

# **ATTACHMENTS**

**Ordinary Council Meeting**

**Thursday, 2 April 2026**



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**Jigme Ngedup**

---

**From:** J&A Building - Admin <admin@jabuilding.com.au>  
**Sent:** Wednesday, 25 February 2026 12:52 PM  
**To:** Jigme Ngedup  
**Subject:** [External]-Cover Letter - 114 Charlton Boulevard, Coondle

Shire of Toodyay  
PO Box 96  
Toodyay WA 6566

Dear Planning Officer,

RE: Development Application – 114 Charlton Boulevard, Coondle  
Proposed Shed with Apex Height Variation

We wish to submit this cover letter in support of our Development Application for the construction of a shed at 114 Charlton Boulevard, Coondle.

The proposed shed complies with the applicable R-Code requirements in respect to wall height and overall floor area. The only variation sought relates to the apex height. Under the R-Code provisions, the maximum permitted height is 4.8 metres. We are respectfully requesting approval for an apex height of 5.1166 metres, representing a variation of 0.366 metres above the allowable height.

The additional height is required to provide adequate clearance for larger vehicles and caravans. In today's environment, these vehicles particularly caravans are significantly larger than in previous years. They represent substantial financial investments and require appropriate protection from weather exposure and potential theft. The increased internal clearance will ensure safe and practical access while allowing the structure to serve its intended purpose.

We consider the additional 0.366 metres to be minor and not excessive in scale. The wall heights remain fully compliant, and the overall bulk and footprint of the building remain within the prescribed limits. The proposed height variation is functional in nature and necessary to achieve reasonable use of the structure.

We respectfully request that the Shire consider this application favourably. Should any further information be required, please do not hesitate to contact us.

Yours sincerely,

**Jarrold Street**  
Manager/Director

**J&A Building Pty Ltd**



12 Yilgarn Ave, Northam WA 6401  
(08) 9622 5535 | 0448 893 355  
[jarrod@jabuilding.com.au](mailto:jarrod@jabuilding.com.au)

**NOTE:**  
RIGHT OF CARRIAGEWAY  
REFER TO SEC 136C T.L.A.  
SEE DOCUMENT

**NOTE:**  
RESTRICTIVE COVENANT.  
REFER TO SEC 1298A T.L.A.  
SEE DOCUMENT K91226  
MANAGEMENT & PROTECTION OF BROOK  
FORESHORE VEGETATION

**LOT MISCLOSE**  
0.000 m

**LEGEND**

POWER DOME
POWER POLE
PHONE FTTS
WATER COCK
TOP PILLAR/POST
TOP WALL
TOP RETAINING
TOP FENCE

**NOTE:**

**WORKS BY BUILDER:**

**SEWER:**

- STANDARD SEWER CONNECTION TO OWNERS SEPTIC SYSTEM

**GAS:**

- LPG REGULATOR W/DUAL MANUAL CHANGE OVER

**WORKS BY OWNER:**

- Min 600mm SAND PAD INCLUDING 2m PAST PERIMETER OF HOUSE & VERANDAHS
- ENGINEERS COMPACTION CERT.
- ALL WEATHER ACCESS TRACK
- SERVICE TRENCHES
- SUPPLY & INSTALL OF SEPTIC TANKS & LEACH DRAINS AS PER PLUMBING & SHIRE REQ'S, INC. CONNECTION & TESTING
- CONNECTION OF DOWNPIPES TO OWNERS WATER TANK
- DRIVEWAY/CROSSOVER

**WATER:**

- CONNECTION OF WATER SUPPLY FROM OWNERS WATER TANK TO HOUSE, INC. PUMP SUPPLY & PUMP CONNECTION

**POWER:**

- SINGLE PHASE U/GROUND POWER RUN-IN, DOME (Existing) & METER CONNECTION, INC. TEMPORARY BUILDERS SUPPLY

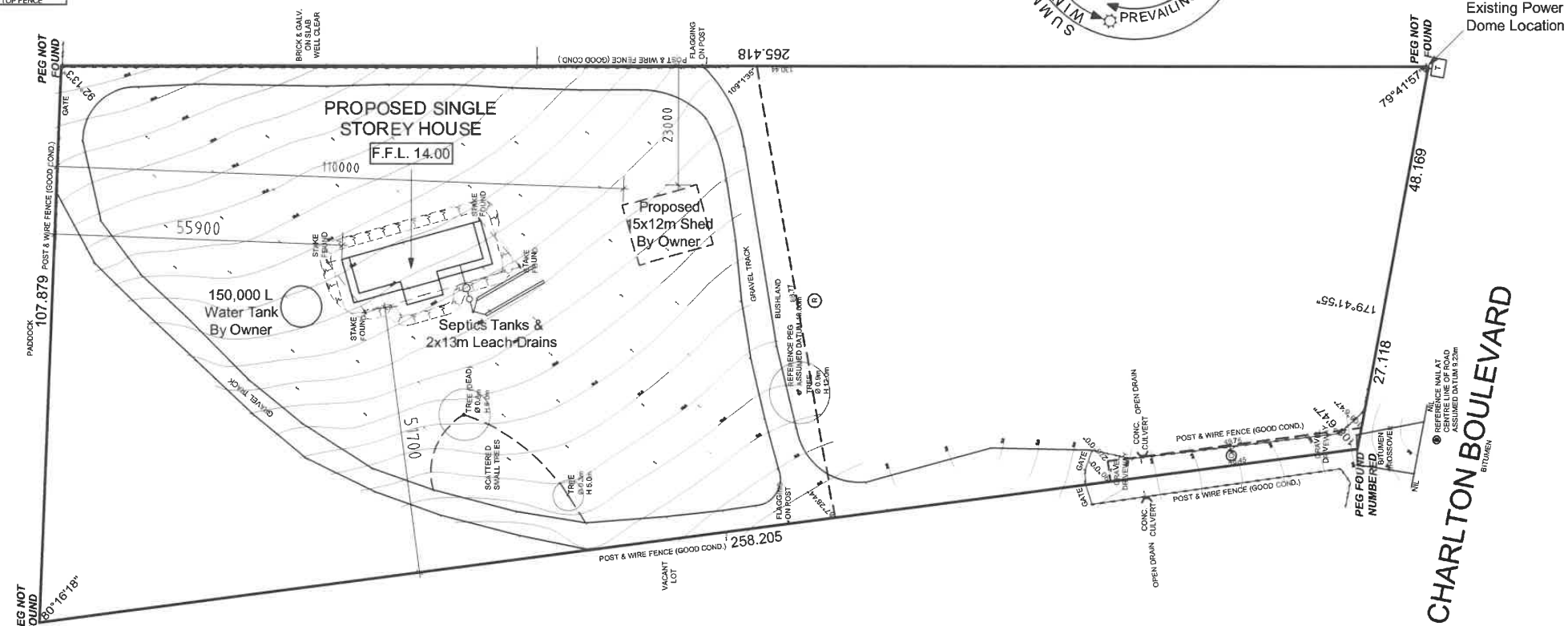
**GAS:**

- LPG BOTTLES

**PHONE:**

- TELECOMMUNICATION APPLICATION/CONNECTION

**SHIRE NOTE:**  
ALL TERMITE TREATMENTS ARE CARRIED OUT IN ACCORDANCE WITH AS-3660.1 2014



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DRAWN BY: WRM	DATE: SEP. 2025	
REV	AMENDMENT	DATE
Sub-contractors to verify all dimensions on site.		

THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

DATED: 04/11/25

OWNER: *[Signature]*  
OWNER: *[Signature]*  
BUILDER: *[Signature]*

WITNESS: *[Signature]*  
WITNESS: *[Signature]*  
WITNESS: *[Signature]*

CLIENT:  
STEVEN DALE McCONNELL &  
SARA JANE McCONNELL  
ADDRESS:  
LOT 114  
CHARLTON BOULEVARD  
COONDLE, WA 6566

**GRACETOWN**

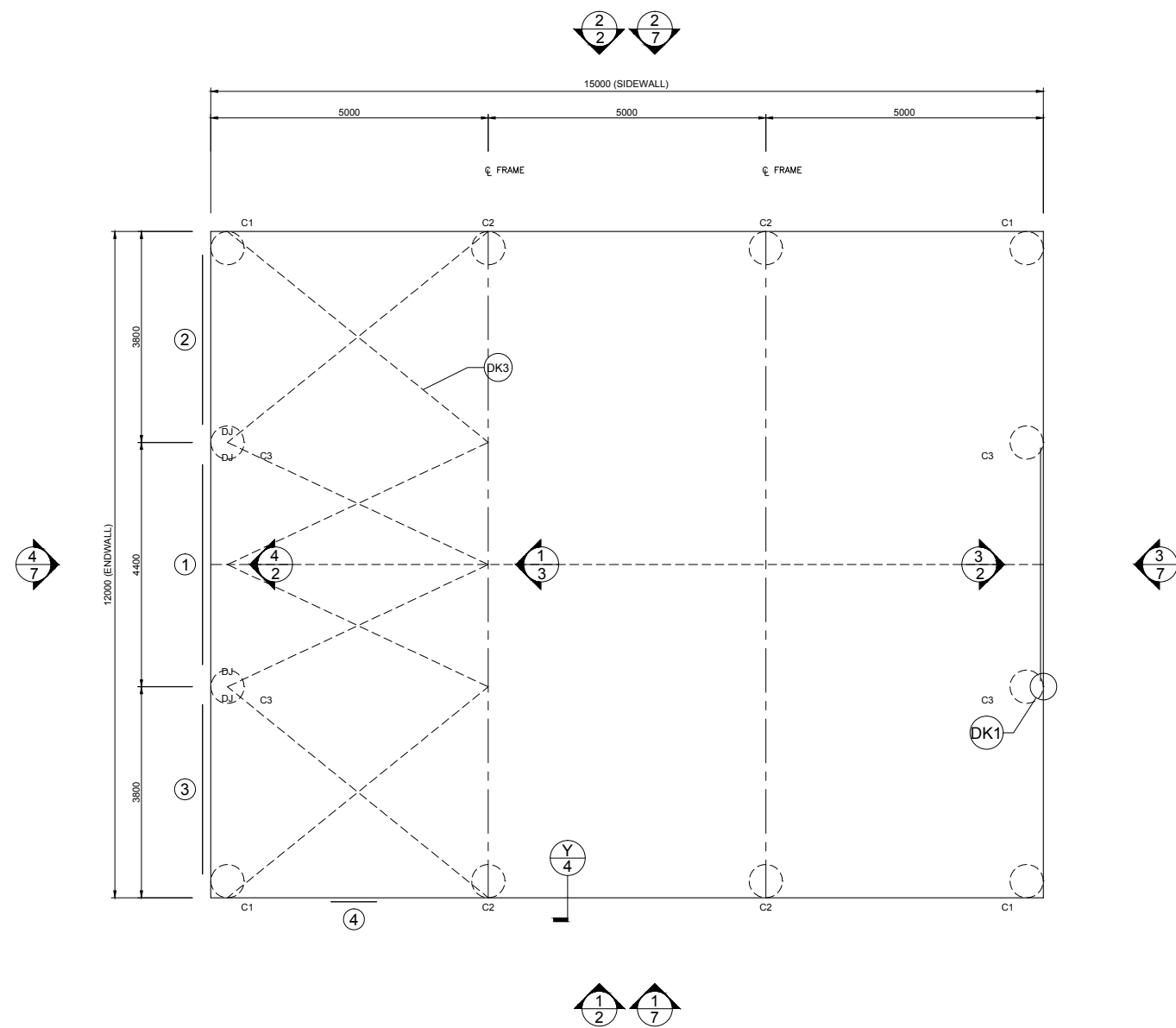
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SITE PLAN  
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SHEET N°	REVISION
1 OF 10	
JOB N°	
2533	

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1 FOUNDATION PLAN AND MEMBER LAYOUT  
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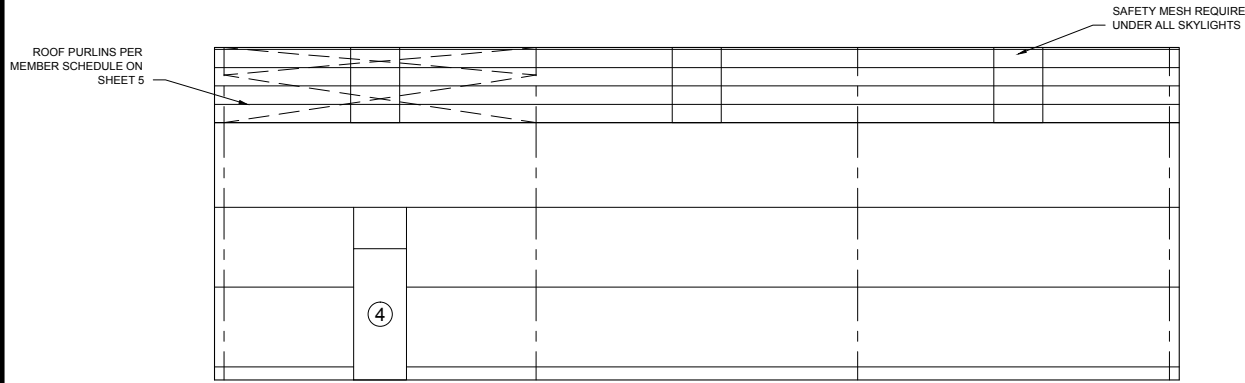
ROOF STRAP BRACING TO BE CONNECTED TO THE PURLIN CLOSEST TO THE LINE OF THE END WALL MULLION  
ROOF STRAP BRACING CAN BE PLACED FROM EITHER END OF THE BUILDING PROVIDING THE STRAP PATTERN REMAINS AS PER PLANS  
DJ - INDICATES DOOR JAMBS AT THESE LOCATIONS. REFER TO SHEET #4 ON THE DOOR SCHEDULE FOR SIZES

MEMBER LEGEND

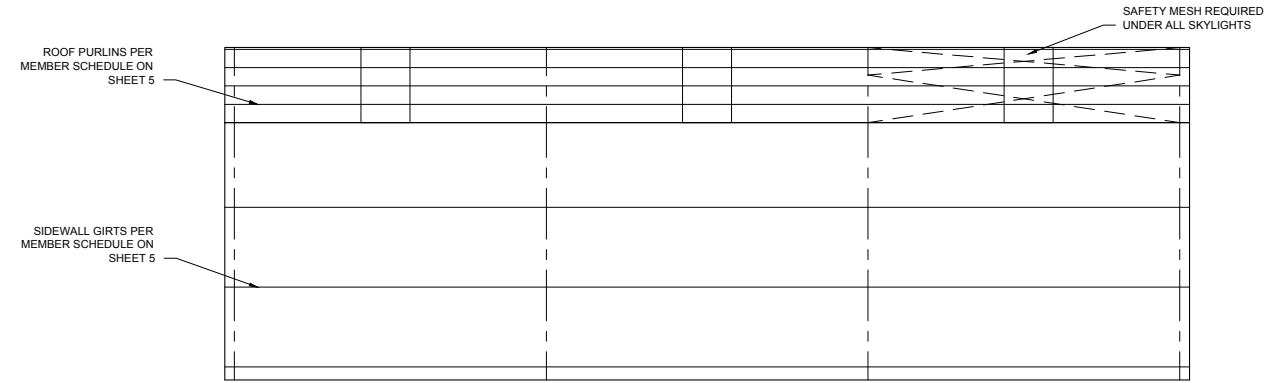
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C2	2C25024
C3	C20019

SHEET <b>1</b> OF <b>7</b>	JOB NO. AVON102327 DATE 12/2/2026 CHECKED TM DRAWN FDB	STEEL BUILDING BY (CONTACT) <b>FAIR DINKUM BUILDS AVON VALLEY</b> FOR 08 9622 5535 <b>MCCONNELL (STEVE &amp; SARA)</b> AT 114 CHARLTON BLVD COONDLE	 <b>FAIR DINKUM BUILDS</b>	 Civil & Structural Engineers 50 Punari Street Curralong, Qld 4812 Fax: 07 4725 5850 Email: design@nceng.com.au ABN 341 008 173 56 Registered Chartered Professional Engineer Registered Professional Engineer (Civil & Structural) QLD Registered Certifying Engineer (Structural) N.T. Registered Engineer - (Civil) VIC Registered Engineer - (Civil) TAS	Mr Timothy Roy Messer BE MIEAust RPEQ Signature  Date 12/2/2026 Registered on the NPER in the areas of practice of Civil & Structural National Professional Engineers Register
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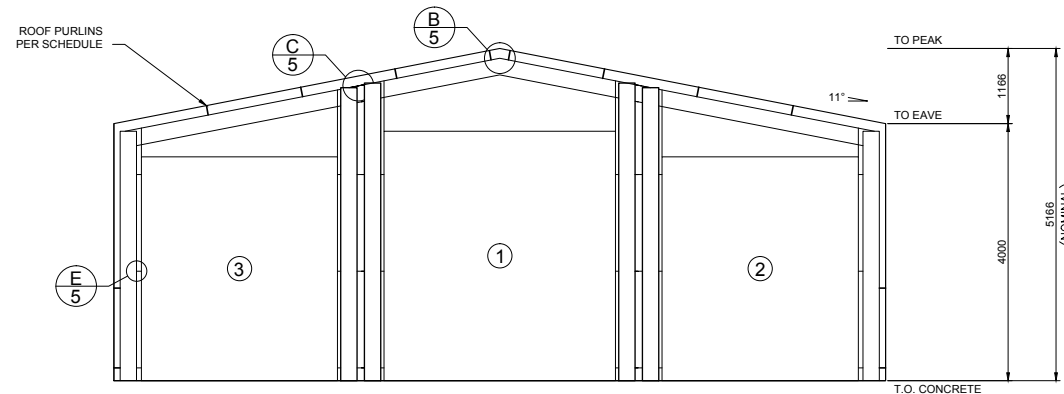
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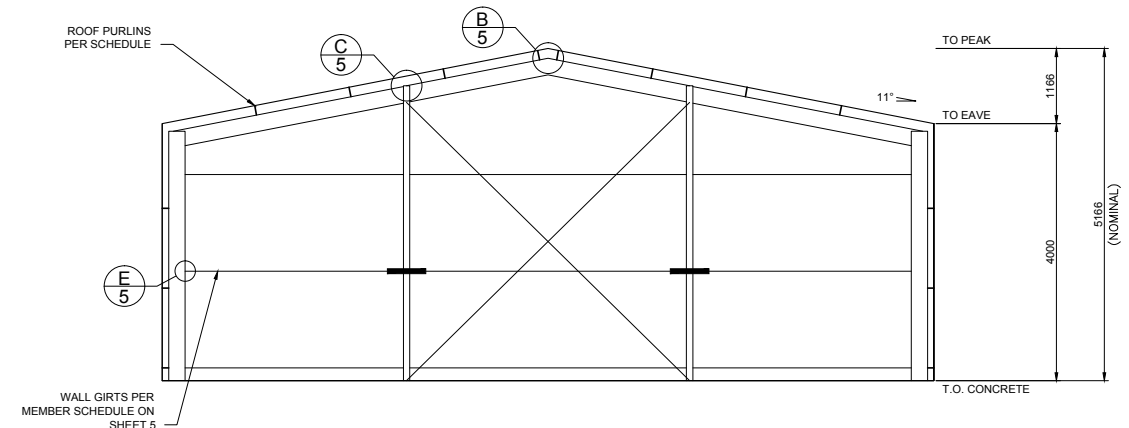
1 SIDEWALL EXTERIOR ELEVATION  
SCALE: 1 = 100



2 SIDEWALL EXTERIOR ELEVATION  
SCALE: 1 = 100



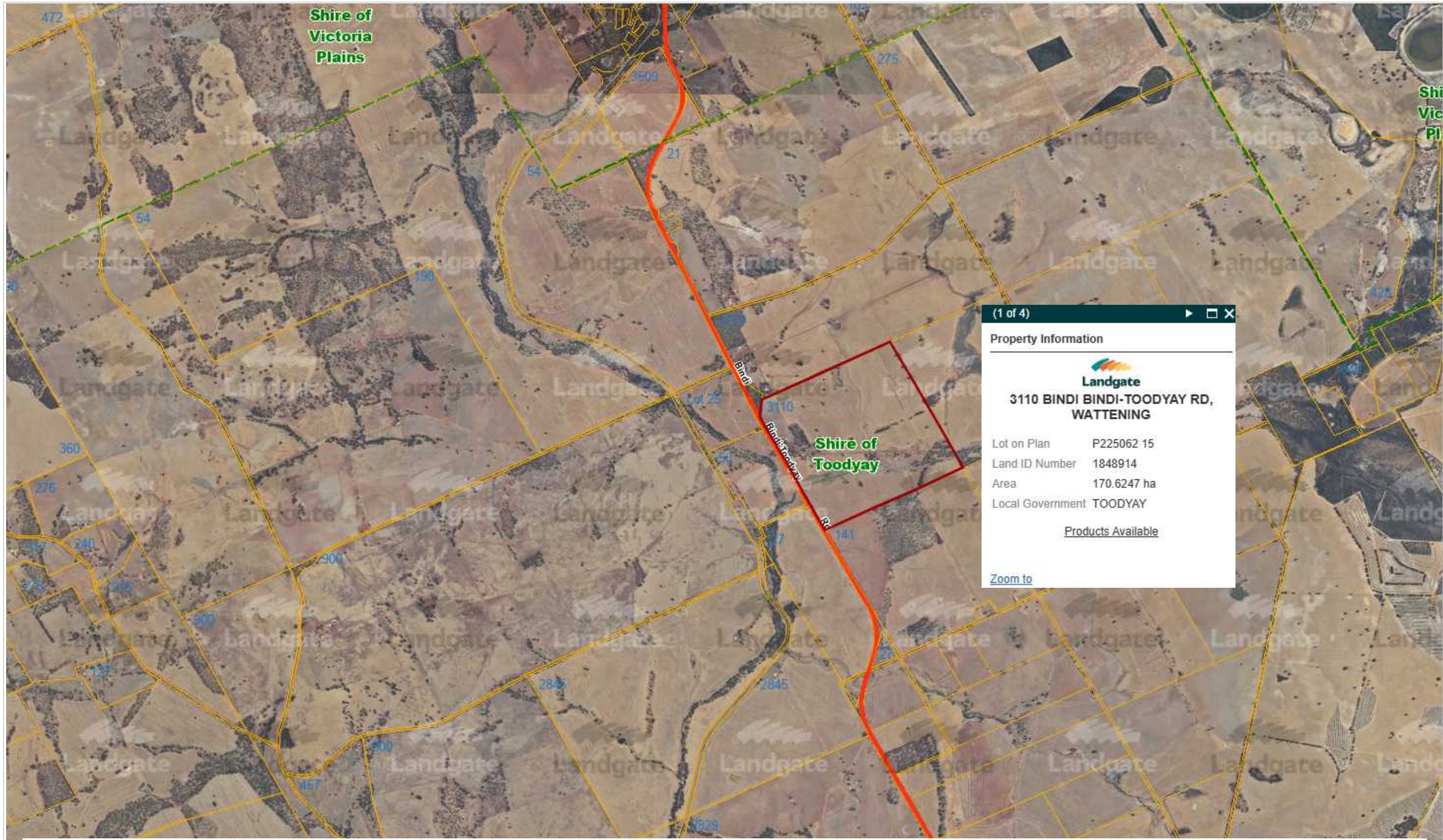
4 ENDWALL INTERIOR ELEVATION  
SCALE: 1 = 100



3 ENDWALL INTERIOR ELEVATION  
SCALE: 1 = 100

X BRACING IS REQUIRED IN 1 END BAY, 2 ROOF BAYS.  
SEE LAYOUT OR PLANS FOR PLACEMENT. FLY BRACING IS INCLUDED TO BE PLACED ON EVERY SECOND PURLIN AND GIRT ON ENDWALL MULLIONS, INTERNAL COLUMNS AND INTERNAL RAFTERS.

SHEET <b>2</b> OF <b>7</b>	JOB NO. AVON102327	DATE 12/2/2026	CHECKED TM	DRAWN FDB	STEEL BUILDING BY <b>FAIR DINKUM BUILDS AVON VALLEY</b>	(CONTACT) 08 9622 5535				Civil & Structural Engineers 50 Punari Street Currajong, Qld 4812 Fax: 07 4725 5850 Email: design@nceng.com.au ABN 341 008 173 56	Mr Timothy Roy Messer BE MIEAust RPEQ Signature <i>T. Messer</i> Date 12/2/2026 Registered on the NPER in the areas of practice of Civil & Structural National Professional Engineers Register
	FOR AT	FOR <b>MCCONNELL (STEVE &amp; SARA)</b> 114 CHARLTON BLVD COONDLE	Registered Chartered Professional Engineer Registered Professional Engineer (Civil & Structural) QLD Registered Certifying Engineer (Structural) N.T. Registered Engineer - (Civil) VIC Registered Engineer - (Civil) TAS	Regn. No. 2558980 Regn. No. 9985 Regn. No. 116373ES Regn. No. PE0002216 Regn. No. CC5648M							



(1 of 4)

**Property Information**

**Landgate**  
**3110 BINDI BINDI-TOODYAY RD,  
 WATTENING**

Lot on Plan P225062 15  
 Land ID Number 1848914  
 Area 170.6247 ha  
 Local Government TOODYAY

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Shire of Toodyay,  
PO Box 96,  
Toodyay, WA 6566

Attn: Planning Department

**To Whom It May Concern,**

Please find attached the Development Application submitted on behalf of **Theo R Camerer for the proposed construction of a Machinery Storage Shed** located at 3110 Bindi Bindi-Toodyay Road, Watterning, WA 6568, to complement the existing primary farming operation.

The proposed machinery storage shed is intended to be located behind an existing shed with an estimate of 515m (approx.) from the front boundary, and out of sight from passing vehicles. Access will be via the existing driveway & crossover from adjoining lot as seen on accompanied site plan.

**Development Overview:**

- **Machinery Shed Dimensions:** 45m (length) x 32m (width) x 7.2m (height to gutter)
- **Construction Materials:** Fabricated structural steel frame and trimdek zincalume to the roof and walls to complement and match existing shed on site.
- **Stormwater Management:** Industrial tapered gutters directing runoff (to be maintained on site).

**Usage and Operations:**

- The machinery shed is intended to be used purely as a storage shed to store machinery, such as, tractors, utes, etc and any other machinery and/or equipment associated with the existing farming operation.
- The proposed machinery storage shed will not be occupied by more than two people at any given time and nor for extended periods of time. The shed will only be occupied when machinery and/or equipment is being stored in and/or taken out of the proposed shed.
- The proposed is designed to be fully enclosed to the north and south sides of the shed, fully open to the east with two sliding doors on one end. The west side is also designed to be enclosed with three sliding doors. This will allow protection from the elements all year round and makes the shed easily accessible/drive-through when storing and/or removing machinery and/or equipment from the proposed shed.

☎ 1300 271 220

✉ sales@auspangroup.com.au

**AUSPANGROUP.COM.AU**

📍 15 Corbett Street  
Gnowangerup, WA 6335

📍 169 Chesterpass Road  
Milpara, WA 6330

📍 5 Martin Place  
Canning Vale, WA 6155

📍 105 Stirling Terrace  
Toodyay, WA 6566



**Environmental & Traffic Considerations:**

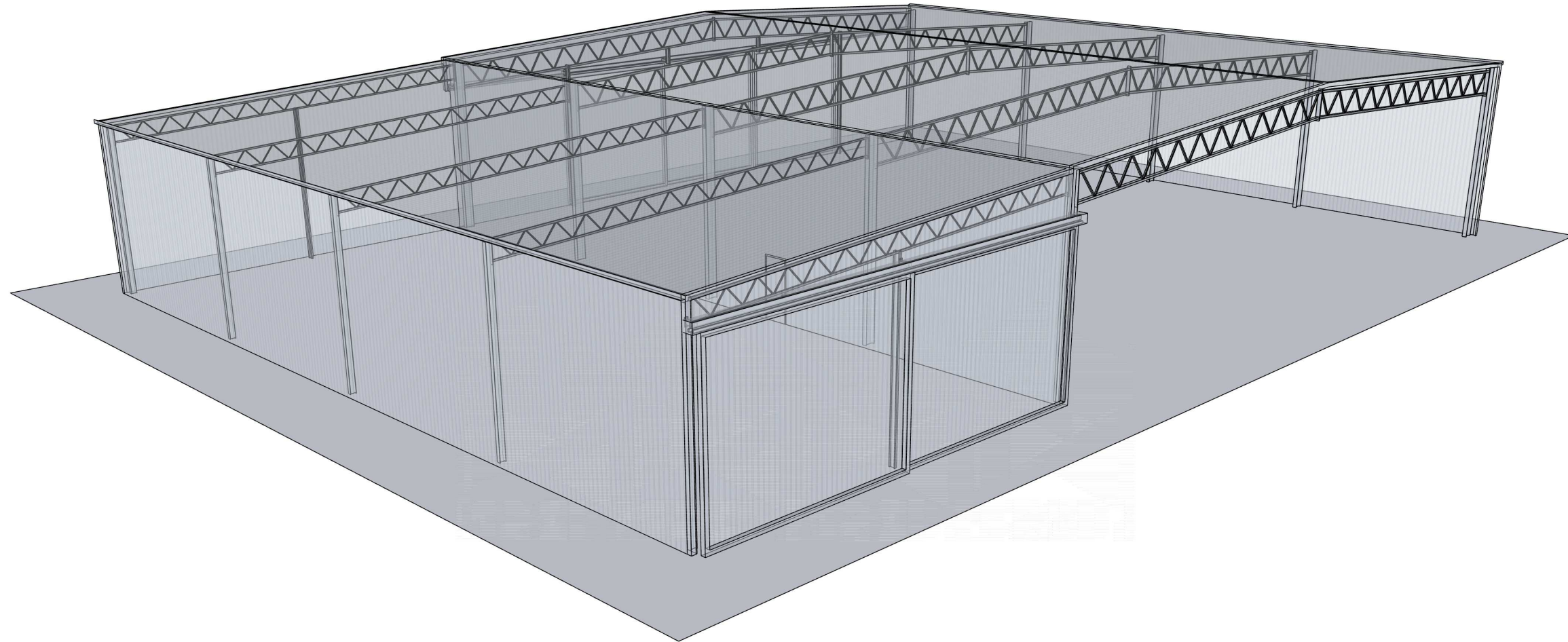
- The development **does not require native vegetation clearing**, nor does it pose a threat to any nearby natural vegetation.
- The proposal will **not result in an increase in traffic** to or from the site.

We trust this application meets the requirements of your assessment. Should you have any questions, or require further clarification or additional documentation, please do not hesitate to contact us.

We look forward to your favourable consideration and a prompt approval of this development.

Kind regards,  
**Tenisca Bushell**  
 Project Coordinator | Auspan Group  
 0448 347 991

1300 271 220		<a href="mailto:sales@auspangroup.com.au">sales@auspangroup.com.au</a>		<b>AUSPANGROUP.COM.AU</b>	
15 Corbett Street Gnowangerup, WA 6335	169 Chesterpass Road Milpara, WA 6330	5 Martin Place Canning Vale, WA 6155	105 Stirling Terrace Toodyay, WA 6566		



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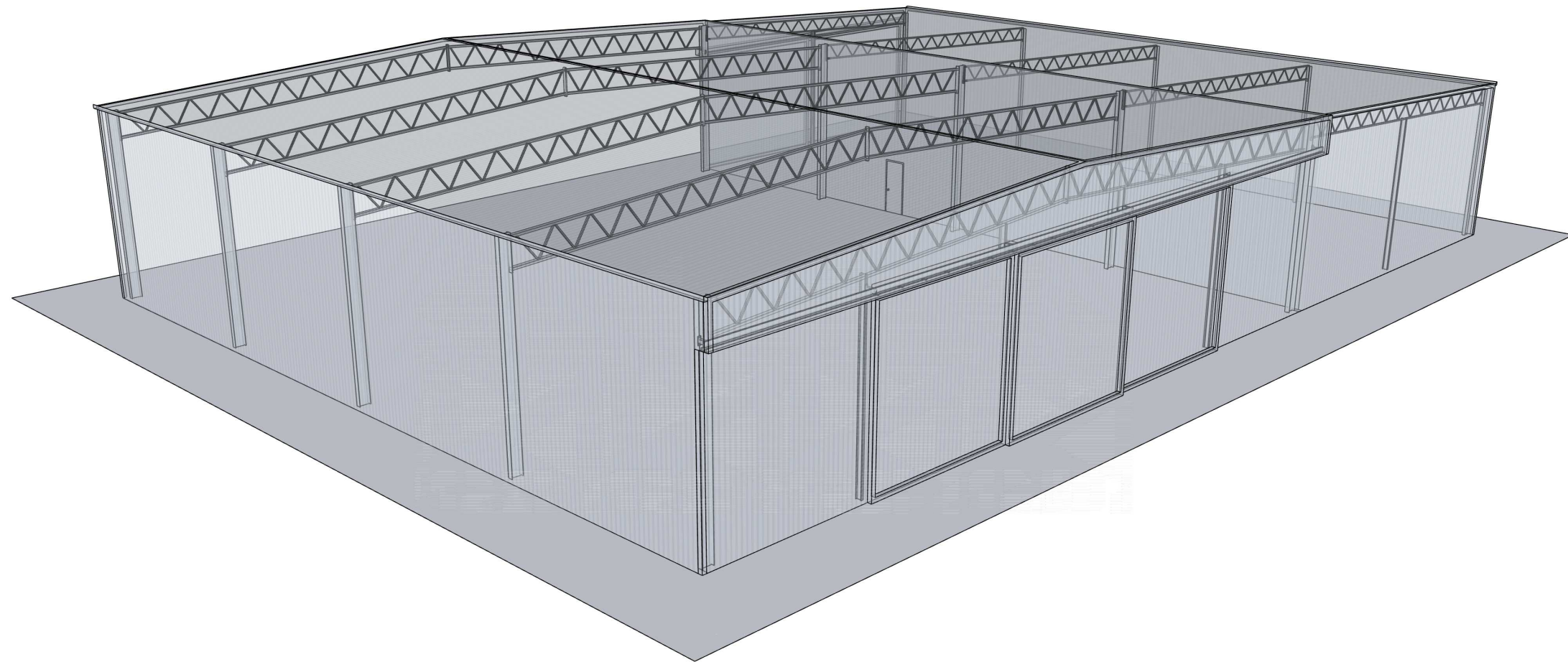
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DATE MODIFIED  
 January 27, 2026

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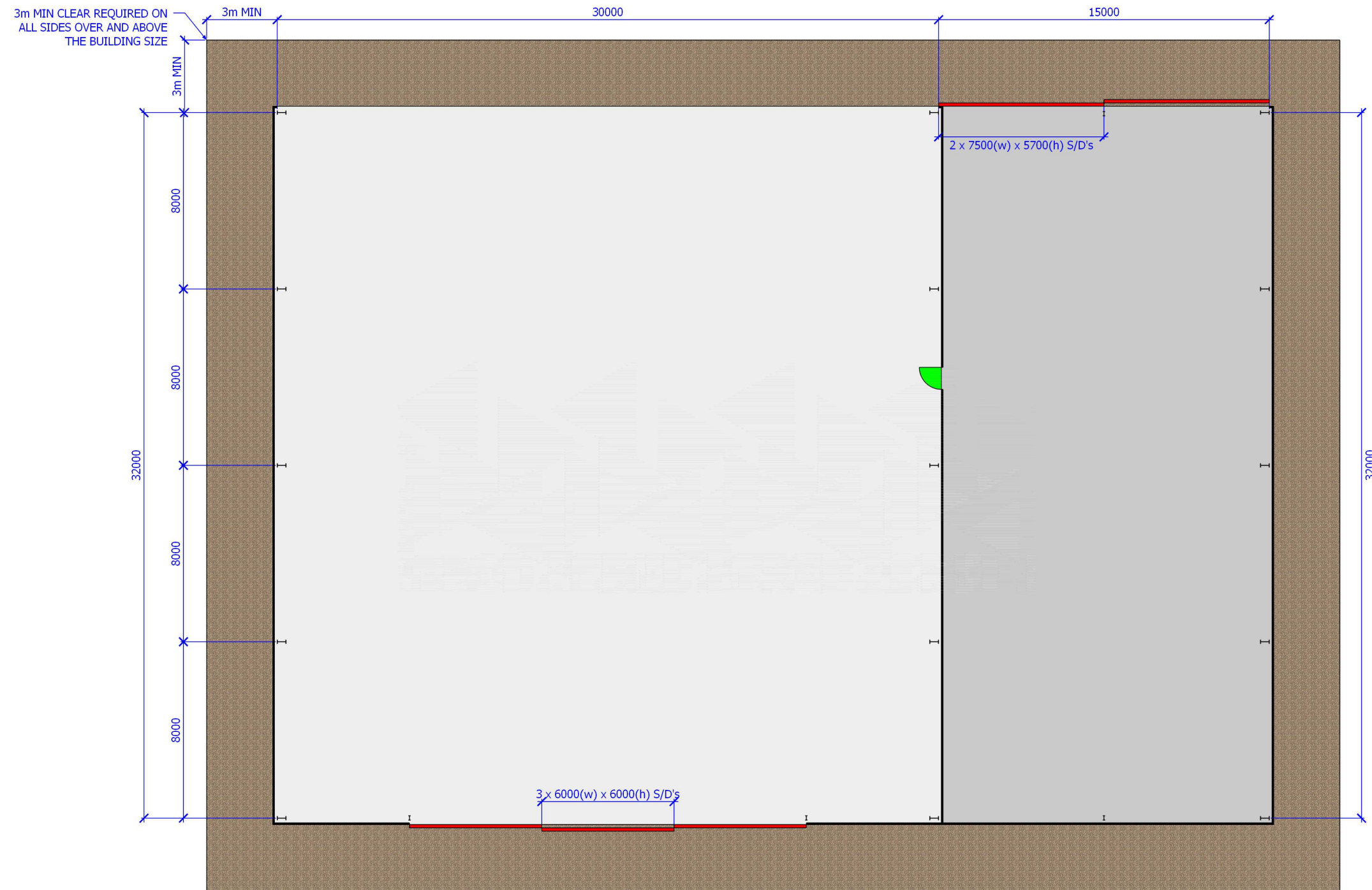
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January 27, 2026

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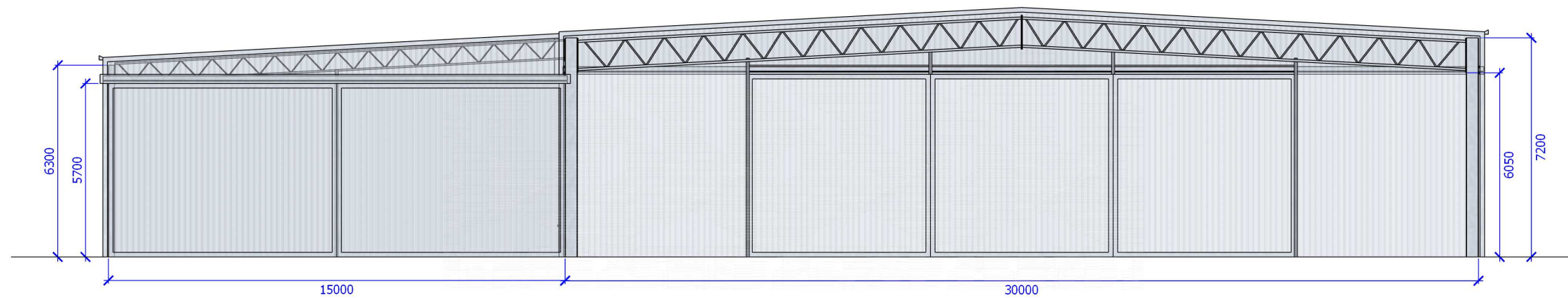
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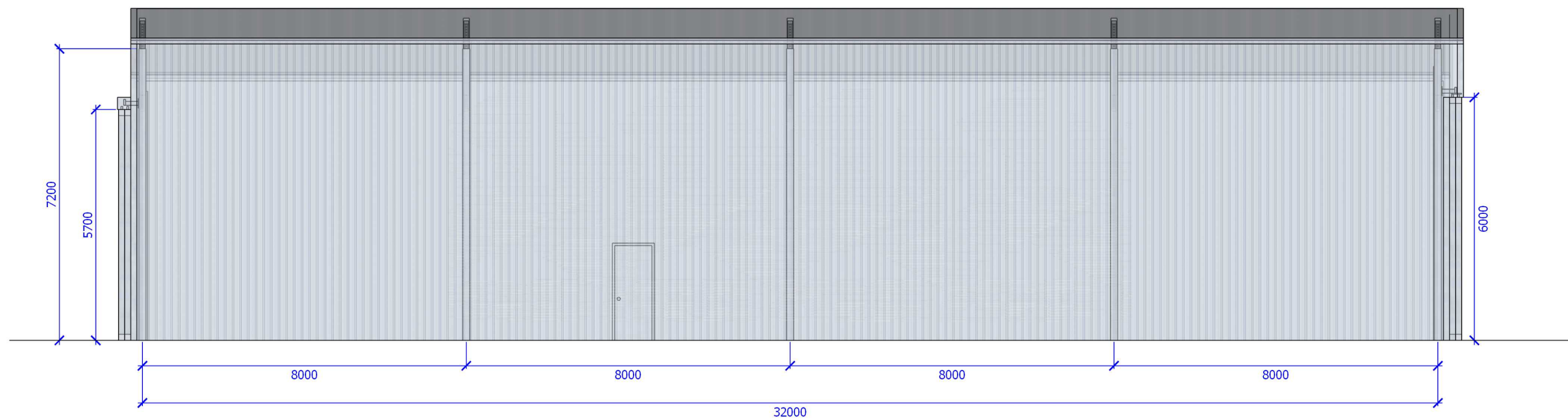
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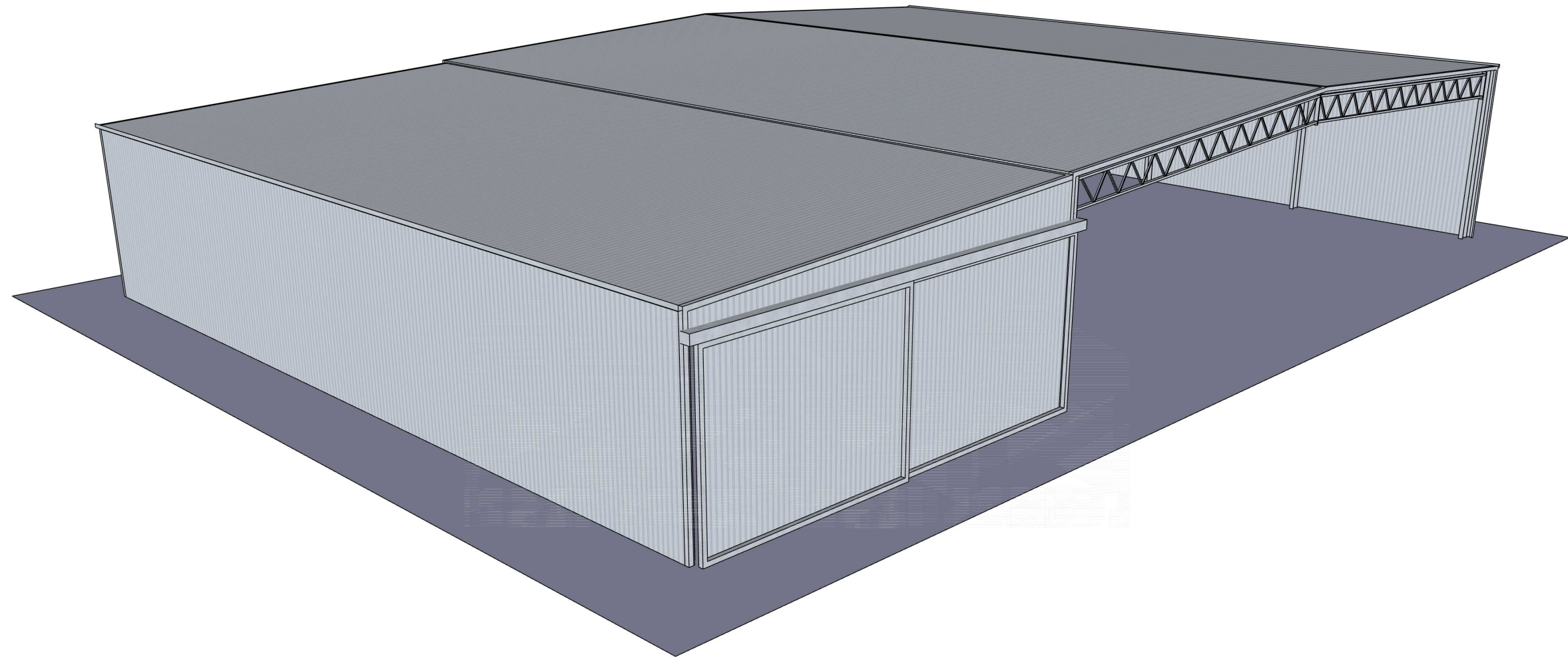
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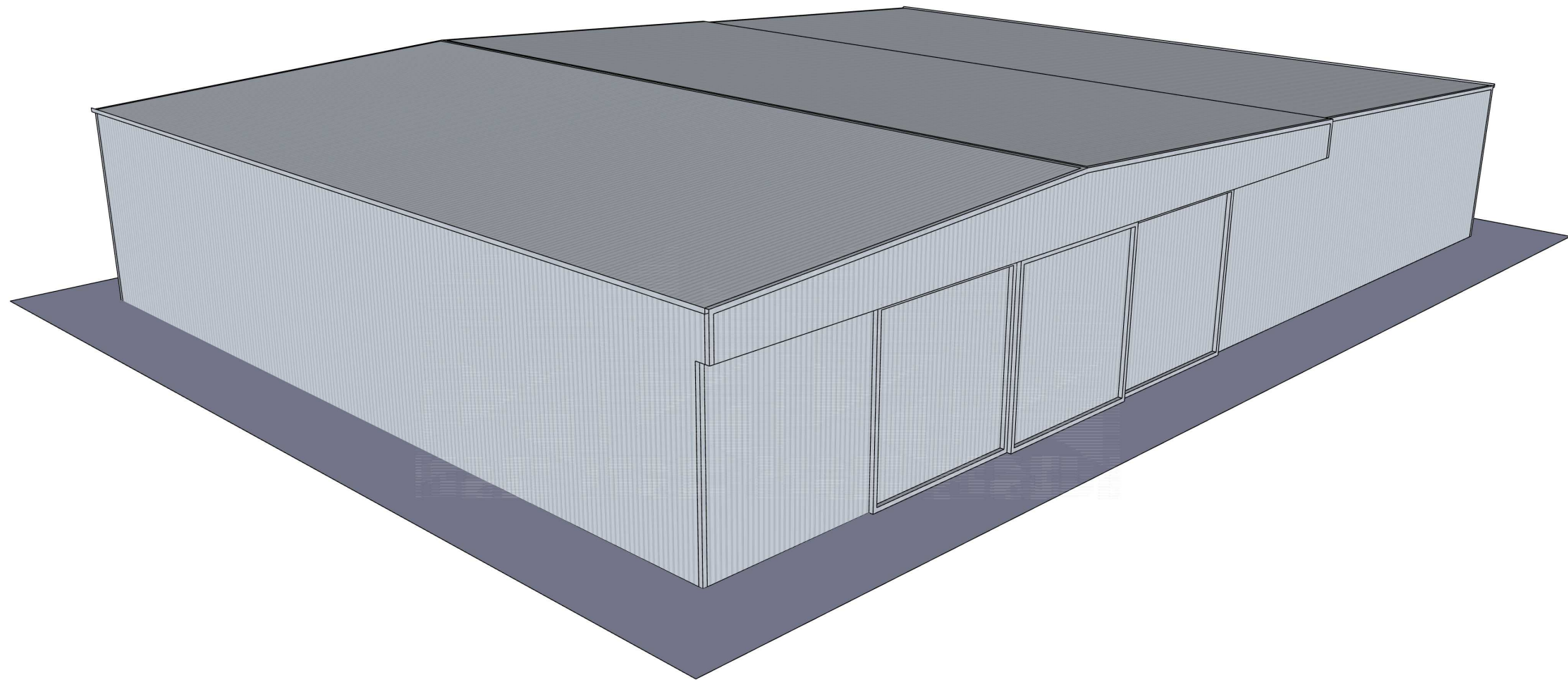
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**Shire of Toodyay**  
**Local Planning Scheme No. 5**

**Amendment No. 2**

FORM 2A

**Planning and Development Act 2005  
RESOLUTION TO ADOPT AMENDMENT TO  
LOCAL PLANNING SCHEME**

**SHIRE OF TOODYAY**

**LOCAL PLANNING SCHEME NO.5 – AMENDMENT NO.2**

**Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above 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;*
  - F.
- 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:
- (c) *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*
  - (d) *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*
  - (e) *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 Development	Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Industrial Development	Commercial	Mixed Use	Special Use	Service Commercial	Private clubs, institutions and places of worship
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 <sub>1</sub>		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

A<sub>1</sub> = Lots greater than 1500m<sup>2</sup>

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”.

The amendment is **standard** under the provisions of Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
2. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
3. The amendment is not considered a complex or basic amendment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

(Chief Executive Officer)

\_\_\_\_\_



## Planning Bulletin 115/2024

### Short-Term Rental Accommodation (STRA) – Guidance for local government



18 September 2024



#### 1. Purpose

The *Planning & Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) have been amended to facilitate planning changes for short-term rental accommodation (STRA). Alongside the state-wide Registration Scheme, which will be mandatory for all STRA as of 1 January 2025, the amended LPS Regulations are a key part of the State Government's commitment to ensure there is fair and consistent regulation and management of STRA across the State's planning system.

Local government will play an important role in implementing these changes through local planning frameworks. Most significantly, new 'deemed' land use classes for STRA have taken effect and are automatically read into every local planning scheme to which they apply.

Amendments to local planning schemes are needed to incorporate the new 'deemed' land uses into zoning tables, as well as remove any superseded land uses where relevant.

Local governments are encouraged to incorporate other new and revised 'model' land use classes and general definitions, that relate to tourism development, into their schemes where practicable.

This Planning Bulletin has been updated from a previous version released in November 2023. It provides a summary of the local planning scheme expectations resulting from these changes, as well as clarifying interpretation matters and outlining next steps for implementation.

#### 2. Background

With the rising emergence of online booking platforms, there has been a lack of clarity on how STRA should be approached, including whether it should be a stand-alone land use class. This has led to inconsistency

between local government areas as well as challenges in those areas where tourism accommodation and local housing issues require more strategic consideration.

In November 2023, the Western Australian Planning Commission (WAPC) released its *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* (Position Statement). Along with associated Guidelines, it outlines the WAPC's position for clearer, more consistent regulation of STRA in planning frameworks.

The release of the Position Statement complemented other whole-of-government reforms relating to STRA, responding to recommendations made in the 2019 parliamentary enquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia*.

Information relating to the full suite of reforms, including the state-wide STRA Register and Incentive Scheme administered by the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS), can be accessed via the [Short-Term Rental Accommodation Initiatives website](#).

The Position Statement foreshadowed a series of amendments to Schedules 1 and 2 of the LPS Regulations, which as of September 2024 are in force. These include:

- new 'deemed' general and land use definitions to ensure hosted and unhosted short-term rental accommodation are considered as dedicated land use classes in planning schemes;
- new 'model' land use class of 'tourist and visitor accommodation' to supersede and consolidate a number of land use terms for traditional accommodation, as well as other changes to general definitions;

- a state-wide development approval exemption for 'hosted short-term rental accommodation' (includes ancillary dwellings); and
- a 90-night (cumulative) exemption within a 12-month period for 'unhosted short-term rental accommodation' in the Perth metropolitan area.

Local governments and other key stakeholders were consulted on these changes to the LPS Regulations in April and May 2024, with feedback received incorporated into the final amended LPS Regulations.

#### 3. Objectives

To outline the steps and timeframes for implementing recent changes to the LPS Regulations for STRA.

#### 4. Amending Local Planning Schemes

Amendments to local planning schemes to complement and align with new 'deemed' land use classes for short-term rental accommodation will need to be initiated as soon as possible and should ideally be completed by mid-2025, to allow for development approvals to be obtained by **1 January 2026**.

To assist local government in meeting these timeframes, all scheme amendments relating to STRA will be processed as a priority once submitted to the WAPC for assessment.

**Appendices 1 and 2** provide an overview of planning framework changes arising from the STRA regulatory changes, including indicative timeframes and contacts for further information.

[Scheme Amendments – 'Deemed' STRA Land Uses](#)

To ensure consistency across local planning schemes as well as alignment with the *Short-Term Rental*

*Accommodation Act 2024* (STRA Act 2024), all local governments shall incorporate two new 'deemed' STRA land use classes into the zoning table of their local planning scheme by either:

- including 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation' where no uses of a similar nature have existed previously; or
- deleting superseded uses – in most cases 'bed and breakfast' and 'holiday house' – and replacing these with 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation'.

In all schemes, both metropolitan and regional, 'hosted short-term rental accommodation' should be listed as P use in all zones where any type of dwelling is capable of approval, reflecting the state-wide development approval exemption in the LPS Regulations.

For local governments within the boundaries of the Metropolitan Region Scheme (MRS), 'unhosted short-term rental accommodation' should be listed as a D or A use in zones where any type of dwelling is capable of approval, a P use in Tourism zones and an X use within all other zones, reflecting the direction set in the Position Statement.

The State Government is aware of a small number of local governments within the boundaries of the MRS who currently exempt STRA from the requirement to obtain development approval. These exemptions will need to be removed to achieve consistency with the amended LPS Regulations and Position Statement.

Local governments in regional areas, (i.e. outside of the MRS area), may designate 'unhosted short-term rental accommodation' as they see fit within each scheme zone to suit local tourism, housing or other relevant conditions.

#### Scheme Amendments – 'Model' Definitions

The changes also introduce a new 'model' land use class of 'tourist and visitor accommodation', which supersedes traditional accommodation uses including 'holiday accommodation', 'motel', 'serviced apartment', 'tourist development' and similar. This new definition sits separately to the retained 'hotel' use class and is also intended to include farm stays and larger bed and breakfast

style accommodation that do not fall within the definition for 'hosted short-term rental accommodation'.

While 'tourist and visitor accommodation' is not a 'deemed' definition, it is strongly encouraged to be included in local planning schemes going forward, ensuring a clearer differentiation between STRA and traditional accommodation uses. This new use, and deletion of relevant superseded uses, may be incorporated into schemes as part of the same amendment as the above-mentioned STRA uses.

This new model use class is not intended to replace other accommodation types such as lodging houses. These are not considered STRA or traditional accommodation for the purposes of these changes. Such land uses will continue to be classed as 'residential buildings'.

Further to this, revised general definitions of 'cabin' and 'chalet' and the amended land use definition of 'road house' can be introduced, along with deletion of the general definition for 'short-term accommodation'.

#### Classification of Scheme Amendments

The classification of amendments is at the discretion of the individual local government, however, the following provides a guide on scenarios where a 'basic' or 'standard' amendment stream might apply.

Scheme amendments that propose to replace superseded land use classes with the new STRA land uses, without changes to permissibility in the zoning table, can generally be processed as a 'basic' amendment.

If an amendment introduces or changes permissibility for new STRA and traditional accommodation uses, or introduces supplemental development standards or other scheme provisions, it will generally be progressed as a 'standard' amendment.

A model scheme amendment document has been prepared by the Department of Planning, Lands and Heritage (DPLH) and can be used by local governments in aligning their local planning schemes with the LPS Regulations and the Position Statement. If not already received, please contact your applicable schemes or area team at DPLH to obtain a copy of this amendment template.

## 5. 'Deemed' Development Approval Exemptions

### Development Approval – New Exemptions

Amendments to the LPS Regulations have introduced two new 'deemed' development approval exemptions.

#### *Hosted STRA*

'Hosted short-term rental accommodation' is exempt state-wide and applies to all dwelling types with no time restrictions. The State Government's position on this matter was set through the release of the Position Statement in November 2023.

It is important to note that 'hosted short-term rental accommodation' will still require registration with the STRA Register, ensuring regulatory oversight.

Ancillary dwellings (granny flats) are considered to be 'hosted short-term rental accommodation' when the 'host' resides on site in either the primary or ancillary dwelling. This is because, by definition, ancillary dwellings can only occur on the same site as another type of dwelling (i.e. single, grouped or multiple). This is further reinforced by the general deemed definition of 'short-term rental arrangement', which provides the ability for a dwelling, or part of a dwelling, to be used as STRA.

#### *Unhosted STRA*

'Unhosted short-term rental accommodation' within the Perth metropolitan area is exempt from requiring development approval for a period of up to 90-nights within a 12-month period from the date of registration. This exemption is intended for ad hoc situations in a person's primary place of residence, such as when they are away on holidays. The exemption cannot be undone through a local planning policy.

The STRA Register will track booking events to monitor compliance with this exemption. Notifications will be sent to operators who are approaching the 90-night limit advising of the requirement to obtain development approval to continue the use beyond the exemption period. A change of use development application requirement is triggered once the 90-night exemption has been exhausted.

### Development Assessment and Approval – Unhosted STRA

The assessment of development applications for changes of use to 'unhosted short-term rental accommodation' will generally be a matter for the local government to consider on a case-by-case basis, having regard to any local planning policies prepared (refer to Local Planning Policies section below).

It is prudent to note that the premises must first be classified as a type of 'dwelling' to enable the change of use, given reference to this term within the 'deemed' general definition for 'short-term rental accommodation'.

In this regard, the Residential Design Codes (R-Codes) will, in most instances, continue to apply to works associated with a short-term rental accommodation proposal.

Local governments have the flexibility to condition occupancy numbers for 'unhosted short-term rental accommodation' through development approvals, should the maximum of 12 persons be considered inappropriate in relation to the size of the dwelling. Local planning policies can provide guidance on when and how occupancy numbers may be assessed and conditioned.

It should also be noted that in zones where a type of 'dwelling' is discretionary, it is possible for a site to have multiple active development approvals in-force at any one time allowing for changes of use between STRA and a 'dwelling' without the need to obtain further approval.

Where a development approval is required under a scheme for 'unhosted short-term rental accommodation', a local government can consider any relevant matter under clause 67 of the 'deemed provisions'.

### Bushfire Considerations

Changes to the State Government's bushfire planning framework detail that a 'vulnerable land use' does not include a change of use in an existing single house or ancillary dwelling; including STRA. The proposed changes will also make clear that Part 10A of the 'deemed provisions' will be mostly concerned with the construction aspect of development (i.e. not changes to use).

The LPS Regulations amended for STRA also introduce a new 'deemed' clause 78B(1A), to ensure that exempt short-term rental accommodation proposals situated within bushfire prone areas, remain as such. This would apply in instances where the use is permitted in a zone, or otherwise exempt through cl. 61 of the 'deemed provisions'.

A Good Host Pack for short-term rental accommodation owners has been prepared by DEMIRS, which includes information from the Department of Fire and Emergency Services (DFES), with messaging encouraging STRA operators to ensure they have a bushfire plan in place and to communicate this with their guests. Further information can also be found [via the DFES website](#).

Local governments may also include bushfire response considerations within local planning policies for STRA.

### Local Planning Policies (LPPs)

The Position Statement encourages the development of LPPs to provide further guidance on the consideration of STRA proposals. Existing LPPs relating to STRA can continue to operate and be used for assessment purposes, except where they conflict with changes to the LPS Regulations or replicate the state-wide Registration Scheme.

Local government should update existing LPPs concurrently with scheme amendments, to ensure alignment with the amended LPS Regulations as well as the Position Statement and Guidelines.

To assist, a Local Planning Policy Guidance document has been prepared, in collaboration with the WA Local Government Association (WALGA). This document provides direction on a number of matters which can be considered when preparing local planning policies for the assessment of 'unhosted short-term rental accommodation'. A copy of this policy guidance is available at the [WALGA website](#).

## **6. State-Wide STRA Register**

The state-wide STRA Register, established by the STRA Act 2024, is now operational. Registration for all STRA will be mandatory by **1 January 2025**. The Register replaces any existing local government STRA

registers which may have been in place prior to proclamation of the STRA Act 2024.

All STRA are required to register prior to operation – regardless of whether they are 'hosted' or 'unhosted', or whether they qualify for a development approval exemption through the LPS Regulations. Registration is completed by either the STRA owner or tenant (with the owner's consent) and is renewed annually.

Under the STRA Act 2024 and associated regulations, it is mandatory for applicants to enter either that a development approval is not required, or the status of their development approval at the point of registration. This includes whether an application has been approved (including their development approval number), submitted, refused, or not obtained.

STRA accommodation providers may register their premises without having first obtained a development approval, however they must comply with all relevant local planning scheme requirements.

Where a premises is being used for STRA unlawfully, local governments may take enforcement action under the *Planning and Development Act 2005*. A designated officer of the LGA may also provide the Commissioner for Consumer Protection with a certificate under section 29 of the STRA Act. Where considered appropriate to do so, the Commissioner may exercise their discretionary power to suspend or cancel registration based on the grounds listed in the STRA Act 2024.

### Strategic Planning Implications

Registration data will, over time, allow local governments to make more informed strategic decisions based on the actual number, type and location of registered STRA premises within a particular municipality.

Any further action taken based on this data would need to be considered holistically in the context of a broader population and housing analysis undertaken through a local planning strategy review.

Further guidance on strategic planning considerations for STRA and tourism more broadly is provided in the Position Statement and Guidelines.

## 7. Communication and advice to STRA operators

Changes to planning schemes may create uncertainty for existing STRA operators who have not previously required development approval, or where such requirements have been unclear or not consistently enforced.

Local governments should consider how best to communicate relevant planning changes to their communities and/or existing STRA operators, to allow for development approvals to be obtained by 1 January 2026. STRA owners and operators may contact their local government seeking information about approval requirements that currently exist, or may be introduced in their area.

Any communication from local government on planning requirements should also make it clear that obtaining a development approval is a separate process to registration, which is to be done online through the [DEMIRS registration portal](#). Local governments undertaking 'standard' amendments to implement the new STRA and tourism land use classes may wish to consider communications approaches during the amendment consultation period.

To assist, a dedicated website [Short-Term Rental Accommodation Planning Reforms](#) has been established to provide information to STRA operators and other interested parties. The website includes various FAQs, as well as links to the Position Statement and Guidelines.

### Further Information

Further information on the Position Statement and LPS Regulations changes can be obtained from [tourism@dph.wa.gov.au](mailto:tourism@dph.wa.gov.au).

Technical enquiries regarding scheme amendments should be directed to the relevant schemes or area team for your local government area.

Further information on the technicalities of the register, including the local government dashboard, can be obtained via by contacting the STRA Registration Team at [straenquiries@demirs.wa.gov.au](mailto:straenquiries@demirs.wa.gov.au).

**Appendix 1 – SUMMARY OF PLANNING FRAMEWORK CHANGES –  
SHORT TERM RENTAL ACCOMMODATION (STRA)**

	INSTRUMENT	SUMMARY OF CHANGES	TIMEFRAME FOR CHANGES	CONTACT FOR FURTHER INFORMATION
STATE GOVERNMENT	LPS Regulations	<p><b>Schedule 1 – Model Provisions:</b></p> <ul style="list-style-type: none"> <li>Revised general definitions for ‘cabin’ and ‘chalet’;</li> <li>Consolidated land use class for ‘tourist and visitor accommodation’;</li> <li>Deleted land use classes for various accommodation types; and</li> <li>Revised land use definition for ‘road house’.</li> </ul> <p><b>Schedule 2 – Deemed Provisions:</b></p> <ul style="list-style-type: none"> <li>Land use definitions for ‘hosted STRA’ and ‘unhosted STRA’;</li> <li>General STRA definitions linking to the <i>Short-Term Rental Accommodation Act 2024</i>;</li> <li>Development approval exemption for hosted STRA (state-wide);</li> <li>Development approval exemption for unhosted STRA operating up to 90-nights in a 12-month period within the Perth metropolitan area (i.e. where MRS applies); and</li> <li>Exemption for STRA within bushfire prone areas.</li> </ul> <p><b>NOTE</b> – Position Statement and Guidelines to provide direction on the above was previously released in November 2023.</p>	<p>In operation.</p> <p>Local Governments to amend schemes as per Part 4 and Appendix 2 of this bulletin.</p>	DPLH Tourism Team – tourism@dplh.wa.gov.au
	Local Planning Strategies	<ul style="list-style-type: none"> <li>Strategies should acknowledge the role and impacts of STRA in the local area (as appropriate), within tourism and housing sections.</li> <li>Data from the Short-Term Rental Accommodation Register, accessible by local governments, to be used as evidence to justify and inform strategic direction in conjunction with other findings applicable to tourism accommodation and housing supply.</li> </ul>	As required during periodic strategy review process.	DPLH Land Use Planning area or scheme team
	Local Planning Schemes	Refer <b>Appendix 2</b>		
LOCAL GOVERNMENT	Local Planning Policies (LPPs)	<ul style="list-style-type: none"> <li>Local governments may develop new or revised LPPs to address specific STRA planning issues in their area.</li> <li>These should align with the LPS Regulations Amendments as well as the WAPC’s Position Statement</li> <li>Preparation should consider matters outlined in WALGA’s STRA Local Planning Policy Guidance document.</li> <li>LPPs should be prepared for the purpose of guiding the assessment of development applications for unhosted STRA, given the state-wide exemption for hosted STRA.</li> <li>LPPs cannot undo cl. 61 exemptions for hosted and unhosted STRA.</li> </ul>	Policy development concurrent with scheme amendment (as above) is encouraged to ensure holistic consideration of planning framework changes.	DPLH Land Use Planning area team

**Appendix 2 – SUMMARY OF LOCAL PLANNING SCHEME CHANGES – SHORT-TERM RENTAL ACCOMMODATION (STRA)**

	SUMMARY OF CHANGES	TIMEFRAME FOR CHANGES	CONTACT FOR FURTHER INFORMATION
<b>PERTH METROPOLITAN</b> (i.e. within MRS)	<p><b>Mandatory Amendments – by 1 January 2026:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Introduce new 'hosted short-term rental accommodation' deemed use class, to replace 'bed and breakfast' where applicable. Assign as a 'P' use in all zones where any type of dwelling is capable of approval, to reflect state-wide exemption.</li> <li><input type="checkbox"/> Introduce new 'unhosted short-term rental accommodation' deemed use class, to replace 'holiday house' and similar where applicable. Assign as a 'D' or 'A' use in all zones where any type of dwelling is capable of approval, 'P' in Tourism zones and 'X' in remaining zones, to reflect direction in the WAPC's Position Statement (November 2023).</li> </ul> <p><b>Additional Amendments:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Replace superseded model traditional and tourist accommodation land uses with new 'tourist and visitor accommodation' use (note – 'hotel' is retained).</li> <li><input type="checkbox"/> Introduce revised general definitions of 'cabin' and 'chalet', revised land use definition of 'road house' and delete general definition for 'short-term accommodation'.</li> </ul>	<p>Amendments to be finalised preferably by mid-2025, and no later than 1 January 2026.</p>	<p>DPLH scheme team.</p> <p>Note - all scheme amendments relating to STRA will be processed as a priority.</p>
<b>REGIONAL</b> (i.e. outside MRS)	<p><b>Mandatory Amendments – by 1 January 2026:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Introduce new 'hosted short-term rental accommodation' deemed use class, to replace 'bed and breakfast' where applicable. Assign as a 'P' use in all zones where any type of dwelling is capable of approval, to reflect state-wide exemption.</li> <li><input type="checkbox"/> Introduce new 'unhosted short-term rental accommodation' deemed use class, to replace 'holiday house' and similar where applicable. Assign in zoning tables as required to reflect local housing and tourism conditions.</li> </ul> <p><b>Additional Amendments:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Replace superseded model traditional and tourist accommodation land uses with new 'tourist and visitor accommodation' use (note – 'hotel' is retained).</li> <li><input type="checkbox"/> Introduce revised general definitions of 'cabin' and 'chalet', revised land use definition of 'road house' and delete general definition for 'short-term accommodation'.</li> </ul>	<p>Amendments to be finalised preferably by mid-2025, and no later than 1 January 2026.</p>	<p>DPLH area team</p> <p>Note - all scheme amendments relating to STRA will be processed as a priority.</p>

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website: [www.wa.gov.au/dplh](http://www.wa.gov.au/dplh)  
email: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)

tel: 08 6551 8002  
fax: 08 6551 9001  
National Relay Service: 13 36 77

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Department of Planning,  
Lands and Heritage



# Position Statement:

## Planning for Tourism and Short-term Rental Accommodation

November 2024

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of land and waterways across Western Australia. The Department is committed to reconciliation to improve outcomes for Aboriginal and Torres Strait Islander peoples and to work together to provide a culturally-safe and inclusive environment

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website: [wa.gov.au/dplh](http://wa.gov.au/dplh)  
email: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)

tel: 08 6551 8002  
fax: 08 6551 9001  
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### 1. Policy intent

The intent of this Position Statement is to guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework and:

- facilitate acceptable development of new and evolving tourism opportunities;
- provide a high-level of amenity in tourism areas; and
- deliver quality land use planning outcomes.

### 2. Planning for tourism in Western Australia

Western Australia's many natural and man-made features and attractions provide substantial opportunities for tourism, which is a significant contributor to the State and local economies, particularly in regional areas. Tourism encompasses an array of development types, sizes and locations, and includes accommodation, attractions, facilities, infrastructure and other ancillary services.

Appropriate planning and management of tourist areas and uses is necessary for their promotion and retention, to prevent encroachment from incompatible land uses,

to protect the amenity, environmental and landscape values of tourist areas, and to address potential land use conflict. In some areas demand for tourism infrastructure, particularly accommodation, can also come from other needs such as medical, business and educational travel.

Planning for tourism must be capable of adapting to changes in the sector and the consideration of value-add opportunities.

Local governments are encouraged to consult with Tourism Western Australia and other relevant State Government agencies, tourism associations, local operators and the local community when undertaking planning for tourism as described within this Position Statement.

### 3. Application of this Position Statement

This Position Statement applies to all tourism and short-term rental accommodation proposals within all regions of Western Australia and should be applied in conjunction with the *Planning for Tourism and Short-term Rental Accommodation Guidelines* (the Guidelines).

In this Position Statement the term 'tourist accommodation' refers to all traditional forms of tourist accommodation land uses provided within the Planning and Development (Local

Planning Schemes) Regulations 2015 (LPS Regulations), aside from those broad use types listed under Section 3.1 – Exclusions.

Similarly, the term 'short-term rental accommodation' refers to hosted or unhosted uses of this specific type which will be reflected in new land use definitions under the LPS Regulations.

### 3.1 Exclusions

This Position Statement is not intended to capture the following forms of short-term and temporary accommodation, which are often subject to either alternative guidance and legislation or approaches by local government (further information is available in section 4 of the Guidelines):

- lodgers and boarders;
- house swapping and housesitting;
- personal use of a holiday home or the sharing of a holiday home with the owner's family and friends;
- student exchange accommodation;
- workforce accommodation; and
- residential parks, park home parks, lifestyle villages.

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#### 4. Policy objectives

The policy objectives for planning for tourism and short-term rental accommodation are to:

- Provide a strategic approach to the sustainable development and management of tourism and short-term rental accommodation land uses by ensuring decision-making is guided by a local planning strategy which reflects the demand for local and regional tourism.
- Identify opportunities and protect locations, tourism precincts and sites (existing and potential) where demand for future tourism land use and development have been identified. The character, landscape, visual amenity, economic, social, cultural and environmental values of natural and/or built features that may have future tourism potential should be protected; any negative impacts minimised; and, where possible, values enhanced.
- Plan appropriate infrastructure and services necessary to support tourism development and ensure new and expanded tourism development has secure access to services/infrastructure.
- Recognise that the commercial sustainability of tourism may require flexibility in product mix, site design and risk mitigation approaches.

- Promote the co-location of complementary and compatible tourism land uses to create identifiable tourism precincts that benefit tourism amenity.
- Ensure land use impacts between tourism and short-term rental accommodation activities and other land uses (including residential areas) are appropriately managed.
- Manage the effects of tourism and short-term rental accommodation on local housing markets, including:
  - Demand for accommodation for tourism industry workers;
  - Impacts on housing supply; and
  - The availability of dwellings for long-term rental.

#### 5. Policy measures

Local governments are best placed to plan for tourism and short-term rental accommodation within their communities, with local knowledge of tourism activity, opportunities, constraints, including potential impacts and what requirements should be placed on tourism or short-term rental accommodation proposals.

#### 5.1 General measures

In general, strategic and statutory planning decisions should:

- Encourage a range of tourist accommodation, including short-term rental accommodation, choices and experiences as required.
- Encourage sustainable ecotourism that recognises and complements Western Australia's unique and sensitive natural environment, heritage and Aboriginal culture.
- Give effect to this Position Statement and Guidelines, and the *State Government Strategy for Tourism in Western Australia 2020* (as amended).
- Be consistent in the use of tourism land use and accommodation definitions contained in the LPS Regulations and State Planning Policy 7.3: Residential Design Codes.
- Promote the location of tourist accommodation in areas with the highest tourism amenity (for example beach access, views, facilities, availability of services) and adequate separation from, or management of, any interface with residential land uses.

- Ensure areas used exclusively for strategic tourism sites and precincts are zoned as Tourism or Special Use.
- Ensure that new and proposed caravan park sites are zoned to facilitate long-term security for continued use, preferably through a Tourism or Special Use/ Special Use – Caravan Park zone, while providing for a range of appropriate incidental uses and tourism accommodation types.
- Maintain and support existing tourism and special use sites. Rezoning should only be supported if it is demonstrated that a tourism site is unfeasible in the long-term because of a lack of tourism demand, sustainable tourism function and a long-term decline of all tourism activities and accommodation types in the region.

The inclusion of any land uses other than tourism land uses on tourism zoned land should be considered on a case-by-case basis. Consideration should include whether there is appropriate infrastructure and a planning framework that supports uses other than tourism on tourism zoned sites. The inclusion of permanent residential uses requires close consideration to ensure tourism remains the primary use of a site and a quality tourism outcome is achieved in conjunction with any residential component.

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Where permitted, tourism uses on agricultural or rural land should be secondary to agricultural and/or rural uses to protect the primacy of the land for rural uses (for example farm stay, restaurant at vineyard, farm gate sales) as provided by *State Planning Policy 2.5: Rural Planning*. Proposals in areas subject to natural hazards (bushfire, coastal, cyclone and flood prone areas) are to meet the requirements set out in the relevant State planning policies (2.6: *State Coastal Planning, draft 2.9: Planning for Water, 3.4: Natural Hazards and Disasters* or 3.7: *Bushfire*).

Where coordination is required (for example across multiple sites, stages or for infrastructure provision), proposals within tourism precincts or sites should be informed by the preparation of a structure plan and/or local development plan as appropriate. These plans should be required prior to subdivision or development approval.

**5.2 Local planning strategy considerations**

The local planning strategy provides the long-term planning directions and actions to manage the change and development of a local government area. The local planning strategy also provides the line-of-sight between state-wide strategic planning and policy to the local framework and decision-making. Local governments are encouraged to address tourism as a planning issue/

opportunity to ensure strategic tourism needs are planned for. The extent to which tourism and short-term rental accommodation is examined within the local planning strategy should be proportionate to the significance of tourism to the community and local economy. The tourism component of the local planning strategy should:

- Reflect on the existing planning framework (including the local planning scheme and relevant local planning policies) and whether it is fit-for-purpose and achieving the tourism and short-term rental accommodation outcomes being sought.
- Discuss current and emerging tourism trends and issues, including the provision of information on existing tourism, aspirations for long-term tourism and existing problems related to tourism.
- Where tourism and/or short-term rental accommodation is significant to the locality or region, the local planning strategy should include substantial detail on issues such as accommodation supply and demand, the rationale for determining future land allocation (site size and location), suitable planning controls and anticipated tourism infrastructure needs.
- Identify suitable tourism sites and precincts in accordance with locational criteria developed by the local government and ensure these are

located appropriately to townsites and in proximity to the features and attractions they are intended to serve. Locations identified for tourism should be consistent with other existing policies.

- Outline suitable planning controls to guide and manage tourism and short-term rental accommodation uses that will need to be incorporated in the local planning scheme.
- Be consistent with this Position Statement.

**5.2.1 Caravan parks**

Caravan parks are a fundamental component of the tourism accommodation mix and can experience competing demands from tourists, long-stay tenants, temporary workers and people seeking alternatives to traditional rental accommodation. In addition, the demand for land in tourist locations has contributed to numerous caravan park closures throughout Western Australia.

Strategic planning for caravan parks should:

- ensure development and long-term retention of caravan parks as a form of short-stay (affordable) accommodation primarily for leisure tourists;
- recognise that the commercial sustainability of caravan parks requires some flexibility in product mix, site design and risk mitigation approaches; and

- ensure any new caravan parks are located appropriately for their context and intended market and function.

**5.2.2 Short-term rental accommodation**

Short-term rental accommodation is the collective name given to holiday homes, units or apartments offered for short-term letting, often through an online booking platform or management agent. Short-term rental accommodation is either hosted (where a permanent resident (host) is present) or unhosted (where guests have exclusive use of an entire house, unit or apartment). Commonly, they can be:

- a family holiday home, periodically offered as a short-term rental;
- a property purchased for the sole intent of operating a short-term rental operation; and
- spare bedrooms and areas within a home, offered to let on a short-term basis.

The success of online booking platforms offering short-term rental accommodation has seen a rapid increase in short-term rentals, with high concentrations occurring in popular tourist locations. Demand can also be high in localities attracting non-tourism related travel, such as medical, education and business travel. In some cases, the rapid

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growth in the short-term rental market has placed management and compliance stress on local governments and can have a variety of negative flow on effects.

Local government should consider whether detailed attention needs to be given to short-term rental accommodation in the local planning strategy. In areas where short-term rentals are in low demand and do not cause significant community concern, addressing the topic within the local planning strategy may be unnecessary.

**5.2.2.1 Supply, demand and pressures associated with short-term rental accommodation**

To help understand current and emerging trends and issues, local governments are encouraged to undertake a short-term rental accommodation supply and demand analysis. A supply and demand analysis should include consideration of the short-term rental market, the relationship with permanent housing provisions and the traditional accommodation provision. This analysis could be undertaken as a sub-section of broader population and housing studies conducted as part of the local planning strategy, to ensure all relevant housing supply and demand matters are considered holistically.

Considerations may include:

- identification and assessment of current and future short-term rental demands informed by Tourism Western Australia data, the WA Government’s short-term rental accommodation register, Australian Bureau of Statistics data, local government data as well as other planning documents;
- identification of short-term rental accommodation opportunities; and
- interaction between short-term rental accommodation demand and local housing objectives.

Evidence from other jurisdictions (and increasingly from tourism locations in the South West) indicates that a rapid growth in, or high supply of, short-term rentals may affect the availability of long-term rentals and housing choice for permanent residents of a community.

Local governments with areas subject to a high supply of short-term rental accommodation and relatively stable housing growth are encouraged to monitor the situation in their communities and adjust policy settings as appropriate.

**5.2.2.2 Location of short-term rental accommodation**

Short term rental accommodation should generally be a permitted use in tourism zones.

Outside tourism zones, consideration should be given to the appropriate location of short-term rental accommodation; specifically where it should be prioritised to further strategic planning objectives, enhance the tourism experience and avoid adverse impacts on surrounding land uses.

In seeking to guide the location of short-term rental accommodation outside Tourism zones, the following considerations may be relevant to the local government:

- Provision of, and access to, tourist amenity, proximity to social, cultural, and leisure attractions and accessibility to transport routes and public transport services.
- Localities where short-term rental accommodation may be particularly in demand for non-tourism needs, such as temporary workers accommodation and medical travel, and how these should be balanced with demand from tourism.
- Adequate standard of services and infrastructure necessary, for example reticulated or drinking water supply and service, capacity of on-site solutions.

- Locations to minimise adverse interface issues, particularly amenity impacts on surrounding residential and other land uses (for example rural).
- Risk of natural hazards, particularly bushfire, and the extent of measures which may need to be in place to address the level of risk.
- Any other relevant planning consideration and/or policy instruments within the planning framework.

**5.3 Bushfire planning requirements**

There are no requirements within State Planning Policy 3.7 Bushfire (SPP 3.7) and Planning for Bushfire Guidelines (the Guidelines) for hosted or unhosted short-term rental accommodation.

Where a regional local government determines that a development application for short-term rental accommodation is required, and the development site is within a bushfire prone area, then the local government will need to specify any relevant bushfire requirements in a local planning policy.

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**5.4 Statutory planning considerations**

The local planning scheme and supporting local planning instruments (such as local planning policies) give effect to local strategic planning through statutory land use and development control.

Broadly speaking, local planning schemes and amendments should:

- include a range of tourism, special use and mixed-use zonings allowing for tourism development and the permissibility of land uses in each zone, to provide for a diverse tourism industry consistent with the direction provided in local planning strategy;
- utilise land use definitions as set out in and LPS Regulations for tourism and short-term accommodation uses, as applicable;
- provide clear guidance as to the permissibility of tourism and short-term rental accommodation land use types in all relevant zones via the zoning table, in accordance with the guidance provided in this Position Statement and accompanying guidelines.

Where planning scheme provisions are inconsistent with this Position Statement, local planning schemes must be updated. To complement local planning scheme provisions and guide the exercise of

discretion, local government may utilise local planning policies to inform land use and development decisions.

The Guidelines provide further guidance on statutory planning considerations and approaches.

**5.4.1 Caravan parks**

To support the policy objectives a local planning scheme should:

- zone caravan park sites to secure continuing use of the site for caravan park and appropriate incidental uses, having regard for local context (Tourism and Special Use/Special Use – Caravan Park zones are preferred for this purpose);
- designate caravan parks as a permitted (P) or discretionary (D) use in the Tourism zone or designate sites as Special Use/ Special Use – Caravan Park zones, and provide for a range of complementary incidental uses including additional tourism accommodation types where appropriate;
- consider designating caravan park as an Additional Use for specific sites outside the Tourism and Special Use/Special Use – Caravan Park zones where caravan and camping may be desired as a secondary offering to the primary use; and

- encourage the development and redevelopment of caravan parks in a manner that responds appropriately to the environment, economy and context.

The rezoning of Tourism or Special Use – Caravan Park zoned sites to residential, commercial or alike zones is generally considered inconsistent with the objectives of this Position Statement. However, if a rezoning is proposed it should be justified and assessed in the context of this Position Statement, the Guidelines and the relevant local planning strategy.

Where it can be demonstrated that a caravan park site is no longer required, and this is supported by the Western Australian Planning Commission (WAPC) in consultation with relevant stakeholders, including long-stay tenants, the WAPC may recommend that the Minister for Planning approve the rezoning; subject to all other relevant planning considerations.

**5.4.2 Short-term rental accommodation**

Short-term rental accommodation is considered a distinct land use class to traditional tourist accommodation and is divided into two categories: hosted and unhosted. Local planning schemes can manage the location of unhosted short-term rental accommodation through a combination of zoning and land use permissibility.

Development control measures can be set through local planning schemes and local planning policies to manage size, location, and potential amenity impacts. Short-term rental accommodation providers and decision-makers should also consider any broader legislative requirements that may apply such as smoke alarms, Residual Current Devices (RCDs), compliant barriers for private swimming pool and spas, food service requirements and requirements under the National Construction Code.

**5.4.2.1 Hosted short-term rental accommodation**

Hosted accommodation is considered a low-scale form of short-term rental accommodation because the host resides on the site and can manage any issues that may arise with respect to amenity, noise and other impacts. It may also be contended that the short-term rental accommodation use of the property is incidental to the permanent residential use.

It is intended that hosted accommodation, where the owner or occupier of the dwelling is present when guests are staying overnight, should not require a development approval, and should be represented as such in the zoning table.

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#### 5.4.2.2 Unhosted short-term rental accommodation

Local government should regulate unhosted short-term rental accommodation through its local planning framework to supplement broader State Government reforms on this matter.

It is acknowledged that there have traditionally been various approaches to the regulation of unhosted short-term rental accommodation currently undertaken across Western Australia. This Position Statement sets out considerations in both metropolitan and regional contexts. For the purposes of this section of the Position Statement, references to 'regional' areas includes the Peel region.

#### Perth Metropolitan Area

Within the context of the Perth Metropolitan Area, renting of a dwelling for 90 nights or less within a 12-month period, such as when the owner is on holidays from their primary place of residence, is considered to be low scale in impact and incidental to the primary use of the property. Therefore, short-term rental accommodation operators that let out their residence for 90 nights or less within a 12-month period will not need development approval.

This exemption will have effect wherever the Metropolitan Region Scheme applies and will be reflected in all applicable local planning schemes, via Schedule 2 'deemed provisions' of the LPS Regulations. It will also still apply within bushfire prone areas.

Where short-term rental accommodation is occurring as unhosted for more than 90 nights in a 12-month period, the intensity of the use and form of activity changes from a permanent residential dwelling. There is the potential for impacts on the locality, particularly in relation to residential amenity, as well as broader housing supply objectives. Accordingly, use of a dwelling as unhosted short-term rental accommodation for longer periods of time is considered a change of use from a residential dwelling.

For local governments within the Perth Metropolitan Area– zoning table provisions in all local planning schemes shall require development approval (i.e. a D or A use) for unhosted short-term rental accommodation uses outside of tourism zones exceeding 90 nights within a 12-month period.

This single set of rules for Perth will ensure greater consistency across the metropolitan area and will allow the local government to assess individual proposals on a case-by-case basis, allowing consultation to occur where deemed necessary.

#### Outside Perth Metropolitan Area (including Peel)

For local governments in regional areas (i.e., outside the Metropolitan Region Scheme) – zoning table and scheme provisions for unhosted short term rental accommodation will be at the discretion of the individual local government. This is in recognition of the need to provide greater flexibility for regional local governments, acknowledging that there are various approaches dependent on local community demographics, housing availability and tourism markets.

Local governments in regional areas are encouraged to update their schemes as soon as practicable to provide guidance on where short-term rental accommodation may or may not be acceptable within their municipality, and importantly where it would be beneficial for a development application to be received for these uses. Requiring a development approval will allow the local government to assess the impacts of a specific proposal on both the amenity of a locality and local housing markets, as well as the impacts on the local tourism economy of their area (if applicable). There should also be a focus on the use of a dwelling and how this relates to local planning objectives and amenity impacts.

#### General Local Planning Considerations

The regulatory and policy response of the local government toward unhosted short term rental accommodation should be proportional to the significance of the issues arising in a municipality, especially in regional areas.

In determining the appropriate way to further tailor unhosted short-term rental accommodation requirements, the following statutory planning mechanisms can be considered:

- Utilising the zoning table, and other scheme mechanisms to control the locations whereby unhosted short-term rental accommodation proposals may be designated. Short-term rental accommodation should only be prohibited (X) in areas with low residential amenity such as industrial zones. Guidance tailored to specific localities or planning considerations where short-term rental accommodation is discretionary can be provided through local planning policies or other appropriate scheme mechanisms.
- Capping guest numbers permitted within a short-term rental accommodation property through local planning policy and/or condition of a planning approval, to respond to constraints such as availability of vehicle parking, capacity of infrastructure (such

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- as onsite effluent disposal) or to maintain appropriate levels of amenity in line with expectations (such as concerns regarding “party houses”).
- Utilising a local planning policy to guide discretionary decision- making, which may include but not be limited to:
  - locational factors which may assist in determining appropriate locations for unhosted forms of short- term rental accommodation within residential areas (refer to the Guidelines for further information);
  - impact on local housing market, where this has been identified as an issue in the local planning strategy;
  - limits to the number of guests and/ or rooms;
  - provision of car parking;
  - minimum stay or booking requirements (e.g. 2 nights);
  - minimum services such as potable water and reticulated sewerage;
  - preparation and approval of a Management Plan;
  - waste management;
  - whether pets of guests (such as dogs) are permitted;
  - managing for potential noise nuisance; and

- bushfire emergency procedures and options for evacuation.
- If appropriate, initial development approval can be granted for a limited period (for example 12 months) and renewed on a longer basis (for example three to five years, or permanently) to ensure there is appropriate management of potential impacts on the amenity of neighbouring properties.

**5.4.3 Other planning processes including structure plans, subdivisions and development applications**

**WAPC**

Where appropriate, the WAPC will consider the application of this Position Statement in the assessment of structure plans, subdivision, strata, community titles and development applications on sites zoned for tourism purposes or where tourism or short-term rental accommodation uses can be considered.

In assessing proposals on land zoned for tourism purposes the WAPC will, among other things (including adopted plans and policies) consider whether the proposal will:

- Facilitate the development of a quality, sustainable tourism facility.

- Incorporate those facilities associated with tourist accommodation developments such as recreation, entertainment and integrated management.
- Provide for current and future tourism demand.
- Have the capacity to accommodate the necessary services, management and support facilities without compromising the character, development flexibility or tourism amenity of the site.
- Provide for the retention or enhancement of the strategic value of the site for tourism purposes, including the relationship between individual lots and areas of high tourism amenity and the potential to accommodate current and future tourism demand.
- Result in the subdivision of a large tourism lot (for example, to separate the residential component from the tourism). This may result in tourism lots remaining undeveloped and future pressure to approve further residential components to finance development.

In the case of subdivision of an existing caravan park, subdivision is generally not supported. Excising a portion of a caravan park site may be supported if the excised portion is proposed to be developed for a compatible tourism use. Strata or community

titling of caravan parks is not permitted as provided by the *Strata Titles Act 1985* and *Community Titles Act 2018*.

**Local government**

Local governments shall have regard to this Position Statement along with other relevant considerations in the assessment of development applications for tourism land uses and sites zoned for tourism purposes.

**SHIRE OF TOODYAY  
LOCAL PLANNING SCHEME NO. 5 - AMENDMENT NO. 2  
SCHEME AMENDMENT REPORT**

## **1 Introduction**

### **1.1 Proposal**

This Scheme Amendment proposes to amend the Shire of Toodyay Local Planning Scheme No.5 (the Scheme) by updating a range of use classes and land use definitions to reflect recent changes to the Planning and Development (Local Planning Schemes) Regulations 2015.

The changes relate to the introduction of **short-term rental accommodation** and **tourist and visitor accommodation** uses into the model provisions and deemed provisions. A consequence of this is the removal from the model provisions a range of superfluous accommodation-related use classes.

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

### **1.2 Implications of Amendment on prior approvals**

The change in use classes and definitions for short-term rental accommodation and tourist and visitor accommodation will not affect approvals granted for replaced use classes, such as holiday house, motel and tourist development. However, any approvals that a time-limited will be considered under the appropriate new definition and use class in the event of any application for renewal being received by the Shire of Toodyay.

### **1.3 Importance of the Amendment**

This Amendment is required to be completed prior to the end of 2025 to allow all local governments to be administering short-term rental accommodation within a consistent framework.

### **1.4 Amendment effect**

This Amendment is a text amendment only. No amendments to zonings or reservations on the Scheme Maps are proposed. However, due to the deletion of certain land use classes, amendments are required to the additional and special uses in Schedule 1 and 2 respectively and to the Car Parking and Exempt Advertisements Schedules. The amendments are explained in detail in the next section of this report.

## 2 Amendment details

### 2.1 Amendment to clause 37 – Terms used

The changes to the model and deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* require amendments to the general definitions used in the Scheme (cl. 37). The definition for “short-term accommodation” will be removed. The definitions for “cabin” and “chalet” will be amended as outlined below:

Term	Current definition	Amended definition
<b>cabin</b>	means a dwelling forming part of a tourist development or caravan park that is - (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests;	<b>means a building that —</b> <b>(a) is an individual unit other than a chalet; and</b> <b>(b) forms part of —</b> <b>(i) tourist and visitor accommodation; or</b> <b>(ii) a caravan park; and</b> <b>(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;</b>
<b>chalet</b>	means a dwelling forming part of a tourist development or caravan park that is – (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests.	<b>means a building that —</b> <b>(a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and</b> <b>(b) forms part of —</b> <b>(i) tourist and visitor accommodation; or</b> <b>(ii) a caravan park; and</b> <b>(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;</b>
<b>short-term accommodation</b>	means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.	<b>Term deleted.</b>

### 2.2 Amendment to clause 38 – Land use terms used

The changes to the model and deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* require amendment to the land use definitions used in the Scheme (cl. 38). The table below outlines the proposed changes:

Term	Definition	Deleted / Inserted
<b>bed and breakfast</b>	means a dwelling – (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial	<b>Deleted and replaced by hosted short-term rental accommodation.</b>

Term	Definition	Deleted / Inserted
	basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms.	
<b>holiday accommodation</b>	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.	<b>Deleted and replaced by tourist and visitor accommodation.</b>
<b>holiday house</b>	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.	<b>Deleted and replaced by unhosted short-term rental accommodation.</b>
<b>Hosted short-term rental accommodation</b>	New land use	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;
<b>motel</b>	means premises, which may be licensed under the Liquor Control Act 1988 – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.	<b>Deleted and replaced by tourist and visitor accommodation.</b>
<b>roadhouse</b>	means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services – (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) short-term accommodation for guests; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and	<b>Deleted and replaced with amended definition of “road house” as follows: “means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services – (a) a full range of automotive repair services; (b) wrecking, panel beating and spray painting services; (c) transport depot facilities; (d) accommodation for guests, on a commercial basis, with no individual guest accommodated</b>

Term	Definition	Deleted / Inserted
	(f) dump points for the disposal of black and/or grey water from recreational vehicles.'	for a period or periods exceeding a total of 3 months in any 12-month period; (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;"
serviced apartment	means a group of units or apartments providing – (a) self-contained short-stay accommodation for guests; and (b) any associated reception or recreational facilities.	Deleted and replaced by tourist and visitor accommodation.
tourist and visitor accommodation	New land use	Insert the following definition: “(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;                 ”

Term	Definition	Deleted / Inserted
		(vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1); (vii) a road house; (viii) workforce accommodation.”
<b>tourist development</b>	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.	Deleted and replaced by <b>tourist and visitor accommodation.</b>
<b>Unhosted short-term rental accommodation</b>	New land use	means short-term rental accommodation that – (a) is not hosted short-term rental accommodation; and (b) accommodates a maximum of 12 people per night;

**2.3 Deemed definitions for short-term accommodation.**

Clause 1 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 contains terms that relate to short-term rental accommodation. These terms form part of the Deemed Provisions for Local Planning Schemes. The table below outlines the deemed definitions that will have effect in the Scheme and will be included in Clause 37 of the scheme in this Amendment:

Term	Definition
<b>Short-term rental accommodation</b>	(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;
<b>Short-term rental arrangement</b>	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;

**2.4 Amendments to cl.17 Table 4 Zoning Table**

As a consequence of the changes to the definitions outlined above, there are consequential amendments required to the Zoning Table at clause 17.

The following use classes will be removed from the Zoning Table:

- Bed and Breakfast;
- Holiday Accommodation;
- Holiday House;
- Motel;

- Serviced Apartment; and
- Tourist Development

The following use classes and permissibility will be inserted into the Zoning Table in alphabetical order:

Use & Development Class	Residential	Urban Development	Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Industrial Development	Commercial	Mixed Use	Special Use	Service Commercial	Private clubs, institutions and places of worship
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 <sub>1</sub>		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

A<sub>1</sub> = Lots greater than 1500m<sup>2</sup>

**2.5 Amendments to Schedules 1 and 2 Additional uses and special uses**

The changes to the definitions and use classes outlined above will have a consequential effect on the terms used in the tables for Additional uses and Special Uses contained at Schedules 1 and 2 of the Scheme.

The Amendment is limited to deleting outdated references and replacing with the contemporary equivalent. No changes have been made to the conditions or what is permissible on each property.

The following table provides an overview of the amendments proposed for each affected additional / special use:

No.	Address	Old use (All other stated uses remain unaffected)	Proposed use
<b>Schedule 1 – Additional uses</b>			
A7	Lot 45 (381) Julimar Road, Toodyay	Motel	Tourist and visitor accommodation
A10	Lots 57 (81) and 97 (65) Beaufort Street West, Toodyay	Tourist development	Tourist and visitor accommodation
A12	Lot 1 (480) Julimar Road, West Toodyay	Holiday accommodation	Tourist and visitor accommodation
A14	Lot 4 (447) Morangup Road, Morangup	Tourist development	Tourist and visitor accommodation
<b>Schedule 2 – Special use zone</b>			
SU1	Lot 104 Sandplain Road, Toodyay	Tourist development	Tourist and visitor accommodation
SU3	Lot 27443 Toodyay Road, Toodyay	Tourist development	Tourist and visitor accommodation
SU4	Lots 1, 340, 341 and 1677 Bindoon-Dewars Pool Road, Dewars Pool	Holiday accommodation	Tourist and visitor accommodation

No.	Address	Old use (All other stated uses remain unaffected)	Proposed use
SU6	Part of Lots 802 & 803 and Lot 16 Wattening Springs Road, Toodyay	Tourist development	Tourist and visitor accommodation
SU8	Lot 463 (1780) Julimar Road, Julimar	Tourist development	Tourist and visitor accommodation
SU9	Lot 525 (150) Nerramine Drive, Julimar)	Tourist development	Tourist and visitor accommodation
SU11	Lot 5 (39) Dumbarton Road, Dumbarton	Tourist development	Tourist and visitor accommodation
SU13	Roman Catholic Church Group Heritage site - Lots 1 to 5 and 67 Stirling Terrace and Lot 9000 Goomalling-Toodyay Road, Toodyay	Bed and breakfast Tourism development Holiday accommodation	Hosted short-term rental accommodation Tourist and visitor accommodation

### 2.6 Amendment to Schedule 1 Additional use A7

Additional use A7 relates to Lot 45 (381) Julimar Road, Toodyay. Condition 2 for additional use A7 states:

“2. Accommodation is to be short-term accommodation”.

The current definition of “short-term accommodation” is proposed to be deleted by this Amendment. As it current reads, short-term accommodation is defined as:

“means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.”

Condition 2 was placed in relation to the additional use for “motel”. It is proposed to replace the use “motel” for the new use “tourist and visitor accommodation”. Part of the definition of this new use includes:

“...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...”

This definition removes the need for Condition 2 entirely as the restriction is incorporated into the definition of the use.

### 2.7 Amendment to Schedules 6 and 7 Car parking and Exempted advertisements

There are a number of references in Schedule 6 and 7 to use classes that are to be deleted. The Amendment identifies these instances and deletes old uses and replaces with the correct contemporary use as follows:

Section	Old use	Proposed use
<b>Schedule 6 – Car parking requirements</b>		
Residential uses, Line 1 – Permanent Residential Accommodation	Holiday house	Unhosted short-term rental accommodation
Residential uses, Line 2 – Home Based	Bed and breakfast	Hosted short-term rental accommodation
Tourism uses, Line 1 – Accommodation	Holiday accommodation Motel Serviced apartment Tourist development	Tourist and visitor accommodation
<b>Schedule 7 – Exempt advertisements</b>		
Line 2 – All classes of buildings other than single dwellings...	Holiday house	Unhosted Short-term rental accommodation

### **3 State and regional planning framework**

#### **3.1 Planning and development (Local Planning Schemes) Regulations 2015**

This Amendment has been prepared to ensure the Scheme is in full compliance with the Regulations. In particular, there is a need to ensure the Scheme is consistent with the deemed provisions and model provisions of the Regulations.

#### **3.2 WAPC Planning Bulletin 115/2024**

Appendix 2 of the Planning Bulletin outlines the actions each non-metropolitan local government is to undertake no later than 1 January 2026.

The mandatory amendments required are:

- Introduce new “hosted short-term rental accommodation” deemed use class, to replace “bed and breakfast” where applicable. Assign as a “P” use in all zones where any type of dwelling is capable of approval, to reflect state-wide exemption.
- Introduce new “unhosted short-stay rental accommodation” deemed use class, to replace “holiday house” and similar where applicable. Assign in zoning tables as required to reflect local housing and tourism conditions.

Additional amendments are:

- Replace superseded model traditional and tourist accommodation land uses with new “tourist and visitor accommodation” use (note – “hotel” is retained).
- Introduce revised general definitions of “cabin” and “chalet”, revised land use definition of “road house” and delete general definition for “short-term accommodation”.

This Amendment implements all of the above requirements and undertakes consequential amendments to the Scheme text to ensure consistency throughout.

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**9.3.3 Update on sale of properties**

Date of Report:	8 March 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	S Haslehurst – Chief Executive Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	OCM 22 June 22 June 2022 – Item 9.1.3 Update on Sale of Properties; OCM 22 June 2021 – Item 9.3.4 Disposal of Property via Public Auction – Various; OCM 24 November 2015 Item 9.2.4; OCM 26 July 2016 Item 9.2.6.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	Nil

**PURPOSE OF THE REPORT**

To update the Council on the progress of the sale of Shire properties.

**BACKGROUND**

At its Ordinary Council Meeting on 22 June 2021 the Council resolved:

*That Council:*

1. *Notes the update on the progress of sale of the following properties:*

<i>Street Address</i>	<i>Lot Number</i>	<i>Plan</i>	<i>Volume</i>	<i>Folio</i>
<i>15 Wilson St Toodyay</i>	<i>247</i>	<i>P181280</i>	<i>1462</i>	<i>147</i>
<i>17 Wilson St Toodyay</i>	<i>246</i>	<i>P181280</i>	<i>1462</i>	<i>146</i>
<i>26 Hamersley St Toodyay</i>	<i>15</i>	<i>D033370</i>	<i>1523</i>	<i>528</i>
<i>28 Hamersley St Toodyay</i>	<i>14</i>	<i>D033370</i>	<i>1523</i>	<i>527</i>
<i>30 Hamersley St Toodyay</i>	<i>13</i>	<i>D033370</i>	<i>1325</i>	<i>413</i>
<i>32 Hamersley St Toodyay</i>	<i>12</i>	<i>D033370</i>	<i>1325</i>	<i>412</i>

2. *Requests the CEO to*
  - (a) *conduct a further feasibility study on the remainder of the outstanding properties from the resolution 133/06/21, being:*

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- 1 Duke Street, Toodyay;
- 42 Hamersley St Toodyay; and
- 44 Hamersley St Toodyay.

(b) provide a progress report to Council by December 2022 regarding the disposal of properties.

On 9 December 2022, a Council workshop was held, attended by 6 elected members, to provide an update and discuss potential further action in regard to the sale of properties owned and not intended for future use, by the Shire. This report provides recommendation by Officers following that discussion.

**COMMENTS AND DETAILS**

An auction was conducted by Tony Maddox at the CWA Hall on Saturday 3 September 2022. Four out of six properties were sold at auction. An offer was subsequently received and accepted for the property at 17 Wilson Street, Toodyay on 12 September 2022. An offer was received and accepted for the final property at 15 Wilson Street, Toodyay on 8 September 2023. The table below provides details.

Street Address	Lot #	Sold	Sale Price
26 Hamersley St Toodyay	15	03/09/2022	\$65,000
28 Hamersley St Toodyay	14	03/09/2022	\$65,000
30 Hamersley St Toodyay	13	03/09/2022	\$65,000
32 Hamersley St Toodyay	12	03/09/2022	\$65,000
17 Wilson St Toodyay	246	12/09/2022	\$55,000
15 Wilson St Toodyay	247	08/03/2023	\$55,000

Council requested further investigation regarding the following properties:

- 1 Duke Street, Toodyay;
- 42 Hamersley St Toodyay;
- 44 Hamersley St Toodyay;

While Council has resolved to sell these properties, there are still doubts about the viability of them having any meaningful development potential. The key issues are the size of the lots, the zoning, and proximity to the railway corridor. Given the need to amalgamate the properties and the associated costs, and the restrictions related to building on the lots in proximity to the railway, Officers are recommending no action is taken at this time. It is proposed that future consideration be given to utilising these lots for possible staff / contractor / rental accommodation.

At the workshop held on 9 December 2022, Officers provided an outline of further properties that could be considered for disposal that are excess to requirements. The following properties were discussed:

- Lot 409 Church Gully Rd, Coondle
- Lot 405 Coondle Dve, Coondle

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- Lot 40 McKnoe Dve, Morangup
- Lot 75 Timber Creek Cr, Toodyay
- Lot 9508 Burt Pwy, Nunile
- Lot 1 Red Gully Rd, Nunile
- 59 Telegraph Rd, Toodyay
- Lot 61 Telegraph Rd, Toodyay
- Lot 410 Ferguson Rd, Coondle
- Lot 42 Kane Rd, West Toodyay
- Lot 107 Stirling Tce, Toodyay

Officers have made recommendations based on the outcome of those discussions.

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

Tony Maddox Real Estate

A Council workshop was held on 9 December 2022 attended by Executive Managers and six Councillors.

**Strategic:**

*Governance: The way the Shire leads and operates*

*O 1: Provide accountable and transparent leadership for the community.*

**Policy related:**

F.12 Disposal of Property Policy.

**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 were not accounted for in the adopted 2022/23 Budget, but proceeds received have been included in the mid-year budget review which is the subject of a separate report to this agenda.

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:

<b>Services provided</b>	<b>Cost (ex GST) per property</b>
Independent valuations	\$660 to \$1,600 (dependent upon the property)
Conveyancing	From \$1,000
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%)

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Services provided	Cost (ex GST) per property
Marketing	\$500 to \$1,500 (dependent upon the 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.***Risk related:**

Real estate house price guide for Toodyay (Wheatbelt WA 6566) as listed on the internet at this link: <https://www.realestate.com.au/wa/toodyay-6566/> suggests that the median price for houses is \$339,000 and over the past twelve months the growth has decreased by 4.5%. In the last 12 months there were 31 houses sold and currently there are 12 houses available on the market in the past month but they have been on the market for 84 days. The ramifications of the above anecdotal evidence would suggest that properties in Toodyay may have difficulty in achieving a strong price due to the downturn in the market. There is a moderate risk (9) that the properties for sale may be on sale for many months prior to them achieving a sale, particularly if they do not meet the reserve price set by auction.

**Workforce related:**

The impact on the workforce is minimal and largely confined to Executive management level to coordinate the preparation and auction of these sites through local real estate agencies.

**VOTING REQUIREMENTS**

Simple Majority

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**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM047/03/23****MOVED** Cr C Duri

That Council:

1. Notes the sale of the following properties:
  - 26 Hamersley Street, Toodyay;
  - 28 Hamersley Street, Toodyay;
  - 30 Hamersley Street, Toodyay;
  - 32 Hamersley Street, Toodyay;
  - 15 Wilson Street, Toodyay; and
  - 17 Wilson Street, Toodyay.
2. Determines to take no further action for the time being, in relation to:
  - 1 Duke Street, Toodyay;
  - 42 Hamersley St Toodyay; and
  - 44 Hamersley St Toodyay.
3. Authorises the CEO to dispose of the following properties:

Street Address	Lot Number	Plan	Volume	Folio
Lot 409 Church Gully Rd, Coondle	409	D063251	1903	700
Lot 405 Coondle Dve, Coondle	405	P012216	1489	432
Lot 40 McKnoe Dve, Morangup	40	PO14525	1664	932
Lot 75 Timber Creek Cr, Toodyay	75	PO16764	1837	617

4. Determines to retain the following properties for the immediate future:
  - Lot 9508 Burt Pwy, Nunile – potential key worker housing;
  - Lot 1 Red Gully Rd, Nunile – possible solar farm or other renewable energy options;
  - 59 Telegraph Rd, Toodyay – potential future cemetery development / parking; and
  - Lot 61 Telegraph Rd, Toodyay – Agricultural Show parking.
5. Requests the CEO to further investigate the following:
  - Lot 410 Ferguson Rd, Coondle – access issues and planning restrictions;
  - Lot 42 Kane Rd, West Toodyay – requirement for access to water tanks; and
  - Lot 107 Stirling Tce, Toodyay – potential public art laneway project.
 and provide an update to Council no later than December 2023.

**MOTION CARRIED 7/0**

**Progress Against OCM047/03/23**

Points	Updated detail	Recommendation / Comment
<b>Point 1 – Properties Sold</b>	All six (6) properties identified in Resolution 1 have been successfully sold.	No further action is required.
<b>Point 2 – No Further Action</b>	There has been no progress on the potential disposition of properties located at Duke and Hamersley Streets.	These remain under Shire ownership with no work initiated.
<b>Point 3 – Properties Authorised for Disposal</b>	None of the four (4) properties have been sold to date.	However, preliminary actions have commenced in relation to: <ul style="list-style-type: none"> <li>• Lot 405 Coondle Drive, Coondle; and</li> <li>• Lot 75 Timber Creek Crescent, Coondle.</li> </ul> Further assessment has determined the following:
<b>Point 3 – Properties Authorised for Disposal</b>	<ul style="list-style-type: none"> <li>• <b>Lot 409 Church Gully Rd, Coondle:</b> <ul style="list-style-type: none"> <li>➤ This lot functions as a drainage reserve used by the Shire to collect stormwater.</li> <li>➤ It is not large enough to be a viable standalone lot and contains the drainage basin.</li> <li>➤ Even if sold to a neighbouring property, an access easement would be required to maintain the drainage infrastructure.</li> </ul> </li> </ul>	To retain and not be sold.
<b>Point 3 – Properties Authorised for Disposal</b>	<ul style="list-style-type: none"> <li>• <b>Lot 40 McKnoe Dr, Morangup:</b> <ul style="list-style-type: none"> <li>➤ This is a 1-hectare lot that is heavily vegetated.</li> <li>➤ It contains a Shire firefighting water tank.</li> </ul> </li> </ul>	To retain and not be sold.

**Progress Against OCM047/03/23**

Points	Updated detail	Recommendation / Comment
	<ul style="list-style-type: none"> <li>➤ Although a resurvey could exclude the water tank, the remaining vegetated portion contributes significantly to local biodiversity and landscape values.</li> <li>➤ Development would require substantial clearing.</li> <li>➤ Clearing this lot for development would remove significant environmental value.</li> </ul>	
<p><b>Point 3 – Properties Authorised for Disposal</b></p>	<p>Remaining authorised properties:</p> <ul style="list-style-type: none"> <li>• <b>Lot 405 Coondle Dve</b></li> <li>• <b>Lot 75 Timber Creek Cr</b></li> </ul>	<p>These may progress towards disposal.</p>
<p><b>Point 4 – Properties Previously Determined to be retained</b></p>	<p>A further review has clarified the viability and preferred future of these lots:</p> <ul style="list-style-type: none"> <li>• <b>Lot 9508 Burt Parkway, Nunile:</b> <ul style="list-style-type: none"> <li>➤ A small portion will likely be retained for future key worker housing as part of Scheme Amendment 1 – Batty Pass Estate subdivision.</li> <li>➤ The exact lot to be created for this purpose is still to be identified.</li> </ul> </li> </ul>	<p>To retain the whole of the Lot pending the Batty Pass Estate subdivision.</p>
<p><b>Point 4 – Properties Previously Determined to be retained</b></p>	<p>A further review has clarified the viability and preferred future of these lots:</p> <ul style="list-style-type: none"> <li>• <b>Lot 1 Red Gully Rd, Nunile:</b> No longer suitable for solar or renewable energy development use due to ongoing gravel extraction.</li> </ul>	<p>This is to be retained, until gravel resource is exhausted.</p>

**Progress Against OCM047/03/23**

Points	Updated detail	Recommendation / Comment
<p><b>Point 4 – Properties Previously Determined to be retained</b></p>	<p>A further review has clarified the viability and preferred future of these lots:</p> <ul style="list-style-type: none"> <li>• <b>59 Telegraph Rd, Toodyay:</b> Unlikely to ever be required because:                             <ul style="list-style-type: none"> <li>➢ Ground conditions are unsuitable for future cemetery expansion.</li> <li>➢ The site is also unnecessary for overflow parking as roadside parking is adequate.</li> </ul> </li> </ul>	<p>This lot can be disposed due to limited or intermittent use.</p>
<p><b>Point 4 – Properties Previously Determined to be retained</b></p>	<p>A further review has clarified the viability and preferred future of this lot:</p> <ul style="list-style-type: none"> <li>• <b>Lot 61 Telegraph Rd, Toodyay:</b> <ul style="list-style-type: none"> <li>➢ Used occasionally for large event parking but is mostly unused.</li> <li>➢ Sale proceeds could contribute to upgrading and formalising the adjacent parking area on Crown Reserve Lot 245.</li> </ul> </li> </ul>	<p>This lot can be disposed.</p>
<p><b>Point 5 – Investigations Completed</b></p>	<p>A further review has clarified the viability and preferred future of this lot:</p> <ul style="list-style-type: none"> <li>• <b>Lot 410 Ferguson Rd, Coondle:</b> <ul style="list-style-type: none"> <li>➢ Functions as a drainage basin for the surrounding area and is encumbered by easements.</li> <li>➢ Has no value as an individual lot for disposal.</li> </ul> </li> </ul>	<p>To retain and not be sold.</p>

**Progress Against OCM047/03/23**

Points	Updated detail	Recommendation / Comment
<p><b>Point 5 – Investigations Completed</b></p>	<p>A further review has clarified the viability and preferred future of this lot:</p> <ul style="list-style-type: none"> <li>• <b>Lot 42 Kane Rd, West Toodyay:</b> <ul style="list-style-type: none"> <li>➢ Acts as a turnaround for fire fighting vehicles;</li> <li>➢ Provides access to firefighting water tanks servicing the Rugged Hills Estate.</li> <li>➢ The lot is too small for independent use.</li> <li>➢ infrastructure constraints render sale impractical.</li> <li>➢ The cost of relocating the tank would not be recoverable through sale.</li> </ul> </li> </ul>	<p>To retain and not be sold.</p>
<p><b>Point 5 – Investigations Completed</b></p>	<ul style="list-style-type: none"> <li>• <b>Lot 107 Stirling Terrace, Toodyay:</b> <ul style="list-style-type: none"> <li>➢ Primarily used extensively by neighbouring businesses for access and parking.</li> <li>➢ Without this lot, adjoining properties would lose rear access.</li> <li>➢ No independent development potential due to easements and access constraints.</li> <li>➢ No value in selling this lot independently.</li> </ul> </li> </ul>	<p>May be suitable for disposal to adjacent neighbouring properties only with access easements retained.</p>
<p><b>New Disposal Consideration 1</b></p>	<p>Through the recent internal landholding review, this additional asset has been identified as surplus to Shire requirements.</p> <ul style="list-style-type: none"> <li>• <b>98 Stirling Terrace, Toodyay – Veterinary Clinic and Rear Land</b></li> </ul>	<ul style="list-style-type: none"> <li>○ Sell Lot 1 (Veterinary Clinic) and Lot 205 (Access) as a single parcel.</li> <li>○ Sell Lot 2 separately (with right of access via Lot 205).</li> </ul>

**Progress Against OCM047/03/23**

Points	Updated detail	Recommendation / Comment
	This property comprises two lots plus a new access right for the carpark behind the library.	<ul style="list-style-type: none"> <li>○ Establish a short access easement to maintain library rear-lot access.</li> </ul>



**Creditor Payment Report - Warrant Listing**  
01 February 2026 to 28 February 2026

Cheque Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.368	19/02/2026	13112	Old Gaol Museum	Gaol Honorariums - March 2026	450.00
<b>Cheque Total</b>					<b>450.00</b>
Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.366	5/02/2026	47051	Mayberry Hammond & Co	Transfer of Syred's Cottage	1,500.00
CP.366	5/02/2026	INV-8452	Avon Valley Windscreens	T0016-Windscreen replacement	1,144.00
CP.366	5/02/2026	INV-4044	Leyland Engineering Services	T0000-essential service	300.00
CP.366	5/02/2026	INV-4045	Leyland Engineering Services	T0015-essential service	713.00
CP.366	5/02/2026	INV-4043	Leyland Engineering Services	T0024-essential service	300.00
CP.366	5/02/2026	INV-4046	Leyland Engineering Services	11TR862-essential service	300.00
CP.366	5/02/2026	INV-4047	Leyland Engineering Services	T0001-essential service	1,440.00
CP.366	5/02/2026	54845_4	Eastern Hills Chainsaws & Mowers	Chain saw part - Kit Bag KV Felt - Goat	350.10
CP.366	5/02/2026	54816_4	Eastern Hills Chainsaws & Mowers	Chain saw part - Kit Bag KV Felt - Goat	350.10
CP.366	5/02/2026	27640	Natural Area Consulting Management Services	Chitty Rd SLK4.34-6.34 - Mitigation Planting	412.34
CP.366	5/02/2026	27639	Natural Area Consulting Management Services	Julimar Rd SLK17.56-19.81 - Mitigation Planting	392.70
CP.366	5/02/2026	INV-3031	Vapour Plumbing And Gas	pump fitting repair	214.50
CP.366	5/02/2026	INV-3032	Vapour Plumbing And Gas	Billi boiler cartridge replacement	424.44
CP.366	5/02/2026	471509	Conplant Pty Ltd	Roller Hire - Bejoording Road 6/1/26-19/1/26	5,002.25
CP.366	5/02/2026	INV-8192	Creighan Holdings Pty Ltd	NCC Compliance Assessment & Issue of CDC & Building Permit	2,200.00
CP.366	5/02/2026	6355	Brightmark Group Pty Ltd	Contractor Cleaning - public toilets - Australia Day	500.50
CP.366	5/02/2026	6277	Brightmark Group Pty Ltd	Contractor Cleaning - Community Depot Toilets - Jan 2026	455.40
CP.366	5/02/2026	15023	Reliable Asset Maintenance	Rec Centre change room door broken lock repair	793.65
CP.366	5/02/2026	INV-0257	XAV Group Pty Ltd	Pool chemicals for routine maintenance Toodyay Aquatic Centre	5,304.38
CP.366	5/02/2026	77368274	Landgate	valuations Jan 2026	145.44
CP.366	5/02/2026	1458430	Landgate	Copy of Certificate of Title/Survey Feb 2025	252.80
CP.366	5/02/2026	I0092291	FVS Fire Pty Ltd	Extinguisher replacements	4,100.25
CP.366	5/02/2026	INV-0209	Land Effects Design & Landscaping Pty Ltd	Retic repair works	1,727.00
CP.366	5/02/2026	INV-11671Gb	Focus Networks	Monitors-Supply and Install (final payment)	8,482.59
CP.366	5/02/2026	INV-17140	Known Pty Ltd	Harvest Vehicle Movement Ban SMS top up	3,000.00
CP.366	5/02/2026	INV-0118	SJ Field Service	T0026 - aircon repair	4,967.81
CP.366	5/02/2026	1194	G R Thomson Truck Hire	Bejoording Rd - Water Cart Hire 26/1-1/2/26	12,512.50
CP.366	5/02/2026	35WA1424819	Dormakaba Australia Pty Ltd	Sensor Adjustment of Visitors' Center Door	291.50
CP.366	5/02/2026	0093	Rebus Restrooms	Newcastle Park Public Toilet - 2nd instalment	77,000.02
CP.366	5/02/2026	I21625-26	Ben Den Boer	Bushfire Attack Level Contour Map for 160 Toodyay West Rd	1,980.00
CP.366	5/02/2026	Crossover subsidy	Carly Brooke Dixon	Crossover subsidy - 30 Donegan View, Julimar	400.00
CP.366	5/02/2026	INV1744731	Datacom Solutions (Au) Pty Ltd	Datascape monthly SaaS fees Jan 2026	3,936.94
CP.366	5/02/2026	10743441	Toodyay Hardware & Farm	Depot consumables Jan 2026	37.65
CP.366	5/02/2026	10743419	Toodyay Hardware & Farm	Depot consumables Jan 2026	9.45
CP.366	5/02/2026	10743383	Toodyay Hardware & Farm	Depot consumables Jan 2026	31.45
CP.366	5/02/2026	10743970	Toodyay Hardware & Farm	Depot consumables Feb 2026	39.30
CP.366	5/02/2026	37775M	Professional PC Support Pty Ltd (XL2)	Agreement Managed ICT Support Feb 2026	9,721.46
CP.366	5/02/2026	37936	Professional PC Support Pty Ltd (XL2)	Server hardware replacement	22,433.40
CP.366	5/02/2026	3063290	AFGRI Equipment Australia Pty Ltd	Rear view mirror for John Deere Loader	207.16

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.366	5/02/2026	547	Broderick Waste Solutions	Management of Waste Transfer Station f/e 03/02/26	6,050.00
CP.366	5/02/2026	545	Broderick Waste Solutions	Waste cartage Toodyay Transfer Station to Northam - January 2026	7,131.96
CP.366	5/02/2026	546	Broderick Waste Solutions	Cartage of EWaste to Perth January 2026	660.00
CP.366	5/02/2026	5838	EAG Electrical Air-Conditioning & Gas	Rec Centre pump repair	264.00
CP.366	5/02/2026	5850	EAG Electrical Air-Conditioning & Gas	Visitor Centre aircon repair	264.00
CP.366	5/02/2026	2440/00224227	Bunnings - Midland	Full Boar High Pressure Hose	75.05
CP.366	5/02/2026	INV-10151	Toodyay Tyre & Exhaust	T7853 (LGGs) tyre fitting	403.00
CP.366	5/02/2026	INV-10157	Toodyay Tyre & Exhaust	T8035 (LGGs) tyre fitting	1,024.00
CP.366	5/02/2026	IV00000001677	Avon Earthworks	Road trains Bejoording Road gravel carting Jan2026	83,820.00
CP.366	5/02/2026	IV00000001676	Avon Earthworks	Steel Drum Roller Hire Bejoording Road Jan2026	9,823.00
CP.366	5/02/2026	213995	Wren Oil	Waste oil collection fees Jan2026 - Waste Transfer Station	539.00
CP.366	5/02/2026	20735	Abberfield Technology Pty Ltd	Water Filling Station annual service 2025/26	341.00
CP.367	13/02/2026	1014528170	Australia Post	Postage January 2026	120.25
CP.367	13/02/2026	227832	Country Copiers	CRC Printer Meter Reading Dec/Jan 2025	138.06
CP.367	13/02/2026	22000064	Uniforms @ Work	Staff workwear	211.65
CP.367	13/02/2026	22000065	Uniforms @ Work	Staff workwear	457.10
CP.367	13/02/2026	383	Landworx	Tree removal	1,870.00
CP.367	13/02/2026	BAS Jan26	Australian Taxation Office - Albury	BAS Return January 2026	41,716.00
CP.367	13/02/2026	49613	Herseys Safety Pty Ltd	Workshop consumables	92.40
CP.367	13/02/2026	49612	Herseys Safety Pty Ltd	Depot consumables/PPE	269.91
CP.367	13/02/2026	49005	Herseys Safety Pty Ltd	Depot/workshop consumables/PPE	2,337.50
CP.367	13/02/2026	INV-8465	Avon Valley Windscreens	T0014 window tint	550.00
CP.367	13/02/2026	54921_5	Eastern Hills Chainsaws & Mowers	2x Stihl chainsaw MS261	2,803.30
CP.367	13/02/2026	9049706803	Winc Australia P/L	stationary misc	1,499.80
CP.367	13/02/2026	00027794	Natural Area Consulting Management Services	Chitty Rd SLK4.34-6.34 - Mitigation Planting	412.34
CP.367	13/02/2026	00027793	Natural Area Consulting Management Services	Julimar Rd SLK17.56-19.81 - Mitigation Planting	392.70
CP.367	13/02/2026	INV-8043	Cloud Collections Pty Ltd	Debt Recovery costs Jan 2025	8,116.79
CP.367	13/02/2026	INV-0977	Cloud Collections Pty Ltd	court filing fees	3,750.00
CP.367	13/02/2026	INV-24181	Scavenger Supplies Pty Ltd	(LGGs) BFS - PPE	3,079.85
CP.367	13/02/2026	INV-24180	Scavenger Supplies Pty Ltd	(LGGs) BFS - PPC	2,508.83
CP.367	13/02/2026	INV-24336	Scavenger Supplies Pty Ltd	(LGGs) BFS - PPC	948.75
CP.367	13/02/2026	INV-24215	Scavenger Supplies Pty Ltd	(LGGs) BFS - PPC	2,681.98
CP.367	13/02/2026	INV-3049	Vapour Plumbing And Gas	Depot tap filter replacement	588.50
CP.367	13/02/2026	INV-3061	Vapour Plumbing And Gas	pump outlet repair at depot	500.50
CP.367	13/02/2026	P294456	Pentanet Limited	monthly NBN for Shire Office - February 2026	926.90
CP.367	13/02/2026	0633-S587470	Team Global Express Pty Ltd	(LGGs) BFS - PPC/PPE freight charges	629.22
CP.367	13/02/2026	Consignment_Jan2026	Oztrology Pty Ltd	VC Consignment - Jan 2026	17.50
CP.367	13/02/2026	Consignment_Jan2026	Alexandra Jean Hurley	VC Consignment - Jan 2026	23.00
CP.367	13/02/2026	Consignment_Jan2026	Natural Intentions Beauty Range - Gina Large	VC Consignment - Jan 2026	24.90
CP.367	13/02/2026	INV-00051701	Carrington'S (Wa) Pty Ltd	Bejoording Road Traffic Management Jan2026	11,492.59
CP.367	13/02/2026	HAC2024	Philip John Roberts	Heritage Advisory Committee - meeting allowance 08/05/24	182.95
CP.367	13/02/2026	INV-8239	Creighan Holdings Pty Ltd	NCC Compliance Assessment & Issue of CDC & Building Permit	825.00
CP.367	13/02/2026	6276	Brightmark Group Pty Ltd	Contract Cleaning January 2026	13,861.47
CP.367	13/02/2026	Consignment_Jan2026	Stable Hand Studio	VC Consignment - Jan 2026	30.00
CP.367	13/02/2026	ARC 2024	Simon Rutter	Audit and Risk Committee - meeting allowance 2024 - 5/6/24; 4/9/24; 4/12/24	548.25
CP.367	13/02/2026	ARIC 2025	Simon Rutter	Audit, Risk & Improvement Committee - meeting allowance 2025 - 6/3/25; 5/6/25; 4/9/25; 4/12/25	731.00
CP.367	13/02/2026	HAC2024	Barry Keens Hac	Heritage Advisory Committee - meeting allowance 14/08/24	182.95
CP.367	13/02/2026	Consignment_Jan2026	Isobel Winifred Roberts	VC Consignment - Jan 2026	54.00
CP.367	13/02/2026	Consignment_Jan2026	Michelle Lorraine Ellery	VC Consignment - Jan 2026	25.00
CP.367	13/02/2026	01362676	Dunning Investments Pty Ltd	distillate bulk	29,637.04
CP.367	13/02/2026	INV-0246	Mandy Wynne	financial statement preparation - December 2025	1,215.50

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.367	13/02/2026	1547380	Landgate	Copy of Certificate of Title/Survey Jan 2026	65.20
CP.367	13/02/2026	INV-0210	Land Effects Design & Landscaping Pty Ltd	Reticulation Repair Works - Town Oval	1,925.00
CP.367	13/02/2026	ARC 2024	Natalie Ursa Mills	Audit and Risk Committee - meeting allowance 2024 - 5/6/24; 31/7/24; 4/9/24; 4/12/24	731.00
CP.367	13/02/2026	ARIC 2025	Natalie Ursa Mills	Audit, Risk & Improvement Committee - meeting allowance 2025 - 6/3/25; 5/6/25; 4/9/25; 4/12/25	731.00
CP.367	13/02/2026	ARIC 2026.1	Natalie Ursa Mills	Audit, Risk & Improvement Committee - meeting allowance 08/01/26	404.95
CP.367	13/02/2026	INV-0088	SJ Field Service	T0026 service & repairs	3,184.45
CP.367	13/02/2026	Consignment_Jan2026	Cindy May Harders	VC Consignment - Jan 2026	106.00
CP.367	13/02/2026	1193	G R Thomson Truck Hire	Bejoording Rd - Water Cart Hire 19/1-24/01/2026	16,843.75
CP.367	13/02/2026	CD_001335371	Ringcentral Australia Pty Ltd	phone charges Jan 2026	1,679.70
CP.367	13/02/2026	1108	Extra Mile Developments Pty Ltd	Effective Councillor Training	2,500.00
CP.367	13/02/2026	Consignment_Jan2026	Regan Woolcock	VC Consignment - Jan 2026	16.80
CP.367	13/02/2026	Consignment_Jan2026	Ian Gregory McGillivray	VC Consignment - Jan 2026	93.75
CP.367	13/02/2026	Consignment_Jan2026	Martina Hubackova	VC Consignment - Jan 2026	110.00
CP.367	13/02/2026	2026.05.07	Fernview Environmental Pty Ltd	Mixed putrescible waste – Regional Jan 2026	299.64
CP.367	13/02/2026	#000032	Cup Of Eden	Coffee van - Australia Day Breakfast Event 2026	100.00
CP.367	13/02/2026	1162	Chrysalis Quantity Surveying Pty Ltd	Cost plan for 160 Toodyay West Road	1,650.00
CP.367	13/02/2026	K221846	Parkers Drycleaners	Drycleaning table cloths - Australia Day Event 2026	202.50
CP.367	13/02/2026	BSINV-363179	Lubricants Specialists Australia	Oil, Coolant & Cartridge Purchase	1,900.47
CP.367	13/02/2026	ARC2024	Kirsten Michelle Barrack	Audit and Risk Committee - meeting allowance 2024 - 5/6/24; 31/7/24; 4/9/24; 4/12/24	731.00
CP.367	13/02/2026	ARIC 2025	Kirsten Michelle Barrack	Audit, Risk & Improvement Committee - meeting allowance 2025 - 6/3/25; 5/6/25; 4/9/25; 4/12/25	731.00
CP.367	13/02/2026	ARIC 2026.1	Kirsten Michelle Barrack	Audit, Risk & Improvement Committee - meeting allowance 08/01/26	404.95
CP.367	13/02/2026	Consignment_Jan2026	Alison Barbara Downie	VC Consignment - Jan 2026	11.55
CP.367	13/02/2026	INV1749844	Datacom Solutions (Au) Pty Ltd	Datacom Pay Processing fee and direct access Jan 2026	398.29
CP.367	13/02/2026	89009	Frontline Fire & Rescue Equipment	(LGGs) BFS - PPC	2,686.06
CP.367	13/02/2026	10744079	Toodyay Hardware & Farm	Depot consumables Feb 2026	29.95
CP.367	13/02/2026	10744093	Toodyay Hardware & Farm	45kg gas bottle - pavillion	146.45
CP.367	13/02/2026	10744190	Toodyay Hardware & Farm	45kg gas bottle - pavillion	146.45
CP.367	13/02/2026	10744638	Toodyay Hardware & Farm	Depot consumables Feb 2026	40.70
CP.367	13/02/2026	1910	Cemeteries & Crematoria Association of WA	registration CCAWA Seminar 2026	250.00
CP.367	13/02/2026	IN-772400	Ladelle Pty Ltd	items to sell at Visitors Centre	575.08
CP.367	13/02/2026	149471	McLeods Barristers & Solicitors	Legal Advice - Lot 103 Nairn Drive, Dumbarton	63.80
CP.367	13/02/2026	INV_20260210_2404	Morris Pest And Weed Control	termite treatment-Old Gaol/Race Club	12,130.00
CP.367	13/02/2026	215126	Northam Towing	Abandoned Vehicle Towing	330.00
CP.367	13/02/2026	22975	Avon Skip Bins	empty skip bin - Sports Oval - Jan 2026	140.00
CP.367	13/02/2026	22974	Avon Skip Bins	empty skip bin - Rec Centre - Jan 2026	280.00
CP.367	13/02/2026	23008	Avon Skip Bins	empty skip bin - depot - Jan 2026	70.00
CP.367	13/02/2026	627123406	Officeworks	Stationary misc	120.50
CP.367	13/02/2026	38008	Professional PC Support Pty Ltd (XL2)	2x HP laptops	7,125.80
CP.367	13/02/2026	38014	Professional PC Support Pty Ltd (XL2)	ethernet cables	100.10
CP.367	13/02/2026	38073	Professional PC Support Pty Ltd (XL2)	HP docking stations	793.65
CP.367	13/02/2026	38088	Professional PC Support Pty Ltd (XL2)	Wireless Networking Equipment for Morangup Fire Station	599.50
CP.367	13/02/2026	651655 - January 2026	Public Transport Authority of WA	TransWA ticket sales for January 2026	28.13
CP.367	13/02/2026	Consignment_Jan2026	Quilts By Robyn	VC Consignment - Jan 2026	87.00
CP.367	13/02/2026	SIN-4204755	Stewart & Heaton Clothing Co Pty Ltd	(LGGs) BFB PPC	2,652.25
CP.367	13/02/2026	SIN-4208129	Stewart & Heaton Clothing Co Pty Ltd	(LGGs) BFB PPC	326.70
CP.367	13/02/2026	SIN-4217420	Stewart & Heaton Clothing Co Pty Ltd	(LGGs) BFB PPC	183.68
CP.367	13/02/2026	02477062	Shred-X Pty Ltd	Paper Shredding January 2026	547.34
CP.367	13/02/2026	BPP-25921	Bushfire Prone Planning	35 Burt Parkway Nunile BMP SD updates	2,211.00
CP.367	13/02/2026	5858	EAG Electrical Air-Conditioning & Gas	Medical Centre - new light	528.00
CP.367	13/02/2026	618466	Toodyay Traders	Depot consumables Jan 2026	3.35
CP.367	13/02/2026	Consignment_Jan2026	Tammar Publications	VC Consignment - Jan 2026	49.95

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.367	13/02/2026	Consignment_Jan2026	The Toodyay Historical Society Inc	VC Consignment - Jan 2026	10.00
CP.367	13/02/2026	00009915	Biomax Pty Ltd	service Biomax System at depot - Feb 2026	164.00
CP.367	13/02/2026	INV-10188	Toodyay Tyre & Exhaust	T0019 batteries	380.60
CP.367	13/02/2026	SI-017383	WALGA	Mandatory Councillor Training Cr Van Der Heyden	528.00
CP.367	13/02/2026	SI-017382	WALGA	Mandatory Councillor Training Cr Mills	528.00
CP.367	13/02/2026	3900	Western Australian Electoral Commission	2025 LG Elections - WAEC services	6,845.48
CP.367	13/02/2026	IN-227896	Wobm - Wheatbelt Office of Business Machines - Northam	lease for Library Photocopier 2025/2026	117.59
CP.367	13/02/2026	Consignment_Jan2026	Lindsay Burke	VC Consignment - Jan 2026	11.53
CP.367	13/02/2026	26-00001543	CADDS Fashions Sportfirst Northam	staff workwear	215.99
CP.367	13/02/2026	26-00001531	CADDS Fashions Sportfirst Northam	staff workwear	215.99
CP.368	19/02/2026	2025_10	Southern Sharpening Services	VC Consignment Oct 2025	38.50
CP.368	19/02/2026	INV-4062	Leyland Engineering Services	T7854 - Clutch repairs	3,895.00
CP.368	19/02/2026	INV-4064	Leyland Engineering Services	T0010 clutch repair	1,905.00
CP.368	19/02/2026	INV-4067	Leyland Engineering Services	T0014 essential service	300.00
CP.368	19/02/2026	INV-4066	Leyland Engineering Services	T000 essential service	435.00
CP.368	19/02/2026	2025_10	Sara Louise Whincup	VC Consignment Oct 2025	40.00
CP.368	19/02/2026	2025_10	Nicola Cowie	VC Consignment Oct 2025	42.00
CP.368	19/02/2026	2025_10	Oztrology Pty Ltd	VC Consignment Oct 2025	55.00
CP.368	19/02/2026	2025_10	Natural Intentions Beauty Range - Gina Large	VC Consignment Oct 2025	46.04
CP.368	19/02/2026	2025_10	Leah Imelda Carvell	VC Consignment Oct 2025	46.80
CP.368	19/02/2026	INV-00051769	Carrington'S (Wa) Pty Ltd	Bejoording Road Capital Works - Traffic Management Jan 2026	43,954.07
CP.368	19/02/2026	2025_10	Kimba Design	VC Consignment Oct 2025	26.60
CP.368	19/02/2026	2025_10	Patricia Rose	VC Consignment Oct 2025	55.00
CP.368	19/02/2026	ARIC 2026.2	Simon Rutter	Audit, Risk & Improvement Committee - meeting allowance 12/02/26	404.95
CP.368	19/02/2026	HAC2024	Derek George Donegan	Heritage Advisory Committee - meeting allowance 14/08/24	182.95
CP.368	19/02/2026	2025_10	Isobel Winifred Roberts	VC Consignment Oct 2025	59.23
CP.368	19/02/2026	2025_10	Joanne Crowe	VC Consignment Oct 2025	143.40
CP.368	19/02/2026	2025_10	Michelle Lorraine Ellery	VC Consignment Oct 2025	73.40
CP.368	19/02/2026	2025_10	Capture The Light Photographic Tours	VC Consignment Oct 2025	11.53
CP.368	19/02/2026	2025_10	Anne Jeffreys	VC Consignment Oct 2025	21.00
CP.368	19/02/2026	DISHIRTO January 2026	Dunning Investments Pty Ltd	fuel/fuel cards Jan 2026	873.40
CP.368	19/02/2026	WS-2879	Western Stabilisers Pty Ltd	road works Bejoording Road SLK 12.71 to SLK9	255,591.60
CP.368	19/02/2026	INV-0211	Land Effects Design & Landscaping Pty Ltd	Showgrounds - Retic Repair	1,144.00
CP.368	19/02/2026	ARIC 2026.2	Natalie Ursa Mills	Audit, Risk & Improvement Committee - meeting allowance 12/02/26	404.95
CP.368	19/02/2026	T-8069	Station Motors (1974) Pty Ltd	Changeover CEO vehicle T-8069	5,000.00
CP.368	19/02/2026	2025_10	Cindy May Harders	VC Consignment Oct 2025	292.48
CP.368	19/02/2026	2025_10	Jolanda Keeble	VC Consignment Oct 2025	85.00
CP.368	19/02/2026	1195	G R Thomson Truck Hire	Bejoording Rd - Water Cart Hire 2/2/26-8/2/26	15,675.00
CP.368	19/02/2026	IV00000001446	Michael Stanley King	Lights & trailer plug installation - T0014	866.22
CP.368	19/02/2026	IV00000001444	Michael Stanley King	T0026 - aircon repairs	668.10
CP.368	19/02/2026	IV00000001445	Michael Stanley King	T0012 - beacon replacement	791.40
CP.368	19/02/2026	2025_10	Ian Gregory McGillivray	VC Consignment Oct 2025	153.00
CP.368	19/02/2026	ARIC 2026.2	Kirsten Michelle Barrack	Audit, Risk & Improvement Committee - meeting allowance 12/02/26	404.95
CP.368	19/02/2026	HAC2024	Carolyn Elphick	Heritage Advisory Committee - meeting allowance 14/08/24	182.95
CP.368	19/02/2026	74476	Avon Waste - Stondon Pty Ltd	rubbish collection 12/01/26-23/01/26	18,904.13
CP.368	19/02/2026	74967	Avon Waste - Stondon Pty Ltd	rubbish collection 26/01/26-06/02/26	18,972.40
CP.368	19/02/2026	10745030	Toodyay Hardware & Farm	Depot consumables Feb 2026	4.25
CP.368	19/02/2026	2025_10	Barry Graham Keens	VC Consignment Oct 2025	37.94
CP.368	19/02/2026	100-163854	LGIS WA	EAP for 50 employees (Jan-Jun 2026)	1,354.10
CP.368	19/02/2026	627792383	Officeworks	stationary	25.65
CP.368	19/02/2026	2025_10	Quilts By Robyn	VC Consignment Oct 2025	235.00
CP.368	19/02/2026	5895	EAG Electrical Air-Conditioning & Gas	Instal network cables into server room for security system	522.50
CP.368	19/02/2026	2025_10	Tanya Michelle Stuart	VC Consignment Oct 2025	23.04

Electronic Funds Transfer Payments					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
CP.368	19/02/2026	33423	Shire of Northam	Old Quarry Tipping Fees - January 2026	28,476.90
CP.368	19/02/2026	382	Toodyay Cricket Club	Australia Day Breakfast 2026 - catering & service	4,700.00
CP.368	19/02/2026	2025_10	Toodyay Agricultural Society Inc	VC Consignment Oct 2025	10.00
CP.368	19/02/2026	2025_10	Tammar Publications	VC Consignment Oct 2025	47.00
CP.368	19/02/2026	2025_10	The Toodyay Historical Society Inc	VC Consignment Oct 2025	65.00
CP.368	19/02/2026	IV00000001675	Avon Earthworks	Grader hire Bejoording Road works - January 2026	9,900.00
CP.368	19/02/2026	2026_01	Department of Local Government, Industry Regulation and Safety	BS Levies January 2026	2,338.57
CP.368	19/02/2026	2025_10	Glenoran Leather	VC Consignment Oct 2025	23.04
CP.368	19/02/2026	2025_10	Margaret Bradford Seeley	VC Consignment Oct 2025	72.10
CP.369	25/02/2026	00027895	Natural Area Consulting Management Services	Chitty Rd SLK4.34-6.34 - Mitigation Planting	412.34
CP.369	25/02/2026	00027894	Natural Area Consulting Management Services	Julimar Rd SLK17.56-19.81 - Mitigation Planting	392.70
CP.369	25/02/2026	9454	Moodyne Men Inc	set-up assistance Christmas Street Party 2025	500.00
CP.369	25/02/2026	0634-S587470	Team Global Express Pty Ltd	(LGGs) BFS - PPC/PPE freight charges	33.44
CP.369	25/02/2026	INV-8291	Creighan Holdings Pty Ltd	NCC Compliance Assessment & Issue of CDC & Building Permit	2,145.00
CP.369	25/02/2026	INV-8330	Creighan Holdings Pty Ltd	NCC Compliance Assessment & Issue of CDC & Building Permit	440.00
CP.369	25/02/2026	HAC2024	Elizabeth Clare Frayne	Heritage Advisory Committee - meeting allowance 08/05/24 + 14/08/24	365.90
CP.369	25/02/2026	INV-0135	XAV Group Pty Ltd	Pool Management Fee - March 2026	41,915.68
CP.369	25/02/2026	1196	G R Thomson Truck Hire	Bejoording Rd - Water Cart Hire 9/2/26-15/2/26	12,443.75
CP.369	25/02/2026	1197	G R Thomson Truck Hire	Bejoording Rd - Water Cart Hire 16/2/2026 - 22/02/2026	16,912.50
CP.369	25/02/2026	0124	Roamin Enterprises Pty Ltd	Grader operator labour hire	1,045.00
CP.369	25/02/2026	INV-1567	AscendWA	Staff hire - depot support officer	866.25
CP.369	25/02/2026	2026.07.09	Fernview Environmental Pty Ltd	Mixed putrescible waste – Regional 9/2/26	374.88
CP.369	25/02/2026	221311	Davric Australia Pty Ltd	Magnets to sell at the Visitors Centre	204.60
CP.369	25/02/2026	75052	Avon Waste - Stondon Pty Ltd	rubbish collection 9/2/26-20/2/26	19,279.47
CP.369	25/02/2026	89144	Frontline Fire & Rescue Equipment	(LGGs) BFS - PPC	2,227.41
CP.369	25/02/2026	160734	Department of Fire & Emergency Services	2025/2026 ESLB Q3 Quarter Contribution	105,571.34
CP.369	25/02/2026	1489249	Heartlands Vet Hospital	2 x Dog Euthanaisa	776.21
CP.369	25/02/2026	IN0049414	Allmark & Associates	25 name badges	363.00
CP.369	25/02/2026	38209M	Professional PC Support Pty Ltd (XL2)	Agreement Managed ICT Support Mar 2026	9,721.46
CP.369	25/02/2026	550	Broderick Waste Solutions	Management of Waste Transfer Station f/e 17/02/26	6,050.00
CP.369	25/02/2026	SIN-4220803	Stewart & Heaton Clothing Co Pty Ltd	(LGGs) BFB PPC	50.42
CP.369	25/02/2026	5911	EAG Electrical Air-Conditioning & Gas	Duidee Park Toilets - Repair Light Fitting / LED Sensor	520.85
CP.369	25/02/2026	January 2026	Toodyay IGA	Purchases January 2026	324.76
CP.369	25/02/2026	9504	Toodyay Garden & Outdoor Centre - Alan Renner	Anzac Park - Plants	1,000.00
CP.369	25/02/2026	INV-9315	Toodyay Food And Liquor Merchant Pty Ltd	Accommodation Australia Day Ambassador 25/1/26	185.00
CP.369	25/02/2026	refund	Toodyay Food And Liquor Merchant Pty Ltd	Return of payment made in error 11/2/26	185.00
<b>EFT Total</b>					<b>1,139,193.29</b>
Payroll					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
PPE10/02/26	11/02/2026		Payroll	Payroll PPE 10/02/2026	119,161.06
PPE10/02/26	12/02/2026		Super Choice	Payroll PPE 10/02/2026	22,239.88
PPE 24/02/26	25/02/2026		Payroll	Payroll PPE 24/02/2026	114,416.13
PPE 24/02/26	26/02/2026		Super Choice	Payroll PPE 24/02/2026	21,519.02
<b>Other Total</b>					<b>277,336.09</b>

Direct Debit					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	1/02/2026		BPAY	monthly biller fee	843.37
	1/02/2026		Bendigo Bank	bank fees	15.00
	1/02/2026		Bendigo Bank	bank fees	15.00
	1/02/2026		Bendigo Bank	bank fees	10.00
	2/02/2026		Bendigo Bank	bank fees	2.67
	2/02/2026		QPC Group	freight charges toner	33.00
	3/02/2026		CBA	merchant fees	68.58
	3/02/2026		CBA	merchant fees	101.41
	3/02/2026		CBA	merchant fees	292.78
	3/02/2026		CBA	merchant fees	82.32
	3/02/2026		CBA	merchant fees	465.06
	3/02/2026		HPE Financial Services	photocopier lease	1,116.84
	4/02/2026		Synergy	Electricity Usage Lot 301 Railway Rd - 149993610 10/12/25-13/1/26	515.98
	5/02/2026		Department of Transport	T0017 license renewal	436.15
	5/02/2026		Department of Transport	T0015 license renewal	436.15
	5/02/2026		Bendigo Bank	bank fees	3.85
	5/02/2026		Synergy	Electricity Usage Recreation Centre - 450458120 - 18/12/25-14/01/26	7,151.02
	6/02/2026		Water Corporation	water charges Pool - 10/12/25-7/1/26	3,752.72
	6/02/2026		QPC Group	freight charges toner	33.00
	10/02/2026		QPC Group	freight charges toner	33.00
	11/02/2026		Bendigo Bank	bank fees	6.38
	11/02/2026		Superloop	nbn service at shire depot Feb 2026	80.00
	11/02/2026		Water Corporation	water charges Northam Toodyay Road standpipe - 3/11/25-13/1/26	67,428.04
	13/02/2026		Bendigo Bank	bank fees	8.14
	16/02/2026		Bpoint	transaction fees	54.97
	17/02/2026		Synergy	Electricity 802970900 Group Account Dec 2025/Jan 2026	5,156.15
	18/02/2026		QPC Group	freight charges toner	33.00
	19/02/2026		Bendigo Bank	bank fees	5.39
	24/02/2026		Synergy	Electricity usage - NNNCo Security Cameras Jan 2026	203.51
	24/02/2026		Telstra	phone/internet charges Feb 2026 - 0293288400	2,832.02
	25/02/2026		Department of Transport	1TQU555 license renewal	25.55
	25/02/2026		Department of Transport	1TDY961 license renewal	25.55
	25/02/2026		Department of Transport	1TTD353 license renewal	25.55
	25/02/2026		Bendigo Bank	bank fees	8.91
	25/02/2026		Paymate	paymate subscription fee Feb 2026	82.50
	25/02/2026		Synergy	Street lights - Electricity Usage 25 Dec 2025 - 24 Jan 2026	5,141.54
	25/02/2026		QPC Group	freight charges toner	33.00
	27/02/2026		Synergy	electricity usage Coondle Fire Shed Dec 2025 - Jan 2026	879.37
				Other Total	97,437.47

Credit Card					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	2/02/2026		Credit Card - EMFCS - Alan Hart - February 2026	Budget car rental-replacement hire car for T00	1,525.68
	8/02/2026			Officeworks-office equipment	243.00
	10/02/2026			Sparklers-car wash T0	19.20
	12/02/2026			Officeworks-office equipment	67.00
	14/02/2026			Safety Culture Subscription 2025/26	31.90
	16/02/2026			Starlink-internet Feb 2026	179.00
	16/02/2026			Smartsheet subscription	105.33
	25/02/2026			Department of Transport-plate change T0	19.40
	27/02/2026			Bendigo Bank-Card Fee	4.00
	27/02/2026		Credit Card - CEO - A Bowman - February 2026	Bendigo Bank-Card Fee	4.00

Credit Card					
Payment Number	Date	Invoice No	Creditor Name	Invoice Description	Inclusive Amount
	13/02/2026		Credit Card - MEDCS - M Taylor - February 2026	Coles-Catering Valentine's library event	156.95
	27/02/2026			Bendigo Bank-Card Fee	4.00
	3/02/2026		Credit Card - MPRS - P Nuttall - February 2026	Environmental Health Australia-membership 2025/2026	181.25
	17/02/2026			SEEK-job advert	610.50
	17/02/2026			SEEK-job advert	610.50
	27/02/2026			Bendigo Bank-Card Fee	4.00
	27/02/2026		Credit Card - CESM - S Roberts - February 2026	Bendigo Bank-Card Fee	4.00
	14/02/2026		Credit card - MIAS - V Crispe - February 2026	Victoria Hotel-volunteer catering bushfire incident #772004	600.00
	17/02/2026			Staysafe-conduct visual inspection of park acilities	2,000.00
	17/02/2026			Micro Products Australia-microchip scanners for rangers	655.20
	23/02/2026			Northam Florist-bereavement flowers	140.00
	24/02/2026			Aveling-White Card training	270.00
	26/02/2026			Department of Transport-plate change	19.40
	26/02/2026			Toodyay Bakery-depot supplies	24.00
	27/02/2026			Starlink-vehicle adapter for rangers	510.00
	27/02/2026			Toodyay IGA-depot supplies	113.13
	27/02/2026			Bendigo Bank-Card Fee	4.00
				Other Total	8,105.44
				Grand Total	1,522,522.29

*Shire of Toodyay*  
*Local Government Act 1995*

**LOCAL GOVERNMENT PROPERTY  
LOCAL LAW**

*Local Government Act 1995*

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*Local Government Act 1995*

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**LOCAL GOVERNMENT PROPERTY LOCAL LAW**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on September 27,2001 to make the following local law.

**PART 1 - PRELIMINARY****Citation**

1.1 This local law may be cited as the Shire of Toodyay Local Government Property Local Law.

**Definitions**

1.2 In this local law unless the context otherwise requires -

"**Act**" means the *Local Government Act 1995*;

"**applicant**" means a person who applies for a permit under clause 3.2;

"**authorized person**" means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;

"**building**" means any building which is local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

"**CEO**" means the chief executive officer of the local government;

"**commencement day**" means the day on which this local law comes into operation;

"**Council**" means the council of the local government;

"**date of publication**" means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

"**determination**" means a determination made under clause 2.1;

"**district**" means the district of the local government;

"**function**" means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;

- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

**"liquor"** has the same meaning as is given to it in section 3 of the *Liquor Licensing Act 1988*;

**"local government"** means the Shire of Toodyay;

**"local government property"** means anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

**"Manager"** means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

**"permit"** means a permit issued under this local law;

**"permit holder"** means a person who holds a valid permit;

**"person"** does not include the local government;

**"pool area"** means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

**"Regulations"** means the *Local Government (Functions and General) Regulations 1996*;

**"sign"** includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

**"trading"** means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

"vehicle" includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and

### **Interpretation**

1.3 In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

### **Application**

- 1.4 (1) This local law applies throughout the district.
- (2) Notwithstanding anything to the contrary in this local law, the local government may -
- (a) hire local government property to any person; or
  - (b) enter into an agreement with any person regarding the use of any local government property.

### **Repeal**

1.5 (1) The following local laws are repealed –

The Toodyay Memorial Hall By Laws published in the Government Gazette on October 12,1979.

The Management and Use of Toodyay Memorial Hall By Laws published in the Government Gazette on October 14,1983.

The Toodyay Memorial Hall By Laws published in the Government Gazette on March 17,1989.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

## **PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY**

*Division 1 - Determinations***Determinations as to use of local government property**

2.1 (1) The local government may make a determination in accordance with clause 2.2 -

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
  - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
  - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
  - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 2 –
- (a) are to be taken to have been made in accordance with clause 2.2;
  - (b) may be amended or revoked in accordance with clause 2.6; and
  - (c) have effect on the commencement day.

**Procedure for making a determination**

2.2 (1) The local government is to give local public notice of its intention to make a determination.

- (2) The local public notice referred to in subclause (1) is to state that –
- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
  - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
  - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
  - (b) amend the proposed determination, in which case subclause (5) will apply; or
  - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
- (a) consider those submissions; and

- (b) decide –
  - (i) whether or not to amend the proposed determination; or
  - (ii) not to continue with the proposed determination.

(5) If the Council decides to amend the proposed determination, it is to give local public notice –

- (a) of the effect of the amendments; and
- (b) that the proposed determination has effect as a determination on and from the date of publication.

(6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.

(7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

(8) A decision under subclause (3) or (4) is not to be delegated by the Council.

#### **Discretion to erect sign**

2.3 The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

#### **Determination to be complied with**

2.4 A person shall comply with a determination.

#### **Register of determinations**

2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

#### **Amendment or revocation of a determination**

2.6 (1) The Council may amend or revoke a determination.

(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

*Division 2 - Activities which may be pursued or prohibited under a determination*

**Activities which may be pursued on specified local government property**

2.7 (1) A determination may provide that specified local government property is set aside as an area on which a person may –

- (a) bring, ride or drive an animal;
- (b) take, ride or drive a vehicle, or a particular class of vehicle;
- (c) fly or use a motorised model aeroplane;
- (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
- (e) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
- (f) play or practice –
  - (i) golf or archery;
  - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
  - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (g) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
- (h) wear no clothing.

(2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –

- (a) the days and times during which the activity may be pursued;
- (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
- (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
- (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
- (e) may specify that the activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of the activity.

**Activities which may be prohibited on specified local government property**

2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property -

- (a) smoking on premises;
- (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
- (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
- (f) the playing or practice of -
  - (i) golf, archery, pistol shooting or rifle shooting; or
  - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
- (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –

- (a) the days and times during which the activity is prohibited;
- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and
- (e) may distinguish between different classes of the activity.

(3) In this clause –

**"premises"** means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

***Division 3 - Transitional***

**Signs taken to be determinations**

2.9 (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

**PART 3 - PERMITS*****Division 1 - Preliminary*****Application of Part**

3.1 This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

***Division 2 - Applying for a permit*****Application for permit**

3.2 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law shall -

- (a) be in the form determined by the local government;
- (b) be signed by the applicant;
- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

(4) The local government may require an applicant to give local public notice of the application for a permit.

(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

**Decision on application for permit**

3.3 (1) The local government may -

- (a) approve an application for a permit unconditionally or subject to any conditions;  
or

- (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

***Division 3 - Conditions***

**Conditions which may be imposed on a permit**

3.4 (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to -

- (a) the payment of a fee;
- (b) compliance with a standard or a policy of the local government adopted by the local government;
- (c) the duration and commencement of the permit;
- (d) the commencement of the permit being contingent on the happening of an event;
- (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (f) the approval of another application for a permit which may be required by the local government under any written law;
- (g) the area of the district to which the permit applies;
- (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
- (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.

(2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –

- (a) when fees and charges are to be paid;
- (b) payment of a bond against possible damage or cleaning expenses or both;
- (c) restrictions on the erection of material or external decorations;
- (d) rules about the use of furniture, plant and effects;
- (e) limitations on the number of persons who may attend any function in or on local government property;
- (f) the duration of the hire;

- (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*;
- (i) whether or not the hire is for the exclusive use of the local government property;
- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

#### **Imposing conditions under a policy**

3.5 (1) In this clause –

"**policy**" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

(2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).

(4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

#### **Compliance with and variation of conditions**

3.6 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

#### ***Division 4 - General***

**Agreement for building**

3.7 Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

**Duration of permit**

3.8 A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.12.

**Renewal of permit**

3.9 (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

**Transfer of permit**

3.10 (1) An application for the transfer of a valid permit is to -

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.

(4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

**Production of permit**

3.11 A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

**Cancellation of permit**

3.12 (1) Subject to clause 9.1, a permit may be cancelled by the local government if the permit holder has not complied with a –

- (a) condition of the permit; or
- (b) determination or a provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder -

- (a) shall return the permit as soon as practicable to the CEO; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

### **Division 5 - When a permit is required**

#### **Activities needing a permit**

3.13(1) A person shall not without a permit –

- (a) subject to subclause 3, hire local government property;
- (b) advertise anything by any means on local government property;
- (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
- (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
- (e) plant any plant or sow any seeds on local government property;
- (f) carry on any trading on local government property unless the trading is conducted –
  - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
  - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
- (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose –
  - (i) drive or ride or take any vehicle on to local government property; or
  - (ii) park or s
- (h) conduct a function on local government property ;
- (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
- (j) light a fire on local government property except in a facility provided for that purpose;
- (k) parachute, hang glide, abseil or base jump from or on to local government property;
- (l) erect a building or a refuelling site on local government property;
- (m) make any excavation on or erect or remove any fence on local government property;

- (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person; or
- (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

(3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

#### **Permit required to camp outside a facility**

3.14 (1) In this clause –

"**facility**" has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

(2) This clause does not apply to a facility operated by the local government.

(3) A person shall not without a permit -

- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
- (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

(4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

#### **Permit required for possession and consumption of liquor**

3.15 (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –

- (a) that is permitted under the *Liquor Licensing Act 1988*; and
- (b) a permit has been obtained for that purpose.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 - Responsibilities of permit holder

#### **Responsibilities of permit holder**

3.16 A holder of a permit shall in respect of local government property to which the permit relates -

- (a) ensure that an authorized person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) report any damage or defacement of the local government property to the local government; and
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Licensing Act 1988* for that purpose.

#### **PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY**

Division 1 - Behaviour on and interference with local government property

##### **Behaviour which interferes with others**

- 4.1 A person shall not in or on any local government property behave in a manner which -
- (a) is likely to interfere with the enjoyment of a person who might use the property;  
or
  - (b) interferes with the enjoyment of a person using the property.

##### **Behaviour detrimental to property**

- 4.2 (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) –
- 'detrimental to the property' includes –
- (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
  - (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

##### **Taking or injuring any fauna**

- 4.3 (1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorized under a written law to do so.
- (2) In this clause –

"**animal**" means any living thing that is not a human being or plant; and

**"fauna"** means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

#### **Intoxicated persons not to enter local government property**

4.4 A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

#### **No prohibited drugs**

4.5 A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

#### *Division 2 - Signs*

##### **Signs**

4.6 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
  - (a) not to be inconsistent with any provision of this local law or any determination; and
  - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

### **PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY**

#### *Division 1 - Swimming pool areas*

##### **When entry must be refused**

5.1 A Manager or an authorized person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who –

- (a) in her or his opinion is -
  - (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;

- (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
- (iii) under the influence of liquor or a prohibited drug; or
- (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

***Division 2 - Fenced or closed property***

**No entry to fenced or closed local government property**

5.2 A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorized to do so by the local government.

***Division 4 - Toilet blocks and change rooms***

**Only specified gender to use entry of toilet block or change room**

5.3 Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –

- (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
- (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

**PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY**

**No unauthorized entry to function**

6.1 (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorized, except –

- (a) through the proper entrance for that purpose; and
  - (b) on payment of the fee chargeable for admission at the time.
- (2) The local government may exempt a person from compliance with subclause (1)(b).

**PART 7 - OBJECTIONS AND APPEALS**

**Application of Division 1, Part 9 of the Act**

7.1 When the local government makes a decision as to whether it will –

- (a) grant a person a permit or consent under this local law; or
- (b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

## **PART 8 - SALEYARDS**

### ***Division 1 - Preliminary***

#### **Interpretation**

8.1 In this Part -

"**auction**" has the meaning given to it in the *Auction Sales Act 1973*;

"**sale**" means a sale by way of auction;

"**saleyard**" means local government property which is used for the sale of stock;

"**stock**" has the meaning given to "livestock" in the *Auction Sales Act 1973*; and

"**stock agent**" means any person appointed by the owner of stock to sell that stock at a saleyard.

### ***Division 2 - Sale of stock***

#### **Requirements of auctioneer's licence**

8.2 A person shall not sell by way of auction any stock at a saleyard unless that person is the holder of an auctioneer's licence to sell stock under the *Auction Sales Act 1973*.

#### **Sale times to be approved**

8.3 Sales are to be conducted at a saleyard only on such days and at such times as may be appointed by a stock agent with the prior approval of the CEO.

#### **Order of sales**

8.4 The order in which stock agents conduct sales on any day under clause 8.3 is to be the order agreed to by those stock agents, and in default of agreement, as directed by the CEO or an authorized person.

### ***Division 3 - Care of and responsibility for stock***

#### **Diseased and injured stock**

8.5 (1) A person shall not -

(a) offer for sale any stock which is diseased, emaciated, injured or suffering from ill health for sale at a saleyard; or

(b) deliver to any saleyard any stock which is diseased, emaciated, injured or suffering from ill health.

(2) Where in the opinion of an authorized person stock at a sale yard is diseased, emaciated, injured or suffering from ill health, the authorized person may direct the stock

agent of the stock, or if there is no stock agent, the owner or the person apparently in control of that stock, to remove that stock immediately from the saleyard.

**Care of stock**

8.6 Where the stock is yarded in any saleyard the stock agent (or if there is no stock agent, the owner) shall -

- (a) ensure that the stock is properly cared for; and
- (b) if the stock is kept yarded for more than 24 hours, provide the stock with adequate food and water.

**When purchaser becomes responsible for stock**

8.7 The purchaser of any stock yarded in a saleyard is responsible for such stock from the time the contract of sale is entered into.

**Time limit for removal of stock**

8.8 The purchaser of any stock at a saleyard is to remove such stock from the saleyard by 5.00pm on the day after the day of sale, or by such later time as may be allowed by an authorized person.

**Removal of unsold stock**

8.9 Where stock yarded in a saleyard remain unsold, the stock agent or, if there is no stock agent, the owner of the stock is responsible for the care and removal of such stock from the saleyard. Removal of dead or maimed stock

8.10 Stock which have died or which have been maimed shall be immediately removed from the saleyard where the stock –

- (a) are unsold, by the stock agent, or if there is no stock agent, the owner; or
- (b) have been sold, by the purchaser.

*Division 4 - Payment of fees*

**Payment of yard fees**

8.11 Where stock is brought into a saleyard for a sale or any other purpose by a stock agent or owner, that stock agent or owner shall -

- (a) within 7 days of bringing the stock into a saleyard, give the local government a written statement signed by the stock agent or owner advising -
  - (i) the total number of stock by class brought into the saleyard; and
  - (ii) the date on which the stock was brought into the saleyard; and
- (b) within 28 days of bringing the stock into a saleyard, pay the local government the applicable yard fees set by the local government.

**Documents may be inspected**

8.12 The stock agent or owner shall, on demand by the CEO, make available to the CEO for inspection such documents as may be necessary to enable the CEO to verify a statement given under clause 8.11.

*Division 5 - Control of dogs*

**Only working dogs allowed**

8.13 A person shall not bring into a saleyard any dog which will not be used for working with stock in that saleyard on the day which it is brought in.

**Diseased dogs prohibited**

8.14 A person shall not bring or permit to be brought into a saleyard a dog which is diseased.

**PART 9 - MISCELLANEOUS**

**Authorized person to be obeyed**

9.1 A person on local government property shall obey any lawful direction of an authorized person and shall not in any way obstruct or hinder an authorized person in the execution of her or his duties.

**Persons may be directed to leave local government property**

9.2 An authorized person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

**Disposal of lost property**

9.3 An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

**Liability for damage to local government property**

9.4 (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property.

(2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where –

- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or

- (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.
- (3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

## **PART 10 - ENFORCEMENT**

### *Division 1 - Notices given under this local law*

#### **Offence to fail to comply with notice**

- 10.1 Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

#### **Local government may undertake requirements of notice**

- 10.2 Where a person fails to comply with a notice referred to in clause 11.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

### *Division 2 - Offences and penalties*

#### *Subdivision 1 - General*

#### **Offences and general penalty**

- 10.3 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

#### *Subdivision 2 - Infringement notices and modified penalties*

#### **Prescribed offences**

- 10.4 (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
  - (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that –
    - (a) commission of the prescribed offence is a relatively minor matter; and

- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

**Form of notices**

- 10.5 (1) For the purposes of this local law -
- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
  - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
  - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

*Division 3 – Evidence in legal proceedings*

**Evidence of a determination**

- 10.6 (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
  - (3) Subclause (2) does not make valid a determination that has not been properly made.

**SCHEDULE 1**  
**PRESCRIBED OFFENCES**

<b>CLAUSE</b>	<b>DESCRIPTION</b>	<b>MODIFIED PENALTY \$</b>
2.4	Failure to comply with determination	100
3.6	Failure to comply with conditions of permit	100
3.13(1)	Failure to obtain a permit	100
3.14(3)	Failure to obtain permit to camp outside a facility	100
3.15(1)	Failure to obtain permit for liquor	100
3.16	Failure of permit holder to comply with responsibilities	100
4.2(1)	Behaviour detrimental to property	100
4.4	Under influence of liquor or prohibited drug	100
4.6(2)	Failure to comply with sign on local government property	100
5.5	Unauthorized entry to fenced or closed local government property	100
5.6	Gender not specified using entry of toilet block or change room	100
6.1(1)	Unauthorized entry to function on local government property	100
8.2	Selling by way of auction without licence	100
8.8	Failure to remove stock	200
8.10	Failure to immediately remove dead or maimed stock	200
8.11	Failure to give statement or pay fees to local government	200
8.12	Failure to produce documents for inspection by local government	200
8.13	Unauthorized entry of dog into saleyard	100
11.1	Failure to comply with notice	200

**SCHEDULE 2**

**DETERMINATIONS**

The following determinations are to be taken to have been made by the local government under clause 2.1.

**PART 1 – PRELIMINARY**

**Definitions**

1.1 In these determinations unless the context otherwise requires –

"local law" means the *Local Government Property Local Law* made by the local government;

**Interpretation**

1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

Dated this 28<sup>th</sup> day of September ,2001

The Common Seal of the )  
 Shire of Toodyay was affixed by )  
 authority of a resolution )  
 of the Council in the )  
 presence of - )

\_\_\_\_\_  
 Mr. A.D Smith  
**Chief Executive Officer**

\_\_\_\_\_  
 Cr. A.E Henshaw  
**Shire President**





LOCAL GOVERNMENT ACT 1995

## Shire of Toodyay

# Local Government Property

## Local Law 2026



Gazette Date [: 25/10/2001, page 5681-5683t.b.a.](#)

LOCAL GOVERNMENT ACT 1995  
 Shire of Toodyay.  
 Local Government Property Local Law [2026](#)

## *Local Government Act 1995*

**[1]**

## **LOCAL GOVERNMENT PROPERTY LOCAL LAW**

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Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on ~~September 27, 2001~~ March 2026 to make the following local law.

**PART 1. ~~PART 1~~—PRELIMINARY****1.1 Citation**

This local law may be cited as the Shire of Toodyay Local Government Property Local Law 2026.

**1.2 Commencement**

This local law comes into operation in accordance with the Act and the Interpretation Act 1984 14 days following its publication in the Government Gazette.

**1.3 Purpose and Intent**

(1) The purpose of this local law is to regulate the care, control and management of local government property within the district, so as to –

- (a) promote its safe, orderly and respectful use and enjoyment by the community;
- (b) protect local government property from damage, misuse and inappropriate activities; and
- (c) provide for the efficient management and operation of local government property, including saleyards.

(2) The intent of this local law is to ensure that persons using local government property do so in a manner that is consistent with –

- (a) the good governance of the district;
- (b) the safety and amenity of the community; and
- (c) applicable written laws, including the Graffiti Vandalism Act and Regulations made under the Act.

**1.4 Application**

(1) This local law applies throughout the district.

(2) Subject to subclause (3), this local law applies to local government property that is owned by, vested in, or under the care, control or management of the local government.

(3) Without limiting subclause (2), this local law applies, to the extent permitted by law, to local government property that is managed on behalf of the local government by a regional

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subsidiary established in accordance with the Regional Subsidiaries Regulations.

(4) Notwithstanding anything to the contrary in this local law, the local government may –

(a) hire or otherwise authorise the use of local government property by any person; or

(b) enter into a written agreement with any person about the use of local government property.

~~(5)~~ A written agreement referred to in subclause (4) may include conditions about the use of local government property, provided those conditions are not inconsistent with this local law or any other written law.

(6) Policies or administrative procedures adopted by the local government may guide the preparation and administration of written agreements under this clause, but do not create, vary or remove any obligation under this local law or override this local law.

and any such hire or agreement may include conditions that are additional to, or vary, the requirements of this local law to the extent permitted by law.

**1.5 Repeal**

(1) The Shire of Toodyay Local Government Property Local Law 2001, as published in the Government Gazette on 25 October 2001 (page 5681-5683) is repealed.

~~A policy made or adopted by the local government under, or in relation to, the local law repealed by subclause (1)–~~

~~is taken to have no further effect on and from the day this local law comes into operation; unless~~

~~the Council resolves that a specified policy continues, or is taken to have continued, to have effect on and from that day, with or without modification.~~

**1.6 Terms used Definitions**

(1) In this local law unless the context otherwise requires –

Term	Meaning
"Act"	The Local Government Act 1995;
<b><u>Administration Regulations</u></b>	The <u>Local Government (Administration) Regulations 1996.</u>

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Term	Meaning
<b><u>Animal</u></b>	<del>means any</del> Any living thing that is not a human being or a plant.
<b>"applicant"</b>	<del>A</del> means a person who applies for a permit under clause 3.2;
<b><u>Auction</u></b>	<del>Has the meaning given to it in the Auction Sales Act 1973.</del>
<b>"authorised person"</b>	<del>means a</del> A person <del>authorized</del> authorised by the local government under section 9.10 of the Act to perform any of the functions of an <del>authorized</del> authorised person under this local law;
<b>"building"</b>	<del>means any</del> Any building which is local government property and includes a – (a) hall or room; (b) corridor, stairway or annexe of any hall or room; and (c) jetty;
<b>"CEO"</b>	<del>means the</del> The chief executive officer of the local government;
<b>"commencement day"</b>	<del>means the</del> The day on which this local law comes into operation;
<b>"Council"</b>	<del>means the</del> The council of the local government;
<b>"date of publication"</b>	<del>means,</del> <del>W</del> where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is <u>first</u> published in a newspaper circulating generally throughout the district <del>or is otherwise given in accordance with the Act;</del>
<b>"determination"</b>	<del>means a</del> A determination made under clause 2.1;

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Term	Meaning
<b><u>Detrimental to the property includes –</u></b>	<p><del>Removing any thing from local government property, such as a rock, a plant or a seat provided for the use of any person;</del></p> <p><del>destroying, defacing or damaging any thing on local government property, such as a plant, a seat provided for the use of any person or a building; and</del></p> <p><del>marking, painting, tagging or otherwise applying any inscription, figure or symbol on local government property without the prior approval of the local government, whether or not the conduct constitutes an offence under the Graffiti Vandalism Act.</del></p>
<b>"district"</b>	<del>means</del> The district of the local government;
<b><u>Facility</u></b>	<del>Has</del> the same meaning as is given to it in section 5(1) of the <i>Caravan Parks and Camping Grounds Act 1995</i> .
<b><u>Fauna</u></b>	<p><del>means any</del> Any animal indigenous to, or which periodically migrates to, any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal</p> <p>(a) <del>any</del> class of animal or individual member;</p> <p>(b) the eggs or larvae; or</p> <p><del>(c)</del> the carcass, skin, plumage or fur.</p>
<b><u>Functions and General Regulations</u></b>	<del>means the</del> <i>The Local Government (Functions and General) Regulations 1996</i> .
<b>"function"</b>	<p><del>means an</del> An event or activity characterised by all or any of the following –</p> <p>(a) formal organisation and preparation;</p> <p>(b) its occurrence is generally advertised or notified in writing to particular persons;</p> <p>(c) organisation by or on behalf of a club, <u>association or other body</u>;</p>

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Term	Meaning
	(d) payment of a fee to attend it; and <del>(e)</del> (e) systematic recurrence in relation to the day, time and place;
"liquor"	<del>H</del> has the same meaning as is given to it in section 3 of the <u>Liquor Control Act 1988</u> <del>Liquor Licensing Act 1988</del> ;
"local government"	<del>means t</del> The Shire of Toodyay;
"local government property"	<del>means a</del> Anything except a thoroughfare <u>within the meaning of the Act</u> – <ul style="list-style-type: none"> <li>• which belongs to the local government;</li> <li>• of which the local government is the management body under the <i>Land Administration Act 1997</i>; or</li> <li>• which is an 'otherwise unvested facility' within section 3.53 of the Act;</li> </ul> <u>but does not include anything to which the Uniform Local Provisions Regulations apply.</u>
<u>Local law</u>	<del>means this</del> This <u>Shire of Toodyay Local Government Property Local Law 2026</u> .
"Manager"	<del>means the</del> The person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;
<u>Model Code Regulations</u>	<del>means the</del> <u>Local Government (Model Code of Conduct) Regulations 2021</u> .
"permit"	<del>means a</del> A permit issued under this local law;
"permit holder"	<del>means a</del> A person who holds a valid permit;
"person"	<u>I</u> ncludes a body corporate and an association or body of persons, whether incorporated or not, <u>but</u> does not include the local government;
"pool area"	<del>means any</del> Any swimming and wading pools and spas and all buildings, structures,

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Term	Meaning
	fittings, fixtures, machinery, chattels, furniture and equipment forming part of, or used in connection with, such swimming and wading pools and spas which are local government property;
<b>Policy</b>	<a href="#">A policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved.</a>
<del>Policy means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.4.</del> <b>Premises-Premises</b>	<del>means a building, stadium or similar structure which is local government property, but does not include an open space such as a park or a playing field.</del>
<del>Regional Subsidiaries Regulations</del>	<del>means the Local Government (Regional Subsidiaries) Regulations 2017.</del>
<del>"Regulations" means the Local Government (Functions and General) Regulations 1996;</del>	<del>other than in the defined terms Administration Regulations, Functions and General Regulations, Model Code Regulations, Regional Subsidiaries Regulations and Uniform Local Provisions Regulations, means subsidiary legislation made under the Act.</del>
<b>Sale</b>	<a href="#">means a sale by way of auction.</a>
<b>Saleyard</b>	<a href="#">means local government property which is used for the sale of stock.</a>
<b>"sign"</b>	includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;
<b>Stock</b>	<a href="#">has the meaning given to "livestock" in the Auction Sales Act 1973.</a>

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Term	Meaning
<u>Stock agent</u>	<u>means any person appointed by the owner of stock to sell that stock at a saleyard.</u>
<b>"trading"</b>	means the selling or hiring, or the offering for sale or hire, of goods or services, and includes displaying goods for the purpose of (a) offering them for sale or hire; (b) inviting offers for their sale or hire; (c) soliciting orders for them; or (d) carrying out any other transaction in relation to them;
<u>Uniform Local Provisions Regulations</u>	<u>means the Local Government (Uniform Local Provisions) Regulations 1996.</u>
<b>"vehicle" includes –</b>	(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and (b) an animal being ridden or driven, but <del>does not include</del> <del>excludes</del> – (a) a <del>wheel chair</del> <u>wheelchair</u> or any device designed for use, by a physically impaired person <u>with a disability</u> on a footpath; (b) a pram, a stroller or a similar device;

(2) A term that is used in this local law and is not defined in this clause, but is defined in the Act or in any Regulations referred to in this clause, has the same meaning as it has in the Act or those Regulations.

**1.7 Interpretation**

(1) Unless the context otherwise requires, a reference in this local law to local government property includes a reference to any part of that local government property.

(2) A reference in this local law to a written law, or to a provision of a written law, is a reference to that written law or provision as it may be amended from time to time, and includes any subsidiary legislation made under it.

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- ~~(3) Notes, headings and examples in this local law are provided for convenience only and do not limit the operation of any provision.~~

**1.8 Relationship with other written laws**

- ~~(1) Nothing in this local law limits the operation of –~~
- ~~(a) the Administration Regulations;~~
  - ~~(b) the Functions and General Regulations;~~
  - ~~(c) the Model Code Regulations;~~
  - ~~(d) the Regional Subsidiaries Regulations;~~
  - ~~(e) the Uniform Local Provisions Regulations; or~~
  - ~~(f) the Graffiti Vandalism Act.~~
- ~~(2) To the extent of any inconsistency between this local law and any written law referred to in subclause (1), that written law prevails.~~

**1.9 Administrative Procedures**

- ~~(1) The CEO may prepare, amend or revoke administrative procedures to support the efficient administration of this local law.~~
- ~~(2) Administrative procedures may include operational guidelines, forms, templates and information requirements.~~
- ~~(3) Administrative procedures are for guidance only and do not create, vary or remove any obligation under this local law.~~
- ~~(4) A person performing a function under this local law may have regard to any administrative procedure prepared by the CEO.~~

- ~~1.1. In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.~~

—

**PART 2. ~~PART 2~~ DETERMINATIONS IN  
RESPECT OF LOCAL GOVERNMENT  
PROPERTY**

*Division 1 - Determinations*

**2.1 Determinations as to use of local government property**

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- (a) ~~setting~~ aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
  - (b) ~~prohibiting~~ a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
  - (c) deal with the extent to which, and the manner in which, an activity referred to as to the matters in clauses 2.7~~(2)~~ and 2.8~~(2)~~ may be pursued or is prohibited; and
  - (d) make provision about~~as to~~ any matter that is ancillary or necessary to give effect to a determination, including conditions applicable to the use of the local government property.
- (a) ~~are to be~~ taken to have been made in accordance with clause 2.2;
- ~~(b)~~ may be amended or revoked in accordance with clause 2.6; ~~and~~
- ~~(e)(b)~~ have effect on the commencement day.

2.2 Procedure for making a determination

- ~~(a)~~ (a) the local government intends to make a determination;
- ~~(a)(b)~~ (a)(b) the purpose and effect of the proposed determination, which is summarised in sufficient detail to enable a person to understand its general nature~~the notice~~;
- ~~(b)(c)~~ (b)(c) a copy of the proposed determination may be inspected and obtained from the offices of the local government during normal business hours; and
- ~~(e)(d)~~ (e)(d) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;

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- (b) amend the proposed determination, in which case subclause (5) ~~will apply~~ applies; or
- (c) not ~~proceed~~ continue with the proposed determination.
- (a) consider those submissions; and
- ~~(b)~~ decide –
  - (i) whether or not to amend the proposed determination; or
  - (ii) not to ~~continue~~ proceed with the proposed determination.
- (a) of the effect of the amendments; and
- (b) that the proposed determination, as amended, ~~has~~ effect as a determination on and from the date of publication.

**2.3 ~~Signs giving notice of determinations~~ Discretion to erect sign**

2.3.(1) The local government may erect or place a sign on local government property to give notice of the effect of a determination ~~which~~ that applies to that property.

~~(2)~~ A sign erected or placed under subclause (1) may summarise the effect of the determination in ordinary language, and may include diagrams, symbols or other information to assist in its understanding.

~~(3)~~ A sign erected or placed under this clause is for the purpose of giving notice of the effect of a ~~determination~~ determination and does not limit the operation of the determination.

**2.4 ~~Compliance with Determinations to be complied with~~**

2.4.(1) A person ~~must~~ shall comply with a determination that applies to that person or to the local government property on which the person is present.

~~(2)~~ (2) A person who fails to comply with a determination commits an offence.

**2.5 ~~Register of determinations~~**

2.5.(1) ~~(1)~~ The local government is to keep and maintain a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

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~~(2)~~ The register referred to in subclause (1) is to be made available for inspection by members of the public during normal business hours, and copies or extracts may be made available on request.

~~(3)~~ ~~2.5 (2)~~ Sections 5.94 and 5.95 of the Act ~~are to~~ apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

**2.6 Amendment or revocation of a determination**

~~(1)~~ ~~(1)~~ The Council may amend or revoke a determination.

(1)

~~2.6 (2)~~ The provisions of clause 2.2 ~~are to~~ apply with any necessary modifications, to a proposed to an amendment of a determination as if the amendment were a proposed determination.

(2)

~~2.6 (3)~~ If the Council revokes a determination, it is to give local public notice of the revocation and, on and from the date of publication of that local public notice, the determination ~~is to cease~~ to have effect ~~on the date of publication.~~

(3)

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~~(h)~~ **Division 2 - Activities which may be authorised or prohibited pursued or prohibited under a determination**

**2.7 Activities that may be authorised which may be pursued on specified local government property**

- (a) bring, ride or drive an animal;
- (b) take, ride or drive a vehicle, or a particular class of vehicle;
- (c) fly or use a motorised model aeroplane or similar device;
- (d) use a children's playground, provided that the person using the equipment is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
- (e) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
- (f) play or practice –
  - (i) golf or archery;
  - (ii) pistol or rifle shooting, ~~but~~ subject to the person's compliance with the Firearms Act 1973 and any other applicable written law~~the compliance of that person with the Firearms Act 1973~~; or
  - (iii) a similar activity, specified in the determination, involving the use of a projectile ~~that~~which, in the opinion of the local government, may cause injury or damage to a person or property;
- (g) ~~ride~~ a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
- (h) be without wear no clothing in an area so designated for that purpose.

~~(h)~~

~~the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –~~

- (a) the days and times during which the activity may be pursued;

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- (b) ~~whether the that an~~ activity may be pursued on a class of local government property, specified local government property or all local government property;
- (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
- (d) ~~any limitation of may limit~~ the activity to a class of vehicles, equipment or things, or ~~an extension to may extend it to~~ all vehicles, equipment or things;
- (e) ~~whether may specify that~~ the activity ~~may can~~ be pursued by a class of persons or ~~by~~ all persons; and
- (f) ~~distinctions may distinguish~~ between different classes ~~or forms~~ of the activity.

**2.8 Activities ~~that which~~ may be prohibited on specified local government property**

- (a) smoking on premises;
- (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
- (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
- (e) the playing or practice of -
  - (i) golf, archery, pistol shooting or rifle shooting; or
  - (ii) a similar activity, specified in the determination, involving the use of a projectile ~~which that~~, in the opinion of the local government may cause injury or damage to a person or property;
- (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
- (g) the traversing of sand dunes or land which, in the opinion of the local government, has environmental value warranting ~~such~~ protection, either absolutely or except by paths, ~~tracks or areas~~ provided for that purpose.

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- (a) the days and times during which the activity is prohibited;
- (b) ~~whether the that an~~ activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) ~~whether the that an~~ activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
- (d) ~~whether the that an~~ activity is prohibited in respect of a class of persons or all persons; and
- (e) ~~may distinguish~~ distinctions between different classes or forms of the activity.

~~"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.~~

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### *Division 3 - Transitional*

#### **2.9 Signs taken to be determinations**

(1) Where a sign erected on local government property was erected under a local law of the local government that is repealed by this local law, then, on and from the commencement day, the sign is taken to be, and to have effect as, a determination under clause 2.1 to the extent that

=

(a) the sign could lawfully have been made the subject of a determination under this local law; and

(b) the sign is not inconsistent with any provision of this local law or any determination made under clause 2.1.

~~(2)~~ 2.9 (2)—Clause 2.5 does not apply to a sign referred to in subclause (1).

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## PART 3. ~~PART 3~~ PERMITS

### *Division 1 - Preliminary*

#### 3.1 Application of this Part

2.8. ~~the extent that the agreement deals with matters otherwise regulated by this Part.~~

- (1) ~~Policies or administrative guidelines may inform the preparation and administration of written agreements under subclause (1) but do not override this local law or impose mandatory requirements on any person.~~
- (2) ~~Nothing in this Part prevents the local government from requiring a permit in addition to, or instead of, a written agreement where it considers this appropriate.~~

### *Division 2 - Applying for a permit*

#### 3.2 Application for a permit

2.9. ~~(1) (1)~~—Where a person is required to obtain a permit under this local law, that person ~~shall~~must apply for ~~the a~~ permit in accordance with ~~subclause (2).~~this clause.

~~(2) 3.2 (2)~~—An application for a permit under this local law ~~shall is to~~ -

- (a) be made in the form determined by the local government;
- (b) be signed by the applicant or by a person lawfully authorised to sign on the applicant's behalf;
- (c) provide the information required by the application form approved by the local government; and
- (d) be ~~forwarded to~~lodged with the CEO together with any fee imposed and determined by the ~~—~~ local government under and in accordance with sections 6.16 to 6.19 of the Act.

~~(3) 3.2 (3)~~—The local government may require an applicant to provide additional information that is reasonably related to an application before determining an application for a permit.

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- ~~(4) 3.2 (4) The local government may require an applicant to give local public notice of the application for a permit including any details the local government considers relevant for community consultation~~  
 3.2 (5) The local government may refuse to consider an application for a permit which is not in accordance with ~~subclause (2), this clause, or which is incomplete.~~

**3.3 Determination of ~~cision on~~ application for permit**

- (a) approve an application for a permit ~~unconditionally or subject to any with or without~~ conditions; or  
 (b) refuse to approve an application for a permit.
- ~~(b)~~
- (a) ~~that the application does not comply with this local law or any other written law;~~  
 (b) ~~that the use or activity for which the permit is sought is, in the opinion of the local government, likely to –~~  
 (i) ~~cause a nuisance;~~  
 (ii) ~~cause damage to local government property; or~~  
 (iii) ~~pose an unacceptable risk to the safety or amenity of persons;~~  
 (c) ~~that the use or activity for which the permit is sought is, in the opinion of the local government, not in the public interest;~~  
 (d) ~~that the applicant has previously failed to comply with a permit, a notice or a requirement under this local law or another written law in connection with the use of local government property; or~~  
 (e) ~~any other reasonable ground that relates to the care, control or management of local government property.~~

***Division 3 - Conditions*****3.4 Conditions ~~which may be imposed on aon which permits may be issued permit~~**

- (a) the payment of a fee, ~~bond or security;~~  
 (b) compliance with a standard or a policy of the local government adopted by the local government;

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- (c) the duration and commencement of the permit;
- ~~(e)~~
- (d) the commencement of the permit being contingent on the happening of an event or the satisfaction of a requirement;
- (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (f) the approval of another application for a permit which may be required by the local government under any written law;
- (g) the area of the district to which the permit applies;
- (h) where a permit is issued for an activity ~~which that~~ will or may cause damage to local government property, the payment of a deposit or bond against such damage in an amount determined by the local government; and
- ~~(i)~~ the obtaining and maintenance of public risk insurance in an amount and on terms reasonably required by the local government, and the provision of evidence of that insurance to the local government; and
- ~~(j)~~ any standard conditions or requirements set out in an administrative procedure approved by the CEO for the purposes of this local law.
- (a) when and how fees and charges are to be paid;
- ~~(a)(b)~~ compliance with relevant written laws;
- ~~(b)(c)~~ payment of a bond against possible damage or cleaning expenses or both;
- ~~(e)(d)~~ restrictions on the erection of materials, ~~or~~ external decorations, or signage;
- ~~(d)(e)~~ requirements governing ~~rules about~~ the use of furniture, plant, equipment and effects;
- ~~(e)(f)~~ limitations on the number of persons who may attend any function in or on local government property;
- ~~(g)~~ the duration and commencement of the permit to hire and the times during which the property may be occupied;
- ~~(h)~~ restoration or remediation requirements;

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- (i) approval of any other permit required under written law;
- ~~(j)~~ the protection of public safety or amenity;
- ~~(k)~~ the right of the local government to cancel a booking including during the course of an annual or seasonal booking, if ~~the local government~~ it sees fit to do so in the reasonable exercise of its discretion;
- ~~(l)~~ a prohibition on the sale, supply or consumption of liquor unless a liquor licence or permit has first been is first obtained for that purpose under the *Liquor Licensing Act 1988* Control Act 1988;
- ~~(m)~~ whether or not the hire is for the exclusive use of the local government property;
- ~~(n)~~ the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (o) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

~~(k)~~3.5 Imposing conditions Advice of standard c Conditions imposed under a policy

- (1) ~~(1) In this clause~~ The local government may publish guidance material describing standard conditions commonly applied to permits.
- (2) Guidance material published under sub-clause (1) does not create mandatory conditions and does not limit the discretion of local government.
- ~~(4)~~ Where the local government approves an application for a permit subject to conditions, it is to provide the permit holder with written notice of those conditions. —
- (3) \_\_\_\_\_

\_\_\_\_\_ "policy" means a policy of the local government adopted by the Council containing conditions subject to which an

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~~application for a permit may be approved under clause 3.3(1)(a).4~~

~~3.5 (2) Under clause 3.3(1)(a) the~~The local government may approve an application for a permit subject to conditions by reference to a policy.~~3.5 (3) Where an application for a permit is approved subject to conditions contained in a Policy, the~~The local government is to give the permit holder a ~~shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).~~

~~which is relevant to those conditions when it issues the permit.~~

~~3.5 (4) An application for a permit is taken shall be deemed not to have been approved subject to the conditions contained in a policy until the local government has given gives the permit holder a copy of the policy or the relevant part of the policy which is relevant to the application.~~

~~in accordance with subclause (3).~~

~~3.5 (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is taken shall be deemed to be information within section 5.94(u)(i) of the Act.~~

**3.6 Compliance with and variation of conditions**

~~2.11.(1)(4)~~Where an application for a permit has been approved subject to conditions, the permit holder ~~shall~~must comply with each of those conditions.

~~3.6 (2)~~The local government may vary amend or revoke the conditions of a permit, by giving written notice to the permit holder, and the permit holder ~~must~~shall comply with ~~these~~ conditions as varied:

~~(2)~~ , amended or substituted.

~~(3)~~ Before varying the conditions of a permit in a way that is likely to significantly and adversely affect the permit holder, the local government is to, where practicable –

~~(a)~~ give the permit holder written notice of the proposed variation; and

~~(b)~~ provide the permit holder with a reasonable opportunity to make submissions –in respect of the proposed variation.

***Division 4 - General***

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### 3.7 Agreement for building on local government property

2.12. ~~the ownership of the materials in the building,~~

~~(a) or structure; and~~

~~(b) any other matters the local government considers appropriate for the care, control and management of the local government property.~~

### 3.8 Duration of permit

2.13. ~~(1) Subject to subclauses (2) and (3), a~~ permit is valid for one year from the date on which it is issued, ~~unless it is~~;

~~(a) otherwise stated in this local law or in the permit; or~~

~~(b) cancelled under clause 3.12.~~

~~(2) A permit may specify a shorter or longer period of validity, including a single event or series of events, if the local government considers this appropriate.~~

~~(3) A permit ceases to be valid if it is cancelled under clause 3.12.~~

### 3.9 Renewal of permit

2.14. ~~(1)(4)~~ A permit holder may apply to the local government in writing for the renewal of a permit prior to expiry of a permit ~~for the renewal of the permit.~~

~~(2) 3.9 (2)~~ The provisions of this Part ~~shall~~ apply with any necessary modifications to an application for the renewal of a permit as if it were an application for a new permit, mutatis mutandis.

### 3.10 Transfer of permit

~~(a) (a)~~ be made in writing;

~~(b) (b)~~ be signed by the permit holder and the proposed transferee of the permit;

~~(c) (c)~~ provide such information as the local government may require to enable the application to be determined; and

~~(d) (d)~~ be ~~forwarded to~~ lodged with the CEO together with any fee imposed and determined by the local government ~~under and in accordance with sections 6.16 to 6.19 of the Act.~~

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- (a) ~~approve an application for the transfer of a permit, with or without conditions; and~~
- (b) ~~refuse to approve an application for the transfer of a permit.~~

**3.11 Production of permit****3.12 Cancellation of permit**

- (a) condition of the permit; or
- (b) ~~a~~ determination or a provision of any written law which may relate to the activity regulated by the permit.
- (a) ~~shall return the permit as soon as practicable to the CEO~~ ~~cease the activity authorised by the permit;~~ and
- (b) ~~is to be taken to have forfeited any fees paid in respect of the permit~~ ~~return the permit to the CEO.~~

***Division 5 - When a permit is required*****3.13 Activities ~~needing requiring~~ a permit**

- (a) ~~(a)~~—subject to subclause (3)~~2~~, hire or otherwise use local government property for a function or organised activity;
- (b) ~~(b)~~—advertise anything by any means on local government property;
- (c) ~~(c)~~—erect a structure for public amusement entertainment or for any performance, whether for gain or otherwise, on local government property;
- (d) ~~(d)~~—teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
- (e) ~~(e)~~—plant any plant or sow any seeds on local government property;
- (f) ~~(f)~~—carry on any trading on local government property unless the trading is conducted –
  - (i) ~~(i)~~—with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with that permit; or

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~~(ii)~~ ~~(ii)~~—by a person who has a licence or permit to carry on trading on local government property under any written law;

~~(g)~~ ~~(g)~~—unless an employee or contractor of the local government acting in the course of ~~her or his~~their duties or on an area set aside for that purpose –

~~(i)~~ ~~(i)~~—drive, ~~or~~ ride or take any vehicle on to local government property; or

~~(ii)~~ ~~(ii)~~—park or stand any vehicle on local government property;

~~(h)~~ ~~(h)~~—conduct a function on local government property;

~~(i)~~ ~~(i)~~—charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;

~~(j)~~ ~~(j)~~—light a fire on local government property except in a facility or area provided or approved for that purpose;

~~(k)~~ ~~(k)~~—parachute, hang glide, abseil or base jump from or on to local government property;

~~(l)~~ ~~(l)~~—erect a building or a refuelling site on local government property;

~~(m)~~ ~~(m)~~—make any excavation on or erect or remove any fence on local government property;

~~(n)~~ ~~(n)~~—erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person; or

~~(o)~~ ~~(o)~~—depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property.

**3.14 Permit required to camp outside a facility**

~~(2)~~ ~~3.14~~ ~~(2)~~—This clause does not apply to a facility operated by the local government.

~~(3)~~ ~~3.14~~ ~~(3)~~—A person ~~shall~~must not, without a permit

~~(a)~~ ~~(a)~~—camp on, lodge at, or occupy any structure at night for the purpose of sleeping on, local government property; or

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~~(b)~~ ~~(b)~~—erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

~~(4)~~ ~~3.14~~ ~~(4)~~—The maximum period for which the local government may approve an application for a permit ~~in respect of paragraph under (a) or (b) of~~ subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

**3.15 Permit required for possession and consumption of liquor**

~~(a)~~ ~~(a)~~—that is permitted under the ~~Liquor Control Act 1988~~ Liquor Licensing Act 1988; and

~~(b)~~ ~~(b)~~—a permit has been obtained from the local government for that purpose.

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### *Division 6 - Responsibilities of permit holder*

#### **3.16 Responsibilities of permit holder**

- (a) ~~(a)~~—ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) ~~(b)~~—~~ensure that leave~~ the local government property is left in a clean and tidy condition after its use including by removing any rubbish, equipment or other items brought on to the property by or on behalf of the permit holder;
- (c) ~~(e)~~—promptly report to the local government any damage to, or defacement of, the local government property of which the permit holder is aware~~to the local government~~; and
- (d) ~~(d)~~—prevent the consumption of any liquor on the local government property unless the permit allows it, and a licence or permit has been obtained under the Liquor Control Act 1988 ~~Liquor Licensing Act 1988~~ for that purpose.
- (e) comply with any reasonable direction of an authorised person given in connection with the use of the local government property; and
- (f) ensure that every person who uses the local government property under the permit complies with the requirements of this local law and any conditions of the permit.

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## PART 4. ~~PART 4~~—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

### *Division 1 - Behaviour on and interference with local government property*

#### 4.1 Behaviour which interferes with others

- (a) ~~(a)~~—is likely to interfere with the reasonable use and enjoyment of the property by any person who might use the property; or
- (b) ~~(b)~~—interferes with the use and enjoyment of the property by a person who is using the property.
- (a) acts in a disorderly, offensive, threatening or abusive manner;
- (b) makes unreasonable noise or otherwise disturbs the peace or good order of the area; or
- (c) engages in conduct that a reasonable person would consider to be a nuisance in the circumstances.

#### 4.2 Behaviour detrimental to property

- (a) removing any thing from ~~the~~ local government property, such as a rock, a plant, sign, fixture or ~~a~~ seat provided for the use of any person, without the prior approval of the local government; and
- (b) destroying, defacing or damaging any thing on the local government property, such as a plant, sign, a seat provided for the use of any person or a building.
- (c) marking, painting, tagging, scratching, engraving or otherwise applying any inscription, figure or symbol on local government property, without the prior approval of the local government, whether or not the conduct constitutes an offence under the Graffiti Vandalism Act; and
- (d) placing or leaving any substance, thing or object on local government property so as to cause, or be likely

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to cause, damage to the property or a risk to the safety of any person.

**4.3 Taking or injuring ~~any~~ fauna**

2.24.~~(1)(1)~~ A person ~~must shall~~ not, on or above any local government property, take, injure or kill, or attempt to take, injure or kill, any fauna, ~~which is on or above any local government property~~, unless that person is ~~authorized~~ authorised to do so under a written law or by the local government to do so.

In this clause—

**"animal"** means any living thing that is not a human being or plant; and

**"fauna"** ~~means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal—~~

~~(a) any class of animal or individual member;~~

~~(b) the eggs or larvae; or~~

~~(c) the carcass, skin, plumage or fur.~~

(2) For the avoidance of doubt, this clause does not apply to –

(a) a person acting under the authority of a licence, permit or other approval granted under a written law; or

(b) activities carried out by, or on behalf of, the local government for the purposes of pest control, conservation or land management in accordance with a written law.

**4.4 Intoxicated persons not to enter local government property**

2.25.~~(1)~~ A person ~~must shall~~ not enter or remain on local government property while under the influence of liquor or a prohibited drug.

(2) For the purposes of subclause (1), a person is under the influence of liquor or a prohibited drug if the person's faculties are, by reason of the consumption of liquor or a prohibited drug, so impaired that they are incapable of exercising effective control over their behaviour, or their behaviour is likely to cause a nuisance or a risk to the safety of any person.

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2.26.(1) A person ~~shall~~must not ~~take~~bring a prohibited drug on to, or consume or use a prohibited drug on, local government property.

(2) In this clause, prohibited drug has the same meaning as it has in the *Misuse of Drugs Act 1981*.

*Division 2 - Signs*4.6 Signs

(a) ~~4.6 (2)~~ by or under this local law;

(b) by or under a determination; or

(c) by or under any other written law.

(a) not to be inconsistent with any provision of this local law or any determination; and

(b) to be taken to be for the purpose of giving notice of the effect of a provision of this local law, a determination or another written law.

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## PART 5. ~~PART 5~~—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

### *Division 1 - Swimming pool areas*

#### 5.1 ~~When Refusal of entry and removal from pool areas entry must be refused~~

- ~~(a) in her or his opinion is~~
- (a) (i) is under the age of 6 years of age and who is not accompanied by a responsible person over the age of 14 years;
- (b) (ii) is suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
- (c) (iii) is under the influence of liquor or a prohibited drug; or
- (d) (b) is to be refused admission under, or removed and in accordance with, a decision of the local government for breaching any clause of this local law.

### *Division 2 - Fenced or closed property*

#### 5.2 ~~No entry to fenced or closed local government property~~

- 2.29.(1) A person must not enter local government property which that has been fenced, barricaded, locked, taped or otherwise off or closed to the public, by a sign or otherwise, unless that person is authorized to do so by the local government.
- (2) A person must not remove, interfere with or damage any sign, barrier, tape, lock, fencing or other thing used to close or restrict access to local government property.
  - (3) A person must comply with any sign, notice or direction indicating that local government property is closed, restricted or otherwise not available for public access.

### *Division 3 – Reserved*

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**5.3 Reserved clause**

This Division is intentionally reserved for future use and does not create any obligation or right.

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### *Division 4 – Toilet blocks and change rooms*

#### Use of gender designated facilities Only specified gender to use entry of toilet block or change room

- (a) females, then a person who is male must of the male gender shall not use that entry, area or facility of the toilet block or change room; or
- (b) males, then a person of the who is female gender shall must not use that entry, area or facility of the toilet block or change room.
- the local government has provided written approval for alternative arrangements; or
- a person is entering the toilet block or change room for the purpose of cleaning, maintenance, emergency response or other lawful purpose authorised by the local government.

### *Division 5 4 – Additional provisions for controlled or restricted access areas*

#### 5.4 Entry to controlled access areas

- (1) The local government may, by sign or written notice, designate any local government property, or part of local government property, as a controlled access area for the purposes of public safety, maintenance, protection of environmental values, or protection of local government assets.
- (2) A person must not enter or remain in a controlled access area except –
  - (a) in accordance with the terms of the sign or written notice;
  - (b) with the authorisation of the local government; or
  - (c) as an employee, contractor or agent of the local government acting in the course of their duties.

#### 5.5 Activities prohibited in controlled access areas

- (1) A person must not, in a controlled access area –
  - (a) remove, disturb, damage or interfere with any installation, equipment, plant, structure, landscaping or environmental feature; or

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(b) conduct any activity contrary to any sign or notice placed by the local government.

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**Division 65 – Maintenance, cleanliness and exclusive-use areas**

**5.6 Cleanliness and hygiene in facilities**

- (1) A person using any toilet block, change room, shower facility, parent room, pool area or similar facility on local government property must –
- (a) use the facility in a clean, orderly and hygienic manner;
  - (b) take reasonable steps to prevent damage, soiling or misuse; and
  - (c) comply with any sign, instruction or direction relating to hygiene or facility use.
- (2) A person must not deposit any human waste, hazardous substance, sanitary product or offensive matter on local government property except in a receptacle or facility provided for that purpose.

**5.7 Exclusive-use or reserved-use areas**

- (1) The local government may designate an area of local government property as an exclusive-use or reserved-use area for any period, by sign or written notice.
- (2) A person must not enter or use an exclusive-use or reserved-use area unless –
- (a) that person is a permit holder and the permit authorises access; or
  - (b) the person is otherwise authorised by the local government.
- (3) A person must comply with any condition stated on a sign, permit or written notice relating to the use of an exclusive-use or reserved-use area.

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## **PART 6. ~~PART 6~~—FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY**

### **6.1 ~~No unauthorized entry to function~~Entry to functions or events for which a fee is charged**

- (a) enters through the proper entrance designated for that purpose; and
- (b) pays the entry on payment of the fee applicable chargeable for admission at the time of entry.

~~6.1 (2) The local government may exempt a person from compliance with subclause (1)(b).~~

- (a) the local government has granted a permit or other written authorisation exempting a person from the requirement to pay an entry fee; or
- (b) the person is an employee, contractor, agent or volunteer of the local government acting in the course of their duties.

### **6.2 Fees to be imposed in accordance with the Act**

- (1) Any fee, charge or entry fee payable under this Part, or otherwise under this local law, must be imposed and determined by the local government in accordance with sections 6.16 to 6.19 of the Act.
- (2) Without limiting subclause (1), the local government may impose and determine –
  - (a) entry fees for admission to events, functions, performances or activities conducted on local government property;
  - (b) hire fees and related charges for the use of local government property; and
  - (c) concession rates, waiver conditions, refund conditions or other fee-related arrangements, consistent with the Act.

### **6.3 Notice of fees and charges**

- (1) The local government may give notice of any fee or charge imposed under this local law by any one or more of the following means –

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- (a) publication in the annual Schedule of Fees and Charges adopted as part of the local government's annual budget;
  - (b) local public notice;
  - (c) signage at, or near, the entrance to the relevant local government property;
  - (d) notice on the local government's website; or
  - (e) any other method the local government considers appropriate for informing the public.
- (2) A sign or notice stating the amount of a fee or charge applying to local government property is, unless the contrary is proved, evidence of the amount of the fee or charge.

**6.4 Payment of fees**

- (1) A person liable to pay a fee or charge under this local law must pay the fee or charge at the time, and in the manner, determined by the local government.
- (2) Where a person fails to pay a fee or charge in accordance with subclause (1), the local government may refuse that person entry to, or require that person to leave, the relevant local government property.

**6.5 Enforcement of non-payment**

- (1) A person who enters or remains on local government property without paying an applicable fee or charge commits an offence.
- (2) A person who falsely claims to be exempt from paying a fee or charge under this local law commits an offence.
- (3) A person who, having been required to leave local government property under this clause, fails to do so immediately commits an offence.

**6.6 Waiver, reduction or refund of fees**

- (1) The local government may, in any particular case or class of cases, waive, reduce or refund a fee or charge imposed under this local law.

~~In making a decision under subclause (1) may be made—~~  
~~in accordance with a Policy of the local government may have regard to any relevant considerations relating to~~

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equity, hardship, community benefit or operational circumstances. ~~or~~

(a) ~~on application by a person, where the local government is satisfied that it is appropriate to do so in the circumstances.~~

(2) ~~The local government is not required to grant a waiver, reduction or refund, and may refuse an application even if similar applications have been approved in the past.~~

## **PART 7. ~~PART 7~~—OBJECTIONS AND APPEALS**

### **7.1 Application of Division 1 ~~of~~ Part 9 of the Act**

(a) ~~(a)~~—a decision to grant, renew, refuse, vary, transfer or cancel a permit under Part 3;

(b) a decision to give a person a direction, notice or requirement under this local law that directly affects the interests of that person; and

(c) any other decision under this local law that the Act identifies as being subject to objection or review.

(a) regulation 33 deals with the form, manner and period for making an objection; and

(b) regulation 34 deals with the reconsideration of decisions by the local government.

### **7.2 Right of objection**

(1) A person who is adversely affected by a decision of the local government to which this Part applies may object to the decision in accordance with section 9.5 of the Act and regulation 33 of the Functions and General Regulations.

(2) An objection must —

(a) be made in writing;

(b) set out the grounds on which the person objects to the decision; and

(c) be lodged with the local government within the period prescribed under the Act and regulation 33.

### **7.3 Reconsideration of decision**

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- (1) Upon receiving an objection under section 9.5 of the Act, the local government is to deal with the objection in accordance with regulation 34 of the Functions and General Regulations.
- (2) The local government may —
  - (a) confirm the decision;
  - (b) amend the decision; or
  - (c) revoke the decision and substitute a new decision.
- (3) The local government is to give the person written notice of its decision made under this clause, including —
  - (a) the reasons for the decision; and
  - (b) advice of the person's right to apply for a review by the State Administrative Tribunal under section 9.7 of the Act, if applicable.

**7.4 Review by the State Administrative Tribunal**

- (1) A person who is dissatisfied with a decision of the local government made under clause 7.3 may apply to the State Administrative Tribunal for a review of that decision, to the extent permitted by section 9.7 of the Act.
- (2) Nothing in this local law limits the operation of section 9.7 of the Act or any written law relating to external review rights.

**7.5 No limitation of other review rights**

This Part does not limit any right of review or appeal that a person may have under any other written law.

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## PART 8. ~~PART 8~~ — SALEYARDS

### *Division 1 - Preliminary*

#### 8.1 Terms used~~Interpretation~~

"**auction**" has the meaning given to it in the *Auction Sales Act 1973*;

"**sale**" means a sale by way of auction;

"**saleyard**" means local government property which is used for the sale, holding and management of stock;

"**stock**" has the meaning given to "livestock" in the *Auction Sales Act 1973*; and

"**stock agent**" means ~~any~~ a person appointed by the owner of stock to sell, manage, transport or otherwise handle that stock at a saleyard.

### *Division 2 - Sale of stock*

#### 8.2 Requirements of a~~A~~uctioneer's licence required

2.33.(1) A person ~~shall~~must not sell, ~~or attempt to sell, any stock~~ by ~~way of~~ auction ~~at a ny stock at a~~ saleyard unless that person is the holder of an auctioneer's licence to sell stock under the Auction Sales Act 1973.

(2) A person who conducts, facilitates, or otherwise participates in a sale in contravention of subclause (1) commits an offence.

#### 8.3 Approval of sale days and times

(1) Sales of stock at a saleyard may only ~~are to~~ be conducted on such days and at such times as may be approved by the CEO.

(2) A stock agent must not conduct, or attempt to conduct, a sale at a time not approved under subclause (1).

#### 8.4 Order of sales

(1) The order in which stock agents conduct sales on any sale day is ----

(2) A stock agent must comply with any order determined under subclause (1).

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### *Division 3 - Care of and responsibility for stock*

#### **8.5 ~~Diseased and or~~ injured stock**

2.36.~~(1)(1)~~—A person ~~shall~~must not -

~~(a) (a)~~—offer for sale any stock which is diseased, emaciated, injured or suffering from ill health; ~~for sale at a saleyard;~~ or

~~(b) (b)~~—deliver to ~~any~~ saleyard any stock which is diseased, emaciated, injured or suffering from ill health.

~~(2) 8.5 (2)~~—Where ~~in the opinion of an authorized~~authorized person ~~forms the opinion that~~ stock ~~at in~~ a sale-yard is diseased, emaciated, injured or suffering from ill health, the ~~authorized~~authorized person may direct the stock agent, owner, or person apparently in control of the stock, ~~or if there is no stock agent, the owner or the person apparently in control of that stock,~~ to remove ~~that the~~ stock immediately from the saleyard immediately.

~~(3) A person given a direction under subclause (2) must comply with the direction.~~

#### **8.6 Care of stock**

~~—A stock agent or, if there is no stock agent, the owner~~

2.37.~~(1)~~Where ~~the of~~ stock is yarded in a ~~ny~~ saleyard must ensure that the stock is properly cared for at all times the stock agent (or if there is no stock agent, the owner) shall-

~~(a) —ensure that the stock is properly cared for; and~~

~~(b) —if the stock is kept yarded for more than 24 hours, provide the stock with adequate food and water.~~

~~(2) Where stock is kept in a saleyard for more than 24 hours, the person responsible for the stock must ensure the provision of adequate food and water.~~

#### **8.7 ~~When purchaser becomes responsible for~~ Responsibility for stock following sale**

#### **8.8 ~~Time limit for removal of stock~~ Removal of stock after sale**

2.39.~~(1)~~~~The~~A purchaser ~~of any~~must remove stock purchased at a saleyard ~~is to remove such stock from the saleyard by~~

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5.00pm on the day after the day of sale, or by such later time as may be allowed by an ~~authorized~~ authorised person.

(2) A purchaser who fails to comply with subclause (1) commits an offence.

**8.9 Removal of unsold stock**

(1) ~~(1)~~ Where stock yarded offered for sale remains unsold, the stock agent or, if there is no stock agent, the owner of the stock must —

(a) care for the stock in accordance with clause 8.6; and

(b) remove the stock from the saleyard as soon as practicable.

~~2.40. in a saleyard remain unsold, the stock agent or, if there is no stock agent, the owner of the stock is responsible for the care and removal of such stock from the saleyard. Removal of dead or maimed stock~~

~~Where s~~

(2) Stock ~~which have~~ has -died or has been maimed, its removal must occur immediately —

(a) by the stock agent or owner, if the stock is unsold; or

(b) by the purchaser, if the stock has been sold.

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#### *Division 4 - Payment of yard fees*

##### 8.10 Payment of yard fees and submission of stock statements

(a) ~~(i)~~ — the total number of stock, by class, brought into the saleyard; and

(b) ~~(ii)~~ — the date on which the stock was brought into the saleyard; ~~and,~~

~~(b) — within 28 days of bringing the stock into a saleyard, pay the local government the applicable yard fees set by the local government.~~

##### 8.11 Inspection of documents

~~(1) —~~

~~Documents may be inspected~~

2.48. — The stock agent or owner ~~shall~~must, on demand by the CEO, make available ~~to the CEO~~ for inspection such documents as may be necessary to ~~enable the CEO to~~ verify a statement given under clause 8.1110.

~~(1) —~~

~~(2) — A person who fails to comply with a requirement under subclause (1) commits an offence.~~

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### *Division 5 - Control of dogs*

#### **8.12 Only working dogs ~~allowed~~permitted**

2.49.(1) A person ~~shall~~ must not bring a dog into a saleyard ~~any dog~~  
~~which will~~ unless the dog is a working dog that is actively  
required for the management of ~~not be used for working~~  
with stock in that saleyard on the day ~~which~~ it is brought in.

(2) A person who contravenes subclause (1) commits an offence.

#### **8.13 Diseased dogs prohibited**

~~(1)~~ —

2.50.

### *Division 6 – General conduct requirements*

#### **8.14 Compliance with directions of authorised persons**

(1) A person in a saleyard must comply with any lawful  
direction of an authorised person relating to —

(a) the safety or welfare of persons;

(b) the treatment, care or movement of stock;

(c) the maintenance of order; or

(d) compliance with this Part.

(2) A person who fails to comply with a direction given under  
subclause (1) commits an offence.

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## PART 9. ~~PART 9~~—MISCELLANEOUS

### 9.1 Compliance with directions of authorised persons ~~Authorized person to be obeyed~~

2.51. ~~(1)~~ A person on local government property ~~shall obey~~ must comply with any lawful direction ~~given by of an authorized authorised person in the performance of their functions under this local law or any other written law~~ and shall not in any way obstruct or hinder an authorized person in the execution of her or his duties.

~~(2)~~ A person must not in any way obstruct, hinder, threaten, abuse or refuse to give their name and address (or give a false name or address) to an authorised person who is lawfully performing a function under this local law or any other written law.

~~(3)~~ A person who contravenes subclause (1) or (2) commits an offence.

### 9.2 Direction to leave local government property

2.52. ~~the authorised person has contravened a provision of this local law or any other written law; or~~

~~(b) is behaving in a manner that is likely to —~~

~~(i) endanger the safety of any person;~~

~~(ii) cause damage to local government property; or~~

~~(iii) unduly interfere with the reasonable use and enjoyment of the property by any other person.~~

### 9.3 Disposal of lost property

2.53. ~~(1)~~ An article ~~or thing found on, or left upon, on~~ any local government property, ~~and delivered to the local government or an authorised person is to be dealt with in accordance with this clause, unless another written law applies to its custody or disposal, and not claimed within a period of 3 months,~~ may be disposed of by the local government in any manner it thinks fit.

~~(2)~~ The local government is to make reasonable endeavours to identify and notify the owner of any article or thing referred to in subclause (1).

~~(3)~~ If an article or thing is not claimed within a period of 3 months from the date it is found or received by the local

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government, the local government may dispose of it in any manner it thinks fit, including by sale, destruction or donation for charitable purposes.

(4) Any money received by the local government from the sale of an article or thing under this clause, after deducting any reasonable expenses incurred in respect of the article or thing, is to be dealt with in accordance with the Act.

(5) No person is entitled to any compensation from the local government in respect of —

- (a) the disposal of an article or thing under this clause; or
- (b) any loss or damage resulting from the local government's custody, retention or disposal of an article or thing under this clause, unless caused by the negligence of the local government.

**9.4 Liability for damage to local government property**

(a) — reinstating the property to the state it was in prior to the occurrence of the damage; or

(b) — replacing that property.

(a) pay to the local government the costs of reinstating the property to the state it was in immediately prior to the damage occurring; or

(b) pay to the local government the costs of replacing the property.

the damage is caused by

(a) a vehicle or a boat and at the time the damage occurred, ~~caused the damage,~~ the person was the person responsible, ~~at the time the damage occurred,~~ for the control and management of the vehicle or the boat; or

(b) the damage occurred in connection with an activity carried out under a permit, and the person is the permit holder in relation to that permit.

(a) carry out or cause to be carried out the work necessary to reinstate or replace the property; and

(b) recover the costs referred to in subclause (1) as a debt due to the local government in a court of competent jurisdiction.

(a) the operation of any other provision of this local law;

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- [\(b\) any civil remedy the local government may have against any person; or](#)
- [\(c\) any criminal liability that a person may incur in respect of their conduct.](#)

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## PART 10. ~~PART 10~~ — ENFORCEMENT

### *Division 1 - Notices ~~given~~ under this local law*

#### 10.1 ~~Offence~~ ~~Failure to to fail to~~ comply with a notice

- (1) Where this local law requires or empowers the local government to give a person a notice requiring the person to do, or to refrain from doing, any thing, the person must comply with the requirements of the notice within the time specified in the notice.
- (2) A person who fails to comply with a notice issued under this local law commits an offence.

#### 10.2 Local government may undertake requirements of notice

- (a) the liability of the person for an offence under clause 10.1; or
- (b) any other action the local government may take under a written law.

### *Division 2 - Offences and penalties*

#### *Subdivision 1 - General*

#### 10.3 Offences and general penalty

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## ***Subdivision 2 - Infringement notices and modified penalties***

### **1.10.4 Prescribed offences**

2.56. ~~(1)(4)~~—An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16 ~~(4)~~ of the Act.

~~(2) 10.4 (2)~~—The amount appearing in Schedule 1 opposite a prescribed offence is the modified penalty of the modified penalty for a prescribed ~~that~~ offence ~~is that specified adjacent to the clause in Schedule 1.~~

~~(3) 10.4 (3)~~—For ~~the purpose of~~ guidance only, before giving an infringement notice to a person under section 9.16 of the Act for a prescribed offence, an authorised person should be satisfied that in respect of the commission of a prescribed offence, an authorized person should be satisfied that ~~that~~—

The

- (a) commission of the ~~prescribed~~ offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the ~~prescribed~~ offence was committed, and the facts in issue are readily ascertainable.

### **10.5 Form of infringement notices and related notices**

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is ~~that of~~ Form 1 in Schedule 1 of the Functions and General Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is ~~that of~~ Form 2 in Schedule 1 of the Functions and General Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is ~~that of~~ Form 3 in Schedule 1 of the Functions and General Regulations.

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### *Division 3 – Evidence in legal proceedings*

#### **2.10.6 Evidence of a determination**

- (1) ~~(1)~~ In any legal proceedings, evidence of a determination may be given by tendering —
- (2) ~~10.6 (2)~~ ~~It is to be presumed, U~~ unless the contrary is proved, ~~it is to be presumed that —~~
- (a) ~~that~~ the determination was properly made; and
- (b) ~~that~~ every requirement for ~~it to be made~~ the making, amendment or revocation of the determination has and have effect has been satisfied.
- (3) ~~10.6 (3)~~ Subclause (2) does not make valid any determination that has not been properly made.

### *Division 4 – General enforcement provisions*

#### **10.7 Further action not limited**

The giving of a notice, the issuing of an infringement notice, the commencement of proceedings, or the taking of any other step under this Part does not limit the ability of the local government or any other person or agency to take any action or to exercise any power under any other written law.

#### **10.8 Offences by corporations and responsible officers**

- (1) Where a body corporate commits an offence under this local law, each director, manager, secretary or other officer concerned in the management of the body corporate is taken to have also committed the offence, unless that person proves that —
- (a) they did not authorise or permit the commission of the offence; and
- (b) they exercised all reasonable diligence to prevent the commission of the offence.
- (2) Nothing in this clause limits the liability of the body corporate itself.

#### **10.9 Defence of honest and reasonable mistake of fact**

It is a defence to a charge under this local law for the accused to prove, on the balance of probabilities, that the accused had an honest and reasonable but mistaken belief about facts which, if true, would have made the conduct lawful.

#### **10.10 Continuing offences**

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Where a person commits an offence under this local law and the offence continues, the person is liable to a further penalty for each day or part of a day for which the offence continues, in addition to any other penalty imposed under this local law or the Act.

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## PART 11. SCHEDULE 1 – PRESCRIBED OFFENCES

### PRESCRIBED OFFENCES

<u>Item</u>	<u>CLAUSE</u>	<u>DESCRIPTION</u>	<u>MODIFIED PENALTY \$</u>
<u>1</u>	2.4(1)	Failure to comply with determination	<del>400</del> 220
<u>2</u>	3.6(1)	Failure to comply with <u>a</u> conditions of <u>a</u> permit	<del>400</del> 220
<u>3</u>	3.13(1)	<del>Engaging in an activity requiring a permit without holding</del> Failure to obtain <u>a</u> permit	<del>220</del> 400
<u>4</u>	3.14(3)	<del>Camping, lodging or erecting a structure for sleeping on local government property without a permit</del> Failure to obtain permit to camp outside a facility	<del>220</del> 400
<u>5</u>	3.15(1)	<del>Possessing or consuming liquor on local government property without a permit</del> Failure to obtain permit for liquor	<del>220</del> 400
<u>6</u>	3.16	Failure of <u>a</u> permit holder to comply with responsibilities <u>under a permit</u> .	<del>220</del> 400
<u>7</u>	<u>4.1(1)</u>	<del>Behaviour interfering with others' use or enjoyment of local government property</del>	<del>220</del>
<u>8</u>	4.2(1)	Behaviour detrimental to <u>local government property (includes graffiti, vandalism, defacement)</u> <del>property</del>	<del>220</del> 400
<u>9</u>	4.4(1)	<del>Entering or remaining on local government property while under the influence of liquor or a prohibited drug</del> Under influence of liquor or prohibited drug	<del>220</del> 400
<u>10</u>	<u>4.5(1)</u>	<del>Bringing, consuming or using a prohibited drug on local government property</del>	<del>420</del>
<u>11</u>	4.6(2)	Failure to comply with <u>a</u> sign on local government property	<del>220</del> 400
<u>12</u>	<u>5.1(2)</u>	<del>Failure to comply with a direction of Manager/authorised person in a pool area</del>	<del>220</del>
<u>13</u>	<del>5.52(1)</del>	<del>Unauthorized</del> Unauthorized entry to fenced, <del>or</del> closed, <u>or restricted</u> -local government property	<del>220</del> 400
<u>14</u>	<u>5.2(2)</u>	<del>Interfering with barriers, fencing, tape or closure devices</del>	<del>420</del>
<u>15</u>	<u>5.5(2)</u> <del>5.4(1)</del>	<del>Entering a controlled-access area contrary to a sign or without authorisation</del> <u>Using an entry area</u>	<del>220</del> 220

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<u>Item</u>	<u>CLAUSE</u>	<u>DESCRIPTION</u>	<u>MODIFIED PENALTY \$</u>
		<del>or facility of a toilet block/change room not designated for that gender</del>	
<u>16</u>	<u>5.65.5(2)</u>	<del>Prohibited activities within a controlled-access area</del> <u>Entering a controlled access area contrary to a sign or without authorisation</u>	<u>220220</u>
<u>17</u>	<u>8.2(1)5-6</u>	<del>Selling stock by auction without a valid auctioneer's licence</del> <u>Prohibited activities within a controlled access area</u> <del>Gender not specified using entry of toilet block or change room</del>	<u>420220100</u>
<u>18</u>	<u>8.8(1)</u> <del>8.2(1)6.1(1)</del>	<del>Failure to remove purchased stock within the prescribed period</del> <u>Selling stock by auction without a valid auctioneer's licence</u> <del>Unauthorized entry to function on local government property</del>	<u>420420100</u>
<u>19</u>	<u>8.9(2)8.8(1)</u> <del>8.2</del>	<del>Failure to immediately remove dead or maimed stock</del> <u>Failure to remove purchased stock within the prescribed period</u> <del>Selling by way of auction without licence</del>	<u>420420100</u>
<u>20</u>	<u>8.10(1)8.89(2)</u>	<del>Failure to provide written stock statement within 7 days</del> <u>Failure to immediately remove dead or maimed stock</u>	<u>420420200</u>
<u>21</u>	<u>8.10(2)8.10(1)</u>	<del>Failure to pay applicable yard fees within required period</del> <u>Failure to provide written stock statement within 7 days</u> <del>Failure to immediately remove dead or maimed stock</del>	<u>420420200</u>
<u>22</u>	<u>8.11(1)8.10(2)8.11</u>	<del>Failure to produce documents for inspection</del> <u>Failure to pay applicable yard fees within required period</u> <del>Failure to give statement or pay fees to local government</del>	<u>420420200</u>
<u>23</u>	<u>8.12(1)8.11(1)</u>	<del>Bringing a non-working dog into a saleyard</del> <u>Failure to produce documents for inspection</u>	<u>220420</u>
<u>24</u>	<u>8.138.12(1)8.12</u>	<del>Bringing a diseased dog into a saleyard</del> <u>Bringing a non working dog into a saleyard</u> <del>Failure to produce documents for inspection by local government</del>	<u>220220200</u>
<u>25</u>	<u>9.18.138.13</u>	<del>Failure to comply with direction of an authorised person; obstructing or hindering an authorised person</del> <u>Bringing a diseased dog into a saleyard</u> <del>Unauthorized entry of dog into saleyard</del>	<u>420220100</u>
<u>26</u>	<u>9.2(2)9.11(1)</u>	<del>Failure to comply with direction to leave local government property</del> <u>Failure to comply with direction of an authorised person; obstructing or hindering an authorised person</u> <del>Failure to comply with notice</del>	<u>420420200</u>

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<u>Item</u>	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
<a href="#">27</a>	<a href="#">10.1(2)<del>0-2(2)</del></a> <a href="#">2</a>	<a href="#">Failure to comply with a notice issued under the local law</a> <del><a href="#">Failure to comply with direction to leave local government property</a></del>	<a href="#">420</a> <del>420</del>
<a href="#">28</a>	<a href="#">10.1(2)</a>	<del><a href="#">Failure to comply with a notice issued under the local law</a></del>	<a href="#">420</a>

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## PART 12. SCHEDULE 2 - DETERMINATIONS

### DETERMINATIONS

The following determinations are to be taken to have been made by the local government under clause 2.1.

### PART 1 – PRELIMINARY

#### 1.1 Definitions

~~1.1(1)~~ In ~~this Schedule, these determinations~~ unless the context otherwise requires –

**"local law"** means the *Shire of Toodyay Local Government Property Local Law 2026* ~~made by the local government~~;

terms used but not defined in this Schedule has the meaning given to it in the local law.

#### 1.2 Interpretation

~~1.2(1)~~ Unless the context otherwise requires, where a term is used ~~in a determination and that term but not is defined in a determination and that term is defined in~~ the local law, ~~then the term shall have~~has the meaning given to it in the local law.

~~(2)~~ A reference in a determination to local government property includes a reference to any part of that property.

### PART 2 — DETERMINATIONS MADE UNDER CLAUSE 2.1

#### 2.1 General

~~(1)~~ The determinations in this Schedule are taken to have been made by the local government under clause 2.1 of the local law.

~~(2)~~ These determinations may be amended or revoked in accordance with clause 2.6 of the local law.

~~(3)~~ These determinations do not limit the power of the local government to make further determinations under the local law.

#### 2.2 Activities authorised on specified local government property

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The following activities may be authorised on specified local government property by determination —

- (a) bringing, riding or driving an animal, subject to any conditions imposed by the local government;
- (b) taking, riding or driving a vehicle, or a class of vehicle, within an authorised area;
- (c) flying or using a motorised model aeroplane, drone, model vehicle or similar device, in accordance with any conditions of use, including safety and noise restrictions;
- (d) using children's playground equipment, in accordance with age restrictions specified by the local government;
- (e) depositing refuse, rubbish or liquid waste in designated areas, where expressly authorised for that purpose;
- (f) playing or practising —
  - (i) golf or archery;
  - (ii) pistol or rifle shooting, subject to compliance with the Firearms Act 1973; or
  - (iii) any similar activity involving a projectile, where the local government is satisfied that public safety and property can be protected;
- (g) riding a bicycle, skateboard, rollerblades, sandboard or similar device within an authorised area;
- (h) being without clothing in any designated area set aside by the local government for that purpose.

**2.3 Activities prohibited on specified local government property**

A determination may prohibit the following activities on specified local government property —

- (a) smoking in or on premises designated as smoke-free areas;
- (b) riding a bicycle, skateboard, rollerblades, sandboard or similar device;
- (c) taking, riding or driving a vehicle, or a particular class of vehicle, on property not designated for that purpose;
- (d) riding or driving a vehicle above a specified speed limit;
- (e) playing or practising —
  - (i) golf, archery, pistol shooting or rifle shooting; or
  - (ii) similar projectile-based activities, where the local government considers the activity may cause injury or damage;

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- (f) playing or practising any ball game which may cause —
  - (i) detriment to the property; or
  - (ii) harm to any fauna on the property;
- (g) traversing sand dunes or environmentally sensitive land, except on paths or tracks provided for that purpose.

**2.4 Extent and manner of authorised or prohibited activities**

A determination may specify —

- (a) the days and times during which an activity may be pursued or is prohibited;
- (b) whether the activity applies to a class of local government property, specified property, or all property;
- (c) limitations or extensions applying to particular classes of vehicles, equipment, or persons;
- (d) distinctions between different types or classes of activities; and
- (e) any conditions considered necessary for the safety of persons or the protection of local government property.

**PART 3 — ADMINISTRATION****3.1 Register of determinations**

- (1) All determinations included in this Schedule are to be recorded in the register maintained under clause 2.5 of the local law.
- (2) Any amendment or revocation of a determination is to be entered in the register.

**3.2 Relationship with signs**

- (1) Where a sign is erected or placed to give effect to a determination, the sign may summarise the determination in ordinary language.
- (2) A sign referred to in subclause (1) does not limit the effect of the determination itself.

**3.3 Transitional provision — signs under repealed local laws**

A sign erected under a repealed local law has effect as a determination under clause 2.9 of the local law to the extent provided for in that clause.

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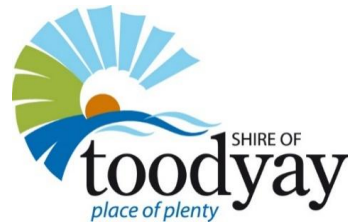
Dated this ~~28<sup>th</sup>~~ ..... day of ~~September~~  
~~,2001~~ ..... 2026

The Common Seal of the )  
Shire of Toodyay was affixed by )  
authority of a resolution )  
of the Council in the )  
presence of - )

\_\_\_\_\_  
Cr M McKeown  
**Shire President**

\_\_\_\_\_  
Mr Aaron Bowman JP  
**Chief Executive Officer**

\_\_\_\_\_  
~~Mr. A.D Smith~~Mr Aaron Bowman JP \_\_\_\_\_  
\_\_\_\_\_  
Henshaw Cr M McKeown Cr. \_\_\_\_\_ A.E  
**Chief Executive Officer** \_\_\_\_\_ **Shire President**



*LOCAL GOVERNMENT ACT 1995*

## **Local Government Property Local Law 2026**

The Shire of Toodyay proposes to make a local law relating to Local Government Property.

**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.

A copy of the proposed Local Law may be inspected at or obtained from the Shire's Administration Centre at 15 Fiennes Street, Toodyay between 8.30 am and 4.00 pm Monday to Friday or at the Toodyay Public Library during normal opening hours.

The Shire invites submissions by **4.00pm on Friday 29 May 2026**.

Please address your submissions to the Chief Executive Officer:

Via Email: at [submissions@toodyay.wa.gov.au](mailto:submissions@toodyay.wa.gov.au)

Via Post: at Shire of Toodyay, PO Box 96, Toodyay WA 6566

In Person: At Shire Office, 15 Fiennes Street, Toodyay WA 6566

If you have any queries regarding the above please contact the Shire's Governance Coordinator on (08) 9574 9305.

Aaron Bowman  
**Chief Executive Officer**



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## **Shire of Toodyay**

### **Parking and Parking**

### **Facilities Local Law**



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Under the powers conferred by the Local Government Act 1995 and under all other powers, the Council of the Shire of Toodyay resolved to make the following Local Law on the 27<sup>th</sup> day of April 2000

**Part 1 - Definition and Operation**

**1.1 Commencement**

This Local Law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

**1.2 Repeal**

The Shire of Toodyay Local Law Relating to Parking Facilities published in the Government Gazettes of 2 December 1983 and 12 May 1995, are repealed.

The Shire of Toodyay Local Law Order in Council - Vehicles on roads published in the Government Gazette of March 22, 1951.

The Shire of Toodyay Local Law Order in Council - Stands and parking for vehicles published in the Government Gazette of November 9, 1956.

The Shire of Toodyay Local Law Commercial vehicles on street verges No.20 published in the Government Gazette of February 8, 1972.

**1.3 Interpretation**

(1) In this Local Law unless the context otherwise requires:

**"Act"** means the Local Government Act 1995;

**"Authorized Person"** means a person authorized by the local government under section 9.10 of the Act, to perform any of the functions of an Authorized Person under this Local Law;

**"authorized vehicle"** means a vehicle authorized by the local government, Chief Executive Officer, Authorized Person or by any written law to park on a thoroughfare or parking facility;

**"bicycle"** means any wheeled vehicle that is designed to be propelled solely by human power;

**"bus"** means an omnibus as defined by the Road Traffic Act;

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"**bus embayment**" has the meaning given to it in the Code;

"**caravan**" means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

"**carriageway**" means a portion of thoroughfare that is improved, designed or ordinarily used for vehicles and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the parking of vehicles; and where a thoroughfare has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

"**centre**" in relation to a carriageway, means a line or a series of lines, marks or other indications placed at, or near, the middle of the carriageway or, in the absence of any such lines, marks or other indications, the middle of the main travelled portion of the carriageway;

"**children's crossing**" has the meaning given to it in the Code;

"**CEO**" means the Chief Executive Officer of the local government;

"**Code**" means the Road Traffic Code 1975;

"**commercial vehicle**" means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

"**district**" means the district of the local government;

"**driver**" means any person driving or in control of a vehicle;

"**emergency vehicle**" has the meaning given to it in the Code;

"**footpath**" includes every footpath, pedestrian access way or other place -

- (a) intended for the use of pedestrians only, or in the case of a dual use path, for the use of pedestrians and bicyclists only; or

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- (b) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

**"Loading Zone"** means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'Loading Zone';

**"local government"** means the [Shire of Toodyay];

**"median strip"** has the meaning given to it in the Code;

**"metered space"** means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

**"metered zone"** means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

**"motorcycle"** means a motor vehicle that has two wheels or, where a sidecar is attached, three wheels;

**"motor vehicle"** means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

**"no parking area"** means a portion of a carriageway that lie

- 
- (a) between two consecutive signs inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
- (b) between a sign inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose, and the end of the carriageway or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

**"occupier"** has the meaning given to it in the Act;

**"owner"** where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession; and where used in relation to land has the meaning given to it by the Act;

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**"park"**, in relation to a vehicle, means to permit a vehicle, whether occupied or not by any person, to remain stationary for any period of time except for the purpose of - avoiding conflict with other traffic; or complying with the provisions of any law when the vehicle is being driven;

**"parking area"** means a portion of a carriageway-

- (a) between two consecutive signs inscribed with the word "Parking" or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
- (b) extending from a sign inscribed with the word "Parking" or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign. to any other sign inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose, or to the end of the carriageway or an area in which the parking of vehicles is prohibited. and is on that side of the carriageway of the thoroughfare nearest the sign;

**"parking facilities"** includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge, and signs, notices and facilities used in connection with the parking of vehicles;

**"parking meter"** includes the stand on which the meter is erected and a ticket issuing machine;

**"parking region"** means the area described in the First Schedule;

**"parking stall"** means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

**"parking station"** means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

**"pedestrian crossing"** has the meaning given to it in the Code;

**"public place"** means any place to which the public has access whether or not that place is on private property;

**"reserve"** means any land -which belongs to the local government; of which the local government is the

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management body under the Land Administration Act 1997; or which is an "otherwise unvested facility" within section 3.53 of the Act;

**"Road Traffic Act"** means the Road Traffic Act 1974;

**"Schedule"** means a Schedule to this Local Law;

**"sign"** includes a traffic sign, inscription, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles; "special purpose vehicle" means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Service, a motor breakdown service vehicle or a vehicle being used by a government authority or a local government in connection with its functions, but does not include an emergency vehicle;

**"symbol"** includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

**"taxi"** has the same meaning as "taxi-car" in section 47Z of the Transport Co-ordination Act 1966;

**"thoroughfare"** has the meaning given to it in the Act;

**"ticket issuing machine"** means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

**"trailer"** means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

**"vehicle"** includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels by any means; and

**"verge"** means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

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- (2) For the purposes of the application of the definitions "**no parking area**" and "**parking area**" an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (3) Unless the context otherwise requires, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

#### **1.4 Application and pre-existing signs**

Subject to subclause (2), this Local Law applies to the parking region. This Local Law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this Local Law will apply to that facility or station.

The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

Where a parking facility or a parking station is identified in the Fourth Schedule, then the facility or station shall be deemed to be a parking station to which this Local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

A sign that-

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and
- (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.
- (6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the standing of vehicles, it shall be deemed for the purposes of this Local Law to operate and have effect as if it related to the parking of vehicles.

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**1.5 Classes of vehicles**

For the purpose of this Local Law, vehicles are divided into classes as follows-

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

**1.6 Part of thoroughfare to which sign applies**

Where under this Local Law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which –

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

**Part 2 -Metered Zones**

**2.1 Determination of metered zones**

- (1) The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones.
- (2) In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs –
  - (a) permitted times and conditions of parking depending on and varying with the locality;
  - (b) classes of vehicles which are permitted to park;
  - (c) the amount payable for parking; and
  - (d) the manner of parking.

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## **2.2 Parking fee to be paid**

Subject to clause 2.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

## **2.3 Limitation on parking in metered space**

The payment of a fee under clause 2.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorize the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this Local Law.

## **2.4 No parking when meter is expired**

Subject to clause 2.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign "Expired" or a negative time.

## **2.5 Suspension of requirement to pay fee**

The local government may from time to time by a resolution declare that the provisions of clauses 2.2 and 2.4 shall not apply during the periods and days specified in the resolution.

## **2.6 Vehicles to be within metered space**

A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.

## **2.7 Permitted insertions in parking meters**

2.7 (1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.

2.7 (2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as

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may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

**2.8 Parking ticket to be clearly visible**

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an Authorized Person examining the ticket from outside the vehicle.

**2.9 One vehicle per metered space**

A person shall not park or attempt to park a vehicle in a metered space in which another vehicle is parking.

**2.10 No parking when hood on meter**

Notwithstanding any other provision of this Local Law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked "No Parking", "Reserved Parking" or "Temporary Bus Stand" or equivalent symbols depicting these purposes except with the permission of the local government or an Authorized Person.

**Part 3 -Parking Stalls and Parking Stations**

**3.1 Determination of parking stalls and parking stations**

The local government may by resolution constitute, determine and vary and also indicate by signs –

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

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### **3.2 Vehicles to be within parking stall on thoroughfare**

- (1) Subject to subclause (2), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than –
  - (a) parallel to and as close to the kerb as is practicable;
  - (b) wholly within the stall; and
  - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

### **3.3 Payment of fee to park in parking station**

A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless –

- (a) in the case of a parking station having an Authorized Person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

### **3.4 Suspension of parking station restrictions**

The local government may by resolution declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking stations as specified in such resolution.

### **3.5 Vehicle not to be removed until fee paid**

A person shall not remove a vehicle which has been parked in a parking station until there has been paid the appropriate fee for the period for which the vehicle has been parked.

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**3.6 Entitlement to receipt**

A person paying a fee at a parking station is to be entitled to receive a receipt on demand showing the period of parking covered by such payment.

**3.7 Parking ticket to be clearly visible**

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an Authorized Person examining the ticket from outside the vehicle.

**3.8 Vehicles to be within parking stall in parking station**

Unless otherwise directed by an Authorized Person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall

**3.9 Parking prohibitions and restrictions**

- (1) A person shall not-
- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
  - (b) except with the permission of the local government or an Authorized Person park a vehicle on any part of a parking station contrary to a sign referable to that part;
  - (c) permit a vehicle to park on any part of a parking station, if an Authorized Person directs the driver of such vehicle to move the vehicle; or
  - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C", if the bicycle is parked in accordance with subclause (2).

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- (2) No person shall park any bicycle –
  - (a) in a parking stall other than in a stall marked "M/C";  
and
  - (b) in such stall other than against the kerb.

**Part 4 -Parking Generally**

**4.1 Prohibition and regulation of parking by signs**

The local government may by resolution prohibit or regulate by signs or otherwise the parking of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

**4.2 Restrictions on parking in particular areas**

- (1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station –
  - (a) if by a sign it is set apart for the parking of vehicles of a different class;
  - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
  - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) A person shall not park a vehicle –
  - (a) in a no parking area;
  - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;
  - (c) in a stall marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (3) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked "M/C".

A person shall not, without the prior permission of the local government, the CEO, or an Authorized Person, park a

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vehicle in an area designated by a sign stating "Authorized Vehicles Only",

- (5) In a Loading Zone, a person shall not -park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or park a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.
- (6) In paragraph (b) of subclause (5) "goods" means an article or collection of articles weighing at least 13.6kg and of which the cubic measurement is not less than 0.17m<sup>3</sup>.

#### **4.3 Parking vehicle on a carriageway**

A person parking a vehicle on a carriageway shall park it –

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law;
- (e) so that it does not obstruct any vehicle on the carriageway; and
- (f) so that it is entirely within the confines of any parking stall marked on the carriageway.

#### **4.4 Vehicle to be wholly within parking area**

A person shall not park a vehicle partly within and partly outside a parking area.

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#### 4.5 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates or marks on the carriageway indicate that vehicles have to park in a different position where the parking area is –

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

#### 4.6 When angle parking applies

(1) This clause does not apply to-

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

#### 4.7 General prohibitions on parking

- (1) (a) This clause does not apply to a vehicle parked in a metered space or a parking stall nor to a bicycle in a bicycle rack.
- (b) Paragraphs (c), (e) and (g) of subclause (2) do not apply to a vehicle which parks in a bus embayment.
- (2) A person shall not park a vehicle so that any portion of the vehicle is –
  - (a) between any other stationary vehicles and the centre of the carriageway;

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- (b) on or adjacent to a median strip;
  - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
  - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (e) on or within 9 metres of any portion of a carriageway bounded by a traffic island;
  - (f) on any footpath or pedestrian crossing;
  - (g) on a bridge or other elevated structure or within a tunnel or underpass;
  - (h) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
  - (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
  - (j) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
  - (k) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
  - (l) within 6 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked.
- (3) A person shall not park a vehicle so that any portion of the vehicle is within 9 metres of the departure side of –
- (a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here" (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;

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- (b) a children's crossing established on a two-way carriageway; or
  - (c) the nearest rail of a railway level crossing.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 18 metres of the approach side of –
- (a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here" (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a pedestrian crossing or children's crossing; or
  - (c) the nearest rail of a railway level crossing.

**4.8 Parking on verges**

A person shall not-

- (1) (a) park a vehicle
- (b) park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle;
- (c) or park a vehicle during any period when the parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge, so that any portion of it is on a verge.

Subclause 1 (a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge. or is a person authorised by the occupier of those premises to park the vehicle so that any portion of it is on the verge.

Subclause 1 (b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.

**4.9 Limitation on parking of vehicles with tare in excess of 3,000 kg's on carriageway**

A person shall not park a vehicle having a tare in excess of 3,000 kg's on a carriageway for more than two hours consecutively.

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**4.10 Limitation on parking of over length vehicles on carriageway**

A person shall not park a vehicle or any combination of vehicles that together with anything in or on that vehicle is more than 8 metres in length, on a carriageway for more than two hours consecutively.

**4.11 Authorized person may order vehicle on thoroughfare to be moved**

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this Local Law after an Authorized Person has directed the driver to move it.

**4.12 Authorized person may mark tyres**

- (1) An Authorized Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an Authorized Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

**4.13 No movement of vehicles to avoid time limitation**

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

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**4.14 No parking of vehicles exposed for sale and in other circumstances**

A person shall not park a vehicle on any portion of a thoroughfare

–

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

**4.15 Parking on private land**

In this clause a reference to "land" does not include land-which belongs to the local government; of which the local government is the management body under the Land Administration Act 1997; which is an "otherwise unvested facility" within section 3.53 of the Act; which is the subject of an agreement referred to in clause 1.4 (2); or which is identified in the Fourth Schedule.

- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

**4.16 Parking on reserves**

No person other than an employee of the local government in the course of his or her duties or a person authorized by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

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**4.17 Suspension of parking limitations for urgent, essential or official duties**

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorized Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an Authorized Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

**Part 5 -Residential Parking Permits**

**5.1 Residential parking permit**

- (1) A person may apply for a permit to park a vehicle on a thoroughfare if the person is-an occupier of a lot fronting the thoroughfare; the holder of the requisite vehicle licence under the Road Traffic Act for the vehicle; and subject to subclause (2), described on the vehicle licence as residing at the lot.
- (2) An applicant for a permit who is not described in accordance with subclause (1)(c), may apply for a temporary permit by stating (by way of statutory declaration) on an application for such that he or she resides at that lot.
- (3) An application for a permit shall be made in the form determined by the local government.
- (4) The local government may in respect of an application for a permit for the purpose of subclause (1) or (2)-  
  
approve it;  
approve it subject to such conditions as the local government considers appropriate;  
or refuse to approve it.
- (5) Where the local government makes a decision under paragraph (a) or (b) of subclause (4), it shall issue a permit

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in the form determined by it to the person who applied for the permit.

- (6) A temporary permit issued for the purpose of subclause (2)- will expire 3 months after it is issued; and is not renewable.
- (7) A permit issued for the purpose of subclause (1) may be either-an annual permit, issued for a period not exceeding one year and expiring on 31 December in the year of issue; or a temporary permit, issued for a period not exceeding 6 months from the date of issue.
- (8) Every permit issued for the purpose of subclause (1) is to specify-
  - a permit number;
  - the registration number of the vehicle;
  - the name of the thoroughfare to which the exemption granted by clause 5.2 applies; and
  - the date on which it expires.

**5.2 Conditions of exemption for residential parking permits**

Where parking of a vehicle on any part of a thoroughfare within the district is prohibited for more than a specified time, or without an unexpired parking ticket being displayed within the vehicle, the holder of a permit issued under clause 5.1 is exempted from such prohibitions if:-

the vehicle is parked on a thoroughfare specified in the permit, but not adjacent to retail premises where the parking of all vehicles is subject to a time restriction; the permit is affixed to the windscreen of the vehicle in a prominent position; the period in respect of which the permit was issued has not expired; and if the holder of the permit at the time of parking the vehicle still resides at the lot in respect of which the permit was issued.

**5.3 Removal and cancellation of residential parking permit**

The holder of a permit issued under clause 5.1 who changes residence shall remove the permit from the vehicle to which it is affixed, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.

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## Part 6 –Miscellaneous

### 6.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorized Person.

### 6.2 Unauthorized signs and defacing of signs

A person shall not without the authority of the local government –

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law.

### 6.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this Local Law.

### 6.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

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**6.5 Special purpose and emergency vehicles**

Notwithstanding anything to the contrary in this Local Law, the driver of-

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

**6.6 Vehicles not to obstruct a public place**

A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorized under any written law.

A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

**Part 7 • Penalties**

**7.1 Offences and penalties**

- (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of the Second Schedule directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

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**7.2 Averment on complaint as to clause 1.4 (2) agreement**

An averment on a complaint that this Local Law applies to a parking facility or a parking station under an agreement referred to in clause 1.4 (2), shall be sufficient proof that this Local Law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.'

**7.3 Form of notices**

For the purposes of this Local Law –

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the Third Schedule;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in the Third Schedule;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in the Third Schedule; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in the Third Schedule.

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### **FIRST SCHEDULE - PARKING REGION**

The parking region is the whole of the district, but excludes the following portions of the district –

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.

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## SECOND SCHEDULE - PRESCRIBED OFFENCES

### PARKING AND PARKING FACILITIES LOCAL LAW

ITEM NO	CLAUSE NO	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to pay fee for metered space	50
2	2.4	Parking when meter has expired	50
3	2.8	Failure to display ticket clearly in metered zoned	50
4	2.1	Parking contrary to a meter hood	50
5	3.3	Failure to pay parking station fee	50
6	3.5	Leaving without paying parking station fee	50
7	3.7	Failure to display ticket clearly in parking station	50
8	3.9 (1) (a)	Causing obstruction in parking station	50
9	3.9 (1) (b)	Parking contrary to sign in parking station	50
10	3.9 (1) (c)	Parking contrary to directions of Authorised Person	50
11	4.2 (1) (a)	Parking wrong class of vehicle	40
12	4.2 (1) (b)	Parking by persons of a different class	40
13	4.2 (1) (c)	Parking during prohibited period	60
14	4.2 (2) (a)	Parking in no parking area	60
15	4.2 (2) (b)	Parking contrary to signs or limitations	60
16	4.2 (2) (c)	Parking vehicle in motor cycle only area	40
17	4.2 (3)	Parking motor cycle in stall not marked "M/C"	40
18	4.2(5) (a)	Parking in Loading Zone	60
19	4.3 (a)	Fail to park on the left of two-way carriageway	60
20	4.3 (b)	Fail to park on boundary of one-way carriageway	60
21	4.3 (a) + (b)	Parking against the flow of traffic	60
22	4.3 (c)	Parking when distance from farther boundary less than 3 metres	50
23	4.3 (e.)	Causing obstruction.	100
24	4.7 (2) (a)	Double parking.	60
25	4.7 (2) (c)	Denying access to private drive or right of way	100
26	4.2 (2) (d)	Parking beside excavation or obstruction so as to obstruct traffic	50

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27	4.7 (2) (e)	Parking within 9 metres of traffic island	50
28	4.7 (2) (f)	Parking on footpath / pedestrian crossing	100
29	4.7 (2) (g)	Parking on bridge or in tunnel	50
30	4.7 (2) (i)	Parking on intersection	60
31	4.7 (2) (l)	Parking within 6 metres of intersection	60
32	4.7 (3) (a)	Parking vehicle within 9 metres of departure side of bus stop	60
33	4.7 (4) (a)	Parking vehicle within 18 metres of approach side of bus stop	50
34	4.7 (4) (b)	Parking vehicle within 18 metres of approach side of pedestrian/children's crossing	50
35	4.8 (1) (b)	Parking commercial vehicle, bus or caravan on verge	40
36	4.8 (1) (c)	Parking on verge contrary to sign	60
37	4.9	Parking vehicle with tare of over 2000kgs for over 2 hours	50
38	4.10.	Parking over length vehicle in excess of 2 hours	50
39	4.11	Parking contrary to direction of Authorised Person	50
40	4.14 (c)	Parking a trailer/caravan on a thoroughfare	40
41	4.15 (2)	Parking on land that is not a parking facility without consent	50
42	4.15 (3)	Parking on land not in accordance with consent	40
43	4.16	Driving or parking on reserve	50
44	5.3	Failure to remove permit when residence changed	40
45	6.6 (1)	Leaving vehicle so as to obstruct a public place	60
46		All other offences not specified	40

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THIRD SCHEDULE - FORM 1  
PARKING AND PARKING FACILITIES LOCAL LAW NOTICE TO  
OWNER OF VEHICLE INVOLVED IN OFFENCE

To: (1) Date ..... / ..... / .....

of: (2)

It is alleged that on ..... / ..... / ..... at (3)

at (4) ..... your vehicle:

make: .....

model: .....

registration: .....

was involved in the commission of the following offence –

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

- (a) within 28 days after being served with this notice;
  - (i) you inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
  - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5) .....

(6) .....

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorized person
- (6) Name and title of authorized person giving notice

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THIRD SCHEDULE - FORM 2  
PARKING AND PARKING FACILITIES LOCAL LAW  
INFRINGEMENT NOTICE

Serial No .....

To: (1)

Date ..... / ..... / .....

.....  
of: (2)

.....  
It is alleged that on ..... / ..... / ..... at (3)

.....  
at (4)

.....  
in respect of vehicle:

make: ..... ;

model: ..... ;

registration: ..... ,

you committed the following offence -

.....  
.....  
.....

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) ..... within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....

(7) .....

Insert:

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

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THIRD SCHEDULE - FORM 3

PARKING AND PARKING FACILITIES LOCAL LAW  
INFRINGEMENT NOTICE

Serial No .....

To: (1)

Date ..... / ..... / .....

of: (2)

It is alleged that on ..... / ..... / ..... at (3)

at (4)

in respect of vehicle:

make: ..... ;

model: ..... ;

registration: ..... ,

you committed the following offence -

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) ..... within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice -(a) you pay the modified penalty; or (b) (i) you: inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held

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by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....

(7) .....

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice





LOCAL GOVERNMENT ACT 1995

## Shire of Toodyay

### Parking and Parking

### Facilities Local Law

**2026**



Gazette Date: t.b.a.

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Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Toodyay resolved to make the following Local Law on the ..... day of .....2026

## PART 1 PRELIMINARY

### 1.1 Citation

This local law may be cited as the *Shire of Toodyay Parking and Parking Facilities Local Law 2026* the purpose and effect of which is as follows:

#### **Purpose:**

The purpose of the *Shire of Toodyay Parking and Parking Facilities Local Law 2026* is to:

1. **Regulate the parking and stopping of vehicles** within the Shire in a safe, orderly and consistent manner that supports traffic management, pedestrian movement and public safety throughout the district.
2. **Provide clear, modern and enforceable rules** for the use of parking stalls, parking stations, verges, thoroughfares and designated zones including loading zones, taxi zones, bus zones, mail zones and shared zones.
3. **Ensure appropriate access for priority users**, including people with disabilities, by prescribing lawful use of disability parking permits and establishing offences for misuse. This reflects and strengthens the disability permit framework included in the earlier local law.
4. **Clarify when and how vehicles may be stopped or parked** in areas where stopping is restricted due to safety or traffic considerations, such as near intersections, crossings, bus stops, fire hydrants, crests, curves, bridges and other high-risk locations.
5. **Modernise definitions, exemptions and operational rules** to reflect contemporary practice, including bicycle-rack exemptions, updated terminology consistent with the Road Traffic Code 2000, and clearer provisions regarding private land, long vehicles, heavy vehicles and pre-existing signs.
6. **Support enforcement** through a revised Schedule of Prescribed Offences and modified penalties appropriate for

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a regional Shire context, replacing outdated penalty levels and structures contained in earlier local laws.

**Effect:**

The effect of the *Parking and Parking Facilities Local Law 2026* is to:

1. **Establish legally binding requirements** for the stopping and parking of vehicles throughout the district, creating offences for non-compliance and enabling infringement notices to be issued under section 9.16 of the *Local Government Act 1995*.
2. **Provide authority to the local government and authorised persons** to control parking and stopping by signs, markings, local law provisions and directions, and to require the movement of vehicles when necessary for safety or compliance.
3. **Specify when parking is permitted or prohibited**, including detailed restrictions for specific locations, specific classes of vehicles, and certain activities such as loading, passenger pick-up, verge parking, and vehicle sales or repairs.
4. **Create enforceable concessions and protections** for people with disabilities by regulating how disability parking permits may be used and establishing an offence for misuse of a permit.
5. **Provide exemptions for low-risk users**, such as bicycles parked at bicycle rails or racks, ensuring the local law does not unintentionally penalise these users while still preventing obstruction.
6. **Set out prescribed offences and modified penalties** in Schedule 2 so that infringements can be consistently issued for breaches of the local law. This replaces the outdated penalty schedule and maximum penalties contained in the previous local law.
7. **Repeal and replace the previous Parking and Parking Facilities Local Law**, modernising the regulatory framework to ensure clarity, consistency and alignment with current legislation and enforcement practice.

**1.2 Commencement**

This Local Law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

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The Shire of Toodyay Parking Facilities Local Law published in the Government Gazettes of 5 May 2000 (page 2136) is repealed.

**1.4 Interpretation**

(1) In this Local Law unless the context otherwise requires:

<b>Term</b>	<b>Meaning</b>
<b>Act</b>	The Local Government Act 1995.
<b>Authorised Person</b>	A person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law.
<b>Authorised Vehicle Only</b>	A parking bay designated for Shire, emergency, or otherwise authorised vehicles.
<b>Bicycle</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> .
<b>bicycle rail or bicycle rack</b>	A structure provided or approved by the local government for the purpose of securing bicycles.
<b>Bus</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>Bus Embayment</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>Bus stop</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>Bus zone</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>Caravan</b>	A vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;
<b>Carriageway</b>	Has the meaning given to it in the Road Traffic Code 000 and includes any embayment's at the side or centre of the

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Term	Meaning
	carriageway, used for the stopping or parking of vehicles.
<b>Centre</b>	in relation to a carriageway, means the line or a series of lines, marks or other indications that delineate vehicular traffic travelling in different directions, or, in the absence of any such lines, marks or other indications, the middle of the main travelled portion of the carriageway;
<b>CEO</b>	The Chief Executive Officer of the local government;
<b>Children's Crossing</b>	has the meaning given to it in the Code;
<b>Code</b>	The <i>Road Traffic Code 2000</i> ;
<b>Commercial Vehicle</b>	A motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;
<b>Continuous dividing line</b>	(a) a single continuous dividing line only; (b) a single continuous dividing line to the left or right of a broken dividing line; or (c) two parallel continuous dividing lines.
<b>disability parking permit</b>	A valid permit issued under an approved disability parking scheme recognised in Western Australia, including an Australian Disability Parking Permit and any associated card or entitlement recognised under that scheme.  <i>For the purposes of this local law, a disability parking permit is only taken to apply where the person with the disability to whom the</i>

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Term	Meaning
	<i>permit relates is either the driver of, or a passenger in, the vehicle at the time of parking or stopping.</i>
<b>District</b>	The district of the local government;
<b>Driver</b>	Any person driving or in control of a vehicle;
<b>Edge line</b>	For a carriageway, means a line marked along the carriageway at or near the far left or far right of the carriageway
<b>Emergency Vehicle</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>Footpath</b>	includes every footpath, pedestrian access way or other place - (a) intended for the use of pedestrians only, or in the case of a dual use path, for the use of pedestrians and cyclists only; or (b) habitually used by pedestrians and not by vehicles, or, in the case of a dual use path, by pedestrians and cyclists and not by vehicles other than bicycles;
<b>GVM</b>	(gross vehicle mass) has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>Heavy Vehicle</b>	A vehicle with a GVM exceeding 4.5 tonnes or a length exceeding 7.5 metres.
<b>Loading Zone</b>	A parking stall or area set aside for use by commercial vehicles for the loading or unloading of goods and indicated by signs marked 'Loading Zone';
<b>Local Government</b>	the Shire of Toodyay;
<b>Long Vehicle</b>	A vehicle or combination exceeding 8 metres in length.
<b>Mail zone</b>	has the meaning given to it in the <i>Road Traffic Code 2000</i> ;

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Term	Meaning
<b>Median Strip</b>	has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>Metered Space</b>	A section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;
<b>Metered Zone</b>	Any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;
<b>Motorcycle</b>	has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>Motor Vehicle</b>	A self-propelled vehicle that is not operated on rails; and includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;
<b>No Parking Area</b>	has the meaning given to it in the <i>Road Traffic Code 2000</i> ; (a)
<b>No Parking Sign</b>	A sign with the words 'NO PARKING' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;
<b>no stopping area</b>	has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>no stopping sign</b>	A sign with the words 'NO STOPPING' or 'NO STANDING' in red letters on a white background or the letter 'S' within a red annulus and a red diagonal line across it on a white background

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Term	Meaning
<b>Occupier</b>	has the meaning given to it in the Act;
<b>Owner</b>	<p>Where used in relation to a vehicle licensed under the <i>Road Traffic (Vehicles) Act 2012</i>, the person in whose name the vehicle is registered;</p> <p>Where used in relation to any other vehicle, the person who owns, or is entitled to possession of, that vehicle; and</p> <p>Where used in relation to land, has the meaning given to it in the Act;</p>
<b>Park</b>	<p>in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary, except for the purpose of—</p> <ul style="list-style-type: none"> <li>• avoiding conflict with other traffic; or</li> <li>• complying with the provisions of any written law; or</li> <li>• taking up or setting down passengers or goods (for no longer than 2 minutes);</li> </ul>
<b>Parking Area</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> and includes a portion of a carriageway or an area to which a permissive parking sign applies.
<b>Parking Facilities</b>	Includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge, and signs, notices and facilities used in connection with the parking of vehicles;
<b>Parking Region</b>	The area described in the Schedule 1;
<b>Parking Stall</b>	A section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the

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Term	Meaning
	purpose of indicating where a vehicle may be parked, but does not include a metered space;
<b>Parking Station</b>	Any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;
<b>Pedestrian Crossing</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> .
<b>Public Place</b>	Any place to which the public has access whether or not that place is on private property;
<b>Reserve</b>	Land which belongs to the local government; of which the local government is the management body under the <i>Land Administration Act 1997</i> ; or which is an "otherwise unvested facility" within section 3.53 of the Act;
<b>Road Traffic Act</b>	The Road Traffic Act 1974;
<b>shared zone</b>	Has the meaning given to it in <b>the</b> <i>Road Traffic Code 2000</i> .
<b>Schedule</b>	A Schedule to this Local Law;
<b>Sign</b>	Includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;
special purpose vehicle	has the meaning given to it in the <i>Road Traffic Code 2000</i> ;
<b>stop,</b>	<b>In</b> relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict

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Term	Meaning
	with other traffic or of complying with the provisions of any written law
<b>Symbol</b>	Includes any symbol specified by Australian Standard 1742.11 as amended from time to time and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law is taken to include a reference to the corresponding symbol;
<b>Taxi</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> .
<b>Taxi zone</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> .
<b>Thoroughfare</b>	has the meaning given to it in the Act.
<b>traffic island</b>	Has the meaning given to it in the <i>Road Traffic Code 2000</i> .
<b>Trailer</b>	any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;
<b>Unattended</b>	in relation to a vehicle, means that the driver is more than 3 metres from the closest point of the vehicle.
<b>Vehicle</b>	has the same meaning as in the <i>Road Traffic Code 2000</i> ; and
<b>Verge</b>	the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

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### 1.5 Application of particular definitions

- (1) For the purposes of the application of the definitions "no parking area" and "parking area" an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

### 1.6 Application and pre-existing signs

- (1) This Local Law applies to the parking region.
- (2) This Local Law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this Local Law will apply to that facility or station.
- (3) An agreement referred under subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) Where a parking facility or a parking station is identified in Schedule 4, the facility or station is taken to be a parking station to which this local law applies and it is not necessary to prove that it is the subject of an agreement referred to in subclause (2).
- (5) A sign that-
  - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
  - (b) relates to the stopping or parking of vehicles within the parking region, is taken, for the purposes of this local law, to have been erected by the local government under the authority of this local law.
- (6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it is taken for the purposes of this Local Law to operate and have effect as if it related to the parking of vehicles.

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### **1.7 Bicycle parking exemption**

- (1) The provisions of Parts 2, 3 and 4 of this local law do not apply to a bicycle that is lawfully parked at a bicycle rail or bicycle rack provided or approved by the local government.
- (2) For the purposes of subclause (1), a bicycle is taken to be lawfully parked if it is secured in a manner that does not obstruct a footpath, access way, carriageway or any other public place.

### **1.8 Classes of vehicles**

For the purpose of this local law, vehicles are divided into the following classes -

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

### **1.9 Part of thoroughfare to which sign applies**

Where under this Local Law the stopping or parking of vehicles in a thoroughfare is controlled by a sign, the sign is taken to apply to that part of the thoroughfare which –

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

### **1.10 Powers of the local government**

The local government may, by resolution, prohibit or regulate, by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region, but must do so consistently with the provisions of this local law and the *Road Traffic Code 2000*

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## PART 2 PARKING STALLS AND PARKING STATIONS

### 2.1 Determination of parking stalls and parking stations

- (1) The local government may by resolution, constitute, determine and vary –
  - (a) parking stalls;
  - (b) parking stations;
  - (c) permitted times and conditions of parking in parking stalls and parking stations, which may vary with the locality;
  - (d) permitted classes of vehicles that may park in parking stalls and parking stations; and
  - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
  - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a determination under subclause (1), it must erect or place signs to give effect to the determination

### 2.2 Vehicles to be within parking stall on a thoroughfare

- (1) A person must not park a vehicle in a parking stall on a thoroughfare otherwise than –
  - (a) parallel to, and as close as practicable to, the kerb;
  - (b) wholly within the stall; and
  - (c) headed in the general direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked.
- (2) Where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, a person must park a vehicle wholly within that stall.
- (3) If a vehicle is too long or too wide to fit completely within one stall, the driver must use the minimum number of adjacent stalls necessary to park the vehicle.
- (4) A person must not park a vehicle so that it is partly within and partly outside a parking area.

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### **2.3 Parking prohibitions and restrictions in parking stations**

- (1) A person must not--
  - (a) park a vehicle so as to obstruct an entrance to, or an exit from, a parking station, or an access way within a parking station;
  - (b) park a vehicle on any part of a parking station contrary to a sign referable to that part, except with permission of the local government or an authorised person;
  - (c) permit a vehicle to remain parked on any part of a parking station if an authorised person directs the driver to move the vehicle; or
  - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is already parked, except that a motorcycle and a bicycle may be parked together in a stall marked "M/C", if the bicycle is parked against the kerb.
- (2) A driver displaying a valid disability parking permit may park in a permissive parking stall or station for twice the maximum time allowed, except in a stall designated for people with disabilities.

## **PART 3 PARKING GENERALLY**

### **3.1 Prohibition and regulation of parking by signs**

The local government may, by resolution, prohibit or regulate, by signs or otherwise, the parking or stopping of any vehicle or class of vehicles in any part of the parking region, but must do so consistently with this local law.

### **3.2 Restrictions on parking in particular areas**

- (1) A person must not park a vehicle—
  - (a) in an area set apart for vehicles of a different class;
  - (b) in an area set apart for parking by persons of a different class; or
  - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) A driver displaying a disability parking permit may park for twice the permitted time, except in an area designated for disability parking.

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- (3) A person must not park a vehicle—
  - (a) in a no-parking area;
  - (b) in a parking area other than in accordance with the signs and this local law; or
  - (c) in a stall marked “M/C” unless it is a motorcycle or bicycle.
- (4) A person must not, without prior permission of the local government, the CEO or an authorised person, park a vehicle in an area designated “Authorised Vehicles Only”.
- (5) In a loading zone, a person must not—
  - (a) park a vehicle other than a commercial vehicle being loaded or unloaded with goods; or
  - (b) park a commercial vehicle being loaded or unloaded with goods for more than 30 minutes, unless a sign indicates otherwise.

**3.2 A. Use of disability parking permit**

- (1) A driver may rely on a disability parking permit for the purposes of this local law only if—
  - (a) the vehicle displays a valid disability parking permit in the manner required by the approved disability parking scheme; and
  - (b) the person with the disability to whom the permit relates is—
    - (i) the driver of the vehicle; or
    - (ii) a passenger in the vehicle at the time the vehicle is parked or stopped.
- (2) A driver using a disability parking permit under subclause (1) may park or stop in accordance with any extended-time concession permitted by this local law, except in an area designated exclusively for disability parking.
- (3) A disability parking permit does not authorise a driver to contravene any other requirement of this local law unless an express concession is provided.

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### **3.2 B. Misuse of disability parking permit**

A person must not display, or permit to be displayed, a disability parking permit on a vehicle unless the conditions in clause 2.4 (1) are met.

### **3.3 Parking vehicle on a carriageway**

A person parking a vehicle on a carriageway must park it—

- (a) in the case of a two-way carriageway: as near as practicable to, and parallel with, the left boundary, and headed in the direction of travel;
- (b) in the case of a one-way carriageway: as near as practicable to, and parallel with, either boundary, headed in the direction of travel;
- (c) so that at least 3 metres of carriageway width remains between the vehicle and the far boundary or any dividing line;
- (d) so that the front and rear of the vehicle are not less than 1 metre from any other vehicle (other than a motorcycle or bicycle parked lawfully);
- (e) so that it does not obstruct traffic; and
- (f) wholly within any marked stall where stalls exist.

### **3.4 When parallel and right-angled parking apply**

Where a sign associated with a parking area does not indicate “angle parking”, a driver must park:

- (a) parallel to the boundary if adjacent to the boundary of a carriageway;  
or
- (b) approximately at right angles to the centre of the carriageway if the area is near the centre.

### **3.5 When angle parking applies**

- (1) This clause does not apply to—
  - (a) a passenger or commercial vehicle with mass over 3 tonnes;  
or
  - (b) a motorcycle or bicycle.
- (2) Where a sign indicates “angle parking”, a driver must park at approximately 45 degrees to the centre of the carriageway unless otherwise indicated.

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### 3.6 General prohibitions on parking

- (1) A person must not park a vehicle so that any part of it is—
- (a) between other stationary vehicles and the centre of the carriageway (double parked);
  - (b) on or adjacent to a median strip;
  - (c) obstructing a right-of-way, private drive, or carriageway;
  - (d) alongside or opposite any excavation or obstruction where traffic would be impeded;
  - (e) on or within 10 metres of any part of a carriageway bounded by a traffic island;
  - (f) on a footpath or pedestrian crossing;
  - (g) on a bridge or underpass;
  - (h) between a carriageway boundary and certain continuous double lines with less than 3 metres of clearance;
  - (i) on an intersection, except adjacent to a carriageway boundary not broken by an intersecting carriageway;
  - (j) within 1 metre of a fire hydrant or fire plug;
  - (k) within 3 metres of a public letter box; or
  - (l) within 10 metres of the nearer property line of any intersecting thoroughfare.
- (2) A person must not park within—
- (a) 10 metres on the departure side of a bus stop or children's crossing;
  - (b) 20 metres on the approach side of a bus stop or pedestrian/children's crossing; or
  - (c) 20 metres on either side of a railway level crossing.

### 3.7 Parking on verges

A person must not park on a verge—

- (a) unless the person is the owner or occupier of the premises adjacent to that verge or is authorised by the occupier;
- (b) if the vehicle is a commercial vehicle, bus, trailer, or caravan unattached to a motor vehicle, except while actively loading or unloading with reasonable expedition; or
- (c) during any period when a sign prohibits parking on that verge.

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### **3.8 Limitation on parking of heavy vehicles and long vehicles**

- (1) A person must not park a vehicle with a tare exceeding 3,000 kilograms on a carriageway for more than two hours consecutively.
- (2) A person must not park a vehicle or vehicle combination more than 8 metres in length on a carriageway for more than two hours consecutively.

### **3.9 Authorised person may order a vehicle to be moved**

A driver must not leave a vehicle parked in contravention of this local law after an authorised person has directed the driver to move it.

### **3.10 No parking of vehicles exposed for sale, unlicensed, or under repair**

A person must not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of offering it for sale;
- (b) if the vehicle is not licensed;
- (c) if it is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs, other than the minimum repairs necessary to move the vehicle.

### **3.11 Parking on private land**

- (1) For the purposes of this clause, “land” does not include—
  - (a) land which belongs to the local government;
  - (b) land of which the local government is the management body under the Land Administration Act 1997;
  - (c) land that is an “otherwise unvested facility” within section 3.53 of the Act;
  - (d) land that is the subject of an agreement referred to in clause 1.6(2); or
  - (e) land identified in Schedule 4.
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land.
- (3) Where the owner or occupier gives consent subject to any conditions, a person must comply with those conditions.

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### 3.12 Parking on reserves

A person must not drive or park a vehicle on a reserve except in an area specifically set aside for that purpose or with the approval of the local government.

## PART 4 PARKING AND STOPPING GENERALLY

### 4.1 No stopping and no parking signs, and yellow edge lines

(1) Stopping in a no stopping area

A driver must not stop a vehicle on a length of carriageway, or in an area, to which a “No Stopping” sign applies.

(2) Stopping in a no parking area

A driver must not stop a vehicle on a length of carriageway or in an area to which a “No Parking” sign applies, unless—

- (a) the driver is dropping off or picking up passengers or goods;
- (b) the vehicle is not left unattended; and
- (c) the driver drives on within 2 minutes of stopping.

(Unattended = driver more than 3 metres from the vehicle.)

(3) Stopping on a yellow edge line

A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.

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#### 4.2 Stopping in bays designated for particular vehicles

(1) **Loading Zones**

A person must not stop a vehicle in a Loading Zone unless—

- (a) it is a commercial or trade vehicle engaged in loading or unloading goods; or
  - (b) it is a vehicle taking up or setting down passengers;
- and in any event the vehicle must not remain for longer than—
- (c) the time indicated on the “Loading Zone” sign; or
  - (d) 30 minutes if no time is indicated.

(2) **Taxi Zones**

A driver must not stop a vehicle in a Taxi Zone unless the driver is operating a taxi.

(3) **Bus Zones**

A driver must not stop in a Bus Zone unless the vehicle is a public bus or a bus permitted by the words or symbols shown on the sign

(4) **Mail Zones**

A person must not stop a vehicle in a Mail Zone

(5) **Other Restricted-Use Bays**

A person must not stop a vehicle in a bay or area where a sign indicates that stopping is limited to particular classes of vehicles, persons, or purposes.

#### 4.3 Stopping in a shared zone

A driver must not stop a vehicle in a shared zone unless—

- (a) the driver stops in accordance with a parking control sign applying to the area;
- (b) the driver stops in a designated parking bay and is permitted to do so under this local law;
- (c) the driver is dropping off or picking up passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or waste collection.

#### 4.4 Double parking

- (1) A driver must not stop a vehicle so that any portion of the vehicle is between another stopped vehicle and the centre of the carriageway.

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- (2) This clause does not apply where the driver is stopped in traffic or legally angle-parked in a median strip.

#### **4.5 Stopping near an obstruction**

A driver must not stop a vehicle on a carriageway near any obstruction in a position that further obstructs traffic.

#### **4.6 Stopping on a bridge, ramp or similar structure**

- (1) A driver must not stop a vehicle on a bridge, ramp, causeway or similar structure unless—
- (a) the carriageway is at least as wide on the structure as on the approaches and no signage prohibits stopping; or
  - (b) the driver stops in accordance with a permitted parking bay or sign.
- (2) A driver must not stop in an underpass unless permitted by signage or to take up/set down passengers at an authorised bus stop.

#### **4.7 Stopping on crests, curves and where visibility is limited**

- (1) A driver must not stop a vehicle at a place on a carriageway where—
- (a) the vehicle is not visible to overtaking traffic from at least 50 metres in a built-up area; or
  - (b) the vehicle is not visible from at least 150 metres outside a built-up area.
- (2) This clause does not apply where a sign indicates stopping is permitted.

#### **4.8 Stopping near a fire hydrant, fire plug or fire station**

- (1) A driver must not stop a vehicle so that any portion is within 1 metre of a fire hydrant or fire plug, or a sign or marking indicating its presence, unless—
- (a) the driver is operating a public bus and stops in a bus zone without leaving the vehicle; or
  - (b) the driver is operating a taxi and stops in a taxi zone without leaving the vehicle.
- (2) A vehicle is “unattended” if the driver is more than 3 metres from it.

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#### **4.9 Stopping near a bus stop**

A driver must not stop a vehicle—

- (a) within 20 metres of the approach side of a bus stop; or
- (b) within 10 metres of the departure side of a bus stop;

unless the vehicle is a public bus taking up or setting down passengers or is permitted by sign.

#### **4.10 Stopping on a path, median strip or traffic island**

A driver must not stop a vehicle so that any portion of the vehicle is on—

- (a) a path;
- (b) a median strip; or
- (c) a traffic island;
- (d) unless stopping is permitted by a parking control sign.

#### **4.11 Stopping on a verge**

(1) A person must not stop a vehicle on a verge—

- (a) unless the person is the owner or occupier of the premises adjacent to that verge or is authorised by the occupier;
- (b) if the vehicle is a commercial vehicle, bus, trailer or caravan unattached to a motor vehicle, except while being loaded or unloaded with reasonable expedition; or
- (c) if a sign prohibits stopping on that verge.

(2) Loading/unloading must not obstruct any person or vehicle using the footpath or carriageway.

#### **4.12 Obstructing access to and from a path, driveway or access point**

(1) A driver must not stop a vehicle so that any portion of it obstructs access by vehicles or pedestrians to or from a path.

(2) A driver must not stop a vehicle on or across a driveway or vehicle access point unless—

- (a) dropping off or picking up passengers; or
- (b) stopping in a marked parking stall in accordance with this local law.

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#### **4.13 Stopping near a letterbox**

A driver must not stop a vehicle within 3 metres of a public letter box unless—

- (a) the driver is posting or collecting mail; or
- (b) stopping is permitted by a sign.

#### **4.14 Stopping a heavy or long vehicle on a carriageway**

- (1) A person must not stop a vehicle, or a vehicle combination, that—
  - (a) together with any load, is 7.5 metres or more in length; or
  - (b) has a GVM exceeding 4.5 tonnes—on a carriageway in a built-up area for any period exceeding 1 hour, unless engaged in picking up or setting down goods.
- (2) A person must not stop such a vehicle on a carriageway outside a built-up area except on the shoulder or in a designated truck parking bay.

#### **4.15 Stopping in areas designated for bicycle or motorcycle parking**

- (1) A driver of a vehicle (other than a bicycle) must not stop on a length of carriageway where a “Bicycle Parking” sign applies unless dropping off or collecting passengers.
- (2) A driver must not stop a vehicle in an area marked “M/C” or where a “Motorcycle Parking” sign applies unless the vehicle is a motorcycle or the driver is dropping off or collecting passengers.

#### **4.16 Vehicles not to obstruct a public place**

- (1) A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without permission of the local government.
- (2) A vehicle is not considered in contravention if left for less than 24 hours.

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## **PART 5 STOPPING IN ZONES FOR PARTICULAR VEHICLES (Proposed 2026)**

### **5.1 Stopping in a loading zone**

A person must not stop a vehicle in a Loading Zone unless:

- (a) the vehicle is being used for commercial or trade purposes and is engaged in the picking up or setting down of goods; or
  - (b) the vehicle is taking up or setting down passengers,
- but, in either case, the vehicle must not remain stopped—
- (c) longer than the time indicated on the “Loading Zone” sign; or
  - (d) longer than 30 minutes if no time is indicated.

### **5.2 Stopping in a taxi zone or a bus zone**

- (1) A driver must not stop a vehicle in a Taxi Zone unless the driver is operating a taxi.
- (2) A driver must not stop a vehicle in a Bus Zone unless—
  - (a) the vehicle is a public bus; or
  - (b) the vehicle is of a type permitted to stop by the words or symbols shown on or with the “Bus Zone” sign.

### **5.3 Stopping in a mail zone**

A person must not stop a vehicle in a Mail Zone.

### **5.4 Other limitations in zones**

A person must not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation—

- (a) regarding classes of persons or vehicles; or
- (b) regarding activities allowed,

as indicated by additional words or symbols on the traffic sign.

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## **PART 6 OTHER PLACES WHERE STOPPING IS RESTRICTED**

### **6.1 Stopping in a shared zone**

A driver must not stop a vehicle in a shared zone unless—

- (a) the driver stops at a place to which a parking control sign applies and is permitted to stop under this local law;
- (b) the driver stops wholly within a marked parking bay and is permitted to stop in that bay;
- (c) the driver is dropping off or picking up passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or rubbish collection.

### **6.2 Double parking**

- (1) A driver must not stop a vehicle so that any portion of the vehicle is between another stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply if—
  - (a) the driver is stopped in traffic; or
  - (b) the vehicle is angle-parked in accordance with signage.

### **6.3 Stopping near an obstruction**

A driver must not stop a vehicle on a carriageway near an obstruction in a position that further obstructs traffic.

### **6.4 Stopping on a bridge or in an underpass, ramp or causeway**

- (1) A driver must not stop a vehicle on a bridge, causeway, ramp or similar structure unless—
  - (a) the carriageway is at least as wide on the structure as it is on each approach and no sign prohibits stopping; or
  - (b) the driver stops in a marked bay or as permitted by a parking control sign.
- (2) A driver must not stop a vehicle in an underpass unless—
  - (a) the carriageway width is at least equal to that of the approaches and no sign prohibits stopping; or
  - (b) the driver stops a bus in a bus stop or bus zone for the purpose of setting down or taking up passengers.

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#### **6.5 Stopping on crests or curves where visibility is limited**

- (1) A driver must not stop a vehicle on, or partly on, a carriageway at a position where visibility of the vehicle to an overtaking driver is less than—
  - (a) 50 metres in a built-up area; or
  - (b) 150 metres outside a built-up area.
- (2) Subclause (1) does not apply where a sign indicates stopping is permitted.

#### **6.6 Stopping near a fire hydrant, fire plug or fire station**

- (1) A driver must not stop a vehicle so that any portion of it is within 1 metre of—
  - (a) a fire hydrant or fire plug; or
  - (b) a sign or road marking indicating the presence of a fire hydrant or fire plug, unless—
    - (i) the driver is operating a public bus and stops in a bus zone without leaving the driver's seat; or
    - (ii) the driver is operating a taxi and stops in a taxi zone without leaving the driver's seat.
- (2) A driver leaves a vehicle “unattended” if the driver is more than 3 metres from the closest point of the vehicle.

#### **6.7 Stopping at or near a bus stop**

- (1) A driver must not stop a vehicle so that any portion of the vehicle is—
  - (a) within 20 metres of the approach side of a bus stop; or
  - (b) within 10 metres of the departure side of a bus stop, unless the vehicle is a public bus taking up or setting down passengers or is permitted by a parking control sign.
- (2) For the purposes of measuring distances—
  - (a) distances are measured in the direction in which the driver is travelling; and
  - (b) a trailer attached to a bus is taken to be part of the bus.

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#### **6.8 Stopping on a path, median strip or traffic island**

A driver must not stop a vehicle (other than a bicycle) so that any portion of the vehicle is on—

- (a) a path;
- (b) a median strip; or
- (c) a traffic island,

unless stopping is permitted by a parking control sign.

#### **6.9 Stopping on a verge**

- (1) A person must not stop a vehicle on a verge—
  - (a) unless the person is the owner or occupier of the adjacent premises or is authorised by the occupier;
  - (b) if the vehicle is a commercial vehicle, bus, trailer or caravan unattached to a motor vehicle, except when actively being loaded or unloaded with reasonable expedition; or
  - (c) if a sign prohibits stopping on that verge.
- (2) A person loading or unloading under subclause (1)(b) must ensure the vehicle does not obstruct pedestrians or vehicles using a footpath or carriageway

#### **6.10 Obstructing access to or from a path, driveway or passageway**

- (1) A driver must not stop a vehicle so that any portion of the vehicle is in front of a path or other place where it obstructs access by vehicles or pedestrians.
- (2) A driver must not stop a vehicle on or across a driveway or other way of access to or from adjacent land unless—
  - (a) the driver is dropping off or picking up passengers; or
  - (b) the vehicle is wholly within a parking stall and permitted to be stopped under this local law.

#### **6.11 Stopping near a letterbox**

A driver must not stop a vehicle within 3 metres of a public letterbox unless—

- (a) the driver is posting or collecting mail; or
- (b) stopping is permitted by a parking control sign.

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#### **6.12 Stopping heavy or long vehicles on a carriageway**

- (1) A person must not stop a vehicle or combination of vehicles that, together with any projection or load—
  - (a) is 7.5 metres or more in length; or
  - (b) has a GVM exceeding 4.5 tonnes—on a carriageway in a built-up area for any period exceeding 1 hour, unless engaged in the loading or unloading of goods.
- (2) A person must not stop such a vehicle or combination on a carriageway outside a built-up area except—
  - (a) on the shoulder of the carriageway; or
  - (b) in a designated truck bay or other area set aside for the parking of heavy vehicles.

#### **6.13 Stopping in a bicycle parking area**

A driver of a vehicle (other than a bicycle) must not stop on a length of carriageway to which a “Bicycle Parking” sign applies unless the driver is dropping off or picking up passengers.

#### **6.14 Stopping in a motorcycle parking area**

A driver must not stop a vehicle on a length of carriageway, or in an area, to which a “Motorcycle Parking” sign applies, or in an area marked “M/C”, unless—

- (a) the vehicle is a motorcycle; or
- (b) the driver is dropping off or picking up passengers.

#### **6.15 Vehicles not to obstruct a public place**

A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without permission of the local government.

A person does not contravene this clause where the vehicle is left for a period not exceeding 24 hours.

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## PART 7 MISCELLANEOUS

### 7.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver, must not remove from the vehicle any notice placed on the vehicle by an authorised person under this local law.

### 7.2 Unauthorised signs and defacing of signs

A person must not, without the authority of the local government—

- (a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface, cover, obscure, misuse or interfere with a sign or other property set up or exhibited by the local government under this local law, or attempt to do any of these things; or
- (c) affix a board, sign, placard, notice or other thing to, or paint or write upon, any part of a sign set up or exhibited by the local government under this local law.

### 7.3 Signs must be complied with

- (1) An inscription, symbol or other marking on, or associated with, a sign operates and has effect according to its tenor.
- (2) A person who contravenes a direction, prohibition or requirement indicated on, or by, a sign commits an offence under this local law.

### 7.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare, parking station or reserve is, in the absence of evidence to the contrary, presumed to have been so marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week, when used on a sign, indicate that day of the week.

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## 7.5 Special purpose and emergency vehicles

Despite anything to the contrary in this local law, the driver of—

- (a) a special purpose vehicle may, in the course of their duties, and when it is expedient and safe to do so, stop or park the vehicle at any place and at any time; and
- (b) an emergency vehicle may, in the course of their duties, and when it is expedient and safe to do so, or where the driver honestly and reasonably believes that it is expedient and safe to do so, stop or park the vehicle at any place and at any time.

## PART 8 OFFENCES AND PENALTIES

### 8.1 Offences and penalties

- (1) A person who—
  - (a) fails to do anything required or directed to be done under this local law; or
  - (b) does anything which, under this local law, that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who is convicted of an offence under this local law is liable—
  - (a) to a maximum penalty not exceeding \$1,000; and
  - (b) if the offence is of a continuing nature, to an additional maximum penalty not exceeding \$100 for each day or part of a day during which the offence continues after the day on which the person is first convicted.
- (4) The amount appearing in the final column of Schedule 2 – Prescribed offences directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause, for the purposes of section 9.16 of the Act.

### 8.2 Forms

For the purposes of this local law, where a vehicle is involved in the commission of an offence—

- (a) the form of the notice to the owner of a vehicle referred to in section 9.13 of the Act is Form 1 in Schedule 1 to the Local Government (Functions and General) Regulations 1996;

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- (b) the form of the infringement notice referred to in section 9.16 of the Act is Form 2 in Schedule 1 to those Regulations; and
- (c) the form of the notice of withdrawal of infringement notice referred to in section 9.20 of the Act is Form 3 in Schedule 1 to those Regulations.

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#### SCHEDULE 1 - PARKING REGION

The parking region is the whole of the district, **except** the following portions of the district—

- (a) the approach and departure prohibition areas of all existing and future traffic-control signal installations, as determined by the Commissioner of Main Roads;
- (b) the prohibition areas applicable to all existing and future bridges, culverts, causeways, overpasses and underpasses, as determined by the Commissioner of Main Roads;
- (c) any thoroughfare or part of a thoroughfare that comes under the control of the Commissioner of Main Roads, **unless**—
  - (i) the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government; or
  - (ii) the thoroughfare is identified elsewhere in this local law as a parking station or parking facility to which clause 1.6(4) applies;
- (d) any land, reserve or facility that—
  - (i) does not belong to the local government;
  - (ii) is not vested in the local government or of which the local government is not the management body under the Land Administration Act 1997;
  - (iii) is an “otherwise unvested facility” within section 3.53 of the Local Government Act 1995; or
  - (iv) is a parking facility or parking station not occupied or managed by the local government unless an agreement under clause 1.6(2) is in place;
- (e) any other area where the stopping or parking of vehicles is controlled by a statutory authority or instrument other than the local government.

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## SCHEDULE 2 - PRESCRIBED OFFENCES

Item	Clause	Nature of offence	Modified penalty (\$)
1	2.1	Parking not wholly within a parking stall	75
2	2.2	Parking contrary to restrictions in a parking station	75
3	3.1	Parking or stopping contrary to a sign	75
4	3.2	Parking in area set apart for different class of vehicle	75
5	3.2	Parking in area set apart for persons of a different class	75
6	3.2	Parking during prohibited period	75
7	3.2	Parking in a no-parking area	75
8	3.2	Parking in an M/C bay when not a motorcycle/bicycle	75
9	3.2A	Improper use of a disability parking permit	100
10	3.2B	Misuse of a disability parking permit	150
11	3.2	Parking in "Authorised Vehicles Only" area without permission	90
12	3.3	Parking on carriageway contrary to requirements (left boundary, direction of travel, clearance distances)	75
13	3.3	Parking where vehicle obstructs a carriageway	100
14	3.4	Failure to comply with angle parking requirement	75
15	3.5	Parking where not permitted by angle/parallel rules	75

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Item	Clause	Nature of offence	Modified penalty (\$)
16	3.6	General prohibitions on parking (e.g., footpath, median, excavation, intersection)	100
17	3.6	Parking within 1 metre of fire hydrant	100
18	3.6	Parking within 3 metres of letterbox	75
19	3.6	Parking within 10 metres of intersection or traffic island	90
20	3.6	Parking near school/children's crossing (approach/departure)	100
21	3.7	Parking on verge without authority	75
22	3.7	Parking unattached trailer/caravan on verge	75
23	3.8	Parking heavy or long vehicle more than permitted time	100
24	3.9	Failure to move vehicle when directed by an authorised person	100
25	3.10	Parking vehicle exposed for sale, unlicensed, or for repairs	75
26	3.11	Parking on private land without consent	100
27	3.12	Parking on reserve without approval	75
28	4.1	Stopping in a no-stopping area	100
29	4.1	Stopping in a no-parking area (beyond 2-minute pickup/drop-off provision)	75
30	4.1	Stopping on a yellow edge line	100
31	4.2	Stopping in Loading Zone unlawfully	75
32	4.2	Stopping in Taxi Zone unlawfully	75
33	4.2	Stopping in Bus Zone unlawfully	75

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Item	Clause	Nature of offence	Modified penalty (\$)
34	4.2	Stopping in Mail Zone unlawfully	75
35	4.3	Stopping in a shared zone contrary to requirements	75
36	4.4	Double parking	100
37	4.5	Stopping near an obstruction so as to impede traffic	75
38	4.6	Stopping on bridge, ramp, underpass or similar structure unlawfully	75
39	4.7	Stopping on crests, curves, or where visibility is limited	100
40	4.8	Stopping near fire hydrant, fire plug or station	100
41	4.9	Stopping near bus stop (approach/departure distances)	90
42	4.10	Stopping on path, median strip, or traffic island	75
43	4.11	Stopping on a verge contrary to requirements	75
44	4.12	Obstructing access to path, driveway or access point	100
45	4.13	Stopping within 3 metres of letterbox	75
46	4.14	Stopping heavy or long vehicle contrary to rules	100
47	4.15	Stopping in bicycle parking area	75
48	4.16	Stopping in motorcycle parking area	75
49	4.16	Leaving vehicle so as to obstruct a public place	100
50	5.1	Stopping unlawfully in Loading Zone (2026 zone section)	75

## LOCAL GOVERNMENT ACT 1995

Shire of Toodyay.

## Parking and Parking Facilities Local Law 2026

Item	Clause	Nature of offence	Modified penalty (\$)
51	5.2	Stopping unlawfully in Taxi Zone or Bus Zone (2026 zone section)	75
52	5.3	Stopping unlawfully in Mail Zone	75
53	5.4	Stopping in other restricted vehicle zones contrary to sign	75
54	6.1–6.15	All “Other Places Where Stopping is Restricted” offences where not otherwise specified	75
55	7.1	Removal of notice on vehicle by unauthorised person	100
56	7.2	Unauthorised sign, defacing or interfering with sign	150
57	7.3	Failure to comply with sign	75
58	7.4	Interference with sign (additional to clause 7.2)	150
59	7.5	Special purpose/emergency vehicle misuse (if applicable)	100
60	8.1	Any other offence not specified	75

LOCAL GOVERNMENT ACT 1995  
Shire of Toodyay.  
Parking and Parking Facilities Local Law 2026

### SCHEDULE 3 – DEEMED PARKING STATIONS

For the purposes of clause 1.6(4), the following facilities are deemed to be parking stations to which this local law applies:

- 1. Toodyay Administration Centre**  
Including all public and staff parking areas adjacent to, surrounding, or associated with the Administration Centre building.
- 2. Toodyay Public Library**  
Including all public parking bays, staff parking bays, and any off-street or on-street parking areas designated for library use.
- 3. Toodyay Visitor Centre**  
Including the visitor car park and any associated public parking areas managed or controlled by the Shire.
- 4. Shire Depot (Toodyay Junction)**  
Including authorised-visitor parking areas within the Toodyay Junction precinct.
- 5. Shire Depot (Works Depot)**  
Including staff, fleet and authorised-visitor parking areas within the Shire Depot precinct.
- 6. Recreation Centre / Aquatic / Sport Precinct**  
Including any parking bays or parking areas provided for public or staff use within the recreation, aquatic, gym or sport precinct areas.
- 7. Community Hall / Pavilion / Events Precinct**  
Including all public parking areas associated with Shire-managed halls, pavilions, community centres or event venues.
- 8. Museum / Heritage Facilities**  
Including public parking areas associated with Shire-managed museum sites or heritage buildings open to the community.
- 9. Stirling Terrace or CBD Parking Facilities (Shire-managed only)**  
Any off-street or on-street parking facilities specifically managed by the Shire for the Town Centre precinct.
- 10. Any other Shire-owned or Shire-occupied land**  
Where parking bays, stalls or parking areas are provided for public, visitor or staff use, including buildings, reserves or facilities under the care, control or management of the Shire.

LOCAL GOVERNMENT ACT 1995  
Shire of Toodyay.  
Parking and Parking Facilities Local Law 2026

Authorisation

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Shire of Toodyay resolved on .....to make the *Parking and Parking Facilities Local Law 2026*.

Dated this ..... day of ..... 2026

The Common Seal of the )  
Shire of Toodyay was )  
affixed by authority of a )  
resolution of the Council )  
in the presence of )

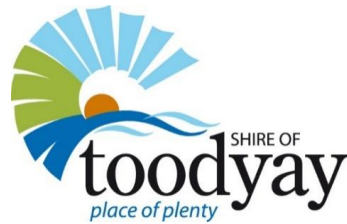
\_\_\_\_\_  
Cr Michael McKeown  
Shire President

\_\_\_\_\_  
Aaron Bowman JP  
Chief Executive Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**LOCAL GOVERNMENT ACT 1995**  
Shire of Toodyay.  
**Parking and Parking Facilities Local Law 2026**



LOCAL GOVERNMENT ACT 1995

## Parking and Parking Facilities Local Law 2026

The Shire of Toodyay proposes to make a local law relating to Parking and Parking Facilities.

### **Purpose:**

The purpose of the *Shire of Toodyay Parking and Parking Facilities Local Law 2026* is 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**

The effect of the local law is 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.

A copy of the proposed Local Law may be inspected at or obtained from the Shire's Administration Centre at 15 Fiennes Street, Toodyay between 8.30 am and 4.00 pm Monday to Friday or at the Toodyay Public Library during normal opening hours.

The Shire invites submissions by **4.00pm on Friday 29 May 2026**.

Please address your submissions to the Chief Executive Officer:

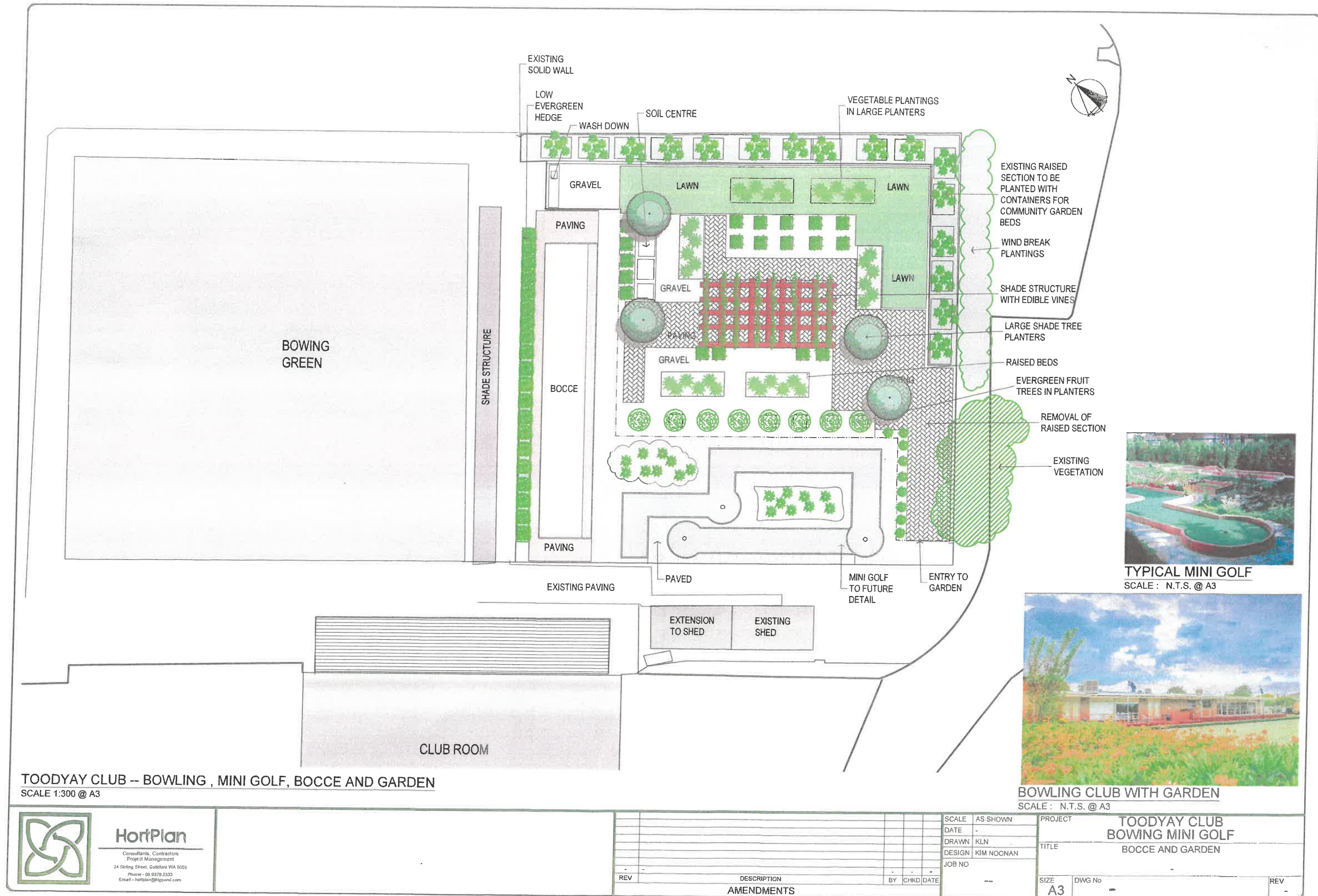
Via Email: at [submissions@toodyay.wa.gov.au](mailto:submissions@toodyay.wa.gov.au)

Via Post: at Shire of Toodyay, PO Box 96, Toodyay WA 6566

In Person: At Shire Office, 15 Fiennes Street, Toodyay WA 6566

If you have any queries regarding the above please contact the Shire's Governance Coordinator on (08) 9574 9305.

Aaron Bowman  
**Chief Executive Officer**

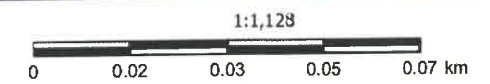


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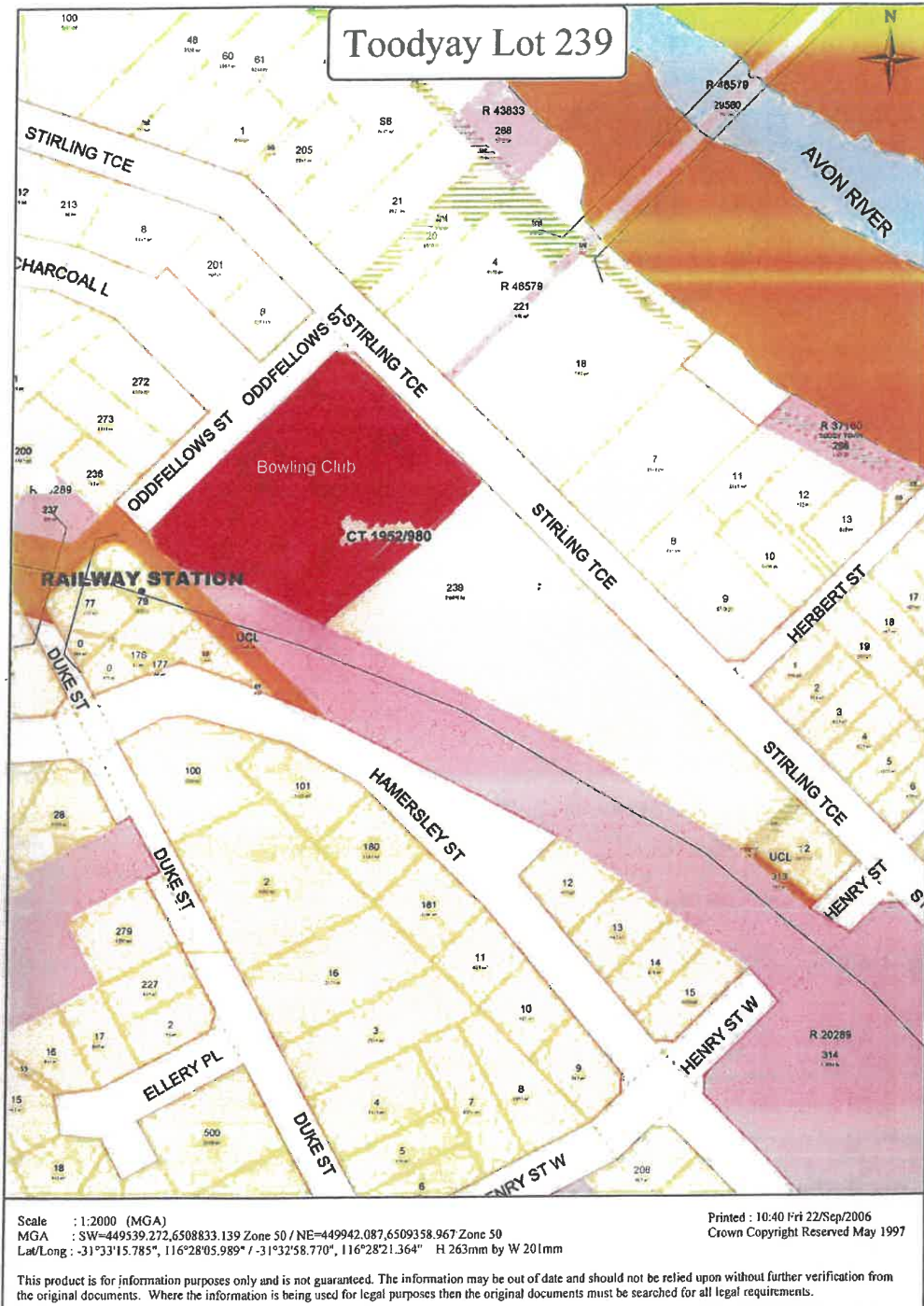


Author:

Created: 11 March 2026 from Map Viewer Plus <https://map-viewer-plus.app.landgate.wa.gov.au/index.html>



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## (Sample Draft)

# Connection to Toodyay Eligibility Policy

### Introduction

This interim policy is intended to apply to burials and reservations until the completion of the Cemetery Master Plan.

### Objective

To provide clear, fair, and transparent eligibility criteria for burials and plot reservations at the Toodyay Cemetery while the Shire undertakes site verification, mapping, and long-term planning. This interim policy supports responsible asset management, ensures equitable access to limited burial space, and prioritises community connection to Toodyay.

### Scope

This policy applies to:

- All new burial applications;
- All new reservation applications (where reservations are permitted);
- All requests to reopen or reuse an existing grave;
- All enquiries relating to eligibility for burial within the Toodyay Cemetery.

This policy does **not** override existing, valid Grants of Right of Burial already issued, except where access or site constraints prevent their use. In such cases, the Shire will work with affected families to identify suitable alternatives.

### Definitions

Term	Definition
<i>Refer to the Corporate Documents Glossary</i>	<a href="https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)">https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)</a>

### Policy Statement

The policy is guided by the following principles:

1. **Community Priority** – Burial space should be reserved for those with a demonstrable connection to Toodyay.
2. **Fairness and Consistency** – Decisions will be made transparently and consistently.
3. **Compliance** – All determinations must comply with the Cemeteries Act 1986, Shire of Toodyay Cemeteries Local Law 1999, and site constraints.

To be / Approved by Council: 02/04/2026

Page 1 of 4

**DRAFT NEW** Connection to Toodyay Eligibility Policy

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4. **Sustainable Use of Burial Land** – The Shire must manage remaining burial capacity responsibly while completing the Cemetery Master Plan.

## 1. Eligibility Criteria for Burial or Reservation

To be eligible for burial (or reservation, where permitted) at the Toodyay Cemetery under this interim policy, an applicant must demonstrate **at least one** of the following connections:

### 1.1 Current Resident of at least 20 years

The deceased was living in the Shire of Toodyay at the time of death.

### 1.2 Former Long-Term Resident

The deceased previously resided in the Shire of Toodyay for a significant period (e.g. 20+ years) or lived in Toodyay during formative years.

### 1.3 Family Connection

The deceased has an immediate family member buried at the Toodyay Cemetery, including parent, child, sibling, spouse/partner, or grandparent.

### 1.4 Historical or Cultural Connection

The deceased has a recognised historical, cultural, or generational connection to the district. Examples may include:

- long-standing family association with Toodyay;
- significant contribution to the Toodyay community;
- established ancestral link to the district.

### 1.5 Exceptional Circumstances

The CEO may approve a burial outside the above criteria where compassionate or exceptional circumstances exist (e.g. cultural needs, tragic circumstances, significant community contribution). Such approvals are discretionary and must be recorded in writing.

## 2. Evidence Requirements

Applicants must provide reasonable documentation to establish eligibility. Acceptable evidence includes, but is not limited to:

- proof of residency;
- historical rates records;
- statutory declaration demonstrating connection;
- family records linking to a person buried in Toodyay;
- community letters of support (for exceptional cases).

## 3. Limitations and Operational Controls

### 3.1 Physical or Accessibility Constraints

Eligibility does **not** guarantee allocation of a specific plot if:

To be / Approved by Council: 02/04/2026

Page 2 of 4

SAMPLE DRAFT NEW Connection to Toodyay Eligibility Policy

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- the site cannot be safely accessed;
- the plot location cannot be accurately verified;
- burial would contravene depth, safety, or land condition requirements.

### 3.2 Verification Pending

Where mapping or pegging is incomplete, the Shire may temporarily limit burials to verified areas.

### 3.3 Reservations

Reservations may be suspended under separate Council resolution. When permitted, reservations must also meet eligibility requirements.

## 4. Appeals

Applicants may request a review of an eligibility decision by writing to the CEO. Final determination rests with the CEO under delegation unless referred to Council.

## 5. Review

This policy will remain in effect until the completion and adoption of the Cemetery Master Plan, after which it will be reviewed and replaced with a permanent policy.

## 6. Responsible Directorate

Infrastructure, Assets and Services

### Flow Charts (if necessary)

N/A

### Reference Information

- Communication Plan
- [Community Consultation and Engagement](#)

### Legislation

- [Cemeteries Act 1986](#)

### Associated documents

Internal documents

Document control information	
Document Category	Governance
Document Title	Connection to Toodyay Eligibility Policy
Document ID	t.b.a.
Document Owner (position title)	Chief Executive Officer

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SAMPLE DRAFT NEW Connection to Toodyay Eligibility Policy

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Document control information	
<b>Author (position title)</b>	Governance Coordinator
<b>Initial Council Adoption</b> <i>(including Date and Resolution No.)</i>	t.b.a.
<b>Last Council Review</b> <i>(including Date and Resolution No.)</i>	
<b>Date of Approval</b>	Click or tap to enter a date.
<b>Approving authority</b>	Council
<b>Absolute or Simple Majority Decision:</b>	Absolute Majority
<b>Access restrictions</b>	Nil
<b>Date Published</b>	Click or tap to enter a date.
<b>Date of Next Review</b>	Annually or as required

To be / Approved by Council: 02/04/2026

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**SAMPLE DRAFT NEW Connection to Toodyay Eligibility Policy**

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<b>(Sample Draft) Community Communication Plan Toodyay Cemetery Operations and Site Verification Project</b>	
<b>Business Area:</b>	Governance and Executive Services
<b>Document No.:</b>	
<b>Effective date:</b>	
<b>Review date:</b>	

### 1. Purpose

To outline how the Shire of Toodyay will communicate openly, respectfully, and proactively with the community regarding the cemetery operational risks, temporary service changes, and upcoming works required to ensure compliant, safe and dignified cemetery operations.

### 2. Communication Objectives

- Ensure the community understands why changes are necessary, including statutory obligations and risks.
- Minimise distress for families by providing timely, compassionate information.
- Maintain confidence in the Shire's leadership, governance and decision-making.
- Provide clear, consistent messages on what is changing, what is not, and how the Shire will support affected families.
- Reduce misinformation and confusion by ensuring one source of truth across all communication channels.

### 3. Key Audiences

1. **Reservation holders** – highest priority.
2. **Families with recent or upcoming burials.**
3. **Funeral directors and related service providers.**
4. **Wider Toodyay community.**
5. **Elected Members** – to ensure consistent messaging.
6. **Local media outlets** (if required for broader awareness).

#### 4. Core Messages

##### Primary Message

The Shire is taking proactive steps to ensure that all burials occur safely, respectfully, and in full compliance with the Cemeteries Act 1986 and the Shire's Local Law. These steps are necessary because historical mapping and pegging are not accurate enough to guarantee correct plot identification.

##### Supporting Messages

- Some temporary changes are required to protect families from future distress or burial errors.
- Historical mapping and onsite markers have deteriorated over time and require professional validation.
- Reserved plots will be honoured wherever physically possible, but some plots may require alternative arrangements.
- Works such as re-pegging, surveying and penetration testing will ensure a safe and compliant cemetery for generations.
- The Shire will communicate with empathy and transparency throughout the process.

#### 5. Communication Channels

- **Direct letters** to all reservation holders.
- **Dedicated webpage** with FAQs, updates, timelines, and a contact point.
- **Media release**, if community-wide awareness is required.
- **Shire social media** – neutral, factual updates (no sensitive details).
- **Signage at the cemetery** summarising changes and directing people to more information.
- **Briefings for funeral directors**, including direct contact with the CEO or Governance team.
- **Customer service training** so staff provide consistent, supportive messaging.

#### 6. Engagement Approach

- Use compassionate, non-technical language when speaking with bereaved families.
- Offer one-on-one appointments for affected reservation holders.
- Provide a dedicated email and phone contact for cemetery enquiries.
- Ensure all frontline staff have a briefing sheet with standard responses.
- Prepare a confidential escalation protocol for complex or emotional cases.

Developed: 05/03/2026

Page 2 of 3

**SAMPLE DRAFT Toodyay Cemetery Operations Communication Plan**

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## 7. Implementation Timeline

### Phase 1 – Immediate (0–4 weeks)

- Issue initial communication on Council’s decision.
- Notify reservation holders directly.
- Publish online FAQs and establish a contact channel.
- Brief funeral directors.

### Phase 2 – During Verification Works

- Provide regular updates (monthly).
- Share progress on mapping and pegging.
- Inform affected families if additional information becomes available.

### Phase 3 – Post-Verification

- Advise reservation holders of confirmed plot status.
- Provide personalised support for families requiring alternative arrangements.
- Publish a summary of improvements achieved and next steps.

## 8. Risk Management

### Communication risks include:

- Distress or anger from reservation holders.
- Misinformation spreading through social media.
- Public perception that issues were “hidden”.
- Cultural or historical sensitivities relating to burial sites.

### Mitigation strategies:

- Communicate early and with empathy.
- Use factual, consistent messaging across all platforms.
- Ensure communications are authorised and reviewed by CEO/Governance.
- Monitor community sentiment and address misinformation promptly.

## 9. Success Measures

- High engagement with official communication channels (website visits, calls, meeting requests).
- Reduction in complaints or misinformation over time.
- Positive or neutral feedback from funeral directors.
- Completion of engagement steps within planned timelines.
- Community acknowledgment that the Shire handled a sensitive issue responsibly.

Developed: 05/03/2026

Page 3 of 3

**SAMPLE DRAFT Toodyay Cemetery Operations Communication Plan**

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## Summary – Newcastle Footbridge Records

### Background

#### 26 October 2000

- Council accepted the EdWA proposal to transfer the Newcastle Footbridge to the Shire of Toodyay
  - \$85,000 in total would be paid to the Shire of Toodyay in recognition of the deteriorated state the bridge was in.

#### 26 February 2004

- Shire of Toodyay sought tenders for the refurbishment of the Newcastle Footbridge.
  - BGC Contracting was awarded the tender for \$64,415
  - Carried unanimously.

### Significant Works

#### 05 March 2009

- Engineering Report compiled by BG&E received.
  - Recommended that Shire of Toodyay proceed with PML Aluminium Superstructure for an estimated cost of \$774,000 for a width of 2.4m or \$642,000 for a width of 1.7m

#### 16 April 2009 (context)

- Shire of Toodyay received a State Administrative Tribunal report for the subdivision of Lot 3 Drummond Street and Lot 6 Goomalling Toodyay Road by Ironbridge Holdings.
- Ironbridge Holdings claimed that the footbridge formed a key link from the properties to the town of Toodyay.
  - As such, Condition 21 was considered by Council.
- Regarding Condition 21, Council resolved (2e) *“In regard to condition 21m that a cash contribution of \$500.00 per lot to the Shire of Toodyay would be appropriate to clear this condition.”*

#### 14 July 2009

- Annual Budget 2009-2010
  - \$1,662,657 received from the Royalties for Regions program - \$350,000 proposed for upgrades to the bridge *subject to* matching contributions from the Education Department.

**20 July 2010**

- Annual Budget 2010-2011
  - Surplus of \$1,703,053 in the budget, \$786,668 of which was from the Royalties for Regions program.
  - Total costs for refurbishment and upgrades were estimated to be \$857,000
  - Council allocated \$600,000 with \$257,000 to be contributed by EdWA

**November 2010**

- Rising community concerns regarding the safety of the Newcastle Footbridge
- CEO issued "Factsheet" to the Toodyay District Highschool
  - EdWA refused to finance \$257,000 to the Shire of Toodyay
- Official closure occurred on 23 November 2010

**23 and 24 December 2010**

- A quotation of \$35,700 for the redesign of the Toodyay Footbridge was received by BG&E
- \$350,000 allocated to the Newcastle Footbridge in the 2008/09 year was reallocated to the Shire Depot project
- Royalties for Regions allocation did not allow for the \$35,700 expenditure

**17 May 2011**

- Quotation submitted by Landmark Products and BGE Engineering were approved by Council to initiate reconstruction and repairs to the footbridge.
- Ironbridge Holdings to write a cheque to the Shire of Toodyay for \$50,000 for the installation of a sewer pipe across the footbridge, pending approval from WaterCorp.

**11 Aug 2011**

- Royalties for Regions Wheatbelt Regional Grants Scheme
  - \$145,000 received for the footbridge

**Post-works**

- Nov 2011: Questions arose if Ironbridge Holdings would still have Condition 21 enforced.
- 9 December 2011: Footbridge formally opened to the public.
- December 2011: Antistatic coating added to the footbridge.



**Bridge Condition Report –  
Newcastle Bridge, BR9025, Toodyay**



**22<sup>nd</sup> December 2025**

For the:

**Shire of Toodyay**

15 Fiennes St

Toodyay WA 6566

**Attention: Vanessa Crispe**



## 1) INTRODUCTION

The purpose of this report is to provide an assessment of the condition of the Newcastle pedestrian bridge (BR9025), located in the Toodyay township. The Shire of Toodyay has requested an independent condition assessment be completed.

The Newcastle bridge is located adjacent to Newcastle Park, crossing the Avon River to Drummond Street East and the Toodyay District High School. The 172m long footbridge traverses the Avon River and flood plain. The Bridge is of timber and steel construction with the deck being primarily of a composite honeycomb type plank, with various “repaired boards” in sections.



The condition assessment was performed on the 22nd of December 2025.



## 2) SCOPE

At the time of the assessment, the bridge was closed to public access due to the decking condition. Key risks have been identified including trip hazards, board breakage and ongoing deterioration. Asset Worx was assisted by a Shire worker to get access to the bridge. The focus of the assessment was on the decking, with the super and sub structures covered by the annual Level 1 Inspections. Refer FY25 Inspection (completed 14/03/2025).

## 3) CURRENT CONDITION

During the FY25 Level 1 inspection the overall condition was considered fair with a few areas of poor condition. It was noted that there were a number of boards that were badly damaged (split, loose, degraded) and required replacing in various areas of the bridge. It was also noted that there had already been a few boards replaced. Some boards were observed to be of different thickness.



*Damaged boards*



*Replaced Boards*

During the current assessment (22/12/2025), the condition of the decking that covers the footbridge was considered fair to poor. It was observed that board replacement had continued with different materials (at least 4 different board types). It was understood that approximately 40 boards had recently been replaced.

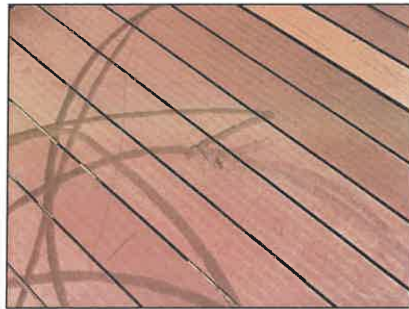
Although some of the current deterioration has occurred due to natural weathering (splitting and delamination of boards) a vast majority has come from vandalism with holes cracked into boards and surface damage caused by electric bikes and scooters.



*Multiple board types (note different colours)*



*Continuing weathering & board splitting*



*E scooter damage to surface*



*E scooter damage to surface*



*Deep surface damage, including heat damage*



*Impact damage on screw line*

It was observed that there are a large number of boards with screws smashed in or other damage to fixings that would facilitate further, more significant vandalism. Evidence of smashed boards was also found below the bridge.



*Holes in boards from punched-in screws*



*Debris from broken boards*

**4) CONSTRUCTION & PERFORMANCE**

The majority of boards that have been used in the construction of the deck are of hollow sectional construction. This construction is open to weathering and splitting from environmental conditions, it also allows for easy mechanical damage from impact and heat damage (for example - scooters doing burn outs). Once compromised, it is very easy to cause failure due to vandalism.

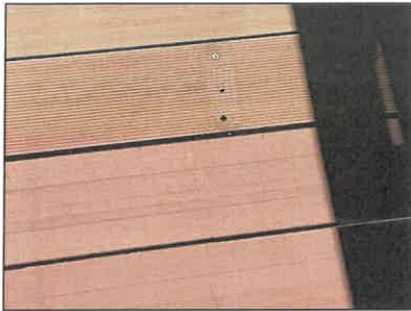
The small section of what looks like solid HDPE boards (repaired section) have a large number of joints, and are already starting to crack at screw lines possibly due to expansion and contraction. Each different type of board is using different fixing arrangements and spacers, generating surface level variations and weak points.



*Hollow section construction showing failure*



*Different board fixings & spacers (coming loose)*



*Different fixing types showing failure*



*Solid boards already starting to crack*

## 5) CONCLUSION

The condition assessment has highlighted the ongoing deterioration of the Newcastle pedestrian bridge decking structure. Key deterioration and failure modes include:

- Environmental deterioration leading to decay, splitting and delamination
- Mechanical surface damage from vandalism including E scooters, heat, impact
- Damage to fixings, likely accelerated by vandalism
- Material suitability leading to expansion, cracking, splitting
- Replacement of deck sections with different materials, causing surface level variations, mixed fixing arrangements, necessity for spacers leading to weak points.

Whilst the level of deterioration varies across the structure, the key risk to the public is the combined impact of these modes, and the risk of injury in the event of a significant, localised failure.

In terms of construction & performance, it is evident that the hollow sectional construction of the boards that make up the bridge deck are not suitable for this application and should be replaced. It would be advisable to replace the entire deck with the same material and consistent fixing arrangement, preferably a FRP grate/mesh style or high-quality hard wood such as Merbau.

# Newcastle Park Footbridge Structure Condition Report

Prepared for Asset Worx

February 2026  
Project Number PEMW008/26.09  
Revision 1

OPPORTUNITIES  
THROUGH  
EXCELLENCE  
bgeeng.com

BG  
&E  
Part of SYSTRA

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Document Control				
Revision	Date	Prepared	Reviewed	Approved
A	18/02/2026	P. Coughlan	E Smith	
0	20/02/2026	P. Coughlan		P. Coughlan
1	26/02/2026	P. Coughlan		P. Coughlan

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## 1. Executive Summary

Bridge # 9025, Newcastle Park Footbridge over the Avon River within the township of Toodyay has been inspected and assessed for condition, structural capacity and required maintenance and repair works.

The results, observations and recommendations of this assessment are summarised below.

### Structure Inspection

The bridge was inspected on 04/02/2026 and the timber piles were drilled to ascertain the condition of the timber.

Refer summary below and separate Inspection Report for details.

- ❖ Timber piles – in fair to good condition, some friable timber and numerous splits throughout that require preventive maintenance and repairs. A total of eight (8) piles in Condition State 3/4 have been identified as requiring replacement within 5 years (or sooner if budget permits).
- ❖ Aluminium deck units are in very good condition and require minor maintenance works.
- ❖ The plastic decking is in fair to poor condition and could be managed with ongoing replacement of deteriorated/failed/damaged planks as and when required. However, the full decking should be replaced sooner if budget permits, particularly as failed planks may create trip hazards for users (school children).
- ❖ Reinforced concrete abutments are in good condition and require no maintenance works.

### Material Assessment

Based on the inspection data and observations, the various materials range in condition from very good (aluminium elements) to fair (timber elements).

The governing material within the bridge requiring attention are the timber elements and plastic deck planks.

- ❖ The timber elements require preventive maintenance works in the short term and specific repair works within 5 years.
- ❖ The plastic decking is degraded and should be fully replaced when budget permits.
- ❖ The aluminium elements are in good condition and require minor repairs (replace a number of bolts).

### Condition Rating, Risk Rating & Defect Prioritisation

The Bridge Condition Index (BCI) for the bridge in its current condition was calculated based on the previous MRWA methodology, noting the BCI process is not currently used by Main Roads WA.

- ❖ The calculated BCI for the bridge is 55, which rates as "Fair" verging on "Poor" and is mainly due to the plastic decking being considered as 100% in CS3 ("Poor"). The BCI reduces to 18 (rating of "Very Good") if the plastic decking Condition State is considered as 100% CS1 when the decking is fully replaced and the pile repair works carried out.
- ❖ No risk rating has been carried out given the overall fair condition of the bridge and relatively clear watercourse. There are no significant immediate risks based on structural capacity. There are some safety issues for users if the plastic decking is not fully replaced as failed planks may create trip hazards.
- ❖ Note that the risks may increase if the recommended preventive maintenance works and specific repair works are not carried out within the time frames indicated within this Report.
- ❖ Defect Prioritisation has been carried out and details provided within this Report. In summary, the following works have been prioritised.
  - Year 1: undertake full timber preventive maintenance works (anti-fungal treatment, end grain sealing, fastener maintenance and banding of split elements). Minor repairs to aluminium trusses (replace short bolts & corroded bolts to barrier screens & light pole support brackets).
  - Year 1-3: replace plastic decking, either in full or progressively over time depending on budget.
  - Year 5: replace 8 timber piles with concrete pots with full-height steel UC members. These can be done earlier and progressively depending on budget, with Pier 5 Pile 1 and Pier 13 Pile 1 having higher priority. The remainder can be done in any order.

**Conclusions and Recommendations**

The overall bridge is currently in fair condition and can, from a structural perspective, operate to support pedestrian loading as per AS5100.2. However, whilst the decking is considered structural adequate in its current condition, it is known that planks are failing regularly (as evidenced by the numerous replacement planks already installed), which indicates that full replacement of the decking should be undertaken as soon as budget permits.

The bridge's service life can be extended with the implementation of recommended preventive maintenance and specific repair works, as identified within this Report.

It is considered that the bridge can be economically repaired to maintain structural integrity and provide safe operations for many years.

The following recommendations are provided.

- ❖ Recommendation 1: carry out full timber preventive maintenance works within 1 year.
- ❖ Recommendation 2: carry out full decking replacement within 1-3 years.
- ❖ Recommendation 3: carry out all specific repair works within 5 years.
- ❖ Recommendation 4: carry out regular ongoing inspections and maintenance of the bridge.

## 2. Structure Inspection

### 2.1 General

An inspection of the footbridge was undertaken on 04/02/2026 by BG&E and involved drilling of the timber piles and visual inspection of all structure elements. The inspection was ground-based with no special access equipment utilised.

The structure is a pedestrian bridge crossing the Avon River in the town of Toodyay, connecting Stirling Terrace on the southern side with Drummond Street East on the north side and provides access to the local school. The bridge is called the Newcastle Park Footbridge and was built circa 1952 (based on original Main Roads WA drawings) and restored in 2011.

The results of the inspection and associated observations are provided in the following Sections.

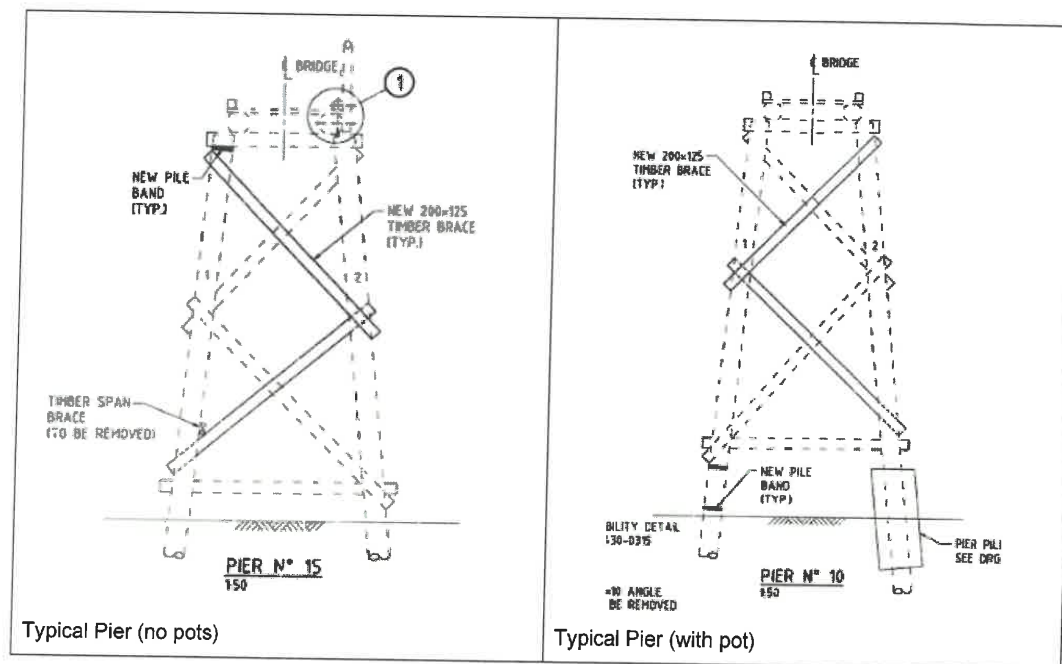
#### 2.1.1 Structural Arrangement

The bridge consists of 16 spans and has a total length of 171m. The substructure typically consists of two timber piles per pier with timber halfcaps and bracing, however some timber elements have been repaired and replaced by concrete and steel members as part of the 2011 restoration works.

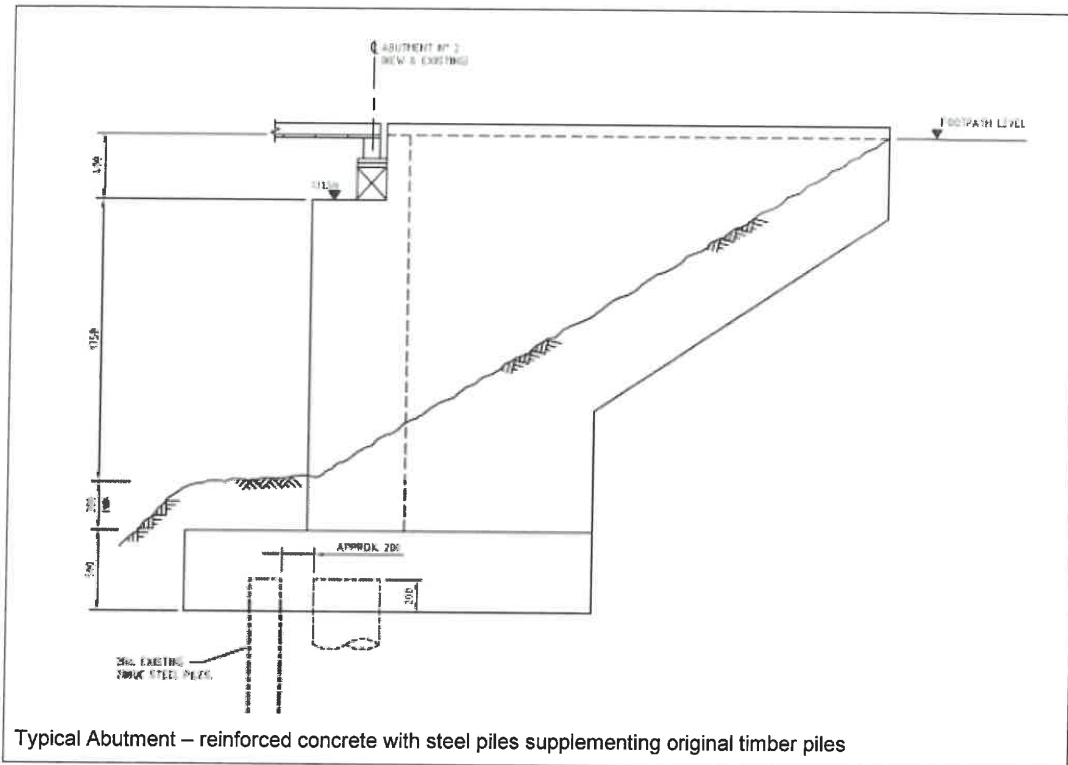
The superstructure consists of prefabricated proprietary aluminium truss deck units with plastic deck planks and perforated aluminium mesh barriers, installed in 2011. There are three light poles attached to the bridge and overhead power lines adjacent the bridge on the upstream (RHS) side of the structure on separate supports. There is also a water pipe attached to the downstream (LHS) of the bridge.

General Arrangement drawings and photos of the bridge are shown below.

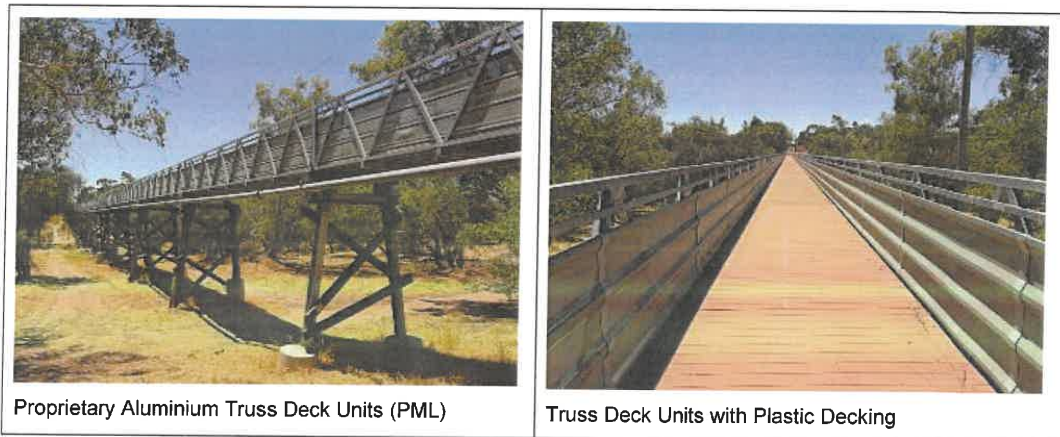
#### Piers



**Abutments**



**Superstructure**



**2.2 Substructure Inspection**

The existing remaining timber piles were drilled to ascertain the condition of the timber – solid, friable (transition state between solid and rot) and rot. These drilling results provide a quantifiable assessment of the condition of the timber and are utilised in subsequent load rating analyses to ascertain the structural capacity and rating of the elements.

A summary of the pile drilling results is presented below. For further details, refer to the Inspection Report.

**Drilling Results – Timber Piles**

Pier	Pile	Dia	Drill Results (mm)				Comment
			Solid	Friable	Rot	Pipe	
1	1	-	-	-	-	-	Concrete pot with full-height steel UC
	2	-	-	-	-	-	Concrete pot with full-height steel UC
2	1	340	190			30	120s A1 side
	2	360	110			70	Concrete pot
3	1	330	120				Good condition
	2	320	190			30	100s A1 side
4	1	340	150		20		Good condition
	2	360	180				Good condition
5	1	330	90		75		130s A1 side. Drummy & split. Possible splitting failure
	2	290	110		35		90s A1 side. Badly split
6	1	-	-	-	-	-	Concrete pot with full-height steel UC
	2	-	-	-	-	-	Concrete pot with full-height steel UC
7	1	-	-	-	-	-	Concrete pot with full-height steel UC
	2	300	150				70s A1 side
8	1	350		175			Concrete pot. Spiral grain and splitting
	2	300	130			20	120f A1 side. Concrete pot
9	1	270		115		20	Concrete pot
	2	320	140			20	Concrete pot. Split at base
10	1	-	-	-	-	-	Concrete pot with full-height steel UC
	2	350	165			10	130s A1 side. Concrete pot



Pier	Pile	Dia	Drill Results (mm)				Comment
			Solid	Friable	Rot	Pipe	
11	1	340		100	50	20	160s A1 side. Concrete pot. Spiral grain and splitting
	2	320		100		45	60f A1 side. Drummy and splitting
12	1	320		90		60	90f A1 side. Drummy and splitting
	2	320	160			10	60s A1 side. Concrete pot
13	1	310	90		65		110f A1 side. Concrete pot.
	2	340		110		60	130f A1 side
14	1	300		90		60	120s A1 side. Concrete pot
	2	350	140			35	150s A1 side. Evidence of termites (non-active)
15	1	350	120			55	100s A1 side. Concrete pot
	2	340		140		30	110f A1 side. Concrete pot

All drilling was undertaken on the A2 side of the pile. A1 side drillings shown where taken/ascertained.  
 All timber piles drilled close to ground or just above top of concrete pots as applicable.

**2.3 Superstructure Inspection**

The original timber superstructure was replaced with proprietary (PML) aluminium deck units as part of the restoration works completed in 2011. The units are lightweight and are effectively corrosion-free.

The decking consists of plastic planks with a hollow cellular cross-section and is in a generally degraded condition (plastic hardening due to UV exposure).

The barriers consist of perforated aluminium mesh screens bolted to the trusses.

The superstructure is generally in good to very good condition as summarised below.

**Visual Inspection**

Element	Condition	Comment
Aluminium trusses	Very good	No observed defects
Aluminium cross-beams	Very good	No observed defects
Aluminium tie-rods	Very good	No observed defects
Truss member welds	Very good	No observed defects
Bolted connections	Very good	Insufficient thread for nuts to several lower truss connections due to bolts being too short. Replace with longer bolts.
Barrier screens	Very good	Several replacement screen attachment bolts corroded. Replace with stainless steel or galvanised steel.
Plastic deck planks	Fair	Numerous planks showing splitting along internal cell walls and many have been replaced, indicating ongoing maintenance issues. Suspect UV exposure has hardened the material leading to splitting and failure of planks.
Light poles	Good	Nuts to attachment bracket bolts are corroded & should be replaced.
Approaches	Good	Pathways and handrails in good condition with no observed defects.

Refer to the Inspection Report for further details.

Given the ongoing maintenance required to replace failed deck planks, consideration could be given to full replacement of all decking when budget permits but within 1-3 years.

### 3. Material Assessment

#### 3.1 Timber Elements

The timber elements consist of the piles, waling (horizontal bracing), bracing and halfcaps.

The timber is generally in fair to good condition (refer drilling results and Inspection Report for details) however requires preventive maintenance treatments to be re-applied as summarised below and some specific repairs to maintain structural integrity. The application of preventive maintenance treatments is a condition precedent for the timing of the specific repairs.

##### Preventive Maintenance

Element	Preventive Treatment	Comment
Timber Piles	Anti-fungal	Boracol – liquid and rods utilising existing treatment holes
Waling	End grain sealing	Remove existing fabric wrap & re-apply sealant and protective fabric wrap
Bracing	End grain sealing	Remove existing fabric wrap & re-apply sealant and protective fabric wrap
Halfcaps	End grain sealing	Remove existing fabric wrap & re-apply sealant and protective fabric wrap
Bolted connections	Anti-corrosion coating	Re-apply protective grease coating to all exposed bolt heads, nuts and washers.

All preventive maintenance treatments shall be applied in accordance with the Main Roads WA (MRWA) Technical Specification 850 Timber Bridges.

The application of the abovementioned preventive maintenance treatments will help to reduce the rate of deterioration and extend the serviceable life of the timber elements. These treatments are typically undertaken on a regular basis with a frequency of between 5-7 years. It is not known if the bridge has had any preventive maintenance treatments (as described above) since the 2011 restoration works, however it is strongly recommended that these treatments be applied in the very near future (Year 1 if possible).

##### Specific Repairs

Element	Repair Works	Comment
Timber Piles	Pot/Replace	Replace with concrete pot with full-height steel UC – refer Inspection Report & Works Scope in Appendix

The specific repair works described above shall be carried out based on the Priorities provided within this Report and the 10-Year Maintenance Plan (by others), noting that these works may need to be brought forward if the preventive maintenance treatments described above are not done or delayed or if future inspections indicate ongoing and substantial deterioration.

Timber piles with significant friable timber have been identified for replacement given this type of timber is in a transition state to rot and has reduced allowable stress as a result. Whilst the load ratings indicate they have adequate capacity to support crowd pedestrian loading (5kPa) in accordance with AS5100.2, the condition of the

timber may deteriorate rapidly and lose structural capacity. It is considered prudent to replace them within the recommended time frame.

**3.2 Aluminium Elements**

The aluminium elements consist of the deck units (trusses, cross-beams, tie-rods and barrier screens).

The material specification is EN AW-6082 T6 Grade Aluminium. This grade of aluminium alloy is a medium strength grade with excellent corrosion resistance and is typically used in trusses and bridges.

The aluminium material used in the bridge deck units is in very good condition, with no defects observed. The welds and bolted connections are all in good condition and the surface does not exhibit any signs of corrosion.

The LHS truss support at A1 has a failed base plate requiring repair. The base plate weld needs to be re-welded and new Holding Down (HD) bolts installed to reinstate proper connection of the truss to the abutment.

There are a number (16) of short bolts located at 8 lower truss connections that need to be replaced with longer bolts to provide sufficient thread for the associated nuts.

**Specific Repairs**

Element	Repair Works	Comment
A2 Truss Support	Base Plate repair	Replace/repair failed weld & install HD bolts
Lower Truss Bolted Connections	Replace short bolts	Replace 16 x short bolts with longer bolts to provide adequate thread for nuts
Barrier screens	Replace corroded bolts	Corroded replacement bolts to be replaced with galvanised or stainless steel equivalents.

The specific repair works described above shall be carried out based on the Priorities provided within this Report and the 10-Year Maintenance Plan (by others).

There is no other maintenance work required for the aluminium elements of the bridge.

**3.3 Concrete and Steel Elements**

The concrete and steel elements of the bridge consist of the pile pots and full-height steel UC sections replacing original timber piles, and the bridge abutments.

**3.3.1 Piers**

The steel UC sections of the pile replacements are galvanised and in very good condition with no observed defects and the surfaces do not exhibit any corrosion.

The concrete pile pots are circular reinforced concrete cylinders encapsulation the tops of the timber piles (typically cut-off at ground level for the piles with full-height steel UC sections) or with the rotted section of timber pile cut out and replaced with a steel prop prior to casting the concrete pot.

The concrete pots are generally in good condition, with some minor hairline (HL) cracks and one recorded minor spall, none of which present a structural or durability concern at this time.

**3.3.2 Abutments**

The bridge abutments consist of reinforced concrete walls, wing walls and footing supported on steel piles. The original timber piles remain in place.



The only visible defects are minor hairline (HL) shrinkage/restraint cracks near the top of the abutment walls emanating from the ex-formwork tie-rod holes. They are typically less than 0.3mm in width and thus do not present a durability issue.

There is no maintenance work required to the existing concrete pots or steel UC sections or the bridge abutments.

### 4. Condition Rating, Risk Rating & Defect Prioritisation

The bridge was previously load rated in 2009 prior to the restoration works undertaken in 2011, based on timber drilling results from the detailed inspection of 2009.

The critical structural timber elements of the bridge (piles) have been re-rated as part of this Report (refer Inspection Report for details of drilling results).

The results of the previous rating and current rating are summarised below.

#### 4.1 Condition Rating

It should be noted that Main Roads WA (MRWA) no longer uses the Condition States determined from the inspection reports for the calculation of the Bridge Condition Index (BCI) value. However, as part of the assessment of the Newcastle Park Footbridge, the BCI has been re-estimated based on the February 2026 inspection data.

An extract from the MRWA Timber Bridge Condition Index (BCI) User Guide (Doc No. 6706-02-2232) is provided below for reference to Condition State (CS) Criteria used within this Report for the existing timber piles and halfcap elements.

**CONDITION STATE CRITERIA**  
 The information in this Appendix has been included as a reference for information only. Refer to Bridge Inspection Manual or Condition State Assessment Manual (in development) for further details.

Table A1 1: Condition State Criteria for reference for use in Calculations

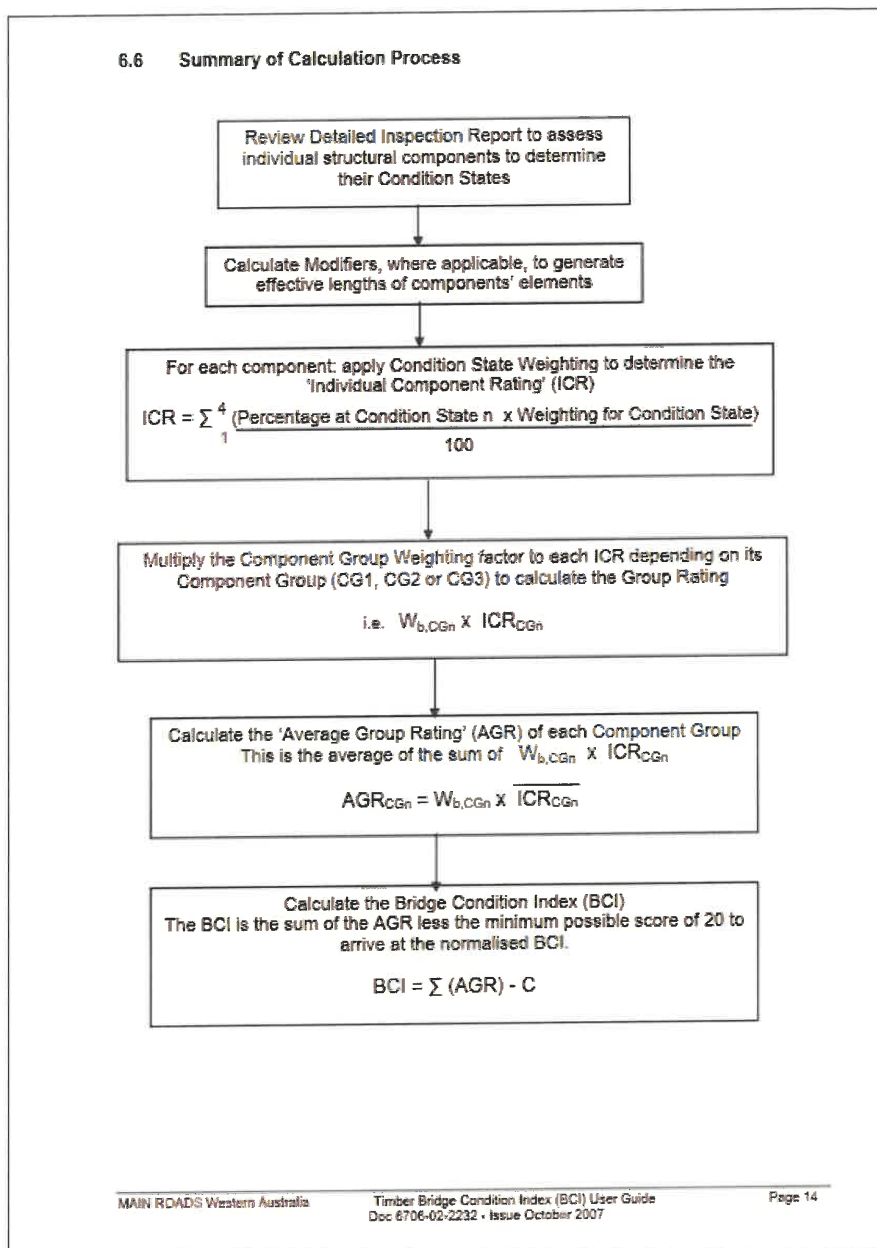
Component	Condition States			
	C1	C2	C3	C4
<b>Piles</b>	As new. May have very minor splits or cracks.	Minor Pipes and /or rot zones. May have splitting or checking requiring banding	Pipes and/or rot zones where the remaining average annulus is less than 100mm but greater than (or equal to) 80mm. Large splits may be present	Rot zones where the remaining average annulus is less than 80mm. Splitting may be severe
<b>Halfcaps / Fullcaps</b>	In good condition. At least 1/2 member width is bearing on piles.	Minor splits and cracking. Inclined grain not opening up. Members may have less than half width bearing on piles.	Inclined grain where splits are developing. Where any part of the halfcap has less than a full section of solid material, but the remaining solid section is greater than (or equal to) 100mm. Little bearing support on piles may be evident	Where any part of the halfcap has less than a full section of solid material, but the remaining solid section is less than 100mm. Likely to have evidence of failure. No bearing on piles may be evident
<b>Corbels</b>	In good condition with no decay. Ends show no signs of pipe rot and connections are tight	Minor rot zones. May have minor splitting or checking. Connections may be slightly loose	Moderate rot or decay, splitting, checking or crushing that requires bolting. May have pipe rot in up to 50% of the diameter at the ends, or rot zones where the average remaining annulus is less than 100mm but greater than (or equal to) 60mm.	Significant rot, decay, splitting and crushing are evident. Connections are loose and ineffective. May have pipe rot in excess of 50% of the diameter at the ends or zones where the remaining average annulus is less than 60mm.
<b>Stringers</b>	In good condition with little or no pipe rot (splits OK).	Minor pipes and/or rot zones where the remaining average annulus is greater than (or equal to) 100mm.	Where the remaining average annulus is less than 100mm but greater than (or equal to) 60mm	Where the remaining average annulus is less than 60mm
<b>Sheeting</b>	As new.	No less than (or equal to) 60mm solid	Less than 60mm solid but greater than (or equal to) 30mm solid.	Less than 30mm solid.

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4.1.1 BCI Methodology

A summary of the process of calculating the BCI is presented below via extracts from the MRWA User Guide.



A summary of the BCI calculations for the Newcastle Part Footbridge (based on the above) is provided below.

BRIDGE CONDITION INDEX										
LOCATION	WEIGHTING	CS1	CS2	CS3	CS4	ICR	AGR	Ave AGR	BCI	Comments
CS Weighting		1	3	9	11					Overall bridge rated as "Fair" verging on "Poor"
Trusses	11	100	0	0	0	1	11			Aluminium trusses in very good condition.
Pier Pile	11	24%	46%	26%	2%	4.27	47.01	20.55		Based on drilling results
Abut Piles	11	100%	0%	0%	0%	1.00	11.00			Assumed based on no observed defects at Abutments
Halfcaps	11	90%	10%	0%	0%	1.20	13.20			Based on visual inspection results
Corbels	6	-	-	-	-	-	-	54.00		Nil
Decking	6	0%	0%	100%	0%	9.00	54.00			Based on visual inspection results
Wing Piles	3	-	-	-	-	-	-			Nil
Abut Sheeting	3	-	-	-	-	-	-			Nil

The above BCI calculations have been carried out in accordance with the MRWA Timber Bridge Condition Index (BCI) User Guide (Doc No. 6076-02-2232 dated October 2007). Note this Guide is no longer available from MRWA as the BCI rating system is not currently used by MRWA.

The BCI for the Newcastle Park Footbridge has been calculated as 55, which corresponds to a Descriptor of "Fair" verging on "Poor" – see table below extracted from the BCI User Guide. This result is considered somewhat skewed by having the existing plastic decking rated as 100% in Condition State CS3. For example, if the decking is rated 100% in Condition State CS2, then the overall bridge BCI drops to 19, which is described as "Very Good".

Table 5.1: BCI Descriptor Range

Descriptor	BCI Range
Very Good	0 - 19
Good	20 - 39
Fair	40 - 55
Poor	56 - 100
Severe	101 +

**better**

**worse**

**Calculation of BCI is based on the Timber Bridge Condition Index (BCI) User Guide**

The analysis above shows the BCI can be very sensitive to specific elements being in deteriorated condition. In this case, the decking is skewing the overall BCI for the bridge to be a high value (fair to poor descriptor) whereas the timber elements (piles and halfcaps) have an individual group BCI value of 21 with a descriptor of "Good".

For the scenario where the plastic decking is rated as 80% in Condition State 2 and 20% in Condition State 3, the overall bridge BCI value becomes 26 with a Descriptor of "Good".

Given the Shire is seeking to fully replace the existing plastic decking with a new solid type of plastic decking, the BCI rating of 55 is retained for the purposes of this Report, noting the sensitivity of the analysis depending on which Condition State the decking is rated.

#### 4.2 Risk Rating

A risk analysis has not been carried out for bridge structure or the waterways given the overall condition of the bridge and its component elements are relatively good and the relatively clean watercourse.

There are no critical structural elements requiring immediate action, with only preventive maintenance required in the short term and some specific repairs required in latter years (refer Defect Prioritisation below).

However, it is noted that numerous plastic deck planks have failed and have been replaced on a regular basis, indicating the decking is reaching its end of serviceable life. Given failed deck planks may present a trip hazard to users, the decking should be fully replaced within 1-3 years and as soon as budget permits.

Note the Priority Codes used in the defect prioritisation can be considered as a type of risk rating, as they provide a measure of urgency related to the location and type of defect and the consequence of lack of rectification of the defect.

#### 4.3 Defect Prioritisation

The bridge elements and associated observed and quantified defects have been prioritised as per the following Recommended Maintenance Works, based on the February 2026 inspection and timber drilling results.

**NEWCASTLE PARK FOOTBRIDGE # 9025 OVER AVON RIVER, TOODYAY WA**

Recommended maintenance works  
Based on Inspection 04/02/2026

Structural Member	Component	Proposed Works	Priority Rating	Year	Comments
A1 Approach (Stirling Terrace)	Pathway & handrail	Nil	5	NA	Approach in good condition. Pavement and Monowills handrails in good condition with no observed defects.
Superstructure	Truss units	Replace bolts to lower truss unit connections	2	YR-1	Replace short bolts to lower truss unit connections (inadequate thread length for nuts - refer Inspection Report for details) 16 new bolts required.
	Truss to Abutment 2 Connection	Repair failed base plate weld and tighten loose HD bolt.	2	YR-1	Support Span 16 truss unit, realign baseplate and repair failed base plate weld. Apply zinc rich epoxy primer to weld repair.
	Deck	Replace deck planks	3	YR-1	'Snug tighten' loose holding down bolt. Existing plastic deck planks are exhibiting splitting long internal cellular walls. Numerous have already been replaced indicating an ongoing maintenance requirement. Could be delayed with ongoing deck plank replacement as required, but not preferred due to trip hazard risks to users.
	Deck Joint	Reinstate failed fixings	2	YR-1	Replace the failed pot rivets to the aluminium cover plate over the Abutment 2 deck joint which is sitting high on the right hand side and presenting a potential trip hazard.
	Barriers	Replace corroded bolts	5	YR-1	Replacement bolts connecting mesh side barriers to truss units are corroded & need to be replaced with galvanised or stainless steel.
	Lightpoles	Replace corroded nuts	4	YR-1	The nuts to the lightpole support brackets are corroded & need to be replaced with galvanised or stainless steel nuts.
	Abutment 1	Concrete	Nil	5	NA
Wingwalls		Nil	5	NA	Rock spalls on abutment sides in good condition, with no scouring or loss of rock observed.
Pier 1	Pile 1	Nil	5	NA	Concrete pot with full height steel UC column in good condition
	Pile 2	Nil	5	NA	Concrete pot with full height steel UC column in good condition
	Halfcaps	End grain sealing Packers	5 3	YR-1 YR-1	Existing sealing to end grain has deteriorated & requires re-treatment Replace missing timber packer to A2 LHS and straighten rotated timber packer to A2 RHS
	Waling/Bracing	End grain sealing Fastener maint.	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
				5	YR-1



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Structural Member	Component	Proposed Works	Priority Rating	Year	Comments
Pier 2	Pile 1	Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile
	Pile 2	Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile
	Halfcaps	End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
	Waling/Bracing	End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
		Fastener maint.	5	YR-1	Re-grease bolts, nuts & washers
Pier 3	Pile 1	Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile
	Pile 2	Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile
	Halfcaps	End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
	Waling/Bracing	End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
		Fastener maint.	5	YR-1	Re-grease bolts, nuts & washers
Pier 4	Pile 1	Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile
	Pile 2	Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile
	Halfcaps	End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
	Waling/Bracing	End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
		Fastener maint.	5	YR-1	Re-grease bolts, nuts & washers
Pier 5	Pile 1	Install steel bands	4	YR-1	Install 2 x new steel bands to stabilise splitting.
		Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile
		Replace with steel	3	YR-5	Replace timber pile with full-height steel UC column
		Install steel bands	4	YR-1	Install 2 x new steel bands to stabilise splitting.
		Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile
	Halfcaps	End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
		End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
	Waling/Bracing	Fastener maint.	5	YR-1	Re-grease bolts, nuts & washers
		Nil	5	NA	Concrete pot with full height steel UC column in good condition
		Nil	5	NA	Concrete pot with full height steel UC column in good condition
Pier 6	Halfcaps	End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
		End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment
	Waling/Bracing	Fastener maint.	5	YR-1	Re-grease bolts, nuts & washers
		Nil	5	NA	Concrete pot with full height steel UC column in good condition
		Install steel bands	4	YR-1	Install 4 x new steel bands to stabilise splitting
Pier 7	Pile 1	Nil	5	NA	Concrete pot with full height steel UC column in good condition
	Pile 2	Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile



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Structural Member	Component	Proposed Works	Priority Rating	Year	Comments
Pier 8	Halfcaps	End grain sealing	5	YR-1	Existing sealing to end grain has deteriorated & requires re-treatment Existing sealing to end grain has deteriorated & requires re-treatment Re-grease bolts, nuts & washers
	Waling/Bracing	End grain sealing Fastener maint.	5	YR-1	
			5	YR-1	
Pier 9	Pile 1	Install steel bands Boracol treatment	4	YR-1	Install 6 x new steel bands to stabilise splitting Re-apply Boracol anti-fungal treatment to timber pile Re-apply Boracol anti-fungal treatment to timber pile Existing sealing to end grain has deteriorated & requires re-treatment Existing sealing to end grain has deteriorated & requires re-treatment Re-grease bolts, nuts & washers
	Pile 2	Boracol treatment	5	YR-1	
	Halfcaps	End grain sealing	5	YR-1	
	Waling/Bracing	End grain sealing Fastener maint.	5	YR-1	
			5	YR-1	
			5	YR-1	
Pier 10	Pile 1	Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile Replace timber pile with full-height steel UC Patch minor spall to concrete pot Install 1 x new steel band at base Re-apply Boracol anti-fungal treatment to timber pile Existing sealing to end grain has deteriorated & requires re-treatment Existing sealing to end grain has deteriorated & requires re-treatment Re-grease bolts, nuts & washers
	Pile 2	Replace with steel Pot patch repair	3	YR-5	
		Install steel bands	4	YR-1	
	Halfcaps	Boracol treatment	5	YR-1	
	Waling/Bracing	End grain sealing Fastener maint.	5	YR-1	
			5	YR-1	
Pier 11	Pile 1	Install steel bands Boracol treatment	4	YR-1	Install 2 x new steel bands Re-apply Boracol anti-fungal treatment to timber pile Replace timber pile with full-height steel UC Install 2 x new steel bands below water Re-apply Boracol anti-fungal treatment to timber pile Replace timber pile with full-height steel UC Clear vegetation build-up and apply poison to stumps Existing sealing to end grain has deteriorated & requires re-treatment Existing sealing to end grain has deteriorated & requires re-treatment
	Pile 2	Replace with steel Install steel Bands	3	YR-5	
		Boracol treatment	5	YR-1	
	Halfcaps	Vegetation Clearing	5	YR-1	
	Waling/Bracing	End grain sealing	5	YR-1	
		End grain sealing	5	YR-1	



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Structural Member	Component	Proposed Works	Priority Rating	Year	Comments		
Pier 12	Pile 1 Pile 2 Halfcaps Waling/Bracing	Fastener maint.	5	YR-1	Re-grease bolts, nuts & washers		
		Install steel bands	4	YR-1	Install 5 x new steel bands (replace old type at base + 4 x additional) Re-apply Boracol anti-fungal treatment to timber pile Replace timber pile with full-height steel UC Re-apply Boracol anti-fungal treatment to timber pile Existing sealing to end grain has deteriorated & requires re-treatment Existing sealing to end grain has deteriorated & requires re-treatment Re-grease bolts, nuts & washers		
		Boracol treatment	5	YR-1			
		Replace with steel	3	YR-5			
		Boracol treatment	5	YR-1			
		End grain sealing	5	YR-1			
End grain sealing	5	YR-1					
Pier 13	Pile 1	Install steel bands	4	YR-1	Install 5 x new steel bands (replace 3 old type + 2 additional) Re-apply Boracol anti-fungal treatment to timber pile Replace timber pile with full-height steel UC Install 2 x new steel bands (replace old type at base + 1 additional) Re-apply Boracol anti-fungal treatment to timber pile Replace timber pile with full-height steel UC Existing sealing to end grain has deteriorated & requires re-treatment Existing sealing to end grain has deteriorated & requires re-treatment Re-grease bolts, nuts & washers		
		Boracol treatment	5	YR-1			
		Replace with steel	3	YR-5			
	Pile 2	Install steel bands	4	YR-1			
		Boracol treatment	5	YR-1			
		Replace with steel	3	YR-5			
	Halfcaps Waling/Bracing	End grain sealing	5	YR-1			
		End grain sealing	5	YR-1			
		Fastener maint.	5	YR-1			
	Pier 14	Pile 1	Install steel bands	4		YR-1	Install 1 x new steel bands (replace old type at base) Re-apply Boracol anti-fungal treatment to timber pile Replace timber pile with full-height steel UC Install 2 x new steel bands (replace old type) Re-apply Boracol anti-fungal treatment to timber pile Existing sealing to end grain has deteriorated & requires re-treatment Existing sealing to end grain has deteriorated & requires re-treatment Re-grease bolts, nuts & washers
			Boracol treatment	5		YR-1	
			Replace with steel	3		YR-5	
Pile 2		Install steel bands	4	YR-1			
		Boracol treatment	5	YR-1			
		End grain sealing	5	YR-1			
Halfcaps Waling/Bracing		End grain sealing	5	YR-1			
		End grain sealing	5	YR-1			
		Fastener maint.	5	YR-1			
Pier 15		Pile 1 Pile 2 Halfcaps Waling/Bracing	Boracol treatment	5	YR-1	Re-apply Boracol anti-fungal treatment to timber pile Re-apply Boracol anti-fungal treatment to timber pile Existing sealing to end grain has deteriorated & requires re-treatment Existing sealing to end grain has deteriorated & requires re-treatment Re-grease bolts, nuts & washers	
			Boracol treatment	5	YR-1		
			End grain sealing	5	YR-1		
	End grain sealing		5	YR-1			
	End grain sealing		5	YR-1			
	Fastener maint.		5	YR-1			



Report for Asset Work | Project Number: PEMM00826.06 | Page 4  
Newcastle Park Footbridge Structure Condition Report - Rev 1

Structural Member	Component	Proposed Works	Priority Rating	Year	Comments
Abutment 2	Concrete	Nil	5	NA	Abutment in good condition. Minor vertical HL cracks emanating from ex-formwork bolt holes. Sealing not required as crack widths < 0.3mm. Rock spalls on abutment sides in good condition, with no scouring or loss of rock observed.
	Wingwalls	Nil	5	NA	
A2 Approach (Drummond S)	Pathway & handrail	Nil	5	NA	Approach in good condition. Pavement and Monowills handrails in good condition with no observed defects.

LEGEND						
YR-X						
Works should be carried out within X years/s of the date of this Report						
Priority Rating #	0	1	2	3	4	5
Priority Level Definition	Urgent/critical Highly likely structural integrity issue, very high risk of structural failure or safety issue, with severe consequences. Rectify as soon as possible	Urgent Likely structural integrity issue, high risk of structural failure or potential safety issue with major consequences. Rectify within 1 year	High Possible structural integrity issue, medium risk of structural failure or possible safety issue with high consequences. Rectify within 2 years	Medium Unlikely structural integrity issue, low risk of structural failure, no immediate safety issue, with medium consequences. Rectify within 3 years	Low No structural integrity issue, very low risk of structural failure, no safety issue, with low consequences. Rectify within 4 years. Maybe durability related rather than structural, or structural works that could be deferred with some minor treatments	Very low/Nil work No structural integrity issue, no risk of structural failure, no safety issue, with low to no consequences. Rectify within 5 years. Maybe durability related rather than structural, or structural works that can be safely deferred.

Notes

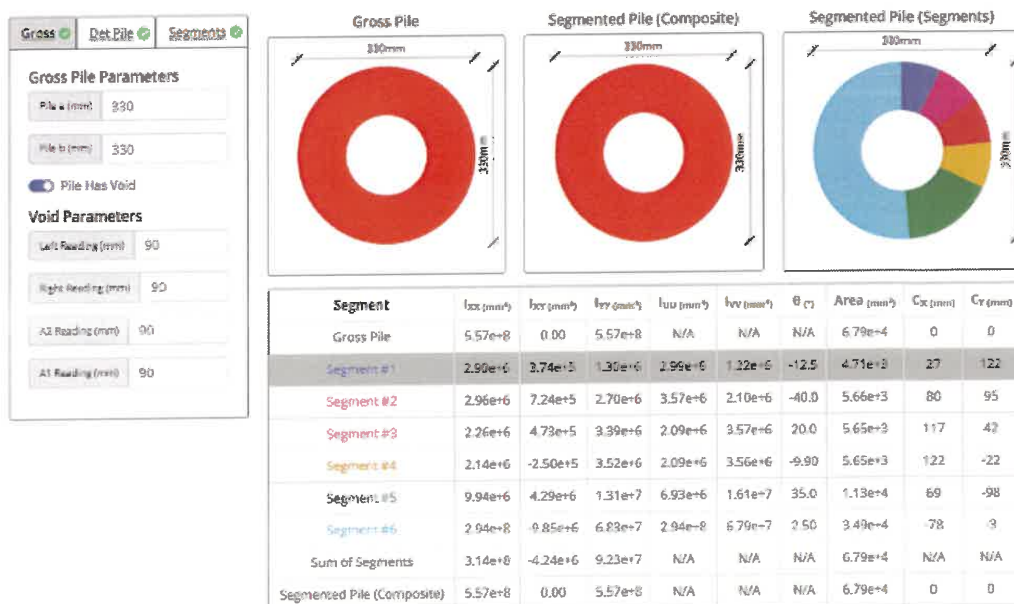
1. Timber preventive maintenance treatments (end grain sealing, anti-fungal treatment & fastener maintenance) are rated as 5 as they are non-structural and relate to durability. However, they have been given a Year rating of YR-1 due to the length of time since last treatment (likely circa 2011 when bridge was restored). These treatments are typically done on a periodic basis of between 5-7 years.
2. Banding of splits in timber piles are structural but preventive in nature to stop splitting from worsening. Banding assists in maintaining the piles structural integrity by holding the discrete segments of timber between splits together – similar to bracing of columns under vertical loading. Whilst rated as Priority 4, it is recommended they be carried out in YR-1 together with the other preventive maintenance treatments.
3. Replacement of timber piles is considered specific (major) maintenance/repair works and is structural in nature. Whilst the piles identified within this report have been given a priority rating of 3 (based on load rating results – refer Technical Report for details) the works can be deferred to YR-5 subject to them having anti-fungal treatment re-applied in YR-1 to slow the rate of deterioration. If the anti-fungal treatments are not re-applied in YR-1, then the pile replacements should be brought forward to YR-3 at the latest. The timing of pile replacement is guided by funding availability.



### 4.4 Load Rating

The critical timber piles of the bridge have been load-rated based on the February 2026 drilling results using working stress methods in accordance with MRWA methodology and TIMBAR software program. The critical pile – Pier 5 Pile 1 – was further analysed using a more sophisticated approach (in accordance with MRWA methodology and TIMBAR software program) due to the potential "lantern" type splitting failure, and the results are presented below.

**LOCAL LOAD RATING (HARD CODED DLAs PER TABLE)**



Data input for segmented pile section (Pier 5 Pile 1)

### Pilke Rating Results

The rating results are shown below – note that the vehicle load input has been modified to reflect the relevant pedestrian loading of 5kPa over the entire deck area (input file adopted from road bridge analysis form). The split location showing "lantern" type failure (area of segmentation) rates at 183% of crowd live load (5kPa) and is thus considered adequate. Note that to achieve this rating, the split area must be banded immediately above and below the area of segmentation as well as at 300mm maximum spacing across the area of splitting.



Pile Data
Load Ratings
Upload
Clear Current Form
Clear All Forms

### Pile Parameters

Pile Length (m) (to ground): 6.2

Deterioration Length (m): 2

Dist from Bottom of Helix (m): 4.2

A1 Helix eccentricity (m): 0.25

A2 Helix eccentricity (m): 0.25

Pile Grade: P14

Material: Jarrah

Bridge Owner: LGA

Edit Pile Loads

Young's Modulus (MPa): 14000

Total Pile Length (m) (for analysis): 7.2

Save Pile Analysis

Print Pile Analysis

### Load Rating Table

Vehicle	DLA	Load Rating Max Axial Case (%)	Load Rating Max Moment Case (%)	Load Rating Final (%)	Critical Segment
T44	1.3	183	251	183	6
M Truck	1.3	183	251	183	6
Tandem	1.3	183	251	183	6
Triaxle	1.3	183	251	183	6
Quadaxle	1.3	183	251	183	6
4B4-Quad	1.3	183	251	183	6
HLP320	1.1	216	296	216	6
HLP400	1.1	216	296	216	6

### Analysis Data

Global  $K_{12}$ : 0.26

Critical Global Buckling (kN): 1314

Equivalent Pile Diameter (mm): 293

Critical Segment (m): 6

Local  $K_{12}$ : 1

Critical Segment Buckling (kN): 2110

### Pile Preview

The pile was also checked globally for overall structural integrity as per the Table below (noting again that the vehicle input loads have been modified to be equivalent to the pedestrian loading of 5kPa). This analysis is more sophisticated than the abovementioned simplified rating, as it takes into account the effective length of the pile (influence of waling and bracing of the pile as a column) and buckling potential.

**GLOBAL LOAD RATING (NO DLA)**

Vehicle	Load Rating (%)	Load Rating (Tonne)	Unit Weight (Tonne)	Critical Pile (No)	Critical Load Case
<b>T44</b>	272%	119.9	44	1	Crit. Sect. - Max. P
<b>M Truck</b>	272%	27.2	10	1	Crit. Sect. - Max. P
<b>Tandem</b>	272%	49.0	18	1	Crit. Sect. - Max. P
<b>Triaxle</b>	272%	73.5	27	1	Crit. Sect. - Max. P
<b>Quadaxle</b>	272%	98.0	36	1	Crit. Sect. - Max. P
<b>484-Quad</b>	272%	98.0	36	1	Crit. Sect. - Max. P
<b>HLP320</b>	272%	871.0	320	1	Crit. Sect. - Max. P
<b>HLP400</b>	272%	1088.8	400	1	Crit. Sect. - Max. P

The minimum global load rating for Pier 5 Pile 1 is 272% of the full pedestrian crowd loading of 5kPa.

In summary, the current load rating of the bridge is 183% based on Pier 5 Pile 1 governing the structural capacity of the timber piles due to its segmented section ('lantern' type splitting). This rating is on the basis the split zone of the pile is effectively banded using steel bands at the top and bottom of the zone of splitting, with internal banding at maximum 300mm spacing.

## 5. Residual Structure Life

The original timber footbridge structure was designed and constructed by the Main Roads Department (now MRWA) circa 1952 (based on dates of original drawings).

Accordingly, the bridge is approximately 74 years old, and the overall condition of the timber elements is considered fair for its age.

Whilst early bridge codes did not specify a design life for structures, it was commonly considered that timber bridges had a typical service life of around 50 years. However, with ongoing maintenance, longer service lives of up to 75 years and beyond are achievable.

Considering the age of the Newcastle Park Footbridge of 74 years, it is considered the bridge has little to no theoretical design life remaining, and its residual or net 'book' value could be taken as zero.

It should also be noted that the plastic decking, installed in 2011, has degraded due to UV exposure and has reached the end of its serviceable life. Full replacement within 1-3 years is recommended.

However, based on current condition, it is considered that the current bridge's serviceable life can be extended by at least 20+ with some initial repair and maintenance work (as described within this Report) supported by regular ongoing preventive maintenance work and inspection to regularly assess condition, structural integrity and safety.

## 6. Conclusions & Recommendations

From the inspection drilling results and observations, the timber elements are considered to be in a fair condition.

The aluminium superstructure elements are in very good condition and are considered to have many years of serviceable life remaining.

The plastic decking is degraded and in fair condition only. The numerous failed planks indicates the decking has reached the end of its serviceable life and should be fully replaced in the short-term.

It is considered that the bridge can be economically repaired to maintain structural integrity and provide safe operations for many years.

### 6.1 Conclusions

The following conclusions and recommendations are provided.

#### Condition

The bridge condition is considered overall to be fair, and can be maintained with some initial preventive maintenance works followed by specific repair works, as identified within this Report.

The two key areas of concern are;

- Superstructure – plastic decking (replacement)
- Substructure – timber piles (preventive treatment and 7 x to be replaced)

#### Structural Capacity & Safety

There are no immediate concerns around structural capacity or safety during use, and the bridge can be re-opened for normal operations.

- The bridge governing rating is 183% of AS5100.2 crowd pedestrian loading (Pier 5 Pile 1)
- All piles rate well above 100% of AS5100.2 crowd pedestrian loading

The pile ratings are based on drill results from the February 2026 inspection (refer separate Inspection Report).

### 6.2 Recommendations

The following recommendations are provided based on the inspection and assessment of the bridge.

#### Recommendations

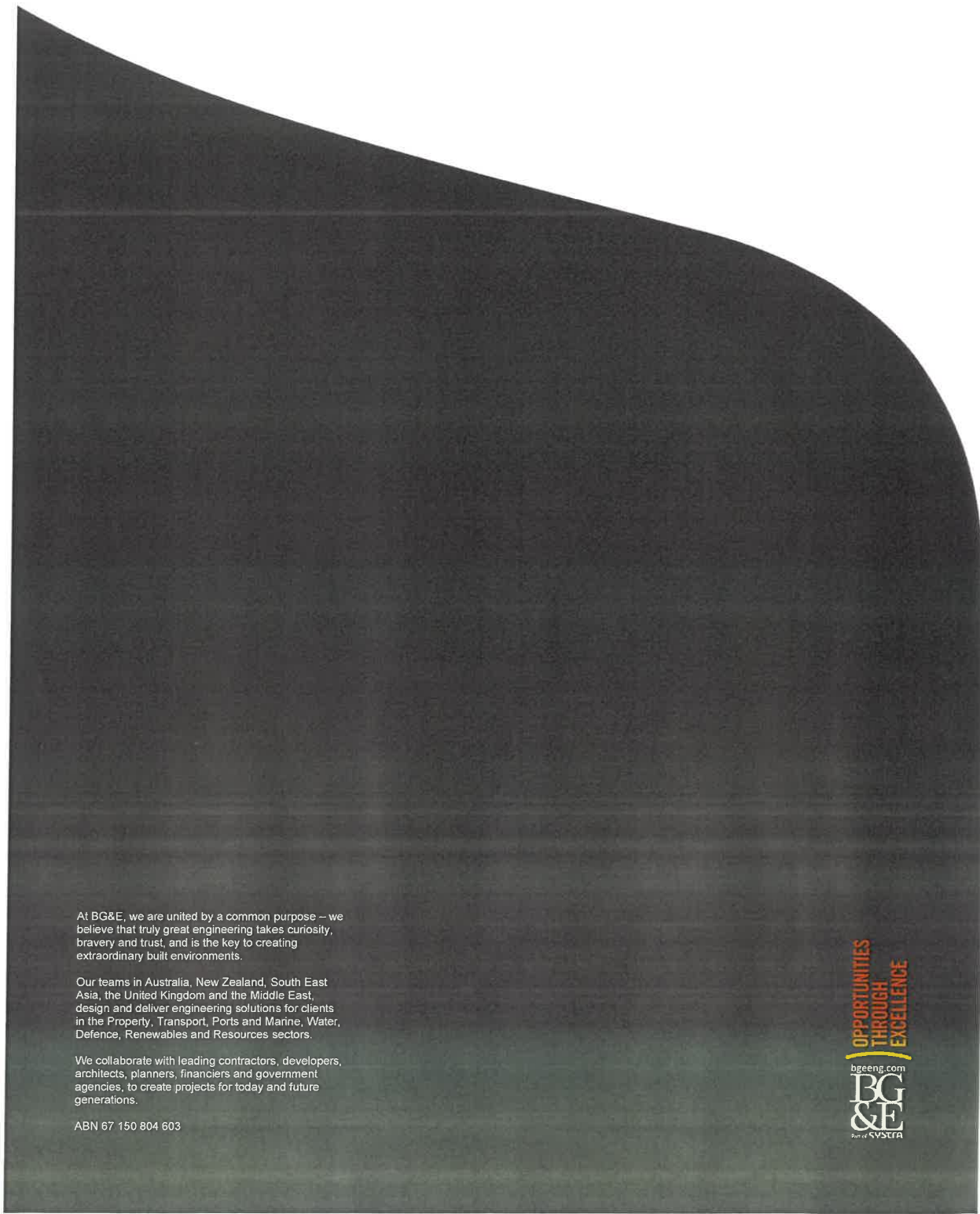
The overall bridge is currently in fair condition and can, from a structural perspective, operate to support pedestrian loading as per AS5100.2. However, whilst the decking is considered structural adequate in its current condition, it is known that planks are failing regularly (as evidenced by the numerous replacement planks already installed), which indicates that full replacement of the decking should be undertaken as soon as budget permits.

The bridge's service life can be extended with the implementation of recommended preventive maintenance and specific repair works, as identified within this Report.

It is considered that the bridge can be economically repaired to maintain structural integrity and provide safe operations for many years.

The following recommendations are provided.

- ❖ Recommendation 1: carry out full timber preventive maintenance works within 1 year.
- ❖ Recommendation 2: carry out full decking replacement within 1-3 years.
- ❖ Recommendation 3: carry out all specific repair works within 5 years.
- ❖ Recommendation 4: carry out regular ongoing inspections and maintenance of the bridge.

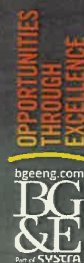


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We collaborate with leading contractors, developers, architects, planners, financiers and government agencies, to create projects for today and future generations.

ABN 67 150 804 603



16/03/2026, 12:48

CM: [External]-ARIC Reporting Framework – Request to Convene Special Meeting - Tuesday 17 March 10.30am - Maria Re.

 Outlook

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**CM: [External]-ARIC Reporting Framework – Request to Convene Special Meeting - Tuesday 17 March 10.30am**

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From Natalie Mills [nmills@aric.com.au](mailto:nmills@aric.com.au)  
Date Fri 2026-03-13 8:04 AM  
To Aaron Bowman [aaron.bowman@toodyay.wa.gov.au](mailto:aaron.bowman@toodyay.wa.gov.au)>  
Cc Maria Rebane [maria.rebane@toodyay.wa.gov.au](mailto:maria.rebane@toodyay.wa.gov.au)>

 1 attachment (549 KB)

Memorandum from ARIC - Special Meeting 17.03.2026.pdf;

Morning Aaron,

I hope all is well.

The ARIC committee members and I have now worked through the draft report and the proposed Reporting Framework, with everyone having the opportunity to review, comment, and shape the final version. This attached version reflects the collective input of the Committee members, and we are all comfortable presenting it formally for ARIC's consideration.

As you would be aware, Clause 2.5 of the ARIC Charter requires the Committee to adopt and maintain an annual work plan. The Reporting Framework and the proposed meeting schedule form the core structure of that work plan, and the Committee needs to consider and adopt these elements to ensure we can meet our Charter and statutory responsibilities for the 2026 year.

To progress this, I am requesting that a Special ARIC Meeting be convened, and I have attached the formal notice for your action in accordance with the Standing Orders. As this report has been developed by ARIC members for ARIC's consideration, I would appreciate it being presented to the Committee in its current form without amendment.

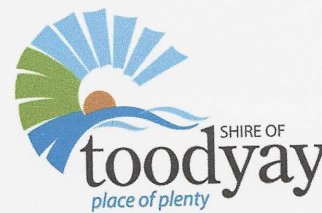
Please let me know if you need anything further from me.

Cheers

Nat Mills

about:blank

1/1



## MEMORANDUM

**MEMO TO:** Chief Executive Officer  
**FROM:** ARIC Chairperson  
**DATE:** 13 March 2026  
**SUBJECT:** Calling a Special Committee Meeting

**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](mailto:records@toodyay.wa.gov.au)  
**W** [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au)

Dear CEO

This memorandum is notice, in accordance with the *Shire of Toodyay Standing Orders Local Law 2008 17.10(a)*, that I am calling a Special Committee Meeting in the Council Chambers, 15 Fiennes Street, Toodyay as follows:

**Date:** Tuesday, 17 March 2026

**Time:** 10:30 am


**Venue:** Council Chambers, Shire of Toodyay Administration Centre,  
15 Fiennes Street, Toodyay WA 6566

For the purpose of considering all matters related to the following:-

- The Audit, Risk and Improvement Committee's Reporting Framework and the Committee's annual work plan, as outlined in the **attached report**, in accordance with Clause 2.5 of the ARIC Charter.
- The proposed Audit, Risk and Improvement Committee meeting schedule as a component of the annual work plan.

Yours sincerely

(Sign)

  
\_\_\_\_\_

(Print Name)

NATALIE MILLS  
**Audit Risk and Improvement Committee Chairperson**

## Attachment

### Audit, Risk and Improvement Committee Reporting Framework and Meeting Schedule

#### Purpose of the Report

The purpose of this report is to present a proposed Reporting Framework for the Audit, Risk and Improvement Committee (ARIC) to consider which has been developed in accordance with Section 2.5 of the ARIC Charter, which states:

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

Section 2.5 places a clear responsibility on ARIC to determine, in advance, the information, reporting, and assurance it requires to fulfil its statutory functions. Preparing an annual work plan is not simply an administrative exercise - it is the mechanism through which ARIC defines the timing, frequency, and scope of the oversight activities it must undertake. To meet this obligation, ARIC must establish a structured and predictable reporting framework that ensures it receives the information necessary to monitor financial controls, compliance, risk management, and organisational performance throughout the year.

The proposed Reporting Framework provides this structure. It sets out a suite of standing reports, delivered at defined intervals, to ensure ARIC receives timely, evidence-based information that supports informed decision-making and effective oversight. By embedding these reporting requirements into ARIC’s annual work plan, the Committee strengthens its ability to operate proactively rather than reactively, ensures alignment with its legislative responsibilities, and provides clarity to the CEO and administration regarding ARIC’s expectations for ongoing assurance.

#### Background

*The Local Government Act 1995* and associated regulations establish ARIC as a key governance body responsible for oversight of risk management, internal controls, financial management, compliance, and continuous improvement. These responsibilities expanded significantly with the 1 January 2026 legislative reforms, which strengthened ARIC’s mandate and increased expectations for transparency, assurance, and independent oversight.

Under the revised framework, ARIC must:

- monitor the effectiveness of financial controls and risk systems
- oversee compliance with legislation, regulations, and internal policies
- review the adequacy of governance processes

## Attachment

- provide independent advice to Council on risk, integrity, and performance
- ensure continuous improvement across the organisation

To meet these obligations, ARIC requires regular, structured, and evidence-based reporting that provides visibility of emerging risks, control weaknesses, compliance exposures, and operational developments. Historically, ARIC has received reports on a quarterly basis; however, this cadence limits the Committee's ability to detect issues early, monitor trends, or intervene before risks escalate.

The proposed Reporting Framework is designed to align ARIC's oversight with contemporary public-sector practice, support the enhanced legislative requirements, and embed a proactive assurance culture across the organisation.

### Comments and Details

#### **1. Meeting Frequency**

*It is proposed that ARIC's meeting frequency increase from quarterly to monthly to ensure the Committee can exercise effective and timely oversight.*

Quarterly meetings create extended periods in which operational, financial, and compliance issues may escalate before ARIC becomes aware of them, limiting the Committee's ability to identify emerging risks, monitor control effectiveness, or intervene early.

Monthly meetings would enable ARIC to monitor trends in real time, maintain consistent visibility over the organisation's control environment, and support a proactive governance approach rather than retrospective review. Increasing the frequency strengthens ARIC's capacity to respond to emerging issues, maintain continuous assurance, and uphold its statutory responsibilities.

Community members have also indicated that if the primary barrier to increased frequency is financial - specifically, member sitting fees - they are willing to maintain the current annual fee structure, equivalent to payment for four meetings per year, even if additional meetings are held. This reflects a shared commitment to strengthening oversight without imposing additional cost pressures on the Shire.

#### **2. Operational Overview Summary**

*It is proposed that a written Operational Overview Summary be provided at each meeting to ensure the Committee maintains clear visibility over the organisation's operating environment. This summary would present a concise account of key activities, material changes, significant incidents, and any emerging risks that have arisen since the previous ARIC meeting.*

## Attachment

For the purposes of this report, a “material change” refers to any development that may affect the Shire’s risk profile, internal controls, compliance obligations, financial position, or service delivery. A “significant incident” refers to any event or control failure that has resulted in, or has the potential to result in, financial exposure, compliance breaches, service disruption, reputational harm, or the need for investigation or corrective action.

The purpose is to ensure ARIC receives timely, structured insight into matters that may influence risk exposure, internal controls, compliance obligations, or service delivery performance.

Regular operational reporting is essential for ARIC to identify shifts or patterns that may signal emerging risks before they escalate. Early awareness enables the Committee to assess whether controls are functioning as intended, whether risk treatments remain appropriate, and whether any issues require escalation or further assurance activity. This level of visibility is fundamental to ARIC’s statutory mandate to provide independent advice on risk management, internal control effectiveness, and continuous improvement across the organisation.

Embedding this written summary as a standing item strengthens ARIC’s ability to maintain proactive oversight and ensures that operational developments are consistently captured, monitored, and addressed within the governance framework.

### **3. Reconciliation Status Report (with Evidence)**

*It is proposed that ARIC receive a Reconciliation Status Report, supported by documentary evidence, at each meeting as part of the standing Financial Controls Reports. This report would confirm the completion, accuracy, and review status of all key financial reconciliations. At a minimum, this includes bank accounts, GST, payroll, rates, creditors, debtors, and asset registers; however, any additional reconciliations that are material to the Shire’s financial control environment are also to be included to ensure full visibility over the integrity of the financial records.*

For each reconciliation, ARIC should receive a clear statement of status - completed, outstanding, or delayed - supported by appropriate evidence such as system-generated reconciliation reports, ledger extracts, and reviewer sign-offs. Where relevant, the evidence may also include the bank-statement page showing the closing balance used in the reconciliation, particularly where ARIC requires additional assurance or where historical issues have been identified. Full bank statements are not required; only the closing-balance page is necessary to verify the integrity of the reconciliation.

Reconciliations are a fundamental internal control that underpin the accuracy of financial reporting and the reliability of the organisation’s financial systems. Evidence-based reporting enables ARIC to independently confirm that reconciliations

## Attachment

are current, properly reviewed, and free from material discrepancies. This approach reflects standard practice in strong financial governance environments and supports ARIC's oversight of financial controls, early detection of issues, and assurance that the organisation maintains disciplined financial stewardship.

### **4. Unreconciled Items Register**

*It is proposed that ARIC receive an Unreconciled Items Register at each meeting as part of the standing Financial Controls Reports. This register would provide a clear and structured overview of all outstanding unreconciled items across the Shire's key financial processes. For each item, the register would identify the age of the item, the underlying root cause, the responsible officer, the corrective action underway, and the expected resolution date. The register is intended to capture all unreconciled items that are material to the integrity of the Shire's financial records and internal controls, rather than a limited or predefined subset.*

The intent is to ensure ARIC has full visibility of discrepancies that remain unresolved within the organisation's financial systems and to understand whether these items are isolated, recurring, or indicative of broader control issues.

Unreconciled items are often early indicators of weaknesses in internal controls, process failures, system configuration issues, or potential fraud exposure. By tracking ageing and analysing root causes, ARIC can distinguish between routine timing differences and systemic problems that require management attention or further assurance activity. This level of transparency supports ARIC's responsibility to oversee financial integrity, monitor the effectiveness of internal controls, and ensure that corrective actions are timely, appropriate, and properly assigned.

Embedding this register as a standing item strengthens ARIC's ability to detect emerging risks, assess whether financial controls are functioning as intended, and maintain a proactive oversight posture. It also reinforces accountability by ensuring that unresolved items are monitored until fully cleared, rather than remaining hidden within operational processes.

### **5. Aged Payables and Receivables Report (90+ Days, >\$10,000)**

*It is proposed that ARIC receive an Aged Payables and Receivables Report at each meeting as part of the standing Financial Controls Reports. This report would provide visibility over all aged balances within the organisation's financial systems by detailing any payables or receivables aged over 90 days and exceeding \$10,000. The scope would include debtors, creditors, GST payable and receivable, superannuation payable, PAYG withholding payable, accrued expenses, accrued income, and any other long-outstanding asset or liability balances where ageing is relevant. Each item should*

## Attachment

*be accompanied by an explanation of its nature, the reason for delay, and the actions underway to resolve it.*

Long-aged balances above material thresholds are often early indicators of weaknesses in financial controls, process failures, or emerging financial stress. Statutory liabilities such as superannuation, PAYG, and GST carry strict compliance obligations, and delays in payment can expose the organisation to penalties, audit findings, and reputational risk. Aged debtors may signal revenue leakage, system errors, or unresolved disputes requiring escalation, while aged creditors may point to cash-flow constraints, approval bottlenecks, or breakdowns in procurement or invoice processing. These patterns are not visible in high-level financial reports but become clear when aged balances are monitored systematically.

Providing this report as a standing item strengthens ARIC's oversight of financial controls and risk management by ensuring the Committee has timely visibility of materially aged balances and can assess whether internal controls are functioning effectively. It also supports early intervention, targeted assurance activity, and accountability for the timely resolution of outstanding items.

### **6. Grants Register**

*It is proposed that ARIC receive a complete Grants Register each quarter as part of the Compliance & Obligations Reports. This register would provide a consolidated view of all active grants, including the total grant amount, outstanding acquittals, outstanding receipts, and all associated deadlines and compliance obligations.*

The purpose is to ensure ARIC has clear visibility over the organisation's grant-related commitments and can assess whether financial, reporting, and compliance requirements are being met in a timely and controlled manner.

Grant management is a frequent source of audit findings, compliance breaches, and financial exposure across the local government sector. Without a structured register, it is difficult to identify overdue acquittals, unclaimed revenue, or approaching deadlines that may place the organisation at risk. Visibility of acquittals, receipts, and compliance milestones enables ARIC to understand the organisation's exposure, monitor whether obligations are being fulfilled, and identify areas where processes may require strengthening.

Including the Grants Register as a standing quarterly report supports ARIC's oversight of compliance, financial integrity, and internal control effectiveness. It ensures that grant-related risks are monitored systematically, that emerging issues are identified early, and that the organisation maintains disciplined and transparent grant management practices.

## Attachment

### **7. Compliance Breach Register**

*It is proposed that ARIC receive a Compliance Breach Register each quarter as part of the Compliance & Obligations Reports. This register would provide structured visibility over all suspected or confirmed compliance breaches, including matters currently under investigation, the outcomes of completed investigations, and the corrective actions arising from them. For each item, the register would outline the nature of the suspected breach, the status of the investigation, the findings where applicable, the responsible officers, and the implementation status of any required remedial actions.*

A compliance breach, for the purposes of this register, refers to any instance where legislation, regulations, internal policies, procedures, contractual obligations, or statutory requirements have not been followed or may not have been followed. This includes suspected breaches that are still being assessed, confirmed breaches identified through investigation, and systemic issues that result in repeated non-compliance. Including suspected breaches is essential, as early-stage concerns often reveal emerging control weaknesses before they escalate into formal findings.

Oversight of compliance systems is a core responsibility of ARIC, and early visibility of suspected breaches is essential to maintaining organisational accountability and process integrity. Transparency around investigations supports timely remediation, reduces the risk of issues being minimised or overlooked, and enables ARIC to identify patterns that may indicate systemic weaknesses in internal controls, training, or governance processes. Monitoring corrective actions and their implementation status also allows ARIC to assess whether the organisation is responding effectively to compliance failures and embedding continuous improvement.

Including the Compliance Breach Register as a standing quarterly report strengthens ARIC's ability to oversee compliance, financial integrity, and internal control effectiveness. It ensures that breaches are identified, escalated, and resolved in a timely and accountable manner, and that the organisation maintains a disciplined approach to compliance management.

### **8. Corporate Risk Register (Full Version)**

*It is proposed that ARIC receive the full Corporate Risk Register each quarter as part of the Risk & Assurance Reporting suite. This would provide complete visibility of all strategic, operational, financial, compliance, and project-related risks recorded within the organisation's risk management system. The full register would include inherent and residual risk ratings, assessments of control effectiveness, treatment plans and progress updates, and the assigned risk owners with corresponding due dates. Providing the complete register ensures that ARIC is not reliant on summaries or dashboards that may omit important detail, mask deteriorating risks, or obscure stalled treatments.*

## Attachment

ARIC's ability to provide meaningful oversight depends on access to the underlying risk information rather than high-level extracts. Full visibility enables the Committee to challenge assumptions, identify gaps in control design or operation, and assess whether risk treatments are realistic, appropriately resourced, and progressing as planned. It also allows ARIC to detect emerging patterns - such as repeated control failures, overdue treatments, or clusters of high-risk items - that may indicate systemic issues requiring escalation or further assurance activity.

Receiving the full Corporate Risk Register supports ARIC's statutory responsibility to oversee risk management and internal control effectiveness. It strengthens the Committee's capacity to monitor the organisation's risk profile, ensure accountability for risk ownership, and provide informed, independent advice on the adequacy of the risk management framework. This level of transparency is essential for proactive governance and for ensuring that risks are managed consistently, systematically, and in alignment with the organisation's strategic objectives.

### **9. CEO's Statement of Assurance**

*It is proposed that ARIC receive a formal written CEO's Statement of Assurance each quarter as part of the Risk & Assurance Reporting suite. This written statement would provide an executive-level attestation on the effectiveness of the organisation's financial controls, risk management systems, and compliance processes. The CEO would confirm in writing whether these systems are operating effectively, identify any areas where they are not, outline key concerns or emerging issues that warrant ARIC's attention, and disclose any resourcing or capability constraints affecting governance, finance, or risk functions. The intent is to ensure ARIC receives a clear, attributable, and auditable assurance directly from the accountable officer.*

Quarterly written CEO attestations are standard practice across local government and the broader public sector because they strengthen executive accountability and provide governance bodies with direct insight into systemic issues. A written assurance statement enables ARIC to understand the CEO's level of confidence in the organisation's internal controls, identify areas where controls may be deteriorating, and assess whether emerging risks are being escalated appropriately. It also ensures that material concerns - whether operational, financial, compliance-related, or cultural - are documented transparently and not left to informal reporting channels.

Including a formal written CEO's Statement of Assurance as a standing quarterly report supports ARIC's statutory responsibility to oversee risk management and internal control effectiveness. It reinforces a culture of transparency, early escalation, and continuous improvement, and ensures that ARIC has the information it needs to provide informed, independent oversight of the organisation's governance environment.

## Attachment

### **10. Proposed Meeting Schedule**

*The following schedule will follow a standard agenda structure that incorporates the Committee's standing reporting requirements, ensuring consistent oversight across financial controls, compliance, risk, and operational matters. In addition to these standard reports, the CEO will present further information where emerging issues, material risks, statutory obligations, or significant organisational developments warrant ARIC's attention.*

This approach provides a stable and predictable meeting rhythm while maintaining the flexibility needed to respond to new or evolving matters throughout the year.

9 April 2026

- Operational Overview Summary
- Reconciliation Status Report
- Unreconciled Items Register
- Aged Payables and Receivables Report

14 May 2026

- Operational Overview Summary
- Reconciliation Status Report
- Unreconciled Items Register
- Aged Payables and Receivables Report
- Grants Register
- Compliance Breach Register

11 June 2026

- Operational Overview Summary
- Reconciliation Status Report
- Unreconciled Items Register
- Aged Payables and Receivables Report
- Corporate Risk Register
- CEO's Statement of Assurance

9 July 2026

- Operational Overview Summary
- Reconciliation Status Report
- Unreconciled Items Register
- Aged Payables and Receivables Report

13 August 2026

- Operational Overview Summary

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**Attachment**

- Reconciliation Status Report
- Unreconciled Items Register
- Aged Payables and Receivables Report
- Grants Register
- Compliance Breach Register

10 September 2026

- Operational Overview Summary
- Reconciliation Status Report
- Unreconciled Items Register
- Aged Payables and Receivables Report
- Corporate Risk Register
- CEO's Statement of Assurance

8 October 2026

- Operational Overview Summary
- Reconciliation Status Report
- Unreconciled Items Register
- Aged Payables and Receivables Report

12 November 2026

- Operational Overview Summary
- Reconciliation Status Report
- Unreconciled Items Register
- Aged Payables and Receivables Report
- Grants Register
- Compliance Breach Register
- Review 2027 calendar meeting schedule

10 December 2026

- Operational Overview Summary
- Reconciliation Status Report
- Unreconciled Items Register
- Aged Payables and Receivables Report
- Corporate Risk Register
- CEO's Statement of Assurance

## Attachment

### Implications to Consider

#### Consultative

The framework requires consultation with the CEO and senior management to ensure reporting expectations are understood, achievable, and embedded into governance processes. Monthly reporting will require coordination across business units to ensure timely preparation and review.

#### Strategic

The framework strengthens governance maturity and aligns ARIC's oversight with contemporary public-sector risk and assurance practices. Improved visibility of risks, controls, and compliance obligations enhances ARIC's ability to support strategic decision-making and provide informed advice to Council.

#### Policy Related

Implementation may require updates to internal reporting procedures, delegations, and document-management practices. The framework aligns with ARIC's Charter and the Shire's governance policies, reinforcing transparency and continuous improvement.

#### Financial

Financial impacts are minimised as community members have indicated willingness to maintain the current annual fee structure even with monthly meetings. Increased administrative workload will be offset by earlier risk detection and strengthened financial control effectiveness.

#### Legal and Statutory

The framework supports compliance with the *Local Government Act 1995* and the strengthened ARIC requirements effective 1 January 2026. Formalising reporting expectations enhances the Shire's ability to demonstrate due diligence and statutory oversight.

#### Risk Related

The reporting suite improves early detection of emerging risks, control failures, and compliance breaches. Regular, structured reporting reduces the likelihood of financial loss, audit findings, and reputational damage.

#### Workforce Related

The framework requires consistent reporting contributions from finance, governance, risk, and operational teams. Training or process improvements may be required to ensure reports are accurate, evidence-based, and delivered on schedule.

## Attachment

### Audit, Risk and Improvement Committee Recommendation 1

The Audit, Risk and Improvement Committee resolves to:

1. Approve the Audit, Risk and Improvement Committee Reporting Framework as outlined in the report.
2. Approve the meeting dates for the Audit, Risk and Improvement Committee for 2026, with a starting time of 10.30am, as follows:
  - 9 April 2026
  - 14 May 2026
  - 11 June 2026
  - 9 July 2026
  - 13 August 2026
  - 10 September 2026
  - 8 October 2026
  - 12 November 2026
  - 10 December 2026
3. Requests the CEO to implement the Reporting Framework, 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.

### Audit, Risk and Improvement Committee Recommendation 2

The Audit, Risk and Improvement Committee recommends that Council:

1. Approves the change in the Audit, Risk and Improvement Committee meeting frequency from quarterly to monthly for the remainder of the 2026 calendar year.
2. Sets 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. Notes that the Reporting Framework has been developed in accordance with Section 2.5 of the Audit, Risk and Improvement Committee Charter, which

**Attachment**

requires the Committee to prepare an annual work plan outlining when it will perform key activities, in consultation with Council.

4. Endorses the Reporting Framework, as outlined in the report.
5. Notes that Audit, Risk and Improvement Committee has requested the required reports from the CEO in accordance with its Charter and statutory functions.

**Administration Centre**

15 Fiennes Street  
PO Box 96  
TOODYAY WA 6566

**T** (08) 9574 9300

**E** [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

**W** [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au)

Mrs Natalie Mills

Chairperson

Shire of Toodyay ARIC

Dear ARIC Chair

**RE: Special audit meeting**

My apologies for not being able to be at the “special audit” committee meeting called, by yourself the Chairperson, by giving notice on Friday 13 March at 8.03am without the professional courtesy of any prior discussion with me on whether my relevant staff or I was available. I will be on leave, as all Councillors were aware.

I hold serious concerns into the conduct of potentially all audit committee members, in that informal meetings / discussions have apparently occurred, that have not been in a format that is required by the legislation. I form this view by the following comments in your email “The ARIC committee members and I have worked through the draft report and the proposed reporting framework”. Secret, behind “closed doors” meetings / discussions do not promote transparency, accountability or openness amongst other matters of concern.

If you or any member of the audit committee wanted a more detailed work plan, which I cannot recall having been previously raised in any prior ARIC, the correct process to have followed is via a notice of motion for a report. This would then have allowed staff to provide professional advice, including any cost and resource implications for a fully informed decision to be made. In the absence of this, you and the audit committee members are proposing to make decisions without knowing the impact of such. Please note a quick scan of the 12-page document what you and apparently audit committee members have already appeared to have agreed to have both resourcing and staffing issues amongst other things. The details of how much cannot be provided without detailed investigation. Other matters such as it being impossible to hold two meetings at the same time in the same venue with some of the same stakeholders; an increase expenditure of independent sitting fees (as adopted by council) by 300%, requiring the CEO to breach confidentiality requirements also come to mind.

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In my role I am required to provide professional advice, and to not do so would be a breach of my statutory duty. I note your comment in your email where you state “I would appreciate it being presented to the committee in its current form without any amendments” I have instructed my staff to do so, however it is important for me to advise you that your role and / or that of any other committee member is not to write reports – this is an administrative role and responsibility. The role of ARIC is **oversight** of risk management, internal controls, financial management, compliance and continuous improvement. MY staff will however provide a hastily put together report, that will provide a professional recommendation from staff as is required. If committee members choose not to follow this advice, the reasons for doing so must be documented in the minutes of the meeting as required by legislation.

I am concerned that you and other committee members, being the authors of said work plan have an apprehended bias, and as such it my professional responsibility to draw this to your attention. Your apprehension of bias together with other committee members comes about being the author of the said workforce plan, having already discussed and “worked through the draft report” that you are now required to make an impartial decision. I do not believe this can now occur.

Apprehend bias is a common law concept. The apprehended bias concept was the subject of a decision by Justice Archer in the Supreme Court in the case *Dain Pty Ltd v Shire of Peppermint Grove* (2019).

Arhcer J said

*Bias may be caused by an interest in the outcome affection or enmity or prejudgement. Whatever its cause the results that is feared is a deviation from the true course of decision making.*

*The governing principle for apprehended bias is whether a fair minded lay observer might reasonably apprehend that the decision maker might not bring an impartial mind to the decision. The question is largely a factual one, but must be considered in the legal, statutory and factual context in which the decision is made. IT is an objective test of “possibility” (real and not remote), not probability” The court need not be satisfied that the fair minded lay observer “would” have such an apprehension; nor need any apprehensions in the mind of the observer itself involved a state of satisfaction of the probabilities”*

Archer J in paragraphs 94 – 96 of her reasons said further

*94 The propose approach, set out in *Ebner v Official Trustee in Bankruptcy*, involves two steps(*Ebner test*)*

*First – the identification of what is said might lead a decision maker to decide a case other than on its legal and actual merits*

*Second the articulation of the logical connection between the matter and the feared deviation from the course of deciding the case on its merits*

95 *As is apparent from the description, the first step is not an identification of those things that **will** cause the decision maker to decide a case other than on its legal and actual merits. It is an identification of the factors that **might** lead the decision maker to decide a case other than on its legal and actual merits.*

96 *Similarly the second step is directed to the **capability** to affect a decision not actual affectation.*

For there to be a reasonable apprehension of bias sufficient to disqualify a person from a decision-making role, it is not necessary that there be actual bias. A person required to carry out an evaluation may be particularly high minded and may in fact be capable of overcoming an apprehended bias and may be capable of making a fair and balanced evaluation. But apprehended bias principle is not concerned with the quality of mind of the individual decision maker. It is concerned with the apparent capability of the apprehended bias circumstance to affect decision making role.

Your Sincerely



Aaron Bowman JP

**Chief Executive Officer**

**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE  
MEETING MINUTES**

17 MARCH 2026

**4 OFFICER REPORTS**

**4.1 ARIC Request for Special Meeting to consider Reporting Framework and proposed 2026 Meeting Schedule**

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 Hart – Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Memo from ARIC Chair including Notice of Meeting;</li> <li>2. ARIC Reporting Framework &amp; Meeting Schedule (Final Version)” – 12-page report; and</li> <li>3. Email from CEO to ARIC Chair.</li> </ol>

**PURPOSE OF THE REPORT**

To present to the Audit, Risk and Improvement Committee (ARIC), *without amendment*, the Reporting Framework and proposed 2026 Meeting Schedule received via email from the ARIC Chair together with the notice of meeting request (**Attachment 1 and 2**).

**BACKGROUND**

The CEO received correspondence from the ARIC Chair 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.

Clause 2.5 of the ARIC Charter requires the Committee to maintain an annual work plan, which the Chair advises relies on adopting the proposed Reporting Framework and meeting schedule.

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 Chair has issued such a request.

As required, the attached documents are presented unaltered, noting that report-writing is an administrative function of the CEO under section 5.41 of the *Local Government Act 1995*.

**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE  
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17 MARCH 2026

The Chair provided:

1. A formal request to convene a Special ARIC Meeting; and
2. Instructions that the Reporting Framework be “presented to the committee in its current form without any amendments”; and
3. A 12-page report proposing:
  - Monthly ARIC meetings (increasing from quarterly);
  - A comprehensive new structured reporting suite;
  - A 2026 meeting schedule; and
  - Substantial new reporting requirements across finance, governance, risk and operations.

**COMMENTS AND DETAILS**

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

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*.

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 Council considers endorsement.

*The Audit, Risk and Improvement Committee requested that the following statement by the Chairperson, N Mills, at 10:42 am be recorded in the minutes of the meeting.*

**MOTION/ARIC RESOLUTION NO.ARC007/03/26**

**MOVED** Cr M Dival

**SECONDED** Mrs N Mills

Chairperson, N Mills, made the following statement at 10:42 am:

*“We have all read the communication from the CEO regarding this Special Meeting.*

*I want to be very clear - Clause 2.5 of the ARIC Charter explicitly mandates this Committee to prepare an annual work plan. This is a direct obligation placed on ARIC by Council.*

*The responsibility sits squarely with us.*

*To meet this obligation, members must be able to discuss priorities and what reporting is required for proper oversight. This is not 'non-compliant' behaviour - it is the performance of our duty.*

*Clause 3.2 of the ARIC Charter provides explicit authorisation from the Council for ARIC to obtain any information it requires (subject to legal obligations to protect information) for the purposes of fulfilling its duties. This is the intent of the Framework developed for the Work Plan.*

*The suggestion of apprehended bias is also misplaced. Participation in processes mandated by the Charter is not evidence of bias; it is a necessary component of fulfilling our statutory responsibilities.*

**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE  
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*Regarding the comments on resourcing: if the reports required by the Framework cannot be produced, that represents a material organisational risk. Identifying such risks is one of the reasons why this Committee exists.*

*While it is disappointing that the Committee's integrity has been questioned, our focus remains on fulfilling the responsibilities assigned to us.*

*The CEO's comments and suggestions notwithstanding, ARIC is committed to moving from reactive action to a proactive approach in addressing organisational risks.*

*With that context noted, let's continue with the Agenda."*

Voted For: N Mills, S Rutter, K Barrack, M Dival, M McKeown, J Prater and  
S Van der Heyden

Voted Against: Nil

**MOTION CARRIED 7/0**

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

*Internal consultation across Governance, Finance, Risk, Executive Services and relevant business units is required to determine feasibility.*

**Strategic:**

*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

**Financial:**

*Substantial increases in staffing and operational costs are likely. Detailed estimates require further analysis.*

**Legal and Statutory:**

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

*Local Government (Audit) Regulations 1996 r.16*

*Local Government (Administration) Regulations 1996 r.14*

*Standing Orders Local Law 2008 cl. 7.10*

*CCC Act 2003*

*Common law principles of apprehended bias.*

**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE  
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**Risk related:**

There are several governance, legal, operational and procedural risks associated with ARIC making this recommendation to Council in its current form.

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

Three of the dates proposed are Council Workshop dates where other council business gets done and so scheduling meetings on these days would affect operations considerably.

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 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 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 in the CEO.

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.

**Workforce related:**

Significant workload increases for finance, governance, risk and administrative staff.

**VOTING REQUIREMENTS**

Simple Majority

**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE  
MEETING MINUTES**

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**ARIC RECOMMENDATION/ARIC RESOLUTION NO.ARC008/03/26****MOVED** Mrs N Mills**SECONDED** Cr J Prater

That the Audit, Risk and Improvement Committee resolves to:

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:
  - 9 April 2026
  - 14 May 2026
  - 11 June 2026
  - 9 July 2026
  - 13 August 2026
  - 10 September 2026
  - 8 October 2026
  - 12 November 2026
  - 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.

Voted For: N Mills, S Rutter, K Barrack, M Dival, M McKeown, J Prater and  
S Van der Heyden

Voted Against: Nil

**MOTION CARRIED 7/0**

**SPECIAL AUDIT, RISK AND IMPROVEMENT COMMITTEE  
MEETING MINUTES**

17 MARCH 2026

**ARIC RECOMMENDATION/ARIC RESOLUTION NO.ARC009/03/26****MOVED** Mrs N Mills**SECONDED** Ms K Barrack

The Audit, Risk and Improvement Committee recommends that Council:

1. Approves the change in the Audit, Risk and Improvement Committee meeting frequency from quarterly to monthly for the remainder of the 2026 calendar year.
2. Sets 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. Notes that the Reporting Framework has been developed in accordance with Section 2.5 of the Audit, Risk and Improvement Committee Charter, which requires the Committee to prepare an annual work plan outlining when it will perform key activities, in consultation with Council.
4. Endorses the reporting framework, as outlined in **Attachment 2**.
5. Notes that the Audit, Risk and Improvement Committee has requested the required reports from the CEO in accordance with its charter and statutory functions.

Voted For: N Mills, S Rutter, K Barrack, M Dival, M McKeown, J Prater and  
S Van der Heyden

Voted Against: Nil

**MOTION CARRIED 7/0**

**ARIC ANNUAL WORK PLAN**

Prepared in accordance with ARIC Charter Clause 2.5 (Annual Work Plan Requirement)

**OVERARCHING PURPOSE**

Guide ARIC’s annual oversight of:

- Financial management;
- Internal controls;
- Risk management;
- Legislative compliance;
- Audit outcomes (OAG + internal); and
- s.7.12A actions ...in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*.

Reports are prepared by the CEO which is consistent with s.5.41 of the Act.

Quarters	Focus Areas	Key oversight items
<b>QUARTER 1</b>  <b>COMPLIANCE &amp; GOVERNANCE FOUNDATIONS</b>  (Jan–Mar)	Compliance, Above-Appetite Risks, Governance Integrity	Annual Compliance Audit Return (CAR) review;
		Review Above-Appetite risks: <ul style="list-style-type: none"> <li>○ FM2 (Expenditure Overruns);</li> <li>○ FM8 (Inflation &amp; Interest Exposure);</li> <li>○ BC4 (Financial Instability);</li> <li>○ BC8 (Human Resources Capacity).</li> </ul> ARIC should check whether risk exposures remain aligned with Council's adopted appetite.
		GC11 (ARIC recommendations not reaching Council).
		OAG findings.
		Business Continuity & Disaster Recovery Plan update.
		CEO briefing on key governance and operational risks;
<b>QUARTER 2</b>  <b>FINANCIAL CONTROLS &amp; RISK DEEP DIVE</b>  (Apr–Jun)	Internal Controls, Strategic Risks, Assurance	Internal control effectiveness report.
		Financial control visibility: <ul style="list-style-type: none"> <li>○ Reconciliations;</li> <li>○ control accounts;</li> <li>○ unusual transactions;</li> <li>○ debtors/creditors aging.</li> </ul>
		Strategic Risk Register (fraud, cyber, insurance, governance);
		Procurement & contract management oversight (OAG recurring focus);
		BCP/DRP assurance update;
		Annual review of assurance activities (as outlined in the Compliance Management Calendar), consistent with Charter clause 7.2(a)(iv).
Regulatory environment updates (CCC, OAG, LGIS, LGIRS).		

**ARIC ANNUAL WORK PLAN**

*Prepared in accordance with ARIC Charter Clause 2.5 (Annual Work Plan Requirement)*

Quarters	Focus Areas	Key oversight items
<b>QUARTER 3</b>  <b>MID-YEAR ASSURANCE &amp; OPERATIONAL RISK</b>  (Jul-Sep)	Operational Risks, Financial Sustainability, Audit Follow-Up	Mid-year financial governance report
		Workforce and capability risks (BC8)
		Operational risk register review
		Cyber & IT continuity posture
		Fraud & misconduct control updates (CEO-provided; confidentiality protected)
		Audit recommendation progress (OAG + internal)
		Regulation 17 Review (if scheduled during the cycle): Review CEO's report on the appropriateness and effectiveness of systems and procedures relating to financial management, risk management, internal controls, and legislative compliance (Reg 16(b)(i)).
<b>QUARTER 4</b>  <b>ANNUAL AUDIT &amp; FORWARD PLANNING</b>  (Oct-Dec)	External Audit, Governance Maturity, Annual Assurance	Draft Annual Financial Statements review
		Meeting with OAG-appointed auditor
		CEO Annual Control & Compliance Assurance Statement
		Recordkeeping & information governance (OAG recurring finding)
		Annual governance health review (delegations, policies, frameworks)
		ARIC Annual Report to Council
		Charter Review (if due this year): Review ARIC Charter in accordance with Clause 12 and recommend amendments to Council.
		ARIC Annual Performance Assessment: Conduct annual evaluation of ARIC's performance in accordance with Clause 10.
		Endorse ARIC Work Plan for next year (submitted to Council)
<b>STANDING ITEMS FOR EVERY MEETING</b>	Status Report	Action Register
	Risk Management	<ul style="list-style-type: none"> <li>• Major risk events / emerging issues;</li> <li>• Compliance updates;</li> <li>• BCP/DRP incidents (e.g., outages, cyber events).</li> </ul>

**ARIC ANNUAL WORK PLAN**

Prepared in accordance with ARIC Charter Clause 2.5 (Annual Work Plan Requirement)

Quarters	Focus Areas	Key oversight items
<b>STANDING ITEMS FOR EVERY MEETING</b>	Audit Management	<ul style="list-style-type: none"> <li>s.7.12A Action Monitoring: Standing oversight of mandatory audit responses and CEO actions required under s.7.12A.</li> </ul>
		<ul style="list-style-type: none"> <li>Audit findings (internal &amp; external)</li> </ul>
<b>Items as required</b>	Regulator correspondence (OAG, CCC, LGIS)	<ul style="list-style-type: none"> <li>Reports around Audits and Auditing in local government, plus anything financial that a local government does.</li> </ul>
	Financial control variations or anomalies ( <i>e.g. unusual, unexplained, or inconsistent items arising from the Shire's financial control processes, including reconciliations, journals, variances, aged balances, and other deviations from expected financial patterns</i> ).	<p>These items may indicate internal control weaknesses, process failures, errors, or potential fraud risks.</p> <ul style="list-style-type: none"> <li>ARIC's role is to review these matters as part of its statutory oversight of financial management and internal controls, with the CEO providing explanations and corrective action.</li> </ul>
<b>DELIVERABLES BY YEAR-END</b>	Charter requirement	ARIC Annual Report to Council
	Charter requirement	Recommendations on financial management, risk, compliance & internal controls
	Charter requirement	Advice on Annual Financial Statements
	Charter requirement	Audit implementation overview and monitoring.



## Memo to Councillors

From the Office of the CEO

**Date:** 23 March 2026

**Subject:** ARIC Recommendation, Statement by the ARIC Chair, and proposed alternate Work Plan for ARIC

Dear Councillors

This memo provides clarification on the statement made by the ARIC Chair at the Audit, Risk and Improvement Committee meeting held on 17 March 2026, and outlines the legislative and Charter requirements that apply to ARIC's role. It also presents an alternative Annual Work Plan that complies with clause 2.5 of the ARIC Charter and Regulation 16 of the *Local Government (Audit) Regulations 1996*.

The purpose of this memo is to ensure Council has clear, accurate and impartial information to support decision-making, reinforce the respective roles of Council, ARIC, and the Chief Executive Officer, and maintain confidence in the Shire's governance processes.

### Response to the statement made

The statement read as follows:

*We have all read the communication from the CEO regarding this Special Meeting.*

*I want to be very clear - Clause 2.5 of the ARIC Charter explicitly mandates this Committee to prepare an annual work plan. This is a direct obligation placed on ARIC by Council.*

*The responsibility sits squarely with us.*

*To meet this obligation, members must be able to discuss priorities and what reporting is required for proper oversight. This is not 'non-compliant' behaviour - it is the performance of our duty.*

*Clause 3.2 of the ARIC Charter provides explicit authorisation from the Council for ARIC to obtain any information it requires (subject to legal obligations to protect information) for the purposes of fulfilling its duties. This is the intent of the Framework developed for the Work Plan.*

*The suggestion of apprehended bias is also misplaced. Participation in processes mandated by the Charter is not evidence of bias; it is a necessary component of fulfilling our statutory responsibilities.*

*Regarding the comments on resourcing: if the reports required by the Framework cannot be produced, that represents a material organisational risk. Identifying such risks is one of the reasons why this Committee exists.*

*While it is disappointing that the Committee's integrity has been questioned, our focus remains on fulfilling the responsibilities assigned to us.*

*The CEO's comments and suggestions notwithstanding, ARIC is committed to moving from reactive action to a proactive approach in addressing organisational risks.*

*With that context noted, let's continue with the Agenda.*



**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

A breakdown of the above statement is as follows:

- (a) **Clause 2.5 of the ARIC Charter explicitly mandates this Committee to prepare an annual work plan. This is a direct obligation placed on ARIC by Council. The responsibility sits squarely with us.**

This statement is partly correct but overstated.

Clause 2.5 does state that “The Committee will prepare an annual work plan that outlines when it will perform key activities, in consultation with Council.”

So yes, ARIC has an obligation to prepare an annual work plan.

However, the words “in consultation with Council” mean the responsibility does not sit “squarely” and exclusively with ARIC – it must be developed with Council input and within the limits of ARIC’s role under Reg 16. The Charter cannot override the Local Government Act or give ARIC powers it does not have.

- (b) **To meet this obligation, members must be able to discuss priorities and what reporting is required for proper oversight. This is not ‘non-compliant’ behaviour – it is the performance of our duty.**

This is misleading as stated.

ARIC members can and should discuss priorities and information needs – but only through properly convened meetings and lawful processes (Standing Orders, Act, Admin Regs), not via informal “working through” drafts outside meetings as raised by the CEO.

Also, ARIC’s role under Reg 16 is to receive and review reports and recommend improvements; it does not include dictating the specific reporting framework or cadence that administration must adopt. Preparation and design of reporting systems remains an administrative (CEO) responsibility.

- (c) **Clause 3.2 of the ARIC Charter provides explicit authorisation from the Council for ARIC to obtain any information it requires [...] This is the intent of the Framework developed for the Work Plan.**

Incomplete and overstated.

- Clause 3.2 says the Committee may “obtain any information it requires... for the purpose of fulfilling its duties, in consultation with the Chief Executive Officer.”
- That power:
  - ❖ is subject to legal obligations to protect information (CCC, employment, privacy, investigations, etc);
  - ❖ must be exercised via the CEO, not by ARIC directly managing staff; and
  - ❖ is limited to information relevant to ARIC’s Reg 16 functions, not open-ended.
- It does not authorise ARIC to design an administrative reporting framework, require running updates on active investigations, or impose workloads and formats on staff.

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**Memo to Councillors – ARIC Recommendation, Statement by the ARIC Chair, and proposed alternate Work Plan for ARIC**

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**(d) The suggestion of apprehended bias is also misplaced. Participation in processes mandated by the Charter is not evidence of bias; it is a necessary component of fulfilling our statutory responsibilities.**

- This is contestable and not safely stated.
  - ❖ The CEO's concern is not that ARIC members participate in meetings, but that they jointly authored and "worked through" the specific Reporting Framework they now wish to formally adopt, outside of a properly convened meeting.
  - ❖ That goes directly to the *Dain Pty Ltd v Shire of Peppermint Grove (2019)* test: whether a fair-minded observer might reasonably apprehend that the decision-maker may not bring an impartial mind to the decision. The risk does not disappear because the Charter mentions a work plan.
  - ❖ The Charter cannot override common law principles of apprehended bias. The fact that a process is "mandated" does not mean any way of carrying it out is free from bias risk.

**(e) Regarding the comments on resourcing: if the reports required by the Framework cannot be produced, that represents a material organisational risk. Identifying such risks is one of the reasons why this Committee exists.**

- Partly true but misdirected.
  - ❖ It is true that inadequate reporting or weak controls can represent risk, and ARIC should highlight such deficiencies.
  - ❖ However, it does not follow that any framework ARIC designs must be implemented, nor that inability to deliver ARIC's preferred monthly suite is, by definition, a "material organisational risk."
  - ❖ Under s.5.41, the CEO determines what resources the Shire has, how staff are deployed, and how systems operate. ARIC can identify gaps and recommend improvements; it cannot pre-empt that analysis by designing its own administrative model and treating non-implementation as risk in itself.

**(f) The CEO's comments and suggestions notwithstanding, ARIC is committed to moving from reactive action to a proactive approach in addressing organisational risks."**

- A sentiment, not a legal point.
  - ❖ Being proactive is commendable but cannot be used to justify acting beyond ARIC's legal remit, nor to dismiss concerns about process, role boundaries, or apprehended bias.

**The statement made by the ARIC Chair contains several misunderstandings about the scope of ARIC's authority under the *Local Government Act 1995*, Regulation 16 of the *Local Government (Audit) Regulations 1996*, and the ARIC Charter.**

To ensure clarity for Council, the following points set out the correct legislative position:

- Clause 2.5 does not give ARIC authority to design operational reporting systems  
Clause 2.5 requires the Committee to prepare an **Annual Work Plan** that outlines **when** ARIC will perform its oversight activities, and to do so **in consultation with Council**.  
It does **not** authorise ARIC to design, mandate, or impose administrative reporting frameworks, reporting formats, or internal workloads.

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- Clause 3.2 is conditional and must be exercised via the CEO  
Clause 3.2 allows ARIC to obtain information **in consultation with the CEO** and **subject to legal restrictions**.  
This power:
- must be exercised through the CEO, not directly with staff;
  - is limited to information needed for ARIC's **Reg 16 oversight functions**;
  - cannot override confidentiality, CCC, employment or privacy obligations.
- Nothing in clause 3.2 authorises ARIC to create a standing reporting methodology or determine administrative processes.
- The Charter cannot override the CEO's statutory responsibilities  
Under s.5.41 of the Act, the CEO is responsible for all administrative functions, including:
- internal reporting processes;
  - system design;
  - operational procedures;
  - workforce allocation;
  - financial controls; and
  - record keeping and investigations.
- ARIC cannot assume or direct these functions, nor can the Charter confer such powers.
- Charter obligations do not negate apprehended bias risks  
The CEO's concern relates not to ARIC preparing a Work Plan, but to the **process** used—specifically ARIC members jointly drafting and discussing the Framework outside a formal meeting.  
This may give rise to a **reasonable apprehension of bias** under the principles articulated in *Dain Pty Ltd v Shire of Peppermint Grove (2019)*. The fact that ARIC is required to develop a Work Plan does not eliminate bias risks if preparatory work occurs through informal or non-transparent processes.
- Identifying organisational risk does not justify directing the administration  
ARIC is entitled to identify gaps or weaknesses in reporting or systems. However, ARIC cannot:
- mandate additional reporting;
  - prescribe the structure or frequency of internal reports;
  - require monthly operational outputs;
  - determine resourcing; or
  - implement a reporting framework independently.
- Any reporting obligations must be assessed by the CEO and, where appropriate, determined by Council.

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### Recommendation made by the Committee

The recommendation made at the ARIC Special Meeting on 17 March 2026 has been assessed against Regulation 16 of the *Local Government (Audit) Regulations 1996*, the ARIC Charter, and the CEO's statutory responsibilities under section 5.41 of the *Local Government Act 1995*.

Regulation 16 prescribes that ARIC's functions are limited to **receiving and reviewing reports** on audits, financial management, legislative compliance, risk management, and the implementation of actions under section 7.12A, and to **making recommendations** to Council on improvements to these systems.

It does not confer authority or empower ARIC to design or mandate internal reporting processes, determine administrative workloads, or prescribe meeting frequency beyond what is required to fulfil these oversight functions.

Clause 2.5 of the ARIC Charter requires the Committee to prepare an **Annual Work Plan** that outlines **when** it will perform its key oversight activities, and to do so *in consultation with Council*. This consultation requirement ensures alignment with Council's governance expectations and respecting the CEO's administrative responsibilities.

The "Reporting Framework" considered by ARIC is **not** an annual work plan for the purposes of clause 2.5, as it proposes operational reporting frequencies and internal reporting structures which fall within the CEO's exclusive remit under section 5.41.

Council has already adopted its 2026 Meeting Schedule, and the dates proposed by ARIC conflict with that schedule. Moving to monthly meetings would significantly affect operations and has not been subject to workforce, financial or legislative impact analysis.

The current request for monthly meetings would require a wholesale rescheduling of the existing program and would generate significant, unassessed operational, staffing, and financial impacts.

Accordingly, Administration considers the ARIC recommendation **cannot be supported**.

The report for the April Council Meeting will include an **Option 1** that ensures Council continues to meet its legislative obligations, preserves the clarity of roles established under the *Local Government Act 1995*, and supports the appropriate development of a compliant **Annual Work Plan**—prepared by ARIC, in consultation with Council, and supported by CEO-provided advice as required under the Charter.

This approach maintains good governance practice, avoids unnecessary operational disruption, and ensures ARIC's oversight remains consistent with Regulation 16 of the *Local Government (Audit) Regulations 1996*.

### Proposed Annual Work Plan

Clause 2.5 of the ARIC Charter requires the Committee to prepare an Annual Work Plan **in consultation with Council**. The proposed Annual Work Plan fulfils this requirement by:

- identifying when ARIC will undertake its key oversight activities;
- aligning with Council's adopted annual governance cycle;
- remaining strictly oversight-focused, not operational; and
- relying on CEO-provided reporting, consistent with section 5.41.

The *Reporting Framework* developed by ARIC, however, goes beyond this requirement by:

- setting its own meeting frequency rather than working with Council;
- imposing administrative and operational reporting obligations;

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- prescribing reporting formats and administrative processes;
- requiring CEO operational information ARIC is not legally entitled to receive on an ongoing basis; and
- generating substantial unassessed financial and workforce implications.

ARIC is an oversight body. It may recommend improvements, but it cannot design or mandate operational systems. Only Council may lawfully request additional CEO reporting, and only where consistent with the Act.

The proposed Annual Work Plan reflects ARIC's statutory oversight role under Regulation 16 and avoids risks associated with role confusion, operational encroachment, and apprehended bias. It is therefore the appropriate mechanism for ARIC's forward planning and will be presented to Council as a compliant alternative to the Reporting Framework.

The intent of this memo is to support Council in navigating the Committee's recent recommendation by providing a clear summary of the legislative framework, the ARIC Charter, and the CEO's statutory responsibilities under section 5.41 of the *Local Government Act 1995*.

The proposed Annual Work Plan aligns with these requirements and maintains the integrity of ARIC's oversight role under Regulation 16, while the Reporting Framework extends beyond ARIC's authority and introduces operational, financial and governance risks.

Administration remains committed to assisting Council and ARIC to work collaboratively within the statutory framework, ensuring strong, transparent, and sustainable governance for the Shire of Toodyay.

Yours sincerely



---

Aaron Bowman JP  
Chief Executive Officer

Encl.

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**NOTICE OF MOTION – CR RAY MILLS**

Ordinary Council Meeting: 02/04/2026

**MOTION**

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:
    - a. Cr \_\_\_\_\_
    - b. Cr \_\_\_\_\_
    - c. Cr \_\_\_\_\_
    - d. 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.
- 

**RATIONALE**

The establishment of an Infrastructure & Works Committee will strengthen Council's strategic oversight of the Shire's works program, infrastructure planning, plant replacement, and long-term asset management, ensuring that Council receives structured, informed advice on these high-impact areas.

The inclusion of two invited community members provides access to local knowledge and practical expertise, enhancing the quality of advice to Council while maintaining a skills-based, accountable committee structure consistent with contemporary local government practice.

  
Cr Ray Mills

23/03/2026

## Shire of Toodyay – Works & Infrastructure Committee

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### 1. Purpose and Scope

The Works & Infrastructure Committee is established to provide informed, practical, and community-grounded advice to Council on the planning, prioritisation, delivery, and review of the Shire's infrastructure and works program. The Committee supports Council's strategic responsibilities by receiving reports and providing advice on infrastructure and works programs – including roads, bridges, drainage, parks, buildings, plant and equipment, and other civil assets – to promote efficient, safe and sustainable outcomes that reflect the best interests of the community.

The Committee's scope encompasses all matters relating to the Shire's infrastructure and works program, including long-term asset planning, annual works program priorities, major plant and equipment proposals, tenders, contracts, grants, project progress, risks, and budget alignment. Within this scope, the Committee reviews, analyses and provides recommendations to Council to support informed decision-making and improved community outcomes.

The Committee is an advisory committee only and has no delegated authority under the *Local Government Act 1995*. Its role is to assist Council's decision-making by offering informed analysis and recommendations; it does not direct Shire operations or staff.

---

### 2. Functions and Responsibilities

The Committee is to:

1. Review and provide advice on the annual infrastructure, works program, long-term asset planning and recommend priorities.
  2. Examine proposals for major plant/equipment acquisitions, replacement, disposal or hire.
  3. Receive reports on tenders, contracts, grants and procurements relevant to the Committee's scope, and provide advice to Council.
  4. Receive progress, risk, and budget alignment reports on major infrastructure and works projects and provide advice to Council.
  5. Identify opportunities for improved efficiency, safety, sustainability, and community benefit.
  6. Consider any other works or infrastructure matters referred by Council or the CEO.
  7. Make recommendations to Council.
-

### 3. Membership

The Committee will comprise a maximum of:

1. **Four (4) Councillors**, appointed by Council.
2. **Two (2) Community Members**, appointed by Council based on relevant skills, experience, or local knowledge.

Community member nominations will be assessed by the Committee, with recommendations presented to Council for appointment.

#### 3.1 Presiding and Deputy Presiding Member

1. The Presiding Member will be appointed by Council from among the Councillor members in accordance with section 5.12(1) of the *Local Government Act 1995*.
2. The Deputy Presiding Member may be appointed by Council from among the Councillor members in accordance with section 5.12(2) of the *Local Government Act 1995*.

#### 3.2 Community Member Eligibility

Community members must:

1. be residents or ratepayers of the Shire of Toodyay; and
  2. demonstrate relevant experience, interest or knowledge in infrastructure, works, engineering, asset management, construction, rural operations, or community service levels.
- 

### 4. Meetings

1. The Committee will meet at least quarterly, with additional meetings scheduled as required.
  2. The agenda will be prepared by the CEO in consultation with the Presiding Member.
  3. Any Committee member may propose matters for inclusion on the agenda in accordance with the Shire's Meeting Procedures Local Law.
  4. The CEO or their delegate/s will attend meetings to provide advice and administrative support but is not a member of the Committee.
  5. The Committee may request, through the CEO, that Shire employees or external parties attend meetings to provide information relevant to the Committee's functions.
- 

### 5. Quorum

A quorum shall consist of 50% of the membership plus one, including at least two Councillors.

---

## 6. Administration

1. The CEO will ensure that minutes of each Committee meeting are prepared in accordance with the Shire's Meeting Procedures Local Law and relevant Shire policies.
  2. Minutes of Committee meetings will be provided to all Councillors before the next Ordinary Council Meeting.
- 

## 7. Conduct, Independence and Conflicts of Interest

1. All Committee members must comply with the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021*, the Shire's Code of Conduct, and all relevant Shire policies. Committee members must disclose financial, proximity and impartiality interests in accordance with Part 5, Division 6 of the *Local Government Act 1995*, and must not participate in discussions or decisions where an interest exists unless permitted under the Act.
  2. Committee members must act impartially, independently and in the best interests of the Shire, and must not direct or attempt to direct Shire employees in the performance of their duties.
  3. Members are expected to demonstrate behaviours consistent with the Shire's values, governance standards, and commitment to transparent, accountable decision making.
- 

## 8. Committee Membership Duration

1. Where a person is appointed as a member of a committee, the person's membership continues until whichever of the following occurs first:
    - (a) the person no longer holds the office by virtue of which the person became a member; or
    - (b) the person resigns from membership of the committee; or
    - (c) the committee is disbanded; or
    - (d) the next ordinary elections day.
  2. Following each ordinary election, Council will appoint new members (or reappoint previous members) to the Committee in accordance with these Terms of Reference.
  3. Community Members are appointed for a two-year term aligned to the local government election cycle, or until Council resolves otherwise.
  4. Vacancies arising during a term will be filled by Council as required.
-

**9. Review of Terms of Reference**

1. The Committee will review these Terms of Reference every two years, or earlier if required.
  2. The review will be undertaken with administrative support and will consider:
    - (a) Legislative or regulatory changes.
    - (b) Council's strategic direction.
    - (c) Committee performance and effectiveness.
    - (d) Feedback from Committee members and Shire officers.
  3. Following its review, the Committee will provide recommendations to Council on any proposed amendments.
  4. Amendments to the Terms of Reference must be approved by Council.
-

ORDINARY COUNCIL MEETING MINUTES

27 NOVEMBER 2024

**9.3.4 Committee restructure**

Date of Report:	13 November 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC4, COC6, COC14
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Bowman – Chief Executive Officer
Previously Before Council:	Aug/Sept 2019 & Feb 2020 Committees of Council Review
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	1. Committee Book. <a href="#">⇒</a>

**PURPOSE OF THE REPORT**

To consider the disbanding of the following Committees of Council:

- (a) Environmental Advisory Committee;
- (b) Works Advisory Committee; and
- (c) Heritage Advisory Committee.

**BACKGROUND**

While committees can be valuable in addressing specific issues, they require formal meeting procedures including agendas and minutes as per the *Shire of Toodyay Standing Orders Local Law 2008*. However, informal working groups have proven more effective.

Council has successfully used informal “working groups” for projects like the Avon Link, Butterly Cottages, Foggarthorpe, and the Entry Statement. These groups operated for a limited time and were not bound by strict meeting procedures.

The current Committee Book (**Attachment 1**) suggests that committees review their effectiveness annually by considering:

- *Are the committee’s goals being met?*
- *Is the committee becoming more or less effective?*
- *Are members attending meetings regularly?*

Committees can recommend changes to their terms of reference to the Council. Council can at any time also decide on the effectiveness of a Committee.

The Committee Book will need updating once the *Local Government Amendment Bill 2024* is approved. Councillors will be informed of these changes once they come into place.

---

**ORDINARY COUNCIL MEETING MINUTES****27 NOVEMBER 2024****COMMENTS AND DETAILS**

The Committee Book outlines how Committees and Working Groups are structured (Attachment 1). An assessment of the Committees' effectiveness has been done by Shire Officers.

**1. Environmental Advisory Committee**

This committee last met in January 2024. Two meetings that were cancelled due to lack of attendance.

The committee consists of two Councillors and two Community Members.

Most interaction happen through Microsoft Teams.

The most recent interaction occurred as a workshop for the review of the local biodiversity strategy.

Environmental issues are managed by the Shire's Environmental Sustainability Officer and other staff.

The committee's main role was to provide advice on the implementation of the Environmental Management Strategy. The purpose of this Committee was increased through Council resolution.

The committee was never intended to be a vehicle for becoming an autonomous group pulling in members from other community driven environmental groups within the district or regional areas to drive their ideas and/or agendas not determined by Council.

Councillors who were members of the Committee passed feedback from the Committee to Councillors either via email or through the Council Forums process.

It is recommended that this Committee be disbanded as its functions are handled by the Shire's Environmental Sustainability Officer and other relevant staff.

**2. Works Advisory Committee;**

This committee was disbanded in 2020 but re-established in May 2024.

Meetings often turned into Q&A sessions about ongoing projects.

The committee consists of three Councillors and two Community Members.

It is recommended to disband the committee again as questions can be addressed through normal business correspondence. Councillors can receive updates through Council Briefings. This will allow for more direct communication between the Community, Councillors and the Executive Manager.

**3. Heritage Advisory Committee**

The Committee, previously known as the Museum Advisory Committee until November 2023, set up to provide guidance on matters affecting the selection, interpretation or display of the museum's artefacts and matters relating to the promotion of the Museum was renamed with new terms of reference.

The committee consists of two Councillors and six Community Members.

Most interactions happen through Microsoft Teams and email. It is known that members, from time to time, assist the Museum Curator outside of the committee structure as volunteers.

A separate Heritage Working Group was invited by Shire Officers to review the Central Toodyay Heritage Policy. This group included members from the Museum Advisory

**ORDINARY COUNCIL MEETING MINUTES****27 NOVEMBER 2024**

Committee, the Planning and Compliance Officer, the Museum and Cultural Heritage Officer and the Shire's Heritage Advisor.

Heritage matters are managed by the Shire's Executive Manager Development and Regulation with support from other Officers. Identifying places on the Heritage List is a community engagement process led by Shire Officers for the review of the Local Heritage Strategy which is scheduled to be finalised in December 2024.

Members of the Heritage Advisory Committee, like Beth Frayne from the Toodyay Historical Society, have provided valuable information for the heritage list.

**Option 1: Disband the Committees and work with local groups**

The benefits of this option would be that Shire Officers could approach groups such as the Toodyay Historical Society, Toodyay Friends of the River, Toodyay Agricultural Alliance, Toodyay Naturalists, and the Reconciliation Action Group to utilise their local expertise. Shire Officers would continue to follow the Council Policy for Community Consultation and Engagement, ensuring community involvement.

**Option 2: Disband the Committees and Create a Heritage and Sustainability Working Group**

This working group, managed by Shire Officers would include members from the current committees and other relevant groups. It would provide broad advice on all manner of topics, related to the brief, so long as those matters do not cross over into being operational in substance and effect.

The working group brief would be to provide advice to Shire Officers when requested to do so for general function purposes, focused on good governance. Whilst the purpose is broad, this will allow Shire Officers the opportunity to:

- obtain expert environmental advice more routinely;
- include cultural heritage reports or community consultation surveys on social impacts; and
- develop processes to involve local Aboriginal people in decision-making.

Shire Officers would continue to follow the Council Policy for Community Consultation and Engagement and provide briefings to Council through forums. Another option is to include a standing item in Council Briefings for updates on heritage, works, and environmental matters, allowing for questions and discussions.

The recommendation will ask Council to consider **Option 2** for a more integrated and efficient approach to managing heritage and sustainability matters. The approach would streamline operations, reduce formalities and ensure that the Shire's goals in the Council Plan are met more efficiently.

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

Nil.

**Strategic:**

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

Outcome 2: An inclusive, connected community

Outcome 7: A strong, diverse and sustainable economy

ORDINARY COUNCIL MEETING MINUTES

27 NOVEMBER 2024

Outcome 10: Happy community members who feel heard, valued and respected.

**Policy related:**

Museum Collection and Conservation Management Policy requires amendment to remove consultation with the Heritage Advisory (previously Museum Advisory) Committee.

Currently the CEO has a Delegation to accept items into the museum collection (accession) and to decide whether items will be removed from the collection (de-accession) upon advice received from the Museum Curator in both instances.

**Financial:**

Council adopted its Local Government Payments and Gifts to Members Policy in March 2024 to allow for the Salaries and Allowances determination that stipulated the minimum and maximum allowance to be paid to committee members for meeting attendance.

Disbanding the Committees will result in a saving of approximately \$2,500.

**Legal and Statutory:**

As a local government the Shire has an obligation to operate within the parameters of the legislation that governs it.

**5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

Sections 5.9 and 5.10 provide for the types of committees and Appointment of Committee Members.

Section 11 provides for the tenure of Committee Membership.

The *Local Government Act 1995* is silent on the formation of Working Groups.

The *Local Government Amendment Act 2023* was passed on May 11, 2023, changing section 3.1(1) of the *Local Government Act 1995*. Section 21 of the Amendment Act added a new provision:

Section 3.1(1A): Local governments must consider the following when performing their functions:

Sustainability: Promote economic, social, and environmental sustainability, plan for climate change risks, and consider long-term impacts on future generations.

Aboriginal Interests: Recognize and involve Aboriginal people in decision-making.

Collaboration: Consider working with other local governments.

These changes align the Local Government Act with the Planning and Development Regulations, which require consideration of environmental, social, and cultural impacts. The new provision goes further by specifically addressing Aboriginal interests and climate risks.

**Risk related:**

Disbanding committees may present several challenges:

1. **Resistance to change:** Committee members might resist the change if they feel their roles or input are being reduced. Clear communication about the reasons for the change is essential to prevent misunderstandings.

**ORDINARY COUNCIL MEETING MINUTES****27 NOVEMBER 2024**

2. **Loss of Expertise:** The new approach might be perceived as losing specialized knowledge. There may be an adjustment period to adapt to new policies and procedures, which could temporarily affect service delivery. However, this change offers an opportunity to improve focus on governance and strategic goals.
3. **Reputational Risk:** The risk to the Shire's reputation is low (3). However, since two committees were established in the last year, the risk is moderate (8) due to potential community concerns.

This report addresses and mitigates these risks.

**Workforce related:**

Any policies that are affected by the decision to disband the committees will be updated and brought to Council at the February 2025 Council Meeting.

The Committee Book will be updated and published onto the Shire's website the day after Council makes its decision.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM297/11/24**

**MOVED** Cr M Dival

**SECONDED** Cr J Prater

That Council:

1. disbands the Environmental Advisory Committee effective immediately; and
2. disbands the Works Advisory Committee effective immediately; and
3. disbands the Heritage Advisory Committee effective immediately; and
4. requests the Chief Executive Officer inform all committee members about the decision, the reasons behind it, and the benefits of the new approach.

Voted For: Crs M McKeown, M Dival, S McCormick, and J Prater

Voted Against: Crs R Madacsi and D Wrench

**MOTION CARRIED 4/2 BY ABSOLUTE MAJORITY**

**OFFICER'S RECOMMENDATION 2**

That Council establishes a Heritage and Sustainability Working Group whose terms of reference will be at the discretion of the CEO.

## Works Advisory Committee (WAC)

### Purpose

To provide advice to Council on matters relating to the management of the Shire's assets and infrastructure in the Shire of Toodyay.

### Objectives

In the Shire of Toodyay Council Plan 2023-2033, Council committed to deliver and support services that contribute to the achievement of Place aspirational outcomes including: asset management; building maintenance; playgrounds, parks and reserves; streetscapes; footpaths, parks and reserves; roads and bridges; traffic management and signage; parking management; local cemeteries; and property management.

To achieve this objective, the Works Committee will oversee and make recommendations to the Council on matters related to:

1. Works required to construct, upgrade and maintain streets, footpaths, thoroughfares and other public places, including streetscape upgrades and landscaping initiative; and
2. The design, construction, upgrading and maintenance of parks, reserves, recreational and civic amenities and facilities, and Council owned buildings.

### Membership Composition

- (a) Up to 3 elected members.
- (b) Up to 3 community members.

Community members will be residents and/or ratepayers of the Shire of Toodyay with knowledge and experience relevant to the purpose and objectives of the committee. The committee will make recommendations to Council regarding appointment of Community Members.

- (c) Supporting Officers
  - (i) The Executive Manager Assets and Infrastructure.
  - (ii) The Coordinator Infrastructure Projects.

### Responsibilities

The Committee will make recommendations to Council regarding appointment of Community Members.

Community Members will:

- (a) be residents and/or ratepayers of the Shire of Toodyay;
- (b) have knowledge and experience relevant to the purpose and objectives of the committee.
- (c) abide by the Shire of Toodyay's Code of Conduct for Council Members,

### Committee Book

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc  
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## ORDINARY COUNCIL MEETING ATTACHMENTS - MINUTES

27 NOVEMBER  
2024

Committee Members and Candidates.

**Frequency of Meetings**

*Refer to 1.1 Meetings under the heading Rules in respect to Committees of Council.*

The Works Advisory Committee is scheduled to meet at least four times per year unless otherwise determined at the discretion of the Presiding Person, as explained under "1.1 Meetings under the heading Rules in respect to Committees of Council."

**Annual Evaluation of Committee's Effectiveness**

The Committee may annually undertake an internal review to evaluate its effectiveness, and as a guide the following should be determined:

- Is the purpose and objectives of the Committee being met?
- Has the committee's effectiveness improved or deteriorated since the previous annual evaluation?
- Are committee members regularly attending meetings?

The committee has no delegated authority. The Committee may recommend to Council, changes to its terms of reference.

**Committee Book**

**Location:** W:\CEOSEC\Agendas & Minutes - Committees\Committee Book for Shire (2024).doc  
**Modified:** 13/11/2024 2:06 PM

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**From:** Councillor Dival <cr.dival@toodyay.wa.gov.au>  
**Sent:** Tuesday, 24 March 2026 7:26 AM  
**To:** Aaron Bowman <A.Bowman@toodyay.wa.gov.au>; CR Request <cr.request@toodyay.wa.gov.au>  
**Cc:** Councillors <Councillors@toodyay.wa.gov.au>  
**Subject:** Notice of Motion - Deferring Council Plan Update

Hello CEO,

I submit this notice of motion for the April OCM.

Please provide advice on any portion of this that may need editing for accuracy reasons.

I interpret that receiving this prior to the start of the working day (taken as 8.30am when the shire office opens) then this has been submitted within the required “clear working days” notice period.

Regards

Shelly

#### **NOTICE OF MOTION**

**Meeting Date:** April 2026 OCM

#### **Motion**

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.

#### **Statement of Reasoning**

The Council Plan (Strategic Community Plan) is the principal 10+ year planning document and must be developed and reviewed in accordance with section 5.56(1) of the *Local Government Act 1995* (WA). The *Local Government (Administration)*

*Regulations 1996* (regs 19C and 19DA) prescribe the minimum requirements for this Plan, including that it must:

- state the vision, aspirations and objectives of the community;
- be developed or modified through documented community engagement; and
- have regard to the local government's current and future resource capacity, demographic trends and strategic performance indicators.

The Department of Local Government, Sport and Cultural Industries' Integrated Planning and Reporting (IPR) Framework (which gives effect to the statutory requirements) identifies the Long Term Financial Plan, Asset Management Plans and Workforce Plan as the core informing strategies. These strategies are essential because they provide the evidence-based assessment of the Council's financial sustainability, asset stewardship (including renewal funding gaps and whole-of-life costs) and workforce capability that are required to deliver the community's priorities. Without current versions of these strategies, any review of the Council Plan cannot properly satisfy the legislative obligation to consider resource capacity, risking the adoption of unrealistic, unfunded or unsustainable priorities.

The Planning Strategy (Local Planning Strategy) is equally critical, as the IPR Framework explicitly requires alignment and interdependence between the Council Plan and land-use planning documents prepared under the *Planning and Development Act 2005*. Updating it ensures the Council Plan reflects consistent strategic direction for growth, infrastructure and land-use outcomes.

Deferring the Council Plan review until these informing strategies are current is therefore not optional but necessary to comply with the *Local Government Act 1995*, uphold the principles of sound financial management and governance, and ensure the Plan is realistic, deliverable and in the long-term interests of the community.

All the best,

Cr. Shelly Dival

Deputy Shire President

Shire of Toodyay

## ORDINARY COUNCIL MEETING MINUTES

22 NOVEMBER 2023

<b>9.1.2 Discussion on Local Planning Strategy Review and Omnibus Scheme Amendment</b>
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Date of Report:	6 November 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	PLA1
Author:	H de Vos – Executive Manager Development and Regulation
Responsible Officer:	H de Vos – Executive Manager Development and Regulation
Previously Before Council:	SCM 29 March 2023 – Item 6.1.1
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Targeted Report of Review - November 2023 <a href="#">⇒</a>

**PURPOSE OF THE REPORT**

To provide Council with information regarding the feasibility and necessity of a review of the Shire's Local Planning Strategy 2017 and a proposed Omnibus Scheme Amendment.

**BACKGROUND**

At the Special Council Meeting of 29 March 2023, Council reviewed and adopted the Shire's *Draft Local Planning Scheme No. 5*. The draft Scheme that was adopted by Council included some last-minute zoning changes in West Toodyay to address (amongst other things) the issue of keeping of livestock as a Rural Pursuit which would no longer be permitted under proposed rezoning from Special Residential R2.5 to Residential R2.5 in the advertised version of the draft Scheme. The change from Special Residential to Residential is being driven by the Western Australian Planning Commission (WAPC) to phase out Special Residential zones in Local Planning Schemes.

Council was aware at the time of adoption, that there was a chance that these additional changes may not be supported by the WAPC and if that were to be the case, the most appropriate approach would be to incorporate the changes in a future omnibus scheme amendment.

An omnibus amendment is a collection of small or minor amendment proposals that are combined into one scheme amendment. An omnibus amendment will typically occur when there is a collection of smaller matters that do not each warrant an individual scheme amendment process due to the administration time involved in progressing a scheme amendment.

Part of the discussion at the preceding workshops related to the age and suitability of the Shire's *Local Planning Strategy* which was adopted in 2017 by the Shire of Toodyay and endorsed by the WAPC in 2018.

Accordingly, the 29 March 2023 resolution contained the following conditions:

## ORDINARY COUNCIL MEETING MINUTES

22 NOVEMBER 2023

7. Requests that the CEO commence the preparation of an omnibus scheme amendment within six (6) months of the date of this resolution.
8. Requests that the CEO commence work on the preparation of a review of the Local Planning Strategy within six (6) months of the date of this resolution.
9. Requests that a report is brought back to the Council at the November 2023 Ordinary Council Meeting providing an update on the omnibus scheme amendment and local planning strategy review.

The Shire has conducted preliminary investigative work focusing on the Omnibus Scheme Amendment and the *Local Planning Strategy Review* in accordance with Conditions 7 and 8 of the Council resolution.

This report addresses Condition 9.

**COMMENTS AND DETAILS**Report of Review

The [Local Planning Strategy Guidelines \(WAPC, 2023\)](#) states on the subject of a Report of Review:

Part 6 of the Regulations requires that a local planning scheme be reviewed every five years through a report of review. The 15-year timeframe recommended by the guidelines for a local planning strategy aligns with and allows for three five-yearly report of reviews. It is not proposed that a local planning strategy is reviewed independently of the scheme review process, rather the review of the local planning strategy will form part of the five-yearly scheme review process. The local government must carry out a review of the local planning scheme (report of review) in a manner and form approved by the WAPC.

This Report of Review summarises the local planning framework of the Shire of Toodyay, including the *Local Planning Strategy* endorsed by the WAPC in 2018.

In consideration of the status of the *Local Planning Strategy*, it is recognised that it provides the long-term strategic plan guiding land use and development in the Shire over a 10–15 year period.

The *Local Planning Strategy* is therefore current and applicable as the overarching strategic framework of the Shire until 2028-2033.

It is relevant to note that the *Local Planning Strategy* identifies the need to review the local planning policies prepared under *Shire of Toodyay Local Planning Scheme No. 4* to ensure the content is current and applicable to the new *Local Planning Scheme No. 5*.

The Report of Review (**Attachment 1**) recommends that *Local Planning Scheme No. 5* be finalised and concludes that the *Local Planning Strategy* is satisfactory in its current form.

**Amendments to the Local Planning Strategy**

The Shire notes in the report that the *Local Planning Strategy* draws on its earlier policy framework and the statistical data available at the time it was prepared, which accords with r.66 of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#).

Since it has been endorsed in 2018, the Shire has continued to update its local planning framework to respond to the broad strategies of the *Local Planning Strategy*, which follows the correct orderly and proper planning process for this review.

## ORDINARY COUNCIL MEETING MINUTES

22 NOVEMBER 2023

The Council of the Shire seeks to ensure that the long-term strategic plan is however reviewed to respond to issues brought to its attention during the formal advertising of the draft *Local Planning Scheme No. 5*.

Amendments to the *Local Planning Strategy* are considered necessary by the Shire's Council to ensure that the first guiding principle of the endorsed strategic plan is satisfactorily met, i.e., the specific issues raised by the community are addressed to ensure that the *Local Planning Strategy* complies with principle that the plan reflects the aspirations of the Shire and its community.

To address this concern, the Shire may wish to consider progressing a formal amendment to the LPS, as suggested below.

1. Amend '7.0 – Strategic Direction, Strategies and Actions' of Part 1 of the *Local Planning Strategy*.

All actions listed in the sub-sections of Section 7.0 of Part 1 of the *Local Planning Strategy* to be reviewed and amendments proposed, where necessary, to ensure the land use changes introduced in *Local Planning Scheme No. 5* which do not reflect the overarching vision of the Shire as expressed in the *Plan for the Future (2023-2033)* are corrected.

2. Amend Part 2 of the *Local Planning Strategy* through an addendum document.

An addendum to Part 2 of the *Local Planning Strategy* be prepared to provide a current analysis of the population, housing and land supply statistics to support the updated rationale for the strategic direction and recommended actions listed in Part 1 of the *Local Planning Strategy*.

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

Community feedback is an essential part of the preparation of a *Local Planning Strategy* and a Scheme Review.

In each instance the requirements for community consultation are statutory and are set out in the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) (Regulations).

Local Planning Strategy

[Regulation 13](#) of the Regulations addresses advertising and notification of a *Local Planning Strategy*.

Scheme Amendments

Part 5 of the Regulations deals with amending a Local Planning Scheme. Depending on the classification given to any future Omnibus Scheme Amendment, the statutory requirements will be covered under [Regulation 38](#) for a complex amendment or [Regulation 47](#) for a standard amendment.

Notwithstanding any statutory requirements which must be met by the Shire, in each instance both the *Local Planning Strategy* review and a future Omnibus Scheme Amendment provide opportunities for comprehensive community engagement.

Here the Shire will determine the best options for which to conduct consultations. Either through workshops, surveys or discussion papers.

**Strategic:**

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

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**ORDINARY COUNCIL MEETING MINUTES****22 NOVEMBER 2023**

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

5.1. *Provide responsible planning and development.*

**Shire of Toodyay Local Planning Strategy 2017**

The [Local Planning Strategy Guidelines](#) (WAPC, 2023) recommend that a *Local Planning Strategy* should be a plan for a 15-year period and be reviewed every five years by the local government and the WAPC.

A well-prepared local planning strategy that is regularly reviewed (and amended where required) to apply State and regional planning frameworks, to inform local planning frameworks and maintain consistency with the guidelines and regulations could continue to operate beyond 15 years.

Given the current strategy is five years old – the review is timely.

**Policy related:**

[Local Planning Policy – Advertising for Planning Proposals.](#)

This policy is consistent with the statutory requirements for the advertising of Local Planning Strategies and Scheme Amendments as listed in the Regulations.

[Risk Management Policy](#)

This policy is intended to commit to organisation-wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

Further details of identified risks are discussed in Risk section of this report.

**Financial:**

The Shire will be required to cover the costs associated with:

- Community and stakeholder engagement (including workshops and advertising costs).
- Consultant engagement to assist with this process if deemed necessary.
- Gazettal of any Scheme Amendment.

An estimate of these costs including the Gazettal and Consultancy fees is \$80,000 however a more accurate estimation will be provided once the Shire has had the opportunity to consider specific requirements.

These costs will need to be incorporated into any future budget (or budget review) and will be workshopped with elected members.

**Legal and Statutory:**

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

The Regulations require a local planning strategy to be prepared in a manner and form prescribed by the WAPC.

*Local Planning Strategy Guidelines (WAPC, 2023)*

The guidelines outline the need and purpose of a local planning strategy, guiding principles, procedural steps and recommended content for a local planning strategy. The guidelines are supported by appendices which provide more detailed guidance on specific components of a local planning strategy.

## ORDINARY COUNCIL MEETING MINUTES

22 NOVEMBER 2023

**Risk related:**

In accordance with the Shire's Risk Management Policy, the following Risks are considered relevant.

<b><i>Risk Type</i></b>	<b><i>Risk</i></b>	<b><i>Likelihood</i></b>	<b><i>Consequence</i></b>	<b><i>Score</i></b>
Financial Impact	These processes are costly from a consultation, consultancy point of view. The consultation process is vital and also unavoidable	Possible (3)	Moderate (3)	Moderate (9)
Reputational	Frequent review of the planning framework is an essential part of good governance. Where the community has expressed a desire for change, or the State government changes the overarching policy framework and the Shire does not act – it can have an impact on the reputation.	Possible (3)	Moderate (3)	Moderate (9)

**Workforce related:**

These processes can be significant in terms of workforce resourcing. Accordingly, the Shire will need to consider the services of a planning consultant to assist with these processes to ensure they are realised in a timely fashion.

**VOTING REQUIREMENTS**

Simple Majority

**AMENDED OFFICER'S RECOMMENDATION**

That Council:

1. Determines that the Shire of Toodyay *Local Planning Strategy 2018* is generally current and applicable as the overarching strategic planning framework for the Shire of Toodyay until 2028-2033.
2. Determines that the Shire of Toodyay *Local Planning Strategy 2018* is generally satisfactory in its current form, however, requests the CEO to prepare a formal amendment to the Strategy as follows:
  - (a) Amend '7.0 – Strategic Direction, Strategies and Actions' of Part 1 of the *Local Planning Strategy*.

All actions listed in the sub-sections of Section 7.0 of Part 1 of the *Local Planning Strategy* to be reviewed and amendments proposed, where necessary, to ensure the land use changes introduced in *Shire of Toodyay*

## ORDINARY COUNCIL MEETING MINUTES

22 NOVEMBER 2023

*Local Planning Scheme No. 5* which do not reflect the overarching vision of the Shire as expressed in the *Plan for the Future (2023-2033)* are corrected.

- (b) Amend Part 2 of the *Local Planning Strategy* through an addendum document.

An addendum to Part 2 of the *Local Planning Strategy* be prepared to provide a current analysis of the population, housing and land supply statistics to support the updated rationale for the strategic direction and recommended actions listed in Part 1 of the *Local Planning Strategy*.

3. Requests the CEO to arrange for preliminary research and preparation for a future Omnibus Scheme Amendment.
4. Requests a report be brought back to Council no later than six months from the date of this resolution to provide an update on the Strategy and Omnibus Scheme Review Process.

Cr Duri moved the Amended Officer's Recommendation.

Cr Dival objected to the motion and foreshadowed an alternate motion as follows:

**That Council:**

**1. Notes that:**

- (a) **The initial progress made regarding the local planning strategy review and the future Omnibus Scheme Amendment, meeting requirement of resolution of Special Council Meeting (SCM065/03/23) point 9 and that the**
- (b) **The initial findings outlined in the Targeted Report of Review – November 2023 as attached to this report.**

**2. Requests a review of the local planning strategy is undertaken; and**

- 3. Requests that the commenced review of the local planning strategy and the proposed Omnibus Scheme amendment be brought to a council workshop no later than 3 months after the gazettal of local planning scheme No. 5.**

*The Presiding Member called the meeting to order at 1.50pm.*

Clarification was sought.

Cr Madacsi seconded the motion.

Debate commenced.

Further clarification was sought.

The motion was put.

**AMENDED OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM262/11/23**

**MOVED** Cr C Duri

**SECONDED** Cr R Madacsi

That Council:

1. Determines that the Shire of Toodyay *Local Planning Strategy 2018* is generally current and applicable as the overarching strategic planning framework for the Shire of Toodyay until 2028-2033.

## ORDINARY COUNCIL MEETING MINUTES

22 NOVEMBER 2023

2. Determines that the Shire of Toodyay *Local Planning Strategy 2018* is generally satisfactory in its current form, however, requests the CEO to prepare a formal amendment to the Strategy as follows:
- (a) Amend '7.0 – Strategic Direction, Strategies and Actions' of Part 1 of the *Local Planning Strategy*.
- All actions listed in the sub-sections of Section 7.0 of Part 1 of the *Local Planning Strategy* to be reviewed and amendments proposed, where necessary, to ensure the land use changes introduced in *Shire of Toodyay Local Planning Scheme No. 5* which do not reflect the overarching vision of the Shire as expressed in the *Plan for the Future (2023-2033)* are corrected.
- (b) Amend Part 2 of the *Local Planning Strategy* through an addendum document.
- An addendum to Part 2 of the *Local Planning Strategy* be prepared to provide a current analysis of the population, housing and land supply statistics to support the updated rationale for the strategic direction and recommended actions listed in Part 1 of the *Local Planning Strategy*.
3. Requests the CEO to arrange for preliminary research and preparation for a future Omnibus Scheme Amendment.
4. Requests a report be brought back to Council no later than six months from the date of this resolution to provide an update on the Strategy and Omnibus Scheme Review Process.

Voted For: Crs R Madacsi and C Duri

Voted Against: Crs S McCormick, M McKeown, D Wrench, S Dival and J Prater

**MOTION LOST 2/5**

Cr Dival moved an alternate motion as foreshadowed above.

Debate commenced.

The motion was put.

**ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM263/11/23**

**MOVED** Cr S Dival

**SECONDED** Cr D Wrench

That Council:

1. Notes that:
  - (a) The initial progress made regarding the local planning strategy review and the future Omnibus Scheme Amendment, meeting requirement of resolution of Special Council Meeting (SCM065/03/23) point 9 and that the
  - (b) The initial findings outlined in the Targeted Report of Review – November 2023 as attached to this report.
2. Requests a review of the local planning strategy is undertaken; and
3. Requests that the commenced review of the local planning strategy and the proposed Omnibus Scheme amendment be brought to a council workshop no later than 3 months after the gazettal of local planning scheme No. 5.

## ORDINARY COUNCIL MEETING MINUTES

22 NOVEMBER 2023

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival  
and J Prater

Voted Against: Nil

**MOTION CARRIED 7/0**

SHIRE OF TOODYAY LOCAL PLANNING SCHEME NO. 5 DISCLAIMER This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation. Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme. Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document. LOCAL PLANNING SCHEME GAZETTAL DATE: 22 AUGUST 2024

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documents/476/local-planning-scheme

Position Description and Criteria from contract

## **Schedule 1 – Position Description**

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### **Objectives**

- Provide strong and engaging leadership to the Administration of the Shire of Toodyay.
- Facilitate programs, projects, and services that are cost effective and strategically aligned to the Council Plan.
- Link the community, the Council, and the organisation with an inclusive, relevant and functional integrated planning framework.
- Comply with all statutory and regulatory requirements in the Local Government Act 1995 (WA) and other relevant legislation.
- Deliver accurate, timely and relevant advice to the Council so that informed decisions can be made and promote good governance practices.
- Develop and maintain a capable workforce committed to achieving the objectives of the Council Plan.
- Strive for a strong and sustainable long term financial position.
- Ensure continuous learning on contemporary management practice and best practice.
- Role model integrity and ethical behaviour which exemplifies the Local Government's values.

### **Roles and Responsibilities**

#### **1. Leadership**

- Provide the vision and leadership necessary to enable the workforce to achieve Council's strategic objectives and to deliver programs, projects and services in an efficient, effective, and sustainable manner.
- Provide a positive, safe and engaging work environment which fosters a good working relationship between employees, free of discrimination, victimization or harassment.
- Coach and mentor staff in the delivery of high-quality community and customer services.

#### **2. Stakeholder Management and Communication**

- Establish and maintain meaningful and productive working relationships with key stakeholders including federal and state government representatives, business, community and sporting associations and neighbouring Local Governments.

- Speak on behalf of the Local Government if the Shire President agrees.
- When initiating and responding to media ensure the Shire is positioned as a progressive and responsive entity.
- When addressing public meetings, do so in a positive and effective manner.
- Act as a champion and advocate for the Shire.

**3. Program, Project, and Service Delivery**

- Deliver programs, projects and services in a sustainable and cost-effective manner guided by the Council Plan, and in line with the annual budget.
- Evaluate services and programs to measure the need, sustainability and value for money.
- Drive a culture of commitment to continuous improvement.

**4. Strategic Development**

- Be responsible for the implementation of the integrated strategic planning framework.
- Ensure real and functional linkage between the Council Plan and the annual budget.
- Facilitate effective engagement with the community in reviewing the Council Plan.
- Facilitate regular engagement with elected members in reviewing the Local Government's progress against the objectives and aspirations of the Council Plan.

**5. Governance, Compliance and Risk**

- Ensure compliance with all statutory and regulatory obligations including but not limited to s.5.41 of the Local Government Act 1995.
- Maintain an effective enterprise-wide risk management framework.

**6. Council Relationships**

- Develop and maintain a collaborative, open and engaged working relationship with the Shire President and Councillors with a focus on timely communication and accessibility.
- Provide accurate, timely and relevant information to elected members so they can discharge their responsibilities effectively.
- Provide professional, thorough and objective advice to elected members.
- Ensure Council is provided with an acceptable cycle of reporting actions that indicate the status, success and effectiveness of all operations and major projects.
- Identify training and development opportunities for elected members.
- Ensure that appropriate communication and working relationships exist between the elected members and the administration.

**7. Human Resource Management**

- Develop and implement a workforce plan demonstrating the resources and capacity necessary to meet the Council Plan objectives.
- Provide training and development opportunities for employees.
- Strive to deliver a values driven workplace culture through training, development, and leading by example.
- Drive enterprise-wide commitment to a safe workplace.
- Ensure the principles of equal opportunity, fairness, and transparency are applied in all human resource matters.
- Ensure employees are held accountable for their work.
- Ensure contemporary performance management procedures are in place and remuneration reviews are regularly conducted.

**8. Financial Management**

- Develop functional and transparent reporting systems and processes that effectively monitor the financial performance of the Local Government.
- Maintain a close oversight of the Local Government's financial position and performance.

- Exercise prudent and responsible stewardship of the Local Government's physical and financial assets committed to achieving long term sustainable outcomes.
- Facilitate regular engagement with elected members to review the Local Government's financial position and performance.
- Ensure annual and long-term financial plans are prepared, monitored and controlled.
- Ensure the efficient and effective management and monitoring of the Council's revenue and expenditure.

**9. Personal Attributes**

- Leadership: Has the ability to advise elected members and lead/influence or direct employees and stakeholders with credibility, competence, and empathy. Demonstrates behaviours which align with the Local Government's values and leads by example.
- Problem Solving: Can identify, assess and resolve situations.
- Ethics: Is committed to the Shire of Toodyay Code of Conduct.
- Collaboration: Achieves outcomes through developing productive working relationships.
- Communication: Communicates with clarity and respect, underpinned by sound listening skills and a commitment to considering alternative points of view.
- Personal Development: Manages sustainable work practices and an ongoing commitment to personal wellbeing and professional development.

This page and the next were attachments to the Sept 2025 Council Report where Councillors resolved to approve the performance criteria

### **Schedule 3 - Performance Criteria**

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**1. Leadership**

Provide the leadership to enable the workforce to achieve Council's strategic objectives and to deliver programs, projects and services in an efficient, effective, and sustainable manner.

**2. Stakeholder Management and Communication**

Establish and maintain meaningful and productive working relationships with stakeholders.

**3. Program, Project and Service Delivery**

Deliver programs, projects and services in a sustainable and cost-effective manner guided by the Council Plan, and in line with the annual budget.

**4. Governance, Compliance and Risk**

Maintain an effective enterprise-wide risk management framework.

**5. Council Relationships**

Ensure Council is provided with an agreed cycle of reporting actions that indicate the status, success and effectiveness of all operations and major projects.

**6. Human Resource Management**

- (1) Deliver a values driven workplace culture through training, development, and leading by example.
- (2) Ensure effective performance management procedures are in place and remuneration reviews are regularly conducted.

**7. Financial Management**

- (1) Ensure prudent and responsible stewardship of the Local Government's physical and financial assets committed to achieving long term sustainable outcomes.
- (2) Ensure annual and long-term financial plans are prepared and delivered.
- (3) Ensure the efficient and effective management and monitoring of the Council's revenue and expenditure

## CONFIDENTIAL

## 6. CEO SUGGESTED PERFORMANCE CRITERIA 2025/26

Performance Criteria	Deliverable	Timeframe
1. Financial	90% completion of the capital works budget by 30th June.	30 June 2026
2. Governance	Detailed induction for all councillors.	December 2025
3. Asset management	Rationalisation of shire buildings Increase usage and better usage of remaining buildings.	30 June 2026
4. Governance	Audit completed by 31 <sup>st</sup>	31 December 2025
5. Leadership	Council Plan reviewed and updated.	30 June 2026



## Memo to Councillors

From the Office of the CEO

**Date:** 25 March 2026

**Subject:** Strategic Planning Reviews and Workshops

Dear Councillors

Thank you for the questions circulated regarding the advertisements for the upcoming community workshops. I have addressed each question below to ensure clarity around Council's role, the CEO's responsibilities under s.5.41, and the statutory and budgetary context for these projects.

These questions arise from the email of Cr Dival dated 23 March 2026.

1. ***"Why is the Council Plan being 'developed' when our current Council Plan states that a major review is not due until the 26/27 financial year?"***

**That is a question for Council.**

This is because Council directed the CEO to *review and update the Council Plan during the 2025/2026 year* through the performance criteria endorsed on 25 September 2025 (OCM182/09/25).

These criteria – which Cr Dival seconded – include the explicit deliverable:

***"Council Plan reviewed and updated – due 30 June 2026."***

This means the CEO is contractually and performance-tested to deliver the Council Plan before 30 June 2026, not 2026/27. Work has therefore commenced exactly as required.

2. ***"Why was Council or Councillors not consulted about this major review? And the DAIP review and developing the LPHP?"***

**You are incorrect.** Council were the decision makers in terms of this major review for all the plans as the requirement to update them is contained in the adopted Council Plan.

It is also clear from the response to **Question 1** that Council and Councillors were aware that the Strategic Community Plan (Council Plan) was intended to be reviewed by 30 June 2026.

None of these activities require Council approval because Council already:

- Adopted the Council Plan 2023–2033;
- Approved the CEO's 2025/2026 performance criteria requiring delivery of the Council Plan review;
- Adopted the Budget containing these projects; and
- Is not permitted to direct operational matters under ss.2.7, 2.10, and 5.41.

At a Council Meeting held on 25 Feb 2020 Council adopted the 2020-2025 Disability Access and Inclusion Plan (DAIP). Since that time, Council has been adopting annual DAIP progress reports.



**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

At a Council Meeting held on 24 July 2024 Council resolved the following:

*That Council:*

1. receives the annual review of the Council Plan 2023-2033 actions (Attachment 1).
2. notes that the mix of ongoing actions and future plans, will require sustained efforts and resource allocation.

**Attachment 1** was an excel spreadsheet of the outcomes, objectives, and actions. Cr Dival had seconded the motion so that is proof in of itself that Cr Dival was aware of the content of the report, and aware of the intention that the DAIP and the LPHP plans would be reviewed and developed, respectively.

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:

<b>LPHP</b>	<p><b>Outcome 1. A safe and healthy community.</b></p> <p>1.2. Facilitate community health and wellbeing.</p> <p style="padding-left: 20px;">1.2.2. Integrate Public Health Plan requirements when completing the next Council Plan review.</p>
<b>DAIP</b>	<p><b>Outcome 2. An inclusive, connected community requires under objective</b></p> <p>2.3. Advance opportunities, community participation and quality of life for people with disability</p> <p style="padding-left: 20px;">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>

The **Local Public Health Plan** is also a statutory requirement under section 45 of the *Public Health Act 2016*.

The **Disability Access and Inclusion Plan** is also a statutory requirement under section 28 of the *Disability Services Act 1993*.

**3. “What is the cost of this review? From memory none of these major reviews were in this year’s budget?”**

**You are not correct.** All strategic planning projects **were funded** in the 2025/2026 Annual Budget adopted on 24 July 2025, including:

- Strategic planning services;
- DAIP Review;
- Local Public Health Plan;
- Depot concept planning; and the
- Council Plan review work.

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.

**4. “What was the scope of work provided to the consultant?”**

The consultant’s scopes were developed to satisfy the Shire’s statutory obligations and to meet the CEO’s contractual and Council-endorsed performance criteria.

The **DAIP Review** scope reflects the mandatory five-year legislated requirement under the *Disability Services Act 1993*.

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The **Local Public Health Plan** scope reflects the statutory obligations under s.45 of the *Public Health Act 2016*, requiring community engagement, needs assessment and evidence-based local health actions.

The **Harper Street Depot Concept Plan** scope is limited to community consultation and concept planning as expressly directed by Council resolution OCM341/12/24.

For the **Council Plan**, the scope provided to the consultant is for a full major review, consistent with the CEO's 2025/2026 performance criterion—approved unanimously by Council on 25 September 2025—that requires the CEO to ensure the Council Plan is reviewed and updated by 30 June 2026. This KPI, together with the CEO's **contractual requirement to deliver programs and strategic projects in a sustainable, cost-effective and financially prudent manner**, necessitated combining consultation for all planning processes to minimise cost and avoid duplication.

While the CEO determines operational scopes under s.5.41, each scope originates from:

- a **legislated requirement** (DAIP and Public Health Plan); and
- a **Council resolution** (Depot Concept Plan); and
- a **Council-approved performance requirement** (Council Plan major review).

Accordingly, all scopes are consistent with statutory obligations, Council's adopted decisions, and the CEO's contractual and annual performance criteria.

**5. “Why were the community consultations planned and advertised without Councillors being made aware of them?”**

**That is not correct.** You were informed on **17 March 2026** of the Councillor workshop being held on 9 April 2026 commencing at 5.30pm. You were advised that the purpose was as follows:

*“Ascentive Consulting facilitating a consultation with Councillors about the Review, progress of existing, discuss priorities, projects, and trends.*

*This is related to:*

- *Council Plan;*
- *Disability Access and Inclusion Plan;*
- *Health Plan; and*
- *Harper Street Depot Concept Plan.”*

**The public were first notified of the workshops, via advertisement, on 23 March 2026.**

Operational scheduling, procurement, advertising, community engagement, and logistical arrangements are operational functions under s.5.41.

Councillors do not approve advertisements, consultation dates, consultant activity, or project timelines.

The appropriate time for Council involvement is when draft plans are presented for consideration.

**6. “Why on earth are 2 out of 3 workshops in the middle of the day when many people work, or parents would be getting children from school?”**

Workshop times are operational decisions determined by the consultant and CEO to maximise reach across demographics (parents, shift workers, retirees, home-based workers) and to meet project delivery timeframes obligated by Council's own adopted KPIs and Budget.

The amount of community consultation required for these four projects is greater than other local governments ordinarily do when tackling one plan at a time. The combination of doing all these plans at once is part of the Council Plan and the CEO's contractual and annual performance criteria which is also consistent with the CEO's 2025/2026 performance criteria

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(approved unanimously by Council on 25 September 2025) that **requires** the CEO to deliver programs and strategic projects in a sustainable, cost-effective and financially prudent manner.

7. **“Exactly what is planned at these community workshops?”**

The community workshops are being facilitated by Ascentive Consulting as part of the required community engagement process supporting several strategic and statutory planning projects.

The sessions will gather community input on the DAIP Review (required under the *Disability Services Act 1993*), the Local Public Health Plan (required under s.45 of the *Public Health Act 2016*), the Harper Street Depot Concept Plan (directed by Council at OCM341/12/24), and the major review of the Council Plan, which Council has required the CEO to complete during 2025/2026 (and by 30 June 2026).

These workshops form a key part of the Integrated Planning and Reporting (IPR) Framework, which requires community engagement when preparing or reviewing a Strategic Community Plan, in accordance with s.5.56 of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*. They provide an opportunity for the community to share views and priorities that will inform later strategic discussions with Council.

The sessions are interactive and informative in nature, but they are not decision-making forums. The consultant ensures that participants understand the purpose of the engagement and that, while input is welcomed and valued, all decisions are made by Council. Councillors are welcome and encouraged to attend these workshops, as their presence helps build community confidence and can support productive discussions.

8. **“Why are the community workshops being planned for ALL of these strategies PRIOR to the Councillor ‘strategic’ workshop with the consultant, given these are all COUNCIL STRATEGIC documents?”**

Under the Integrated Planning and Reporting (IPR) Framework community engagement is an essential step in reviewing and developing all major strategic documents. It is standard practice for local governments to undertake community engagement before meeting with Councillors so that Councillors receive a consolidated picture of community views, statutory planning inputs and preliminary analysis when considering strategic direction.

All workshops for the various plans are occurring in the same timeframe because Councillors are being asked to consider all these strategies together at their Councillor Strategic Workshop on 9 April 2026. This ensures Councillors receive consistent, up-to-date community input across all plans and can provide their own feedback in a coordinated way.

In addition, the CEO’s Council-endorsed 2025/2026 performance criteria require that the Council Plan be reviewed and updated by 30 June 2026, which means the major review must commence now.

The consultant’s methodology is to:

1. Conduct research;
2. Undertake community engagement;
3. Meet with Councillors to discuss strategic considerations; and
4. Prepare draft documents based on all input.

Councillors are welcome and encouraged to attend the community workshops. The consultant notes that Councillor attendance often supports constructive dialogue, improves transparency and helps manage expectations, as participants better understand that Council ultimately makes all decisions.

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The workshops being held from 8<sup>th</sup> – 10<sup>th</sup> April 2026 are in the box below.

<b>Community Workshops</b>	<ul style="list-style-type: none"> <li>• Old Depot Site, 5 Harper Rd, Wednesday, 8th April 2026 at 10.30am;</li> <li>• Toodyay Recreation Centre, 9<sup>th</sup> April 2026 at 10.00am;</li> <li>• Morangup Hall, 8<sup>th</sup> April 2026 at 5.30pm; and</li> <li>• Bejoording BFB Station, 10<sup>th</sup> April at 2.00pm.</li> </ul>
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After the community workshops **and** the Councillor Strategic Workshop, the consultant will review all feedback and develop draft findings and draft plans. These will then be presented to Councillors at a further strategic workshop for comment and refinement. Following this, the final documents will be presented to a formal Council meeting for adoption in accordance with s.5.20 of the *Local Government Act 1995*.

This approach ensures that:

- community input is meaningfully considered;
- Councillors have multiple opportunities to contribute;
- all plans remain aligned; and
- Council retains full decision-making authority at the appropriate governance stage.

**9. “Why is this the First-time councillors have heard about any of these workshops?”**

**That is not correct.** You were informed in a follow up email on 17 March 2026, responding to a request as to what the workshop was for (Refer to **Question 5**). All councillors were provided with the following information:

*“The strategic plans are:*

- **Strategic Community Plan (Plan for the future) – aka the Shire’s Council Plan;**  
*The Shire’s Compliance Management Register states that the review of this plan must be completed after community consultation, and adopted by Council, by absolute majority, at least once every 4 years.*  
*For your info, it was last reviewed (OCM decision date: 28 June 2023 - Resolution No. OCM128/06/23 from OCM held on 28 June 2023. Council Plan 2023-2033.*
- **Disability Access and Inclusion Plan;**  
*This plan must be adopted every 5 years and requires community consultation prior to it being put together and brought to Council for adoption. For your information it was last adopted: 25 Feb 2020 [Res. No. 54/02/20]. Overdue - Plan out of date.*
- **Public Health Plan; and**  
*Under the Public Health Act 2016, local governments are required to:*
  - *Prepare and implement Public Health Plans aligned with State Public Health Plan.*
  - *Report on progress and outcomes in annual reports.*
  - *Maintain records of enforcement actions under subsidiary regulations (e.g., environmental health, wastewater, mosquito control).**This plan requires consultation with stakeholders prior to it being put together and adopted.*
- **Harper Street Depot Concept Plan**  
*This concept plan is being done, following on from Council Resolution No. OCM341/12/24. Council at the time stated: That Council approves the engagement of a consultant to undertake community consultation and develop a concept plan to*

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*support future decisions. As consultation will be required on this concept plan Councillors are being involved.*

*I hope that the above explains why the consultation with Councillors is needed. Other workshops will be happening in the community at different venues."*

**Operational scheduling, procurement and advertising do not require (and must not seek) Councillor approval.**

The CEO manages operations independently of Council, consistent with ss.2.7, 2.10 and 5.41 of the *Local Government Act 1995*; and with Council's own approved *performance criteria*.

Council *will be engaged* at the appropriate governance stage when draft plans return for formal adoption.

Under the *Local Government Act 1995*, the roles of Council, individual Councillors, the Shire President and the Chief Executive Officer are deliberately distinct to preserve effective governance and accountability. Council's role under s.2.7 is to set strategy, adopt plans and budgets, and oversee performance through the CEO. Councillors participate in decision-making at meetings but must not involve themselves in day-to-day administration. The Shire President (s.2.8) leads the Council and liaises with the CEO but does not direct staff or manage operations.

By contrast, s.5.41 assigns the CEO sole responsibility for managing the administration, implementing Council decisions, determining systems and procedures, engaging consultants, scheduling community engagement, and ensuring statutory plans—such as the DAIP, Local Public Health Plan and Council Plan review—are prepared. These operational matters fall exclusively within the CEO's remit.

This separation of powers is fundamental to good governance and is reinforced in the Governance Framework, Delegations Register and the CEO's employment contract. All work referred to in this memo has been undertaken within the CEO's lawful authority, in accordance with legislation, the adopted Budget and Council's own resolutions.

Yours sincerely



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Aaron Bowman JP  
Chief Executive Officer

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