk.

Workforce related:

A Shire Officer will prepare the lease, the wording of which, the Chief Executive Officer will approve.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. offers the following three site options to the Toodyay Community Garden Inc for the establishment of a community garden:
 - (i) Site A; or
 - (ii) Site B; or
 - (iii) Site C
2. delegates to the CEO to enter into a lease / or agreement to occupy with the Toodyay Community Garden Inc for a period of up to 5 years with a further option of up to 5 years at a rent of \$380 per annum plus CPI, for the site chosen.

9.4.6 Nomination of Representative on the Rural Water Council of WA Inc.

Date of Report:	17 February 2026
Applicant or Proponent:	Rural Water Council
File Reference:	F26/80
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	OCM200/10/25 (30 October 2025)
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Email from Cr Madacsi

PURPOSE OF THE REPORT

To nominate Council's representative and alternate representative to the Rural Water Council of WA Inc. (RWC) for the 2026–2027 term, in accordance with Council's adopted Strategic Plan Objective 3.1.8 – *Maintain strong, effective representation in the Rural Water Council.*

BACKGROUND

The Rural Water Council of WA (Inc.) is a long-standing advocacy body representing the interests of rural local governments on water security, infrastructure investment, and regional water policy.

The Shire of Toodyay has been a member since 2010, following the RWC's review of its aims and operational focus. The RWC provides an effective voice to Government on water issues affecting rural towns and agricultural areas and plays an important lobbying and advisory role to ensure adequate funding for essential water projects.

The RWC Executive Officer is Mr Robert Dew, who coordinates meetings and communications. Meetings are held regularly, with dates provided by the Executive Officer.

At its meeting of 30 October 2025, Council resolved (Resolution OCM200/10/25) to:

1. Appoint Cr Madacsi as the Shire's representative to the RWC for the 2025–2027 term; and
2. Appoint the Shire President as the alternate representative.

Cr Madacsi emailed the Shire President and the CEO on 4 February 2026 regarding her withdrawal from being the local government representative. With the withdrawal of Cr Madacsi from being a representative (**Attachment 1**), a current appointment is now required for the remainder of the 2026–2027 period.

COMMENTS AND DETAILS

The RWC continues to address a number of strategic issues of direct relevance to Toodyay, including:

- Water security for rural and regional communities.
- Upgrades to agricultural and townsite water supply infrastructure.
- Long-term advocacy for State and Federal investment.
- Policy settings that affect emergency water supplies and drought resilience.

Council representation ensures the Shire maintains a strong position in regional water discussions and aligns its strategic advocacy efforts with neighbouring local governments.

Given the ongoing strategic importance of water security to the Shire, continuation of formal representation is necessary to ensure effective engagement and advocacy.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Council Plan 2023-2033:

- **Outcome 3:** *Our natural assets and ecosystems are being maintained and protected for future generations.*
- **Strategy 3.1:** *Preserve our land, water, and biological systems.*
- **Action 3.1.8:** *Maintain strong effective representation in the Rural Water Council.*

Policy related:

Nil.

Financial:

Membership fees are accounted for in the annual operating budget.

Councillor travel claims apply in accordance with the Local Government Payments and Gifts to Members Policy.

General Function:

Not applicable.

Legal and Statutory:

Local Government Act 1995 – s.3.1 (general function of local government).

Appointment of representatives to external bodies is a standard governance function of Council.

Risk related:

The risk in not nominating an alternate representative is medium given that at the time the Council appointed Cr Madacsi, they also appointed the Shire President as an alternate delegate for the 2025-2027 term on the Rural Water Council of WA Inc. The alternate representative position will remain the same, unless Council were to determine otherwise.

This report mitigates the risk.

Workforce related:

Officers will notify the Executive Officer of the change.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council appoints Cr _____ to represent the Shire of Toodyay on the Rural Water Council of WA Inc. for the 2026–2027 term.

9.4.7 Disposal of Transportable/Demountable Building (Donga) – Roam Distillery Unsolicited Offer

Date of Report:	26 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN6
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Previous Expression of Interest Document; and 2. Previous EOI Advert;

PURPOSE OF THE REPORT

To seek Council's approval for the disposal of a Shire-owned transportable/demountable building ("the Donga") to Roam Distillery for \$1, and for Council to note and confirm the Chief Executive Officer's delegated authority to dispose of the building under Delegation ES1 and Regulation 30(3) of the *Local Government (Functions and General) Regulations 1996*, based on the building's net effective value of \$0 and prior failed disposal processes.

BACKGROUND

The building is an ageing transportable unit located at the rear of the former Toodyay Courthouse at 15 Fiennes Street, Toodyay. It forms part of the site referenced in the Expression of Interest documents issued on 25 October 2024 (**Attachments 1 and 2**).

The following table is the timeline in regard to the building:

Date	Detail
25/08/2015	Reported to Council that the Donga was a temporary structure in place for over 15 years and had become a safety hazard. Council resolved (166/08/15) to prepare a plan to relocate staff out of the building.
26/05/2020	<i>A repair quote estimated \$70,000 to restore the Donga. It was deemed not value-for-money. Staff vacated the building and were relocated.</i>
25 Oct – 28 Nov 2024	Offer received from Roam Distillery seeking to acquire the Donga for \$1, conditional upon paying all removal/relocation costs.
26/02/2026	Offer has come in regarding the transportable building for \$1 (one dollar) subject to the Shire disconnecting all services.

COMMENTS AND DETAILS

The Donga is now 26 years old, exceeding the standard 20-year depreciation life. Repairing the structure requires approximately \$70,000. Relocating the building costs between \$10,000 and \$30,000 depending on transport logistics, cranes, and site preparation.

The Donga's market value might have been estimated at approximately \$5,000 in ideal conditions; however, its removal costs exceed this value. Accordingly, its net effective value is assessed at \$0.

This directly aligns with the EOI's description of the building as an older, multi-room 7.2m x 12m transportable structure in deteriorating condition.

The Shire undertook a public EOI process to dispose of the demountable building between 25 October 2024 and 28 November 2024. The EOI was publicly advertised in the Toodyay Herald (**Attachment 2**). No submissions were received. This satisfies the intent of Regulation 30(2a) processes in demonstrating transparent efforts to dispose of the asset.

Delegation ES1 authorises the CEO to dispose of low-value goods where transparency and accountability are met.

Given the failed EOI, the unsolicited offer presents a viable opportunity to dispose of the asset at zero cost to the Shire. Roam Distillery proposes:

- Purchase price: \$1;
- All relocation and removal costs at their cost;
- Shire responsible only for disconnecting power (standard requirement);
- No cost to ratepayers; and
- Immediate removal of an asset that cannot be used and presents a long-term liability.

The EOI process which included advertisement through the Toodyay Herald and subsequent transparency satisfy these requirements.

The Shire's Disposal of Property Policy outlines the need for:

- Transparency (advertising already undertaken);
- Consideration of community benefit;
- Disposal of items with negligible value;
- Donation/sale when removal costs outweigh value.

These criteria have been met.

Key benefits are as follows:

- Removes a deteriorated, unsafe, non-compliant structure;
- Eliminates liability and future maintenance cost;
- Achieves disposal at no cost to ratepayers;
- Utilises a transparent, policy-compliant process;
- Supports asset rationalisation and precinct improvement.

It is recommended that we sell the demountable to Roam Distillery for \$1, subject to the Shire disconnecting all services and Roam Distillery paying for all costs associated with the removal of the structure from where it is currently located.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:**Plan for the Future (Council Plan) 2023-2033****Outcome 9. Responsible and effective leadership and governance.****9.2. Govern Shire finances, assets and operations responsibly**

9.2.2. Review asset rationalisation and consolidation opportunities for Council land and building assets.

The Donga is a deteriorated, obsolete building with a net effective value of \$0. Disposing of a non-performing, unsafe asset aligns directly with Council's commitment to responsible asset management and rationalisation under Outcome 9 (Performance).

Retaining the Donga would impose long-term financial risk (repairs, safety mitigation, insurance). Disposing of it at no cost to the Shire supports Council's financial sustainability obligations under the LTFP and Asset Management Plans.

The Donga sits within a heritage precinct (former Toodyay Courthouse / Convict Depot area referenced in EOI documents). Removing this demountable from a heritage-controlled location supports improved presentation, tourism appeal, and heritage authenticity—consistent with Council's Place and Heritage objectives.

The Council Plan includes objectives to:

- *“Collaborate with businesses to support local economic development.”*
- *“Support small businesses and local industry development.”* (State alignment)

Roam Distillery is a local business contributing to the town's tourism economy.

Enabling the building's disposal to a viable local enterprise supports Council's Prosperity outcomes by strengthening local business capacity, activation, and investment.

This disposal is not only operationally pragmatic—it is strategically consistent with the Council Plan, reduces risk, and eliminates a financial liability while supporting local economic activity.

Policy related:

The Disposal of Property Policy allows disposal at minimal consideration where the asset is obsolete, unserviceable, or where removal costs exceed value. A public Expression of Interest was issued, satisfying the transparency requirement.

Financial:

Given that there would be no cost to the Shire for removal, and that the asset is fully depreciated, allowing Roam Distillery to purchase the building for \$1 will avoid the Shire having to pay for future maintenance, safety, and liability costs of the structure.

Legal and Statutory:

Local Government Act 1995 — s.3.58 and s.5.43(d)

Local Government (Functions and General) Regulations 1996 — Reg 30(3)

Regulation 30(3) of the *Local Government (Functions and General) Regulations 1996* allows disposal of property (other than land) with a value under \$20,000 without applying s.3.58 (public notice requirements). The building's value is under this threshold, with net effective value = \$0.

Delegated Authority and Legislative Considerations

Section 5.43(d) of the Local Government Act 1995

Council cannot delegate disposal of property exceeding a value threshold set by Council. However, this asset's net effective value is \$0, well below any threshold.

Regulation 30(3) – Exempt Dispositions

A disposition of property (other than land) is exempt from s.3.58 if the market value is less than \$20,000. The Donga meets this criterion.

Delegation ES1

Delegation ES1 authorises the CEO to dispose of low-value goods where transparency and accountability requirements are met, enabling the CEO to dispose of property valued under \$20,000—including confiscated or uncollected goods—provided the disposal process is conducted transparently and in full compliance with the Shire's Disposal of Property Policy.

Risk related:

Retaining the transportable building presents multiple identified risks, including public safety risks arising from aging and deteriorated infrastructure (consistent with ASI2 – Aging Infrastructure and ASI8 – Public Safety), ongoing liability exposure due to potential structural failure, and environmental and heritage precinct risks associated with leaving an unsafe asset within a culturally sensitive site.

The Donga cannot be used for records or staff accommodation due to its condition, creating an operational inefficiency consistent with ASI3 – Asset Management. Its continued presence also contributes to financial risks identified in the register (FM2 – Expenditure Overruns), as retaining the asset would require unfunded maintenance or removal costs borne by the Shire.

With no other viable disposal pathway following the unsuccessful EOI process, and with transparent advertising and an unsolicited offer providing a compliant mechanism to dispose of a low-value, fully depreciated asset, the recommended approach reduces governance and probity risks (GC10 – Community Engagement and Trust; GC15 – Ensuring Good Governance) while preventing unnecessary future expenditure.

Clearing the structure improves safety, reduces environmental and heritage-site risks, and supports prudent asset rationalisation aligned with the risk appetite settings in the Shire's Risk Management Register. Accordingly, this report mitigates the risk.

Workforce related:

Minimal staff time required, limited to power disconnection and oversight.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. notes and confirms that the Chief Executive Officer holds delegated authority under Delegation ES1 and Regulation 30(3) of the *Local Government (Functions and General) Regulations 1996* to dispose of Shire property (other than land) with a market value of less than \$20,000, and that the transportable/demountable building (the Donga) has a net effective value of \$0 due to removal costs exceeding market value.
2. approves the disposal of the transportable/demountable building to Roam Distillery for \$1, subject to the following conditions:
 - (a) Roam Distillery is responsible for all costs associated with removal, transport, and relocation of the building;
 - (b) The Shire disconnects electricity prior to removal (standard practice);
 - (c) Removal occurs within a timeframe approved by the CEO;
 - (d) The site is left clean and safe following removal.
3. authorises the Chief Executive Officer to finalise all documentation and arrangements necessary to give effect to the disposal.

9.4.8 Annual Meeting of Electors 9 February 2026

Date of Report:	17 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	P Kaur – Executive Services Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Annual Meeting of Electors 2026 Minutes

PURPOSE OF THE REPORT

To receive the minutes of the Annual Meeting of Electors held in accordance with section 5.27 of the *Local Government Act 1995*, and to record that no decisions were made.

BACKGROUND

Pursuant to section 5.53(1) of the *Local Government Act 1995 (WA)* (the Act), a local government is required to accept its Annual Report for a financial year by 31 December following that financial year, or within two months after the Auditor's Report becomes available, whichever is the later.

Council accepted the Annual Report for the 2024/2025 financial year on 15 January 2026 (SCM001/01/26), in accordance with section 5.53 of the Act.

In accordance with section 5.27 of the Act, a local government is required to hold a Meeting of Electors for the district once in every financial year. The meeting must be held on a day selected by the local government and not more than 56 days after the local government accepts its Annual Report.

The 2026 Annual Meeting of Electors was held at the Toodyay Community Resource Centre on 9 February 2026, within the statutory timeframe prescribed by section 5.27 of the Act.

Pursuant to section 5.33 of the Act, all decisions made at a Meeting of Electors are to be considered at the next Ordinary Council Meeting, or if that is not practicable, at the first Ordinary Council Meeting held thereafter. Where Council makes a decision in response to a decision made at the Meeting of Electors, the reasons for the Council's decision must be recorded in the minutes of that meeting.

The minutes of the proceedings of the 2026 Annual Meeting of Electors were published on the Shire's website on 12 February 2026 at 3:47 pm, prior to the Ordinary Council Meeting at which the decisions of the electors are to be first considered, thereby satisfying statutory requirements.

COMMENTS AND DETAILS

The 2026 Annual Meeting of Electors was attended by 11 members of the public.

No motions were received and, accordingly, no decisions were made that require consideration or action by Council pursuant to section 5.33 of the *Local Government Act 1995 (WA)*.

The meeting provided an opportunity for community engagement and discussion regarding the Shire's operations and Annual Report.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:

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

- Outcome 9: Responsible and effective leadership and governance.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995 – Section 5.27

Local Government Act 1995 – Section 5.32 and 5.33.

Local Government (Administration) Regulations 1996 – Regulation 15

Risk related:

Nil.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the minutes of the Annual Meeting of Electors held on 9 February 2026 pursuant to s.5.33 of the *Local Government Act 1995*.

9.4.9 Electoral Reform

Date of Report:	18 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Call for Council Endorsed Responses 2. WALGA Electoral Reform Discussion Paper 3. WAEC 2025 Election Cost Estimate Letter

PURPOSE OF THE REPORT

To review and consider responding to Western Australian Local Government Association (WALGA) request for Council endorsed feedback.

BACKGROUND

WALGA is currently undertaking engagement with the local government sector regarding proposed electoral reforms anticipated to be introduced by the State Government.

The Minister for Local Government, Hon Hannah Beazley MLA, has publicly indicated support for transitioning to a four-year election cycle and has also flagged the potential introduction of compulsory voting for local government elections. The primary justification advanced for these reforms relates to the cost of conducting elections and concerns regarding voter fatigue (**Attachment 1**).

Voter Fatigue and Four-Year Cycle

It is important to contextualise the issue of alleged voter fatigue. Any perceived decline in voter participation at the 2025 Local Government Elections is likely attributable to the timing of the State election, which was held in May of the same year. Since legislative amendments in 2011 fixed State elections to occur on the second Saturday in March, State elections held in 2013, 2017, 2021 and 2025 have all taken place in the same calendar year as local government elections. In each instance, the State election occurred less than seven months prior to the local government election. Accordingly, it may be reasonably argued that concerns regarding voter fatigue are not inherent to the existing local government electoral cycle but rather arise from the alignment of State and local government election years.

The Federal election was also held in May 2025. While the alignment of Federal, State and Local Government elections within the same calendar year may have contributed to reduced voter participation in 2025, this convergence is not a regular or structural occurrence. Based

on the current three-year Federal election cycle (assuming May polling dates), a similar alignment of Federal, State and Local Government elections is unlikely to occur again until 2037. Accordingly, the 2025 circumstance represents an anomaly rather than an inherent flaw in the existing local government electoral cycle.

Similarly, the 2023 Local Government elections were conducted shortly before the national referendum on the Voice to Parliament. Given that referendums occur infrequently — with the previous referendum held more than two decades earlier — this event should not be regarded as justification for structural reform to the local government electoral cycle.

It is also relevant to consider whether the current discussion regarding a transition to a four-year election cycle is influenced, in part, by operational challenges experienced by the Western Australian Electoral Commission (WAEC) in administering both State and Local Government elections within the same year. Issues observed during the 2025 and 2021 election cycles, together with widely reported challenges during the 2023 Local Government elections, suggest operational and capacity constraints. For example, instances such as Returning Officers completing training immediately prior to the opening of nominations indicate potential resourcing and preparedness concerns.

These matters appear to reflect administrative performance issues rather than systemic flaws in the current local government election cycle. Changing the election cycle to four years does not address the root cause of operational capacity challenges. Notably, similar concerns were raised as far back as 2005, when a state election was held in February and Local Government elections were conducted in May, indicating that these issues are not new.

If voter fatigue is *genuinely* considered a primary driver for reform, an alternative approach could be the alignment of Local Government elections with State elections. Conducting elections concurrently may reduce voter fatigue and, if appropriately managed, could also deliver cost efficiencies for ratepayers. Such an approach would warrant detailed examination before structural changes to the electoral cycle are pursued.

Cost and Efficiency Implications

The cost of conducting Local Government elections is significant. Where elections are administered by the Western Australian Electoral Commission (WAEC), costs are apportioned to individual local governments based on a combination of fixed and variable components.

In practice, the greater the number of local governments utilising the WAEC to conduct their elections, the higher the overall expenditure across the sector. Smaller local governments generally incur a higher cost per elector due to the relatively fixed nature of many election-related expenses, regardless of voter numbers.

WALGA notes in **Attachment 2** that transitioning to a four-year election cycle may result in increased costs per election for local governments. **The cost of conducting local government elections is already significant.** The estimated expenditure for the 2025 Local Government Elections in Toodyay was \$30,548 (**Attachment 3**). This demonstrates the substantial financial commitment required to administer the electoral process.

Administrative and Governance Considerations

One potential mechanism to reduce the overall cost of conducting Local Government elections currently already available is for the Chief Executive Officer (CEO) to act as the Returning Officer (RO) and administer the election in-house. While this approach may reduce direct fees payable for the conduct of the election, it presents significant administrative and governance drawbacks that would likely impact the operational efficiency of the Local Government during the election period.

Ongoing legislative and procedural changes have substantially increased the complexity of Local Government elections. The introduction of the optional preferential voting system has made the counting and determination of results more technical and dependent upon the WAEC counting package and associated specialised software. In addition, the expanding legislative, compliance and governance obligations imposed on local governments - and in particular on CEOs - have significantly increased administrative workloads.

As a consequence, it has become impractical for many local government CEOs to undertake the role of Returning Officer. Conducting elections in-house also presents heightened operational and governance risks and is generally not considered best practice in the current regulatory environment.

A recognised benefit of the WAEC administering Local Government elections is the appointment of an independent Returning Officer. This independence provides procedural separation between the election process and the Local Government administration, thereby reducing the risk of perceived conflicts of interest and allegations of bias.

Should the electoral reforms proposed by the Hon Hannah Beazley be implemented, smaller local governments such as the Shire of Toodyay will be placed in a challenging and inequitable position.

Engaging the Western Australian Electoral Commission (WAEC) to administer Local Government elections, no matter the election cycle, incurs *substantial* financial cost, noting that election-related expenses are already increasing year on year (as noted in Appendix 2, Table 5 of **Attachment 2**). For a small, regional local government with a limited revenue base, these escalating costs would divert scarce ratepayer funds away from essential services, infrastructure delivery and community priorities.

Conversely, conducting elections in-house would impose significant strain on administrative capacity during the election period. Given the increasing complexity of electoral legislation and compliance requirements, this approach would make the Local Government susceptible to governance and compliance risks.

The proposed reforms have the potential to disproportionately impact smaller regional local governments and warrant careful consideration from both a financial sustainability and governance perspective.

COMMENTS AND DETAILS

WALGA asks Councils to consider 2 key questions when seeking responses. The questions and proposed response are provided as follows:

1. Does your local Government support half split elections every two years or full spilled elections every four years?

Half split elections every two years.

a. What are the key considerations informing this view?

There has been little evidence presented demonstrating clear benefits of full-spill elections every four years. Conversely, several potential negative consequences have been identified, including:

- Increased politicisation of Local Government elections.
- Greater likelihood of “single-issue” candidates being elected in a full turnover scenario.

- Risk of short-term or economically unsustainable decision-making by a full Council in the year preceding an election.
- Loss of corporate knowledge and governance continuity where an entire Council may change at once; and
- Reduced responsiveness to community sentiment, as electors would need to wait four years, rather than two, to effect change in Council representation.

The current half split system provides continuity, stability and institutional knowledge, while maintaining regular democratic accountability.

b. If full spill elections every four year were introduced, what transitional arrangement and consequential amendment may be required?

This should not occur in 2027, but should be transitioned in 2029, therefore those elected in 2027 are aware it is only for a 2-year period. This is the most fair and equitable way.

c. Any other comments?

If a four-year election cycle were imposed, consideration should be given to aligning Local Government elections with State elections. Holding elections concurrently may:

- Reduce claims of voter fatigue;
- Deliver cost efficiencies if appropriately managed; and
- Increase voter turnout without the need to introduce compulsory voting.

2. Does your local government support compulsory voting or voluntary voting in Local Government elections?

Voluntary.

a. If the frequency of Local Government elections were changed to every 4 years would your local government support compulsory or voluntary voting?

The Shire of Toodyay maintains its position in support of **voluntary voting**, irrespective of election frequency.

b. What are key consideration informing this view?

This position is informed by the following considerations:

- Compulsory voting may result in participation by electors who are disengaged or insufficiently informed, potentially diminishing the quality of electoral decision-making.
- Electors should retain the right to determine whether they wish to participate in Local Government elections.

- Compulsory voting may require individuals to cast a vote despite dissatisfaction with all candidates.
- Voluntary voting encourages candidates to actively engage with and persuade the electorate of the merit of their policies and leadership, thereby strengthening democratic accountability.

c. Any other comments?

There are ongoing concerns regarding the cost structure and fiscal accountability associated with the Western Australian Electoral Commission's (WAEC) administration of Local Government elections. As the WAEC operates on a full cost recovery basis, the financial burden of a mismanaged election delivery is ultimately borne by Local Government ratepayers.

Prior to the implementation of any structural reform, a comprehensive and transparent review of the management, operational efficiency and cost structure of WAEC-administered Local Government elections is warranted. Such a review should examine cost drivers, resourcing models, administrative practices and opportunities for improved efficiencies.

It is noted that the cost charged to Local Governments for the 2005 elections was reportedly 34% lower than the amount charged in 2003. The Minister for Local Government and WALGA should request further investigations be undertaken as to how and why this was able to be achieved.

Accordingly, **meaningful reform should first address cost accountability and efficiency within the existing electoral administration framework**, rather than altering the electoral cycle.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Plan for the Future 2023-2033

- Outcome 9: Responsible and Effective Leadership and Governance

Policy related:

Nil.

Financial:

The Western Australian Electoral Commission (WAEC) provided a cost estimate of \$30,548 (ex GST) to conduct the 2025 Local Government Elections (refer Attachment 3).

It is noted, however, that no formal election was ultimately required in 2025, as the number of candidates nominated was equal to the number of vacant positions. In this instance, the actual cost incurred was \$6,223.16 (ex GST). For smaller regional local governments operating within constrained budgets, such cost uncertainty presents a financial risk.

The cost of future elections is expected to further increase from the amount estimated for 2025.

Legal and Statutory:

Nil.

Risk related:

There are material financial and governance risks associated with the proposed electoral reforms to the Local Government sector. These risks include increased election costs, disproportionate impacts on smaller regional local governments, administrative strain, and heightened governance and compliance risk.

Workforce related:

Not applicable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the responses outlined in this report and authorise the Chief Executive Officer to forward them to WALGA.

9.4.10 Playground Safety Reports

Date of Report:	19 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	A Bowman JP – Chief Executive Officer
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<ol style="list-style-type: none"> 1. Toodyay Showgrounds Playground Safety Report (confidential) Section 5.23(2) (4) (e) information the making public of which would be likely to endanger the security (including cyber security) of any of the local government's property or operations; 2. Duidgee Park Playground Safety Report (confidential) Section 5.23(2) (4) (e) information the making public of which would be likely to endanger the security (including cyber security) of any of the local government's property or operations;

PURPOSE OF THE REPORT

To receive the Toodyay Showgrounds Playground Safety Report (**confidential Attachment 1**) and Duidgee Park Playground Safety Report (**confidential Attachment 2**).

BACKGROUND

For a number of years there has been a trending increase in the scrutiny of local government playgrounds due to the increasing numbers of reported incidents and claims made to insurers. The level and focus of this scrutiny are typically determined by specific incidents.

For example, following a serious incident in August 2023, entrapment hazards in public playgrounds became a primary area of concern for local governments. Entrapment hazards occur when a child's body part or clothing becomes caught between moving parts of the playground equipment. The risk is heightened when the equipment involved forced movements, which are common in playgrounds across the state.

The catalyst for this concern was a tragic incident involving a wheelchair-accessible carousel in 2023. In this case, a four-year old child's toe was amputated after becoming trapped in the gap between the rotating metal platform and the stationary outer section of the carousel.

Despite emergency efforts, reattachment was not possible, resulting in a devastating impact on the child and their family.

Following the incident, WorkSafe sought to reinforce the responsibilities of local governments to ensure children's safety in public playgrounds.

COMMENTS AND DETAILS

Playgrounds, by their very nature, involve an element of risk, as they are designed to challenge children and support their development. In practice this means local governments must take reasonable steps to plan, manage, and maintain their playground assets, including repairing equipment to minimise the risk of neglect and, in turn, reduce the likelihood of injury to users.

Playgrounds are valued and highly sought-after amenities in local government areas across Western Australia. They also carry high community expectations: that they are well designed, appropriately locate, and maintained in a condition that ensures safe and enjoyable experiences for children. This creates a tension that local governments must carefully balance between providing community amenity and managing the liability exposure associated with facilities such as playgrounds.

A comprehensive annual inspection of playgrounds should be undertaken. Such inspections identify hazards, ensure compliance with relevant safety standards (e.g. AS 4685, AS 4422), and confirm maintenance requirements to reduce the risk of injury. They typically assess equipment stability, surfacing depth, and the structural integrity. Inspection reports should include dates, signatures, detailed findings and well-defined corrective actions.

LGIS was recently engaged to conduct a comprehensive inspection of two playgrounds in Toodyay (**confidential Attachment 1**) (**confidential Attachment 2**), with recommendations provided to help reduce hazards.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Plan for the Future: Council Plan2023- 2033

- Outcome 1: A safe and cohesive community.
- Outcome 9: Responsible and effective leadership and governance.

Policy related:

Shire of Toodyay Risk Management Framework.

Financial:

The Shire's playgrounds have an estimated replacement cost of over \$500,000 and require significant financial investment to ensure their ongoing suitability. With an average lifespan of 15 years, the Shire must budget a minimum of \$35,000 per year for replacement alone. This figure does not include annual maintenance costs or the additional expenses associated with repairs resulting from ongoing vandalism.

Legal and Statutory:

Work Health and Safety Act 2020

Risk related:

The Shire's Risk Register identifies a *public safety risk* associated with the management of public spaces, including parks, community centres, and recreation areas. This risk encompasses maintaining infrastructure to prevent accidents, ensuring safe use of facilities, and complying with the *Work Health and Safety Act 2020* and relevant Australian Standards.

To reduce the likelihood and consequence of public safety incidents, the following controls are required:

- Conducting regular inspections of public spaces to identify and rectify hazards;
- Installing clear and visible safety signage;
- Developing and practising emergency response procedures; and
- Engaging the community in safety awareness initiatives.

Addressing the *public safety risk* will require:

- Adequate funding for scheduled inspections, equipment maintenance, and public safety programs;
- Appropriate staffing, including public safety officers, maintenance crews, and community engagement personnel; and
- Supporting infrastructure such as surveillance systems, public announcement systems, and compliant safety signage.

To remain compliant with the *Work Health and Safety Act 2020*, the Shire is required to:

- Report public safety incidents to relevant authorities;
- Conduct regular inspections and ensure appropriate maintenance of public infrastructure, including parks and associated equipment; and
- Maintain accurate records of all inspections and maintenance activities.

Receiving these confidential reports allows Council to understand the current risk exposure, confirm the need for annual inspections as a key control, and approve the steps required to reduce public safety risks to an acceptable level.

Workforce related:

Not applicable for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the Toodyay Showgrounds Playground Safety Report (**confidential Attachment 1**) and the Duidgee Park Playground Safety Report (**confidential Attachment 2**).

9.5 INFRASTRUCTURE, ASSETS AND SERVICES

9.5.1 Draft Bush Fire Operating Procedures

Date of Report:	12 February 2026
File Reference:	FIR1
Author:	S Roberts – Community Emergency Services Manager
Responsible Officer:	V Crispe – Executive Manager Infrastructure, Assets and Services
Attachments:	<ol style="list-style-type: none"> 1. Draft Shire of Toodyay Bush Fire Operating Procedures (with markup) 2. Summary of Mark-ups

PURPOSE

To receive the Draft Shire of Toodyay Bush Fire Service Standard Operating Procedures (SOP) and consider an Officer’s Recommendation to Council for adoption.

BACKGROUND

The Shire of Toodyay first adopted the Bush Fire Service Standard Operating Procedures in 2014. This original document was subsequently amended as required, with the last changes adopted in 2023. The changes adopted between 2014 and 2023 were targeted and did not constitute full revision of all content.

At the May 2025 BFAC a new draft Shire of Toodyay Bush Fire Service Standard Operating Procedures were tabled with committee for recommendation feedback by 30 June 2025.

COMMENTS AND DETAILS

The most recent request for feedback has closed with the officer receiving a submission in writing from DFES District Officer McBride, who supplied the DFES position on SOP 23 Alcohol & other Drugs. This has now been mirrored and drafted into the Shire of Toodyay Standard Operating Procedures (**Attachment 1**).

Feedback summary is captured in the attached Summary of Mark-ups (**Attachment 2**). This document summarises the request (or question), the changes made (or not made), and supporting Officer comments. It also indicates in how many submissions, or a particular item/theme was commented on, and how many brigades this represented.

Overall, 109 items of feedback were documented from the BFAC meeting in August 2025 with 69 changes/actions- a majority of which were grammatical fixes- resulting from the review.

The attached draft includes these changes as markups for identification.

The Officer recommends a small period between the adoption taking effect. This is to allow a transition period for:

- a) Shire Officers to rollout fuel storage equipment in line with the proposed Standard Operating Procedures;
- b) Shire Officers to make relevant changes with DFES Computer Aided Dispatch (CAD) in line the proposed Standard Operating Procedures.

A period of two months is recommended.

OFFICER'S RECOMMENDATION

That Council

1. Adopt the draft *Shire of Toodyay Bush Fire Service Standard Operating Procedures* as the new Standard Operating Procedures of the Shire of Toodyay Bush Fire Service and;
2. Retire the existing *Shire of Toodyay Bush Fire Operating Procedures* as of 30 May 2026.

9.6 COMMITTEE REPORTS

9.6.1 Investment of Surplus Funds Policy

Date of Report:	13 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	April 2025 Council Meeting
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Current policy; and 2. Revised Policy (track changes included). 3. Revised Policy (track changes accepted).

PURPOSE OF THE REPORT

To consider the adoption of the REVISED Investment of Surplus Funds Policy.

BACKGROUND

The Financial Management Review by Moore Australia in November 2023 proposed that the Shire review some of its policies. The Investment of Surplus Funds policy was not specifically mentioned however the maintenance of the register of Investments was mentioned.

The FMR review proposed that Officers review and update policies to consider the appropriate separation of the role of the Council and the CEO; and to articulate the strategic direction of Council and set out a high-level position to follow at an operational level, particularly where legislation does not provide such guidance.

This policy was revised, and a new DRAFT REVISED Policy is attached (**Attachment 2** – with track changes included). These changes make the policy safer, clearer, and more responsible. They protect public funds by banning risky products, ensure compliance with legislation, and align investments with community values. The policy also improves transparency through stronger reporting requirements.

COMMENTS AND DETAILS

The current policy was adopted on 21 December 2022 (**Attachment 1**).

The track changed policy (**Attachment 2**) reflects further typographical and formatting changes made to the current policy. It also includes the removal of the reference for UBSWA Bank Bill Rate mentioned in the policy to be Reserve Bank of Australia (RBA).

The REVISED Policy (**Attachment 3**) is without track changes.

The Investment of Surplus Funds Policy has been reviewed and updated to strengthen risk management, improve clarity, and ensure compliance with legislative requirements under the *Local Government Act 1995*, *Trustees Act 1962*, and associated regulations. The key changes and their implications are outlined below:

Clearer Objectives and Principles

The policy now explicitly prioritises safety, liquidity, and return as the guiding principles for all investments.

This ensures public funds are protected, readily available for operational needs, and invested prudently to achieve reasonable returns without unnecessary risk.

Expanded Definitions

Plain-English definitions have been added for technical terms such as Derivative-based instruments, Prudent Person Standard, and Counterparty Diversity.

This improves understanding for councillors, staff, and auditors, reducing ambiguity in interpretation.

Prohibited Investments Updated

The policy now clearly prohibits:

- Derivative-based instruments (e.g., futures, options, swaps) due to their complexity and high risk.
- Investments with no income or potential negative cash flow, which could cost the Shire money.
- Securities linked to complex financial products, which introduce hidden risk.
- Borrowing to invest (leverage) – all investments must use Shire funds only.
- Foreign currency, cryptocurrency, and deposits with non-authorised institutions.

These changes safeguard the Shire from speculative or high-risk investments.

Authorised Investments Clarified

Investments are limited to term deposits and government bonds with a maximum term of three years, ensuring funds remain secure and liquid.

Inclusion of ESG Considerations

The policy now encourages consideration of environmental, social, and governance (ESG) factors where practical, aligning investment decisions with community values.

Strengthened Risk and Compliance Framework

Clear credit rating limits and diversification requirements have been introduced to reduce exposure to any single institution.

Enhanced reporting obligations include monthly portfolio summaries to Council and annual reconciliations with supporting certificates from financial institutions.

It is recommended that the DRAFT REVISED policy is adopted by Council (**Attachment 3**).

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Risk Management Policy.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995.

s.3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district.

Risk related:

The Financial Management Regulations require the investment of surplus funds (including cash reserves) to be in term deposits held by authorised deposit taking institutions or Treasury bonds. The risk is moderate (3) if this policy is not adopted. This report mitigates the risk.

Workforce related:

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. adopts the REVISED Investment of Surplus Funds Policy (**Attachment 3**); and
2. Authorises the CEO to make any minor typographical amendments necessary to this policy prior to its publication.

ARIC RECOMMENDATION

That Council:

1. adopts the REVISED Investment of Surplus Funds Policy (**Attachment 3**) with the following amendment: remove the introduction in its entirety; and
2. Authorises the CEO to make any minor typographical amendments necessary to this policy prior to its publication.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS**RECOMMENDATION**

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

14.1 Review of the Shires Enterprise Resource Planning System

This matter is considered to be confidential under Section 5.23 - (4) (e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information the making public of which would be likely to endanger the security (including cyber security) of any of the local government's property or operations;

14.2 Code of Conduct Complaint (Confidential) - Findings

This matter is considered to be confidential under Section 5.23 - (3) (a), (4) (b) and (4) (g) (Reg 4A (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 matter required to be confidential under a written law, excluding this act and local laws;, information relating to the personal affairs of an individual; and prescribed information as per Regulation 4A of the Local Government (Administration) Regulations 1996 that for the purposes of section 5.23(4)(g) the following is prescribed: r.4A (b) a complaint that alleges a behavioural breach under the local government's adopted code of conduct (as defined in section 8A 2(1) and any information relating to the complaint;

15 NEXT MEETINGS**Ordinary Council Meeting****2 April 2026***Audit & Risk Committee Meeting*

14 May 2026

Bushfire Advisory Committee Meeting

12 March 2026

Local Emergency Management Committee Meeting

12 March 2026

16 CLOSURE OF MEETING