



Ordinary Council Meeting

4 June 2026

Commencing at 5:30 PM

AGENDA

Notice of Meeting.

To: The President and Councillors.

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

Alan Hart

CHIEF EXECUTIVE OFFICER



Information

Disclaimer

The business conducted at a Council Meeting may include a range of matters for consideration and decision by Council. Any discussion, statement or comment made by a Councillor or Officer during the course of the meeting is not to be taken as an indication or notice of a decision of Council unless and until a formal resolution is made.

No person should place reliance on any discussion or information contained in this agenda or arising during the meeting unless and until Council has resolved the matter and formal written notification of the decision has been issued.

Personal information contained in this agenda has been included in accordance with the Council's statutory functions and applicable legislation.

Availability of Agendas and Minutes

Information about Council Meetings, Agendas and Minutes is available on the Shire's website under Council Meetings:

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

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

Conduct of Members of the Public at Council Meetings

Members of the public attending Council meetings must comply with the Shire's meeting procedures, including the *Shire of Toodyay Standing Orders Local Law 2008*, and follow any directions given by the Presiding Member to ensure the orderly conduct of the meeting.

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
2	RECORDS OF ATTENDANCE	1
2.1	APOLOGIES	1
2.2	APPROVED LEAVE OF ABSENCE	1
2.3	APPLICATIONS FOR LEAVE OF ABSENCE	1
3	DISCLOSURE OF INTERESTS	1
4	PUBLIC QUESTIONS	2
4.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4.1.1	Questions from previous meeting.....	2
4.1	PUBLIC QUESTION TIME	3
5	APPLICATIONS FOR LEAVE OF ABSENCE	3
6	CONFIRMATION OF MINUTES	3
6.1	Ordinary Meeting of Council held on 2 April 2026	3
6.2	Ordinary Meeting of Council held on 7 May 2026	3
6.3	Special Meeting of Council held on 12 May 2026.....	3
6.4	Special Meeting of Council held on 21 May 2026.....	4
7	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	4
7.1	PETITIONS.....	4
7.2	DEPUTATIONS	4
7.3	PRESENTATIONS	4
7.4	SUBMISSIONS.....	4
8	BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED).....	4
9	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION).....	4
10	OFFICER REPORTS	5
10.1	PLANNING AND REGULATORY SERVICES	5
10.1.1	Development Application of Single House at Lot 4, 18/44 Stirling Terrace, Toodyay.....	5
10.1.2	Initiation of Scheme Amendment No. 3 to Local Planning Scheme No.5.....	8
10.1.3	Restrospective Development Approval for Outbuildings at 10 Sesselis Road, Toodyay.....	13
10.2	FINANCE AND CORPORATE SERVICES	18
10.2.1	List of Payments - April 2026.....	18

10.2.2	Monthly Financial Statements - April 2026	20
10.3	ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES	22
10.4	EXECUTIVE SERVICES	23
10.4.1	Proposed Cat Local Law 2026 - Consideration of Submissions and adoption	23
10.4.2	Proposed Dogs Local Law 2026 – Consideration of Submissions and Adoption.....	27
10.4.3	Review of the Mandatory Waste Collection Service	33
10.5	INFRASTRUCTURE, ASSETS AND SERVICES.....	38
10.6	COMMITTEE REPORTS.....	39
10.6.1	Infrastructure and Works Committee - Terms of Reference and Scheduling	39
10.6.2	Notice of Motion – Governance Integrity and Compliance with Statutory Role Boundaries	42
10.6.3	Audit, Risk and Improvement Committee: Motion: Dates of ARIC Meetings - Conflicting with LEMC	46
10.6.4	Notice of Motion - Recording of Audit, Risk and Improvement Committee Meetings and Procedural Transparency	48
10.6.5	Notice of Motion - Audit, Risk and Improvement Committee Charter – Clarification of Council Amendment Authority	54
10.6.6	Notice of Motion - Audit, Risk and Improvement Committee (ARIC) Correspondence – Accuracy of Committee Recommendation Presented to Council and Governance Controls	57
10.6.7	Audit, Risk and Improvement Committee: Motion: Debt Write Off - Australian Taxation Office	62
10.6.8	Audit, Risk and Improvement Committee: Motion: Timely Provision of ARIC Agenda Items and Attachments	64
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	66
11.1	Notice of Motion: Designation of Toodyay Recreation Centre Playing Field as an Off-Leash Dog Exercise Area	66
12	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	69
13	QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	69
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	69
14.1	MEMBERS	69
14.2	EMPLOYEES	69
15	CONFIDENTIAL BUSINESS	70
15.1	Follow Up Report - Contract Variation - Waste Services Agreement with Broderick Waste Solutions Pty Ltd.....	70
16	NEXT MEETINGS	71

17 CLOSURE OF MEETING.....71

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

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

Acknowledgement of Country: *“I acknowledge the Ballardong Noongar people 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.”*

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

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1.1 Questions from previous meeting

At the Ordinary Meeting of Council held on 7 May 2026, the following questions were taken on notice:

A Lamas

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?

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.

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.

This final seal was included in the 2025-26 mid-year budget review and was approved and funded by MRWA as part of the Regional Road Group funding program. This is to complete the section of Road.

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 (CEO):

Resolution No. OCM050/04/26 relates to Item 10.4.1 Making the Amended Local Government Property Local Law 2026 at the OCM on 2 April 2026 and this was resolved by Council 5/0.

The motion that was recorded as being "carried 3/2" is from Item 10.4.4 Toodyay Cemetery Operational Risks and Required Decisions at the OCM on 2 April 2026. Resolution No. OCM054/04/26 was not carried by absolute majority. Therefore, this item was lost and this will be corrected in the confirmed minutes.

4.1 PUBLIC QUESTION TIME**5 APPLICATIONS FOR LEAVE OF ABSENCE****6 CONFIRMATION OF MINUTES****6.1 Ordinary Meeting of Council held on 2 April 2026****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 2 April 2026 be confirmed subject to the following amendments:

1. That the words "Motion Carried 3/2" regarding Resolution No. OCM054/04/26 from Item 10.4.4 Toodyay Cemetery Operational Risks and Required Decisions be amended to read "Motion Lost 3/2" (*due to the fact that it was an absolute majority decision and the decision of 3/2 did not provide absolute majority*).
2. That Point 3 of Resolution No. OCM058/04/26 be amended to list Cr McKeown's name (*as electronic record of meeting reflected Cr McKeown's acceptance of a nomination by Cr Prater to be a member of the Committee*).
3. That the wording in Resolution No. OCM059/04/26 be deleted from the minutes (*as the electronic record of the meeting at 6.38pm reflected Cr Dival's intention to withdraw the Notice of Motion, citing that the Officer's Report misinterpreted her Notice of Motion and did not provide appropriate information for Councillors to consider the item*).

6.2 Ordinary Meeting of Council held on 7 May 2026**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 7 May 2026 be confirmed.

6.3 Special Meeting of Council held on 12 May 2026**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 12 May 2026 be confirmed.

6.4 Special Meeting of Council held on 21 May 2026**OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 21 May 2026 be confirmed.

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

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

7.2 DEPUTATIONS

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

7.3 PRESENTATIONS

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

7.4 SUBMISSIONS

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

8 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

10 OFFICER REPORTS

10.1 PLANNING AND REGULATORY SERVICES

10.1.1 Development Application of Single House at Lot 4, 18/44 Stirling Terrace, Toodyay.

Date of Report:	18 May 2026
Applicant or Proponent:	Karen Wilson – Davley Building Pty Ltd.
File Reference:	A4315/133CAS
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Location of Proposed Development ⇒ 2. Drawing Details of Proposed Development ⇒ 3. Heritage Impact Statement ⇒

PURPOSE OF THE REPORT

To seek Council approval for development application for a single house at Lot 4, 18/44 Stirling Terrace, Toodyay.

The proposed development falls within Special Control Area 3 – General Toodyay Town Centre Precinct, where Officers do not have delegated authority to approve.

BACKGROUND

A development application has been received for a single house on survey strata Lot 4, 18/44 Stirling Terrace, Toodyay. As this site is located with Special Control Area 3, proposal must be referred to Council for approval.

There is also a requirement to consider the implication of this proposal against the *Local Planning Policy 20: Central Toodyay Heritage*.

COMMENTS AND DETAILS

Site Location

The proposed single house is located on a survey-strata subdivided lot (Survey-Strata Plan 79131) consisting of 21 strata lots, including an internal street road known as Cascade Lane (private road) at 44 Stirling Terrace, Toodyay. **Attachment 1**

The proposed lot is zoned as Residential R10/40 under the Town Planning Scheme No.5 and is assessed under the Residential Design Codes of Western Australia.

Proposal

Lot 4, 18/44 Stirling Terrace, Toodyay has a lot area of 313 m². The proposed development consists of a two-bedroom dwelling including a bathroom, kitchen, dining, and living area. The total floor area of the development is 60 m². (**Attachment 2**)

R-Code Assessment

A technical assessment of the development indicate that all deemed to comply provisions of the Residential Design Codes have been satisfied.

All setbacks have been maintained in accordance with the prescribed minimum distances from boundaries, and the design satisfies visual privacy requirements under Clause 5.4.1, ensuring there are no overlooking issues. Outdoor living areas have been designed to meet the minimum size requirements outlined in Clause 5.3.1, providing ample space for residents. Additionally, the proposed building heights are within the maximum limits specified by the deemed-to-comply provisions of the R-Codes.

Roof Pitch

According to Local Planning Policy 20: Central Toodyay Heritage, a roof pitch of 25° is generally required within the Central Toodyay Heritage Precinct. However, in this instance, the proposed single dwelling is of a relatively small scale, and a 20° roof pitch is considered to be more architecturally appropriate. A 25° roof pitch would appear disproportionate to the building form and may detract from the visual amenity and character of the area. Accordingly, the proposed 20° roof pitch is considered suitable and appropriate for this particular development.

Impact on Heritage

The Applicant has submitted a Heritage Impact Statement for the proposed development. (**Attachment 3**).

The proposed development meets the objectives of *Local Planning Policy 20 – Central Toodyay Heritage Area* by ensuring development is synonymous to the heritage character of the precinct. Although the proposed single house development is smaller in size in respect to its neighbouring houses, the design respects the established streetscape through appropriate scale, siting, and orientation, maintaining the visual continuity of the area. Materials and colours have been selected to harmonise with traditional tones and textures, while the overall form and detailing are simple and unobtrusive, avoiding any adverse impact on the local visual amenity.

IMPLICATIONS TO CONSIDER

The proposal complies with all relevant provisions of Town Planning Scheme No. 5, the Residential Design Codes, and Local Planning Policy 20: Central Toodyay Heritage Area.

Consultative:

Consultation with neighbouring lots was not deemed necessary as this proposal is unlikely to cause any significant amenity impacts on neighbouring properties.

Strategic:

Outcome 5.1 – Provide Responsible Planning and Development

Policy related:

- *Local Planning Policy 20: Central Toodyay Heritage*

This policy provides guidance for development within the Central Toodyay Heritage Area to ensure that new buildings and works are sympathetic to the historic character of the precinct. It requires that development demonstrates a standard of design that responds to the scale, form, materials, and architectural detailing of the surrounding heritage context.

- *Special Control Area 3 – Toodyay Town Centre Precinct*

This control within the Town Planning Scheme No.5 sets out criteria for the assessment and management of development within the town centre to protect its heritage significance and character. This scheme requirement places a stronger level of responsibility on a developer to ensure that new development, alterations, and signage respect the historic streetscape, architectural integrity, and amenity of the precinct while promoting its role as the Town Centre of the Shire.

Financial:

Nil

Legal and Statutory:

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 5

Risk related:

Nil

Workforce related:

The processing of this application, including the request to Council to approve the development application are within the normal workloads of the Planning Department.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council approve the proposed single house development at Lot 4, 18/44 Stirling Terrace, Toodyay with the following conditions:

- a) The development hereby permitted must substantially commence within two years from the date of the decision letter.
- b) The development hereby permitted taking place in accordance with the approved plans that formed the subject of **Attachment 2** in the Officer's Report.
- c) Prior to the occupation of the dwellings:
 - (i) Vehicle crossovers shall be constructed to the specification and satisfaction of the Shire of Toodyay.
 - (ii) Single House to be connected to existing stormwater drainage network.

10.1.2 Initiation of Scheme Amendment No. 3 to Local Planning Scheme No.5

Date of Report:	18 May 2026
Applicant or Proponent:	Shahe Toutikian - Roam Distillery
File Reference:	NA
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Legislative
Attachments:	1. Scheme Amendment No.3 Report ⇒

PURPOSE OF THE REPORT

That Council consider the preparation of Scheme Amendment No. 3 to the Shire of Toodyay Local Planning Scheme No. 5, for the purpose of modifying Additional Use A14 in Schedule 2 by including Lot 5, 445 Morangup Road, Morangup, and by introducing the land use ‘Reception Centre’ within the list of additional uses applicable to A14.

BACKGROUND

A request has been received to amend Local Planning Scheme No.5 relating to land at:

- Lot 4, 447 Morangup Road, Morangup
- Lot 5, 445 Morangup Road, Morangup

The land is currently zoned Rural Residential, with Additional Use A14 applying only to Lot 4, 447 Morangup Road, Morangup.

Under the Local Planning Scheme No.5, Additional Use A14 under Schedule 2 permits the followings uses on Lot4:

- Brewery
- Restaurant/Café
- Tourist Development

Each lot has an area of approximately 10 hectares. The lots front Morangup Road, a sealed road that is the primary road serving the locality.

Lot 4, 447 Morangup Road is currently zoned Rural Residential and holds Additional Use A14, which permits a Brewery, Restaurant/Café, and Tourist Development (to be replaced with Tourist and Visitor Accommodation under the separately progressed Scheme Amendment No. 2). Lot 4 includes a single dwelling, outbuildings, and structures associated with the existing Roam Distillery.

Lot 5 is currently zoned Rural Residential as well and remains largely vacant, with some access roadways constructed. The Amendment proposes to extend the A14 additional use to Lot 5 and to add Reception Centre as an additional use applicable to both lots.

COMMENTS AND DETAILS

Council Role and Statutory Process

In considering the initiation of a scheme amendment, Council is exercising an administrative and legislative role, rather than a quasi-judicial function.

Should Council resolve to initiate the amendment, the following process will be triggered:

1. Submission of the amendment documentation to the Western Australian Planning Commission (WAPC);
2. Consideration by the WAPC and referral to the Minister for Planning;
3. Ministerial determination on whether to grant consent for advertising;
4. Public advertising of the amendment for a minimum period of 42 days;
5. Assessment of submissions and preparation of a further report to Council;
6. WAPC to consider and make recommendations on scheme/amendment to the Minister
7. Final determination by the Minister for Planning.
8. Publishing of amendment in the Gazette.

Proposed Scheme Amendment No.3

The proposed amendment incorporates both text and map amendments. The effect of the amendment is to:

1. Extend Additional Use A14 in Schedule 1 to cover both Lot 4 (No. 447) and Lot 5 (No. 445) Morangup Road, Morangup; and
2. Modify the Additional Uses applicable to A14 to include 'Reception Centre'.

All developments related to the proposed additional uses on the site will be subject to development approval by the Shire of Toodyay. At the development approval stage, site-specific considerations including bushfire, environment, access, landscaping and servicing will be given due regard.

Classification of Amendment

The proposed amendment is considered a Standard Amendment under part 5, division 1, r.35 of the Planning and Development (Local Planning Schemes) Regulations 2015 as:

- It is consistent with the Shire of Toodyay Local Planning Strategy;
- It aligns with the Model Provisions
- It is localised in nature with minimal impact beyond the subject land.

Planning Rationale and Assessment

The proposed amendment is supported on the following grounds:

- The proposal represents a logical extension of the existing A14 brewery, restaurant/café and tourist development additional use on Lot 4 to include the adjoining Lot 5, allowing staged expansion of the tourism and hospitality offering consistent with the amenity of the locality.

- The incorporation of the Reception Centre additional use will allow for a wider range of hospitality functions to be hosted at the property, focusing on utilising existing establishment and infrastructure in a more efficient and sustainable manner.
- The Amendment site is located on an established tourist route on the outer edge of the greater rural residential area. The combined site area of 20 hectares ensures any future development remains low-scale and that buffers can be maintained within the site, reducing the impact on amenity for surrounding residents.
- The Amendment is consistent with the objectives of the Shire of Toodyay Local Planning Strategy, which encourages economic diversification in rural areas through small-scale tourism and business opportunities compatible with surrounding amenity.
- The amendment:
 - Does not change the underlying zoning;
 - Does not directly authorise development; and
 - Retains full development control through future development applications.

IMPLICATIONS TO CONSIDER

Consultative:

Once Council resolves to prepare the amendment, the Shire is required to submit the proposed scheme amendment documentation to relevant referral agencies, such as the EPA, to determine whether any recommendations or requirements apply. Following this, the amendment is forwarded to the Western Australian Planning Commission (WAPC).

The WAPC then assesses the amendment to determine whether it is suitable for public advertising and provides a recommendation to the Minister for Planning. The Minister subsequently decides whether to grant consent for advertising, require modifications prior to advertising, or refuse consent for the amendment to proceed to advertising.

The Shire then conducts a formal advertisement for a period of 42 days, where WAPC has the right to extend advertising periods when and where appropriate.

Strategic:

Plan for the future: Council Plan 2023-2033

Outcome 8. Toodyay is a popular tourism destination.

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

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

Shire of Toodyay Local Planning Strategy

The proposed amendment is consistent with the Local Planning Strategy, which encourages economic diversification in rural and rural living areas through small-scale tourism and business opportunities compatible with the surrounding area. The existing Roam Distillery operation on Lot 4 already reflects this objective. The expansion of additional uses to Lot 5 and the inclusion of Reception Centre use furthers the Strategy's objectives for rural tourism.

Policy related:

The proposal has been considered in the context of Special Control Area No. 5 (SCA5) under the Scheme. The SCA5 – Landscape Protection Special Control Area requires that

consideration be given to maintaining the integrity of the landscape for land located within the control area.

Financial:

In accordance with the *Planning and Development Regulations 2009* and *Planning and Development (Local Planning Schemes) Regulations 2015* the costs associated with the assessment, advertising and gazettal of the scheme amendment are met by the applicant.

All costs associated with preparation, advertising and processing will be borne by the applicant as calculated by the Shire.

Legal and Statutory:

1. *Planning and Development Act 2005*

- Section 75 provides legislative power to the Council to prepare changes to its local planning scheme.
- Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising.
- Section 83A requires referral to the Minister for approval to advertise.
- Section 84 requires a scheme amendment to be advertised and for submissions to be considered by the local government.

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

- Regulations 34 and 35(2) require an amendment to be classified as basic, standard or complex.
- Regulation 47 specifies requirements for advertising a Standard Amendment.
- Regulation 76A specifies requirements for making documents available to public.

Risk related:

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

Workforce related:

The proposed amendment has been prepared by consultant town planners as appointed by the owner. Ongoing processing and advertising of the amendment will be undertaken by shire staff, with technical assistance from the consultant, if required.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to section 75 of the Planning and Development Act 2005, resolve to prepare Amendment No. 3 to the Shire of Toodyay Local Planning Scheme No. 5, classified as a standard amendment under Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, by:

- a) Modifying Additional Use A14 in Schedule 1 to include Lot 5 (No. 445) Morangup Road, Morangup and updating the Scheme Maps accordingly; and
- b) Inserting the use 'Reception Centre' into the Additional Uses listed for A14 in Schedule 1.

10.1.3 Restrospective Development Approval for Outbuildings at 10 Sesselis Road, Toodyay

Date of Report:	15 April 2026
Applicant or Proponent:	Dianne Little
File Reference:	A853/1SES
Author:	J Ngedup – Town Planner
Responsible Officer:	P Nuttall – Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> 1. Site Plan ⇒ 2. Outbuilding Drawings and Photographs ⇒ 3. Cover Letter ⇒ 4. Submission Table from Consultation ⇒

PURPOSE OF THE REPORT

To consider a retrospective development approval for an outbuilding at 10 Sesselis Road, Toodyay, where applicant has sought variance in setback requirements prescribed under clause 32, table 6 in the Shire of Toodyay Local Planning Scheme No.5.

BACKGROUND

A retrospective development application for outbuildings (2x fixed sea containers) was received.

The two fixed shipping containers are joined end to end and are located approximately 1.5 metres from the boundary at 10 Sesselis Road. This development is non-compliant with the minimum setback requirements under Local Planning Scheme No. 5, which prescribes a setback of 30 metres in a Rural Residential Zone. The development was also undertaken without the necessary approvals. As a result, the Shire advised the owners that development approval is required, and a retrospective development application has been subsequently lodged by the applicant.

The subject site is zoned *Rural Residential* under the Shire of Toodyay Local Planning Scheme No.5 and has a site area of 1.07ha.

The applicant is proposing an outbuilding (made from the sea containers) which is to be located 9m away from the site boundary to the west. The current structures are currently only 1.5m away from the boundary. **(Attachment 1)**

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 (West)	Rear (East)	Side (North)	Side (South)
Rural Residential	30m	30m	30m	
	Proposed Boundary Setback distances			
	Street (West)	Rear (East)	Side (North)	Side (South)
	9m	>30m	>30m	

Under Delegation PRS8 of the *Register of Delegations 2025*, the Executive Manager of Planning and Regulation does not have delegations to grant approval or refusal for setbacks with more than 50% concession.

The proposed street setback variation constitutes 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

Multiple site visits have been 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.

During those visits it was deemed that the new location would reduce the visual impact of the development with the increased boundary setback. Vegetative screening could also be used to lessen the impact of this proposal.

Site Location

The subject land is zoned Rural Residential under the Shire of Toodyay Local Planning Scheme No. 5 and is located on a corner lot at the intersection of Sesselis Road and Stirlingia Drive.

The site where the sea containers are located is generally steep, with only a small portion of the lot capable of development. There was a dwelling located at a lower level, further from the road, which has burnt down. That site is currently vacant. This particular site was chosen so as to not compromise the rebuild of the old house.

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

The subject site at 10 Sesselis Road is in a prominent location, being one of the first properties on Sesselis Road from the south. The current sea containers are situated 1.5m from the property boundary and are out of sequence with the other built structures on the road.

To reduce this visual impact, it is proposed that the road setback for this development be increased to 9m, while it will still be visually intrusive to the streetscape, it will be to a lesser extent. The proposal is also 1.0m lower than the current position, which further lessens the visual impact from the road.

Efforts have been made in the design and presentation of the structure to ensure that it appears as a conventional outbuilding rather than a shipping container (**Attachment 2**).

Boundary Setbacks

The site contains other existing structures and cumulatively these structures produce an average setback distance greater than 15m, which is permissible. This proposal of an outbuilding setback at 9.0m and being 18.3m wide, across a lot 109.0m wide means that it is not considered to be dominant on the lot.

IMPLICATIONS TO CONSIDER

The applicants have provided justification for their proposal requesting significant concession to the setback distance. (**Attachment 3**)

Site Constraints

The applicant has mentioned that compliance with the minimum boundary setback requirement is not achievable due to the site conditions such as topography within the subject lot. This is the reasoning for the current location albeit 1.5m from the boundary, and without approval.

A site inspection undertaken by the assessing officer confirmed that the land available for structures at this point is narrow with a steep drop off, moving east. It is deemed worthy of the issue of a setback concession in some form.

Visual Impact

The proposed development will reduce the visual impact cumulatively across the site and would not cause a dominant intrusion into the streetscape. While this proposal is not ideal, it does have merit based on proper planning principals.

The officers will impose a vegetative screen to be placed between the structure and the road, to the satisfaction of the Shire, further lessening visual impact.

Even with these measures in place the proposed location will be visible and out of character with existing development on the street.

Community Objection

3 of the 4 submissions have raised valid planning objections across multiple topics.

The responses from affected landowners have raised concerns regarding the visual impact of the existing and proposed outbuildings on the amenity of Sesselis Road. Submitters note that the site occupies a prominent gateway location at the entrance to the road, making any development highly visible from the public realm. The presence of shipping containers and associated structures is considered to detract from the visual quality of the locality, especially where they are positioned close to the road boundary and are not effectively screened.

There are also concerns regarding the scale, siting and presentation of the structures, indicating that the length and proximity to the road contribute to a dominant visual presence within the streetscape. The change in site condition, including vegetation clearing and the introduction of supplementary materials or screening measures, has also been identified as contributing to a perceived reduction in landscape quality rather than improving visual integration.

Existing attempts at screening have not been successful in mitigating visual impact, with references to the use of artificial materials and non-native plantings that have not established. There is a general expectation from residents that any approval should ensure improved landscaping outcomes, including the use of appropriate plant species, ongoing

maintenance and treatments that better allow the structures to blend into the surrounding rural landscape.

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 and post, to all affected landowners. All landowners in this case have responded. **(Attachment 4)**

Strategic:

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.

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. However, pursuant to Clause 76(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, an affected person, being the applicant or the owner of the land, may apply to the State Administrative Tribunal for a review of a reviewable determination in accordance with Part 14 of the Planning and Development Act 2005.

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

While consideration has been given to the site constraints, including topography, it is deemed to be not acceptable that the proposed reduced setback achieves an appropriate planning outcome. Even at a setback of 9 metres, the outbuildings would remain out of character in the streetscape and continue to present a prominent and visually intrusive form of development, particularly given the site's prominent location at the entrance to Sesselis Road.

This development is and would remain clearly visible from the road and surrounding properties and does not achieve a visually recessive outcome consistent with the visual impact objectives of the locality. The presence of limited and ineffective screening, combined with earlier clearing of vegetation, further exacerbates the visual prominence of the development and its intrusion into the rural landscape.

It is also noted that the outbuildings, together with other associated structures on the site, have already been installed without prior development approval and are not in accordance with the provisions of the Local Planning Scheme.

Given the weight of planning and community concerns and the need for larger than normal setback concessions, it is recommended that this application be refused.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council refuse the application for Restrospective Development Approval for Outbuildings at 10 Sesselis Road, Toodyay.

10.2 FINANCE AND CORPORATE SERVICES

10.2.1 List of Payments - April 2026

Date of Report:	8 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	U Prill – Accounts Payable Officer
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. List of Payments April 2026 ⇒

PURPOSE OF THE REPORT

To present to Council the list of payments for the months of April 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 April 2026 and is attached. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

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

Outcome 9. Responsible and effective leadership and governance.

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

Policy related:

Purchasing Policy

Delegation CS1

Financial:

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

Legal and Statutory:

Local Government Act 1995

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

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

Local Government (Financial Management) Regulations 1996

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

Risk related:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

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

Description	Amount \$
Municipal Cheques	\$850.00
Electronic Funds Transfer Payments	\$855,794.83
Payroll	\$290,018.24
Credit Cards	\$2,374.73
Other (Including Direct Debits)	\$29,645.01
Total	\$1,178,682.81

10.2.2 Monthly Financial Statements - April 2026

Date of Report:	22 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	C Delmage – Acting Executive Manager Finance and Corporate Services
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil.
Council’s Role in the matter:	Legislative
Attachments:	1. Monthly Financial Statements - April 2026 ⇒

PURPOSE OF THE REPORT

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

BACKGROUND

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

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

COMMENTS AND DETAILS

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

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

IMPLICATIONS TO CONSIDER**Consultative:**

Nil

Strategic:

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

Outcome 9. Responsible and effective leadership and governance.

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Financial Governance

Financial:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

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

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

Nil.

10.4 EXECUTIVE SERVICES

10.4.1 Proposed Cat Local Law 2026 - Consideration of Submissions and adoption

Date of Report:	19 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/49-02
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	5/3/2026
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Schedule of Submissions; and ↔ 2. Cat Local Law 2026 to be adopted (Track changed). ↔

PURPOSE OF THE REPORT

That Council, pursuant to section 3.12(4) of the *Local Government Act 1995*:

1. considers the submissions made that were received during the public consultation period for the proposed *Cat Local Law 2026*; and
2. Notes that the submissions have been considered and, where appropriate, minor drafting amendments have been made that do not alter the intent or effect of the local law (and are not significantly different from what was proposed);
3. Resolves, pursuant to section 3.12 of the *Local Government Act 1995*, to make the *Cat Local Law 2026* as attached (Attachment 2); and
4. Authorises the Chief Executive Officer to arrange for the local law to be signed off with the common seal by the Shire President and the CEO then cause notice of the making of the *Cat Local Law 2026* to be published in the *Government Gazette* in accordance with statutory requirements.

BACKGROUND

Under the *Cat Act 2011*, local governments may make local laws regulating the keeping, control and management of cats within their district.

The Shire’s existing cat local law required updating to:

- align with current legislative requirements;
- strengthen provisions relating to nuisance, amenity and cat management facilities; and
- provide a clearer and more contemporary regulatory framework for responsible cat ownership.

At its meeting of 5 March 2026 Council resolved to advertise the proposed *Cat Local Law 2026* for public comment.

COMMENTS AND DETAILS

Each submission was carefully considered. Where submissions identified opportunities to improve clarity or consistency, **minor drafting amendments** were made.

Importantly:

- no amendments alter the intent, scope or operation of the local law;
- no new obligations are introduced;
- no rights are removed; and
- the regulatory framework remains unchanged.

Many of the submissions reflected differences in drafting preference or plain-English interpretation rather than legal defects. In those instances, no amendment was recommended where the wording was already legally orthodox and clear in context.

As all amendments are minor and non-substantive, re-advertising is not required.

The proposed *Cat Local Law 2026* has been appropriately consulted on, refined where necessary, and is ready for Council to make the decision to make the local law.. The local law provides Council with clear and effective regulatory tools to manage cat ownership and amenity issues within the district.

IMPLICATIONS TO CONSIDER

Consultative:

The proposed *Cat Local Law 2026* was advertised for public comment in accordance with the *Local Government Act 1995*. Submissions were received during the consultation period and have been reviewed in detail.

The submissions raised matters relating primarily to drafting clarity, formatting, punctuation and interpretive wording. No submissions sought changes to the policy intent or regulatory framework of the local law.

Following consideration, a small number of **minor, non-substantive amendments** have been incorporated to improve clarity and readability. These amendments do not change the effect of the local law and do not require re-advertising.

Council is now requested to adopt the *Cat Local Law 2026* in its final form.

Strategic:

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.

The *Cat Local Law 2026* supports Council's strategic objectives relating to:

- community wellbeing and amenity;
- environmental stewardship; and

- effective governance and regulatory compliance.

Policy related:

The making of the *Cat Local Law 2026* supports:

- responsible cat ownership;
- protection of environmental values and community amenity;
- management of cat nuisance; and
- effective regulation of cat management facilities.

The local law aligns with Council's existing animal management and community amenity objectives.

Financial:

There are financial implications arising from the making of the local law as the entirety of the local law must be advertised in the government gazette.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Section 3.12(4) – Consideration of submissions and making of local law

Section 3.12(4) of the *Local Government Act 1995* provides that, after the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

Accordingly, Council may proceed to make the local law under section 3.12(4).

Section 3.12(5)(a) – Publication in the Government Gazette

Section 3.12(5)(a) requires that, after making a local law, the local government must publish the local law in the Government Gazette.

Section 3.12(5)(b)(i) – Notification to the Departmental CEO (LGIRS)

Section 3.12(5)(b)(i) requires that, after making a local law, the local government must give a copy of the local law to the Departmental CEO (Director General of the Department of Local Government, Industry Regulation and Safety).

Section 3.12(5)(b)(ii) – Notification to other relevant Departments

Where a department of the Public Service other than LGIRS assists in the administration of an Act under which the local law is made, section 3.12(5)(b)(ii) requires that a copy of the local law also be provided to the CEO of that department.

Section 3.12(6) – Public notice after gazettal

Section 3.12(6) requires that, after publication in the Gazette, the local government must give public notice stating:

- the title of the local law;
- a summary of its purpose and effect (including commencement date); and
- where the local law may be inspected or obtained.

Risk related:

Failure to update this local law may result in regulatory gaps; reduced enforcement capability; and inconsistency with current legislation. This report mitigates these risks.

Workforce related:

Officer will implement Council's decision and arrange for publication of the local law.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to section 3.12(4) of the *Local Government Act 1995*:

1. **Notes** the submissions made that were received during the public consultation period for the proposed *Cat Local Law 2026*; and
2. **Determines** that the submissions have been duly considered (**Attachment 1**);
3. **Notes** that, where appropriate, minor drafting amendments have been made to the *Cat Local Law 2026* as presented (**Attachment 2**) that do not alter the intent or effect of the local law (and are not significantly different from the proposed *Cat Local Law 2026* that was advertised); and
4. **Makes** the *Cat Local Law 2026* pursuant to section 3.12 of the *Local Government Act 1995* as attached (**Attachment 2**); and
5. **Authorises** the Chief Executive Officer to:
 - (a) affix the Common Seal of the Shire to the *Cat Local Law 2026*;
 - (b) arrange publication of the local law in the Government Gazette in accordance with section 3.12(5)(a);
 - (c) notify the Director General of the Department of Local Government, Industry Regulation and Safety and any other relevant Department or Minister in accordance with section 3.12(5)(b).

10.4.2 Proposed Dogs Local Law 2026 – Consideration of Submissions and Adoption

Date of Report:	28 April 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/104-02
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	05/03/2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Schedule of Submissions; ↗ 2. Dog Local Law (track changed). ↗

PURPOSE OF THE REPORT

That Council, pursuant to section 3.12(4) of the *Local Government Act 1995*:

1. considers the submissions made that were received during the public consultation period for the proposed *Dog Local Law 2026*; and
2. Notes that the submissions have been considered and, where appropriate, minor drafting amendments have been made that do not alter the intent or effect of the local law (and are not significantly different from what was proposed);
3. Resolves, pursuant to section 3.12 of the *Local Government Act 1995*, to make the *Dog Local Law 2026* as attached (**Attachment 2**); and
4. Authorises the Chief Executive Officer to arrange for the local law to be signed off with the common seal by the Shire President and the CEO then cause notice of the making of the *Dog Local Law 2026* to be published in the *Government Gazette* in accordance with statutory requirements.

BACKGROUND

Under section 3.12 of the *Local Government Act 1995*, Council resolved to advertise the proposed *Dogs Local Law 2026*.

The proposed local law:

- modernises the Shire's dog management framework;
- aligns with the *Dog Act 1976* and current regulatory practice;
- supports responsible dog ownership while protecting public safety and amenity; and
- provides flexibility through discretionary approvals and Council resolutions rather than rigid rules.

The local law was advertised in accordance with statutory requirements, and submissions were invited.

COMMENTS AND DETAILS

Public submissions were received during the advertising period for the proposed *Dogs Local Law 2026* (**Attachment 1**).

Council is requested to consider submissions received during the public advertising period for the proposed *Dog Local Law 2026*, note the matters raised, and make the local law with minor drafting amendments only.

All submissions have been carefully reviewed. Minor amendments have been made to improve drafting clarity, consistency, and alignment with the *Dog Act 1976*, without altering the intent or operation of the local law.

The submissions raised a range of matters, which can be broadly categorised as follows.

Drafting, formatting and technical matters

Several submissions identified minor drafting issues, including typographical errors, inconsistent formatting, numbering inconsistencies, punctuation, and unclear cross-references.

These matters have been reviewed and addressed through **minor drafting amendments** to improve clarity, consistency and accuracy. The amendments do not alter the intent, scope or operation of the local law and include:

- correction of typographical and formatting errors;
- improved numbering and cross-referencing;
- consistent capitalisation of defined terms;
- clarification of measurement references where required; and
- alignment of definitions with the *Dog Act 1976*.

These amendments are considered **minor** and do not require re-advertising under section 3.12 of the *Local Government Act 1995*.

Clarification requests

A number of submissions sought clarification rather than amendment, including questions about:

- boundary setbacks (by reference to the Local Planning Scheme);
- fencing standards for kennel establishments;
- wastewater treatment systems (including bio-tanks and septic systems);
- rainwater tanks and water storage;
- ancillary kennel facilities such as wash bays, laundries and food preparation areas; and
- kennel licensing fees and application processes.

These matters are intentionally addressed through **planning, building, health and administrative approval processes**, rather than prescribed in the local law itself. The local law is drafted to be outcomes-focused and technology-neutral, allowing contemporary and site-specific solutions to be assessed at application stage. No amendment to the local law is required in response to these submissions.

Dog numbers, rural context and responsible ownership

Several submissions raised concerns about the default limit of two dogs per premises and suggested alternative models based on land size, zoning or rural context.

Clause 4.3 of the local law does **not impose an absolute limit**. While a default limit of two dogs applies for the purposes of section 26(4) of the *Dog Act 1976*, the local law expressly allows Council to approve a greater number of dogs on application under section 26(3) of the Act. This enables Council to consider individual circumstances, including land size, rural or semi-rural context, management practices, amenity impacts and animal welfare, on a case-by-case basis.

Introducing an entitlement-based or tiered model linked to land size would constitute a **substantive policy change** and require the local law to be remade and re-advertised. The local law as drafted is considered sufficiently flexible and appropriate for the Shire's regional context.

Kennel establishments

Concerns were raised that the original draft definition of "kennel establishment" may inadvertently capture non-commercial households and community-minded arrangements.

In response, the definition has been amended to reflect the meaning given in section 3(1) of the *Dog Act 1976*. Under the Act, a kennel establishment relates to premises where dogs are kept, boarded, bred or trained for reward and approved by the local government. This ensures that commercial kennel operations are regulated, while private, non-commercial households, foster carers and responsible multi-dog owners are not inadvertently captured.

Confinement standards

Some submissions suggested that confinement requirements could be more prescriptive to reduce subjectivity.

The local law is intentionally a performance-based standard, requiring dogs to be effectively confined having regard to breed, age, size and physical condition. This approach is consistent with the *Dog Act 1976* and allows flexibility across different dog types and property contexts. Introducing rigid, prescriptive standards would reduce flexibility and may not be suitable in all circumstances.

Concerns regarding clarity and consistency of application are more appropriately addressed through guidance, education and enforcement practices, rather than amendment of the local law.

Dogs in public places and exercise areas

Submissions raised matters relating to access to dog exercise areas, fenced dog parks, proportionality of public place restrictions and community wellbeing.

Part 6 of the local law provides a proportionate framework for dogs in public places and allows Council to designate additional dog exercise areas by resolution from time to time, without amendment of the local law. Decisions regarding the provision, location and design of off-leash or fenced dog exercise areas are matters of land management, infrastructure planning and budget prioritisation rather than matters to be prescribed in a local law.

Wellbeing and community considerations

Several submissions emphasised the social, emotional and wellbeing role of dogs in regional and semi-rural communities.

While these matters are acknowledged, the Dog Local Law is a regulatory instrument made under the *Dog Act 1976* and must remain focused on responsible ownership, public safety and amenity. The local law is not unduly rigid and includes discretionary mechanisms that allow Council to take individual circumstances into account. Wellbeing considerations are appropriately reflected through Council policy, education, customer service practices and the exercise of discretion, rather than through prescriptive legislative provisions.

Amendment to Clause 5.7

The amendment to clause 5.7 corrects an inconsistency with section 27(7) of the *Dog Act 1976*, which allows for the transfer of kennel licences with the approval of the local government. The revised clause aligns with the Act while retaining appropriate controls over the suitability of licence holders.

The amendment does not alter the intent or operation of the local law and is considered minor. The local law, as amended, is not significantly different from the version advertised and does not require re-advertising under section 3.12(4) of the *Local Government Act 1995*.

The definition of “assistance dog”

The definition previously referred incorrectly to section 3 of the *Dog Act 1976*. The Act does not define the term within that section. The definition has been amended to remove the incorrect reference and align with the meaning provided under the *Dog Act 1976*. The amendment improves accuracy and clarity and does not alter the operation or intent of the local law.

Summary

All submissions have been carefully considered. Minor drafting amendments have been made where appropriate. No submission identified a defect requiring a substantive change to the policy framework or re-advertising of the local law.

The *Dog Local Law 2026*, as amended, is considered legally sound, proportionate and suitable for Council to make the decision to make the local law.

IMPLICATIONS TO CONSIDER**Consultative:**

Public advertising was undertaken in accordance with statutory requirements. Submissions were carefully reviewed and informed minor improvements to the local law.

Strategic:

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

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

5.1. Provide responsible planning and development.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Central Toodyay Heritage Area Policy

Dogs Policy

Caravan Park and Camping Grounds Policy

Glencoe Estate Guidelines Policy

Financial:

There are financial implications arising from the making of the local law as the entirety of the local law must be advertised in the government gazette.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Section 3.12(4) – Consideration of submissions and making of local law

Section 3.12(4) of the *Local Government Act 1995* provides that, after the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

Accordingly, Council may proceed to make the local law under section 3.12(4).

Section 3.12(5)(a) – Publication in the Government Gazette

Section 3.12(5)(a) requires that, after making a local law, the local government must publish the local law in the Government Gazette.

Section 3.12(5)(b)(i) – Notification to the Departmental CEO (LGIRS)

Section 3.12(5)(b)(i) requires that, after making a local law, the local government must give a copy of the local law to the Departmental CEO (Director General of the Department of Local Government, Industry Regulation and Safety).

Section 3.12(5)(b)(ii) – Notification to other relevant Departments

Where a department of the Public Service other than LGIRS assists in the administration of an Act under which the local law is made, section 3.12(5)(b)(ii) requires that a copy of the local law also be provided to the CEO of that department.

Section 3.12(6) – Public notice after gazettal

Section 3.12(6) requires that, after publication in the Gazette, the local government must give public notice stating:

- the title of the local law;
- a summary of its purpose and effect (including commencement date); and
- where the local law may be inspected or obtained.

Risk related:

Minor amendments to a local law are those that correct drafting errors, resolve inconsistencies with enabling legislation, or improve clarity and enforceability without altering the intent, scope or operation of the local law. Such amendments do not result in a local law that is “significantly different” from that which was advertised and do not require re-advertising under section 3.12 of the *Local Government Act 1995*.

In contrast, amendments that introduce new regulatory requirements, expand the scope of the local law, alter policy direction, or materially affect the rights or obligations of the community would be considered significant. Such changes would require the local law to be re-advertised and reconsidered by Council to ensure procedural fairness and statutory compliance.

Failure to update this local law may result in regulatory gaps; reduced enforcement capability; and inconsistency with current legislation. This report mitigates these risks.

Workforce related:

Officer will implement Council’s decision and arrange for publication of the local law.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. **Notes** the submissions made that were received during the public consultation period for the proposed *Dog Local Law 2026*;
2. **Determines** that the submissions have been duly considered (**Attachment 1**);
3. **Notes** that, where appropriate, minor drafting amendments have been made to the *Dog Local Law 2026* as presented (**Attachment 2**) that do not alter the intent or effect of the local law (and are not significantly different from the proposed *Dog Local Law 2026* that was advertised); and
4. **Makes** the *Dog Local Law 2026* pursuant to section 3.12 of the *Local Government Act 1995* as attached (**Attachment 2**); and
5. **Authorises** the Chief Executive Officer to:
 - (a) affix the Common Seal of the Shire to the *Dog Local Law 2026*;
 - (b) arrange publication of the local law in the Government Gazette in accordance with section 3.12(5)(a);
 - (c) notify the Director General of the Department of Local Government, Industry Regulation and Safety and any other relevant Department or Minister in accordance with section 3.12(5)(b); and
 - (d) give public notice of the local law in accordance with section 3.12(6) of the *Local Government Act 1995*.

10.4.3 Review of the Mandatory Waste Collection Service

Date of Report:	23 March 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MTG7
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	May 2025 OCM100/05/25
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	Nil

PURPOSE OF THE REPORT

To present to Council the outcome of the interim Chief Executive Officer's review of the mandatory waste collection service, as requested by Council Resolution OCM100/05/25, and to recommend that:

1. No changes be made to the current mandatory waste collection arrangements at this time; and
2. A further review of the service be undertaken and reported back to Council in two years.

BACKGROUND

At the Ordinary Council Meeting held on 22 May 2025, Council considered a report titled "Mandatory Waste Collection within areas where kerbside collection is already available".

Following consideration of that report, Council carried the following alternate motion:

That Council:

1. *introduces a mandatory waste collection service for the Shire of Toodyay to commence from the start of the 2025/2026 financial year subject to the following:*
 - (a) *advises resident landowners who currently do not utilise the Shire's scheduled waste removal service that they be permitted to continue to manage and dispose of waste as per current practice;*
 - (b) *advises resident landowners that do not currently subscribe to the service, that upon sale of the properties, a waste collection service becomes mandatory; and*
 - (c) *should a landowner subscribe voluntarily to the service, the option to opt out of the service is no longer available.*
2. *Requests the CEO review the mandatory waste collection service and provide a report back to the Council within 12 months.*

The mandatory waste collection service commenced from the start of the 2025/2026 financial year, applying to residential properties where kerbside collection was already available, consistent with the above resolution. This report responds to Point 2 of resolution OCM100/05/25 and outlines the interim CEO's review of the service.

COMMENTS AND DETAILS

The interim CEO's review focused on the mandatory waste collection service introduced from 1 July 2025 in areas where kerbside collection is available. The review considered:

- Financial performance of the service;
- Coverage and participation (properties included in the service);
- Operational performance and service quality;
- Community feedback and complaints;
- Strategic alignment with Council's adopted Plan for the Future; and
- Legal, statutory and risk considerations, including powers under the *Waste Avoidance and Resource Recovery Act 2007*.

Information was drawn from internal financial data, waste contract information, complaints and enquiry records, and discussions with relevant staff.

The original May 2025 report identified that:

- Expenditure on the rubbish service was approximately \$796,922.06, with income of \$589,000, creating a deficit of \$207,922.06; and
- A cost-neutral rubbish service was calculated at \$322 per service, increasing to approximately \$352 per service on a full cost recovery basis when accounting for approximately 400 properties that had opted out.

The interim CEO's review indicates that, following the introduction of mandatory waste collection:

- Income and Expenditure to the end of April is the following

	Actual to 30 April 2026	Projected to 30 June 2026
Income	\$1,112,052	\$1,127,000
Expenditure	\$881,392	\$1,100,000
Surplus(Deficit)	\$230,660	\$27,000

The overall position is that the move to mandatory service is consistent with progressing towards a fairer, more cost-neutral waste service for properties where kerbside collection is available.

Consistent with Council's decision, the mandatory service has only been applied where kerbside collection is available and where there is a residence on the property. As new residences along existing collection routes are constructed, they are added to the service on a pro-rata basis.

No evidence was identified to suggest that the service is being applied outside the scope intended by Council.

Operational performance since the introduction of the mandatory service has been generally satisfactory with a minimal number of complaints from customers not wanting to pay for the

services. Any issues have been managed through normal operational processes and no systemic issues have been identified that would warrant a change to the mandatory collection arrangements at this early stage of implementation.

Council's decision to introduce a mandatory waste collection service was linked to the *Plan for the Future: Shire of Toodyay Council Plan 2023-2033*, Outcome 4 "Climate resilience" and specifically action 4.2 "Work towards achieving zero waste".

The interim CEO's review confirms that:

- Mandatory waste collection supports more controlled management and disposal of household waste;
- Over time, it is expected to improve cost efficiencies and monitoring of waste within the Shire; and
- It remains consistent with Council's strategic direction in relation to climate resilience and waste reduction.

Sections 66 and 67 of the *Waste Avoidance and Resource Recovery Act 2007* empower local governments to impose a waste collection rate and/or an annual receptacle charge for premises provided with a waste service.

The review has not identified any concerns regarding the legal basis for the mandatory waste collection service or the associated charges, provided they continue to be levied in accordance with these provisions.

From a risk perspective, not continuing the mandatory service at this time could re-introduce:

- Economic risks associated with cross-subsidisation and instability in the waste budget;
- Reputational risks concerning fairness and equity between ratepayers; and
- Environmental risks relating to the less certain disposal of waste outside of a scheduled collection service.

IMPLICATIONS TO CONSIDER

Consultative:

Executive Manager Finance and Corporate Services,
Executive Manager Infrastructure, Assets and Services,
Avon Waste Contractor Representative.

Broader community consultation is not considered necessary at this stage, given that Council has only recently implemented the mandatory service and this report does not propose any change to the current policy settings.

Strategic:

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

- Outcome 4: Climate resilience
- Strategy 4.2: Work towards achieving zero waste

Continuing the current mandatory waste collection arrangements is consistent with Council's adopted strategic direction.

Policy related:

Nil.

Financial:

The waste collection service is intended to be cost neutral over time. The introduction of mandatory waste collection is one of the key mechanisms to:

- Increase the number of contributing services;
- Reduce cross-subsidisation by other ratepayers; and
- Improve the predictability of waste revenue and expenditure.

Further detailed financial analysis will continue to be provided through the annual budget and long-term financial planning processes.

Legal and Statutory:

The mandatory waste collection service continues to be delivered under the provisions of the *Waste Avoidance and Resource Recovery Act 2007*, including sections 66 and 67 relating to rates and receptacle charges, and in accordance with the *Local Government Act 1995* for rating, recovery and decision-making processes.

Risk related:

Key risks if Council were to consider reversing or materially changing the mandatory service at this early stage include:

- **Financial risk** – increased budget pressure and reduced capacity to achieve cost neutrality;
- **Reputational risk** – perceived inconsistency in decision-making and potential equity concerns;
- **Environmental risk** – reduced certainty around proper disposal of household waste; and
- **Operational risk** – increased complexity in administration, including re-introducing “opt out” processes and adjustments to rates notices

These risks are best managed by maintaining the current arrangements and allowing a longer period of operation before considering any changes.

Workforce related:

Nil. The recommendation does not require additional staffing resources and will continue to be managed within existing roles.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Notes that, in accordance with Point 2 of Council resolution OCM100/05/25, the Interim Chief Executive Officer has undertaken a review of the mandatory waste collection service introduced from the start of the 2025/2026 financial year.
2. Endorses the continuation of the current mandatory waste collection arrangements in areas where kerbside collection is already available, with no changes.

10.5 INFRASTRUCTURE, ASSETS AND SERVICES

Nil.

10.6 COMMITTEE REPORTS

10.6.1 Infrastructure and Works Committee - Terms of Reference and Scheduling

Date of Report:	20 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	April 2026 Council Meeting
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Departmental governance advice; ⇒ 2. Initial Terms of Reference ⇒ 3. Committee Amendment to Terms of Reference; ⇒ 4. Revised Terms of Reference ⇒

PURPOSE OF THE REPORT

To consider recommendations made by the Infrastructure & Works Committee, following their consideration of matters arising from Council Resolution OCM058/04/26 (Points 6 and 7) at their meeting held on 7 May 2026.

BACKGROUND

At the Ordinary Council Meeting held in April 2026, Council resolved to establish the Infrastructure & Works Committee as a standing advisory committee and adopted its Terms of Reference (**Resolution No. OCM058/04/26**).

To support the implementation of Council's resolution in a manner that gives effect to the adopted Terms of Reference while respecting the statutory separation between governance and administration, advice was sought from the Department of Local Government, Industry Regulation and Safety (DLGIRS) (**Attachment 1**).

The Department advised that where clarity is required to ensure that an advisory committee does not pose a risk to compliance with sections 2.7 and 5.41 of the Act, it would be recommended that the Functions and Responsibilities section of the Terms of Reference be framed so that: *"The Committee is to make recommendations to Council as to:"*

This wording reinforces the advisory nature of the Committee and avoids any implication that the Committee has authority over operational matters or staff.

Although the Infrastructure & Works Committee Terms of Reference were adopted by Council in April 2026, the *Standing Orders Local Law 2008* does not prevent Council from subsequently amending or refining a previously adopted decision where this is done in accordance with the prescribed process.

Clause 7.14 of the Standing Orders expressly provides that a Council decision may be revisited by way of a motion to revoke or change a decision, and Part 15 sets out the mechanism for doing so. In this instance, advice has since been received from the Department of Local Government, Industry Regulation and Safety recommending clarification to the Terms of Reference to reinforce the advisory nature of the Committee and mitigate compliance risks under sections 2.7 and 5.41 of the *Local Government Act 1995*.

The Terms of Reference for the Infrastructure & Works Committee was adopted by Council on 2 April 2026 (**Attachment 2**). It clearly states that no changes can be made to it without Council approval.

At the Infrastructure & Works Committee meeting held on 7 May 2026 the Committee made recommendations IAWCC002/05/26 and IAWCC003/05/26, carried unanimously.

This report is for the purpose of asking Council to endorse their recommendations.

COMMENTS AND DETAILS

At the Infrastructure & Works Committee meeting held on 7 May 2026, the Committee noted departmental advice and made further adjustments to the Terms of Reference (**Attachment 3**).

These adjustments have been incorporated into the track changed document provided at **Attachment 4** which the Committee is recommending that Council adopt, as presented.

Please note that the Committee Recommendation has been tweaked: only for the purpose of replacing the words "Attachment 3" with the words "Attachment 4" to properly reflect the attachment numbering of this Council Report.

At the same meeting, the Committee recommended that Council adopts meeting dates for the 2026 calendar year.

IMPLICATIONS TO CONSIDER

Consultative:

Advice was sought from the Department of Local Government, Industry Regulation and Safety (DLGIRS) to ensure statutory compliance and good governance practice.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

Policy related:

Risk Management Policy.

Governance Framework

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Infrastructure & Works Committee Terms of Reference (adopted 2 April 2026)

Local Government (Administration) Regulations 1996

Risk related:

The risk level is considered low if Council choose not to support the Committee recommendations but could become moderate due to the compliance risk that the Department alluded to in their governance advice.

Workforce related:

Officers will implement Council's decision.

VOTING REQUIREMENTS

Simple Majority

IAWCC RECOMMENDATION NO.IAWCC001/05/26

That Council:

1. Notes that the Department of Local Government, Industry Regulation and Safety advice that the current terms of reference refers to its purpose and scope so that it does not direct Shire operations or Staff; and;
2. Adopts the revised Infrastructure & Works Committee Terms of Reference, as presented in revised **Attachment 4**.

IAWCC RECOMMENDATION NO.IAWCC003/05/26

That Council adopts the following Infrastructure & Works Committee meeting dates for the 2026 calendar year:

- (a) Thursday, 11 June 2026 at 3.00 pm – *incl. Committee member induction*
- (b) Thursday, 13 August 2026 at 5.30 pm
- (c) Thursday, 8 October 2026 at 5.30 pm

10.6.2 Notice of Motion – Governance Integrity and Compliance with Statutory Role Boundaries

Date of Report:	22 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2
Author:	A Hart – Temporary Chief Executive Officer
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Notice of Motion provided by Chairperson. ↔

PURPOSE OF THE REPORT

To receive the Notice of Motion (**Attachment 1**) from the Audit, Risk and Improvement Committee (ARIC) Presiding Member and consider the recommendation made by ARIC at their meeting held on 14 May 2026.

BACKGROUND

At the Audit, Risk and Improvement Committee meeting held on 14 May 2026, the Committee made a recommendation, carried unanimously: ARIC Recommendation No.ARC026/05/26.

COMMENTS AND DETAILS-OFFICER COMMENTS

Under section 5.41(3) of the *Local Government Act 1995*, the Chief Executive Officer is Council's principal adviser. Officers are responsible for providing Council with the information and advice necessary to support informed and lawful decision-making.

This includes advice on:

- governance and statutory roles;
- legislative compliance; and
- operational and implementation considerations.

Committee Recommendations to Council

Under the *Shire of Toodyay Standing Orders Local Law 2008*, a committee may make recommendations to Council following consideration of a matter at a properly convened committee meeting.

For a matter to constitute an ARIC recommendation, it must:

- be considered at an ARIC meeting;
- be formally moved and seconded by committee members; and

- be carried by resolution and recorded in the Committee's minutes.

Individual committee members, including the Presiding Member, may raise matters or submit correspondence; however, such matters do not constitute a committee recommendation unless and until they are resolved by the Committee at a formal meeting.

Accordingly, matters raised outside a meeting are treated as correspondence or requests for consideration, not as ARIC motions or recommendations.

Presentation of Committee Recommendations to Council

Where ARIC has resolved a recommendation, that recommendation is reported to Council through an officer report.

This approach ensures that:

- ARIC's recommendation is presented to Council in full; and
- Council also receives the necessary advice on governance, legislative, financial and operational implications, as required under section 5.41(3) of the Act.

Providing officer advice alongside an ARIC recommendation does not alter ARIC's independence. Rather, it supports Council's role as the decision-making body by ensuring decisions are informed, lawful and implementable.

IMPLICATIONS TO CONSIDER

Consultative:

N/A

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Nil

Legal and Statutory:

Local Government Act 1995

Risk related:

A key governance risk associated with this matter is the potential misapplication or misunderstanding of statutory roles under sections 2.7 and 5.41 of the *Local Government Act 1995*.

Section 2.7 establishes Council as the governing body responsible for decision-making, including determining policy and providing strategic direction, while section 5.41 defines the Chief Executive Officer's executive role, including providing advice and ensuring Council has the information required to make informed decisions. These roles are intended to be distinct and complementary.

If Council does not resolve to endorse the ARIC recommendation, the risks are primarily:

- potential perception of diminished recognition of ARIC’s advisory role;
- reduced effectiveness of the Committee if its views are not supported; and
- relationship tension between ARIC, Administration and Council.

These risks are operational and relational in nature, and do not create legal non-compliance.

If Council resolves to endorse the ARIC recommendation as presented, the risks are more substantive and include:

- blurring of the statutory separation of roles, particularly where directives may constrain the CEO’s ability to provide full and frank advice to Council;
- precedent risk, whereby future officer reports may be limited in presenting options, analysis or recommendations;
- decision-making risk, as Council may not receive complete information necessary to meet its obligation under section 2.7(4) to make decisions on the basis of evidence, merits and law; and
- accountability ambiguity, where responsibility for advice and outcomes becomes unclear.

This risk is mitigated by maintaining:

- clear recognition that ARIC provides advice and recommendations;
- the CEO’s statutory obligation to provide comprehensive and informed advice; and
- Council’s role as the ultimate decision-making authority.

Workforce related:

Nil

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO. ARC026/05/26

That Council:

1. *Notes with concern that the officer report titled “Audit, Risk & Improvement Committee: Meeting Frequency Review and Annual Work Plan Requirements” presented under Agenda Item 10.4.2 at the Ordinary Council Meeting at 7 May 2026 contains statements and recommendations inconsistent with the statutory roles established under sections 2.7 and 5.41(3) of the Local Government Act 1995 and Regulation 16 of the Local Government (Audit) Regulations 1996.*
2. *Notes that the report:*
 - i. *presented an Administration-authored option as “preferred and recommended” while implicitly characterising ARIC’s formal recommendation (ARC016/03/26) as “not recommended”;*
 - ii. *sought to substitute an Administration-prepared Annual Work Plan for the Annual Work Plan prepared by ARIC under clause 2.5 of the ARIC Charter;*

- iii. *misrepresented ARIC’s statutory oversight functions contrary to Regulation 16; and*
 - iv. *advocated for a governance outcome rather than providing neutral advice as required under section 5.41(3).*
3. *Affirms that:*
- i. *ARIC is an independent oversight committee established under sections 7.1A–7.1C of the Act;*
 - ii. *ARIC recommendations must be presented to Council first, in full, and without modification or competing officer “options”;*
 - iii. *officer reports must provide neutral advice, not advocacy, preference language, or ranking of governance options; and*
 - iv. *the Administration must not substitute its own work plan for the work plan prepared by ARIC under clause 2.5 of the ARIC Charter.*
4. *Direct the CEO to ensure that future reports presenting ARIC recommendations:*
- i. *present ARIC’s recommendation as the primary governance input;*
 - ii. *provide officer advice separately and neutrally;*
 - iii. *do not compete with, override, or diminish ARIC’s statutory functions; and*
 - iv. *comply with the statutory separation of roles under sections 2.7 and 5.41(3).*
5. *Requests that the CEO review internal report-writing protocols to ensure compliance with the above requirements and provide ARIC with a written summary of corrective measures at its next meetings.*

10.6.3 Audit, Risk and Improvement Committee: Motion: Dates of ARIC Meetings - Conflicting with LEMC

Date of Report:	20 May 2026
Applicant or Proponent:	Audit, Risk and Improvement Committee Chairperson
File Reference:	COC2-05
Author:	A Hart – Temporary Chief Executive Officer
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	Council Resolution No. OCM081/05/26
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider a motion raised by the Audit, Risk and Improvement Committee for Council consideration (ARIC027/05/26).

BACKGROUND

At the Audit, Risk and Improvement Committee Meeting held on 14 May 2026 the Committee made a recommendation, carried unanimously - ARIC Recommendation No.ARIC027/05/26.

COMMENTS AND DETAILS – ADDITIONAL INFORMATION

Under Part 15 of the *Shire of Toodyay Standing Orders Local Law 2008*, a decision is considered to be implemented where action has been taken to give effect to the decision, including the communication of notice of the decision to persons affected by it (clause 15.3).

In this instance, while internal administrative steps have been undertaken, the absence of public notification means that full implementation of the Council resolution has not yet occurred. Accordingly, Council is not precluded from considering a motion to **change the decision** under clause 15.2, provided the matter is dealt with formally by Council.

The Audit, Risk and Improvement Committee has subsequently recommended minor adjustments to three meeting dates to avoid conflicts with existing LEMC bookings for the Council Chambers. The proposed changes involve bringing each of the identified meetings forward by one day and are intended to support efficient scheduling and allow the meetings to be held in Council Chambers.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:***Shire of Toodyay Council Plan 2023-2033******Outcome 9. Responsible and effective leadership and governance.***

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Standing Orders Local Law 2008

Risk related:

The risks are **low**, the proposed changes are minor, do not affect statutory decision-making, and do not expose the Shire to reputational risk, financial or legal liability.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO.ARIC027/05/26

That Council:

1. Notes that three ARIC meeting dates currently coincide with existing LEMC bookings for the Council Chambers at the same time.
2. Approves the following adjusted ARIC meeting dates:
 - 11 June 2026 to 10 June 2026
 - 10 September 2026 to 9 September 2026
 - 10 December 2026 to 9 December 2026
3. Requests that the CEO update the published meeting schedule accordingly.

10.6.4 Notice of Motion - Recording of Audit, Risk and Improvement Committee Meetings and Procedural Transparency

Date of Report:	22 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2
Author:	A Hart – Temporary Chief Executive Officer
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	1. Notice of Motion provided by Chairperson. ↔

PURPOSE OF THE REPORT

To receive the Notice of Motion (**Attachment 1**) from the Audit, Risk and Improvement Committee (ARIC) Presiding Member and consider the recommendations made by the Committee at their 14 May 2026 meeting.

BACKGROUND

At the ARIC meeting held on 14 May 2026 the Committee made two recommendations, carried unanimously: ARIC Recommendation No.ARIC025/05/26.

COMMENTS AND DETAILS-ADDITIONAL OFFICER COMMENTS

The matters raised by ARIC relate to the governance, transparency and compliance associated with the recording of Audit, Risk and Improvement Committee (ARIC) meetings. These matters have been considered and are addressed below.

Recording Commencement and Use

Audio and video recording of ARIC meetings commenced in December 2025.

Recordings have been used as an administrative aid to support accurate minute-taking, rather than as an official record of proceedings. Confirmed minutes remain the formally adopted and authoritative record of ARIC meetings.

Technical Parameters of Recording

The technical parameters of ARIC meeting recordings are as follows:

- Recording commences when the Presiding Member formally declares the meeting open and ceases upon declaration of closure.
- Recording captures microphone audio only and does not include ambient room audio.
- The recording system in use does not provide automatic audible or visual alerts to the meeting. Accordingly, officers are required to advise the Presiding Member when recording commences and concludes.

Legislative and Policy Framework

The Shire's current Live Streaming and Recording of Council Meetings Policy applies to formal Council meetings only.

There is currently no legislative requirement for local governments to livestream or record committee meetings. External guidance confirms that:

- regulatory requirements relating to livestreaming and recording apply to Council meetings only, not committees; and
- local governments may choose to record committee meetings as a matter of practice.

However, legislative changes effective 1 January 2026 introduced requirements under regulation 14I of the *Local Government (Administration) Regulations 1996* relating to the recording of closed Council proceedings.

While these provisions:

- require the recording and retention of closed Council sessions, and
- enable access by the Local Government Inspector where requested,

they do not extend to committee meetings, including ARIC.

Recordkeeping and Compliance

Where recordings are created, they are treated as official records and are:

- retained and managed in accordance with the **State Records Act 2000** and the Shire's recordkeeping framework;
- stored securely; and
- not considered the formal decision-making record.

Access to ARIC recordings is restricted to authorised officers, currently limited to three personnel, and is granted:

- under the direction of the CEO; and
- for legitimate administrative purposes, including verification of meeting content during preparation and confirmation of minutes.

It is noted that the ARIC meeting held on 14 May 2026 was not recorded, reflecting the absence of a formalised, consistent recording protocol.

Governance Controls and Continuous Improvement

Internal administrative procedures exist to guide officers in relation to:

- the creation, storage, access and use of recordings; and
- appropriate handling of information derived from recordings.

However, the matters raised by ARIC appropriately identify an opportunity to:

- formalise these practices;
- strengthen documentation of controls; and
- improve transparency and consistency in recording procedures.

These procedures will be reviewed and refined to ensure alignment with:

- clause 5.16 of the Standing Orders Local Law;
- recordkeeping obligations; and

- contemporary governance expectations.

Procedural Announcements

Clause 5.16 of the Standing Orders Local Law requires that, where recording is authorised, attendees are advised prior to recording commencing.

The current ARIC agenda template includes a “**Declaration of Opening**” section.

Within this framework, and in collaboration with officers, the Presiding Member is permitted to make an appropriate procedural announcement advising attendees that recording is occurring. Formalising this as a consistent practice will be considered as part of administrative improvements.

Roles and Responsibilities

The matters raised by ARIC are recognised as appropriate governance enquiries.

Consistent with the *Local Government Act 1995*:

- ARIC’s role is to seek assurance, raise governance concerns, and make recommendations to Council;
- the CEO is responsible for determining and implementing administrative processes and controls, including those relating to recording practices.

This separation ensures that:

- governance oversight is maintained; and
- operational accountability remains clear.

Conclusion

The recording of ARIC meetings has been undertaken for administrative purposes and has supported the accuracy of the official record.

The matters raised highlight a clear opportunity to strengthen governance documentation, improve consistency in practice, and enhance transparency.

These improvements will be progressed through administrative review and continuous improvement processes.

IMPLICATIONS TO CONSIDER

Consultative:

LG Hotline advice provided on 22 May 2026 stated as follows:

In reference to the below guidelines:

<https://www.dlgsc.wa.gov.au/department/publications/publication/livestreaming-and-recording-of-council-meetings#3>

“While section 5.23A of the Act provides regulation-making powers to deal with the broadcasting and recording of committee meetings, the requirements set out in the regulations apply only to council meetings – ordinary council meetings and special council meetings.

There is no legislative requirement under the regulations to livestream or record committee meetings. However, local governments may choose to do so.”

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995

Standing Orders Local Law 2008 – Clause 5.16

Clause 5.16 of the Standing Orders Local Law provides that:

- *a person must not record the proceedings of a committee meeting unless authorised by Council or the relevant committee, through the Presiding Member or the Chief Executive Officer; and*
- *where such permission is given, the Presiding Member or Chief Executive Officer must advise the meeting, immediately before recording commences, of the nature and extent of that permission.*

This clause applies to both Council and committee meetings and is the controlling instrument governing authorisation and disclosure of recordings.

Regulation 14I(1) of the Local Government (Administration) Regulations 1996

All local governments are required to make recordings of confidential proceedings as per regulation 14I(1) of the Local Government (Administration) Regulations 1996.

As per regulation 14I(10), recordings of closed proceedings are not to be provided to the public, though the following note is provided that provides clarification:

“This subregulation does not affect a local government’s duty to make a recording under subregulation (1)(a) of any closed proceedings of its council, to retain the recording under subregulation (1)(c) and to provide a copy of the recording to the Inspector under subregulation (1)(d) if requested under subregulation (11)(a).”

Risk related:

Unclear or inconsistent recording practices may give rise to governance, transparency and compliance risks if not properly managed. These risks are mitigated through adherence to clause 5.16 of the Standing Orders Local Law, appropriate disclosure where recordings occur, sound records management practices in accordance with the *State Records Act 2000*, and confirmation that approved minutes remain the official and authoritative record.

If Council does not endorse the ARIC recommendations, the primary risks relate to perceived gaps in transparency, reduced confidence in governance controls, and diminished responsiveness to ARIC’s oversight role.

If Council endorses the ARIC recommendations in full, there is a governance risk of blurring statutory roles between ARIC and the Administration, particularly where operational processes (such as recording practices, reporting mechanisms, and agenda structure) are directed by Committee resolution. This may create uncertainty regarding the CEO’s responsibility under section 5.41 of the *Local Government Act 1995* to determine administrative systems and provide advice.

This risk is mitigated by maintaining clear separation between ARIC's advisory function and the CEO's responsibility for implementation and operational control.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO. ARIC025/05/26 1

That the Audit, Risk and Improvement Committee resolves to request that the CEO:

1. *Confirm the date from which ARIC meetings have been audio recorded.*
2. *Confirm the technical parameters of ARIC meeting recordings, including:*
 - i. *the point at which recording commences and ceases;*
 - ii. *whether the recording captures only microphone audio or also ambient room audio; and*
 - iii. *whether an audible or visible alert can be activated when recording begins and ends.*
3. *Provide the policy, procedure, or governance framework governing the creation, storage, access and use of ARIC meeting recordings.*
4. *Identify who has access to ARIC meeting recordings and the conditions under which access is granted.*
5. *Confirm whether ARIC meeting recordings are being retained and managed in accordance with the State Records Act 2000.*
6. *Provide ARIC with a written report outlining governance controls for the creation, storage, access, and use of ARIC meeting recordings, and any measures required to strengthen transparency, compliance, and adherence to clause 5.16 of the Standing Orders Local Law.*
7. *Include in the ARIC agenda, immediately following the Record of Attendance and Apologies, a standing procedural item titled "Procedural Announcements", requiring the Presiding Member to advise attendees that the meeting is being audio recorded.*
8. *Ensure that the actions and information required under Items 1-7 are completed and provided to ARIC at its next meeting.*
9. *Provide, under the Committee Reports section of the next Ordinary Council Meeting Agenda and accompanying ARIC's Recommendation to Council, a full and unaltered copy of this Motion on Notice to ensure Council is fully informed of the matters raised by ARIC.*

ARIC RECOMMENDATION NO.ARC027/05/26

That Council:

1. *Note the matters raised by the Audit, Risk and Improvement Committee regarding the recording of ARIC meetings and support the establishment or updating of governance controls to ensure the transparent and compliant creation, use, disclosure and retention of ARIC meeting recordings.*

10.6.5 Notice of Motion - Audit, Risk and Improvement Committee Charter – Clarification of Council Amendment Authority

Date of Report:	20 May 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC2
Author:	A Hart – Temporary Chief Executive Officer
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	February 2026 Council Meeting – Charter amendment Council Resolution No. OCM013/02/26
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Notice of Motion provided by Chairperson. ⇨ 2. Charter for ARIC adopted by Council on 5 February 2026; ⇨ 3. ARIC Charter Changes - contained in February 2026 Council Report and resolution. ⇨ 4. Implementation Guide for Audit, Risk and Improvement Committees. ⇨

PURPOSE OF THE REPORT

To receive and consider the Notice of Motion (**Attachment 1**) from the Audit, Risk and Improvement Committee (ARIC) Presiding Member and recommendations made by the Committee at their meeting held on 14 May 2026.

BACKGROUND

At the Audit, Risk and Improvement Committee’s meeting held on 14 May 2026 the Committee made a recommendation, carried unanimously: ARIC Recommendation No.ARIC024/05/26.

COMMENTS AND DETAILS – ADDITIONAL INFORMATION

At its Ordinary Council Meeting held on 5 February 2026, Council resolved to adopt amendments to a suite of governance documents, including the Audit, Risk and Improvement Committee Charter, in response to legislative reforms that commenced on 1 January 2026.

Council Resolution No. OCM013/02/26 was **validly made by Council** and has taken effect. Under the *Standing Orders Local Law 2008*, a Council decision remains operative unless and until it is revoked or changed in accordance with Part 15 – Revoking or Changing Decisions.

Authority to Amend the Charter

The Audit, Risk and Improvement Committee Charter is a Council-adopted governance instrument. While clause 12 of the Charter sets out a review process involving the Committee, that clause does not remove or constrain Council's authority to amend its own governance instruments where required to ensure legislative compliance.

Clarification of the Review Process

The ARIC recommendation has highlighted the potential for ambiguity in clause 12 of the Charter, particularly where legislative change requires timely amendment by Council.

IMPLICATIONS TO CONSIDER**Consultative:**

Nil.

Strategic:***Shire of Toodyay Council Plan 2023-2033*****Outcome 9. Responsible and effective leadership and governance.**

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Not considered.

Legal and Statutory:

Local Government Act 1995 and Local Government (Audit) Regulations 1996.

Risk related:

A key governance risk associated with this matter is the potential challenge to the validity of an existing Council resolution and the resulting implications for governance certainty and compliance.

If Council does not endorse the ARIC recommendation, risks are primarily relational and include:

- perceived lack of recognition of ARIC's advisory views;
- reduced confidence in governance processes; and
- ongoing tension between ARIC and the Administration.

These risks are operational and reputational in nature and do not affect the validity of the existing Council decision.

If Council endorses the ARIC recommendation, more significant risks arise, including:

- governance uncertainty, where a prior valid Council resolution is retrospectively declared invalid;

- legal and procedural risk, including inconsistency with Standing Orders requirements for revoking or changing decisions;
- precedent risk, where adopted governance instruments may be subject to challenge outside formal revocation processes; and
- statutory role confusion, particularly where Council may be seen to delegate determination of governance validity to a committee rather than exercising its own role under section 2.7 of the *Local Government Act 1995*.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO. ARIC024/05/26 1

That Council:

1. *Acknowledges that the Audit, Risk and Improvement Committee Charter adopted on 5 February 2026 was amended without following the mandatory review process set out in Clauses 12.1, 12.2 and 12.3 of the Charter.*
2. *Determines that the amendments adopted on 5 February 2026 are procedurally defective and therefore not validly adopted and accordingly have no operative effect.*
3. *Confirms that the previously adopted Charter (pre-5 February 2026 version) remains the effective Charter, as it is the most recent version validly adopted in accordance with Clauses 12.1-12.3.*
4. *Returns the Charter to the Audit, Risk and Improvement Committee for review in accordance with Clause 12.1, with appropriate input from Committee Members and Shire Officers.*
5. *Requests that the CEO ensure the Charter review process required under Clauses 12.1 and 12.2 is completed and that a revised Charter, incorporating ARIC's recommendations, is presented to Council for formal approval under Clause 12.3.*
6. *Directs the CEO that no further amendments to the ARIC Charter be presented to Council unless the mandatory process in Clauses 12.1–12.3 has been followed.*

10.6.6 Notice of Motion - Audit, Risk and Improvement Committee (ARIC) Correspondence – Accuracy of Committee Recommendation Presented to Council and Governance Controls

Date of Report:	22 May 2026
Applicant or Proponent:	Mrs Natalie Mills, ARIC Chairperson
File Reference:	COC2
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 1. Notice of Motion provided by Chairperson. ⇒ 2. Extract of ARIC Minutes - Special ARIC Meeting 17 March 2026. ⇒ 3. Governance and Compliance Risk Register worksheet (confidential) Section 5.23(2) (3) (a) <i>matter required to be confidential under a written law, excluding this act and local laws; (under separate cover)</i>

PURPOSE OF THE REPORT

To receive the Notice of Motion (**Attachment 1**) together with an extract of ARIC Minutes from 17 March 2026 ARIC Meeting (**Attachment 2**) and consider recommendations made by the Committee at their May 2026 meeting.

BACKGROUND

At the Audit, Risk and Improvement Committee meeting held on 14 May 2026 the Committee made the following recommendations (carried unanimously); ARIC Recommendation No.ARIC023/05/26 and ARIC Recommendation No.ARIC024/05/26.

COMMENTS AND DETAILS – OFFICER COMMENTS

The correspondence attached raises matters that are appropriately addressed through a collaborative governance response involving ARIC, the Administration and Council.

The correspondence requests:

- a correction/retraction of the public record to reflect ARIC's adopted recommendation;
- advice to Councillors confirming the correct ARIC recommendation;
- assurance that future officer reports reproduce committee recommendations accurately;

- an internal review of the governance processes that allowed the substitution/alteration to occur (root cause, failed controls, prevention measures);
- an assessment of whether the matter meets criteria for the Compliance Breach Register, with reporting back to ARIC.

Current position:

1. **Correction of record:** The May 2026 report was prepared to ensure the ARIC recommendation was accurately represented for Council consideration.

Further correction of the April public record can be achieved by a formal notation/addendum in the minutes of the 2 April 2026 Ordinary Council Meeting as supported by the ARIC recommendation when Council confirm the minutes for the April 2026 Council Meeting.

An example of the amendment that may be made to correct the public record of the Ordinary Council Meeting of 2 April 2026 as follows:

That the minutes of the Ordinary Council Meeting held on 2 April 2026 be confirmed, subject to the inclusion of an addendum noting that the Audit, Risk and Improvement Committee's adopted recommendation differed from the officer recommendation presented to Council, as recorded in ARIC Recommendation No ARC009/03/26 (subsequently numbered ARC016/03/26).

In essence, the review by the Chief Executive Officer commenced the moment the correspondence came in to the Shire from the Audit, Risk and Improvement Committee after the April 2026 Council Meeting.

The matter has been assessed as being more appropriately treated as a governance process/control issue (and therefore a risk / improvement action) rather than an apparent statutory compliance breach.

The risk relating to the potential misrepresentation, amendment, or incorrect presentation of Audit, Risk and Improvement Committee (ARIC) recommendations to Council is already captured and managed under Risk ID GC11 of the Shire's risk register (**Attachment 3**).

GC11 addresses the governance risk associated with reports progressing from ARIC to Council without clear, accurate, or formalised ARIC advice, which may result in Council decision-making occurring without the intended oversight and assurance function of the Committee. This includes risks arising from the way recommendations are framed, labelled, or conveyed by officers in Council agenda reports.

Accordingly, no separate risk entry has been created, as the matter is considered a subset of the existing GC11 risk and is being managed through strengthened reporting protocols, clearer distinction between ARIC recommendations and officer advice, and governance checks prior to reports being submitted to Council.

The background of this report states the recommendations made by the ARIC at their 14 May 2026 Committee meeting as they are recorded in the minutes, without amendment or alteration.

2. **Governance review:** internal governance processes are under review as a continuous improvement measure, focusing on controls around: verification against minutes, escalation points, and CEO sign-off checks for committee-attributed recommendations. This review is intended as a continuous improvement and

learning exercise, consistent with ARIC's role in promoting good governance and a culture of improvement and will be undertaken collaboratively with relevant officers.

IMPLICATIONS TO CONSIDER

Consultative:

LG Hotline advice (dated 21/05/2026) which stated:

"The exact requirement of Officer's Reports is not legislated though recommendations are provided through Departmental Guidelines and a local governments Standing Orders.

The below guidelines refer to the preparation of reports as well as elected members motions and business of an urgent nature where an officer's report may not be available.

<https://www.dlgsc.wa.gov.au/department/publications/publication/a-guide-to-the-preparation-of-agendas-and-minutes#2.2.7>"

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear and accountable leadership

Policy related:

Risk Management Policy

Financial:

Not considered.

Legal and Statutory:

Local Government Act 1995

Risk related:

The risk with proceeding as proposed is that Council may be seen to publicly endorse an allegation of governance failure before due process has been completed. This creates exposure in terms of procedural fairness to staff, integrity of the public record, and reputational risk to the Shire. Best practice would be for Council to note ARIC's concerns and allow the CEO to make improvements to the Shire's governance processes.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO ARIC023/05/26

That the Audit, Risk and Improvement Committee resolves to:

1. *Receive and note the correspondence exchanged between the Presiding Member, the Acting CEO, and Shire officers dated 2–8 April 2026 regarding the alteration and substitution of ARIC’s adopted recommendation in the Officer’s Report for Item 10.4.6 presented to Council on 2 April 2026.*
2. *Note with concern that the Officers Report did not reproduce ARIC Resolution ARC009/03/26 (the Committee’s adopted recommendation to Council, subsequently numbered ARC016/03/26) verbatim, and instead presented an alternative recommendation, resulting in incorrect information being placed on the public record.*
3. *Request that the CEO ensure the following actions are undertaken:*
 - i. *correction and formal retraction of the public record to accurately reflect ARIC Recommendation ARC009/03/26 (subsequently numbered ARC016/03/26), recorded by way of an addendum or notation to the minutes of the 2 April 2026 Ordinary Council Meeting;*
 - ii. *written notification to Councillors advising them of the correction; and*
 - iii. *assurance that all future Officer’s Reports referencing ARIC recommendations reproduce the Committee’s adopted recommendations accurately and verbatim.*
4. *Request that the CEO undertake an internal review of the governance processes that allowed the alteration or substitution of a committee recommendation, including the role of the Governance Officer in preparing the report, and provide ARIC, at its next meeting, with a written report outlining:*
 - i. *the root cause of the alteration;*
 - ii. *the controls that failed; and*
 - iii. *the measures to be implemented to prevent recurrence.*
5. *Request that the CEO assess whether the alteration and substitution of ARIC’s adopted recommendation in the Officer’s Report for Item 10.4.6 meets the criteria for entry into the Shire’s Compliance Breach Register, and provide a report back to ARIC, at its next meeting, outlining the outcome of the assessment and any resulting actions.*
6. *Request that the CEO include, under the Committee Reports section of the next Ordinary Council Meeting Agenda and accompanying ARIC’s Recommendation to Council, a full and unaltered copy of this Motion on Notice, including all attachments, to ensure Council is fully informed of the matters raised by ARIC.*

ARIC RECOMMENDATION NO.ARIC024/05/26

That Council:

1. *Note the matters raised by the Audit, Risk and Improvement Committee regarding the alteration of ARIC's adopted recommendation in the Officer's Report for Item 10.4.6 presented to the Ordinary Council Meeting of 2 April 2026, and support the implementation or strengthening of governance controls to ensure the accurate, transparent, and unaltered presentation of committee recommendations in all future Officer Reports.*

10.6.7 Audit, Risk and Improvement Committee: Motion: Debt Write Off - Australian Taxation Office

Date of Report:	20 May 2026
Applicant or Proponent:	Audit, Risk and Improvement Committee Chairperson
File Reference:	COC2-05
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider a motion raised by the Audit, Risk and Improvement Committee for Council consideration (ARIC028/05/26).

BACKGROUND

At the Audit, Risk and Improvement Committee Meeting held 14 May 2026 the Committee made a recommendation, carried unanimously - ARIC Recommendation No.ARIC028/05/26.

COMMENTS AND DETAILS

The following recommendations made by the Committee, carried unanimously, are provided as a reference for Councillors:

ARC026/12/25 of 4 December 2025

ARIC RECOMMENDATION/ARC RESOLUTION NO.ARC001/12/25
 That the Audit, Risk and Improvement Committee recommends to Council the following:
 That the CEO undertakes further detailed investigation and seeks external advice on this issue and provides a detailed report back to the ARIC meeting of 12 February 2026.

OCM241/12/25 of 18 December 2025

AUDIT, RISK AND IMPROVEMENT COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION NO. OCM002/12/25
 That the CEO undertakes further detailed investigation and seeks external advice on this issue and provides a detailed report back to the ARIC meeting of 12 February 2026.

IMPLICATIONS TO CONSIDER**Consultative:**

Chief Executive Officer and the Audit, Risk and Improvement Committee.

Strategic:

Not applicable.

Policy related:

Not applicable.

Financial:

Not applicable.

Legal and Statutory:

Not applicable.

Risk related:

Nil.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO.ARIC028/05/26

That Council:

1. Notes that the Audit, Risk and Improvement Committee's resolution ARC026/12/25 of 4 December 2025, relating to Item "Debt Write-off –Australian Taxation Office", and the Council resolution OCM241/12/25 of 18 December 2025, required a detailed report to be provided to ARIC by 12 February 2026, which has not occurred.
2. Directs the CEO to provide the outstanding report, together with all incoming and outgoing documentation, including all external-advice correspondence and all ATO communications, to the next ARIC meeting.

10.6.8 Audit, Risk and Improvement Committee: Motion: Timely Provision of ARIC Agenda Items and Attachments
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Date of Report:	22 May 2026
Applicant or Proponent:	Audit, Risk and Improvement Committee Chairperson
File Reference:	COC2-05
Author:	A Hart – Chief Executive Officer
Responsible Officer:	A Hart – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider a motion raised by the Audit, Risk and Improvement Committee for Council consideration (ARIC030/05/26).

BACKGROUND

At the Audit, Risk and Improvement Committee Meeting held 14 May 2026 the Committee made a recommendation, carried unanimously, regarding Timely Provision of ARIC Agenda Items and Attachments ARIC Recommendation No.ARIC030/05/26.

COMMENTS AND DETAILS

No comments.

IMPLICATIONS TO CONSIDER**Consultative:**

Chief Executive Officer and Audit, Risk and Improvement Committee.

Strategic:

Not applicable.

Policy related:

Not applicable.

Financial:

Not applicable.

Legal and Statutory:

Local Government (Administration) Regulations 1996

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —
 - (a) are to be tabled at the meeting; or
 - (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public and published on the local government’s official website from the time the notice papers, agenda or documents were made available to the members of the council or committee.

- (2) Subregulation (1) does not apply if, in the CEO’s opinion, that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2), (3) or (4).

Risk related:

Nil.

Workforce related:

Not applicable.

VOTING REQUIREMENTS

Simple Majority

ARIC RECOMMENDATION NO.ARIC030/05/26

That Council

- 1. Direct the CEO to provide the ARIC agenda and all associated attachments no later than 10 calendar days prior to each scheduled ARIC meeting, to ensure members have adequate time to review materials and discharge their oversight responsibilities.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion: Designation of Toodyay Recreation Centre Playing Field as an Off-Leash Dog Exercise Area

Date of Report:	22 May 2026
Applicant or Proponent:	Cr Van der Heyden
File Reference:	MTG7
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart –Temporary Chief Executive Officer
Previously Before Council:	N/A
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	1. Example of Dog Exercise Area Signage (Image) ⇄

PURPOSE OF THE REPORT

To consider a Notice of Motion submitted by Cr Van der Heyden proposing that the Toodyay Recreation Centre Playing field be designated as an off-leash dog exercise area, subject to priority use for organised sport and events.

BACKGROUND

Cr Van der Heyden’s Rationale provided with his notice of motion is as follows:

Underutilization of Existing Assets The Toodyay Recreation Centre playing field is currently an underutilized community asset. By repurposing its use to include an off-leash dog exercise area, we can significantly increase the daily foot traffic and general usage of the facility by local residents.

Existing Infrastructure The Shire is in a fortunate position where much of the necessary infrastructure to support this initiative is already in place. The playing field currently benefits from appropriate fencing, dog water fountains, and dog waste bag dispensers. This means the transition to a formal off-leash area will require minimal financial outlay from the Shire.

Promoting Community Health and Connectivity Toodyay has a strong, active community of dog owners. Providing a safe, designated, and well-equipped environment for dog exercise promotes responsible pet ownership, encourages physical activity among residents, and creates a valuable social hub for our community.

Public Amenities To properly support the anticipated increase in community use at the Rec Centre, it is vital that basic amenities are accessible. Investigating the opening of at least one public toilet during normal operating hours will ensure the area is welcoming, comfortable, and family-friendly for extended visits.

OFFICER COMMENTS AND DETAILS

The Notice of Motion proposes the designation of the Toodyay Recreation Centre Playing field as an off-leash dog exercise area, with the following key principles:

- organised sport, training, events, and maintenance activities take priority over dog exercise use;
- appropriate signage be installed to clearly communicate conditions of use;
- the designation utilise existing infrastructure, minimising cost;
- monitoring of use and complaints occur during an initial implementation period.

From a governance perspective:

- The designation of a dog exercise area is within Council's authority and can be made by resolution.
- No amendment to the Dogs Local Law is required to implement the proposal.
- Operational matters such as signage, monitoring, compliance, and amenity maintenance are appropriately managed administratively by the Chief Executive Officer under existing delegations.
- The inclusion of toilet access is an operational and budget consideration and is appropriately framed as an investigation rather than a direction.

The motion is therefore procedurally sound and appropriately scoped.

The Notice of Motion is clear in intent, appropriately scoped and capable of implementation without amendment to the Dogs Local Law. It balances community use with priority for organised sport and allows operational details to be managed administratively.

Council has recently considered the proposed Dog Local Law 2026, including submissions relating to access to dog exercise areas and community use of public open space.

The Notice of Motion arises from community observations that:

- there are limited designated off-leash dog exercise areas within the Shire;
- informal off-leash use is occurring in less suitable or environmentally sensitive locations;
- the Toodyay Recreation Centre Playing field is an existing Shire-owned asset with fencing and supporting infrastructure that may be suitable for shared use.

The Dog Local Law framework allows Council to designate dog exercise areas by resolution and does not require amendment of the local law to do so.

IMPLICATIONS TO CONSIDER

Consultative:

The proposal responds to community feedback regarding dog exercise opportunities and may reduce informal off-leash activity in unsuitable areas.

Strategic:

Supports community wellbeing, activation of public space and shared use of existing infrastructure.

Policy related:

Consistent with the Dogs Local Law framework and Council's role in managing public open space.

Financial:

Potential minor costs associated with signage and maintenance. Any additional costs (e.g. toilet operations) would be subject to further assessment. There is no money in the budget for these costs.

General Function:

Use and management of Shire-owned land.

Legal and Statutory:

Local Government Act 1995

The designation may be made by Council resolution. No statutory amendment is required.

Risk related:

Risks associated with shared use can be mitigated through clear signage, priority rules and monitoring.

Workforce related:

Implementation managed within existing operational responsibilities.

VOTING REQUIREMENTS

Simple Majority

NOTICE OF MOTION (CR VAN DER HEYDEN) 1

That Council:

1. Resolves to designate the Toodyay Recreation Centre Playing field as an off-leash dog exercise area, with priority use at all times given to organised sport, training, events and maintenance activities;
2. Authorises the Chief Executive Officer to implement this designation through appropriate signage, communication to the community, and associated administrative actions; and
3. Directs the Chief Executive Officer to investigate the feasibility, operational requirements and associated costs of opening and maintaining at least one public toilet facility at the Toodyay Recreation Centre during normal operating/daylight hours and report back to Council if required.

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

13 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

14.1 MEMBERS

Nil.

14.2 EMPLOYEES

Nil.

15 CONFIDENTIAL BUSINESS**RECOMMENDATION**

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

15.1 Follow Up Report - 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;

16 NEXT MEETINGS

Meeting	Date	Time
Ordinary Council Meeting	2 July 2026	5.30pm
Agenda Briefing	25 June 2026	5.30pm
Audit & Risk Committee Meeting	11 June 2026	10.30am
Bushfire Advisory Committee Meeting	11 June 2026	5.30pm
Infrastructure & Works Committee Meeting	11 June 2026	5.30pm
Local Emergency Management Committee Meeting	11 June 2026	10.30am

17 CLOSURE OF MEETING