



Ordinary Council Meeting

7 May 2026

Minutes

To: The President and Councillors.

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

A handwritten signature in blue ink, appearing to read 'Alan Hart', is positioned above the printed name.

Alan Hart

CHIEF EXECUTIVE OFFICER

Our Vision, Purpose and Values

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

Our Vision

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

Our Purpose

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

Our Values

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

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

Community Aspirations

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

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

Disclaimer

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

Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website

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

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

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

Public copies are available by contacting the Shire on (08) 9574 9300.

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	6
2	RECORDS OF ATTENDANCE	6
	2.1 APOLOGIES	6
	2.2 APPROVED LEAVE OF ABSENCE	7
3	DISCLOSURE OF INTERESTS	7
4	PUBLIC QUESTIONS	7
	4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
	4.2 PUBLIC QUESTION TIME (OPENED AT 5.37PM).....	7
5	APPLICATIONS FOR LEAVE OF ABSENCE.....	12
	5.1. Cr Madacsi Leave of Absence	12
6	CONFIRMATION OF MINUTES	13
	6.1 Ordinary Meeting of Council held on 2 April 2026	13
	6.2 Special Meeting of Council held on 30 April 2026	13
7	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	13
	7.1 PETITIONS.....	13
	7.2 DEPUTATIONS	14
	7.3 PRESENTATIONS	14
	7.3.1 JULIMAR CONSERVATION AND FOREST ALLIANCE.....	14
	7.4 SUBMISSIONS.....	14
8	BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED).....	14
9	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION).....	14
10	OFFICER REPORTS	15
	10.1 PLANNING AND REGULATORY SERVICES	15
	10.1.1 Consent to Advertise Revised Local Planning Policy 13 - Non- Habitable Structures.....	15
	10.1.2 Outbuilding at 325 Hall Road, Nunile.....	20
	10.1.3 Adoption of Local Planning Policy 2 - Ancillary Accommodation (2026)	24
	10.1.4 Temporary Shipping Container at 10 Deepdale Road, West Toodyay.....	30
	10.1.5 Development Application for Extractive Industry - 826 Clackline Toodyay Road, Hoddys Well.....	36

10.1.6	Outbuilding at 13 Arthur Street, Toodyay	44
10.2	FINANCE AND CORPORATE SERVICES	47
10.2.1	List of Payments - March 2026	47
10.3	ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES	50
10.3.1	Community Funding Program 2025-2026 Outcomes.....	50
10.4	EXECUTIVE SERVICES	56
10.4.1	Making the Amended Activities in Thoroughfares and Public Places and Trading Local Law 2026.....	56
10.4.2	Audit, Risk & Improvement Committee: Meeting Frequency Review and Annual Work Plan Requirements	62
10.4.3	Appointment of Deputy Chairperson: Audit Risk and Improvement Committee	76
10.4.4	Toodyay Agricultural Society Sponsorship Agreement.....	79
10.4.5	Monthly Financial Statements - March 2026.....	83
10.5	INFRASTRUCTURE, ASSETS AND SERVICES.....	85
10.6	COMMITTEE REPORTS	85
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	85
12	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	85
13	QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	85
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	85
14.1	MEMBERS	85
14.1.1	Chief Executive Officer Leave	85
14.2	EMPLOYEES	87
15	CONFIDENTIAL BUSINESS	87
15.1	Contract Variation - Waste Services Agreement with Broderick Waste Solutions Pty Ltd.....	87
16	NEXT MEETINGS	89
17	CLOSURE OF MEETING.....	89

Preface

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

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

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 15 May 2026.



Alan Hart

CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 4 June 2026.

Signed:

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



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 5.32pm and read aloud an Acknowledgement of Country:

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

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCE

Members

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

Staff

Mr A Hart	Acting CEO
Ms C Delmage	Acting Executive Manager Finance and Corporate Services
Mr P Nuttall	Executive Manager Planning and Regulatory Services
Mrs M Rebane	Governance Coordinator
Ms P Kaur	Executive Support Officer

Visitors

W Clarke	Julimar Conservation and Forest Alliance
L Phillips	Julimar Conservation and Forest Alliance
M Adams	Julimar Conservation and Forest Alliance

Members of the Public

A Lamas	R Predovnik	P Ruthven
B Ruthven	A Henshaw	

Confidentiality Declarations made

Name	Time
Cr Madacsi	5.35pm.

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Nil

3 DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting as follows:

Name	Type	Item	Extent
Cr Prater	Impartiality	10.1.5	Is friends with employees of the applicant.
Cr Dival	Impartiality	10.1.5	Family member is an employee of the applicant and I am friends with two of the directors of the company.

4 PUBLIC QUESTIONS**4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

4.2 PUBLIC QUESTION TIME (OPENED AT 5.37PM)

Responses are from the Shire President, as Presiding Member, unless otherwise specified.

A Lamas**Question 1**

Can the Shire explain why the content manager role was required, including what specific need it addressed, what alternatives were considered, who approved the decision, and what measurable outcomes or value ratepayers have received in return for the \$90,460.78 spent in November 2025?

Response (Acting CEO):

Content Manager is not a role but it is the Shire of Toodyay's Document Management (Records) System.

The payment referenced in Question 1 includes the third and final implementation milestone payment and staff training. The original contract was entered into by the previous management in 2024.

Question 2

Can you please explain why two different sections of Bindi-Bindi Road have been re-sealed again? One section is less than a year old, and the other was completed as a part of the 2023-24 budget.

The section from the cemetery to the steers was in excellent condition with no visible defects. A seal of this type normally has an expected service life of 10 to 15 years before renewal or re-sealing is required.

Could you also confirm who made the decision to carry out these works and who approved them, as they not appear to be included in this year's capital works program, and we have several other roads in far greater need of sealing?

Response (Acting CEO):

This is the second seal, as part of the general construction works. It was planned to do it approximately 12 months after construction.

Question 2 - continued

When they redid the sealing the Executive Manager mentioned the primer seal 5mm which was a cheap seal, so it means it is the third coat of the road.

Response:

We are not here to debate

Question 2 - continued

I need an answer as its ratepayers money. If it's already got three coats. If you check on list of payments it specified two coats by Colas and the cheap primer seal put down by a company owned in Geraldton. Safe Roads WA. This is enough for life of 10-15 years.

Response:

Given the detail in the question I will take it on notice.

A Henshaw**Question 1**

The CEO, Mr Aaron Bowman, has been absent from duty for some time now. When will he be returning to duties as the CEO of the Shire of Toodyay

Response:

Mr Bowman is on leave and I will not discuss the personal affairs of any of Shire employees

Question 2

Has the CEO resigned?

Response:

No.

B Ruthven**Question 1**

Resolution OCM050/04/26 in Item 10.4.4 should have failed because as you pointed out, it needed an absolute majority. However, it is recorded in the minutes that the motion was carried 3/2. Is this correct?

Response (Acting CEO):

I will have to take that question on notice.

Question 2

The minutes are going to be adopted at this meeting.

Response:

The minutes are due to be confirmed at this meeting today.

R Predovnik**Question 1**

I am here in my capacity as Toodyay Herald Editor. Who has made the rule that my media enquiries will not be answered by email and that if I want questions answered for the Toodyay Herald I need to come to a Council Meeting in person to ask them. Who is responsible for this new rule and why was it made?

Response:

It is not a new rule. Procedures for question time for the public have changed. The procedure in use since last year was for questions to be submitted at noon on the day of the council meeting with those asking the questions required to attend the council meeting to ask them as is provided by state government legislation which mandates provisions for public question time at council meetings. There is a provision in the legislation and standing orders for questions at council meetings. There is no provision for questions at any other time.

Question 2

I have been doing the role of Editor for the past three editions. This is my fourth edition and every time I have put in media enquiries they have been answered. This is the first time they have not been answered as a media enquiry. Can I ask why the change? Can I please have more information around the rationale behind that?

Response:

I am just applying the provisions of the legislation and the Standing Orders

Question 3

So is it safe to say that they were not being applied before and if so why?

Response:

I will have to look into what was happening before.

Question 4

I think you were presiding before, so the question is directed at you.

Response:

I certainly as Presiding Member, was not answering your questions. I do not want to debate it.

Question 5

Will this rule also apply to say Fairfax Journalists, the ABC, 6PR and media more broadly? Do they have to front up to Council Meetings to have their media enquiries answered?

Response:

If they wish to ask questions they have to come to a Council Meeting.

Question 5 - continued

Even if they are media enquiries?

Response:

If they wish to ask questions. I don't know what a media enquiry is. There is no provision in the legislation that deals with media enquiries.

Question 5 - continued

So that we are clear, a media enquiry is sent by a media outlet to be published in media.

Response:

Ok. There is no obligation on a Council Meeting or for a Shire to respond to a media enquiry. There is no legislative requirement for that.

A Lamas

Question 3

Could you please provide information on when the Executive Manager of Infrastructure position became vacant? In addition, could you please clarify who is currently acting in this role? or alternatively, who has taken the responsibility for overseeing the Roads and Parks & Gardens crews while the recruitment process is underway?

Response:

The Executive Manager Infrastructure, Assets and Services is on annual leave at the moment and relief arrangements are in place.

Question 3 - continued

How can someone be on annual leave when there is an advertised position for that role?

Response (Acting CEO):

That officer has resigned. The position has been advertised but the individual is on leave.

Response:

She resigned with notice and is working out her annual leave process and is employed by the Shire till her annual leave runs out.

Question 3 - continued

Who is acting in the role?

Response:

Louise Harris is Acting EMIAS.

Question 4

As per the list of payments, it appears that a water cart contractor was paid a total of \$190,908.75 over the period October 2025 to March 2026 (approximately five months).

The payments appear on the creditor payment list under different creditor names.

Could you please clarify:

- *Whether these payments relate to the same supplier, and if so,*
- *Why multiple creditor names have been used for the same supplier.*

In addition could you please provide an explanation of how the procurement process was undertaken, noting that the total expenditure exceeds the threshold specified in the Purchasing Policy, and whether local contractors were invited to quote, considered that we have multiply water cart business in town, and if not, the reason why services were not sourced locally, in line with the Purchasing Policy principles of supporting local businesses.

Response (Acting CEO):

These payments are to multiple suppliers, and multiple quotations were sought from suppliers including local suppliers.

Question 4 – continued

I am talking about a specific supplier. One is called GR Thomson and the other one is called Tamara Thomson. It is for the same specific water cart hire.

Response:

There was a previous part in the question. Can we go back to the question again. Whether they were for the same supplier?

Response (Acting CEO):

They are not the same supplier. They are two different suppliers, ABN's and two different businesses.

Cr McCormick departed chambers at 5:50 pm

Cr McCormick returned at 5:51pm

Question 4 – continued

Two different suppliers with the same last name?

Response (Acting CEO):

Correct.

Question 4 – continued

Why has it not been sourced locally when we have multiple businesses within the Shire. I need the procurement process and how it was done.

Response:

We are not obliged to use local companies. Quotations were sought from suppliers, including local suppliers, and the quotations was the deciding factor.

B Ruthven

Question 3

In the absence of the CEO, what is happening with the recruitment process of the two vacant Executive Manager positions and the Emergency Management Officer position?

Response:

In the absence of the CEO we have an Acting CEO.

Response (Acting CEO):

The recruitment process is continuing.

Question 4

In the Annual Budget which Council adopted, including values for the sale or disposal of several properties. The sale prices for two of these properties the Bendigo Bank Building and Connors Cottage together was \$742,000 less than what Council budgeted to receive. Why did Council accept sale prices for these two properties which together yielded three quarters of a million dollars less than what was adopted in the budget to receive?

Response (Acting CEO):

Council did not budget to receive the amounts that you referred to. Council received what was budgeted to be received for the sale of those properties.

Response:

You have had two questions and the time allotted for public question time has elapsed.

Question 4

Are you aware that Admin regulation 7.3 which says each member of the public who wishes to ask a question in a meeting referred to in regulation 6.1 is to be given equal and fair opportunity to ask the question and receive a response.

Response:

I will not debate with you Mrs Ruthven. There are four people who wished to ask questions. Each person has been given a chance to ask a question and the 15 minutes public question time has elapsed. Please resume your seat.

I remind people in the gallery not supposed to interrupt the meeting in any way.

5 APPLICATIONS FOR LEAVE OF ABSENCE**5.1. Cr Madacsi Leave of Absence**

Cr Madacsi requested to be granted Approved Leave of Absence from 25 May 2026 to 8 June 2026 inclusive.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM069/05/26

MOVED Cr M Dival

SECONDED Cr S Van der Heyden

That the Application for Leave of Absence by Cr Madacsi from 25 May 2026 to 8 June 2026 inclusive be granted.

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

Voted Against: Nil

MOTION CARRIED 7/0

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council held on 2 April 2026

REVISED OFFICER'S RECOMMENDATION

MOVED Cr Madacsi

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 2 April 2026 be confirmed subject to the removal of Resolution No.OCM059/04/26 and the inclusion of the following sentence:

“The above resolution has been removed as Cr Dival did not move her notice of motion and had not been seconded; thus Standing Orders 9.15 did not apply.”

Cr Dival raised a Point of Order in regard to putting an alternative motion in for this.

Cr McKeown rejected the Point of Order.

Cr Madacsi moved the Revised Officer’s Recommendation.

The motion was lost for want of a seconder.

6.2 Special Meeting of Council held on 30 April 2026

OFFICER'S	RECOMMENDATION/COUNCIL	RESOLUTION	NO.
	OCM070/05/26		
MOVED	Cr M Dival		
SECONDED	Cr J Prater		
MOVED Cr Dival			
That the Unconfirmed Minutes of the Special Council Meeting held on 30 April 2026 be confirmed.			
<u>Voted For:</u>	Crs M McKeown, M Dival, R Madacsi, S McCormick, R Mills, J Prater and S Van der Heyden		
<u>Voted Against:</u>	Nil		
MOTION CARRIED 7/0			

7 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

7.1 PETITIONS

Nil.

7.2 DEPUTATIONS

Nil.

7.3 PRESENTATIONS**7.3.1 JULIMAR CONSERVATION AND FOREST ALLIANCE**

Mr W Clarke, Ms L Phillips and Ms M Adams from the Julimar Conservation and Forest Alliance to present a gift to Council at 6.01pm.

Attachments

- 1 Photographs taken.

7.4 SUBMISSIONS

Nil.

8 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

I will not go through a list of the events or meetings I have attended in the last month but I would like to recognise three events that have occurred in the last month that have been significant in the Shire, not the least of which was the Moondyne Festival Sunday last. There must have been up to 5,000 people at that event. Congratulations and thanks to Mr Neville Hoy Poy and his committee for getting that function organised. I did not see anybody not enjoying it. It was a great day.

The other local community event was the Lions Club auction held on 14th at the showgrounds. John Pearce and the Lions Club organised that one and it raised close to \$15,000 which is made available to be distributed to local community groups. That is a long running event and another terrific day.

Anzac Day we had the dawn service and the 11am service. The estimated numbers at the dawn service was between 500-600 and that was followed up by the gunfire breakfast which the Lions Club was involved with that as well. The 11am service attracted another good crowd as well. I congratulate the RSL and the Lions Club.

One feature the 11am Anzac Day Services, and the Moondyne Festival was the appearance at both events of the Toodyay District High School choir and at Anzac Day the choir was held up slightly (waiting for the train to go past). It was a great performance, and also an excellent and well received performance at the Moondyne Festival and the inclusion of the school cadets who also attended Anzac Day. Congratulations to Sharon Anderson and Doug McGhee for establishing the Choir and Cadets core.

10 OFFICER REPORTS**10.1 PLANNING AND REGULATORY SERVICES****10.1.1 Consent to Advertise Revised Local Planning Policy 13 - Non-Habitable Structures**

Date of Report:	24 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	LPP13
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	22 February 2023
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	<ol style="list-style-type: none"> 1. Current Local Planning Policy 13: Non-Habitable Structures ⇒ 2. Revised LPP13: Non-Habitable Structures (2026) ⇒ 3. TABLED Updated Revised LPP13: Non-Habitable Structures (with Track Changes) ⇒ 4. TABLED Updated Revised LPP13: Non-Habitable Structures (no Track Changes) ⇒

PURPOSE OF THE REPORT

To adopt the Draft Local Planning Policy 13: Non-Habitable Structures (**Attachment 2**) for the purpose of public advertisement.

BACKGROUND

The current LPP13 Non-Habitable Structures was last reviewed and adopted on 22 February 2023. (**Attachment 1**)

The previous version of the policy was based on Local Planning Scheme No. 4. Since then, the Shire has adopted a revised updated scheme called the Shire of Toodyay Local Planning Scheme No. 5. As a result, the policy required further review to ensure it appropriately reflects the current scheme.

The review and subsequent update of the policy were also necessary to address contemporary needs and requirements.

COMMENTS AND DETAILS

There is an increasing need to review and update the current policy. As development trends evolve, the demand for non-habitable structures continues to change, including variations in their scale, dimensions, and visual appearance. It is therefore important for the Shire to ensure that its policy framework remains responsive to contemporary practices and reflects on-ground realities.

The Shire has also experienced a growing number of applications for outbuildings and similar structures that exceed the requirements set out in the policy. In many cases, the permitted standards such as wall height, ridge height, and floor area are not proportionate to the size of the proposed lot when assessing applications.

Even where proposals present reasonable justification, they are often required to be referred to Council for determination. In some instances, applications may also be refused at the officer level prior to a Council meeting due to significant variation to requirements in current policy. This outcome may not align with the Shire's objective of facilitating practical and community-responsive development outcomes.

The revised policy balances contemporary development demands with the need for consistent and equitable outcomes across the Shire of Toodyay, while preserving its local and cultural values.

Key elements of the revised policy are as follows:

1. Expanded zoning coverage to more zones ensuring consistency with current scheme.
2. Updated floor area and height limits.
3. Clarifications of exemption criteria tying them to R-Codes and Scheme Provisions.
4. Clarity on shipping containers and its conditions of approvals.
5. Explicit bond requirement retained and clarified.
6. Strengthening of visual amenity controls.

Introduction to more zones

As per current Shire of Toodyay Local Planning Policy No.5, there are a total of 14 developmental zones in Toodyay. A non-habitable structure is very common among all forms of development and therefore provisions are needed for all zones.

New zones that have been introduced to the policy include:

1. Mixed Used Zone
2. Environmental Conservation Zone
3. Rural Enterprise Zone
4. Commercial Zone
5. Service Commercial Zone
6. Industrial Zones

Increase in permitted floor area and structure heights

The revised policy introduces increased maximum floor area allowances and greater wall and ridge height limits across most zones when compared to the existing policy. These changes have been informed by observed development trends and assessment experience, particularly the increasing need to accommodate modern vehicles, caravans, boats, agricultural machinery and commercial equipment.

The previous policy often resulted in maximum floor areas being reached quickly, even on large lots, which did not reasonably reflect the scale or use of the land. The updated standards adopt a more proportional approach. This allows for functional and practical structures while ensuring that development remains subordinate to the primary land use and does not result in overdevelopment.

In addition, increased height limits allow for improved internal functionality of sheds and outbuildings without necessitating repeated applications for council approval. Height increases remain controlled through thresholds and are subject to visual amenity and siting considerations.

Relaxations and specific considerations.

The revised policy continues to allow for targeted relaxations and discretionary considerations where strict compliance is impractical or unnecessary. These include allowances for mono-pitched roof designs, sloping sites, and structures intended to accommodate larger vehicles such as caravans, boats and motorhomes in specific residential zones.

Importantly, the revised policy clearly articulates the circumstances under which such relaxations may be supported, providing greater certainty for applicants while maintaining appropriate development controls. This approach enables flexibility without undermining the policy's objectives or creating precedent-based outcomes.

Strengthened Policy Direction for Shipping Containers

The revised policy introduces clearer and more robust provisions that distinguish between temporary and longer-term installations.

Under the revised policy, shipping containers continue to require development approval, with explicit limitations on duration, number, size and location. Containers are clearly defined as temporary structures, generally limited to a maximum approval period of 24 months unless otherwise approved by Council. Conditions also restrict their use to storage purposes only and expressly prohibit habitation.

The revised policy strengthens visual amenity requirements by mandating low-visibility siting, prohibiting advertising signage, and clarifying when containers may be required to be visually modified through cladding, painting or screening. Importantly, containers that are permanently fixed to the ground are now clearly defined as outbuildings and must comply with the relevant outbuilding provisions of the policy.

The bond requirement of \$2,000 has been retained and clarified to ensure compliance with approval conditions and secure the removal of containers if owners' default. This provides the Shire with an effective enforcement mechanism while offering transparency and certainty to applicants.

IMPLICATIONS TO CONSIDER

Consultative:

Councillors were invited to review and provide feedback on the revised Non-Habitable Structures Policy at a workshop held on 15 January 2026. During the session, several questions were raised regarding the proposed changes and their potential implications. The policy has since been refined to address this feedback.

Where a local government resolves to introduce or amend a local planning policy, the relevant Regulations require the proposed policy to be publicly advertised, unless otherwise agreed by the WAPC. Such advertising must be undertaken for a minimum period of twenty-

one (21) days. In instances where a deemed-to-comply provision of the R-Codes is proposed to be amended or replaced, consultation with the WAPC is also required.

Strategic:

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

5.1. Provide responsible planning and development.

5.2. Enable access to affordable, sustainable, and diverse housing options.

Policy related:

- Clause 3, Division 2 of schedule 2(the deemed provisions)
The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.
- Local Planning Policy 13 – Non-Habitable Structures
This local planning policy is subjected to currently being revised to adhere to modern standards and align with current Shire of Toodyay Local Planning Scheme No.5

Financial:

Local Planning Policies are required to undergo a formal public advertising process, which includes publication in a locally circulating newspaper. The cost to the Shire will be limited to a single advertisement.

Legal and Statutory:

Planning and Development Act 2005 – Part 5

Planning and Development (Local Planning Schemes) Regulations 2015 - Division 2 of Schedule 2

Local Planning Policies

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies.

Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

A local planning policy is not part of the local planning scheme and does not bind the local government in respect of any application for development approval, however, the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Risk related:

Review of a policy is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary and relevant. The Shires risk is reduced to **Low** if the correct procedures are followed. However, there could be **Medium** risk to the Shire's reputation if procedures are not correctly followed.

There is a **Low** risk to the Council when new local planning policies are developed, and proper community consultation is undertaken.

Workforce related:

Reviews of this nature place additional yet necessary additional demands on workforce time and resources.

However, a benefit of successful and regular reviews of policies will ensure the Shire is operating as efficiently as possible by aligning these documents with the prevailing community expectations and state government frameworks of the day. This ultimately will reduce the burden on the workforce moving forward.

VOTING REQUIREMENTS

Simple Majority

REVISED OFFICER'S RECOMMENDATION

That Council adopts the Draft Revised Local Planning Policy 13: Non-Habitable Structures (**tabled Attachment 4**), as tabled at 6.10pm, for the purposes of public advertisement in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM071/05/26

MOVED Cr M Dival

SECONDED Cr J Prater

That the meeting proceed to the next item of business (10.1.2 Outbuilding at 325 Hall Road, Nunile) at 6.11pm in accordance with Standing Order 10.1(a) and Standing Order 10.5 (c) that Council moves to the next item of business.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.1.2 Outbuilding at 325 Hall Road, Nunile.

Date of Report:	31 March 2026
File Reference:	P2026-34
Author:	C MacKenzie – Assistant Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Site Plan ⇒ 2. Proposed Plans ⇒ 3. Planning Letter ⇒

SUMMARY

Applicant:	Wheatbelt Steel
Owner:	Graham and Juile Hathway
Proposal:	Outbuilding
Location:	325 Hall Road, Nunile.

PURPOSE OF THE REPORT

To consider approval of an application for an Outbuilding at 325 Hall Road, Nunile.

BACKGROUND

An application for planning approval was received for the erection of an outbuilding at 325 Hall Rd, for the purposes of machinery storage. The property of the development is a size of 181ha and is zoned as a Rural lot under the Shire of Toodyay Local Planning Scheme No.5. The proposed development is consistent with the Non-Habitable Structures policy objectives and, the 50-metre minimum setback required for the zone.

The development will not be visible from any adjoining roads and is setback substantially over the minimum requirement of 50 metres for the Rural zone.



(Proposed location of outbuild as provided in application)

COMMENTS AND DETAILS

The application seeks to exceed the maximum ridge height and floor space which is permitted by Non-habitable Structures Local Planning Policy 13. Officers do not have delegation to approve this application, as Rural lots above 3.9ha are not included in the policy.

The Policy sets out the criteria that has been determined to be acceptable. An assessment of the proposal has been undertaken, and it has been found that the height of the walls and the ridge of the outbuilding, and the total outbuilding floor space of non-habitable structures exceeds the provisions of the policy.

The visual impact of the development on the surrounding visual landscapes is not a valid scheme or assessment consideration as the development is taking place outside of Special Control Area 5 - Visual Landscapes.

Delegation under LPP13 Non-Habitable Structures

LPP13 does not permit outbuildings over 300m², ridge height over 5.0m or a wall height of over 4.2m in a lot of this size in the rural zone in The Shire of Toodyay. Officers do not have delegation to approve any oversized building through this local planning policy; therefore this application must be determined by Council.

Local Planning Policy 13 Requirements	Permitted Ridge Height	Permitted Floor Space	Permitted Wall Height
	Not stated in Policy	Not Stated in Policy	Not Stated in Policy
Proposed Development (181ha Rural Zoned Lot)	Proposed Ridge Height	Proposed Floor Space	Proposed Wall Height
	7.1m	301m ²	5.3m

Proposed Plans can be Found in **Attachment 2**.

IMPLICATIONS TO CONSIDER

Consultative:

Neighbourhood consultation was deemed not necessary in this instance due to the large distances from the nearest dwelling, which is located approximately 800 metres away, and the development exceeding the minimum boundary setbacks in Table 6 of the Scheme. The property is also not within Special Control Area 5.

Strategic:

Outcome 5.1 – Provide Responsible Planning and Development.

Policy related:

Non-Habitable Structures Local Planning Policy 13

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

In this instance Local Planning Policy 13 does not give guidance for the assessment of this oversized outbuilding. This application must be determined by Council.

Financial:

Nil

General Function:

A letter was received as part of the application which states the intended use of the outbuilding (**Attachment 3**), which was considered by officers as part of the assessment. The use of the outbuilding is for the storage of machinery to support the ongoing farming operations of the property.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No.5

Risk related:

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

Workforce related:

The processing of this application, including the writing of this report to request to Council for the variation of the policy are within the usual workloads of the Planning unit.

Conclusion:

The proposal to approve the erection of an outbuilding, despite the absence of specific guidance from the Local Planning Policy criteria, is supported by officers. The proposal has been deemed that it is unlikely that the outbuilding will have a significant impact on the surrounding amenity of the area.

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM072/05/26

MOVED Cr S McCormick

SECONDED Cr S Van der Heyden

That Council approves an application for an outbuilding at 325 Hall Road, Nunile with a ridge height of 7.1m wall height of 5.3m and a floor area of 301m².

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

Voted Against: Nil

MOTION CARRIED 7/0

10.1.3 Adoption of Local Planning Policy 2 - Ancillary Accommodation (2026)

Date of Report:	6 April 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	LPP2
Author:	P Nuttall – Acting CEO and Executive Manager Planning and Regulatory Services
Responsible Officer:	P Nuttall – Acting CEO and Executive Manager Planning and Regulatory Services
Previously Before Council:	18 December 2025
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none"> 1. Current Ancillary Accommodation Policy (2008); ⇒ 2. Revised LPP2 Draft Ancillary Dwellings Policy as advertised; ⇒ 3. Table of Submissions LPP2; and ⇒ 4. Final Ancillary Dwellings policy ⇒

PURPOSE OF THE REPORT

To consider adoption of a revised Local Planning Policy (**Attachment 4**) into the Local Planning Policy Suite of documents.

This final Ancillary Dwellings Policy is the result of community advertising and contains refinements made after community consultation and discussion with the Toodyay community stakeholders.

BACKGROUND

The current LPP2 Ancillary Accommodation policy was last reviewed 13 May 2010 and was presented to Council as an Ancillary Dwelling policy for advertisement in June 2022. This did not progress.

That version of policy predated the new planning Scheme No.5 which has required the policy to be reviewed again to consider the current Local Planning Scheme. The review of the current policy incorporated changes to State Government legislation that have occurred since 2008, as well as incorporating an alignment to Local Planning Scheme No.5 provisions approved in August 2024. This new policy proposes substantial changes to the way the Shire has previously assessed and assessed ancillary dwellings.

After community consultation, the final adjustments are being presented to Council for adoption.

COMMENTS AND DETAILS

After many conversations with rural landowners, and with the attached submissions (**Attachment 3**), it has become clear that many rural landowners are unaware of their housing options. These are existing options within the Scheme and within the new modified local planning policy 2.

These options fall under two general categories, those options available through rural land subdivision, and Shire of Toodyay scheme provisions and local planning policies.

Subdivision of rural land as an option – *State Planning Policy 2.5 Rural Planning and DC Policy 3.4 Subdivision of rural land.*

❖ General Subdivision

The State government (WAPC) are the sole determiner of land subdivision in WA. They operate under the State Planning Policy 2.5 which sets the guidance of rural land Subdivision, with additional support from Development Control policy 3.4.

This is also guided through the Shire of Toodyay Local Planning Scheme No.5 which sets the objectives for rural subdivision, Clause 32 (11-13). There is no stated minimum lot sizes for general subdivision in a Rural zone, unlike other zone objectives in Clause 16(2) of the scheme, State Planning Policy criteria therefore applies. However, the State is generally opposed to the fragmentation of rural land, as this reduces economies of scale and efficiency. There is a general acceptance that a 40ha minimum is the smallest size of a rural lot.

❖ Homestead Lots

“A small lot generally ranging from one to four hectares but may be up to 20 hectares in size depending on site specific circumstances, which is excised from a larger farm holding for separate occupation, such as by a retiring farmer wishing to remain in an approved existing dwelling”. Clause 6.6, DC Policy 3.4

This approach to generational divestment of rural land has been available for a long time and has been used repeatedly across the Shire. With most lots being 4ha or less, the remaining farm is sold, and the land remains agriculturally productive. These divestments may be to family members and when this processes is complete permits an additional home to be built on the balance lot. This clause can only be utilised once.

Use of Local Planning Scheme No.5

The current scheme has many options to the local farming community in the Shire, but it was made clear in discussions that many of these options were not widely known. These options are unique to each farmers situation and may not be suitable in all cases.

❖ Second house clause

The current and past local planning schemes have generously and considerately made provisions for up to two (2) dwellings to be built without subdivision under Clause 32 (11)1, for lots greater than 40 hectares.

❖ Farm accommodation for workers

This can be achieved where there is a permanent or temporary need for workers accommodation on farm. There is a land use term called, caravan park or Tourist Accommodation that can be used to grant ongoing permission for a portion of the farm to be used seasonally or permanently for worker accommodation.

❖ Ancillary Dwellings Local Planning Policy (2026)

The new policy broadens the size of the ancillary dwellings permitted on a property, while removing the locational tie to the main house. There is also the removal of the cap on the number of bedrooms in those dwellings.

The new policy also permits an ancillary dwelling to be approved per main dwelling, leading to a possible situation where rural lots over 40ha (100 acres) will be able to have two main dwellings and two ancillary dwellings per property.

The New Ancillary Dwelling Policy

There have been a series of small changes to the advertised policy, many typographical, but the effect is to fine tune the policy provisions.

The key change is the flip of the proportionality to make the ancillary dwelling 60% of the size of the main house. This still clearly defines proportionality but in a less severe way.

Where	Clause as written	Changed to	Reason
1.2 (c)	Appropriate landscaping be provided to reduce the visual impact to the landscape of the area. (SCA5 and all other areas).	Appropriate landscaping may be required to reduce the visual impact to the landscape of the area. (SCA5 and all other areas).	Makes the need for landscaping discretionary
1.3 (a)	no more than 40% of the floorspace of the primary dwelling (lots over 4ha), or	no more than 60% of the floorspace of the primary dwelling (lots over 4ha), or	The ancillary dwelling is to be 40% smaller than the main dwelling rather than being only 40% of the size of the main dwelling
1.3 table	R-codes chapter 5.5	R-codes chapter 5.5, with exception to R5 or less codes 100m ²	Allows large format residential lots to have larger homes
1.3 table	Rural Residential / Rural Enterprise <4ha <100m ²	Rural Residential / Rural Enterprise <4ha <100m ² or <60% of the primary dwelling's area	Now adjusts for smaller lots with larger houses
1.5	All the examples have been recalculated		This reduces the size differences particularly for smaller homes becoming ancillary
1.6	A new clause to reduce the risk of inadvertently approving a Grouped Dwelling		Required to reduce planning risk or approval by stealth.
1.7	Relationship with the R-Codes		Clarification of the use of performance criteria

Recommended change table

From comments made and submissions received the proportionality issue was most discussed. While there is a need to clearly set parameters for proportionality, what was advertised was deemed too severe. By changing the proportionality ratio to 60% of the main dwelling size, there is still a clear difference in dwelling sizes, and this change will consequently support larger ancillary dwellings.

New Clause 1.6

This clause has been added to clarify the differentiation between a “grouped dwelling” and a right to an ancillary dwelling. If proportionality between two houses cannot be made, then applications will be considered a grouped dwelling. There is a need to clarify in the policy that where proportionality cannot be demonstrated, a refusal can be issued.

In most cases Grouped Dwellings are not permitted in Rural zones, except for the use of Clause 32 (11)1.

New Clause 1.7

Toodyay has many areas that are zoned residential but are low density codes. Without clarification and a new exemption, many of these lots would be limited in dwelling size to that mandated by the R-Codes.

This clause will now permit these low density R2, R2.5 & R5 lots to have larger dwellings, under performance criteria. This now widens the number of “near town” lots that can have larger dwellings.

IMPLICATIONS TO CONSIDER

Consultative:

Any changes to a Local Planning Policy which proposes to amend or replace a deemed-to-comply provision of the R-Codes must be given consent by the Western Australian Planning Commission. Local Law, which will be effectively superseded by this amended Local Planning Policy.

Consultation has been received from the department, and no negative comment has been received.

Public advertisement of this local Planning Policy commenced 23 December 2025 and closed 2 March 2026, being a total of **69** days. The extended period reflected the need to cover the Christmas and New year local government shutdown. This far exceeds the required advertising period for a local planning policy.

Strategic:

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

5.1. Provide responsible planning and development.

5.2. Enable access to affordable, sustainable, and diverse housing options.

Policy related:

Pursuant to Clause 3, Division 2 of Schedule 2 (‘the deemed provisions’), the local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

However, with regards to any matters where the R-Codes are involved, there is a caveat. A local planning policy local planning policy, will only be a relevant consideration in the exercise of judgement where it is:

- (a) specifically sanctioned by a provision of the R-Codes Volume 1;
- (b) consistent with the design principles of the R-Codes Volume 1; and
- (c) consistent with the objectives of the R-Codes Volume 1.

Consultation has been received from the department, and no negative comment has been received in this regard.

Financial:

It is a requirement that Local Planning Policies undergo a formal advertising process which includes publication in a locally circulating newspaper. Cost to the Shire will relate to one advertisement and this has been allocated for in the Shire's adopted budget.

Legal and Statutory:

Planning and Development Act 2005 – Part 5

Planning and Development (Local Planning Schemes) Regulations 2015 - Division 2 of Schedule 2

Local Planning Policies

Division 2 of Schedule 2 ('the deemed provisions') provides the statutory basis for local planning policies and outlines the procedure for making, amending, and revoking local planning policies.

Local planning policies are guidelines used to assist the local government in making decisions under the local planning scheme. Although local planning policies are not part of the local planning scheme, they must be consistent with, and cannot vary, the intent of the scheme provisions, including the R-Codes, unless otherwise permitted by the R-Codes and/or approved by the WAPC.

A local planning policy is not part of the local planning scheme and does not bind the local government in respect of any application for development approval, however, the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

Risk related:

Review of a policy is essential to good governance as it demonstrates the Shire's ability to adapt to changing circumstances to ensure that its policies remain contemporary and relevant. The Shires risk is reduced to **Low** if the correct procedures are followed. However, there could be **Medium** risk to the Shire's reputation if procedures are not correctly followed.

There is a **Low** risk to the Council when new local planning policies are developed and proper community consultation is undertaken.

The addition of clause 1.6 reduces the risk of the Shire inadvertently approving a Grouped Dwelling by stealth, reducing that risk to **Low**.

Workforce related:

Reviews of this nature place additional yet necessary additional demands on workforce time and resources.

However, a benefit of successful and regular reviews of policies will ensure the Shire is operating as efficiently as possible by aligning these documents with the prevailing community expectations and state government frameworks of the day. This ultimately will reduce the burden on the workforce moving forward.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

MOVED Cr Mills

SECONDED Cr Prater

That Council

1. Receives the table of submissions as presented (**Attachment 3**); and
2. Adopt the final Ancillary Dwellings Policy No.2 (**Attachment 4**) into the Shires suite of policy documents.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM073/05/26**MOVED** Cr M McKeown**SECONDED** Cr M Dival

That the meeting proceed to the next item of business (10.1.4 Temporary Shipping Container at 10 Deepdale Road, West Toodyay) at 6.18pm in accordance with Standing Order 10.1(a).

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

Voted Against: Nil

MOTION CARRIED 7/0

10.1.4 Temporary Shipping Container at 10 Deepdale Road, West Toodyay.

Date of Report:	8 April 2026
Applicant or Proponent:	Leigh Ballard – CRISP Wireless Pty Ltd
File Reference:	A3603/39DEE
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Acting CEO and Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Applicant Proposal ⇒ 2. Site Plan ⇒ 3. Submissions List and Response ⇒ 4. TABLED Updated Attachment 1 - Applicant Proposal ⇒ 5. TABLED Updated Attachment 2 - Site Plan ⇒

PURPOSE OF THE REPORT

To consider approval of the temporary placement of a shipping container at 10 Deepdale Road, West Toodyay, and to vary the minimum setback requirements for land zoned Rural, pursuant to Clause 32, Table 6 of the Shire of Toodyay Local Planning Scheme No. 5.



BACKGROUND

An application has been received for the placement of a temporary shipping container at 10 Deepdale Road, West Toodyay.

The subject site is zoned Rural under the Shire of Toodyay Local Planning Scheme No. 5 and has a land area of 3,922m².

The proposal involves the placement of a temporary shipping container which is to be used for office and storage purposes. (tabled Attachment 4)

An assessment of the proposal has determined that the development does not comply with the minimum boundary setback requirements prescribed under Clause 32, Table 6 of the Shire of Toodyay Local Planning Scheme No. 5.

Zone	Minimum Boundary Setback distances as per Scheme			
	Street	Rear	Sides	
Rural	50m	50m	50m	
	Proposed Boundary Setback distances			
	Street	Rear	Sides	
	20m	44m	9m	81m

(Attachment 2)

Under Delegation PRS8 of the *Register of Delegations 2025*, the Executive Manager of Planning and Regulation can grant a side setback concession of up to 50% in circumstances where achieving the required setback variation is deemed to be justified.

With this proposal, the proposed setback variations to the northern and eastern boundaries constitute a concession exceeding 50% of the minimum requirements prescribed under the Scheme. Therefore, the reduced setbacks proposed must be determined by Council.

COMMENTS AND DETAILS

Site Visit

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

Site Location

The subject land is zoned Rural under the Shire of Toodyay Local Planning Scheme No. 5 and is situated along Deepdale Road, West Toodyay. The lot is developed with an existing single dwelling and outbuilding. There are only two adjoining properties to the subject lot, that is to the Northern and Western direction.

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

The proposed location of the temporary shipping container is partially screened from the primary street frontage (Deepdale Road) by existing sparse, low-level vegetation. Additional screening is provided to the rear of the site through established vegetation and existing outbuildings, which assists in reducing the visibility of the structure from adjoining properties.

The shipping container is a standard 20-foot unit, measuring approximately 6 metres in length, 2.4 metres in width and 2.6 metres in height.

IMPLICATIONS TO CONSIDER

The applicants have provided justification for their proposal requesting significant concession to the setback distances.

Site Constraints

The applicant has mentioned that compliance with the minimum boundary setback requirements is not achievable due to the size and dimensions of the site.

A site inspection undertaken by the assessing officer confirmed that the land is relatively small for a Rural-zoned property, with an area of only 3,922m². When compared with other Rural-zoned lots within the Shire of Toodyay, the subject site is significantly smaller in size. Accordingly, achieving a 50-metre setback on all boundaries is impractical, particularly given the constrained site dimensions, with the overall width of the lot being approximately 69 metres.

Visual Impact

An on-site assessment determined that the potential visual impact of the proposed shipping container when viewed from Deepdale Road would be minimal, as existing roadside vegetation provides partial screening from the primary street frontage.

Owing to the shipping container's relatively low height and modest scale, the structure is not deemed to generate excessive visual impact. While the container is proposed to be located slightly forward of the primary dwelling's front building line, it is not anticipated to result in an unreasonable or adverse impact on the visual amenity of the site or the surrounding area. This assessment is further reinforced by the temporary nature of the development.

The proposed shipping container will be clearly visible from the northern adjoining property, and any potential visual impact would be limited to that neighbour only.

Land use

While the applicant is a telecommunications company, the proposed temporary sea container is not intended to be used as a server room or any form of telecommunications network facility. Accordingly, the use does not constitute a 'Telecommunications infrastructure' land use.

The container is proposed solely for use as an office space with basic storage.

Consultative:

The application was advertised in accordance with the Shire of Toodyay Local Planning Policy No. 27: Advertising of Planning Proposals. Notification letters were issued via email to all adjoining landowners on 13 March 2026, allowing a 14-day consultation period which concluded on 27 March 2026.

Of the two adjoining landowners, the neighbouring property to the north did not provide a submission during the advertising period. However, an objection was received from the adjoining landowner to the west, which has been formally recorded and considered in detail as part of the assessment of the application and in the preparation of this report to Council. **(Attachment 3)**

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 5.1 - Provide responsible planning and development.

Policy related:

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

Policy related:

Local Planning Policy 13: Non-Habitable Structures

Financial:

Nil

Legal and Statutory:

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 5

Risk related:

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

Workforce related:

The processing of this application, including the request to council to seek a variation to provisions of the Local Planning Scheme are within the normal workloads of the Town Planning Department of the Shire.

Conclusion

The request for concession to the boundary setback requirements prescribed under Clause 32, Table 6 of the Local Planning Scheme is supported. The subject site, while zoned Rural, is significantly smaller in area when compared to other Rural-zoned lots within the Shire. In this context, strict compliance with the 50-metre setback requirement is not reasonable or practicable, given the constrained size and dimensions of the land.

The proposal relates to the placement of a temporary structure for a limited period of two years. Having regard to its temporary nature and the mitigation measures in place, the development is not anticipated to result in any significant or adverse long-term impacts on the amenity of the locality or the broader rural character of the area during this period.

VOTING REQUIREMENTS

Simple Majority

REVISED OFFICER'S RECOMMENDATION

That Council approves the application received for the placement of a temporary shipping container at 10 Deepdale Road, West Toodyay with the following setbacks:

- **Street:** 20m;
- **Rear:** 44m; and
- **Sides:** 9m from the north and 81m from the south.

The Executive Manager Planning and Regulatory Services departed Council Chambers at 6:26 pm.

The Governance Coordinator departed Council Chambers at 6:26pm.

The Executive Manager Planning and Regulatory Services returned to Council Chambers at 6:27pm.

The Governance Coordinator returned to Council Chambers at 6:27pm.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM074/05/26**MOVED** Cr M Dival**SECONDED** Cr S McCormick

That the meeting proceed to the next item of business (10.1.5 Development Application for Extractive Industry - 826 Clackline Toodyay Road, Hoddys Well) at 6.31pm in accordance with Standing Order 10.1(a) and Standing Order 10.5 (c) that Council moves to the next item of business.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.1.5 Development Application for Extractive Industry - 826 Clackline Toodyay Road, Hoddys Well

Date of Report:	10 April 2026
Applicant or Proponent:	Taylor Ferguson – Vernice Pty Ltd
File Reference:	A515/3CLAC
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Acting CEO and Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Site Plan and Drawings ⇒ 2. Cover Letter ⇒ 3. Management Plan ⇒ 4. Explosive Management Plan ⇒ 5. Site Emergency Response Plan ⇒ 6. Bushfire Management Plan ⇒ 7. Submission Table ⇒

PURPOSE OF THE REPORT

To consider granting a 10-year development approval for an Industry - Extractive Land use to Vernice Pty Ltd at Lot 3 #826 Clackline-Toodyay Road, Hoddys Well for the extraction, crushing and screening of gravel.

BACKGROUND

History

The subject land has a long history of extractive industry operations undertaken by the applicant, Vernice Pty Ltd. Extractive Industry for sand on the site is currently being operated pursuant to an Extractive Industry Licence and Development Approval granted on 12 August 2016. This approval is currently in effect and is due to expire on 12 August 2026.

In addition, Vernice Pty Ltd has previously operated an Extractive Industry for gravel on the site for approximately twenty (20) years. Development approval and an Extractive Industry Licence for gravel extraction were initially originally granted on 1 July 2005 and subsequently renewed by Council for a further ten-year period in August 2015. This approval and associated licence later expired on 25 August 2025.



Only one extractive industry is currently active on the proposed lot, with its associated development approval and extractive industry licence.

Proposal

The applicants have lodged a new application to operate an extractive industry at lot 3 #826 Clackline-Toodyay Road, Hoddys Well for the extraction, crushing and screening of gravel. **(Attachment 2)**

The Applicant has submitted a development application supported by the following documentation: a Quarry Management Plan **(Attachment 3)** Explosives Management Plan **(Attachment 4)**, Site Emergency Response Plan **(Attachment 5)**, and a Bushfire Management Plan **(Attachment 6)**.

The proposed gravel extraction within the specified lot is expected to produce 60,000 tons of gravel per year. The proposed duration of extraction is 10 years, where land up to 2ha is being extracted for gravel.

Key aspects of the proposal:

- Expected average production of gravel is 60,000/year
- Operating for a period of 10 years
- Extraction area is 2ha in size and average depth of extraction is 3m. **(Attachment 1)**
- The proposed hours of operation are Monday to Saturday, from 6:30 am to 5:30 pm, excluding public holidays and any days restricted by the Shire due to scheduled events.
- Nearest residence located approximately 1.3 km from the extraction area.
- No further clearing of vegetation.
- All extraction will be confined to an existing disturbed pit area, with no expansion into remnant vegetation areas.
- Blasting activities will occur on a limited and intermittent basis, undertaken by licensed personnel in accordance with Shire requirements.
- There are proposed 15 machines that will be used which include 2 excavators, 3 loaders, 4 crushers, 4 screeners, 1 maintenance truck, 1 40T Dump truck, for the purposes of this lease.
- Workforce of approximately 4 - 6 personnel, operating day shift only.
- Water dust suppression systems are used to minimise dust generation.
- No groundwater interception is anticipated, with extraction remaining above the water table.
- Top of 0.5m has already been removed and stockpiled for future rehabilitation.
- During the next 10 years, 8 -12 trucks entering and leaving the site per day, each with a load of between 12 and 48 tons. (road maintenance contributions will be paid accordingly)
- Trucks departing the site will travel either north or south along Clackline –Toodyay Road, then continue via Toodyay Road or the Great Eastern Highway depending on their destination. Approximately half of the vehicles will head north and half south.

COMMENTS AND DETAILS

Site Location

The proposed extractive industry is located on Lot 3 #826 Clackline - Toodyay Road, Hoddys Well. The site is approximately 11 kilometres southeast of the Toodyay townsite and is situated within a predominantly rural area characterised by broad-acre agricultural land uses. The extraction area is located within an existing disturbed pit, set well back from Clackline - Toodyay Road and approximately 1.3 kilometres from the nearest residence, thereby providing substantial separation between sensitive land uses and operations.

Shire of Toodyay Local Planning Scheme No.5

The proposed site is zoned 'Rural' under the Shire of Toodyay Local Planning Scheme No.5. Under the provisions of the scheme, 'Industry-Extractive' is an "A" use within the Rural zone,

therefore the proposal needed to be advertised to the community before granting a development approval.

No construction of any structure is being proposed. The new proposed extraction area is within the setback requirements of 50m from the scheme.

Delegations

There are no delegations for the approval of an Industry – extractive to officers. These applications must be approved by Council.

Visual Impact Assessment – Special Control Area 5: Landscape Protection

The subject land is located within Special Control Area 5: Landscape Protection and have been assessed against the provisions provided in the Local Planning Scheme.

The extraction activities are confined to an existing disturbed pit area and do not involve development on elevated landforms, horizon lines or visually prominent locations. The site is set well back from Clackline - Toodyay Road and is not located within the viewshed of the Avon River waterway, the railway line, Cobbler Pool Road or identified tourist routes.

No permanent buildings, tall structures or visually intrusive infrastructure are proposed. No additional clearing of remnant vegetation is proposed, and surrounding landform and existing vegetation provide natural screening in almost all directions.

It is therefore deemed that there would be minimal visual impact to the surrounding landscape.

Road Maintenance Contribution

The applicant will be required to make a road contribution, to be calculated by the Shire of Toodyay in accordance with the WALGA Road Wear Cost Calculator.

This contribution will be assessed separately as per the Cost Calculator, being 50% northwards and 50% southwards.

IMPLICATIONS TO CONSIDER

Consultative:

The proposed *Industry – Extractive* land use is classified as an “A” use under the Shire of Toodyay Local Planning Scheme No. 5. Accordingly, the application was required to be advertised in accordance with Local Planning Policy 27: *Advertisement of Planning Proposals*.

As the proposal is also identified as a *Significant Development Application* under the relevant Local Planning Policy, an extended advertising period was undertaken. The application was advertised for a period of 21 days, commencing on 6 March 2026 and concluding on 2 April 2026.

Advertising was carried out through multiple channels as per Local Planning Policy including publication in the local newspaper, advertisement in social media platforms, and listing on the local government website. In addition, direct notification was provided to surrounding landowners within a 1 km radius of the proposed site via both email and postal correspondence.

During the advertising period, two submissions was received. **(Attachment 7)** The submissions have been duly recorded and has been taken into consideration in the assessment of the development application and in the preparation of this report to Council.

Strategic:***Shire of Toodyay Local Planning Strategy 2017******Plan for the Future: Shire of Toodyay Council Plan 2023-2033***Outcome 5. High quality town planning complements our rural ambience and heritage.

O5.1. Provide responsible planning and development.

Outcome 9. Responsible and effective leadership and governance.

O9.1. Provide strong, clear, and accountable leadership.

The proposal at Lot 3 #826 Clackline-Toodyay Road, Hoddys Well complies with the Local Planning Strategy 2017 by facilitating the extraction of basic raw materials with appropriate environmental management, maintaining suitable buffers to protect adjacent properties, and preserving the visual and environmental character of the area.

Policy related:Local Planning Policy 07: Mining and Resource Extraction

Local Planning Policy 07 provides guidance for the assessment of extractive industry proposals within the Shire, with an emphasis on minimising land-use conflict, protecting environmental and landscape values, and ensuring appropriate site management and rehabilitation. The proposed development is consistent with the objectives of the policy, as assessed according to *appendix 1* of the local planning policy. The extraction is confined to an existing disturbed area, substantial separation distances to sensitive land uses are maintained, and no additional native vegetation clearing is proposed. The submission of a Quarry Management Plan and associated environmental, traffic and rehabilitation measures ensures that proposal is complete and in accordance with requirements as per policy.

Local Planning Policy 27: Advertisement of Planning Proposals

Pursuant to Local Planning Policy 27, the proposal was classified as a *Significant Development Application* and was therefore subject to public advertising in accordance with the provisions of the policy.

Advertising was undertaken for a period of 21 days, consistent with policy requirements, and submissions received during this period were recorded and duly considered as part of the assessment process.

It is noted that a site notice (roadside sign) was not installed during the advertising period. This was because alternative advertising methods such as publication in the local newspaper, social media, the local government website, and direct notification to surrounding landowners provided a sufficient level of public awareness and opportunity for comment.

State Planning Policy 2.4: Basic Raw Materials

State Planning Policy 2.4 seeks to protect access to basic raw materials by ensuring extractive industries are appropriately located, managed and rehabilitated, while balancing environmental protection and amenity considerations.

The proposal aligns with the objectives of the policy by facilitating access to a high priority extraction area in a rural location, distant from sensitive land uses.

The adoption of management measures addressing dust, noise, traffic and rehabilitation ensure potential impacts are minimised, and the site can be returned to a productive post-extraction land use.

This application wits within a declared “gravel” extraction area under this policy.

Financial:

In accordance with the Shire of Toodyay Local Planning Policy – Advertisement of Planning Proposals, the proposal was required to be advertised in the Shire’s local newspaper. This advertising requirement was undertaken accordingly, with the associated costs met by the Shire. In addition, the Shire incurred costs associated with the distribution of postal notification letters to neighbouring properties where no registered email address was held by the Shire

Legal and Statutory:

Planning and Development Act 2005

Planning and Development Regulations 2009

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 5

Risk related:

The following risks have been determined in accordance with the Shire of Toodyay Risk Management Policy:

Risk Type	Risk	Likelihood	Consequence	Score
Financial Impact	The Applicant has the right of appeal through the State Administrative Tribunal of Council's decision on this matter. This would potentially expose the Shire to increased legal costs.	Possible (3)	Moderate (3)	Moderate (9)
Efficiency	The ability to determine applications within the required timeframe. The ability to carefully consider planning applications.	Possible (3)	Moderate (3)	Moderate (9)
Reputational	Extractive Industries are highly scrutinised by elements of the community – particularly landowners in proximity. There is an expectation that the Shire will manage and regulate these processes effectively. When this does not occur, it can lead to reputational damage.	Possible (3)	Moderate (3)	Moderate (9)

Should Council resolve to refuse the Officer’s recommendation, the applicant may elect to seek a review of the decision through the State Administrative Tribunal (SAT). In such circumstances, the Shire would likely be required to allocate additional financial and staff resources to participate in and defend the matter through the SAT process.

Workforce related:

The processing of this application, including the request to council to seek approval are within the normal workloads of the Town Planning Department at the Shire of Toodyay.

Conclusion

Having regard to the relevant provisions of the Local Planning Scheme, applicable local planning policies, and State Planning Policy 2.4, the proposed development application for extractive industry is supported.

The proposal represents a continuation of operations within an already disturbed site and does not introduce any significant new environmental, visual or amenity impacts. The submitted Quarry Management Plan and associated management measures adequately address environmental protection, traffic, noise, dust and operational impacts, and are considered satisfactory in meeting the requirements of Local Planning Policy 07: Mining and Resource Extraction. The Rehabilitation Management Plan demonstrates that the site can be progressively and ultimately rehabilitated to a stable landform compatible with surrounding rural land uses.

Additionally, the proposal satisfies all relevant provisions of Special Control Area 5 – Landscape Protection, with no adverse impact on scenic or landscape values.

The development is considered orderly and proper planning, and approval is recommended subject to appropriate conditions.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM075/05/26

MOVED Cr R Madacsi

SECONDED Cr M Dival

That Council approve the development application for an *Industry – Extractive* land use at Lot 3 (No. 826) Clackline –Toodyay Road, Hoddys Well, submitted by Vernice Pty Ltd (Applicant) subject to the following development conditions:

- (a) The development hereby permitted must substantially commence within two years from the date of this approval letter.
- (b) The Development Approval is granted for an unlimited period; however, the associated Management Plan for the extractive industry is time-limited and shall not exceed ten (10) years from the date of this approval.
- (c) The development hereby is permitted to take place in accordance with approved Drawings and Management plan stamped and dated 14/04/2026.
- (d) The development shall be carried out in accordance with the approved Bushfire Management Plan (BMP13225-26) dated 20/01/2026.
- (e) The excavation area shall be progressively rehabilitated and fully rehabilitated upon completion of the approved development period in accordance with section 10.6 - Rehabilitation Management Plan from the approved Quarry Management Plan to the satisfaction of the Shire, as stamped and dated 14 April 2026.
- (f) Extraction activities shall be confined to the approved 2-hectare extraction area only as depicted on the Management Plan and shall not extend beyond the existing

disturbed pit area

- (g) The average depth of extraction shall not exceed 3 metres below natural ground level as depicted on the Management Plan
- (h) Dust suppression measures shall be implemented and maintained in accordance with the approved Dust Management section of the Quarry Management Plan.
- (i) The noise generated by the development is not to exceed the levels as set out under the *Environmental Protection Act 1986* (and the *Environmental Protection (Noise) Regulations 1997*)
- (j) Extractive industry operations shall only occur between 6:30 am and 5:30 pm, Monday to Saturday, excluding Public Holidays and any days as determined as scheduled events by Shire. Truck movements associated with the development shall be restricted to between 7:00 am and 5:30 pm, Monday to Friday, and 7:00 am to 12:30 pm on Saturdays, with no truck movements permitted on Sundays, Public Holidays, or during Shire designated event days.
- (k) All blasting activities shall only be undertaken following the receipt of all relevant approvals from the Shire of Toodyay and the Department of Mines, Industry Regulation and Safety (DMIRS). Such activities shall be carried out by appropriately licensed personnel and in accordance with the approved Explosives Management Plan, as stamped and dated 14/04/2026.
- (l) Prior to the commencement of extractive operations, the applicant shall pay a road contribution to the Shire of Toodyay, calculated in accordance with the WALGA Road Wear Cost Calculator, to the satisfaction of the Shire.
- (m) All trucks associated with the development shall ensure loads are covered to prevent material spillage and dust.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.1.6 Outbuilding at 13 Arthur Street, Toodyay

Date of Report:	17 April 2026
File Reference:	P2026-38
Author:	C MacKenzie – Assistant Town Planner
Responsible Officer:	P Nuttall – Acting CEO and Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. Site Plan ⇒ 2. Outbuilding Drawings ⇒

SUMMARY

Applicant:	Micheal Mildon
Owner:	Micheal and Debbie Cochrane
Proposal:	Outbuilding
Location:	13 Arthur Street, Toodyay

PURPOSE OF THE REPORT

To consider approval of an application for an outbuilding at 13 Arthur Street, Toodyay.

BACKGROUND

An application was received to erect an outbuilding at 13 Arthur Street. 13 Arthur Street is located within Special Control Area 3 – General Toodyay Town Centre Precinct (SCA3). According to the Shire of Toodyay Local Planning Scheme No.5, all development within this area must have development approval.

Under the *Register of Delegation 2025*, shire officers do not have the ability to approve any application within SCA3, therefore this application must be presented to Council for determination.

COMMENTS AND DETAILSSite Location and Outbuilding Details

The site is zoned R10 under the Shire of Toodyay Local Planning Scheme No.5. The property is 594m². The proposed outbuilding is compliant with all the required setbacks in the r-codes. (**Attachment 1**)

The outbuilding is proposed to have 1.8-metre-tall walls, 2-metre-high ridge and have a floorspace of 28m². These dimensions are compliant with the Shires Non-Habitable Structures Policy and the r-codes. Proposed plans can be found in **Attachment 2**

IMPLICATIONS TO CONSIDER**Consultative:**

Consultation with neighbours was not considered necessary due to the minor nature of the proposal and low impact of the development, in line with the Shire's *LPP13* policy.

Strategic:

Outcome 5.1 – Provide Responsible Planning and Development.

Policy related:

Non-Habitable Structures Local Planning Policy (LPP13)

The proposal is consistent with all criteria set out in LPP13.

Financial:

Nil

Legal and Statutory:

Planning and development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No.5

Risk related:

There is minimal risk to Council in exercising its discretion in this regard, as the proposal meets the acceptable development criteria within LPP13. The land use is consistent with the intended uses of the zone.

Workforce related:

The processing of this application is within the usual workload of the Planning unit.

Conclusion:

The proposed development is seen as a complimentary use to a dwelling within a residential zone. It has been deemed unlikely to cause adverse effect on the surrounding amenity of the neighbourhood. It is compliant with the Scheme, LPP 13 and the r-codes. However, this application is unable to be approved by Officers as they do not hold delegation rights to approve. This is now a request for a Council Resolution for this proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM076/05/26

MOVED Cr S Van der Heyden

SECONDED Cr J Prater

That Council approves the erection of an outbuilding at 13 Arthur Street, Toodyay,

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

Voted Against: Nil

MOTION CARRIED 7/0

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

Date of Report:	10 April 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	U Prill – Accounts Payable Officer
Responsible Officer:	A Hart – Acting CEO / Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of payments - council report - March 2026 ⇒

PURPOSE OF THE REPORT

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

BACKGROUND

This information is provided to Council on a monthly basis in accordance with provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*. A local government is to develop procedures for the authorisation of any payment of accounts to ensure that there is effective security for which money or other benefits may be obtained.

COMMENTS AND DETAILS

The schedule of payments has been compiled for the month of March 2026 and is attached. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

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

Outcome 9. Responsible and effective leadership and governance.

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

Policy related:

Purchasing Policy
Delegation CS1

Financial:

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

Legal and Statutory:

Local Government Act 1995

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

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

Local Government (Financial Management) Regulations 1996

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

Risk related:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM077/05/26

MOVED Cr J Prater

SECONDED Cr R Mills

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

Description	Amount \$
Municipal Cheques	\$0.00
Electronic Funds Transfer Payments	\$1,718,628.48
Payroll	\$270,891.63
Credit Cards	\$6,882.31
Other (Including Direct Debits)	\$134,746.79
Total	\$2,131,149.21

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

Voted Against: Nil

MOTION CARRIED 7/0

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

10.3.1 Community Funding Program 2025-2026 Outcomes

Date of Report:	6 April 2026
Applicant or Proponent:	N/A
File Reference:	GRT1-01
Author:	K Murray – Grants Officer
Responsible Officer:	A Hart – Acting CEO / Executive Manager Finance and Corporate Services
Previously Before Council:	26 June 2025 Ordinary Council Meeting
Author's Disclosure of Interest:	<i>Closely Associated Persons pursuant to Section 5.62 of the Local Government Act 1995</i>
Council's Role in the matter:	Review
Attachments:	1. 2025-2026 Community Funding Program Council Report ⇒

PURPOSE OF THE REPORT

To note the outcomes from initiatives funded through the 2025/26 Community Funding Program as resolved per **Attachment 1**.

BACKGROUND

The 2025-2026 Community Funding Program was presented to the Ordinary Council Meeting held 26 June 2025. Seven applications were received, requesting a total of \$31,000.

An additional application from the Toodyay Events Planning Committee for the Moodyne Festival sought \$15,000 following the conclusion of its previous three-year agreement in 2024-2025 (**Attachment 1**).

The report recommended approval of five funding requests and several multi-year funding agreements to support ongoing programs and events as follows:

Organisation	Agreement	Funding
Toodyay Events Planning Inc./Moodyne Festival	Three-year funding agreement commencing 2025/26.	\$15,000
YouthCARE (school chaplaincy)	Three-year funding agreement commencing 2025/26.	\$10,000
AVVVA Swap Meet event	Five-year MOU from 2025/26 financial year.	\$3,000 (in-kind)

Organisation	Agreement	Funding
Lions Club Jumbo Auction	Ad hoc funding towards advertising costs fee waiver of showgrounds venue hire	\$1,000
Toodyay CRC	Operating subsidy 2025/26	\$25,000
Toodyay Agricultural Society	Three-year funding agreement to commence in 2025/26.	\$25,000
Total		\$79,000

The resolution determined by Council is as follows:

Council Resolution No. OCM112/06/25

That Council:

1. Approves the following funding requests to be included in the draft 2025/26 Annual Budget:
 - a. Toodyay Triathlon Club \$3,500
 - b. Noongar Kaartdijin Aboriginal Corporation \$4,500
 - c. Arts Toodyay Incorporated (workshops) \$1,500
 - d. Arts Toodyay Incorporated (Arts Trail event) \$1,750
 - e. Arts Toodyay Incorporated (exhibition prize) \$2,000
2. Notes all activities will be delivered during the 2025/26 financial year.
3. Notes the new proposed funding commitments via agreements valued at \$79,000.

This report is provided to Council to inform of the outcomes and progress against OCM112/06/25.

COMMENTS AND DETAILS

Funding Recipient: Toodyay Triathlon Club

Toodyay Triathlon Event: Overview and Key Outcomes

The inaugural Toodyay Triathlon was held on Sunday, 8 March 2026 at the Toodyay Aquatic Centre. The event attracted 129 participants ranging in age from 7 to 79 years, competing individually or in teams across three race categories: Fun Course (100m swim, 2.5km cycle, 1km run), Short Course (200m swim, 7.5km cycle, 2km run), and Sprint Course (400m swim, 15km cycle, 4km run).

The funding request delivered Toodyay's first triathlon and recorded participation across a broad age range. Of the total participants, 67 (51%) reported that this was their first triathlon event. The activity supported participation in swimming, cycling, and running, and demonstrated the accessibility of the sport to a range of ages and abilities. The event also provided an opportunity for community engagement and utilisation of the Toodyay Aquatic Centre.

The event attracted visitors to Toodyay, including 18 overnight stays, contributing to local economic activity. It also supported the establishment and ongoing development of the

Toodyay Triathlon Club and contributed to the promotion of Toodyay within the Western Australian triathlon community.

Funding Recipient: Noongar Kaartdijin Aboriginal Corporation (NKAC)

Boodja Waankiny – The Land Speaks: Overview and Key Outcomes

This project supported the renewal of an existing cultural education video, *Kura Kura – Long Long Ago*, and the development of a large promotional banner titled *Boodja Map – Voices of Place*. Both resources aim to support the sharing of Noongar cultural knowledge, language and stories connected to the Toodyay Valley landscape, contributing to increased community understanding and appreciation of Noongar history and connection to Country.

- *Kura Kura – Long Long Ago*

The updated video is available via the [NKAC website](#) and presents information on the Noongar way of life prior to colonisation. It serves as an educational resource that supports awareness of Noongar culture, land management practices and long-standing connections to Country.

- *Boodja Map – Voices of Place*

The development of the banner involved research and mapping of the Toodyay Valley landscape, identifying culturally significant locations including waterways, hills and sites of historical and cultural importance. The concept evolved during the project from an initial focus on local native trees into a broader representation of place, incorporating cultural sites, landscape features and information about local flora. The final portable banner, shaped to reflect the Shire of Toodyay boundary, highlights key locations across the valley and presents associated cultural stories, language and histories. As a portable display, the banner can be utilised at community events, cultural activities and public presentations, supporting ongoing cultural education and the sharing of Noongar knowledge. Together, these project components contribute to a broader understanding of Country, culture and landscape within the Toodyay Valley.

Funding Recipient: Arts Toodyay Incorporated

Workshops: Overview and Key Outcomes

The project supported the delivery of community art workshops aimed at increasing access to creative activities, strengthening community connection, and promoting wellbeing through inclusive arts engagement. Grant funding was allocated to facilitator fees to enable the delivery of workshops led by experienced artists, and to the provision of art materials and supplies to ensure participation remained accessible to all community members. The funding provided for this project directly primarily toward participant experience and program quality.

At the time of acquittal, several workshops and initiatives had been delivered, with additional sessions scheduled across the remaining grant period. This staged delivery approach enabled the program to respond to community demand and availability while supporting effective use of funding.

Delivered activities demonstrated strong engagement, particularly in youth-focused programs, with children's art workshops and creative lab sessions recording high participation and community interest. Feedback and attendance indicated that the workshops provided opportunities for creative expression, skill development, and social

connection. The Shire of Toodyay's contribution was acknowledged through signage, promotional materials, and workshop delivery.

Program delivery remained flexible, with some activities facilitated through volunteer support or complementary funding sources. This allowed grant funds to be allocated strategically to future workshops to maximise overall impact.

Participation in the Toodyay Christmas Street Party provided insights into site suitability and event conditions, with considerations relating to location, noise levels and participant safety identified and communicated to the Shire to inform future planning.

Initial activities established a foundation of community engagement, with remaining workshops scheduled to continue delivery and support ongoing participation throughout the grant period.

Arts Trail Event: Overview and Key Outcomes

The Bendigo Bank Avon Valley Arts Trail is a community-led cultural event scheduled to be held from 30 May to 1 June 2026. The event is being delivered by Arts Toodyay in collaboration with the Avon Valley Art Society, with major sponsorship secured from Bendigo Bank.

Funding from the Shire of Toodyay has contributed to the delivery of the event as part of the Community Grant Funding Program, supporting its development as a regional arts initiative that promotes Toodyay and the wider Avon Valley as a cultural destination.

The project provides opportunities for local artists to open their studios or exhibit within shared spaces, enabling direct engagement with the public. This approach supports participation by local artists and contributes to collaboration across the region. At the time of reporting, 13 artists from the Toodyay Shire and 15 from the Northam region had registered to participate, demonstrating strong regional interest and engagement.

Planning and promotion activities were underway at the time of reporting, with early indications of community interest and participation. The initiative also incorporates opportunities for inclusive community engagement, including youth participation and accessible arts experiences.

The event is anticipated to attract visitors to Toodyay and surrounding areas, supporting local businesses including hospitality, retail and accommodation providers. Overall, Shire of Toodyay funding has supported the progression of planning and delivery activities, contributing to the coordination of a regional arts event and supporting cultural, community and economic outcomes for the Shire.

Exhibition Prize: Overview and Key Outcomes

The Annual Arts Toodyay Exhibition is a well-established community arts event delivered as part of the Moondyne Festival, with key dates including the opening night on 1 May 2026, youth presentation on 2 May 2026, and public exhibition on 3 May 2026.

The exhibition provides a platform for over 60 local and regional artists to showcase their work, supporting both emerging and established creatives. It also includes dedicated opportunities for youth participation and presentation, contributing to engagement with younger artists and supporting creative development within the community.

At the time of reporting, planning and delivery were well progressed, with strong artist participation aligned with expectations and ongoing promotion supporting community awareness. The inclusion of prize categories, including the Toodyay Arts Prize, contributes to the standard of submissions and encourages participation from a diverse range of artists.

As part of the Moondyne Festival, the exhibition contributes to Toodyay's cultural identity and is anticipated to attract visitors from across the Wheatbelt and surrounding regions. This supports increased visitation and flow-on benefits for local businesses, including hospitality, retail and accommodation providers.

Overall, Shire of Toodyay funding has supported the ongoing delivery and coordination of the exhibition, contributing to cultural, community and economic outcomes within the district.

Multi-year Funding Recipients:

Progress of the multi-year funding agreements is as follows:

Organisation	Agreement	Funding	Comment
Toodyay Events Planning Inc. / Moondyne Festival	Allocation approved for 3 years (from 2025/26) in accordance with new funding agreement.	\$15,000 pa	Funding agreement has been signed and will be reported to Council.
YouthCARE (school chaplain)	Allocation approved for 3 years from 2025/26 in accordance with new funding agreement.	\$10,000 pa	Funding agreement to be put in place.
AVVVA Swap Meet event	Allocation of in-kind support for 5-years from 2025/26 in accordance with MOU.	\$3,000 pa In-kind	MOU is in place.
Lions Club Jumbo Auction	Ad hoc funding towards advertising costs (\$800) & fee waiver of showgrounds venue hire (\$200)	\$1,000 pa	Funding agreement to be put in place.
Toodyay CRC	Operating subsidy 2025/26	\$25,000	Provided as budget allocation.
Toodyay Agricultural Society	Allocation approved for 3 years (from 2025/26) in accordance with new funding agreement.	\$25,000	Funding agreement is being finalised and will be reported to Council.
Total		\$79,000	\$3,000 in-kind

IMPLICATIONS TO CONSIDER

Consultative:

Community Groups and Shire of Toodyay Staff.

Strategic:

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

- Outcome 1 – A safe and healthy community
- Outcome 2 – An inclusive and connected community
- Outcome 7 – A strong, diverse and sustainable economy
- Outcome 8 – Toodyay is a popular tourism destination

Policy related:

Community Funding Policy

Financial:

Council resolved to allocate funding within the 2025-2026 Annual Budget to the outlined projects in **Attachment 1 and** noted funding commitments via multi-year agreements valued at \$79,000 per annum.

Legal and Statutory:

s.67 Local Government Act 1995 (WA)

Risk related:

Nil as initiatives have either been delivered successfully in entirety, or in part, with some remaining activities or events to occur.

Workforce related:

Not applicable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM078/05/26

MOVED Cr S Van der Heyden

SECONDED Cr R Mills

That Council notes the community outcomes from initiatives funded through the 2025/26 Community Funding Program.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.4 EXECUTIVE SERVICES

10.4.1 Making the Amended Activities in Thoroughfares and Public Places and Trading Local Law 2026

Date of Report:	27 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/49-08
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Acting CEO / Executive Manager Finance and Corporate Services
Previously Before Council:	Nov 2023 – Local Law Review
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Current Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001; ⇒ 2. Draft Amended Shire of Toodyay Activities in Thoroughfares and Public Places and Trading Local Law 2026; and ⇒ 3. Advert - Shire of Toodyay Activities in Thoroughfares and Public Places and Trading Local Law 2026. ⇒

PURPOSE OF THE REPORT

To seek Council approval to commence the statutory process under section 3.12 of the *Local Government Act 1995* to make the amended *Shire of Toodyay Activities in Thoroughfares and Public Places and Trading Local Law 2026*, replacing the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001* (refer to **Attachment 2**).

BACKGROUND

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

The Shire's current local law was adopted in 2001 (**Attachment 1**) and is now outdated.

Council resolved (CRN: OCM268/11/23) at their November 2023 Council Meeting pursuant to section 3.16(4) of the Act, its intent to workshop and amend the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001*.

The Shire's existing 2001 local law regulates activities on thoroughfares, verge treatments, signage, trading, environmental protection, fire management, outdoor eating areas, and enforcement. However, it reflects legislation and standards from over two decades ago and has not kept pace with:

- Updates to planning legislation (e.g., *Planning and Development Act 2005*).
- The *Building Act 2011*, replacing the *Local Government (Miscellaneous Provisions) Act 1960* for building matters.
- The *Food Act 2008* and contemporary requirements for food businesses.
- Revised environmental conservation legislation, including the *Biodiversity Conservation Act 2016*.
- Modern compliance and enforcement practices.

The draft **2026 Local Law** modernises the framework, updates numerous definitions, restructures provisions for clarity, and improves permit, compliance, and enforcement mechanisms, while retaining the core intent of regulating activities in public places.

The new local law also formally **repeals the 2001 Local Law** upon commencement.

COMMENTS AND DETAILS

This local law was comprehensively reviewed. Significant areas required modernisation.

The amended 2026 Local Law provides improvements across the following areas.

Improvement	Detail
Updated Definitions and Legislative References	<p>Updates multiple references from superseded Acts (e.g. Road Traffic Code 1975 → Road Traffic Code 2000; Wildlife Conservation Act 1950 → Biodiversity Conservation Act 2016).</p> <p>Aligns “public place”, “stallholder”, “trader”, and “thoroughfare” definitions with contemporary</p>
Enhanced Public Safety and Amenity Controls	<p>Updated general prohibitions, including revised sight-distance requirements near intersections (from 6m to 10m).</p> <p>Expanded restrictions on hazardous materials, sports, bicycles, and devices used in shopping</p>
Modernised Verge Treatment Standards	<p>Clarifies permissible verge treatments and introduces stronger obligations for maintaining safe clear zones for pedestrian access.</p> <p>Improves transitional provisions for existing verge treatments</p>
Revised Permitting System	<p>Adds clearer decision-making criteria for all permits.</p> <p>Aligns application processes with the <i>Local Government Act 1995</i> and relevant Regulations.</p> <p>Updates conditions for temporary vehicle crossings to reflect the <i>Building Act 2011</i> approvals framework.</p>
Strengthened Environmental Management	<p>Modernised definitions of protected flora and rare flora.</p> <p>Replaces the 2001 roadside conservation references with current environmental practice guides.</p> <p>Enhances provisions for burning, vegetation clearing, firebreaks, flora roads, and environmental protection areas.</p>

Improvement	Detail
Improved Trading and Street Activity Controls	Stronger link to Competition Principles Agreement. Updated trader and stallholder obligations, including certified measuring equipment under the <i>National Measurement Act 1960</i> (Cth).
Clarified Enforcement, Notices and Modified Penalties	Updated modified penalties schedule to reflect modern expectations and increased penalty amounts. Ensures consistency with the infringement framework under the Act.

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

Option 1 (Recommended)

That Council resolves to initiate the making of the *Shire of Toodyay Activities in Thoroughfares and Public Places and Trading Local Law 2026* under section 3.12.

Option 2

Council defers the matter pending further amendments.

Option 3

Council resolves not to proceed with the new Local Law (not recommended due to obsolescence of 2001 Local Law).

It is recommended that Council resolve its intent to make the *Shire of Toodyay Activities in Thoroughfares and Public Places and Trading Local Law 2026*.

Section 3.12 (2) states:

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

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

IMPLICATIONS TO CONSIDER

Consultative:

National Competition Policy: Local Laws Review Guidelines

WALGA Model Local Law

Strategic:

Shire of Toodyay Council Plan 2023-2033

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

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

5.1. Provide responsible planning and development.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Where policies reference the 2001 Local Law, they will require updating to ensure alignment with the 2026 Local Law once made.

[Car Parking](#)

[Landscaping Plans](#)

[Signage outside the Central Toodyay Heritage area](#)

[Subdivision Contributions for Road and footpath upgrading](#)

[Advertising of planning proposals](#)

[Alfresco dining](#)

[Directional Signage and signage within thoroughfares](#)

[Central Toodyay Heritage area planning](#)

Financial:

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

The Local Law provides for modified penalties. These fees must be adopted separately through the annual Fees & Charges process.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Establishes mandatory procedures for making local laws, including:

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

Risk related:

The risks are in the table below. This report mitigates the risk.

Risk	Rating	Mitigation
Operating under an outdated local law creates legal and enforcement risks	High	Adoption of modernised 2026 Local Law
Community confusion regarding outdated provisions	Medium	Improved clarity, communication and updated processes

Risk	Rating	Mitigation
Environmental risks due to old flora and fire management rules	High	Strengthened provisions in 2026 Local Law

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

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

Workforce related:

Shire Officers will implement Council’s decision.

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

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM079/05/26

MOVED Cr M Dival

SECONDED Cr J Prater

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

Purpose: to regulate the use of thoroughfares, public places and local government property in order to promote public safety, manage obstructions, protect the natural environment, ensure fair and orderly trading, and provide clear standards for activities such as verge treatments, signage, street trading, outdoor eating facilities, and other uses of public land within the Shire of Toodyay.

Effect: to provide a legal framework that:

- Prescribes the activities that require a permit;
- Sets conditions under which those activities may be conducted;
- Regulates trading, events and signage in public places;
- Manages vegetation, firebreaks, environmental protection and activities that may impact thoroughfares;
- Establishes offences for non-compliance, including prescribed modified penalties; and
- Enables the Shire to issue notices and take enforcement action to protect public health, amenity, safety and environmental values.

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

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

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

Date of Report:	3 April 2026
Applicant or Proponent:	Audit, Risk and Improvement Committee/ Administration
File Reference:	COC2-02
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Acting CEO / Executive Manager Finance and Corporate Services
Previously Before Council:	Yes – Ordinary Council Meeting 2 April 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. REVISED Extract of Minutes from the ARIC Meeting held on 17 March 2026; and ⇒ 2. ARIC Reporting Framework & Meeting Schedule (Final Version)" – 12-page report; and ⇒ 3. PROPOSED ARIC Annual Work Plan; and ⇒

PURPOSE OF THE REPORT

The purpose of this report is to:

1. Present the recommendations made by the Audit, Risk and Improvement Committee (ARIC) at its Special Meeting held on 17 March 2026 (*refer to the Revised extract of ARIC Minutes - Attachment 1*);
2. Explain the distinction between the Reporting Framework adopted by ARIC and an Annual Work Plan as required under Clause 2.5 of the ARIC Charter;
3. Recommend that Council note, but not endorse, the ARIC recommendations; and
4. Seek Council's support for the Proposed ARIC Annual Work Plan prepared by Administration, which meets legislative requirements and operates within the existing meeting schedule and budget.

BACKGROUND

ARIC is an advisory committee established under the *Local Government Act 1995*. Its role is to provide independent advice and recommendations to Council. It does not have delegated authority to direct the Administration or determine operational arrangements. In considering ARIC recommendations, Council is entitled to acknowledge the Committee's intent, assess governance, financial, workforce and operational impacts, and determine whether endorsement or implementation is in the best interests of the Shire.

Where Council supports the objective of a recommendation but not the proposed mechanism, noting a recommendation rather than endorsing it is a valid and appropriate governance outcome.

At its Special Meeting held on 17 March 2026, the Audit, Risk and Improvement Committee (ARIC) made a formal recommendation to Council through ARIC Motion No. ARC016/03/26. Through this motion, ARIC recommended that Council approve a change in the Committee's meeting frequency from quarterly to monthly for the remainder of the 2026 calendar year, set revised meeting dates for 2026, note that the Reporting Framework has been developed with reference to Clause 2.5 of the ARIC Charter, endorse the Reporting Framework, and note ARIC's request to the Chief Executive Officer for the provision of reports.

ARIC Extract of Minutes

These minutes clearly and correctly record **three** separate motions made by the Audit, Risk and Improvement Committee; each with a different legal effect:

Motion 1 (ARIC014/03/26)

This motion records a formal statement by the Chair, endorsed unanimously by the Committee, setting out ARIC's collective position regarding its interpretation of its Charter obligations and role. Through it, ARIC asserts that Clause 2.5 of the Charter places a direct responsibility on the Committee to prepare an annual work plan, and that, in order to fulfil this obligation, the Committee considers it necessary to discuss oversight priorities and identify the information it believes is required for effective oversight. The motion further records ARIC's reliance on Clause 3.2 of the Charter as authority to obtain information for the purposes of performing its functions, rejects suggestions of apprehended bias arising from participation in these processes, and characterises any inability to produce the information sought as a material organisational risk. The statement also signals the Committee's intention to adopt a more proactive approach to risk oversight and provides the context in which ARIC proceeded to make its subsequent recommendation to Council.

Motion 2 (ARIC015/03/26)

This motion records a unanimous decision of the Audit, Risk and Improvement Committee to approve a Reporting Framework developed by the Committee, to approve proposed meeting dates for 2026, and to request that the Chief Executive Officer implement the Reporting Framework by ensuring specified reports are prepared at prescribed frequencies and in written, evidence-based form. The motion reflects ARIC's collective position regarding how it proposes to structure its oversight activities and the information it wishes to receive and documents the Committee's intent to progress those arrangements through a request to the CEO, rather than through a formal delegation or Council decision.

This is considered an internal motion of the Audit, Risk and Improvement Committee only and, as ARIC is an advisory committee with no delegated authority, the motion is not binding on the Chief Executive Officer, the Administration or Council unless and until Council separately resolves to endorse or direct implementation.

For clarity, motions framed as "ARIC resolves to" record internal committee decisions or positions, whereas only recommendations expressly framed as "ARIC recommends that Council" constitute recommendations requiring Council consideration and determination.

Motion 3 (ARIC016/03/26)

ARIC Recommendation No. ARC016/03/26 is the only recommendation made by the Committee that is properly framed as a recommendation to Council and therefore the only recommendation requiring Council consideration and determination. All other recommendations made at the meeting were internal committee recommendations and are

not binding on Council, the Chief Executive Officer or the Administration unless Council separately resolves to adopt or implement them.

ARIC RECOMMENDATION TWO (2)/ARIC RECOMMENDATION NO.ARC016/03/26

MOVED Cr 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 Audit, Risk and Improvement Committee has requested the required reports from the CEO in accordance with its Charter and statutory functions.

Voted For: Crs N Mills, S Rutter, K Barrack, M Dival, M McKeown, J Prater and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 7/0

COMMENTS AND DETAILS

At its Special Meeting held on 17 March 2026, the Audit, Risk and Improvement Committee (ARIC) resolved to adopt a document titled a *Reporting Framework* and subsequently recommended that Council endorse that framework. The Reporting Framework sets out a detailed suite of reports, reporting frequencies and information requirements that ARIC proposes to receive on a regular basis in order to support its oversight role.

The Reporting Framework (**Attachment 2**) was developed by ARIC members and presented as the mechanism by which the Committee considered it was meeting Clause 2.5 of the ARIC Charter, which requires the preparation of an annual work plan outlining when the Committee will perform its key activities.

Why the Reporting Framework was assessed as operational in nature

Upon review, officers formed the view that the Reporting Framework extends beyond an oversight schedule and includes elements that are operational or administrative in nature.

In particular, the framework:

- prescribes specific internal reports, formats and frequencies;
- assumes a monthly meeting cycle as a basis for reporting;
- specifies internal management information and evidence requirements; and
- implies ongoing administrative workload and reporting obligations.

These elements were assessed as matters that relate to internal management systems, reporting processes and resourcing arrangements, which are ordinarily the responsibility of the Chief Executive Officer rather than an advisory committee.

Why an alternative Annual Work Plan was prepared

In light of the above assessment, officers prepared an alternative **Annual Work Plan** for ARIC that focuses on scheduling *when* the Committee will perform its key oversight activities across the year, rather than prescribing *how* administration is to produce or structure internal reports.

The alternative proposed Annual Work Plan (**Attachment 3**) was prepared to:

- give effect to Clause 2.5 of the ARIC Charter;
- align ARIC's activities with its legislated oversight functions;
- operate within the Council-adopted meeting schedule and budget; and
- maintain clear separation between governance, oversight and administration.

This approach was intended to support ARIC's oversight intent while ensuring compliance with the statutory framework.

Legislation and regulations relied upon

In forming this assessment, officers relied on the following legislative and governance provisions:

- **Section 5.41 of the *Local Government Act 1995***, which assigns responsibility for the administration of the local government, including systems, procedures, staffing and reporting arrangements, to the Chief Executive Officer;
- **Regulation 16 of the *Local Government (Audit) Regulations 1996***, which defines ARIC's functions as receiving and reviewing reports and making recommendations to Council;
- **Sections 7.1A–7.1C of the *Local Government Act 1995***, which establish ARIC as an advisory committee with no delegated authority; and
- **Clause 2.5 of the ARIC Charter**, which requires the Committee to prepare an annual work plan outlining when it will perform its key activities, in consultation with Council.

In this report, Officers have ensured that ARIC resolutions are clearly distinguished between internal committee positions and formal recommendations to Council.

Distinction between a Reporting Framework and an Annual Work Plan

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.

The document adopted by ARIC is a Reporting Framework, not an Annual Work Plan, as it attempts to expand ARIC's role into:

- prescribing administrative reporting formats and frequencies;

- designing administrative reporting processes;
- specifying operational evidence requirements;
- assumes a monthly meeting cycle;
- determining internal reporting frequencies; and
- directing what reports the CEO must create.

Clause 2.5 requires ARIC to prepare an annual work plan, in consultation with Council. Good governance requires parallel engagement with the CEO where:

- oversight activities rely on administrative reporting;
- resourcing or timing may be affected; or
- confidential or regulated information is involved.

ARIC's independence relates to forming independent views; challenging information presented; and making independent recommendations to Council.

It does **not** extend to bypassing administrative consultation; directing internal reporting systems; or reallocating organisational resources.

Independence protects judgement, not jurisdiction.

An annual work plan sets out when the Committee will perform its key *oversight* activities and does not confer authority to prescribe administrative reporting systems or workloads which remain the responsibility of the CEO under section 5.41 of the *Local Government Act 1995*.

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

The Reporting Framework relocates aspects of administrative power from the CEO to ARIC, even though it does not (and cannot) do so lawfully.

Section 5.41 of the *Local Government Act 1995* assigns to the CEO responsibility for:

- the administration of the local government;
- the management of staff and resources;
- the design and operation of administrative systems, procedures and reporting arrangements; and
- determining how and when information is produced, subject to law.

No committee — including ARIC — has power to assume or direct those functions unless Council formally delegates authority under the Act (which ARIC does not have).

ARIC's statutory powers remain those in Regulation 16 of the *Local Government (Audit) Regulations 1996*, which are limited to:

- receiving and reviewing reports provided by the CEO;
- considering audits, compliance, risk and governance matters; and
- make recommendations to Council.

ARIC's power is therefore oversight and advice, not administration or management.

While Regulation 16 of the *Local Government (Audit) Regulations 1996* confirms ARIC's role in receiving, reviewing and recommending improvements to Council, it does not confer

authority to prescribe administrative reporting systems or processes, which remain the responsibility of the Chief Executive Officer under section 5.41 of the *Local Government Act 1995* and are reinforced by Regulation 17.

Charter and Preparation of Work Plan considerations and implications

Clause 2.5 of the Audit, Risk and Improvement Committee Charter requires ARIC to prepare an annual work plan outlining when it will perform its key activities, in consultation with Council. Officers interpret this requirement as relating to the scheduling of ARIC's oversight activities, rather than the design or prescription of administrative reporting systems or operational processes.

In forming this view, officers have had regard to section 5.41 of the *Local Government Act 1995*, which assigns responsibility for the administration of the local government, including systems, procedures and reporting arrangements, to the Chief Executive Officer, and Regulation 16 of the *Local Government (Audit) Regulations 1996*, which defines ARIC's role as receiving and reviewing reports and making recommendations to Council.

On this basis, officers prepared an alternative Annual Work Plan focused on scheduling ARIC's oversight activities in a manner consistent with the Charter and legislative framework, while avoiding the creation of operational or resourcing obligations.

Meeting frequency and financial sustainability

The current quarterly Audit, Risk and Improvement Committee (ARIC) meeting schedule:

- satisfies legislative requirements;
- aligns with Council's adopted meeting calendar; and
- avoids additional expenditure associated with increased meeting frequency.

Independent committee members are remunerated for attendance. Increasing the meeting frequency from quarterly to monthly would result in ongoing, unbudgeted costs and additional administrative workload at a time when the Shire's budget and workforce capacity are already constrained.

The Proposed Annual Work Plan demonstrates that ARIC can effectively discharge its oversight responsibilities within the existing quarterly meeting structure, with the flexibility to convene special meetings if required.

Committee meeting dates – proposed expansion to monthly

At its meeting held on 25 September 2025, Council resolved (OCM177/09/25) to approve the 2026 Council and Committee Meeting Schedule. The adopted schedule included the following framework:

Meeting type	Scheduled day
Council Meetings	1st Thursday of the month (5.30 pm)
Committee Meetings	2nd Thursday of the month (variable times, staggered across months)
Council Workshops	3rd Thursday of the month (5.30 pm)
Agenda Forums	Last Thursday of the month (5.30 pm)

At the time, it was noted that the Shire could continue to meet compliance obligations and that additional workshops or briefings could be scheduled on an ad-hoc basis, particularly around budget review and adoption, without disrupting the overall meeting cycle.

ARIC's recommendation seeks Council approval to change the Committee's meeting frequency from quarterly to monthly for the remainder of the 2026 calendar year and includes proposed meeting dates.

These dates were identified without prior consultation and conflict with existing Council, committee and engagement commitments, as summarised below.

Proposed ARIC date	Suitability
9 April 2026	Council engagement already scheduled; officers heavily committed to preparation and delivery
14 May 2026	Existing ARIC meeting date
11 June 2026	LEMC and BFAC meetings scheduled; LEMC occupies the proposed 10.30 am timeslot
9 July 2026	Council engagement scheduled; officer availability constrained
13 August 2026	Existing ARIC meeting date
10 September 2026	LEMC and BFAC meetings scheduled; LEMC occupies the proposed 10.30 am timeslot
8 October 2026	Council engagement scheduled; officer availability constrained
12 November 2026	Existing ARIC meeting date
10 December 2026	LEMC and BFAC meetings scheduled; LEMC occupies the proposed 10.30 am timeslot

Alternative days were also considered but were assessed as unsuitable due to existing executive commitments or regulatory constraints on electronic attendance for committee members.

Officer assessment

It is therefore recommended that the request to move to a monthly meeting cycle not be supported. Retaining the current quarterly meeting structure, with the option for the Chairperson to convene special committee meetings in accordance with the *Standing Orders Local Law 2008* and in liaison with the Chief Executive Officer, provides greater flexibility and allows meetings to be scheduled in a way that aligns with the evolving Council calendar and organisational capacity.

Proposed ARIC Annual Work Plan – Attachment 5 of this report

Officers have prepared a Proposed Audit, Risk and Improvement Committee (ARIC) Annual Work Plan on the basis that the intent of ARIC's recommendation is to ensure there is a clear, structured approach to oversight in accordance with the Committee's functions under the regulations and its Charter.

The Proposed ARIC Annual Work Plan:

- is prepared in accordance with Clause 2.5 of the ARIC Charter;
- aligns with Regulation 16 of the *Local Government (Audit) Regulations 1996*;

- focuses on the timing and scope of ARIC's oversight activities rather than operational direction;
- operates within the existing quarterly meeting schedule; and
- does not require additional funding or staffing resources.

The Work Plan provides Council with assurance that ARIC's statutory responsibilities can be discharged in a lawful, proportionate and financially responsible manner.

Options Council may consider

There are two options available to Council, with **Option 1 recommended**.

OPTION 1 – (preferred and recommended)

That Council:

1. Receives and notes the recommendations made by the Audit, Risk and Improvement Committee at its meeting held on 17 March 2026 (**Attachment 1**); and
2. Acknowledges the Committee's intent to strengthen oversight and governance; and
3. Does not endorse the Reporting Framework (**Attachment 2**) or the proposed increase in meeting frequency; and
4. Supports the Proposed ARIC Annual Work Plan as the mechanism for meeting Clause 2.5 of the ARIC Charter within the existing meeting schedule and budget (**Attachment 3**); and
5. Requests the CEO to publish the Annual Work Plan on the Shire's website, and distribute it to ARIC members prior to their next scheduled meeting.

Officer Comment regarding option 1

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

Supporting the Proposed Annual Work Plan enables Council to meet the intent of Clause 2.5 of the ARIC Charter by providing a clear, structured oversight schedule, while maintaining appropriate separation between oversight and administration. The approach allows ARIC to undertake its statutory functions effectively within the existing meeting framework, with flexibility to convene special meetings where emerging audit or risk issues arise.

This option supports transparency, financial sustainability and coordinated scheduling, and avoids the creation of unassessed operational or resourcing impacts. There is no legislative or Charter requirement for ARIC to meet monthly in order to fulfil its oversight role.

OPTION 2 – Not recommended

The Audit, Risk and Improvement Committee recommended the following:

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:

OPTION 2 – Not recommended

- 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 Audit, Risk and Improvement Committee has requested the required reports from the CEO in accordance with its Charter and statutory functions.

Officer Comment regarding option 2

Option 2 is not recommended because it proposes a material change to the Audit, Risk and Improvement Committee's operating arrangements without first demonstrating that such change is necessary to meet legislative or Charter requirements. The current quarterly meeting cycle is sufficient to enable ARIC to perform the functions prescribed under Regulation 16 of the *Local Government (Audit) Regulations 1996*, and there is no statutory requirement for the Committee to meet on a monthly basis. Increasing meeting frequency therefore represents a structural change that should only be supported where there is clear evidence that existing arrangements are inadequate, which has not been demonstrated in this instance.

Option 2 also seeks Council endorsement of a Reporting Framework that is not, in substance, an Annual Work Plan as contemplated by Clause 2.5 of the ARIC Charter. The Reporting Framework prescribes detailed reporting requirements, frequencies and evidence expectations, rather than outlining when ARIC will undertake its oversight activities. Endorsing the Framework as an Annual Work Plan risks conflating oversight and administration and may create ambiguity regarding roles, responsibilities and authority, particularly in light of the Chief Executive Officer's statutory responsibility for administrative systems under section 5.41 of the *Local Government Act 1995*.

From a financial and operational perspective, Option 2 introduces unbudgeted and ongoing impacts that have not been subject to a full organisational assessment. Moving from quarterly to monthly meetings would increase direct costs through independent member sitting fees and indirect costs associated with agenda preparation, reporting, governance support and senior staff attendance. These impacts would be incurred during a period of known budget and workforce pressure, without a clearly demonstrated proportional benefit.

Finally, **Option 2** may reduce governance clarity by pre-emptively endorsing a reporting framework before Council has agreed on the most appropriate mechanism for ARIC to meet its Charter obligations.

The Proposed ARIC Annual Work Plan prepared by Administration achieves the same oversight intent in a lawful, proportionate and practical manner within the existing meeting schedule and budget. By contrast, **Option 2** would commit Council to a specific operating model and reporting structure that may require subsequent amendment, creating avoidable governance complexity. For these reasons, **Option 2** is not considered to be in the best interests of the Shire at this time.

Why Option 1 is the Better Governance Outcome

Option 1 is recommended because it achieves strong and effective oversight outcomes while remaining lawful, financially responsible, and aligned with Council's governance role. It appropriately respects the role of the Audit, Risk and Improvement Committee (ARIC) while preserving Council's authority and the Chief Executive Officer's statutory responsibilities.

Option 1:

- properly recognises the work and intent of ARIC;
- acknowledges the Committee's desire to strengthen governance and oversight; and
- confirms that ARIC is an advisory committee whose recommendations require Council consideration rather than automatic endorsement.

This approach maintains the correct governance relationship between Council, ARIC and the Chief Executive Officer, consistent with the *Local Government Act 1995* and Regulation 16 of the *Local Government (Audit) Regulations 1996*.

Avoids endorsing a document that is not an Annual Work Plan

The document adopted by ARIC is a Reporting Framework rather than an Annual Work Plan as contemplated by Clause 2.5 of the ARIC Charter.

Option 1:

- avoids creating confusion by endorsing a document that prescribes administrative reporting processes rather than outlining ARIC's oversight activities;
- ensures Council does not inadvertently endorse a framework that extends beyond ARIC's statutory remit; and
- supports clarity for Councillors, staff, auditors and the community regarding what has—and has not—been adopted.

This distinction is important for transparency and legal defensibility.

Delivers the same oversight intent without additional cost

Option 1 acknowledges ARIC's intent to strengthen assurance; improve visibility of risk and compliance; and maintain a proactive oversight posture.

However, it does so without increasing meeting frequency and therefore without:

- additional sitting fees for independent committee members;
- increased administrative workload; or
- unbudgeted pressure on an already constrained operating budget.

This reflects responsible financial stewardship and supports Council's obligation to balance governance improvements with affordability.

Supports a compliant, practical Annual Work Plan

The Proposed ARIC Annual Work Plan:

- is expressly prepared to meet Clause 2.5 of the ARIC Charter;
- aligns with Regulation 16 by focusing on review, assurance and recommendation rather than administration;
- fits within the existing quarterly meeting schedule; and
- provides a structured, year-round oversight program that can be supplemented by special meetings where required.

Option 1 therefore enables ARIC to fully discharge its statutory responsibilities without the need for structural change.

Strengthens transparency and community confidence by:

- noting ARIC’s recommendations;
- publishing the approved Annual Work Plan; and
- clearly explaining Council’s decision-making rationale,

Option 1 demonstrates to the community that:

- governance matters are taken seriously;
- decisions are evidence-based and financially responsible; and
- Council is committed to lawful, transparent oversight rather than symbolic endorsement.

This reflects good governance in practice.

Officer Recommendation

Option 1 is preferred because it acknowledges ARIC’s intent to strengthen governance, avoids endorsing a document that is not an Annual Work Plan, preserves financial sustainability, and supports a compliant oversight framework that operates within the Shire’s existing meeting structure and budget.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Plan for the Future – Council Plan 2023-2033

Option 1 aligns with the Council Plan 2023–2033 objective of responsible and effective leadership and governance by supporting lawful, proportionate oversight arrangements that are financially sustainable and operationally achievable within existing resources.

Policy related:

Local Government Payments and Gifts to Members Policy

Risk Management Policy

Financial:

Option 1 – Recommended (Minimal Financial Impact)

Option 1 has no additional direct financial impact beyond existing, budgeted operational costs. Retaining the current quarterly meeting frequency allows the Shire to operate within

its approved resourcing model and avoids the need for additional staffing, expanded reporting cycles or increased governance overhead. Supporting the Proposed ARIC Annual Work Plan enables the Committee to meet its obligations under Clause 2.5 of the ARIC Charter in a manner that is achievable within current staffing, systems and budgets, without creating unplanned or unfunded reporting requirements.

Option 2 – Not Recommended (Material Unfunded Financial Impact)

Option 2 would introduce significant unbudgeted and ongoing financial impacts. Implementing the proposed Reporting Framework and moving to a monthly meeting cycle would require additional staffing and governance support, with preliminary estimates indicating the potential need for additional administrative, compliance and audit or senior finance capacity. Option 2 would also increase indirect costs associated with additional meeting preparation, reporting, records management and senior staff attendance, as well as a substantial increase in independent committee member sitting fees.

These costs were not included in the adopted Annual Budget, Workforce Plan or Long-Term Financial Plan. Proceeding with Option 2 would therefore introduce unfunded expenditure and ongoing cost pressures that have not been formally assessed or approved through Council's integrated planning and budgeting processes

Legal and Statutory:

This report has been prepared having regard to the following legislative and governance instruments:

Local Government Act 1995, including section 5.41 (Chief Executive Officer functions);

Local Government (Audit) Regulations 1996, including Regulation 16 (functions of the Audit, Risk and Improvement Committee);

Local Government (Administration) Regulations 1996, including Regulation 14 (committee meetings); and

Audit, Risk and Improvement Committee Charter, including Clause 2.5 (Annual Work Plan requirement).

Risk related:

Risks associated with this matter have been assessed in accordance with the Shire's Risk Management Framework and are reflected in the current Risk Register. The majority of identified risks are within the Shire's risk appetite and are managed through established controls and ongoing monitoring by the Chief Executive Officer and Executive Management Group, with oversight by the Audit, Risk and Improvement Committee.

Option 1 does not introduce new or unmanaged risks and is consistent with existing governance and risk controls. Any risks rated above appetite are already subject to mitigation strategies and regular reporting in accordance with the Risk Register.

Workforce related:

There are no additional workforce implications arising from the recommended option. Officers will implement Council's decision in accordance with existing staffing arrangements and the Chief Executive Officer's statutory responsibilities.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Receives and notes the recommendations made by the Audit, Risk and Improvement Committee at its meeting held on 17 March 2026 (**Attachment 1**); and
2. Acknowledges the Committee's intent to strengthen oversight and governance; and
3. Does not endorse the Reporting Framework (**Attachment 2**) or the proposed increase in meeting frequency; and
4. Supports the Proposed ARIC Annual Work Plan as the mechanism for meeting Clause 2.5 of the ARIC Charter within the existing meeting schedule and budget (**Attachment 3**); and
5. Requests the CEO to publish the Annual Work Plan on the Shire's website and distribute it to ARIC members prior to their next scheduled meeting.

Cr Madacsi departed the room (online viewing) via Council Chambers at 6:49 pm.

Cr Madacsi returned the room (online viewing) via Council Chambers at 6:53 pm.

MOTION/COUNCIL RESOLUTION NO. OCM080/05/26

MOVED Cr M McKeown

SECONDED Cr M Dival

That the meeting be adjourned from 6.58pm to 7.04pm.

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

Voted Against: Nil

MOTION CARRIED 7/0

The meeting via livestream adjourned at 6.58pm.

The meeting via livestream recommenced and the meeting resumed at 7.04pm.

AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC) RECOMMENDATION TO COUNCIL (ARC016/03/26)/COUNCIL RESOLUTION NO. OCM081/05/26

MOVED Cr M Dival

SECONDED Cr J Prater

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 Audit, Risk and Improvement Committee has requested the required reports from the CEO in accordance with its Charter and statutory functions.

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

Voted Against: Crs R Madacsi and S Van der Heyden

MOTION CARRIED 5/2

10.4.3 Appointment of Deputy Chairperson: Audit Risk and Improvement Committee

Date of Report:	17 April 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/66-02
Author:	A Hart – Acting CEO / Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Acting CEO / 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:	1. Acknowledgement of Resignation from ARIC ⇒

PURPOSE OF THE REPORT

To appoint a new Deputy Chairperson to the Audit, Risk and Improvement Committee, following the resignation of the current Deputy Chairperson.

BACKGROUND

The Audit, Risk and Improvement Committee (ARIC) plays a key role in overseeing Council's governance, risk management, compliance, and continuous improvement functions.

The position of Deputy Chairperson supports the Chairperson in fulfilling these responsibilities and ensures continuity of leadership in the Chairperson's absence. Pursuant to section 7.1A(4) of the *Local Government Act 1995*, the Deputy Presiding Member of an Audit, Risk and Improvement Committee must be independent and cannot be a councillor of the local government or of any other local government

The current Deputy Chairperson, Mr S Rutter, has formally stepped down from the role due to personal reasons. This has resulted in a vacancy that requires appointment to ensure the continued effective functioning of the Committee.

COMMENTS AND DETAILS

Pursuant to section 7.1B(1) and section 7.1A(4) of the *Local Government Act 1995* Council must appoint an independent member of the Committee to be the Deputy Presiding Member.

It is recommended that Ms K Barrack be appointed as Deputy Chairperson of the ARIC. Ms Barrack has extensive experience in financial oversight, risk management, and governance, as well holding current membership on the Committee. By appointing a new Deputy Chairperson good governance is supported by ensuring continuity of leadership, strengthening of oversight capability, and reducing the risk of disruption to Committee operations.

In addition, it is recommended that expressions of interest go out in regard to the Audit, Risk and Improvement Committee to enable the community representative position to be filled.

IMPLICATIONS TO CONSIDER

Consultative:

Not applicable.

Strategic:

Shire of Toodyay Plan for the Future 2023-2033 (Council Plan)

Outcome 9: Responsible and effective leadership and governance.

Policy related:

[Shire of Toodyay Audit, Risk and Improvement Committee Charter.](#)

Financial:

There are no significant additional financial implications associated with this appointment beyond standard Committee remuneration arrangements.

Legal and Statutory:

Section 7.1B(1) and section 7.1A(4) of the *Local Government Act 1995*

Risk related:

Failure to appoint a Deputy Chairperson may impact the Committee's ability to operate effectively, particularly in the absence of the Chairperson. It will also result in non-compliance with legislation. This appointment mitigates governance and operational risks by ensuring continuity of leadership.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM082/05/26

MOVED Cr S McCormick

SECONDED Cr R Mills

That Council

1. Notes the resignation of the former Deputy Presiding Member, Mr S Rutter, of the Audit, Risk and Improvement Committee; and
2. Appoints Ms K Barrack as Deputy Presiding Member of the Audit, Risk and Improvement Committee for the Shire of Toodyay, effective immediately.
3. Authorises the Acting CEO to seek expressions of interest from the community to fill the vacant independent community member position on the Audit, Risk and Improvement Committee, in accordance with the Committee Charter.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.4.4 Toodyay Agricultural Society Sponsorship Agreement

Date of Report:	17 April 2026
Applicant or Proponent:	Shire of Toodyay and Toodyay Agricultural Society
File Reference:	LEG149-04
Author:	A Hart – Acting CEO / Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Acting CEO / Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Previous Sponsorship Agreement; ⇒ 2. Draft Sponsorship Agreement: Toodyay Agricultural Society ⇒ 3. TABLED Updated Draft Sponsorship Agreement ⇒

PURPOSE OF THE REPORT

To seek Council's endorsement of the proposed Sponsorship Agreement (Memorandum of Understanding) between the Shire of Toodyay and Toodyay Agricultural Society (**Attachment 1**).

BACKGROUND

The Toodyay Agricultural Show is a long-established annual community event of regional significance, promoting agriculture, community participation, heritage and local economic activity.

The Toodyay Agricultural Society (TAS) is responsible for the planning, management and delivery of the event. The Shire has historically supported the event through a combination of financial sponsorship, in-kind assistance and facilitation of access to Shire-owned land and facilities.

At the [Ordinary Council Meeting held on 26 June 2025](#), Council noted that the existing Memorandum of Understanding between the Shire of Toodyay and the Toodyay Agricultural Society for a funding commitment of \$25,000 annually is due to expire in the 2025/2026 financial year. This report is presented to Council to consider and endorse a new proposed Sponsorship Agreement, ensuring continued alignment with good governance practices and contemporary accountability standards.

The Toodyay Agricultural Society historically owned the Showgrounds land and buildings until transfer to the Road Board in the 1920s. Even after land transfer they retained practical control of improvements and buildings for extended periods. There is a long-standing

precedent of fee-free annual use of Showgrounds for the Agricultural Show (confirmed as early as 1955). This is why the relationship between the Shire of Toodyay, and the Toodyay Agricultural Society has always been a partnership rather than tenant-style arrangements. The new sponsorship agreement seeks a continuity of special status for Show-related infrastructure, including the Youth Hall.

Once Council resolves the Officer's Recommendation and endorses the proposed Sponsorship Agreement, Shire officers intend to progress the preparation of a separate Community Infrastructure Lease for Agricultural Show Purposes between the Shire of Toodyay and the Toodyay Agricultural Society. The purpose of the lease will be to formalise the Society's occupation and use of key showground buildings and facilities that are directly associated with the delivery of the annual Toodyay Agricultural Show, providing greater clarity around permitted use, maintenance responsibilities, insurance and risk allocation.

The proposed lease will apply only to the following buildings and structures located at 23–25 Telegraph Road, Toodyay:

- Lee Steere Pavilion (Exhibition Hall);
- Wool Pavilion(s);
- Poultry and livestock sheds customarily used for the Agricultural Show;
- Showgrounds Pavilion (for Show operations only); and
- Grandstand (for Show operations and public seating).

No other land or buildings will be included unless expressly agreed in writing by the parties.

Relationship to the Sponsorship Agreement

The Community Infrastructure Lease will be developed as a purpose-limited, non-commercial community lease and will operate alongside, but separately from, the Sponsorship Agreement, which governs funding, governance and accountability arrangements. It is intended that the term of the lease will align with the term of the Sponsorship Agreement and be linked as a separate but related document. Any such lease will be subject to the Shire's usual legal, governance and statutory approval processes and, where required, further consideration by Council. This staged approach allows Council to first consider and endorse the Sponsorship Agreement, while clearly signalling the pathway to longer-term certainty around infrastructure use in support of the Agricultural Show.

COMMENTS AND DETAILS

The proposed Sponsorship Agreement establishes a formal framework outlining the respective roles and responsibilities of the Shire of Toodyay and the Toodyay Agricultural Society (TAS) in relation to the delivery of the Toodyay Agricultural Show. Under the Agreement, TAS is recognised as the event organiser and is responsible for the planning, management and delivery of the event, including compliance with all relevant legislative, regulatory and operational requirements, as well as the provision of post-event reporting and financial acquittals.

The Agreement also introduces strengthened governance and accountability measures, including defined reporting requirements, annual or as-required governance meetings between the parties, and clear communication protocols. It further incorporates a Youth Hall Use Annex, which formalises the longstanding use of the facility by TAS as part of the Shire's sponsorship support, while expressly clarifying that such use does not constitute a lease, licence, or tenancy arrangement.

Risk management is addressed through requirements for appropriate insurance coverage, indemnity arrangements, and processes for dispute resolution. Overall, the proposed

Agreement provides a clear framework that supports the ongoing partnership between the Shire and TAS, while ensuring alignment with local government governance expectations.

The proposed Sponsorship Agreement represents a significant update to the previous agreement, reflecting contemporary governance, accountability and risk management standards. While the previous agreement focused primarily on sponsorship recognition and a detailed list of operational and in-kind support commitments, the proposed agreement introduces a clearer and more structured framework that separates strategic sponsorship arrangements from operational matters. In particular, the proposed agreement strengthens governance through defined reporting and financial acquittal requirements, regular governance meetings between the parties, clearer risk allocation (including insurance and indemnity provisions), and an explicit order-of-precedence framework.

The proposed agreement also restructures in-kind support by moving detailed operational assistance into schedules and expressly noting that such support is indicative only and subject to operational capacity and annual confirmation, rather than being treated as fixed obligations. In addition, the proposed agreement incorporates a dedicated Youth Hall Use Annex, which formalises the longstanding use of the facility by the Toodyay Agricultural Society as part of the Shire's sponsorship support, while expressly clarifying that such use does not constitute a lease, licence or tenancy. Overall, the proposed agreement maintains the Shire's ongoing financial support and partnership with the Toodyay Agricultural Society, while providing greater clarity, transparency and flexibility consistent with contemporary local government governance expectations.

It is recommended that

IMPLICATIONS TO CONSIDER

Consultative:

Toodyay Agricultural Society and Shire of Toodyay.

Strategic:

Shire of Toodyay Council Plan 2023-2033: Outcome 9 – Responsible and Effective Leadership and Governance.

Policy related:

Community Funding Policy

Financial:

A total of \$25,000 per annum for the duration of the agreement is to be allocated from the Community Sponsorship general ledger.

Legal and Statutory:

Local Government Act 1995 (WA)

Risk related:

There is potential for reputational, and governance/compliance risks should Council resolve to not endorse a Sponsorship Agreement between the Shire and the Toodyay Agricultural Society.

Workforce related:

As outlined in **Attachment 1**.

VOTING REQUIREMENTS

Absolute Majority

REVISED OFFICER'S RECOMMENDATION

That Council endorses the Sponsorship Agreement (Memorandum of Understanding) between the Shire of Toodyay and the Toodyay Agricultural Society for the period 1 May 2026 to 31 April 2031, as tabled at 7.08pm, which allocates funding of \$25,000 per annum inclusive of both cash and in-kind support for the duration of the proposed agreement.

Cr Dival raised a Point of Order in relation to receipt of the Revised Officer's Recommendation and revised attachment tabled, received on the day of the meeting and pursuant to Regulation 14 of the Local Government (Administration) Regulations 1996 which requires any papers, agenda or other documents the public must have access to that at the same time as Councillors and that did not happen and it was not on the website it is a breach of the regulations.

PROCEDURAL MOTION/COUNCIL RESOLUTION NO. OCM083/05/26**MOVED** Cr M Dival**SECONDED** Cr J Prater

That the meeting proceed to the next item of business (10.4.5 Monthly Financial Statements - March 2026) at 7.09pm in accordance with Standing Order 10.1(a) and Standing Order 10.5 (c) that Council moves to the next item of business.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.4.5 Monthly Financial Statements - March 2026

Date of Report:	30 April 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	C Delmage – Acting Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Acting CEO
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil.
Council’s Role in the matter:	Legislative
Attachments:	1. Monthly Financial Statements March 2026. ↔

PURPOSE OF THE REPORT

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

BACKGROUND

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

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

COMMENTS AND DETAILS

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

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

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

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

Outcome 9. Responsible and effective leadership and governance.

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Financial Governance

Financial:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM084/05/26	
MOVED	Cr M Dival
SECONDED	Cr S Van der Heyden
That Council receives the Monthly Financial Statements for March 2026 (Attachment 1).	
<u>Voted For:</u>	Crs M McKeown, M Dival, R Madacsi, S McCormick, R Mills, J Prater and S Van der Heyden
<u>Voted Against:</u>	Nil
MOTION CARRIED 7/0	

10.5 INFRASTRUCTURE, ASSETS AND SERVICES

Nil.

10.6 COMMITTEE REPORTS

Nil.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

13 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**14.1 MEMBERS****14.1.1 Chief Executive Officer Leave**

Council was advised of new confidential business of an urgent nature, regarding Chief Executive Officer Leave that is wished to introduce by decision of the meeting.

MOTION/COUNCIL RESOLUTION NO. OCM085/05/26**MOVED** Cr M McKeown**SECONDED** Cr S Van der Heyden

That the meeting be adjourned at 7.13pm and resumed at 7.30pm.

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

Voted Against: Nil

MOTION CARRIED 7/0

The meeting via livestream adjourned at 7.14pm.

The Executive Managers and the Governance Coordinator departed Council Chambers at 7.14pm.

The Executive Managers and the Governance Coordinator returned to Council Chambers at 7.22pm.

The meeting via livestream recommenced and the meeting resumed at 7.22pm.

MOTION/COUNCIL RESOLUTION NO. OCM086/05/26**MOVED** Cr J Prater**SECONDED** Cr M Dival

That Council considers Item 14.1.1 (Confidential) Chief Executive Officer Leave as new business of an urgent nature in accordance with Standing Orders 4.5, noting a separate motion will need to be made to move behind closed doors citing the time as new business of an urgent nature.

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

Voted Against: Nil

MOTION CARRIED 7/0**MOTION/COUNCIL RESOLUTION NO. OCM087/05/26****MOVED** Cr M Dival**SECONDED** Cr R Mills

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

14.1.1 Chief Executive Officer leave

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

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

Voted Against: Nil

MOTION CARRIED 7/0

In accordance with Standing Orders 5.2 (3) the Presiding Member directed everyone to leave except the Members; the Acting CEO and minute taker specified by the Presiding Member.

All members of the public departed the Council Chambers (via the live stream) at 7.24pm.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM088/05/26**MOVED** Cr M Dival**SECONDED** Cr S McCormick

That Council endorses the recommendations A & B as detailed in the confidential report.

Voted For: Crs M McKeown, M Dival, S McCormick, R Mills, J Prater and S Van der HeydenVoted Against: Cr R Madacsi**MOTION CARRIED 6/1****MOTION/COUNCIL RESOLUTION NO. OCM089/05/26****MOVED** Cr J Prater**SECONDED** Cr M Dival

That Council move from behind closed doors at 7.48pm.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, R Mills, J Prater and S Van der HeydenVoted Against: Nil**MOTION CARRIED 7/0***The Council Chambers were re-opened at 7.48pm. The live-stream resumed at 7.48pm.**In accordance with Standing Order 5.2(7), the Presiding Member read aloud Council Resolution No. OCM088/05/26 for the benefit of members of the public on the livestream.***14.2 EMPLOYEES**

Nil.

15 CONFIDENTIAL BUSINESS**15.1 Contract Variation - Waste Services Agreement with Broderick Waste Solutions Pty Ltd****OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM090/05/26****MOVED** Cr J Prater**SECONDED** Cr M DivalThat Council considers the confidential report(s) listed below in a meeting closed to the public at 7.49pm in accordance with Section 5.23(2) of the *Local Government Act 1995*:**15.1 Contract Variation - Waste Services Agreement with Broderick Waste Solutions Pty Ltd**

This matter is considered to be confidential under Section 5.23 - (3) (a) and (4) (d) (iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with matter required to be confidential under a written law, excluding this act and local laws; and information contained in a tender received by the local government for a contract to the extent that — (iii) the making public of the information would be likely to have an adverse effect on the tenderer's business interests.

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

Voted Against: Nil

MOTION CARRIED 7/0

ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM091/05/26

MOVED Cr M Dival

SECONDED Cr S McCormick

- That the Acting CEO obtain further information and detail about delivery and freight costs and report back to Council within 4 weeks; and
- That the Acting CEO investigate circumstances as detailed in the financial implications of the report and report back to council within 4 weeks.

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

Voted Against: Nil

MOTION CARRIED 7/0

The Council Chambers were re-opened at 8.12pm.

The livestream recommenced at 8.13pm.

In accordance with Standing Order 5.2(7), the Presiding Member read aloud Resolution No. OCM091/05/26 for the benefit of members of the public on the livestream.

16 NEXT MEETINGS

Meeting	Date	Time
Ordinary Council Meeting	4 June 2026	5.30pm
Agenda Briefing	28 May 2026	5:30pm
Audit & Risk Committee Meeting	14 May 2026	10.30am
Bushfire Advisory Committee Meeting	11 June 2026	6.00pm
Infrastructure & Works Committee Meeting	11 June 2026	3.00pm
Local Emergency Management Committee Meeting	11 June 2026	10.30am

17 CLOSURE OF MEETING

The Shire President declared the meeting closed at 8.14pm.