



Ordinary Council Meeting

2 April 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-ambles to the questions asked will not be included.
- If questions cannot be answered at the meeting they will be 'taken on notice'. A written response will be provided, and the response will be recorded in the agenda of the next Ordinary Council Meeting.

Submissions

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

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

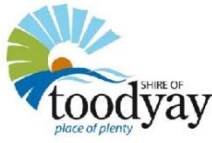
Some reports or attachments to reports are not for publication or distribution to members of the public, gallery or Council Officers. Such reports are dealt with at a time when the meeting is closed to the public. The matters that can be considered when the public is excluded from a meeting is limited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



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

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

Information



Disclosure of Interest Form

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

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

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

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

Nature of Interest: _____

Extent of Interest: _____

Signature: _____ Date: _____

CEO Sign off

Signature: _____ Chief Executive Officer Date: _____

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

OFFICE USE ONLY

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

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

Information



Request for Works or Services OR Report an issue

Details of Person making the request or reporting the issue

Name: _____ Date: _____

Address: _____
(Residential / Property Address including postcode)

Phone (H): _____ Email: _____

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

Location

Description

RECORDS USE ONLY

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

Request forwarded to: _____ Date: _____

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

Contact made with Person making the request or reporting the issue

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

Contact made through: Phone In person Email Outgoing correspondence

The person was informed that: _____

SIGN OFF DETAIL – Works completed by

Name: _____ Signature _____ Date: _____

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

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

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

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	10
2	RECORDS OF ATTENDANCE	10
2.1	APOLOGIES	10
2.2	APPROVED LEAVE OF ABSENCE	10
3	DISCLOSURE OF INTERESTS	10
4	PUBLIC QUESTIONS	10
5	APPLICATIONS FOR LEAVE OF ABSENCE	10
6	CONFIRMATION OF MINUTES	10
6.1	Ordinary Meeting of Council Held on 5 March 2026.....	10
6.2	Special Meeting of Council Held on 30 March 2026	10
7	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	10
7.1	PETITIONS.....	10
7.2	PRESENTATIONS	10
7.3	SUBMISSIONS.....	11
8	BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED).....	11
9	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION).....	11
10	OFFICER REPORTS	12
10.1	PLANNING AND REGULATORY SERVICES	12
10.1.2	Application for an Outbuilding at Lot 114 Charlton Boulevard, Coondle	12
10.1.2	Outbuilding at 3110 Bindi Bindi - Toodyay Road	17
10.1.3	Initiation of proposed Scheme Amendment No.2 to Local Planning Scheme No.5	21
10.1.4	Update on the sale of properties 2026, and additional properties for sale.....	29
10.2	FINANCE AND CORPORATE SERVICES	37
10.2.1	List of Payments - February 2026.....	37
10.3	ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES	39
10.4	EXECUTIVE SERVICES	39
10.4.1	Making the Amended Local Government Property Local Law 2026	39
10.4.2	Making the Amended Parking and Parking Facilities Local Law 2026	44
10.4.3	Toodyay Club Concept Plan	49

10.4.4	Toodyay Cemetery Operational Risks and Required Decisions	53
10.4.5	Toodyay (Newcastle) Footbridge	61
10.4.6	Audit, Risk & Improvement Committee: Meeting Frequency Review and Annual Work Plan Requirements	70
10.1	INFRASTRUCTURE, ASSETS AND SERVICES	88
10.2	COMMITTEE REPORTS	88
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	89
11.1	Notice of Motion (Cr R Mills) - Establishment of a Works & Infrastructure Committee	89
11.2	Notice of Motion (Cr M Dival) - Deferring Council Plan Update	100
12	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	113
13	QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	113
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	113
14.1	MEMBERS	113
14.2	EMPLOYEES	113
15	CONFIDENTIAL BUSINESS	114
15.1	Legal Advice	114
15.2	Code of Conduct Complaint (Confidential) - Findings	114
16	NEXT MEETINGS	115
17	CLOSURE OF MEETING	115

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

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

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

NIL

3 DISCLOSURE OF INTERESTS**4 PUBLIC QUESTIONS****5 APPLICATIONS FOR LEAVE OF ABSENCE****6 CONFIRMATION OF MINUTES****6.1 Ordinary Meeting of Council Held on 5 March 2026****OFFICER'S RECOMMENDATION**

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

6.2 Special Meeting of Council Held on 30 March 2026**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 30 March 2026 be confirmed.

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

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

7.2 PRESENTATIONS

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

7.3 SUBMISSIONS

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

8 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

10 OFFICER REPORTS

10.1 PLANNING AND REGULATORY SERVICES

10.1.1 Application for an Outbuilding at Lot 114 Charlton Boulevard, Coondle

Date of Report:	24 February 2026
Applicant or Proponent:	Jarrold Street – J&A Building
File Reference:	A4299/114CHAT
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Cover Letter; ↔ 2. Site Plan; ↔ 3. Outbuilding Drawings ↔

PURPOSE OF THE REPORT

To consider approving an application received for an outbuilding at Lot 114 Charlton Boulevard, Coondle, by varying one of the deemed criteria within the Non-Habitable Structures *Local Planning Policy 13*



BACKGROUND

An application for an outbuilding (shed) at Lot 114 Charlton Boulevard, Coondle was received.

The applicant has requested to build the proposed outbuilding with an increased ridge height greater than permitted in the Non-Habitable Structure Local Planning Policy. **(Attachment 1)** The lot is also located within Special Area Control 5 – Landscape Protection, which requires an assessment for Visual impact.

Officers do not have delegation to approve this application as it exceeds the requirements of the Non-Habitable Structures Local Planning Policy

The policy sets out the criteria that Council has determined to be acceptable. An assessment of the proposal has been undertaken, and it has been found that the following criteria exceeds the deemed-to-comply provision in the policy.

Local Planning Policy 13 Requirements	Permitted Ridge Height	
	4.8 metres	
Proposed Development	Proposed Ridge Height	Difference
	5.166 metres	+0.366m

(Attachment 3)

COMMENTS AND DETAILS

Site Visit

A site visit was undertaken to determine the nature of the proposal and the visual impact of the development under the requirements of Special Control Area 5 in the Scheme.



Site Location

The lot is zoned Rural Residential under Toodyay Town Planning Scheme No.5 and is located adjacent to Charlton Boulevard. The lot is 2.355ha in size and has a gentle downward slope toward the Northern direction.

The proposed outbuilding has a setback of 23m from the Eastern boundary, 55.9m from the Northern boundary and adequate setback distances from the Western and Southern direction (**Attachment 2**). The proposed outbuilding is approximately 100m away from the nearest neighbouring house.

Under Toodyay's Local Planning Scheme No. 5, a 30-metre setback is required from each boundary. However, the Executive Manager of Planning and Regulation, under delegated authority, can approve a setback variation of up to 50%.

Assessment of Visual Impact – Special Control Area 5: Landscape Protection

The proposed location of the outbuilding is effectively screened to both the north and south by existing vegetation. As a result, the outbuilding will not be visible from the primary street, which in this case is Charlton Boulevard.

The outbuilding will, however, be visible from the east and west. Of these, only the eastern adjoining property currently contains a dwelling.

Due to the surrounding large lots and significant distance from neighbouring dwellings, the additional requested ridge height would not significantly detract from the appearance of an outbuilding that would have complied with the policy.

IMPLICATIONS TO CONSIDER

The applicants have provided justification for their proposal (**Attachment 1**) requesting variation to the Local Planning Policy for Non-Habitable Structures.

The applicant proposes to use the outbuilding for the storage of larger vehicles and caravans. While the wall height complies with the permitted standards, the increased ridge height is necessary to allow the caravans to safely manoeuvre into and out of the structure. The applicant has also noted that caravans represent a significant financial investment, and the proposed outbuilding will provide protection from environmental and weather-related damage.

Visual Impact

An on-site assessment determined that the visual impact from Charlton Boulevard would be minimal. The primary street is well screened by existing vegetation, ensuring that the outbuilding, once constructed, will not be visible from this frontage. In contrast, more visual impact is anticipated along the eastern and western boundaries, where additional vegetative screening may be required

Consultative:

This application was advertised in accordance with Shire's Local Planning Policy 27: Advertising of Planning Proposals. Emails with notification letters were sent to all adjoining landowners on 3rd March 2026, with a 14-day response period ending on 14th March 2026. Responses from all neighbours were received before the end period of the consultation.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 5.1 - Provide responsible planning and development.

Policy related:

- Local Planning Policy 13 – Non-Habitable Structures
Sets the acceptable development standards for this application. Council can vary these standards upon request where it is deemed that the application contains suitable elements worthy of variation or where it can be demonstrated that exceptional circumstances apply to the application. If this consent is granted, then performance criteria is used to determine the outcome of the application.
- Special Control Area 5 – Landscape Protection
This control within the local planning Scheme No.5 sets out criteria for the assessment and protection of visual landscapes within the Shire of Toodyay. This scheme requirement places a stronger level of responsibility on a developer to maintain visual landscapes from key vantage points and designated roads.

Policy related:

Local Planning Policy 13: Non-Habitable Structures

Financial:

Nil

Legal and Statutory:

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 5

Risk related:

There is minimal risk to Council in exercising its discretion in this regard, as the proposed variation is deemed to be minor in nature and would support the hiding vehicles and machinery from view. Consultation has resulted in support from an adjacent property.

Workforce related:

The processing of this application, including the request to council to seek a variation to a local planning policy are within the normal workloads of the Town Planning business unit.

Conclusion

The proposed variation to the Local Planning Policy - Non-habitable Structures is supported. The proposed change involves a minor increase in roof height, which is unlikely to be noticeable due to the significant distance from neighbouring property and existing screening along the adjacent road. Community consultation has been undertaken, and no objections or negative feedback were received.

Given the functional need for the roof pitch and the minimal visual impact, the variation is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the application received for an outbuilding at Lot 114 Charlton Boulevard, Coondle with a ridge height of 5.166m.

10.1.2 Outbuilding at 3110 Bindi Bindi - Toodyay Road

Date of Report:	20 March 2026
File Reference:	P2026-28
Author:	C MacKenzie – Assistant Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Site Plan; ↗ 2. Planning Letter; and ↗ 3. Proposed Plans. ↗

SUMMARY

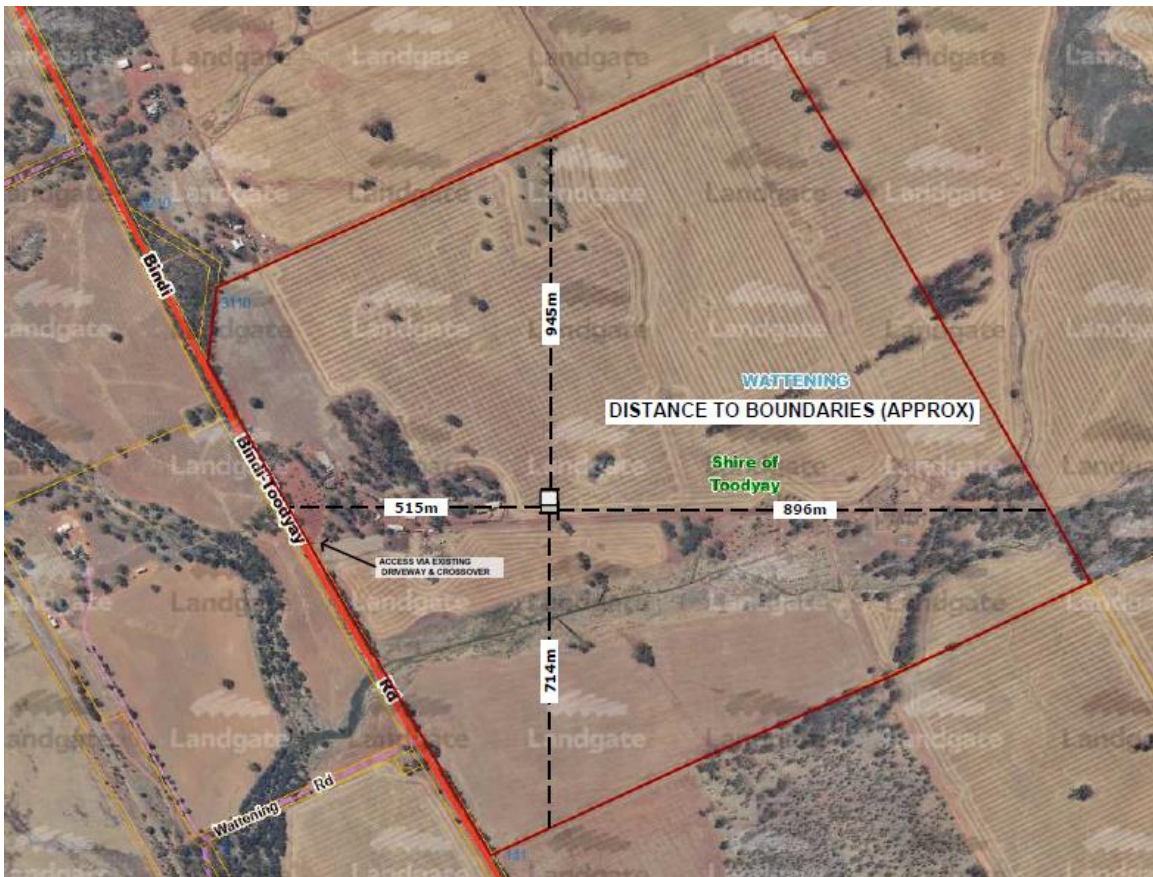
Applicant:	Auspan Building Systems PTY LTD
Owner:	Theodore Camerer
Proposal:	Outbuilding
Location:	3110 Bindi Bindi-Toodyay Road

PURPOSE OF THE REPORT

To consider approval of an application for an outbuilding at 3110 Bindi Bindi-Toodyay Road, Wattening.

BACKGROUND

An application for planning approval to erect an outbuilding at 3110 Bindi Bindi – Toodyay Road, for the purposes of agricultural equipment storage. The property is 170ha, zoned Rural under the Shire of Toodyay Local Planning Scheme No.5 and located adjacent to Bindi Bindi-Toodyay Road. The proposed development satisfies the 50-metre minimum boundary setback as set out in the Scheme.



(Proposed location of outbuilding as provided in the application)

COMMENTS AND DETAILS

The application requests to exceed the maximum ridge height and floor space which is permitted by Non-Habitable Structures Local Planning Policy 13 (LPP13).

LPP13, sets out the criteria that Council has determined to be acceptable development of Non-habitable structures in the Shire of Toodyay. An assessment of the proposal has been undertaken, and it has been found that the height and floor space of the outbuilding exceeds provisions made in the Policy.

A site visit was undertaken as part of the assessment process where it has been deemed that the proposal would not have an adverse impact and is complimentary to the existing amenity and land uses of the area. The visual impact of the development on the surrounding visual landscapes is not a valid scheme or assessment consideration as the development is taking place outside of the Special Control Area for Visual Landscapes (SCA5).

Delegation under LPP13 Non-Habitable Structures

LPP13 does not permit outbuildings with a floor space of over 300m² and/or a ridge height above 5.0m or give any assessment criteria for rural lots over 3.99 ha in the Shire of Toodyay.

Officers do not have delegation to approve any oversized outbuilding through this local planning policy; therefore this application must be determined by Council.

Local Planning Policy 13 requirements	Permitted Ridge Height	Permitted Floor Space
	Not Stated in Policy	Not Stated in Policy
Proposed Development (170m ² Rural Zone Lot)	Proposed Ridge Height	Proposed Floor Space
	7.2 m	1440m ²

Proposed Plans can be found in Attachment 3

IMPLICATIONS TO CONSIDER

Consultative:

Neighbourhood consultation was deemed not necessary in this instance due to the large distances to the nearest dwelling, which is located approximately 800 metres away, and the development exceeding the minimum boundary setbacks in Table 6 of the Scheme.

Strategic:

Outcome 5.1 – Provide Responsible Planning and Development.

Policy related:

Non-Habitable Structures Local Planning Policy 13

This Local Planning Policy sets out acceptable development outcomes for this application. Council can vary these standards upon request where it has been deemed that the application contains suitable elements worthy of a variation or where it can be demonstrated that exceptional circumstances apply to the application. If this consent is granted, then performance criteria is used to determine the outcome of the application.

In this instance local planning policy 13 does not give guidance for the assessment of this oversized outbuilding. This application must be determined by Council.

Financial:

Nil

General Function:

A letter was received as part of the application which outlines the intended use of the outbuilding (**Attachment 2**), which was considered by officers as part of the assessment. The use of the outbuilding is for the storage of equipment supporting the ongoing farming operation of the property.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No.5

Risk related:

In the absence of guidance through the local planning policy, officer recommendation will need to be considered. Councillors are to determine if this proposal meets the objectives of the policy. The risk assessment is low.

Workforce related:

The processing of this application, including the request to Council to vary Local Planning Policy 13, are within the usual workloads of the Planning team.

Conclusion:

The proposal to construct an outbuilding outside of the controls of LPP13 is supported by officers. The proposal has been deemed that it is unlikely the outbuilding will have any significant impact of the surrounding amenity of the area.

It is recommended that Councillors support this proposal which is deemed reasonable and appropriate for a large-scale rural property.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves an application for an outbuilding at 3110 Bindi Bindi–Toodyay Road, Wattening with a ridge height of 7.2m and a floor space of 1440m².

10.1.3 Initiation of proposed Scheme Amendment No.2 to Local Planning Scheme No.5

Date of Report:	9 March 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	NA
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none"> 1. Scheme Amendment Document; ⇒ 2. Planning Bulletin 115/2024; ⇒ 3. Position Statement from WAPC; ⇒ 4. Scheme Amendment Report ⇒

PURPOSE OF THE REPORT

The purpose of this report is to seek Council's endorsement to formally *prepare* Amendment No. 2 to Local Planning Scheme No. 5 (the Scheme). Preparation of the Amendment will initiate the statutory scheme amendment process. Amendment No. 2 proposes modifications to the Scheme Text to reflect recent State regulatory changes relating to short-term rental accommodation, ensuring alignment with the updated legislative framework.

BACKGROUND

The State Government has introduced changes to the Model Provisions and Deemed Provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*, primarily relating to short-term rental accommodation and tourist/visitor accommodation land uses. As a result, the Shire's Local Planning Scheme No. 5 must be updated to ensure consistency with the revised regulatory framework.

Amendment No. 2 proposes modifications to the Scheme Text to update various land use classes and definitions in accordance with the new State provisions. The regulatory changes introduce new land use terms within the Model and Deemed Provisions and remove several existing accommodation-related use classes that are now considered redundant. **(Attachment 1)** The following use classes are to be removed from the Model Provisions and, consequently, from the Scheme:

- Bed and Breakfast (replaced with *Hosted Short-term Rental Accommodation*).
- Holiday Accommodation (replaced with *Tourist and Visitor Accommodation*).

- Holiday House (replaced with *Unhosted Short-term Rental Accommodation*).
- Motel (replaced with *Tourist and Visitor Accommodation*).
- Service Apartment (replaced with *Tourist and Visitor Accommodation*); and
- Tourist Development (replaced with *Tourist and Visitor Accommodation*).

These use classes will be deleted from clause 38 (definitions) and clause 17 (Zoning Table), and replaced with the following updated terms and definitions:

- Hosted short-term rental accommodation (Deemed Provision definition to be inserted into the scheme);
- Unhosted short-term rental accommodation (Deemed Provision definition to be inserted into the scheme); and
- Tourist and visitor accommodation (Model Provision definition to be inserted into the Scheme).

Further changes are proposed to ensure the Scheme's definitions align with the Regulations. These include:

- Modifying the definition of *cabin* (clause 37).
- Modifying the definition of *chalet* (clause 37).
- Deleting the definition of *short-term accommodation* (clause 37); and
- Modifying the definition of *roadhouse* (clause 38).
- Adding the definition of short-term rental accommodation (Clause 37)
- Adding the definition of short-term rental arrangement (Clause 37)

Consequential updates are also required throughout the Scheme to remove outdated use classes and replace them with the new terms. These changes apply to:

- Schedule 1 – Additional Uses.
- Schedule 2 – Special Use Zones.
- Schedule 6 – Car Parking Requirements; and
- Schedule 7 – Exempt Advertisements.

Amendment 2 has been prepared in accordance with the guidance provided by the Western Australian Planning Commission (WAPC) in its Planning Bulletin 115/2024 (**Attachment 2**).

The amendment is considered as standard for the purposes of preparation and approval.

COMMENTS AND DETAILS

Council has an administrative function rather than the normal quasi-judicial decision-making role it has with development proposals. If it is comfortable with the proposed Amendment, it will formally resolve to “prepare” (initiate) the Amendment and classify it as “standard”. This then triggers a number of processes that Shire staff will undertake, including:

1. Submission of the Amendment to the WAPC for review and recommendation; and
2. Approval by the Minister for Planning, then gazettal by publication in the Government Gazette.

As a standard amendment, the scheme amendment needs to be advertised for a minimum of 42 days, where WAPC has the ability to extend the advertisement period where appropriate.

Rationale of Amendment 2

Amendment 2 is required to give effect in the Scheme to changes in the Regulations. A local government is required to ensure that its local planning scheme is consistent with the *Planning and Development Act 2005* and Regulations at all times. This Amendment will ensure consistency is maintained.

Amendment 2 is a text amendment only. No amendments to zoning or reservations on the Scheme Maps are proposed

IMPLICATIONS TO CONSIDER

Consultative:

Once the Council resolves to prepare the amendment, the Shire is required to submit the proposed scheme amendment documentation to the Western Australian Planning Commission (WAPC). The WAPC then examines the amendment to determine its suitability for public advertising and provides a recommendation to the Minister for Planning. The Minister subsequently decides whether to grant consent to advertise, require modifications prior to advertising, or refuse consent for the amendment to be advertised.

Strategic:

Plan for the future: Council Plan 2023-2033

Outcome 8. Toodyay is a popular tourism destination.

8.1. Collaborate with local businesses to promote and deliver exceptional tourism experiences.

8.1.2. Advocate for new, improved and diverse tourist accommodation developments and attractions.

Shire of Toodyay Local Planning Strategy

Given its effect is limited to changes required to reflect the Regulations, Amendment 2 does not impact on the Local Planning Strategy.

Policy related:

Council currently does not have any local planning policies related to tourist and short-term accommodation uses.

Financial:

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

Legal and Statutory:

1. Planning and Development Act 2005

- Section 75 provides legislative power to the Council to prepare changes to its local planning scheme.
- Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising.

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

- Regulations 34 and 35(2) require an amendment to be classified as basic, standard or complex.

- Regulation 56 provides for a basic amendment not to be advertised.
- Regulation 76A specifies requirements for making documents available to public.

Risk related:

Scheme Amendments are ultimately determined by the Minister for Planning, who is able to approve, modify or refuse any amendment. Council's role is to prepare and process an amendment at its cost with the greatest risk being the amendment is not supported by the WAPC and/or Minister for Planning.

Workforce related:

Initiation and Amendment of Scheme amendment No.2 to the Local Planning Scheme No.5 is within the normal workload of the Town Planning department of the Shire of Toodyay.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council pursuant to section 75 of the *Planning and Development Act 2005*, amend the amend the Local Planning Scheme by:

1. In clause 37, 'Terms Used':
 - A. Delete the definition for *short-term accommodation*.
 - B. Amend the general definition for *cabin* to:
means a building that -
 - (a) *is an individual unit other than a chalet; and*
 - (b) *forms part of -*
 - (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park;*
and
 - (c) *if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period*
 - C. Amend the general definition for chalet to:
means a building that —
 - (a) *is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*
 - (b) *forms part of –*
 - (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park;*
 - (c) *and if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual*

person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.

D. Insert the definition for short-term rental accommodation as per Schedule 2 of the deemed provisions for local planning schemes:

(a) *means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but*

(b) *does not include a dwelling that is, or is part of, any of the following —*

(i) *an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A (1);*

(ii) *a caravan park.*

(iii) *a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);*

(iv) *a park home park;*

(v) *a retirement village as defined in the Retirement Villages Act 1992 section 3(1);*

(vi) *workforce accommodation;*

E. Insert the definition for *short-term rental arrangement* as per Schedule 2 of the deemed provisions for local planning schemes:

means an arrangement under which —

(a) *a dwelling, or part of a dwelling, is provided for occupation by a person; and*

(b) *the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period;*

2. In clause 38, 'Land Use Terms Used':

A. Delete the definitions for:

A. *bed and breakfast;*

B. *holiday accommodation;*

C. *holiday house;*

D. *motel;*

E. *serviced apartment;*

F. *tourist development; and*

B. Amend the existing land use term for road house by deleting paragraph (d) and inserting:

(a) *accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*

C. Insert the definition for *hosted short-term rental accommodation* as per Schedule 2 of the deemed provisions for local planning schemes:

Hosted short-term rental accommodation means any of the following —

- (a) *Short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement.*
- (b) *short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement.*
- (c) *short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.*

- D. Insert the definition for *unhosted short-term rental accommodation* as per Schedule 2 of the deemed provisions for local planning schemes:

Unhosted short-term rental accommodation means short-term rental accommodation that —

- (a) is not hosted short-term rental accommodation; and*
- (b) accommodates a maximum of 12 people per night.*

- E. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions:

- (a) *means a building, or a group of buildings forming a complex, that -*
 - (i) is wholly managed by a single person or body; and*
 - (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and*
 - (iii) may include on-site services and facilities for use by guests; and*
 - (iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; and*
- (b) *includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but*
- (c) *does not include any of the following -*
 - (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);*
 - (ii) a caravan park;*
 - (iii) hosted short-term rental accommodation;*
 - (iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);*
 - (v) a park home park;*
 - (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);*

- (vii) a road house;
- (viii) workforce accommodation.

F. In clause 17, 'Zoning Table' insert in alphabetical order the following land uses and permissibility:

Use & Development Class	Residential	Urban	Rural	Rural Residential	Rural	Rural Enterprise	Environmental	Light Industry	Industrial	Commercial	Mixed Use	Special Use	Service	Private clubs,
Hosted short-term rental accommodation	P	Refer to Clause 32	P	P	P	P	X	X	Refer to Clause 32	P	P	Refer to Clause 32	X	X
Tourist and visitor accommodation	A ₁		A	A	A	X	X	X		A	A		X	I
Unhosted short-term rental accommodation	A		A	A	A	X	X	X		A	A		X	X

A₁ = Lots greater than 1500m²

G. In clause 17, 'Zoning Table', delete all references to:

- bed and breakfast;
- holiday accommodation;
- holiday house;
- motel;
- serviced apartment;
- tourist development; and

H. In Schedule 1 – Additional uses:

- deleting reference to “holiday accommodation”, “motel” and “tourist development” and replacing with “tourist and visitor accommodation”, as required from A7, A10, A12 and A14.
- deleting Condition 2 in A7 and renumbering accordingly.

I. In Schedule 2 – Special use zones:

- deleting reference to “holiday accommodation” and “tourist development” and replacing with “tourist and visitor accommodation”, as required from SU1, SU3, SU4, SU6, SU8, SU9, SU11 and SU13.
- deleting reference to “bed and breakfast” and replacing with “hosted short-stay rental accommodation” from SU13.

J. In Schedule 6 – Car parking requirements:

- In Residential Uses, Line 1, deleting reference to “Holiday House” and replacing with “Unhosted Short-term Rental Accommodation”;
- In Residential Uses, Line 2, deleting reference to “Bed and Breakfast” and replacing with “Hosted Short-term Rental Accommodation”;
- In Tourism Uses, Line 1, deleting reference to “Holiday Accommodation”, “Motel”, “Serviced Apartments” and “Tourist Development” and replacing with “Tourist and Visitor Accommodation”.

K. In Schedule 7 – Exempt advertisements, deleting reference to “holiday houses” in Line 2 and replacing with “Unhosted short-term rental accommodation”.

10.1.4 Update on the sale of properties 2026, and additional properties for sale

Date of Report:	5 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	P Nuttall – Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	OCM 22 March 2023 OCM 22 June 2022 OCM 22 June 2021 OCM 26 July 2016 OCM 24 November 2015
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. OCM 23 March 2023 ⇒ 2. Progress Update on Council Resolution OCM047/03/23 ⇒

PURPOSE OF THE REPORT

To update the Council on the progress of the sale of Shire properties, and to propose additional properties to be considered for sale.

BACKGROUND

At the Ordinary Council Meeting held 22 March 2023, Council resolved (OCM047/03/23) (**Attachment 1**) to:

1. Note the sale of six Shire-owned properties.
2. Take no further action on three properties located on Duke and Hamersley Street.
3. Authorise the CEO to dispose of four properties, as specified in the resolution.
4. Retain four properties for strategic purposes.
5. Request the CEO to undertake further investigation into three properties and report back to Council.

An internal review of all Shire freehold landholdings was also undertaken earlier this year following a Council workshop discussion about rationalisation of Shire assets. This report presents updated findings and recommendations.

COMMENTS AND DETAILS

Attachment 2 provides an update on the implementation of Resolution OCM047/03/23, confirming that all six properties previously identified for sale have been disposed of, while no further progress will be made on the Duke and Hamersley Street lots.

Further assessment of the properties authorised for disposal has determined that two Lot 409 Church Gully Road and Lot 40 McKnoe Drive should be retained due to their essential drainage, firefighting, and environmental functions.

A review of properties previously retained has identified several additional lots that are now suitable for disposal, while investigations into the remaining lots under point 5 of the resolution confirm that two drainage and infrastructure related parcels must be retained, and Lot 107 Stirling Terrace may only be sold to adjoining owners.

Attachment 2 also presents two new disposal considerations arising from the Shire’s broader freehold land review.

New disposal considerations

At a Council workshop earlier this year, information on the Shire’s freehold properties was considered to inform discussions regarding a review of the Shire’s landholdings. While the discussion was informal, Shire staff have been reviewing land the inventory and reviewing passed resolutions.

The internal review has assessed a series of lots and structures that are suitable for disposal. Council is to consider these additional properties that are deemed surplus to Shire requirements.

- **98 Stirling Terrace, Toodyay** – Veterinary clinic and rear land (two lots and accessway)



There are two parcels of land at this address with the rear lot utilising an access easement across Lot 205.

It is recommended that the veterinary clinic Lot 1 (blue) combined with the access Lot 205, be sold as a single parcel.

The rear parcel Lot 2 (orange) to be sold individually, this lot has a legal right of access via Lot 205 towards Stirling Terrace.

If these lots were to proceed to sale, then a new short access

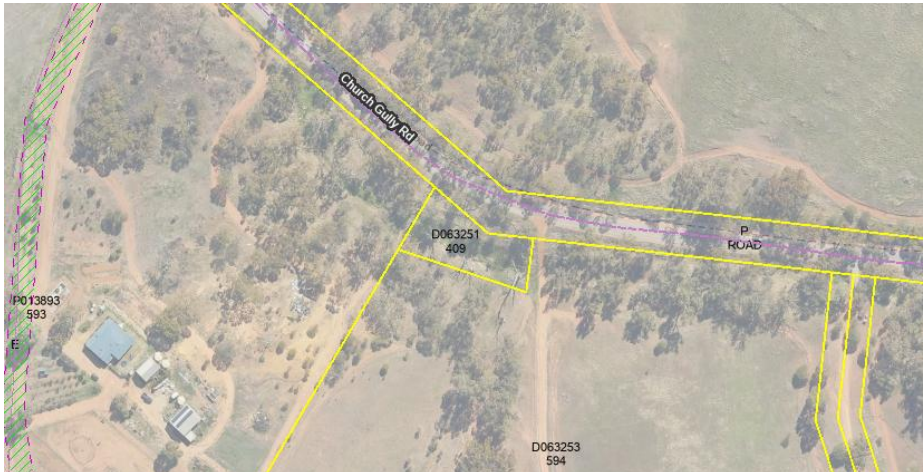
easement (green) will need to be affixed to Lot 2 to permit continued rights of access to the rear of the library Lot 205.

IMPLICATIONS TO CONSIDER

In reference to the resolution made on 22 March 2023 **OCM047/03/23 (Attachment 1)**:

Point 3 matters

Lot 409 Church Gully Rd, Coondle is a drain reserve that is small in area and used by the Shire to collect stormwater. This is an asset that shouldn't be sold and even if the neighbouring property were to purchase the lot, the Shire would require an access easement to maintain the drainage infrastructure. It is not large enough to be a viable lot, and there would not be space to build any structures outside of the drainage basin.



Lot 40 #1 Hill Place corner McKnoe Drive, Morangup is 1 hectare in size and heavily vegetated. It also contains a Shire water tank for firefighting purposes. While the Shire could resurvey the lot to remove the water tank, the remainder of the lot adds to the biodiversity and landscape of the area. If this lot was to be developed, then a substantial portion of the site would need to be cleared. The lot should remain as a Shire asset.



The two remaining properties in point 3 can progress.

- Lot 405 Coondle Drive, Coondle
- Lot 75 Timber Creek Crescent, Coondle

Point 4 matters

Lot 9508 Burt Parkway (batty Pass Estate) will be retained for future housing, as this lot is to be subdivided as per Scheme Amendment 1.

Lot 1 Red Gully Rd, Nunile is unlikely to be used as a solar farm or renewable energy facility as the gravel resource is ongoing.

59 Telegraph Rd, Toodyay is unlikely to be used for cemetery expansion as the ground is unsuitable. The land is unlikely to be used for an expanded parking area as there is adequate

provided parking on the adjacent roadsides. This lot can be disposed, as it has little or intermittent use.



Lot 61 Telegraph Rd, Toodyay is also used for intermittent parking related to events at the Toodyay Showgrounds. While it is useful for parking not all of the site is used as such. For the most part the site is abandoned and would make a valuable sale to the Shire with some funds from the sale being used to upgrade and formalise the adjacent “parking” lot 245 which is crown land reserved for parking.



Point 5 Investigations

Lot 410 Ferguson Rd, Coondle is a drainage basin with no value as an individual lot due to easements and provides drainage infrastructure to the Ferguson Road surrounds. This lot should not be sold.



Lot 42 Kane Rd, West Toodyay is a turnaround adjacent to a water tank servicing the Rugged Hills estate. There is a greater advantage to the Shire in retaining the property, and over time, enhancing the parking arrangements. It is too small for individual use, and the

cost to relocate the water tank will not be recovered through the sale of the land. This lot should not be sold.



Lot 107 Stirling Terrace, Toodyay – Laneway Project

This lot is primarily used by adjacent businesses for access and parking. Without lot 107, both adjacent businesses would be unable to access the rear of their properties. This property could be sold, but the only viable purchaser would be one of the adjacent landowners.

Lot 107 contains access and service easements which makes independent sale difficult as a new owner would have no space to construct any structures and the loss of parking would damage adjacent businesses. It is recommended to investigate the appetite of adjacent landowners as to a possible sale.



Consultative:

Nil.

Strategic:

Plan for the Future – Council Plan 2023-2033

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

Policy related:

Disposal of Property policy (FIN12)

Financial:

Council has previously agreed that the proceeds of any sales of properties are transferred to the *Asset Development Reserve* for the purpose of maintaining and upgrading Shire assets.

Proceeds already received have been incorporated into the mid-year budget review.

The Shire is responsible for the costs associated with independent valuations, conveyancing services, marketing, auctioneer costs and commission on sales. Those estimated costs per property are in the table below.

Services Provided	Cost (ex GST) per property
Independent valuations	\$1,000 – \$2,000 per property (depending upon the property)
Conveyancing	From \$1,500 per property
Real Estate Fees including auctioneer costs and commission on sales	Is a percentage of the property sale (past percentage has been between 3% and 5%)
Marketing	Between \$1,000 to \$2,000 per property

Legal and Statutory:***Local Government Act 1995******3.58. Disposing of property***

- (1) In this section —
- dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
- property includes the whole or any part of the interest of a local government in property but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the

reasons for it are recorded in the minutes of the meeting at which the decision was made.

Risk related:

Failure by Council to support the Officer’s Recommendation presents several organisational risks aligned to the Shire’s Risk Management Framework.

If Council does not endorse the proposed disposal actions, the Shire may experience operational inefficiencies and ongoing asset management burdens, particularly where lots are unsuitable for development, function as drainage infrastructure, or require Shire maintenance to mitigate environmental and safety risks. Retaining non-strategic or underutilised assets can lead to increased long-term costs, reduced ability to redirect funds toward priority community assets, and potential misalignment with the Council Plan objective of “9.2 – Govern Shire finances, assets and operations responsibly.”

There is also a decision-making risk, where delays or inaction may result in inconsistent application of previous Council resolutions, unclear direction to administration, and potential duplication of work already undertaken. This aligns with similar governance risks in the Risk Register, where unclear or inconsistent decision-making can lead to reduced efficiency, internal confusion, and misalignment with strategic objectives.

Overall, if Council does not endorse the Officer’s Recommendation, the likely risk rating is Moderate (6–9), falling within the Shire’s appetite but requiring active monitoring, due to the potential for increased costs, operational inefficiencies, and reduced strategic alignment.

Workforce related:

Shire Officers will implement Council’s decision.

VOTING REQUIREMENTS

Absolute Majority

OFFICER’S RECOMMENDATION	
That Council	
1. Retain the following lots as Shire assets at this time;	
Property	Locality
Lot 409 Church Gully Road	Coondle
Lot 40 #1 Hill Place corner McKnoe Drive	Morangup
Lot 9508 Burt Parkway	Nunile
Lot 1 Red Gully Road	Nunile
Lot 410 Ferguson Road	Coondle
Lot 42 Kane Road	Coondle
2. Authorise the CEO to dispose of the following properties.	

Property	Lot Number	Plan	Title
Lot 405 Coondle Drive, Coondle	405	P12216	1489/432
Lot 75 Timber Creek Crescent, Coondle	75	P16764	1837/617
59 Telegraph Rd, Toodyay	74	P3649	1274/783
22 Telegraph Rd, Toodyay	61	P3650	1134/282
98 Stirling Terrace, Toodyay	1	D13604	1163/947
	2	D13604	2225/781
	205	P150691	974/156
Lot 107 Stirling Terrace, Toodyay	107	P66134	2781/200

3. Provide an update to Council no later than December 2026

10.2 FINANCE AND CORPORATE SERVICES**10.2.1 List of Payments - February 2026**

Date of Report:	11 March 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	U Prill – Accounts Payable Officer
Responsible Officer:	A Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of payments - council report - February 2026 ⇨

PURPOSE OF THE REPORT

To present to Council the list of payments for the months of February 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 February 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 February 2026:

Description	Amount \$
Municipal Cheques	\$450.00
Electronic Funds Transfer Payments	\$1,139,193.29
Payroll	\$277,336.09
Credit Cards	\$8,105.44
Other (Including Direct Debits)	\$97,437.47
Total	\$1,522,522.29

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

Nil.

10.4 EXECUTIVE SERVICES**10.4.1 Making the Amended Local Government Property Local Law 2026**

Date of Report:	21 January 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/49-04
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 Local Government Property Local Law; ⇒ 2. Amended Local Government Property Local Law 2026 (track changes included) ⇒ 3. Advert for Local Government Property 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 Local Government Property Local Law 2026*, replacing the *Local Government Property Local Law 2001* (refer to **Attachment 2**).

BACKGROUND

Local laws can only be made when authorised by the *Local Government Act 1995* (the Act) or other written laws but cannot be inconsistent with any State or Federal law.

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 *Local Government Property Local Law 2001*.

The Shire's current *Local Government Property Local Law 2001* (**Attachment 1**) was adopted in 2001 and is now more than 20 years old. It predates a number of significant legislative and policy developments, including:

- amendments to the *Local Government Act 1995* and associated regulations;
- the introduction of the *Local Government (Model Code of Conduct) Regulations 2021*;

- changes to the *Caravan Parks and Camping Grounds Regulations 1997*, *Liquor Control Act 1988*, and *Graffiti Vandalism Act 2016*; and
- contemporary expectations regarding behaviour on public property, risk management, saleyard operations and corporate governance.

A comprehensive review has been undertaken, resulting in the amended *Local Government Property Local Law 2026* which is intended to replace the existing local law in its entirety and provide a modern, clear and enforceable framework for the care, control and management of local government property.

The local law was reviewed to ensure it reflects contemporary governance practice, aligns with Council-adopted policies, and supports the Shire's operational procedures relating to property hire, leasing, bookings, event management, and permit administration.

The review identified that while the draft law captures policy linkages, additional clarity is needed to recognise CEO-approved administrative processes.

COMMENTS AND DETAILS

This report represents a summary of key changes between the existing *Shire of Toodyay Local Government Property Local Law 2001* and the amended *Local Government Property Local Law 2026*. The 2026 draft modernises the regulatory framework, improves governance clarity, and strengthens the Shire's ability to protect, manage, and regulate local government property.

The key changes are in the table below.

Theme	Key Change	Benefit to the Shire
Purpose, Intent & Legislative Alignment	New clauses stating purpose, intent and relationship with other written laws; updated and expanded definitions.	Provides clearer legislative authority, reduces ambiguity, improves legal defensibility, and aligns with contemporary State legislation.
Determinations & Signage	Modernised determinations process; signs may summarise determinations in plain English and diagrams; updated transitional sign provisions.	Improves community understanding, supports compliance, and reduces operational risk in administering property use.
Permits & Conditions	More robust application, assessment and refusal criteria; expanded conditions; clearer variation processes; stronger enforcement.	Enhances risk management, ensures fair/transparent decision-making, and reduces administrative disputes.
Behaviour & Property Protection	Stronger clauses on disorderly behaviour, graffiti, damage, and unsafe conduct; clearer intoxication and drug provisions.	Protects public safety and amenity, reduces antisocial behaviour, and supports consistent enforcement by authorised officers.
Specific Property Management	New provisions for controlled access areas, exclusive-use	Improves operational control of high-risk areas, enhances

Theme	Key Change	Benefit to the Shire
	areas, hygiene standards, fenced/closed areas and pool areas.	safety, and ensures facilities remain clean and fit for purpose.
Fees & Charges	Completely updated fee framework, including publication, exemptions, non-payment offences and waivers.	Supports cost recovery, transparent budgeting and stronger financial sustainability.
Saleyards	Expanded stock welfare duties, care obligations, movement controls, fee requirements and offences.	Improves compliance, reduces animal welfare risks, and strengthens the Shire's reputation and regulatory clarity.
Enforcement & Penalties	Corporate liability, honest/reasonable mistake defence, continuing-offence provisions, modernised penalties (increased amounts).	Provides stronger deterrence, fair enforcement tools, and reduces risk of property damage and non-compliance.

Overall, the amended *Local Government Property Local Law 2026* provides a clearer, more enforceable and contemporary regulatory framework for the Shire's management of local government property. It strengthens public safety, improves governance transparency, and aligns the Shire's operations with current legislation and community expectations.

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

The options in regard to this report are:

Option 1 — Proceed with advertising (*recommended*)

Commence s. 3.12 process.

Option 2 — Request amendments

Council may request further refinements before public advertising.

Option 3 — Do not proceed

Not recommended; increases compliance and governance risk due to obsolescence of 2001 Local Law.

It is recommended that Council resolve its intent to adopt the *Local Government Property 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 the Officer's Recommendation as a means of meeting this provision.

IMPLICATIONS TO CONSIDER**Consultative:**

National Competition Policy: Local Laws Review Guidelines

WALGA

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.

9.2. Govern Shire finances, assets and operations responsibly

Policy related:

Nil.

Financial:

This proposal will require local notice/advertisement to the value of approximately \$250.00.

The Local Law contains modified penalties that will be adopted separately through the annual Schedule of 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 would be low reputational and high compliance risks. This report mitigates the risk.

Compliance Risk – HIGH (if not adopted)

- Outdated regulatory instrument no longer fit-for-purpose;
- Misalignment with current legislation;

- Increased litigation and enforcement ambiguity.

Reputational Risk – LOW

- Modernised laws support community expectations regarding safety, cleanliness and responsible public behaviour.

Workforce related:

Shire Officers will implement Council's decision.

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

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 Local Government Property Local Law 2026*, the purpose and effect of which are:

Purpose: is to regulate the care, control and management of local government property within the district, in order to promote its safe, orderly and respectful use and enjoyment by the community, protect local government property from damage, misuse and inappropriate activities, and provide for the efficient management and operation of local government property, including saleyards.

Effect: is that persons using local government property within the Shire of Toodyay must do so in accordance with the provisions of the local law, any determinations made under it, and any conditions imposed by the local government, so that the property is used consistently with the good governance of the district, the safety and amenity of the community, and other applicable written laws.

10.4.2 Making the Amended Parking and Parking Facilities Local Law 2026

Date of Report:	20 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/49-06
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 Parking and Parking Facilities Local Law; ⇒ 2. Amended Parking and Parking Facilities Local Law 2026; ⇒ 3. Advert - Parking Facilities Local Law. ⇒

PURPOSE OF THE REPORT

To present the draft Shire of Toodyay Parking and Parking Facilities Local Law 2025 for Council’s endorsement to commence the local law-making process, including approval for public advertising, in accordance with section 3.12 of the *Local Government Act 1995* (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 Parking and Parking Facilities Local Law.

The Shire’s existing *Parking and Parking Facilities Local Law 2000* is over 25 years old, references repealed legislation (including the *Road Traffic Code 1975*), contains obsolete provisions relating to parking meters, and no longer aligns with current:

- *Local Government Act 1995 requirements;*
- *Road Traffic Code 2000;*
- *Road Traffic (Administration) Act 2008;*
- *Transport (Road Passenger Services) Act 2018;*
- *Land Administration Act 1997; and*
- *Australian Standards for parking and signage*

The Joint Standing Committee on Delegated Legislation (JSC) has, in recent years, required local governments to ensure that local laws demonstrate:

- clear head of power;

- consistency with State legislation;
- contemporary definitions and terminology;
- proportional and defensible modified penalties;
- absence of unnecessary or ultra vires clauses; and
- unambiguous drafting.

A full review of the local law was undertaken and determined that partial amendment was not feasible, and that a new local law was required.

The draft *Parking and Parking Facilities Local Law 2026* modernises the Shire’s regulatory framework, removes outdated meter-based sections, and introduces provisions relevant to Toodyay’s operational environment including:

- heavy vehicle parking controls,
- caravan and RV parking regulation,
- authorised-vehicle-only areas,
- temporary event parking provisions,
- verge and footpath parking restrictions,
- alignment with the *Road Traffic Code 2000*,
- a contemporary modified penalty schedule benchmarked to comparable WA local governments.

COMMENTS AND DETAILS

A comprehensive review of the Shire’s existing Parking and Parking Facilities Local Law has been undertaken to ensure alignment with relevant legislation.

The existing *Shire of Toodyay Parking and Parking Facilities Local Law 2000* is more than two decades old and reflects an outdated legislative, operational and drafting environment. Its structure, definitions, terminology and penalty framework all pre-date the *Road Traffic Code 2000* and contemporary Western Australian local law drafting standards.

As shown in the current local law, many provisions are now obsolete including an entire Part dedicated to “Metered Zones” (Part 2), outdated forms included in schedules, references to the *Road Traffic Code 1975*, and a residential parking permit scheme that the Shire no longer operates. The law also contains clauses and definitions that are inconsistent with current practice, such as older terminology for bus embayments, metered spaces, and vehicle categories, along with penalty amounts significantly below accepted contemporary regional standards.

When preparing the 2026 version, it became clear that attempting a “tracked-changes” version of the local law was not feasible or meaningful.

A comparison document depends on continuity of structure and comparable clause numbering.

However, the 2026 draft adopts a modern WALGA-aligned format that reorganises the entire framework: separating parking from stopping, consolidating high-risk stopping restrictions into dedicated Parts, removing outdated Parts, and introducing entirely new concepts to reflect current legislation (including updated definitions, bicycle-rack exemptions, modernised private-land provisions, and a full disability parking permit framework).

These features do not exist in the current law, and there is no structural equivalence to apply redline changes against. More importantly, whole sections of the 2000 law required deletion, and new Parts and clauses needed to be introduced to ensure compliance with the *Road Traffic Code 2000*, the *Local Government Act 1995*, and current parking practices.

In addition, the current Schedule 2 modified penalties were almost entirely re-built. The existing penalties ranged predominantly between \$40 and \$60 and did not reflect modern risk-based enforcement or penalties adopted by comparable Shires.

The 2026 schedule introduces a logically structured set of offences, realigned to the updated clause framework, and includes new offences for misuse of disability parking permits and interference with signs. These changes cannot be shown effectively through tracked changes because the schedule was reconstructed from the ground up and relies on new clause numbers and definitions.

For these reasons, a repeal-and-replace approach is not only standard practice for a local law of this age, but necessary to ensure the new instrument is clear, consistent, and enforceable. Attempting tracked changes would have resulted in an unreadable and misleading document that would not withstand public consultation, legal scrutiny or future enforcement. The 2026 draft therefore represents a complete modernisation of the Shire's parking regulatory framework and provides a far more transparent and accessible instrument for the community, Rangers and Council.

Under section 3.12 of the Local Government Act 1995, the next steps are:

1. Council resolves to **commence the local law-making process**.
2. Local law is advertised for **not less than 42 days**.
3. Public and agency submissions are invited.
4. A report is returned to Council addressing submissions.
5. Council considers the local law for **final adoption**.
6. Following adoption, the local law is **published in the Gazette**.
7. Explanatory Memorandum and certified copy are sent to the JSC.

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 Parking and Parking Facilities 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 current Local Law).

It is recommended that Council resolve its intent to make the *Shire of Toodyay Parking and Parking Facilities 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:

Internal consultation with Infrastructure, Rangers, Planning, and Community Facilities.

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

May require minor consequential amendments to the Car Parking Local Planning Policy once the local law is finalised.

Caravan Park and Camping Grounds Policy

Financial:

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

The Local Law provides for modified penalties which must be included in the Schedule of Fees & Charges as part of the adoption of the budget.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Risk related:

Section 3.16 of the *Local Government Act 1995* requires that local laws be reviewed within a period of 15 years (used to be 8 years) after the day on which a local law commenced or a determination in respect of the local law was last made. If no determination is made by Council in respect to the review of the local law within the applicable 15-year period (in 2025 it was 8 years) the local law is repealed at the end of that period.

The current local law was reviewed in 2023, as were most of our other local laws. If this local law is not reviewed and re-made in 2026 it will automatically be repealed.

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.

Current risk: Outdated local law exposes Shire to regulatory inconsistency and unenforceability.

Mitigation: Adoption of a contemporary law reduces compliance risk, improves legal defensibility, and strengthens enforcement.

The making of the amended 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**.

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 Parking and Parking Facilities Local Law 2026*, the purpose and effect of which are:

Purpose: to regulate the stopping and parking of vehicles within the Shire to ensure public safety, accessibility, amenity and effective traffic management, while providing clear rules for the use of parking stalls, parking stations, verges, thoroughfares, and designated vehicle zones

Effect: to create lawful requirements for parking and stopping; prescribe offences and modified penalties; enable enforcement of parking controls; provide concessions for eligible users (including properly used disability parking permits); and repeal outdated parking provisions previously in force.

10.4.3 Toodyay Club Concept Plan

Date of Report:	12 March 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	LEG058
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. Draft Concept Plan; ↗ 2. Aerial Map of the Site; ↗ 3. Previous lease area map. ↗

PURPOSE OF THE REPORT

To advise Council of a request submitted by the Toodyay Club to progress a concept plan for improvements to the old bowling green area located within Lot 239 Stirling Terrace, Toodyay. The Shire owns the premises in which the Toodyay Club operates, and the Shire's capacity to intervene is limited to the provisions contained within the current lease agreement (refer to **Attachment 1**).

BACKGROUND

The Toodyay Club President, *Mr Tadeusz Andrzej Jan Ochman*, has submitted a concept plan outlining improvements to the former bowling green. The Committee and members—now exceeding 200 are supportive of this project.

The concept plan is broadly similar to a draft layout previously prepared by the Toodyay Community Garden when that group considered this site. However, it is important to note that this proposal is a *Toodyay Club project* intended for the benefit of Club members and consistent with the Club's operations.

Lease History and Council Decisions

A review of historical and current lease arrangements identified several relevant matters.

Council previously considered Toodyay Club lease and rating matters on 22 March 2016. At that meeting Council:

- Refused the Club's request to waive rates for the remainder of the then current lease;
- Resolved to discount the 2015/2016 and 2016/2017 rates by 50%;
- Required a review of lease conditions prior to renewal in 2023.

In May 2023, Council again considered outstanding rate and lease matters (Item 9.3.2). Council resolved (OCM104/05/23):

1. To write off the outstanding rate debt of \$9,650.57;
2. To terminate the existing lease agreement; and
3. To negotiate a new lease excluding the requirement for the Club to pay Shire rates.

The statement in the May 2023 report that the land was Crown land and therefore exempt from rates under s.6.26(2)(a)(i) of the *Local Government Act 1995* was factually incorrect, as the leased parcel is Shire-owned freehold land. This error exposes the Shire to governance and legal risks, as Council's decision to write off rates and remove the rates clause was made based on incorrect statutory interpretation. Continuing to rely on incorrect land tenure information may undermine confidence in the Shire's reporting accuracy, weaken the defensibility of past and future rating decisions, and increase the likelihood of audit findings or community criticism regarding decision-making transparency and due diligence.

Current Lease

A new lease was signed on 15 November 2023, commencing the following day however the lease removes the requirement to pay Shire rates (which is consistent with Council's decision).

- Requires payment of:
 1. Waste management fees
 2. Emergency services levy
 3. Annual property insurance
 4. Utility costs and other applicable outgoings
- Requires annual rent of \$255.89.

Council's decision at OCM104/05/23 to remove the rates obligation and negotiate a new lease remains valid and lawful. As the current lease executed on 15 November 2023 does not include a requirement to pay Shire rates, no further action is required.

The permitted use under the lease is:

"The use of the premises must be for purposes that are benefits to the community, being a benefit directed to the general community or to a sufficient section of the community to amount to a public benefit." (Attachment 3)

Lease Area

The lease states that the leased area is:

"The portion of Lot 239 on Deposited Plan 213259 ... as is coloured red on the plan annexed hereto..."

However, no plan was annexed to the executed lease.

A review of the prior lease confirmed that although the attached map was simplistic, it reasonably demonstrated that the old bowling green is within the leased operational area. Both the Shire and the Club have historically understood this area to be included within the lease.

Implications for the Concept Plan

On this basis:

- The area subject to the concept plan (old bowling green) forms part of the leased premises;
- The proposed works fall within the leased area;
- The works pertain to permitted uses under the lease.

Accordingly, the Club **does not require Council approval** for the concept plan insofar as the lease already authorises permitted use **of that land**.

The Club has been advised that:

- Access to the area cannot be restricted to any exclusive group;
- A building permit will be required for the trellis structure;
- Sub-leasing of any portion is not permitted;
- External elevations of the building/land cannot be altered outside lease conditions.

The Club has acknowledged and agreed to comply with these requirements.

COMMENTS AND DETAILS

The proposed project has broad community support, with contributions pledged by several local community groups, businesses, and individual volunteers. This initiative reflects strong community collaboration and represents an opportunity to:

- Enhance a Shire-owned community asset;
- Support expanded use of the Toodyay Club facilities;
- Strengthen the Club's financial sustainability; and
- Foster ongoing community engagement and activation of underutilised land.

The proposal aligns with the intention of the lease and offers positive community benefit without requiring additional Shire financial contribution.

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:

Nil.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Risk related:

If Council elects not to receive the Concept Plan report, there is a risk that future decisions involving the Toodyay Club's lease obligations and use of Shire-owned land may be made without full and accurate information. This may lead to ambiguity in interpreting the lease area—particularly given the absence of an annexed plan—and weaken the Shire's position should any disputes or compliance issues arise. Not receiving the report may also create a perception of reduced transparency and weaken the documented governance record for audit and oversight purposes.

This report mitigates the risk.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the information regarding the Toodyay Club Concept Plan.

10.4.4 Toodyay Cemetery Operational Risks and Required Decisions

Date of Report:	5 March 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW3
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. Draft New Interim Policy; ⇒ 2. Sample Draft Communication Plan; ⇒

PURPOSE OF THE REPORT

To seek Council’s consideration of critical operational risks affecting the Shire of Toodyay cemetery operations and to obtain direction on immediate and medium-term actions needed to ensure statutory compliance, operational integrity, and community confidence in the direction on the future of the Toodyay cemetery.

BACKGROUND

A review of the Toodyay Cemetery operations has identified significant shortcomings in site control, accurate plot identification, and the tools used to manage burials, reservations, and the cemetery’s spatial layout. These issues have created operational uncertainty, stress for staff, and increased risks for funeral directors and families.

The *Cemeteries Act 1986* (the Act) generally requires deceased persons to be buried in proclaimed cemeteries administered by responsible trustees, with appropriate records kept in perpetuity.

Cemetery operations are governed by the Act and the *Shire of Toodyay Cemeteries Local Law 1999*, which set requirements for burial applications, site allocation, burial depth, accurate cemetery plans, and management of Grants of Right of Burial.

Although the Act does not require every local government to establish a cemetery, once a cemetery exists the local government becomes responsible for its management. Accordingly:

- **Management and Operation:** The Shire of Toodyay acts as the cemetery board and must manage its public cemeteries in perpetuity to ensure they are properly maintained.
- **Legislative Authority:** The *Cemeteries Act 1986* regulates cemeteries, and the Shire of Toodyay is tasked with creating and enforcing local laws for their management.

- **Not a Direct Requirement:** While the Shire of Toodyay must manage cemeteries if they have them, it is not an absolute requirement of the *Cemeteries Act 1986* for every single local council to own and operate one.

The Shire of Toodyay Cemetery operations are currently being managed with inadequate tools, and insufficient site controls. Historical records and physical inspections confirm that earlier sections of the cemetery were never systematically pegged, and many existing pegs no longer correspond reliably with actual burial sites due to erosion, movement, or loss. This poses a significant risk to correct plot allocation, and compliance obligations under the Local Law, and the Shire's obligations under Section 40(2) of the *Cemeteries Act 1986* to ensure burials occur in appropriately identified and compliant locations.

Historical information also indicates diverse burial locations with varying heritage considerations and land conditions, reinforcing the need for reliable on-ground controls.

The following critical risks have been identified:

- **Unworkable and inconsistent mapping:** The maps are not adequate, operational staff are required to then spend significant time trying to confirm locations and identify graves. The maps are not user friendly for operational use.
- **Lack of Clarity for reservations:** when graves are reserved – families need to be informed that the reserve grave may not be accessible when required, if surrounding plots are subsequently occupied, as plant access may not be able to excavate safely. Currently without this – conflict and disappointment occurs at the time of need with funeral directors and / or families
- **No pegging or physical identification on site:** graves are not pegged, and excavation is being undertaken based largely on judgement and limited information. This is not an acceptable level of control for cemetery operations and presents a high risk to the shire.
- **Loss of corporate knowledge:** we are currently relying heavily on spreadsheet and incomplete information, without physical pegging or reliable mapping to verify locations.
- **Inadequate records for operation confirmation:** current paps are effectively excel-based references and do not provide assurance that we are identifying the correct grave or reserved grave.

A number of key decisions from Council are now required to mitigate escalating risks.

COMMENTS AND DETAILS

The Shire of Toodyay cannot continue operating the cemetery as it currently is and has done for many, many, years.

The Shire must address the following:

A. Whether it allows burials to continue whilst plots are not appropriate pegged

The is a significant risk in continuing to allow this to occur, as the exact locations of the previous burials are not well documented, and without proper pegged sites, the risk of disturbing a current burial is extremely high.

There are no other options immediately available to the shire, unless Council determined to temporarily suspend burials at the cemetery.

***Risk:** Burials could be placed in incorrect or unsafe locations, breaching Local Law obligations to maintain accurate plans and ensure compliant burial depths.*

It is recommended to suspend burials in unverified sections until re-pegging and ground validation are complete; and allow burials only in sections verified as compliant.

B. Whether to stop taking reservations of plots

Several local governments do not allow for the reservations of plots. This allows a more uniform approach and does not result in plots not being able to be accessed.

Family members often want to be buried where possible next to other family members and removing the ability to take reservations will prevent this from occurring.

Numerous Grants of Right of Burial may no longer correspond to a viable plot. The Local Law recognises grants for 25 years (Form 1 provisions) but also makes grants subject to all future regulations and site constraints.

Without verified mapping, previously reserved plots cannot be guaranteed.

Risk: New reservations create a liability for the Shire if physical constraints prevent future burial in the nominated plot. The Shire may be exposed to reputational and legal risk; conflicts, refunds, or legal action.

It is recommended to suspend all new reservations until a verified, mapped cemetery plan is available.

C. Whether to advise all others that the previously reserved plot that it is not guaranteed, and will be subject to accessibility

Due to plots being able to be reserved, and due to the poor identified sites, access to a previous reserved site is not always possible, as it is dependent on other plots being occupied or not, as digging equipment cannot be placed on any grave.

By notifying all now – although it will not be acceptable to most, it will prevent this occurring at the most difficult of time with family members during their grieving period.

Risk: Failure to communicate may result in community backlash once issues become more visible.

It is recommended that Council endorse issuing a formal notice to all holders of Grants of Right of Burial explaining:

- Reservations are being reviewed due to site integrity concerns;
- Verification work is underway;
- The Shire will honour reservations where physically possible; and
- Alternative options (refund or relocation) will be offered where necessary.

A sensitive and carefully managed communications approach is required.

D. Whether to restrict those that can be buried at the cemetery to only those that can demonstrate a personal and historical link to Toodyay

The cemetery accepts burials from both local residents and persons with no demonstrable link to Toodyay. Other regional local governments restrict eligibility in order to preserve limited land capacity. Given the constraints at Toodyay, such a policy is necessary.

There is only a limited life to any cemetery and by restricting it to those that can demonstrate a personal and historic link to Toodyay, will allow for the extension of the life of the cemetery.

Rationale: Eligibility policies protect finite land capacity and ensure that the cemetery primarily serves the Toodyay community.

It is recommended that we introduce an interim “Connection to Toodyay” eligibility policy, limiting burials and reservations to:

- Current residents of at least 20 years;
- Former long-term residents of at least 20 years;
- Persons with direct family buried in Toodyay; and
- Persons able to demonstrate a strong historical or community link.

A sample draft of the policy (**Attachment 1**) can be adopted by Council resolution without amending the Local Law.

E. The funding required to properly undertake penetration testing and to re peg old grave sites.

It is estimated that \$300,000 is required to undertake penetration testing and to re peg old grave sites and available future sites.

It is estimated that \$50,000 is required to undertake proper pegging of the unused area of the cemetery, however this would only be suitable if Council agreed to not continue burials in the existing used area.

The Local Law requires specific burial depths and grave conditions (clause 6.1). Ground conditions in older parts of the cemetery are unknown and may contain:

- Shallow bedrock;
- Groundwater infiltration;
- Historical unmarked burials; and
- Compaction issues.

Penetration testing is needed to confirm safe use of existing and future burial areas.

Need: Comprehensive ground tests, surveying and digital mapping are required to:

- Validate safe burial space;
- Establish accurate, permanent peg locations; and
- Update the statutory cemetery plan under s40(2) of the Act.

It is recommended that Council approve funding to undertake:

- Geotechnical penetration testing;
- Professional survey and re-pegging;
- GIS-based cemetery mapping; and

- Updated cemetery management system integration.

Funding should be prioritised at the next budget review.

In terms of this report, Council has the following options:

Options	Detail and Outcome
Option A: (Officer's Recommendation)	Council adopts all officer recommendations: <ul style="list-style-type: none"> • Suspend burials in unverified areas; • Suspend all new reservations; • Notify existing reservation holders; • Introduce eligibility limits; and • Approve funding for testing, mapping and re-pegging. Outcome: strongest risk mitigation, statutory compliance, and restored operational confidence.
Option B: Partial Adoption	Council may select only some of the actions. Outcome: Reduced immediate community disruption but continued operational risk exposure.
Option C: Maintain Status Quo	No changes are made. Outcome: High operational risk, potential for burial errors, reputational damage, and non-compliance with legislative obligations.

It is recommended to adopt Option A.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

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.

9.2. Govern Shire finances, assets and operations responsibly

Policy related:

Adoption of an eligibility policy will establish a new operational control.

Suspending reservations and burials in unverified areas will require temporary operational procedures.

A community engagement plan may need to be developed to support clear, compassionate communication with:

- Reservation holders;
- Funeral directors; and
- Local families with historical connections.

A sample draft of this community engagement plan is attached (**Attachment 2**).

Financial:

Funding will be required for:

- Geotechnical testing;
- Surveying and peg installation;
- Cemetery mapping (GIS); and
- Communications materials.

An estimated amount of \$300,000 is required to properly address the current issues identified.

By considering this task as a priority other urgent competing priorities such as the current condition of many of the Shire roads that also need significant financial injections to address concerns will be further deferred.

Legal and Statutory:

Cemetery Act 1986

Clause 6: Local governments to perform functions of Board

Where an order is made or is deemed to have been made under section 5 vesting the care, control and management of a cemetery in a local government, the local government shall, subject to this Act and to any necessary modifications, perform and be subject to the duties imposed on Boards under this Act and may exercise the powers conferred on Boards under this Act; and references in this Act to a Board or Boards shall be construed accordingly in relation to such a local government as the case may require.

Clause 40: Board to maintain registers and plans

- (1) *A Board shall establish and maintain —*
 - (a) *a register containing details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and details of the location of the burial in every case; and*
 - (b) *a register of all grants of right of burial in the cemetery, including details of the assignments or bequests of grants.*
- (2) *A Board shall keep and maintain plans showing the location of all burials registered under subsection (1). A register maintained under this Act may be kept or prepared —*
 - (a) *by making entries in or on a bound or loose-leaf book; or*
 - (b) *by recording or storing the particulars required by this Act to be entered in the register by means of a mechanical, electronic or other device, but so that the*

particulars so recorded or stored will remain in the form in which they were originally recorded or stored and will be capable of being reproduced in written form in the English language.

Risk related:

If Council does not adopt Option A, the risk profile for several existing enterprise risks will increase and may move above the Shire's stated risk appetite as set out in the Current Risk Management Register and Rating Tables.

Assets & Infrastructure / Business Continuity

Cemetery operations are a core community asset and service. Continuing with inadequate pegging, mapping and records exacerbates:

- **Aging Infrastructure (ASI2), Asset Management (ASI3) and Public Safety (ASI8)** – likelihood of incorrect excavations or disturbing existing burials could increase from *Possible (3)* to *Likely (4)* with High (12–16) risk ratings; no longer “within appetite”.
- **Infrastructure Failures (BC5) and Interdependencies (ASI12, BC12)** – a burial error or incident can trigger wider operational and reputational impacts, undermining business continuity controls.

Governance & Compliance

Not addressing known legislative and operational deficiencies heightens exposure under:

- **Financial Sustainability (GC1), Asset & Infrastructure Management (GC3), Statutory and Regulatory Compliance (GC7, GC12)** – once Council has been formally advised of these risks, failure to act can be characterised as poor governance and may be inconsistent with “Ensuring good governance (GC15)” and the Shire's Compliance Framework.
- Potential for complaint, investigation or adverse finding (DLGSC, Ombudsman, Coroner) if a serious incident occurs.

Health & Safety / Psychosocial Risk

Operational uncertainty and fear of “getting it wrong” for grieving families increases:

- **Employee Wellbeing (WHS9)** – sustained stress and moral injury for cemetery and admin staff, potentially escalating from *High (16)* to a de-facto extreme, given the emotional nature of the work.
- **Workplace Safety and Public Safety (WHS2, WHS3)** – risk of physical harm if graves are mis-located or unstable.

Financial & Reputational Risk

- Alignment with **FM2 – Expenditure Overruns** and **FM6 – Legal and Regulatory Risks**: burial disputes, refunds, potential litigation and unplanned rectification works will likely exceed the cost of structured, proactive remediation.
- **Reputation Management (WHS8)** – a single high-profile burial error can rapidly move from *Moderate (8)* to a high/very high reputational impact under the Rating Tables, eroding community trust.

In summary, rejecting **Option A** leaves known, documented cemetery risks largely untreated, contrary to the ALARP principle and the Shire's own risk appetite and treatment expectations.

Workforce related:

Shire Officers will implement the recommendation of Council in liaison with and under the direction of the CEO.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. suspends burials in all cemetery sections that have not been spatially verified and limit burials to mapped, compliant areas;
2. suspends all new reservations until after the penetration testing, pegging of existing and future sites, updated mapping and site verification are complete;
3. authorises the CEO to notify all existing reservation holders of potential uncertainty regarding previously allocated plots and outline the review process;
4. adopts an interim "Connection to Toodyay" eligibility policy to guide burials and reservations until a full Cemetery Master Plan is completed;
5. requests the CEO advise the community that any current and future reserved plot is subject to accessibility, and the Shire cannot guarantee the plot that is reserved.
6. approves the allocation of funds of up to \$300,000 from the Asset Development Reserve to undertake geotechnical penetration testing, professional surveying, re-pegging, and development of a GIS-based cemetery plan that will include future sites;
7. requests the CEO to present a further report to Council outlining findings and next steps following completion of the verification work.

10.4.5 Toodyay (Newcastle) Footbridge

Date of Report:	17 March 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	BR9025
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. Summary of Footbridge Records; ↗ 2. 2025 Decking Condition Report; and ↗ 3. 2026 Structural Condition Report. ↗

PURPOSE OF THE REPORT

To provide Council with:

- A consolidated background of the Newcastle (Toodyay) Footbridge since transfer of ownership;
- Outcomes from the December 2025 Council resolution;
- Findings from the Level 1 and Level 2 structural inspections completed February 2026;
- Advice on expected insurer requirements;
- Financial implications for short-term and long-term management of the structure; and
- Recommendations for the ongoing use, risk management and renewal planning for the footbridge.

BACKGROUND

On 25 July 2000, the Education Department wrote to the Shire advising readiness to transfer the footbridge, with \$60,000 offered as full consideration for transfer of ownership and responsibilities. The summary timeline of footbridge records is attached (**Attachment 1**).

At the December 2025 Ordinary Council Meeting, Council requested:

- A structural engineer's report (Level 2); and
- Clarification on risks, required works, and suitability for reopening.

The Level 2 report was received 26 February 2026.

COMMENTS AND DETAILS

The Newcastle (Toodyay) Footbridge has undergone significant assessment following Council's December 2025 resolution, including a full structural inspection in February 2026

and a decking condition assessment in December 2025. The findings confirm that, while the bridge is structurally capable of supporting pedestrian loading, the decking has reached the end of its serviceable life, and several substructure elements require preventive and specific maintenance over the next 1–5 years. The bridge is also now well beyond its theoretical design life, but with investment, can remain serviceable for a further 20+ years.

Council is presented with three primary options regarding the future of the footbridge:

Option 1 – Reopen to Pedestrians with Controls (Recommended)

Under this option, Council accepts the engineering advice that the bridge can safely operate for pedestrian use, subject to risk-mitigation measures including installation of tripping-hazard warning signage. Immediate preventative works would proceed, followed by full decking replacement within 1–3 years and structural repairs within 5 years. This option balances public safety, continuity of access for the school and community, and financial stewardship by:

- Installing warning signage as per insurer expectations.
- Undertaking immediate preventive works (Year 1 actions).
- Programming decking replacement within 1–3 years.
- Continuing long-term structural renewal program over 5 years.

Option 2 – Keep Closed Until Full Decking Replacement

This option removes short-term risk exposure by keeping the bridge closed but delays the reinstatement of an important pedestrian connection. All safety, structural and financial issues remain unchanged and must still be addressed.

This approach may reduce short-term incident risk but creates reputational and community-impact risks and does not deliver cost efficiencies. This option impacts school and community connectivity. Whilst it may reduce vandalism costs, upfront capital will still be required.

Option 3 – Consider Future Decommissioning

Although technically feasible, this option is not supported by engineering evidence, which shows the bridge can be economically repaired and has a viable extended service life with investment. Decommissioning would permanently remove a key pedestrian route servicing the school, residential areas and the town centre. It would also incur its own capital costs and generate significant negative community impacts.

In summary, the engineering assessments demonstrate that the bridge remains safe to operate for pedestrians once appropriate controls are implemented.

Council's decision now centres on whether to reinstate public access while undertaking staged renewal works (**Option 1**), maintain closure pending major works (**Option 2**), or pursue permanent removal despite engineering advice (**Option 3**).

The recommended option achieves the most balanced outcome in terms of safety, service continuity, cost, and long-term asset planning.

IMPLICATIONS TO CONSIDER

Consultative:

LGIS were consulted in regards to the reports provided for the bridge. An extract of their response is as follows:

“I appreciate that the closure of the bridge creates a significant impost on the general public, and this has to be balanced with the risk associated with the use of the bridge.

The reports have highlighted that:

- 1. The structural integrity of the bridge itself (timber piles and concrete abutments) presented no significant immediate risks based on structural capacity; with the timber elements requiring preventative maintenance in the short term and specific repair works within 5 years;*
- 2. Aluminium elements requiring minor repairs; and*
- 3. The concrete abutments being in good condition.*

The issue of main concern is the plastic decking, which is presenting some risk factors. The overall rating for the decking is fair and showing a generally degraded condition. Currently the Shire is replacing/repairing the decking as it becomes noticeable that a plank is damaged.

However, this is a very short-term solution and ideally the entire decking needs to be replaced within the next 12 months. With the hardening of the planks and the impact of UV exposure, it is not possible to predict when a plank will fail, which poses a risk to all users, for which the Shire will have some exposure should an incident arise.

*I note that the report has stated that with ongoing maintenance to replace the failed planks, the Shire could conceivably look at full replacement of all decking within the next 1-3 years, if budgeting permits. **Ideally that timeframe should be considered within the next 12 months.***

To reopen the bridge, the following is required:

- 1. Re-open to pedestrians ONLY (no e-bikes, scooters, cyclists, horses or other like means of transport);*
- 2. No running on the bridge;*
- 3. Place signage at each end of the bridge clearly demonstrating that only pedestrians can use the bridge;*
- 4. Have an assessment of the planks/bridge schedule in place, (this would need to be balanced with your resources, I would suggest as frequently as is reasonably viable);*
- 5. Ensure all inspections are comprehensive and well documented; and*
- 6. Ensure that any notification by the public of an issue with a broken plank is responded to immediately, with closure of the bridge until able to be repaired.*

Should an Incident occur, the Shire’s liability will be assessed by reviewing what the Shire could have reasonably done to limit the risk of an Incident occurring and what was done. What is reasonable for one local government will differ when compared to another.

To ensure that the Shire is doing all that is necessary I will ask our risk team to undertake a full risk report.”

The Shire’s CEO had a team’s meeting with LGIS Risk Managers on Tuesday 24 March 2026, where the following information was provided:

“As discussed, there would be limited benefit in the Shire having to wait for our availability to conduct a risk assessment, given the Shire has been provided clear recommendations from engineers regarding the necessary steps to maintain safe

operation. We are happy however to view the bridge once the interim risk controls are in place.

Firstly, we support the requirements [REDACTED] has set out in her email in relation to re-opening the bridge.

As promised, we provide the following commentary specifically in relation to your questions regarding inspection frequency and signage content.

1.0 Inspection frequency

The suggested frequency of weekly inspections (i.e. every Monday morning) seems reasonable. This would also identify any damage occurring/caused over the weekend and prior to children using the bridge for school at the beginning of the school week.

As [REDACTED] has suggested, the identified hazards requiring immediate attention should be isolated until rectified (e.g. this would involve barriers and signage, and if necessary, the temporary closure of the bridge). Inspections should also ensure that signage remains in place and is legible.

These are of course temporary measures and ultimately the Shire needs to prioritise the preventative maintenance and decking replacement as recommended by engineers.

2.0 Signage content

Signage located at both approaches to the bridge should provide a general risk warning regarding the potential hazard(s) on the bridge. For example:

Warning:

- Uneven surfaces and trip hazards ahead;
- The bridge is suitable for pedestrians only (foot traffic); and
- Disabled and elderly persons should not walk on the bridge unaccompanied.

Alternative crossing located (include direction/location and approximate distance).

Report damage to Shire of Toodyay on Ph: 9574 9300.

The sign should also include symbolic representation of the hazard to assist with its comprehension. See example below.



3.0 Other

It would be beneficial to communicate the changes to the community via the Shire's website, newsletter, and social media platforms. From a reputational risk perspective, this may also be an opportunity for the Shire to reinforce the

reasoning behind initial closure and the plans to improve safety for bridge users in the future.

Strategic:

Plan for the future: Council Plan 2023-2033

PEOPLE – Outcome 1: A safe and healthy community

The footbridge provides a critical pedestrian connection between the townsite, school and residential areas. Ensuring safe access directly supports Council's objective to facilitate community safety and improve public safety infrastructure.

1.1.5 – Support programs that enhance neighbourhood safety.

Ensuring the bridge is structurally sound and free from trip hazards aligns with the commitment to improving safety in public places.

PLACE – Outcome 6: Safe, sustainable, and affordable transport options

The bridge is a formal component of the Shire's pedestrian network and supports safe movement of residents, visitors and schoolchildren.

6.1 – Maintain a safe and efficient transport network.

6.2 – Support safe, well-designed and connected paths and trails for people of all ages and abilities.

Specifically, 6.2.1 and 6.2.2 commit the Shire to identifying and upgrading footpaths, trails and cycleways to meet community needs. Ensuring the footbridge remains accessible and safe is consistent with these objectives.

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

The footbridge forms part of the town's historical and functional setting. Retaining and maintaining it supports the objective to:

- Preserve significant local infrastructure that contributes to the character and connectivity of Toodyay.*
- This is consistent with planning outcomes emphasising thoughtful development and protection of valued community assets.*

PERFORMANCE – Outcome 9: Responsible and effective leadership and governance

Undertaking necessary maintenance and renewal of aged infrastructure supports Council's obligations to:

9.2 – Govern Shire finances, assets and operations responsibly.

9.2.4 – Review assets with regard to maintenance, resourcing and renewal responsibilities.

Addressing the known structural and decking issues aligns with good governance, risk management and responsible asset stewardship.

PROSPERITY – Outcome 8: Toodyay is a popular tourism destination

The Newcastle Footbridge is used by visitors accessing the river, parklands and walking routes. Maintaining safe access supports the Shire's objectives to:

- Enhance the visitor experience;*
- Strengthen public infrastructure supporting tourism flows.*

While not a major tourism asset itself, its condition and accessibility influence the quality of adjacent tourism spaces (Newcastle Park, Duidgee Park, Avon River).

Policy related:

Risk Management Policy
Asset Management Policy
Purchasing Policy

Financial:

The immediate costs are in the table below. For the bridge to remain open, there needs to be a long-term financial commitment from Council. The bridge has exceeded its theoretical design life but can be extended by 20+ years through remedial works. However, in approximately 20 years, the bridge will require significant capital renewal / replacement.

It is recommended that the Shire begin reserving 2% of rates annually into a ring-fenced reserve account *not accessible for other purposes*.

This represents an additional rate increase tied to this asset's long-term renewal.

Introducing a dedicated reserve (2% rate increase) and a 20-year renewal horizon will provide for long-term resourcing needs for capital replacement.

Council will in addition need to budget separately in addition to the above 2% rate amount, additional and ongoing funds for:

1. Ongoing inspections; and
2. Preventive maintenance cycles.

Item	Estimated Cost
Full Decking Replacement	\$270,000
Structural Works (<i>pile replacements, banding, repairs</i>)	\$120,000–\$150,000
Preventive maintenance (<i>timber treatment, bolt replacement etc.</i>)	(Incorporated in works above)

Legal and Statutory:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Local Government (Administration) Regulations 1996

State Records Act 2000

Civil Liability Act 2002

Work Health and Safety Act 2020

Risk related:

The Shire faces increased legal exposure, liability risk, compliance obligations, and potential audit scrutiny if it does not act on known hazards or fails to undertake the mitigating works recommended by qualified engineers. The safest statutory position is to:

- *Implement required safety measures;*

- *Ensure decisions align with adopted asset management and risk policies;*
- *Document clear reasoning where Council deviates from professional advice.*

If Council does not adopt the recommendation, the decision will materially increase a number of risks identified in the Shire’s Risk Management Register.

From an Assets and Infrastructure perspective, not progressing the structural and decking works escalates existing risks relating to Aging Infrastructure (ASI2) and Asset Management (ASI3) by prolonging operation of an asset known to be past its useful life, heightening the likelihood of unexpected failure and higher lifecycle costs. It also increases Public Safety (ASI8) and Business Continuity – Infrastructure Failures (BC5) risks, as degraded decking and substructure elements could lead to incidents, bridge closure and disruption to school and community access.

In terms of Governance and Compliance, failing to act on professional engineering advice is inconsistent with prudent Asset and Infrastructure Management (GC3) and may undermine Financial Sustainability (GC1) if Council defers necessary renewal, resulting in larger “catch-up” costs and potential Expenditure Overruns (FM2) when urgent works are eventually unavoidable.

For Health and Safety, the known tripping hazards and ongoing board failures heighten the likelihood and consequence of Public Safety incidents (WHS3) and could expose the Shire to breaches of the Work Health and Safety duties to provide safe public infrastructure and systems of work (WHS2, WHS6).

Finally, continued inaction in the face of visible deterioration and community concern may adversely affect Community Engagement and Trust (GC10) and Reputation Management (WHS8), particularly if an incident occurs that could have been prevented by implementing the recommended works.

Collectively, these factors increase the likelihood that several infrastructure and safety risks will move above the Shire’s stated risk appetite and may also impact insurability and claims defensibility should a loss event occur.

Risk Ref.	Risk Title	Description (If Council Does Not Proceed)	Current Rating	Expected Rating if No Action
ASI2	Aging Infrastructure	Asset continues to deteriorate beyond acceptable condition; increased likelihood of sudden failure.	Medium	High
ASI3	Asset Management	Failure to implement engineering advice results in poor asset stewardship and backlog of high-cost works.	Medium	High
ASI8	Public Safety (Infrastructure Condition)	Known trip hazards and failing planks increase likelihood of injury to users, especially school children.	High	Extreme
BC5	Business Continuity – Infrastructure Failure	Potential unplanned closure of key pedestrian linkage impacting school and community access.	Medium	High

Risk Ref.	Risk Title	Description (If Council Does Not Proceed)	Current Rating	Expected Rating if No Action
GC3	Governance & Compliance – Asset & Infrastructure Management	Deviation from engineering guidance creates governance failures; may breach prudent asset management obligations.	Medium	High
GC1	Financial Sustainability	Deferred maintenance leads to significantly higher long-term capital costs and reduced ability to plan financing.	Medium	High
FM2	Financial Management – Expenditure Overruns	Increased likelihood of urgent, unbudgeted works caused by avoidable asset failure.	Medium	High
WHS3	Work Health & Safety – Public Safety Incident	Increased risk of injury due to known hazards; potential for serious incident or claim.	High	Extreme
WHS2	WHS Legislative Obligations	Potential breach of duty to provide a safe public environment when hazards are known but not mitigated.	Medium	High
WHS6	Systems of Work / Duty of Care	Not acting on qualified engineering assessments contradicts safe-systems-of-work principles.	Medium	High
GC10	Community Engagement & Trust	Perception Council is ignoring safety concerns; reputational decline if an incident occurs.	Medium	High
WHS8	Reputation Management (Safety-related)	Significant reputational damage following preventable incident or media attention.	Medium	Extreme

Workforce related:

A decision by Council to proceed with the recommended footbridge works will have several workforce impacts, particularly on Infrastructure, Assets & Services, Asset Management, and Governance teams. These implications are consistent with the workforce structure outlined in the Council Plan, which sets expectations for strategic asset management, safety management and project delivery responsibilities.

If Council does not proceed with the recommended option, workforce implications may intensify due to:

- Higher reactive maintenance load;
- Increased risk management and claims handling; and

- Reputational management work for communications teams; and
- Additional reporting obligations to Insurers, Auditors, and ARIC.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Notes the historical background provided in **Attachment 1** and the engineering assessments dated December 2025 and February 2026.
2. Approves reopening the footbridge to pedestrians only (**Option 1**), subject to insurer conditions and installation of tripping-hazard signage.
3. Endorses implementing Year 1 preventive works as outlined in the Structural Condition Report.
4. Authorises the CEO to proceed with full decking replacement at an estimated cost of \$270,000, to be funded in the Annual 2026/27 Municipal budget.
5. Notes that structural repair works estimated at \$120,000–\$150,000 will be required within 5 years.
6. Endorses establishing a dedicated Footbridge Capital replacement Reserve, to be funded by an annual 2% additional rate increase, restricted for future bridge capital replacement.

10.4.6 Audit, Risk & Improvement Committee: Meeting Frequency Review and Annual Work Plan Requirements

Date of Report:	16 March 2026
Applicant or Proponent:	Audit, Risk and Improvement Committee
File Reference:	COC2-02
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. Memo from ARIC Chair including Notice of Meeting; ⇨ 2. ARIC Reporting Framework & Meeting Schedule (Final Version)" – 12-page report; and ⇨ 3. Email from CEO to ARIC Chair; and ⇨ 4. Extract of Minutes from the ARIC Meeting held on 17 March 2026; and ⇨ 5. PROPOSED ARIC Annual Work Plan; and ⇨ 6. Memo to Councillors regarding ARIC statement. ⇨

PURPOSE OF THE REPORT

This report presents Council with the recommendation made by the Audit, Risk, and Improvement Committee (ARIC) at its Special Meeting on 17 March 2026 and provides an assessment of that recommendation in the context of the Committee's legislated functions, the ARIC Charter, and the CEO's statutory responsibilities under the *Local Government Act 1995*.

The report also outlines the requirements for preparing an Annual Work Plan in consultation with Council, as required under clause 2.5 of the ARIC Charter, to ensure ARIC's activities remain aligned with Regulation 16 of the *Local Government (Audit) Regulations 1996* and the Shire's approved governance framework.

BACKGROUND

The CEO received correspondence from the ARIC Chair (**Attachment 1 and 2**) advising that:

- *The ARIC committee members and I have worked through the draft report and the proposed Reporting Framework; and*

- *The final version is ready to be presented formally to ARIC, and the Chair requests a Special ARIC Meeting be convened for this purpose.*

Under *Standing Orders Local Law 2008, cl. 7.10*, the Presiding Member may call a committee meeting by written request to the CEO specifying the date and purpose.

The CEO provided a formal response to the ARIC Chair (**Attachment 3**) raising critical governance concerns, including:

- **Apparent informal meetings/discussions** that may not comply with legislative requirements for committee decision-making.
- **Apprehended bias considerations**, referencing Archer J in *Dain Pty Ltd v Shire of Peppermint Grove (2019)*, arising from committee members authoring the work plan they are required to impartially assess.
- **Role boundaries**, noting ARIC members do not have authority to prepare administrative reports or direct administrative actions.

These matters are not for determination by Council but must be acknowledged as relevant context.

An ARIC Meeting was held on 17 March 2026 at 10.30am (**Attachment 4**). The recommendation made to Council at that meeting is as follows:

The Audit, Risk and Improvement Committee recommends that Council:

1. Approve the Audit, Risk and Improvement Committee Reporting Framework as outlined in Attachment 2.
2. Approve the meeting dates for the Audit, Risk, and Improvement Committee for 2026, with a starting time of 10.30am, as follows:
 - a. 9 April 2026
 - b. 14 May 2026
 - c. 11 June 2026
 - d. 9 July 2026
 - e. 13 August 2026
 - f. 10 September 2026
 - g. 8 October 2026
 - h. 12 November 2026
 - i. 10 December 2026
3. Requests the CEO to implement the Reporting Framework as outlined in Attachment 2, ensuring that:
 - (a) all required reports are prepared in accordance with the specified frequency and content requirements; and
 - (b) reports are provided in written, evidence-based form.

To support Council's understanding of the governance issues underlying the ARIC recommendation, the CEO has provided a clarification memo dated 23 March 2026 (**Attachment 6**). The memo analyses the statement made by the ARIC Chair at the Special Meeting held on 17 March 2026 and identifies several key misunderstandings regarding the Committee's authority under the *Local Government Act 1995*, the *Local Government (Audit) Regulations 1996* and the ARIC Charter.

The memo highlights that:

- Clause 2.5 requires ARIC to prepare an Annual Work Plan in consultation with Council but does not authorise ARIC to design or mandate internal reporting systems or operational frameworks.
- Clause 3.2 does not confer broad information-gathering powers; it requires ARIC to obtain information through the CEO and subject to confidentiality and legal constraints.
- The Reporting Framework drafted by ARIC members exceeds the Committee's Regulation 16 oversight functions and represents operational activity that sits within the CEO's exclusive remit under s.5.41.
- The CEO has also identified a risk of apprehended bias, as ARIC members appear to have authored and workshopped the Reporting Framework outside of formal meetings, raising concerns consistent with the principles outlined in *Dain Pty Ltd v Shire of Peppermint Grove (2019)*.
- The memo concludes that the Reporting Framework is not an Annual Work Plan as contemplated by Clause 2.5, and that ARIC's recommendation should not be supported.

This memo provides important context that supports the Officer's Recommendation for Council to adopt **Option 1** as contained within this report.

COMMENTS AND DETAILS

The minutes of the ARIC meeting held on 17 March 2026 contain a statement made by the Chairperson (**Attachment 4**).

The Chair has argued that Clause 2.5 and Clause 3.2 of the ARIC Charter effectively authorise the Committee to design and adopt the proposed Reporting Framework and to require the CEO to provide the specific suite of reports it contains.

On Administration's reading of the *Local Government Act 1995*, the *Local Government (Audit) Regulations 1996* and the ARIC Charter, this interpretation is not supported.

Clause 2.5 requires ARIC to prepare an annual work plan, in consultation with Council, which sets out when the Committee will perform its key *oversight* activities; it does not confer authority to prescribe administrative reporting systems or workloads which remain the responsibility of the CEO under section 5.41 of the *Local Government Act 1995*.

Clause 3.2 allows ARIC to obtain information it requires for its functions, but only in consultation with the CEO and subject to other legal obligations (including confidentiality, CCC, employment and privacy laws), and it must be read consistently with Regulation 16 of the *Local Government (Audit) Regulations 1996* and section 5.41 of the *Local Government Act 1995*, which place responsibility for administrative systems, staffing and reporting squarely with the CEO.

The Charter cannot enlarge ARIC's powers beyond this framework, nor displace common law principles of apprehended bias. For these reasons, the Reporting Framework drafted by ARIC members should not be treated as a mandated requirement arising from the Charter, and any changes to meeting frequency or reporting arrangements should only proceed on the basis of a CEO-prepared assessment of the financial, legal, workforce and governance implications.

The Reporting Framework attempts to expand ARIC's role into:

- designing administrative reporting processes;
- determining internal reporting frequencies; and
- directing what reports the CEO must create.

Even if Council chooses to endorse or adopt the Reporting Framework as presented in **Attachment 2**, ARIC's **statutory powers** remain those in Regulation 16 of the *Local Government (Audit) Regulations 1996*, which are limited to:

- receiving and reviewing reports prepared by the CEO; and
- making recommendations.

Council cannot override the *Local Government Act 1995* by endorsing or adopting a framework that relocates administrative powers from the CEO (s.5.41) to ARIC.

The following information is provided for Councillor's consideration:

Charter and Preparation of Work Plan considerations and implications

A Reporting Framework (which is **not** an *Annual Work Plan*) was presented formally to ARIC at the Special Committee Meeting held on 17 March 2026 (**Attachment 2**).

The Charter for the Audit, Risk, and Improvement Committee at Clause 2.5 states the following:

*The Committee will prepare an **annual work plan** that outlines when it will perform key activities, in consultation with Council.*

To interpret this requirement correctly, Clause 2.5 must be read within the broader statutory framework governing ARIC.

In the context of Clause 2.5 of the Audit, Risk and Improvement Committee (ARIC) Charter, the phrase "in consultation with Council" means that the Committee must not develop or adopt an annual work plan independently but must seek input from Council before finalising it.

The phrase "**in consultation with Council**" does not permit ARIC to develop or adopt an annual work plan in isolation, nor to produce a plan that extends beyond ARIC's legally defined oversight functions. "*Consultation*" in this context refers to a structured governance process where ARIC proposes a draft, Council is given an opportunity to provide feedback, and ARIC considers that feedback before finalising the *Annual Work Plan*.

Crucially, ARIC has **no delegated authority** under sections 5.42 or 5.43 of the *Local Government Act 1995*, meaning it cannot make decisions binding on the organisation, cannot determine administrative systems, and cannot commit the Shire to operational outputs or reporting processes.

ARIC remains an advisory committee only, as established by:

- Regulation 16 of the *Local Government (Audit) Regulations 1996* (functions limited to receiving and reviewing CEO-provided reports and recommending improvements);
- Sections 7.1A–7.1C of the *Local Government Act 1995* (establishment, composition, and limitations of audit committees); and
- The ARIC Charter (expressly stating that ARIC has no management, operational or decision-making authority).

“*Consultation with Council*” cannot be interpreted as authorising ARIC to design, impose, or adopt a detailed internal reporting methodology, nor to specify operational reporting frequencies, formats, or administrative workloads. The plan must remain an oversight schedule, not an operational instruction manual.

From a governance perspective, the word “*consultation*” has a specific, well-understood meaning. It **does not** mean that:

- ARIC must obtain Council’s approval prior to drafting the plan;
- Council controls the content of the plan; or
- ARIC may finalise the plan without first seeking Council’s input.

Instead, “*consultation*” means that:

- ARIC must provide Council with a draft work plan for review, allowing Council the opportunity to comment on alignment with strategic priorities, governance expectations, and meeting scheduling;
- Council may raise concerns or identify omissions, but may not authorise ARIC to exceed its remit;
- ARIC must consider Council’s feedback in good faith before the plan is finalised; and
- The plan must respect statutory boundaries, meaning it cannot create administrative responsibilities for the CEO or staff without a CEO-prepared assessment under s.5.41.

Compliance with section 5.41 of the *Local Government Act 1995* is especially important, as that section assigns the CEO sole responsibility for the administration of the local government, including its systems, procedures, resourcing, reporting processes, workforce allocation, and operational management. Any work plan that seeks to dictate operational processes, reporting mechanisms, or workloads would conflict with this statutory allocation of responsibility and therefore **cannot be** adopted as an ARIC “Work Plan.”

“*Consultation*” is a governance safeguard, *not* a delegation. It exists to:

- ensure ARIC’s activities align with Council’s strategic direction and risk appetite;
- prevent ARIC from operating independently of Council’s governance framework;
- preserve ARIC’s independence by ensuring its plan remains oversight-focused, not operational; and
- maintain transparency and clarity of roles within the Shire’s governance structure.

“Consultation” also supports alignment with the Integrated Planning and Reporting Framework and ensures ARIC’s work plan complements Council’s long-term strategic objectives, rather than establishing a parallel administrative process.

In practice, “**in consultation with Council**” requires ARIC to:

1. Develop a draft oversight plan outlining when ARIC will perform its key activities;
2. Provide the draft to Council for review and comment;
3. Consider Council’s feedback in finalising the plan; and
4. Ensure the final work plan remains consistent with:
 - Council’s strategic direction;
 - the CEO’s statutory role under s.5.41; and
 - ARIC’s legislated functions under Reg. 16.

The requirement does **not** authorise ARIC to adopt a plan without Council input, nor to create operational reporting obligations for the administration. It restricts ARIC to its legislated oversight role and ensures the Annual Work Plan is produced through lawful, transparent, and collaborative governance processes, not informal or private discussions.

Legislative Context Implications

Under Regulation 16 of the *Local Government (Audit) Regulations 1996*, ARIC’s functions relate to reviewing reports *provided by the CEO* and making *recommendations to Council*.

ARIC **does not**:

- possess delegation or authority to commit expenditure;
- direct staff;
- undertake administrative investigations; or
- require the CEO to provide running updates on active investigations (due to CCC, employment, privacy, and procedural fairness constraints).

The *Local Government Act 1995 s.5.41* clearly places responsibility for administration, workforce management, systems, and reporting processes with the CEO—not ARIC.

Additional reporting requests must therefore be assessed for their administrative feasibility, resourcing needs, and legislative constraints before ARIC or Council considers adoption.

Legislative / Risk Considerations

Risks identified include:

- **Breach of confidentiality** if ARIC receives running updates on investigations (CCC Act, employment law, procedural fairness).
- **Breach of administrative role boundaries** if ARIC attempts to approve processes or frameworks without Council or CEO input.
- **Apprehended bias** if ARIC members are both authors and decision-makers.
- **Transparency risks** related to any informal committee deliberations outside convened meetings.

These must be resolved prior to Council considering any change to ARIC’s meeting structure or reporting requirements.

Committee Meeting dates – proposed expansion to monthly with ARIC Resolution

At a Council Meeting held on 25 September 2025, Council resolved (OCM177/09/25) to approve the 2026 Council and Committee Meeting Schedule for 2026.

The report and timetable approved the following option:

Option 2	Type of meeting	Scheduled day
	Council Meeting	1st Thursday of the month (5.30pm);
	Committee Meetings	2nd Thursday of the month (variable times) and spread out the committees to different months.
	Council Workshops	3rd Thursday of the month (5.30pm);
	Agenda Forums	The last Thursday of the month (5.30pm)

It was reported at the time that *“the Shire can still meet compliance obligations and there will be opportunity particularly around budget review and budget adoption, for extra workshops or briefings to be added to the schedule ad-hoc, without interrupting the cycle.”*

The resolution from ARIC was for Council to approve changes in the frequency of ARIC meetings from quarterly to monthly for the remainder of the 2026 calendar year. Dates were included in the resolution without consultation. Many of the dates clash with other already scheduled committee meeting dates and times as per the table below:

Dates ARIC resolved	Date suitability
a. 9 April 2026	Council Engagement already booked for this day – at a different time however Officers will be heavily involved in preparing for the workshop and/or have other engagement that is Council business related that cannot be moved.
b. 14 May 2026	Already an ARIC date
c. 11 June 2026	A LEMC Meeting and BFAC meeting are held on this day. The LEMC meeting is held at the 10.30am slot the ARIC wishes to have through their resolution.
d. 9 July 2026	Council Engagement is planned for this day – at a different time however Officers would be heavily involved in preparing for the workshop and/or have other engagement that is Council business related that cannot be moved.
e. 13 August 2026	Already an ARIC date
f. 10 September 2026	A LEMC Meeting and BFAC meeting are held on this day. The LEMC meeting is held at the 10.30am slot the ARIC wishes to have through their resolution.
g. 8 October 2026	Council Engagement is planned for this day – at a different time however Officers would be heavily involved in preparing for the workshop and/or have other engagement that is Council business related that cannot be moved.

Dates ARIC resolved	Date suitability
h. 12 November 2026	Already an ARIC date
i. 10 December 2026	A LEMC Meeting and BFAC meeting are held on this day. The LEMC meeting is held at the 10.30am slot the ARIC wishes to have through their resolution.

Other days considered were as follows:

Day	Suitability
Monday	Are not suitable as the Executive Managers and the CEO have regular appointments scheduled for these days
Tuesday	Are not suitable as the Executive Managers and the CEO have regular appointments scheduled for these days
Wednesday	Not suitable as Committee Members would not be able to attend in person and regulations do not permit members attending all meetings electronically. The percentage is 50% and they have to be approved by the Shire President and/or Council.
Friday	Are not suitable as the Executive Managers and the CEO have regular appointments scheduled for these days

It is recommended that the request for monthly meetings not be supported because it is preferable to have the option of Special Committee Meetings being called by the Chairperson in accordance with the *Standing Orders Local Law 2008* and in liaison with the Chief Executive Officer so that the dates fit in with the evolving Council schedule.

There are only two options, with one preferred and recommended as follows:

OPTION 1 – (Recommended)

That Council:

1. Not approve the change in the Audit, Risk, and Improvement Committee meeting frequency from quarterly to monthly for the remainder of the 2026 Calendar year.
2. Receives and notes the “reporting framework” (**Attachment 2**); and
3. Receives and notes the recommendation made by the ARIC at their meeting held on 17 March 2026 as contained in this report, and in the extract of ARIC minutes (**Attachment 4**); and
4. Approves and endorses the proposed annual Work Plan (**Attachment 5**);
5. Requests the CEO publish the proposed Annual Work Plan on the Shire’s website, and distribute it to members of the Audit, Risk, and Improvement Committee prior to their next scheduled meeting to be held on 14 May 2026, together with a copy of this Officer’s Report.

Officer Comment regarding option 1

Option 1 is consistent with the Shire’s adopted governance approach, which emphasises collaboration, role clarity, and lawful consultation processes as outlined in the Council Plan’s Performance pillar relating to responsible and effective leadership and governance.

Under Clause 2.5 of the ARIC Charter, the Committee must prepare an *annual work plan* in consultation with Council; this option honours that requirement by enabling Council to review, respond to and guide the development of a compliant Annual Work Plan before ARIC finalises it. This approach strengthens Councillor–Committee collaboration, preserves ARIC’s independence while maintaining accountability to Council, and ensures the CEO is appropriately consulted as required by the Charter and s.5.41 of the Act.

This consultative pathway supports the Shire’s commitment to transparent decision-making, community confidence and alignment with strategic priorities, while ensuring that administrative, financial and workforce considerations can be fully assessed before any operational impacts are created. It maintains the integrity of the governance reforms already implemented by Council and avoids consultation processes that would fall outside formal meeting procedures.

A structured Annual Work Plan, such as the proposed plan (**Attachment 4**) under Option 1 can explicitly schedule the key Reg 16 functions across the year (e.g. audit plan, CAR, Reg 17 reviews, risk dashboards, 7.12A action monitoring). This shows clear alignment with Reg 16 and the Charter’s clause 7.1.

Quarterly meetings, with the ability to call Special meetings under the Standing Orders if new audit or risk issues arise, are more than sufficient to review these types of reports, which are typically quarterly or annual in nature (e.g. CAR, Reg 17 reviews, OAG performance audits). This approach meets the requirements of the Charter and supports Council in managing its workload and scheduling in a coordinated manner. There is no legislative or Charter-based requirement for ARIC to meet monthly.

OPTION 2 – Not Recommended (as this was the recommendation made by ARIC)

1. Approve the Audit, Risk and Improvement Committee Reporting Framework as outlined in Attachment 2.
2. Approve the meeting dates for the Audit, Risk, and Improvement Committee for 2026, with a starting time of 10.30am, as follows:
 - a. 9 April 2026
 - b. 14 May 2026
 - c. 11 June 2026
 - d. 9 July 2026
 - e. 13 August 2026
 - f. 10 September 2026
 - g. 8 October 2026
 - h. 12 November 2026
 - i. 10 December 2026
3. Requests the CEO to implement the Reporting Framework as outlined in Attachment 2, ensuring that:
 - (a) all required reports are prepared in accordance with the specified frequency and content requirements; and
 - (b) reports are provided in written, evidence-based form.

Officer Comment regarding option 2

It would be prudent to request that a full CEO-prepared assessment of financial, legislative, workforce and operational implications is provided, if Council so determines to ignore the advice provided in this report and choose Option 2; being acutely aware of the key performance criteria the CEO is required to manage as part of his role.

Option 2 goes well beyond what is needed to discharge Reg 16 functions and the Charter, while creating material financial, workforce and scheduling pressures.

Option 2 introduces significant consultative risks because it is based on a Reporting Framework that was not developed through the required consultation mechanisms under Clause 2.5, was not prepared in collaboration with the CEO, and has not been subject to organisational assessment. Adopting this Framework may be perceived as endorsing processes that did **not** follow appropriate internal consultation, did **not** involve the CEO as required by the Charter, and did **not** give Council the opportunity to shape oversight priorities before ARIC finalised its position.

This option risks creating fractured governance relationships, undermining confidence in decision-making, and reducing transparency—contrary to the Council Plan’s focus on responsible leadership, improved communications, and stronger organisational and community trust.

Option 2 also bypasses necessary internal consultation with staff who would be affected by the framework’s operational requirements. Without consultation through established mechanisms (including the CEO, Executive Management Team, and internal governance processes), Council may unintentionally endorse a document that imposes obligations the organisation has not been resourced for and has not been consulted on. Such an approach is inconsistent with the Shire’s integrated planning and reporting framework and exposes Council to unnecessary governance and consultation risks.

Option 2’s push for monthly meetings and a very granular Reporting Framework risks shifting focus from strategic assurance (Reg 16’s intent) to operational micro-monitoring, potentially diluting the quality of oversight and drawing ARIC into management detail contrary to clause 2.1 of the Charter.

Comparison between Option 1 and Option 2

Option 1 explicitly leaves the design of internal systems and reporting processes with the CEO; and it also proposes that Council consider an Annual Work Plan prepared by administration before committing to additional workloads.

This aligns with both cl. 3.1–3.2 of the Charter and s.5.41 of the Act and keeps ARIC within its Reg 16 oversight role.

By contrast, Option 2 would see Council:

- endorsing a detailed Reporting Framework that originated from ARIC; and
- noting that ARIC “has requested the required reports from the CEO” as if that request itself created an obligation.

This risks being perceived as Council allocating aspects of administrative control to ARIC, contrary to cl. 3.1 and s.5.41, and going beyond the functions listed in Reg 16(a)–(d).

Neither the Charter nor any other written law confers on ARIC a function to design and impose internal reporting frameworks or operational workloads on the CEO.

Option 1, which treats the Reporting Framework as information only (received and noted) and instead develops a CEO-assessed Annual Work Plan, respects the limit in Reg 16(d).

Option 2, by effectively adopting the ARIC-authored Reporting Framework as a governance instrument, risks treating that document as if it created a new “function” for ARIC and Council that is not supported by Reg 16(d) or cl. 7.1.

Officer Recommendation

Option 1 is the recommended Option which means that Council receive the report but not adopt the Reporting Framework, because it is technically **not** an annual work plan as required by Clause 2.5 of the Audit, Risk, and Improvement Committee Charter.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Plan for the Future – Council Plan 2023-2033

OPTION 1 – Recommended

Option 1 aligns with the Council Plan’s overarching aspiration for “responsible and effective leadership and governance” and its emphasis on ensuring decisions are strategically informed, properly resourced, and operationally achievable. By not adopting the Reporting Framework—recognising that it is not an annual work plan as required under Clause 2.5 of the ARIC Charter—Council avoids creating unassessed financial, workforce and operational burdens that could undermine the strategic objectives set out in the Performance pillar, including governance, financial sustainability, risk management, and workforce capability.

Option 1 reinforces the Council Plan’s commitment to transparency, accountability, and lawful process, ensuring ARIC functions as an oversight body rather than establishing operational requirements contrary to the CEO’s statutory responsibilities under s.5.41 of the *Local Government Act 1995*. This option ensures the Shire remains focused on delivering community priorities—such as roads, community wellbeing, environment, and local services—without diverting limited organisational resources into an untested and unfunded reporting structure. It strengthens strategic alignment, protects organisational stability, and supports the integrated planning and reporting framework on which the Council Plan is built.

OPTION 2 – Not Recommended

Creates misalignment with the Council Plan 2023–2033

Option 2 introduces significant strategic risk and has potential to undermine several pillars of the Council Plan, including Performance, Prosperity, and People. Moving ARIC to monthly meetings and endorsing a reporting framework that has not been assessed by the CEO creates substantial unplanned operational workload, workforce pressure, and financial impacts. This is contrary to the Council Plan’s priorities for responsible financial management, workforce planning, and the careful allocation of organisational capacity.

Endorsing a document that is *not* an annual work plan under Clause 2.5, and which prescribes operational reporting obligations, risks blurring statutory roles and weakening the governance improvements Council has invested in since the Inquiry and governance reforms. This misalignment threatens the Council Plan’s objective of “strong, clear and accountable leadership,” the integrity of the Shire’s risk management framework, and the

ability of staff to deliver key projects and community priorities identified across the Council Plan pillars.

Adopting Option 2 without a full CEO-prepared assessment also contradicts the principle of evidence-based decision-making that underpins the Council Plan and may compromise the Shire's long-term financial and organisational sustainability.

Oversight improvements must align with the Integrated Planning and Reporting Framework and maintain good governance principles.

Policy related:

Local Government Payments and Gifts to Members Policy

Risk Management Policy

Financial:

OPTION 1 – Recommended (Minimal Financial Impact)

Option 1 has no additional direct financial implications for the Shire beyond existing, budgeted operational costs. Maintaining quarterly meeting frequency ensures the organisation continues to operate within its current resourcing model without the requirement for additional staff, overtime, recurrent reporting tasks, or administrative overhead.

Receiving and noting the Reporting Framework (**Attachment 2**) has no financial impact because it does not commit the Shire to adopt or implement the reporting suite it contains. Instead, endorsing the Annual Work Plan (**Attachment 5**) enables ARIC to meet its Clause 2.5 obligations without imposing unbudgeted reporting workloads on the administration.

Option 1 aligns with the Council Plan's strategic emphasis on responsible financial stewardship, efficient use of resources, and maintaining service delivery capacity. It avoids unfunded cost pressures that would otherwise require amendments to the Workforce Plan, Long-Term Financial Plan, and operational budgets.

OPTION 2 – Not Recommended (Material Unfunded Financial Impact)

Option 2 carries significant unbudgeted financial implications, as the proposed Reporting Framework imposes new operational and reporting obligations on the CEO and administration. Preliminary assessment indicates the following likely additional staffing costs:

- 0.2 FTE Administrative/Minutes Support – approx. \$15,000 per annum
- 1.0 FTE Compliance Officer – approx. \$100,000 per annum
- 1.0 FTE Internal Auditor or Senior Finance Officer – approx. \$120,000–\$150,000 per annum

These positions would be required to support the monthly production of reconciliation reports, aged debtor/creditor analysis, risk dashboards, compliance registers, and corporate governance documentation as outlined in the Framework.

Further indirect costs include:

- Increased meeting preparation and attendance time by executives and senior staff;
- Increased governance, publishing, and records management workload;
- Potential need for upgraded systems, software licensing, or data management tools;
- Displacement of critical work required to deliver Council Plan priorities.

Option 2 also increases independent member sitting fees (paid per meeting), tripling the number of meetings for 2026.

These impacts were not included in the adopted annual budget, the Workforce Plan, or the Long-Term Financial Plan. Adoption of Option 2 may therefore require budget review amendments, reallocation of resources, or reduction in other service delivery areas, contrary to the Council Plan's objectives for prudent financial management, sustainable staffing, and prioritisation of community-facing services.

Legal and Statutory:

Clause 2.5 of the Audit, Risk and Improvement Committee (ARIC) Charter requires the Committee to prepare an Annual Work Plan "in consultation with Council."

This clause must be interpreted within the statutory framework of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*. ARIC has no delegated authority and cannot direct administrative processes, commit the Shire to expenditure, or determine operational matters, consistent with sections 5.41 and 5.42 of the Act, which place responsibility for all administrative systems, staffing, procedures, and reporting with the Chief Executive Officer.

The functions of ARIC are set out in Regulation 16 of the *Local Government (Audit) Regulations 1996*, which confine the Committee's role to receiving and reviewing reports prepared for the Committee (ordinarily by the CEO or Administration, or by external auditors where relevant) on financial management, risk, internal control, legislative compliance, and audit matters, and making recommendations to Council.

"In consultation with Council" therefore requires that ARIC provide Council with an opportunity to review and comment on the draft annual work plan before it is finalised, but this does not create authority for ARIC to implement, direct or mandate administrative activity. Council's input is advisory and intended to ensure alignment with governance priorities, while the CEO retains exclusive statutory responsibility for determining the systems and resources required to support any work plan under section 5.41.

Any recommendation by ARIC that has financial, operational, workforce or legislative impacts must therefore be accompanied by a detailed CEO report, so that Council can make an informed decision that is consistent with its statutory role and the CEO's responsibilities under section 5.41.

Regulation 16 of the *Local Government (Audit) Regulations 1996* provides that the functions of an Audit, Risk and Improvement Committee are to **receive and review reports** on audits, compliance audits, financial management, legislative compliance, risk management, and the implementation of actions under section 7.12A of the Act, and to **recommend** actions or improvements to Council.

The Committee's role is therefore confined to reviewing reports prepared for it (ordinarily by the CEO or Administration, or by external auditors) and making recommendations; it does not extend to designing or imposing operational systems, reporting frameworks, or workload expectations on the Administration. This is reinforced by clauses 2.1, 3.1 and 7.1 of the ARIC Charter and section 5.41 of the *Local Government Act 1995*, which vest responsibility for administrative systems, staffing and reporting processes exclusively in the CEO.

From a Reg 16 perspective, **Option 1** provides a clear, lawful pathway for ARIC to discharge its statutory functions through a Council-endorsed Annual Work Plan that schedules the receipt and review of key audit, risk, compliance, and performance reports across the year, supplemented by Special ARIC meetings if required. This aligns with clause 8.1 of the

Charter ('meeting dates are set by Council') and maintains the statutory separation between governance and administration under section 5.41 of the Act.

By contrast, **Option 2** risks blurring those boundaries by adopting a Reporting Framework that has been designed by ARIC members themselves and that prescribes operational reporting obligations and meeting dates without prior CEO assessment or structured consultation with Council as contemplated in clause 2.5. There is no requirement in Regulation 16 for ARIC to meet monthly or to determine internal administrative reporting systems; those matters sit with the CEO and Council under the Act and the Charter.

Local Government Act 1995 (incl. s.5.41 CEO functions)

Local Government (Audit) Regulations 1996 r.16

Local Government (Administration) Regulations 1996 r.14

Risk related:

Option 1 presents low organisational risk and is consistent with the Shire's established governance, risk, and legislative frameworks. By maintaining the current quarterly meeting schedule and not adopting the Reporting Framework as an annual work plan, Council avoids creating unassessed operational, financial, or workload risks that could undermine the Shire's capacity to deliver the priority actions and services identified in the Council Plan 2023–2033.

This option also upholds the statutory separation of powers under the *Local Government Act 1995*, ensuring ARIC remains within its legislated oversight role and that the CEO retains responsibility for administrative systems, workforce allocation, and reporting processes. It mitigates risks associated with role confusion, governance failure, or non-compliance with the ARIC Charter and Regulation 16.

Option 1 avoids workforce strain, protects the organisation's service delivery capacity, and supports the Shire's broader risk appetite by not introducing un-resourced reporting obligations. It reinforces the Shire's commitment to responsible governance, as expected under the Performance pillar of the Council Plan, and maintains alignment with the Shire's Risk Management Framework.

Option 2 presents significant governance, compliance, financial, and workforce risks. Increasing ARIC meeting frequency to monthly and endorsing the Reporting Framework would impose a substantial operational workload on the administration without any assessment of the implications, contrary to the CEO's statutory responsibilities under s.5.41 of the *Local Government Act 1995*. Introducing un-resourced reporting duties and increased meeting demands may result in workforce fatigue, reduced quality of core services, and failure to deliver existing Council Plan commitments across all performance areas.

Option 2 risks misalignment with the Integrated Planning and Reporting Framework, as it would require the reprioritisation of staff from scheduled projects and statutory functions to unplanned reporting tasks. It may also lead to budget overruns, breach of role boundaries, conflict with the ARIC Charter, and potential non-compliance with governance expectations asserted in the Performance outcome of the Council Plan. There is also a heightened risk of governance failure if Council adopts a document drafted through processes raising concerns about apprehended bias or non-compliance with meeting procedures.

For these reasons, Option 2 exposes the Shire to risks far above its accepted risk appetite and is not recommended unless Council first receives a full CEO assessment of legislative, workforce, operational and financial implications.

Exceeding ARIC's statutory role

Under Regulation 16 of the *Local Government (Audit) Regulations 1996*, ARIC's functions are expressly limited to reviewing reports provided by the CEO and making recommendations about improvements to systems and procedures. ARIC does not have authority to design or impose administrative processes, reporting frameworks, workload expectations, or operational systems. Recommending that Council endorse a Reporting Framework drafted by ARIC members risks exceeding ARIC's oversight mandate and blurring the separation between governance (Council/ARIC) and administration (CEO).

Apprehended bias

The CEO has formally raised concern that ARIC members have "worked through the draft report and the proposed reporting framework" outside the formal meeting process, which may constitute informal or undocumented deliberations. This may create a risk of apprehended bias, in the sense described by Archer J in *Dain Pty Ltd v Shire of Peppermint Grove (2019)*, because the same Committee members appear to have been involved in drafting the framework that they are now being asked to assess. This is not for Council to determine in this report, but it is a relevant contextual consideration in deciding how to proceed.

Legislative non-compliance and role-boundary risk

Moving to monthly meetings and endorsing a complex reporting schedule would impose significant administrative demands.

Three of the dates proposed are already set aside for Council's budget workshops, which require Officers to be available throughout the day to provide information, answer questions and update material as needed, in addition to managing their usual operational responsibilities. Scheduling an ARIC meeting on the same day would affect operations significantly.

Further, three of the dates proposed are currently meeting dates for other committees which means that these dates are not available to add in other meetings for other committees.

Under s.5.41 of the *Local Government Act 1995*, the CEO alone determines systems, procedures, resourcing, and staffing requirements. ARIC recommending operational commitments without CEO assessment risks contravening the CEO's exclusive statutory role, creating potential legal and procedural non-compliance.

Resource and financial exposure

The recommendation implies a substantial increase in reporting, analysis, and governance workload. Preliminary CEO advice identifies potential additional staffing costs of up to \$265,000+ per year (administration, compliance, and finance roles). Making a recommendation before these implications are fully analysed places Council at risk of approving a structure that is not financially or operationally viable, leading to budget over-runs and business continuity risks.

Procedural fairness and information security risks

Parts of the proposed "Reporting Framework" (not a "work plan") appear to require the CEO to provide running updates on investigations. The CEO has identified that doing so would create a realistic risk of breaching the CCC Act, workplace investigation, and confidentiality obligations. ARIC recommending such a framework exposes the Shire to legal risk, privacy breaches and also may give rise to potential external scrutiny.

Governance and transparency risks

Creating and endorsing a framework without CEO or Council consultation risks undermining transparency and may create a perception that ARIC deliberated outside formal processes. This may affect community confidence and auditor confidence in governance practices.

There is a significant governance risk associated with the Committee adopting the Reporting Framework in its current form, as the document was drafted and agreed upon by ARIC members outside of the administrative process and without prior consultation with the CEO or Council.

ARIC has no delegated authority to design or impose administrative systems, workflows, or reporting processes, and doing so without CEO input presents a risk of breaching the statutory separation of powers under s.5.41 of the *Local Government Act 1995*, which vests responsibility for the Shire's administration, operational systems, workforce management, and reporting processes exclusively with the CEO.

Recommending adoption of a framework not assessed by the CEO also increases the risk of misalignment with resources, legal obligations, information-handling requirements, and workload capacities, potentially resulting in operational failure or non-compliance.

Accordingly, adopting the Reporting Framework "as written" without CEO review presents risks to:

- **Governance integrity and transparency** (possible perception of pre-determination or decision-making outside formal meetings);
- **Statutory compliance** (exceeding ARIC's oversight role under r.16 of the *Audit Regulations*);
- **Legal defensibility** (apprehended bias in Committee decision-making); and
- **Operational viability** (the Framework may not be achievable, resourced, or lawful without CEO assessment).

It is recommended that Council **choose Option 1**.

Workforce related:

OPTION 1 – Recommended

Option 1 has no additional workforce implications beyond current staffing levels. Maintaining the existing quarterly ARIC meeting cycle ensures that the organisation remains within its approved Workforce Plan and avoids imposing unplanned reporting or administrative workload on finance, governance, risk, and operational teams. This option preserves organisational capacity to deliver the priority actions identified in the Council Plan 2023–2033, including ongoing improvements in financial management, corporate governance, community services, and strategic projects.

By receiving and noting the Reporting Framework and endorsing a compliant Annual Work Plan, Option 1 reinforces the statutory separation between governance and administration, allowing the CEO to allocate staff resources according to operational priorities and legislative responsibilities under s.5.41.

This supports a sustainable workload for officers and ensures continuity of service delivery across the organisation.

OPTION 2 – Not Recommended

Option 2 carries substantial and unbudgeted workforce implications. Shifting ARIC to monthly meetings and endorsing the Reporting Framework would require the Shire to generate significantly more reports, analyses and data sets than currently resourced for. Preliminary estimates indicate the likely need for up to:

- **0.2 FTE administrative/minute support** to manage agendas, minutes, records, and publishing; and
- **1.0 FTE Compliance Officer** to prepare quarterly compliance registers, breach reports, governance checks, and legislative monitoring; and
- **1.0 FTE Senior Finance Officer or Internal Auditor** to prepare monthly reconciliations, aged balances, risk-aligned financial reporting, and quality assurance over internal controls

In addition to these new positions, existing senior officers would experience increased time demands to prepare, review and attend meetings, reducing their availability to deliver core responsibilities. This would impact the organisation's ability to complete Council Plan actions, asset management tasks, regulatory functions, and community service delivery.

The Reporting Framework also introduces operational commitments that require detailed procedural, system, and workflow changes—matters that fall exclusively within the CEO's statutory role under s.5.41. Implementing these requirements without a CEO-developed assessment risks overloading key staff, reducing organisational resilience, and creating workforce pressure inconsistent with the Shire's Workforce Plan and the Council Plan's Performance outcomes relating to organisational capability and responsible leadership.

For these reasons, Option 2 presents a significant and unsustainable workforce impact and is not recommended without a full CEO report outlining the resourcing, cost, and structural implications.

A **detailed assessment** cannot be completed without further structured analysis.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Not approve the change in the Audit, Risk, and Improvement Committee meeting frequency from quarterly to monthly for the remainder of the 2026 Calendar year.
2. Receives and notes the "reporting framework" (**Attachment 2**); and
3. Receives and notes the recommendation made by the ARIC at their meeting held on 17 March 2026 as contained in this report, and in the extract of ARIC minutes (**Attachment 4**); and
4. Approves and endorses the proposed Annual Work Plan (**Attachment 5**);
5. Requests the CEO publish the proposed annual Work Plan on the Shire's website, and distribute it to members of the Audit, Risk, and Improvement Committee prior to their next scheduled meeting to be held on 14 May 2026, together with a copy of this Officer's Report.

ARIC RECOMMENDATION

That Council:

1. Approve the Audit, Risk and Improvement Committee Reporting Framework as outlined in Attachment 2.
2. Approve the meeting dates for the Audit, Risk, and Improvement Committee for 2026, with a starting time of 10.30am, as follows:
 - a. 9 April 2026
 - b. 14 May 2026
 - c. 11 June 2026
 - d. 9 July 2026
 - e. 13 August 2026
 - f. 10 September 2026
 - g. 8 October 2026
 - h. 12 November 2026
 - i. 10 December 2026
3. Requests the CEO to implement the Reporting Framework as outlined in Attachment 2, ensuring that:
 - (a) all required reports are prepared in accordance with the specified frequency and content requirements; and
 - (b) reports are provided in written, evidence-based form.

10.5 INFRASTRUCTURE, ASSETS AND SERVICES

Nil.

10.6 COMMITTEE REPORTS

Nil.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11.1 Notice of Motion (Cr R Mills) - Establishment of a Works & Infrastructure Committee**

Date of Report:	24 March 2026
Applicant or Proponent:	Cr R Mills
File Reference:	MAN2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	27/11/2024
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> Cr Mills Notice of Motion (and Terms of Reference). ↗ Previous Council Report and Terms of Reference. ↗

PURPOSE OF THE REPORT

To provide Council with relevant and material facts and circumstances in accordance with clause **4.4(4)(c)** of the *Shire of Toodyay Standing Orders Local Law*, in response to the Notice of Motion received from Cr Mills on 24 March 2026 proposing the establishment of a Works & Infrastructure Committee.

BACKGROUND

On 24 March 2026, Cr Mills provided the Chief Executive Officer with notification of a Notice of Motion for the 2 April 2026 Ordinary Meeting of Council (**Attachment 1**).

Clause 4.4(4)(c) of the Standing Orders Local Law states that the Chief Executive Officer “*may provide to Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law.*”

This report is prepared in accordance with that requirement.

Council resolved on **27 November 2024** to *disband* the Works Advisory Committee, along with other advisory committees, primarily due to concerns regarding:

- operational overreach;
- inefficiency;
- duplication of staff work; and
- the tendency for meetings to become Q&A sessions about ongoing projects, contrary to the strategic role of Council. (Refer to **Attachment 2**).

At that time, it was noted that the Works Advisory Committee had previously been disbanded in 2020, re-established briefly in 2024, and was again recommended for disbandment due to similar issues recurring.

The new Notice of Motion proposes the creation of a Works & Infrastructure Committee with substantially similar functions and areas of involvement to those previously disbanded.

COMMENTS AND DETAILS

In considering this Notice of Motion, it is important to reaffirm the statutory separation between the role of Council and the role of the Chief Executive Officer under the *Local Government Act 1995*.

Council's role, as set out in section 2.7, is to provide strategic direction and determine policy. The CEO's responsibilities under section 5.41 include the day-to-day management of the local government, the structure of administration, and the provision of advice and information to Council.

The preparation of detailed administrative instruments—such as Terms of Reference for committees, reporting requirements, staff participation, and project-level oversight—falls within the CEO's functions, not the role of individual Councillors. While Councillors may initiate matters for Council's consideration through a Notice of Motion, including proposing that a committee be established, the design, drafting and operational structuring of any committee is an administrative responsibility requiring CEO oversight, resource assessment, and alignment with strategic community plans already adopted by Council.

Past Council decisions, including the disbanding of the former Works Advisory Committee in November 2024 (due to operational overreach, duplication of administrative effort, and unclear role boundaries), further reinforce the need to ensure that any proposal for committees remains consistent with the Act, supports good governance, and does not inadvertently draw Council into operational functions.

Under **Section 2.7 of the *Local Government Act 1995***, the role of Council includes:

- setting the strategic direction of the Shire;
- overseeing the allocation of resources; and
- determining policies.

Under **Section 5.41 of the *Local Government Act 1995***, the CEO is responsible for:

- day-to-day operations of the local government;
- implementing decisions of Council;
- managing staff; and
- ensuring effective and efficient service delivery.

The Act clearly separates governance (Council) from operations (CEO and administration).

The functions proposed in the Terms of Reference—such as reviewing progress reports, analysing plant acquisition, examining tenders, and receiving project-level updates represent activities that:

- have historically drawn Councillors into operational detail;
- risk directing or influencing staff;
- are inconsistent with the CEO's statutory responsibilities.

These concerns were explicitly identified in the 2024 report recommending disbandment of the previous committee.

Council's 2024 decision to disband the Works Advisory Committee was based on the findings that:

- meetings became operational in substance;
- Councillors used the group as a project information forum rather than a strategic advisory mechanism; and
- staff time was diverted to preparing committee papers and attending meetings that duplicated existing internal and Council briefing processes.

The proposed Terms of Reference mirror the structure, functions, and scope of the previously disbanded Works (or Works & Infrastructure) committee, including:

- review of operational programs;
- oversight of projects;
- plant and equipment acquisitions;
- contract and tender reporting; and
- ongoing project monitoring.

Re-establishing a committee with functions previously deemed inefficient and operational in nature may:

- contradict Council's earlier rationale;
- generate community confusion about Council's direction; and
- weaken governance coherence.

There is also a risk of operational interference and Micromanagement.

While labelled "advisory", the proposed terms envisage the Committee:

- receiving detailed operational briefings;
- engaging with project-level data;
- examining procurement processes;
- reviewing plant purchases; and
- requesting performance reports.

Such activities inherently relate to operational delivery, staff responsibilities; and the CEO's statutory accountability under Section 5.41 of the *Local Government Act 1995*.

This creates **significant** risk of:

- actual or perceived interference in administration;
- dilution of the CEO's authority;
- inappropriate involvement of Councillors in operational matters; and
- staff being indirectly directed by a Committee.

These same risks were identified in the earlier committee reviews.

If a Works & Infrastructure Committee were established, the following impacts are likely:

1. Increased administrative burden

Past experience demonstrated:

- extensive staff time required to prepare agendas, minutes and reports; and
- duplication of information already provided through Council Briefings.

2. Reduced efficiency in project delivery

The former committee was described as creating delays due to:

- repeated requests for information;
- diversion of staff resources; and
- informal Q&A replacing formal reporting channels.

3. Financial impact

The 2024 restructure saved approximately \$2,500 in meeting allowances.

Re-establishing the Committee would reinstate these costs.

4. Availability of better governance mechanisms

Existing mechanisms already support:

- strategic oversight;
- Councillor questions;
- project updates; and
- community engagement.

These include Council Briefings, and direct correspondence, which Council endorsed as more effective in 2024.

The Notice of Motion proposes that Council appoint a Presiding Member and Deputy Presiding Member for the proposed committee. Section 5.12 of the *Local Government Act 1995* prescribes the method by which these appointments must occur. Specifically, section 5.12(1) requires that the local government appoint a member of the committee to be the Presiding Member, and section 5.12(2) provides that the local government may appoint a member of the committee to be the Deputy Presiding Member, with both appointments requiring an absolute majority.

While Council may choose to make these appointments at the time a committee is established, it is essential that the process aligns with the legislative sequence:

1. Council must first establish the committee and appoint its members, and
2. Only then may Council appoint the Presiding Member and Deputy Presiding Member from among those appointed members, and
3. The appointments must be made by absolute majority, as required by the Act.

Terms of Reference or Notices of Motion that pre-empt or direct the appointment of these officeholders outside the statutory framework, or before committee membership is formally established, risk inconsistency with section 5.12 and **should not be supported**.

Ensuring strict adherence to the prescribed process maintains procedural validity, supports transparent governance, and protects the integrity of Council's decision-making.

There are only two options, with one preferred and recommended as follows:

Option 1 – Officer’s Recommendation (recommended)

That Council:

1. *Notes the CEO’s report provided in accordance with clause 4.4(4)(c) of the Shire of Toodyay Standing Orders Local Law;*
2. *Acknowledges that the proposed Works & Infrastructure Committee, as described in the Notice of Motion and accompanying Terms of Reference, substantially replicates the functions of the former Works Advisory Committee, which Council resolved to disband on 27 November 2024 due to operational inefficiency and role-clarity concerns.*
3. **Confirms** *that the functions described in the proposed Terms of Reference relate primarily to operational matters that fall within the CEO’s responsibilities under s.5.41 of the Local Government Act 1995.*
4. **Determines** *that establishing a Works & Infrastructure Committee is not supported, as it would create risks associated with operational micromanagement, duplication of existing reporting mechanisms, and inconsistency with previous Council resolutions.*
5. **Notes** *that Councillors can continue to receive project and works updates through Council Briefings and existing communication channels.*

Officer Comment regarding option 1

It is recommended that Council support the Officer’s Recommendation, which reflects the legislative role boundaries under the *Local Government Act 1995*, the CEO’s operational responsibilities under section 5.41, and the findings of the 27 November 2024 review that led to the disbanding of the former Works Advisory Committee due to operational inefficiency and role-clarity concerns.

This option recognises that the functions proposed in the Notice of Motion substantially replicate those of the previous committee and would again draw Councillors into operational oversight, contrary to good governance practice and the statutory separation of roles.

Option 2 – Notice of Motion and Terms of Reference (NOT recommended)

That Council:

1. *Establishes the Infrastructure & Works Committee as a standing advisory committee to Council pursuant to sections 5.8, 5.9(2){c} and 5.10 of the Local Government Act 1995.*
2. *Adopts the Infrastructure & Works Committee Terms of Reference as attached.*
3. *Appoints the following Councillors as members of the Committee:*
Cr
Cr
Cr
Cr
4. *Appoints the following Councillor as Presiding Member of the Committee:*
Cr
5. *Appoints the following Councillor as Deputy Presiding Member of the Committee:*
Cr

6. *Notes that the Terms of Reference provide for up to two community members to participate by invitation of the Council.*
7. *Requests the Shire President, in consultation with the CEO and Committee members, to propose a schedule of Committee meeting dates for consideration and adoption by Council at the earliest practicable Ordinary Council Meeting.*

Officer Comment regarding option 2

It is NOT recommended that Council support the Notice of Motion and establish the proposed Infrastructure & Works Committee with the Terms of Reference as drafted by Cr Mills because this would reintroduce a committee structure that has previously proven problematic, risks duplicating existing mechanisms such as Council Briefings, and carries a high likelihood of repeating governance, efficiency, and boundary issues previously identified.

It is necessary to reiterate the governance risks and legislative concerns associated with a Councillor preparing such administrative instruments independently of Council and without the involvement of the Chief Executive Officer.

Under the *Local Government Act 1995*, the roles of Council and the Chief Executive Officer are deliberately and clearly separated. Sections **2.7** and **2.10** establish that Councillors and Council are responsible for setting strategic direction and determining policy, **while section 5.41** places the responsibility for the day-to-day management of the local government—including the structure of administration, staff functions, reporting arrangements, and operational processes—squarely with the CEO.

Terms of Reference are **administrative governance instruments**. They determine operational reporting pathways, staff involvement, meeting procedures, administrative support requirements, resource allocation, committee workflows, and internal processes. As such, the drafting of Terms of Reference is a **CEO function**, not a Councillor function. For this reason, it is improper—and contrary to the governance framework established by the Act—for a Councillor to unilaterally prepare Terms of Reference and present them for adoption without organisational oversight or CEO review.

The Terms of Reference attached to the Notice of Motion contain several features that are operational in nature, including:

- requirements that staff provide project progress reports, procurement updates, risk assessments, and budget alignment reports to the committee;
- expectations regarding staff attendance and administrative support at each meeting;
- functions related to reviewing plant acquisitions, tenders, contracts and works programming; and
- procedural matters concerning agenda preparation and meeting administration, which fall within the CEO's statutory responsibilities under s.5.41.

Because these are operational matters, it would not be appropriate or lawful for a Councillor to draft or presuppose them. Only the CEO has the statutory authority to determine administrative workflows and staff resource commitments. For Council to adopt Terms of Reference drafted by a Councillor without CEO development or review would risk breaching the legislative boundary between governance (Council) and administration (CEO), as well as compromising the effectiveness, legality and integrity of the committee governance system.

Additionally, the preparation of Terms of Reference by a Councillor—outside established processes—undermines the principle of **collective Council decision-making** and

bypasses the requirement that Council decisions be informed by CEO advice, as required by s.5.41(d). Committee structures must be developed with proper administrative, legal and resource considerations, which only the CEO is equipped and authorised to provide.

For these reasons, the Terms of Reference prepared as part of the Notice of Motion are not consistent with the governance framework of the *Local Government Act 1995* and should not be supported nor endorsed.

Officer's Recommendation

The Officer's Recommendation is therefore presented as the option that best aligns with sound governance, statutory compliance, and Council's own prior resolutions.

The Notice of Motion proposes a committee structure and attached Terms of Reference that closely replicate the former Works Advisory Committee, which Council resolved to disband on 27 November 2024 due to operational inefficiency, role-boundary concerns, and the diversion of staff resources into committee administration rather than service delivery.

Re-establishing a functionally identical committee risks repeating those same issues and would again blur the separation between Council's strategic role under sections 2.7 and 2.10 of the *Local Government Act 1995*, and the CEO's operational responsibilities under section 5.41.

The Officer's Recommendation avoids these risks, maintains clarity of roles, prevents operational micromanagement, and ensures that Councillors receive information through established mechanisms such as Council Briefings and direct CEO advice. Accordingly, the Officer's Recommendation is the option that most effectively protects Council's governance integrity and ensures the Shire continues to operate within the statutory framework intended by the Act.

Option 1 is the most appropriate and responsible course of action, as it upholds the statutory separation between Council's strategic role and the CEO's operational responsibilities under the *Local Government Act 1995*.

Option 1 also aligns with the Council Plan's emphasis on responsible, effective leadership and governance, ensuring staff can focus on delivering identified strategic priorities rather than administering an unnecessary committee.

For these reasons, Option 1 best protects the Shire's governance integrity and organisational effectiveness.

IMPLICATIONS TO CONSIDER

Consultative:

Nil – establishment of committees is a governance decision.

Strategic:

The Council Plan emphasises improved communication, engagement and reporting through structured planning and internal systems — not the reintroduction of formal committees with high administrative overhead.

The Council Plan contains more than **80 priority actions** across People, Planet, Place, Prosperity and Performance. Many require significant staff effort.

Reintroducing a high-maintenance committee will divert staff time away from delivering strategic commitments and toward committee administration — reducing organisational capacity.

A committee focused on operational matters may detract from Council's strategic role under the Council Plan 2023–2033.

Outcome 9. Responsible and effective leadership and governance.

Option 1 – Officer's Recommendation: Supports the Council Plan's *Performance* outcomes by maintaining clear governance–administration separation, ensuring resources remain focused on delivering the Plan's priorities, and reinforcing responsible, effective leadership (Outcome 9) and efficient service delivery across People, Place and Prosperity objectives.

Option 2 – Notice of Motion: Introduces operational duplication and governance inefficiency, diverting staff and resources from delivering Council Plan actions. This undermines responsible leadership (Outcome 9) and risks delaying progress across infrastructure, community engagement and economic development priorities identified in the Plan.

Policy related:

Risk Management Policy.

Governance Framework

Financial:

Option 1 – Officer's Recommendation: No additional financial impact. No reinstatement of committee meeting allowances and no extra staff time required for agenda preparation, reporting or administrative support ().

Option 2 – Notice of Motion: Reinstates committee meeting allowances of approximately \$2,500 per year, along with increased staff time for preparation of agendas, minutes, reports and attendance at committee meetings. This results in ongoing operational costs and resource diversion from core service delivery.

Legal and Statutory:

Local Government Act 1995

Council has power under s.5.8 to establish committees but must avoid infringing s.5.41 (CEO responsibilities). *Risk arises where a committee's role intrudes into operations.*

Option 1 – Officer's Recommendation: supports compliance with the *Local Government Act 1995* by maintaining the statutory separation between Council's strategic role (s.2.7) and the CEO's operational responsibilities (s.5.41). Avoids establishing a committee whose functions intrude into administration and therefore carries low legal risk.

Option 2 – Notice of Motion: risks inconsistency with the Act by assigning operational oversight to Councillors, conflicting with s.5.41. The Councillor-drafted Terms of Reference incorrectly pre-empt administrative functions and impose staff reporting obligations, creating role-boundary and statutory compliance risks.

Risk related:

Option 1 – Officer's Recommendation (Not to Establish the Committee)

The risks associated with adopting the Officer's Recommendation are minimal. Councillors may perceive reduced involvement in operational matters; however, the recommendation maintains clear role boundaries under the *Local Government Act 1995*, avoids duplication of processes, and prevents re-establishing a structure previously found inefficient and resource-intensive. The primary risk is a misconception that less formal committee

structures limit transparency, which is mitigated through Council Briefings and CEO reporting.

Supporting Option 1 carries **minimal organisational risk**, and the risks fall *within appetite*, consistent with Governance and Compliance risks GC12, GC15 and GC17.

Key Implications:

- **Governance & Compliance Risk (Low):** Role clarity is preserved, ensuring compliance with s.2.7 and s.5.41 of the *Local Government Act 1995*. This avoids the statutory and regulatory compliance risks identified in GC7 and GC12.
- **Operational Processes (Low):** No additional administrative burden, preventing inefficiencies similar to those identified in ASI2, ASI3 and GC11.
- **Financial Impact (Low):** Avoids reinstating committee allowances and additional staff time (aligned to FM1–FM3 risk themes).
- **Reputational Risk (Low):** Demonstrates consistency with earlier Council decisions, supporting GC10 (trust and transparency).

Overall, Option 1 aligns with the existing governance framework, avoids unnecessary risk creation, and keeps operational and decision-making risks **within appetite**.

Option 2 – Notice of Motion (Establish Committee with Submitted ToR)

Supporting the Notice of Motion risks re-creating a committee model previously disbanded for operational overreach, inefficiency, and confusion regarding Councillor and CEO responsibilities. The proposed Terms of Reference include operational functions requiring staff reporting, oversight of works programs, and resource commitments, which may breach role boundaries under s.5.41 of the Act. This could lead to micromanagement, increased administrative workload, governance inconsistency, and a repeat of past issues Council sought to resolve.

Choosing Option 2 **introduces multiple new risks**, largely in Governance & Compliance and Operational Processes categories. These risks elevate likelihood and impact into **Moderate–High**, referencing GC1, GC7, GC11 and ASI2/ASI3.

Key Implications:

- **Governance Risk (Moderate–High):** Councillor-drafted Terms of Reference introduce non-compliance with statutory role boundaries (s.5.41), aligning to GC7 and GC15. This may cause decision-making failures consistent with GC1.
- **Operational Interference (Moderate–High):** Committee functions duplicate existing processes, increasing workload and reducing efficiency (ASI2, ASI3).
- **Resource Strain (Moderate):** Staff time, reporting, administration and meeting support requirements increase resourcing needs (GC13; ASI2).
- **Reputational Risk (Moderate):** Re-establishing a previously disbanded committee may appear inconsistent with earlier governance improvements (GC10).

Overall, Option 2 **creates new risks or amplifies existing enterprise risks**, several of which fall near or above appetite when viewed against the Register.

Workforce related:

Option 1 – Officer’s Recommendation: No additional workforce impact. Staff remain focused on delivering Council Plan priorities and core operational functions without the

added workload of servicing a formal committee. This option preserves efficiency and prevents diversion of resources from existing service plans.

Option 2 – Notice of Motion: requires significant staff time to prepare agendas, minutes, reports, procurement and project updates, and to attend and support meetings. This creates additional administrative burden, reduces capacity for strategic and operational work, and may delay delivery of existing Council Plan commitments.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION (OPTION 1)

That Council:

1. Notes the CEO’s report provided in accordance with clause 4.4(4)(c) of the *Shire of Toodyay Standing Orders Local Law*;
2. Acknowledges that the proposed Works & Infrastructure Committee, as described in the Notice of Motion and accompanying Terms of Reference, substantially replicates the functions of the former Works Advisory Committee, which Council resolved to disband on 27 November 2024 due to operational inefficiency and role-clarity concerns.
3. **Confirms** that the functions described in the proposed Terms of Reference relate primarily to operational matters that fall within the CEO’s responsibilities under s.5.41 of the *Local Government Act 1995*.
4. **Determines** that establishing a Works & Infrastructure Committee is *not supported*, as it would create risks associated with operational micromanagement, duplication of existing reporting mechanisms, and inconsistency with previous Council resolutions.
5. **Notes** that Councillors can continue to receive project and works updates through Council Briefings and existing communication channels.

Voting Requirements for Option 2 – Absolute Majority

NOTICE OF MOTION (CR MILLS) – ESTABLISHMENT OF A WORKS & INFRASTRUCTURE COMMITTEE (OPTION 2)

That Council:

1. Establishes the Infrastructure & Works Committee as a standing advisory committee to Council pursuant to sections 5.8, 5.9(2){c} and 5.10 of the *Local Government Act 1995*.
2. Adopts the Infrastructure & Works Committee Terms of Reference as attached.
3. Appoints the following Councillors as members of the Committee:
Cr

- Cr
- Cr
- Cr
- 4. Appoints the following Councillor as Presiding Member of the Committee:
Cr
- 5. Appoints the following Councillor as Deputy Presiding Member of the Committee:
Cr
- 6. Notes that the Terms of Reference provide for up to two community members to participate by invitation of the Council.
- 7. Requests the Shire President, in consultation with the CEO and Committee members, to propose a schedule of Committee meeting dates for consideration and adoption by Council at the earliest practicable Ordinary Council Meeting.

11.2 Notice of Motion (Cr M Dival) - Deferring Council Plan Update

Date of Report:	24 March 2026
Applicant or Proponent:	Cr M Dival
File Reference:	MAN2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman JP – Chief Executive Officer
Previously Before Council:	This request has not been before Council but DAIP; Strategic Planning; and Recruitment have been. 17/12/2019 321/12/19; 25/02/2020 54/02/20; 28/07/2020 232/07/20; 22/06/2022 OCM109/06/22; 28/06/2023 OCM128/06/23; 26/07/2023 OCM160/07/23; 22/11/2023 OCM263/11/23; 12/06/2024 SCM169/06/24; 22/06/2024 OCM181/06/24; 17/07/2024 SCM205/07/24; 24/07/2024 OCM220/07/24; 07/08/2024 SCM232/08/24; 28/08/2024 OCM249/08/24; 25/09/2025 OCM182/09/25
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Cr Dival Notice of Motion - Deferring Council Plan Update. ⇒ 2. Previous Local Planning Strategy Council Report. ⇒ 3. CEO Performance Criteria. ⇒ 4. Memo to Councillors regarding questions raised by Cr Dival. ⇒

PURPOSE OF THE REPORT

To present Council with advice and comment relating to a Notice of Motion submitted by Cr Dival, proposing the deferral of planned community engagement for the Council Plan and other statutory or strategic planning work until several “outdated” informing strategies are reviewed, updated, or replaced. The report provides legislative, governance and risk analysis to assist Council in determining the most appropriate course of action.

BACKGROUND

On 24 March 2026, Cr Dival provided the Chief Executive Officer with notification of a Notice of Motion for the 2 April 2026 Ordinary Meeting of Council (**Attachment 1**).

Clause 4.4(4)(c) of the Standing Orders Local Law states that the Chief Executive Officer “*may provide to Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law.*”

This report is prepared in accordance with that requirement.

The Notice of Motion submitted by Cr Dival is seeking Council approval to defer community engagement activities relating to the Council Plan and other statutory plans. The Notice asserts:

- That reviewing or progressing the Council Plan is non-compliant if certain informing strategies are not first updated.
- That the Local Planning Strategy is “equally critical” and must be updated prior.
- That deferral is “necessary to comply with legislation.”

These assertions are **not supported** by either the:

- *Local Government Act 1995*;
- *Local Government (Administration) Regulations 1996*;
- *Integrated Planning and Reporting Framework*;
- *Planning and Development Act 2005*;
- Shire’s adopted Local Planning Strategy Report of Review (**Attachment 2**); or
- Council’s previous decisions.

The CEO has already commenced operational implementation of several statutory plans:

- **DAIP Review** (required every five years under the *Disability Services Act 1993*).
- **Local Public Health Plan** (required under s.45 *Public Health Act 2016*).
- **Harper Street Depot Concept Plan** (as directed by OCM341/12/24).
- **Council Plan review** (as required by the key performance criteria for 2025/2026 (refer to **Attachment 3**)).

All work is being delivered in accordance with:

- The 2025/2026 Annual Budget adopted by Council on 24 July 2025, and
- The CEO’s statutory functions under s.5.41 of the *Local Government Act 1995*.

This work also aligns with the CEO’s contracted expectations under the Council resolutions of 7 August 2024 and 28 August 2024.

All work currently underway directly reflects the Chief Executive Officer’s contractual performance criteria and the additional 2025/2026 performance criteria endorsed by Council.

At the **Special Council Meeting** held on **12 June 2024**, Cr M Dival moved—and Council unanimously approved—the CEO Recruitment Position Description, which includes performance expectations relating to strategic planning, program delivery, governance, stakeholder engagement and organisational leadership (Schedule 3 of the CEO’s contract).

Further, at the **Special Council Meeting** held on **25 September 2025**, Council approved the 2025/2026 CEO Performance Criteria, as recommended in the CEO’s Performance Review Report (Resolution OCM182/09/25). This motion was moved by Cr S McCormick and seconded by Cr M Dival and carried 5/0. These performance criteria require the CEO to:

- Complete 90% of the capital works program by 30 June 2026 (Financial KPI);
- Deliver a comprehensive councillor induction by December 2025 (Governance KPI);
- Progress asset rationalisation and improved utilisation (Asset Management KPI);

- Complete the 2025 statutory audit by 31 December 2025 (Governance KPI); and
- **Review and update the Council Plan by 30 June 2026 (Leadership KPI).**

This final criterion expressly requires the CEO to progress Council Plan review activities during the 2025/2026 year. The engagement now underway is therefore a direct requirement of the CEO's performance criteria, approved by Council, including by Cr Dival.

Accordingly, supporting the Notice of Motion would place the CEO in the untenable position of being unable to comply with Council-approved performance expectations, and would contradict Council's own resolutions establishing those KPIs.

It is recommended that the Notice of Motion not be supported.

At the November 2023 Ordinary Council Meeting, Council considered the Local Planning Strategy Report of Review (**Attachment 2**). Council adopted an alternate motion which only:

- Noted initial progress;
- Requested that a review of the LPS be undertaken at the appropriate time; and
- Requested that the review be brought to a workshop no later than three months after the gazettal of Local Planning Scheme No. 5.

The Council resolution **did not** declare the Local Planning Strategy outdated, unfit for purpose, nor did it direct that other statutory or IPR processes be deferred pending its review.

On 23 March 2026, Cr Dival circulated questions to the CEO before formally submitting a Notice of Motion on 24 March 2026 seeking to defer current and planned consultation associated with the 2026/27 major review of the Council Plan and related strategic documents. The questions and responses are contained in a Memorandum to Councillors at **Attachment 4**.

COMMENTS AND DETAILS

As outlined in this report, the Notice of Motion is based on several incorrect assumptions about the legislative framework governing the Integrated Planning and Reporting (IPR) process, the status of the Local Planning Strategy, and the respective roles of Council and the Chief Executive Officer under the *Local Government Act 1995*.

Importantly, the processes proposed for deferral are already underway, are either statutory requirements or Council-directed projects, and fall within the CEO's operational responsibilities under **Section 5.41 of the Local Government Act 1995**.

Councillors have two options as follows:

- (1) Allow the CEO to continue the operational work already commenced in accordance with legislation, Council decisions and performance criteria; or
- (2) direct that this operational work be deferred, as proposed in the Notice of Motion.

The Notice of Motion proposes to defer preliminary consultation for the Council Plan and related processes until various informing strategies—including the Local Planning Strategy, Long Term Financial Plan, Workforce Plan and Asset Management Plans—are updated. The reasoning provided asserts that it is "necessary" under legislation to first complete these informing strategy reviews before commencing any Council Plan engagement.

However, detailed examination of the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996*, the Integrated Planning and Reporting (IPR) Framework, and the *Planning and Development Act 2005*, confirms that **no such requirement exists**.

The IPR Framework envisages that informing strategies may be reviewed progressively, concurrently, or following community engagement.

Although the Local Planning Strategy was discussed in 2023, Council **did not** determine it was outdated or that other planning work should be suspended pending its review. Instead, Council only noted progress and requested that the review occur once the Local Planning Scheme No. 5 was gazetted on 22 August 2024.

Furthermore, the Notice of Motion does not take into account the CEO's statutory functions under **Section 5.41 of the Local Government Act 1995**, which establish the CEO's exclusive responsibility for operational management, including scheduling community workshops, procuring consultants, and implementing Council resolutions.

There are only two options, with one preferred and recommended as follows:

OPTION 1 – Officer's Recommendation (this is the preferred Option):

That Council:

1. **Notes** the legislative and governance advice contained in this report, including that Council has not resolved that the Local Planning Strategy must be updated prior to progressing other Integrated Planning and Reporting (IPR) processes, and that no legislation requires informing strategies to be updated before a Council Plan review may commence;
2. **Notes** that the CEO's 2025/2026 performance criteria—endorsed unanimously by Council on 25 September 2025, and including the requirement that the **Council Plan be reviewed and updated by 30 June 2026**—necessitate commencement of the major review of the Council Plan during the 2025/2026 financial year;
3. **Recognises** that the Chief Executive Officer is responsible for managing administration and operations under s.5.41 of the *Local Government Act 1995*, including the scheduling, procurement and delivery of statutory planning processes, community engagement, and consultant management necessary to fulfil both contractual and Council-endorsed performance requirements;
4. **Acknowledges** that work on the DAIP Review, Local Public Health Plan, Harper Street Depot Concept Plan, and the **major review of the Council Plan** is already underway in accordance with legislative requirements, Council resolutions and the adopted 2025/2026 Budget, and in direct fulfilment of the CEO's contractual and annual performance criteria;
5. **Determines** that directing, delaying or interfering with this work would be inconsistent with the separation of powers under ss.2.7, 2.10 and 5.41 of the *Local Government Act 1995*, would prevent the CEO from complying with Council-endorsed performance criteria, and would expose the Shire to unnecessary statutory, financial, operational and governance risks; and
6. **Accordingly does not support** the Notice of Motion submitted by Cr Dival seeking to defer these processes.

Officer Comment regarding option 1

Option 1 is recommended because it is the only option that aligns with the CEO's legislated operational responsibilities, the IPR Framework, and the performance criteria adopted by Council in September 2025, which require completion of the Council Plan review by 30 June 2026.

Work underway is therefore not discretionary or preliminary—it is the formal major review required by Council. Deferral would prevent the CEO from meeting Council-set KPIs, create

governance and statutory risks, and conflict with established separation of powers under the Act.

Why Option 1 Is Preferred

1. It aligns with legislation and the IPR Framework

The IPR Framework does not require informing strategies to be updated before commencing a Council Plan review. A major review may progress alongside the development or updating of informing strategies. The CEO is required to deliver the major review this financial year due to Council-endorsed performance criteria.

2. It aligns with Council's own position on the Local Planning Strategy

Council did not resolve in November 2023 that the LPS was outdated or that other IPR processes must pause pending its review. Council simply requested that an LPS review be brought to workshop following gazettal of LPS5. No legislation prevents concurrent strategic planning.

3. It respects the separation of powers under the Act

The CEO must deliver the Council Plan review as a performance obligation set by Council and is responsible for the operational management necessary to do so. Deferring work already commenced would improperly interfere with the CEO's functions under s.5.41 and conflict with ss.2.7 and 2.10.

4. It avoids statutory non-compliance

Delaying the DAIP Review, Local Public Health Plan and other strategic processes risks non-compliance under the *Disability Services Act 1993*, *Public Health Act 2016*, Council resolution OCM341/12/24, and undermines the CEO's capacity to meet Council-endorsed performance deadlines.

5. It avoids financial and project inefficiency

The major Council Plan review, DAIP Review, LPHP and Depot Concept Plan all form part of the adopted 2025/2026 Budget. Deferral would increase costs, require re-procurement and disrupt coordinated engagement.

6. It maintains appropriate sequencing ahead of the major Council Plan review

The Council Plan review must be completed by 30 June 2026 due to the CEO's performance criteria. Undertaking engagement now ensures sufficient time for analysis, drafting, Councillor input and statutory adoption.

The pathway that best avoids statutory non-compliance is for Council to allow the CEO to continue progressing the statutory planning activities already underway in accordance with the CEO's performance criteria. Deferring these processes would also interrupt compliance obligations under other Acts, interfere with the CEO's administrative functions under s.5.41 of the *Local Government Act 1995*, and would not advance or safeguard compliance under the *Planning and Development Act 2005*.

OPTION 2 – NOT Recommended:

That Council

1. defer the review of the Council Plan (Strategic Community Plan), including current planned community consultation until the following outdated legislative informing strategies have been reviewed, updated or replaced:
 - Planning Strategy;

- Long Term Financial Plan;
 - Workforce Plan; and
 - Asset Management Plan.
2. Notes the review of the Disability and Inclusion Plan, another legislative informing strategy, is currently being actioned.

Officer Comment regarding option 2

Option 2 is not recommended because supporting the Notice of Motion would conflict directly with the CEO's contractual performance criteria under Schedule 3 of the employment contract and the 2025/2026 performance criteria approved unanimously by Council on 25 September 2025—which Cr Dival seconded. These criteria require the CEO to:

“Review and update the Council Plan by 30 June 2026.”

The Strategic Community Plan quotation reflects the full major review, not preliminary work, because the CEO is obligated by Council to complete this work in 2025/2026. Directing deferral would prevent the CEO from meeting a performance criterion set by Council and would therefore place the CEO in breach of his obligations through no fault of his own.

Supporting the Notice of Motion also risks Council being inconsistent with its own adopted Council Plan 2023–2033.

Why Option 2 is not recommended

1. Not supported by legislation

No provision in the *Local Government Act 1995*, the *Administration Regulations*, or the IPR Framework requires informing strategies to be completed before commencing (or continuing) a Council Plan review.

2. Mischaracterises the Local Planning Strategy status

The November 2023 Council resolution did **not** determine the LPS was outdated nor that other strategic work must be halted until its review. It only requested a review after the gazettal of LPS5.

3. Conflicts with Council's own adopted Council Plan 2023–2033

The Council Plan sets a two-year review cycle (minor review 2024/25; major review 2026/27) and requires continuous community engagement. Deferral contradicts this schedule and undermines the Plan's implementation.

4. Directly contradicts CEO Performance Criteria

Council adopted performance criteria requiring the CEO to review and update the Council Plan by 30 June 2026. Supporting the motion would make it impossible for the CEO to meet this KPI—endorsed unanimously by Council, including by Cr Dival.

5. Interferes with CEO's statutory responsibilities (s.5.41)

Stopping or deferring operational work intrudes on the CEO's exclusive authority to manage administration, determine systems, engage consultants, and deliver statutory plans. This is inconsistent with ss.2.7, 2.10 and 5.41.

6. Creates statutory non-compliance risks

- The DAIP Review is overdue under the *Disability Services Act 1993*.
- The Local Public Health Plan is required under s.45 of the *Public Health Act 2016*.
- Depot Concept Plan consultation was directed by Council (OCM341/12/24).
- Delaying these increases compliance risk.

7. Financial and workforce inefficiency

Stopping mid-project causes sunk costs, contract variations, re-procurement, and lost efficiency. It disrupts staff workflows and increases risk of burnout and duplication.

8. Undermines IPR sequencing and strategic rigour

Delays compromise the ability to complete the Council Plan review by the Council-set deadline (30 June 2026), reduce evidence quality, and disrupt associated plans.

9. Inaccurate interpretation of IPR Framework requirements

The Notice assumes informing strategies must be updated first. The IPR Framework does not require this. It allows concurrent development and continuous improvement.

10. Council has already authorised this work

Council:

- approved the CEO's Position Description (June 2024);
- adopted the CEO's Performance Criteria requiring completion of the Council Plan review;
- adopted the Budget funding this work;
- directed consultation for the Depot Concept Plan;
- relies on the CEO to implement all such work under s.5.41

Supporting the Notice of Motion would prevent the CEO from meeting Council-endorsed KPIs, create statutory and governance risks, undermine the IPR schedule, and conflict with the CEO's lawful operational authority.

Option 2 is therefore **not lawful, not practical, and not in the Shire's best interests**.

Officer Recommendation

Option 1 is recommended because it is the only option that aligns with the legislative and regulatory requirements of the Integrated Planning and Reporting (IPR) Framework, as outlined by the Department of Local Government, Sport and Cultural Industries. The IPR Framework requires local governments to engage with their communities and progress strategic planning in an iterative, flexible and continuously improving manner; it does not require informing strategies to be updated before commencing or continuing a Council Plan review.

Option 1 also preserves the statutory separation of powers by allowing the CEO to fulfil the operational responsibilities assigned under section 5.41 of the *Local Government Act 1995*, including delivering statutory plans, Council-directed projects, and the major review of the Council Plan, which Council itself required the CEO to complete by 30 June 2026 through

the 2025/2026 performance criteria unanimously endorsed at the Special Council Meeting on 25 September 2025.

Deferring these processes would prevent the CEO from meeting Council-endorsed **KPIs**, introduce unnecessary legal, financial and governance risks, and deliver no legislative benefit.

For these reasons, **Option 1 is the only sound, consistent and compliant decision.**

IMPLICATIONS TO CONSIDER

Consultative:

The proposed deferral would confuse the community, reduce trust, and undermine the purpose of authentic coordinated community engagement efforts already advertised.

Strategic:

Council Plan 2023–2033.

The **Council Plan 2023–2033** (adopted by Council on 28 June 2023 *and still in existence as Attachment 1 mentioned above*) included the following outcomes and objectives:

LPHP	<p>Outcome 1. A safe and healthy community.</p> <p>1.2. Facilitate community health and wellbeing.</p> <p>1.2.2. Integrate Public Health Plan requirements when completing the next Council Plan review.</p>
DAIP	<p>Outcome 2. An inclusive, connected community requires under objective</p> <p>2.3. Advance opportunities, community participation and quality of life for people with disability</p> <p>2.3.1. Review and update the Disability Access and Inclusion Plan with a costed program to meet outstanding universal and neurological access, ACROD parking and signage requirements.</p>
Council Plan	<p>Outcome 9. Responsible and effective leadership and governance</p> <p>9.1. Provide strong, clear and accountable leadership</p> <p>9.1.1. Review the Council Plan (minor review in 24/25; major review in 26/27)</p>

Outcome 9. Responsible and effective leadership and governance.

The Council Plan, DAIP, Public Health Plan and Depot Concept Plan directly support the Council Plan 2023–2033 and form core elements of the Shire’s integrated planning environment. Deferring any of these processes disrupts strategic alignment, undermines coordinated delivery across service areas, and adversely affects the planned sequencing of IPR documents. These plans are also part of the Shire’s compliance management register monitored by Governance.

Option 1 – Officer’s Recommendation: supports the strategic direction outlined in the Council Plan by allowing the major review—required to be completed by 30 June 2026 under the CEO’s Council-endorsed performance criteria—to progress. It maintains momentum,

ensures community engagement remains central to strategic planning (Council Plan Outcome 9.1.1), and preserves alignment across the five performance areas: People, Planet, Place, Prosperity and Performance. Proceeding ensures the Shire continues to deliver integrated planning, avoid duplication, and meet legislative and strategic commitments.

Option 2 – Support the Notice of Motion: delays critical strategic work, disrupts the sequencing required to complete the major Council Plan review within the timeframe set by Council, and risks misalignment across all outcome areas of the Council Plan. Deferral weakens integration between statutory and strategic plans, interrupts IPR cycles, diminishes strategic rigour, and compromises the Shire’s ability to deliver evidence-based priorities for the community.

Policy related:

Risk Management Policy

Governance Framework

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

Financial:

Procurement and implementation of budgeted projects are CEO operational functions under s.5.41 of the *Local Government Act 1995*. Purchase orders totalling \$68,594.97 have already been issued consistent with the adopted budget as shown in the table below.

Plan / Workstream	Purchase Order	Amount
Reserve 33931 - Old Depot Site Engagement and Concept Masterplan	9632	\$10,000.00
Proposal for SoT Local Public Health Plan	9447	\$25,553.53
Major review of the Council Plan	9374	\$23,691.44
Major review and production of DAIP	9227	\$9,350.00
Total		\$68,594.97

Option 1:

Minimises the risk of expenditure overruns (FM2) and protects financial sustainability (GC1) by avoiding sunk costs, contract variations, and re-procurement pressures. It keeps projects within adopted budget parameters and prevents duplication of consultant and engagement costs.

Option 2:

Creates conditions for budget overruns (FM2), inefficiency, and unplanned expenditure by triggering rework, variation claims, additional procurement, and loss of value from work already funded. This increases financial pressure and elevates risks related to financial sustainability (GC1) and economic efficiency (FM5).

Legal and Statutory:

A decision to defer statutory and strategic planning processes already underway would not be supported by any legislative requirement or Council resolution and may therefore be considered **unreasonable or not properly informed**, exposing the Shire to risk under administrative law decision-making principles.

Option 1: supports compliance with the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996*, *Disability Services Act 1993* and *Public Health Act 2016*, and avoids interference with the CEO's lawful operational authority under s.5.41. It also enables the CEO to meet Council-endorsed performance criteria requiring completion of the Council Plan review during 2025/2026. Continuing with the work already commenced therefore upholds statutory obligations, Council decisions, and proper governance practice.

Option 2: creates statutory non-compliance risks, contradicts Council's prior resolutions and budget adoption, and interferes with the CEO's s.5.41 administrative responsibilities. Deferral risks breaches under the:

- *Disability Services Act 1993* (DAIP Review overdue);
- *Public Health Act 2016* (Local Public Health Plan required under s.45);
- *Local Government Act 1995* (ss.2.7, 2.10 and 5.41 – separation of powers);
- *Local Government (Administration) Regulations 1996* (IPR obligations); and the
- Proper and lawful decision-making principles (lack of evidence, irrationality, failure to consider relevant factors).

Option 2 therefore materially increases legal, statutory and governance risk.

Risk related:

High organisational, governance and reputational risk arises if Council intervenes in operational implementation contrary to s.5.41 of the *Local Government Act 1995*.

OPTION 1 (Officer's Recommendation): [Low Risk / Within Appetite](#)

Supporting Option 1 keeps all relevant enterprise risks within the Shire's established risk appetite, as set out in the Enterprise Risk Register. It prevents the creation of heightened risks across Governance & Compliance, Financial Management, Operational Processes, Decision-Making Quality and Community Expectation. Proceeding with statutory and strategic planning work already commenced maintains compliance with the *Disability Services Act 1993*, *Public Health Act 2016* and Council's own resolutions (GC7, GC12), and avoids escalation of governance risks associated with interference in administration (GC1, GC15).

By allowing the CEO to continue delivering the major Council Plan review—required by Council-endorsed CEO performance criteria—Option 1 reduces the likelihood of incomplete or delayed planning cycles, protects sound decision-making, and mitigates financial risks (FM2, FM5) associated with rework, contract variations and inefficient re-procurement. It also reduces business continuity risks (BC1, BC4, BC5) and prevents workforce pressure accumulation (BC8).

Maintaining proper sequencing of Integrated Planning and Reporting (IPR) processes supports transparency and community confidence (GC10) and avoids reputational harm. Overall, **Option 1** is aligned with ISO 31000 principles and maintains all risks **within acceptable tolerance**.

OPTION 2 (Support the Notice of Motion): High Risk / Above Appetite

Supporting Option 2 materially increases risk exposure across multiple enterprise risk categories and has strong potential to elevate current “within appetite” risks into “**above appetite**” levels. Governance and compliance risks (GC1, GC7, GC12, GC15) increase sharply because directing the CEO to halt work intrudes into s.5.41 operational functions and contradicts the CEO’s Council-endorsed performance criteria.

Statutory risk also rises. Delaying the DAIP Review and Local Public Health Plan heightens non-compliance likelihood under the *Disability Services Act 1993* and *Public Health Act 2016* (Moderate–Major impact range). Financial risks (FM2, FM5, FM6) escalate due to sunk costs, consultant variation claims, project duplication, and unbudgeted re-procurement.

Option 2 disrupts strategic sequencing tied to the 30 June 2026 requirement to complete the Council Plan review, increasing the probability of service interruption (BC4, BC5) and undermining organisational continuity. Community expectation and reputational risks (GC10, WHS8) increase due to workshop cancellations, confusion, and perceived governance instability.

Overall, Option 2 would elevate governance, statutory, operational and financial risks **beyond the Shire’s risk appetite**, and is therefore **not recommended**.

Workforce related:**Option 1 (Officer’s Recommendation)**

Supporting Option 1 maintains stability and continuity for the organisation’s workforce and is therefore **low-risk and within appetite**. Allowing work already underway to continue avoids disruption to established project schedules, consultant coordination, internal workloads and community engagement planning. This option supports predictable workflows, enabling staff to maintain focus on legislated deliverables such as the DAIP Review, Local Public Health Plan and depot planning, reducing the likelihood of burnout or stress caused by rework or shifting priorities (as identified in workforce-related risks such as role overload, project disruption, and timeline compression).

Option 1 also prevents workforce inefficiencies associated with stopping and restarting work, such as aborted preparation, duplicated tasks, and increased administrative load. These inefficiencies are known risk factors for decreased morale, reduced job satisfaction, and higher turnover intent. Keeping staff on a clear, legislatively grounded path allows the CEO to allocate resources effectively, manage consultant contracts appropriately, and ensure corporate knowledge is not lost through unnecessary interruption.

Overall, **Option 1** upholds the integrity of the workforce plan, maintains operational rhythm, and avoids the elevated workforce fatigue and resourcing strain that Option 2 would generate.

Option 2 (Support the Notice of Motion)

Option 2 elevates several enterprise risks above the Shire’s stated risk appetite levels, particularly in governance, compliance, organisational continuity and workforce capacity

Supporting Option 2 introduces **significant adverse workforce impacts**, pushing multiple risks **above appetite**. Halting statutory and strategic work already underway forces staff to abandon progressed tasks, reschedule consultant work, cancel community engagement, and redesign project plans. According to the Shire’s risk register, these conditions elevate workforce risks relating to **increased stress, workload spikes, project repetition, planning uncertainty, and loss of productivity**.

Deferral also creates bottlenecks later in the year, compressing multiple statutory obligations into shortened timeframes, heightening fatigue and reducing capacity for quality assurance. This is particularly problematic where staff are responsible for compliance reporting, community engagement coordination, and cross-plan integration within the IPR cycle. The increased need to justify delays, manage community confusion and renegotiate consultant timelines places additional emotional and administrative burden on employees, contributing to reduced morale and a higher likelihood of errors.

Option 2 also undermines the CEO's ability to manage workforce planning under **s.5.41**, creating role confusion and conflict between administrative and political expectations. Overall, Option 2 carries substantial workforce risks inconsistent with effective and sustainable organisational performance.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION (OPTION 1 - RECOMMENDED)

That Council:

1. **Notes** the legislative and governance advice contained in this report, including that Council has not resolved that the Local Planning Strategy must be updated prior to progressing other Integrated Planning and Reporting (IPR) processes, and that no legislation requires informing strategies to be updated before a Council Plan review may commence;
2. **Notes** that the CEO's 2025/2026 performance criteria—endorsed unanimously by Council on 25 September 2025, and including the requirement that the **Council Plan be reviewed and updated by 30 June 2026**—necessitate commencement of the major review of the Council Plan during the 2025/2026 financial year;
3. **Recognises** that the Chief Executive Officer is responsible for managing administration and operations under s.5.41 of the *Local Government Act 1995*, including the scheduling, procurement and delivery of statutory planning processes, community engagement, and consultant management necessary to fulfil both contractual and Council-endorsed performance requirements;
4. **Acknowledges** that work on the DAIP Review, Local Public Health Plan, Harper Street Depot Concept Plan, and the **major review of the Council Plan** is already underway in accordance with legislative requirements, Council resolutions and the adopted 2025/2026 Budget, and in direct fulfilment of the CEO's contractual and annual performance criteria;
5. **Determines** that directing, delaying or interfering with this work would be inconsistent with the separation of powers under ss.2.7, 2.10 and 5.41 of the *Local Government Act 1995*, would prevent the CEO from complying with Council-endorsed performance criteria, and would expose the Shire to unnecessary statutory, financial, operational and governance risks; and
6. Accordingly **does not support the Notice of Motion** submitted by Cr Dival seeking to defer these processes.

NOTICE OF MOTION (CR DIVAL) – DEFERRAL OF STRATEGIC PLAN REVIEWS

That Council

1. defer the review of the Council Plan (Strategic Community Plan), including current planned community consultation until the following outdated legislative informing strategies have been reviewed, updated or replaced:
 - Planning Strategy;
 - Long Term Financial Plan;
 - Workforce Plan; and
 - Asset Management Plan.
2. Notes the review of the Disability and Inclusion Plan, another legislative informing strategy, is currently being actioned.

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

Nil.

13 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

14.1 MEMBERS

Nil.

14.2 EMPLOYEES

Nil.

15 CONFIDENTIAL BUSINESS**RECOMMENDATION**

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

15.1 Legal Advice

This matter is considered to be confidential under Section 5.23 - (3) (a) and (4) (f) of the *Local Government Act 1995*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with matter required to be confidential under a written law, excluding this act and local laws; and 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;

15.2 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 1995*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with 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;

16 NEXT MEETINGS

Meeting	Date	Time
Ordinary Council Meeting	7 May 2026	5.30pm
Audit & Risk Committee Meeting	14 May 2026	10.30am

17 CLOSURE OF MEETING