



# Ordinary Council Meeting

2 July 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

TEMPORARY 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.

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

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**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****2.3.1 Cr Dival**

Cr Dival has requested to be granted Approved Leave of Absence from 30 July 2026 to 4 September 2026 inclusive.

**OFFICER'S RECOMMENDATION**

That the Application for Leave of Absence by Cr Dival from 30 July 2026 to 4 September 2026 inclusive be granted.

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

Nil.

**4.1 PUBLIC QUESTION TIME****5 APPLICATIONS FOR LEAVE OF ABSENCE****6 CONFIRMATION OF MINUTES****6.1 Ordinary Meeting of Council held on 4 June 2026****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 4 June 2026 be confirmed.

**6.2 Special Meeting of Council held on 18 June 2026****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 18 June 2026 be confirmed.

**6.3 Special Meeting of Council held on 25 June 2026****OFFICER'S RECOMMENDATION**

That the Unconfirmed Minutes of the Special Council Meeting held on 25 June 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 Proposed Patio at 58 Fitzgerald Terrace, West Toodyay.

Date of Report:	15 June 2026
Applicant or Proponent:	Russel Lawrence – Fabcon Maintenance
File Reference:	A3725/7FIT
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"> <li>1. Site Plan <a href="#">⇒</a></li> <li>2. Drawings of the Patio <a href="#">⇒</a></li> </ol>

PURPOSE OF THE REPORT

To consider approval of a proposed patio at 58 Fitzgerald Terrace, West Toodyay by varying the minimum setback requirements for land zoned Rural Residential, pursuant to Clause 32, *Table 6* of the Shire of Toodyay Local Planning Scheme No. 5.

BACKGROUND

An application has been received for the construction of a patio – attached to the existing dwelling at 58 Fitzgerald Terrace, West Toodyay. The subject site is zoned Rural Residential under the Shire of Toodyay Local Planning Scheme No. 5 and has a land area of 20.1ha.

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. (**Attachment 1**)

Zone	Minimum Boundary Setback distances as per Scheme		
	Street	Rear	Sides
Rural Residential Zone	30m	30m	30m
	Proposed Boundary Setback distances		
	Street	Rear	Sides
	60m	>30m	12m(West) >30m(East)

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

With this proposal, the proposed setback variations to the western boundary constitutes a concession exceeding 50% of the minimum requirements prescribed under the Scheme. Therefore, the reduced setback proposed must be determined by Council.

**COMMENTS AND DETAILS**



Site Visit

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

Site Location

The subject land is zoned Rural Residential under the Shire of Toodyay Local Planning Scheme No. 5 and is situated along Fitzgerald Terrace, West Toodyay. The lot is developed with an existing single dwelling and outbuilding.

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

The proposed patio is to be constructed as a direct extension of the existing dwelling and will form an integral part of the established residential structure. As such, it will sit within the immediate curtilage of the house and will not present as a separate or visually intrusive element within the streetscape or surrounding area.

The patio has overall dimensions of approximately 18.345 metres in length, 2.960 metres in width and 2.4m in height. Its design, scale, and materials will be consistent with the character and appearance of the existing dwelling. **(Attachment 2)**

**IMPLICATIONS TO CONSIDER**

Reason for Setback Concession

The setback concession is required due to the physical and spatial constraints of the existing dwelling and site conditions. The internal layout of the house is configured such that the western side provides direct access points and alignment for a patio extension, whereas other sides do not offer equivalent connectivity without alteration to the existing structure.

The sloping conditions on the eastern side would necessitate additional structural measures and ground modification to accommodate a patio, whereas the western side allows for construction on existing natural ground levels.

**Consultative:**

The application is located within a rural residential zone. Under the provisions of the local planning scheme No. 5 there is no requirement to consider overlooking to neighbouring properties. Overlooking can only be considered when there is an application determined under the Residential Design Codes of WA. As such, no neighbour consultation is required for overlooking.

However, the applicant has sought approval from the one immediate neighbour regarding the reduced boundary setback, and they have provided an email response stating that there is no objection to the proposal.

**Strategic:**

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

*Outcome 5.1 - Provide responsible planning and development.*

**Policy related:**

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

**General Function:**

*Planning and Development Act 2005*

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

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

*Shire of Toodyay Local Planning Scheme No. 5*

**Risk related:**

There is minimal risk to Council in exercising its discretion in this regard, as the proposal is an open structure and would form part of the established dwelling. The variation of 3.0m outside of what is permitted under delegation is not substantial and won't represent bulk and scale when viewed from a neighbouring property.

**Workforce related:**

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

**Conclusion**

The proposed patio at 58 Fitzgerald Terrace, West Toodyay has been assessed against the relevant provisions of the Shire of Toodyay Local Planning Scheme No. 5. Although the development does not meet the required minimum side boundary setback to the western boundary, the variation is considered minor given the site constraints and the small variation, the configuration of the existing dwelling, and practical construction considerations.

The patio is intended as an extension of the existing dwelling and will remain visually unobtrusive within the surrounding landscape. Overall, the proposal represents a modest departure from the scheme requirements and demonstrates adequate planning justification to support approval of the requested setback variation.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council approves the application for the proposed patio at 58 Fitzgerald Terrace, West Toodyay, by granting a deviation to the minimum setback requirements to permit a setback of 12 metres to the western boundary.

### 10.1.2 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:	4 June 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	<ol style="list-style-type: none"> <li>1. Site Plan <a href="#">⇒</a></li> <li>2. Outbuilding Drawings and Photographs <a href="#">⇒</a></li> <li>3. Cover Letter <a href="#">⇒</a></li> <li>4. Submission Table from Consultation <a href="#">⇒</a></li> </ol>

#### 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.

At the OCM 4 June 2026 Council deferred this item to enable Councillors the opportunity to undertake a site visit, so that an informed decision can be made. That opportunity occurred on 18 June, and a number of Councillors attended on the day.

## COMMENTS AND DETAILS

### Site Visit

Multiple site visits have been undertaken by officers 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*. Four notification letters were issued via email and post, to surrounding landowners. All the referral contacts have made a response, with Three objecting and one supportive. These shown in **(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.

The Shire is required under Clause 75 of the Deemed Provisions (Planning and development (Local Planning Schemes *Schedule 2* Part 9) to produce a timely approval for development. This item previously before Council 4 June 2026, was deferred. In doing so

an additional 14 days was added to the approval process to permit this item to meet the Clause 75 statutory requirements. Failure of Council to resolve this matter at this meeting will result in a refusal. As such that refusal may result in a reviewable determination in accordance with Part 14 of the Planning and Development Act 2005.

**Workforce related:**

Nil

**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.

**Minutes 4 June 2026**

Council resolved OCM 105/06/26 to:

**ALTERNATE MOTION/COUNCIL RESOLUTION NO. OCM105/06/26**

**MOVED** Cr J Prater

**SECONDED** Cr S Van der Heyden

That Council:

1. Defers the matter, pending a site visit to be arranged with Councillors, within the next two weeks, to the property, after which the matter is to be brought back to Council for consideration; and
2. agree to stop the clock for the process of determination for two weeks within the 90 day approval period.

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

Voted Against: Cr R Mills

**MOTION CARRIED 5/1**

This resolution was to effect additional time for Councillors to conduct a personal Site visit to either;

- Support the officer’s recommendation to refuse, OR
- To raise an alternative recommendation to support the proposal.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council

1. Notes the submissions and responses to submissions received for development application at 10 Sesselis Road, Toodyay – retrospective development approval for outbuildings
2. Refuses the application for development approval for development already carried out of outbuildings at 10 Sesselis, Toodyay pursuant to clause 67 (1)(a) of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, due to the following reasons.
  - a. The development does not complement the existing streetscape with outbuildings in front of any future dwelling and is not compliant with the prescribed setback for the zone creating a misalignment with the streetscape. Further, it is made of materials not replicated along the street, thus changing the character of the road.
  - b. The proposed alternative location is not compliant with the setback - as per Local Planning Scheme No 5 – Clause 32 (1 and 2) (Table 6) of the Shire scheme provisions.
  - c. There are valid planning objections raised by neighbours that constitute grounds for the denial of the setback concession proposed.
3. In accordance with the Planning and Development Act 2005 requests the CEO to initiate actions to under section 214 (3) of the Act, issue a written direction to the owner within 7 days of this decision, requiring the owner to, in accordance with section 214 (3)(b) of the Act, to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the Shire of Toodyay, completion of which shall be within 90 days of the date of the notice.

## 10.2 FINANCE AND CORPORATE SERVICES

## 10.2.1 List of Payments - May 2026

Date of Report:	4 June 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	U Prill – Accounts Payable 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:	Legislative
Attachments:	1. List of payments - council report - May 2026 <a href="#">⇨</a>

**PURPOSE OF THE REPORT**

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

<b>Description</b>	<b>Amount \$</b>
Municipal Cheques	\$400.00
Electronic Funds Transfer Payments	\$562,649.77
Payroll	\$245,331.39
Credit Cards	\$5,599.60
Other (Including Direct Debits)	\$149,733.81
<b>Total</b>	<b>\$963,714.57</b>

**10.2.2 Monthly Financial Statements - April 2026**

Date of Report:	16 June 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 - May 2026 <a href="#">⇒</a>

**PURPOSE OF THE REPORT**

To present to Council the Monthly Financial Statements for May 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 May 2026 (**Attachment 1**).

### 10.2.3 Review of Elected Member Annual Attendance Fees and Allowances contained within the Local Government Payments and Gifts to Members Policy

Date of Report:	15 June 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2/MAN2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	5 February 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>2026 SAT Determination; <a href="#">↗</a></li> <li>Current Council Policy. <a href="#">↗</a></li> <li>DRAFT REVISED Local Government Payments and Gifts to Members Policy - including track changes. <a href="#">↗</a></li> </ol>

#### PURPOSE OF THE REPORT

To review the current Council Policy titled “Local Government Payments and Gifts to Members”.

#### BACKGROUND

The Salaries and Allowances Tribunal (SAT) sets minimum and maximum ranges for fees and allowances under the *Salaries and Allowances Act 1975* (Refer to **Attachment 1**).

Local governments must set payments within these ranges.

- Clause 6.4 deals with “Meeting attendance fees for independent committee members – per meeting”.
- Clause 6.5 deals with Meeting attendance fees for Independent Audit, Risk and Improvement Committee members – per meeting.

#### COMMENTS AND DETAILS

The current policy was last adopted by Council on 5 February 2026 (**Attachment 2**).

The policy has been reviewed following an Agenda Forum held on 25 June 2026 (**Attachment 3**).

This would align payments with the upper limit permitted by SAT and represent the highest remuneration available within the legislative framework.

The change to policy is considered necessary due to the increased workload of elected members related to factors such as:

- Legislative reform (Local Government Act 1995 and the Privacy and Responsible Information Sharing Act 2024);
- Community expectations of elected members being visible in the community; and
- increasing governance requirements of elected members.

The revised policy has also captured independent committee member payments to the newly established Infrastructure and Works Committee.

**IMPLICATIONS TO CONSIDER**

**Consultative:**

Agenda Forum 25 June 2026 with Councillors.

**Strategic:**

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

Outcome 9. Responsible and effective leadership and governance.

**Policy related:**

Local Government Payments and Gifts to Members Policy

**Financial:**

Nil. Any changes to the policy will be reflected in the Annual Budget.

**Legal and Statutory:**

*Local Government Act 1995*

**Risk related:**

The decision to amend the policy is considered a low to moderate risk. This report mitigates the risk.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER’S RECOMMENDATION**

That Council:

1. Adopts the Local Government Payments and Gifts to Members Policy (**Attachment 3**); and
2. Authorises the CEO to make any typographical amendments to the policy before publication.

## 10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

## 10.3.1 Toodyay Agricultural Society Sponsorship Agreement

Date of Report:	28 May 2026
Applicant or Proponent:	Shire of Toodyay and Toodyay Agricultural Society
File Reference:	LEG149-04
Author:	A Hart – Temporary Chief Executive Officer
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	7 May 2026 Council Meeting
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Previous Sponsorship Agreement; <a href="#">↔</a>

**PURPOSE OF THE REPORT**

To consider an extension to the previous sponsorship agreement between the Shire of Toodyay and Toodyay Agricultural Society Inc for delivery of the Toodyay Agricultural Show (**Attachment 1**).

**BACKGROUND**

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

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

**COMMENTS AND DETAILS**

Consultation with Councillors in respect to the current agreement occurred on 25 June 2026.

The previous agreement (**Attachment 1**) was for a term of five years (October 2021 to October 2025).

It is recommended that Council consider an extension of their previous agreement for one year (12 months), commencing from 3 July 2026 to 6 July 2027.

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

Nil.

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

Outcome 9 – Responsible and Effective Leadership and Governance.

**Policy related:**

Nil.

**Financial:**

The Agreement provides for sponsorship funding of a value to be determined by Council.

**Legal and Statutory:**

*Local Government Act 1995.*

**Risk related:**

Approving the extension of the agreement is a low risk.

**Workforce related:**

No direct workforce implications.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION 1**

That Council approves the extension of the previous agreement (**Attachment 1**) between the Shire of Toodyay and Toodyay Agricultural Society Inc for delivery of the Toodyay Agricultural Show for one year (12 months), commencing from 3 July 2026 to 6 July 2027.

**10.3.2 Toodyay Events Planning Inc Sponsorship Agreement**

Date of Report:	28 May 2026
Applicant or Proponent:	Toodyay Events Planning Inc.
File Reference:	LEG268-04
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:	<ol style="list-style-type: none"> <li>Acquittal for 2026 Event. (confidential)  <i>Section 5.23(2)</i>                      (3) (a) <i>matter required to be confidential under a written law, excluding this act and local laws;</i>                      (3) (b) <i>matter that prohibits or restricts the making public of information. (under separate cover)</i></li> </ol>

**PURPOSE OF THE REPORT**

To consider funding approval of a \$15,000 payment to Toodyay Events Planning Inc for the 2026 Moondyne Festival.

**BACKGROUND**

The Moondyne Festival is a long-established annual event held in the Toodyay townsite, celebrating local heritage and attracting significant visitation to the Shire. The Festival has been delivered since 1984 and is widely recognised for its contribution to community participation, cultural identity and tourism outcomes.

Financial support for the Moondyne Festival has been budgeted by Council through the adoption of the Annual Budget that includes the Community Funding Program.

The Festival is recognised as a major cultural and tourism event attracting approximately 6,000 attendees, contributing to economic activation and community engagement within Toodyay.

**COMMENTS AND DETAILS**

An acquittal report (**Attachment 2**) has been submitted by Toodyay Events Planning Inc. in accordance with the Shire’s requirements.

The report confirms that the 2026 Moondyne Festival was delivered and that funding was applied toward the event’s delivery. The acquittal also demonstrates that the event achieved its intended community and tourism outcomes and has been reviewed by officers in line with standard processes.

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

Toodyay Events Planning Inc and Shire of Toodyay.

**Strategic:**

The Moondyne Festival contributes to the Shire's strategic objectives relating to community wellbeing, cultural heritage, tourism and economic development. Formalising the sponsorship arrangement supports sustainable delivery of the Event.

The proposal aligns with the Shire's Council Plan 2023-2033, particularly the People and Prosperity pillars, which support community development through festivals and events, promote arts and cultural activities, and contribute to economic development and tourism outcomes. The Plan also recognises Council's role in facilitating community initiatives through funding and partnerships.

**Policy related:**

Nil.

**Financial:**

**\$15,000** has been included within the approved 2025/2026 budget for the Moondyne Festival.

**Legal and Statutory:**

*Local Government Act 1995*

**Risk related:**

Nil.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION**

That Council approves the payment of \$15,000 to Toodyay Events Planning Inc. as the Shire's contribution towards the 2026 Moondyne Festival.

## 10.4 EXECUTIVE SERVICES

## 10.4.1 Stage One: Making the Fencing Local Law 2026 - Initiation of Local Law process

Date of Report:	1 April 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/49-07
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	Nov 2023 – Local Law Review
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Current Fencing Local Law; <a href="#">⇨</a></li> <li>2. Amended Fencing Local Law 2026 (Track changes included); and <a href="#">⇨</a></li> <li>3. Advert - Fencing Local Law; and <a href="#">⇨</a></li> <li>4. Amended Fencing Local Law 2026 (track changes accepted). <a href="#">⇨</a></li> </ol>

## PURPOSE OF THE REPORT

To seek Council approval to commence the statutory process under Section 3.12 of the *Local Government Act 1995* to make the amended Shire of Toodyay *Fencing Local Law 2026*, which will repeal and replace the *Shire of Toodyay Local Laws Relating to Fencing (1999)* (refer to **Attachment 1 and 2**) and then be advertised for public comment.

## BACKGROUND

Local laws may only be made where authorised by the *Local Government Act 1995* or another written law and must not be inconsistent with State or Commonwealth legislation.

The Shire's current fencing local law was made in **1999** and relies on:

- repealed planning legislation (*Town Planning and Development Act 1928*),
- outdated terminology and definitions, and
- enforcement and approval mechanisms that no longer reflect contemporary legislative drafting standards.

At the November 2023 Ordinary Council Meeting, Council resolved, pursuant to section 3.16(4) of the *Local Government Act 1995*, to review and amend the fencing local law.

Since that time, officers have undertaken a comprehensive redraft of the local law to ensure it is legally robust, operationally clear, consistent with current legislation, and fit for purpose for the Shire's contemporary rural, residential and townsite context.

## COMMENTS AND DETAILS

The proposed *Shire of Toodyay Fencing Local Law 2026* modernises and restructures the 1999 local law while retaining Toodyay-specific rural fencing outcomes where they remain appropriate. The key changes and reasons are outlined below.

- The proposed Shire of Toodyay Fencing Local Law 2026 updates and restructures the existing Fencing Local Law 1999. The revised local law retains provisions that reflect Toodyay's rural context where they remain appropriate, while introducing a more contemporary and coherent regulatory framework.
- The 2026 local law includes a comprehensive and updated definitions section that aligns with relevant legislation, including the Dividing Fences Act 1961, Local Government Act 1995, and Planning and Development Act 2005.
- References to repealed planning legislation and outdated terminology have been removed.
- New and clarified definitions include terms such as "sufficient fence", "front setback area", "razor wire fence", "development approval", and distinctions between rural and special rural land.
- A new Part 6 – Approvals has been introduced to provide a structured framework for the assessment and determination of applications. This Part sets out when approval is required, application requirements, matters to be considered in determining applications, and the ability to impose conditions, including provisions relating to the duration, transfer and cancellation of approvals. This replaces the fragmented consent provisions contained in the 1999 local law.
- Schedules prescribing sufficient fences have been substantially revised. These updates reflect contemporary construction materials, current engineering and wind loading considerations, and modern safety and amenity expectations. The schedules provide clearer distinctions between residential, commercial/industrial, rural and special rural fencing, and include requirements for structural engineer certification where applicable.

The proposed local law also strengthens and clarifies provisions relating to fencing within front setback areas, gate operation, and the use of materials that may present safety risks, including barbed wire, electrified and razor wire fencing. Provisions relating to entry powers and notices of breach have been updated to align with the requirements of the *Local Government Act 1995*.

Penalty and enforcement provisions have been modernised through the inclusion of a Schedule of Modified Penalties, with offences clearly linked to operational clauses. The associated forms and enforcement processes align with sections 9.16 to 9.20 of the *Local Government Act 1995*. Standardised approval templates have also been included for specific fencing types, such as electrified and razor wire fencing.

The draft Shire of Toodyay Fencing Local Law 2026 is complete and ready to be presented for public comment in accordance with section 3.12 of the *Local Government Act 1995*.

Section 3.12(2) of the *Local Government Act 1995* requires the person presiding at the meeting to give notice of the purpose and effect of the proposed local law.

The Officer Recommendation is drafted to satisfy this requirement if read aloud at the meeting.

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

Section 3.12 (2) states:

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

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

## IMPLICATIONS TO CONSIDER

### Consultative:

WALGA (model local law comparison)

Planning Services (alignment with Local Planning Scheme)

### Strategic:

#### Shire of Toodyay Council Plan 2023-2033

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

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

Outcome 9. Responsible and effective leadership and governance.

### Policy related:

Nil.

### Financial:

Nil.

### Legal and Statutory:

Section 3.12 of the *Local Government Act 1995*

Establishes mandatory procedures for making local laws, including:

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

### Risk related:

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

Council in respect to the review of the local law within the applicable 15-year period (in 2025 it was 8 years) the local law is repealed at the end of that period.

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

If Council chooses to delay the making of this amended local law there would be moderate reputational and compliance risks.

This report mitigates the risk.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION**

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

**Purpose:** To prescribe minimum standards for sufficient fences and to regulate the construction, maintenance and materials of fences within the district so as to ensure safety, amenity and consistency with applicable legislation.

**Effect:** To establish—

- (a) requirements for the construction and maintenance of dividing and boundary fences;
- (b) circumstances in which approval is required for certain types of fencing;
- (c) standards for fencing materials, including electrified and razor wire fencing; and
- (d) obligations of owners and occupiers in relation to fences.

### 10.4.2 Stage One: Shire of Toodyay Health Local Law 2026 - Initiation of Local Law Process

Date of Report:	1 April 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	LAW1
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:	Legislative
Attachments:	<ol style="list-style-type: none"> <li>1. Current Local Law; <a href="#">⇒</a></li> <li>2. DRAFT Health Local Law 2026 (track changes included); <a href="#">⇒</a></li> <li>3. Advert for Health Local Law 2026. <a href="#">⇒</a></li> </ol>

#### PURPOSE OF THE REPORT

To seek Council approval to commence the statutory process under Section 3.12 of the *Local Government Act 1995* to make the *Shire of Toodyay Health Local Law 2026* (**Attachment 2**) so that it can be advertised for public comment.

#### BACKGROUND

The Shire's current *Health Local Law 2017* is outdated and partially inconsistent with the *Public Health Act 2016*, which has modernised Western Australia's public health regulatory environment. It is based heavily on the former State model health local laws and the *Health (Miscellaneous Provisions) Act 1911*, with detailed prescriptive provisions dealing with sanitation, housing, pest control, infectious diseases, lodging houses, piggeries, morgues and offensive trades.

Since 2017, the *Public Health Act 2016* has progressively commenced, shifting Western Australia's public health framework to a risk-based model and reducing reliance on local health nuisance provisions. Contemporary practice is for local health local laws to be:

- More outcomes-based;
- Narrower in scope; and
- Clearly made and enforced under the *Local Government Act 1995*, in conjunction with the *Public Health Act 2016*, rather than re-stating State public health powers.

To respond to this changed legislative environment, the draft *Health Local Law 2026* has been developed as a modern, streamlined health local law that repeals and replaces the 2017 local law.

While the review of the current local law was due in 2025, it was not initiated because the findings of the 2023 review for other local laws remained outstanding.

### COMMENTS AND DETAILS

The current Health Local Law 2017 is based on provisions derived from the former *Health (Miscellaneous Provisions) Act 1911*, which has largely been replaced by the *Public Health Act 2016*. As a result, significant elements of the existing local law are outdated, overly prescriptive and do not reflect the contemporary public health framework operating in Western Australia.

The 2017 local law contains extensive technical requirements relating to matters such as sanitation, pest control, lodging houses and waste management. Many of these provisions have been repealed, superseded or are now regulated under State legislation. The level of detail and prescriptive nature of the current law limits flexibility and can present challenges in practical enforcement.

The proposed Health Local Law 2026 introduces a revised regulatory framework that is aligned with the *Public Health Act 2016*. It adopts a more contemporary, risk-based approach to public health regulation, with a focus on outcomes rather than detailed technical prescription.

The structure of the proposed local law has been significantly streamlined. The existing multiple Parts and Schedules have been replaced with a more concise format addressing key public health areas, including:

- sanitation and waste management;
- housing and lodging houses;
- public buildings and events;
- vectors and pests;
- animals and offensive trades;
- infectious diseases; and
- enforcement provisions.

The proposed local law is expressly made under the *Local Government Act 1995* and is intended to operate in conjunction with the *Public Health Act 2016*. It does not duplicate State powers or restate provisions that are the responsibility of the Chief Health Officer. This approach ensures consistency with the current legislative framework and reduces the risk of regulatory overlap.

Key regulatory areas, including accommodation standards, public facilities, waste management and environmental health risks, are retained; however, they are expressed as practical obligations relating to cleanliness, safety, sanitation and nuisance prevention. This replaces the detailed technical standards contained in the 2017 local law.

Overall, the proposed Health Local Law 2026 provides a clearer and more contemporary framework for managing public health within the Shire. It supports a more practical approach to compliance and enforcement while maintaining appropriate safeguards for community health and safety.

Section 3.12(2) of the *Local Government Act 1995* requires the person presiding at the meeting to give notice of the purpose and effect of the proposed local law.

The Officer Recommendation is drafted to satisfy this requirement if read aloud at the meeting.

**It is recommended that Council resolve its intent to adopt the Health Local Law 2026.**

**Section 3.12 (2) states:**

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

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

## **IMPLICATIONS TO CONSIDER**

### **Consultative:**

Environmental Health Officer and Executive Manager Planning and Regulatory Services.

### **Strategic:**

Supports the Shire's Community Strategic Plan goals regarding public health, safe housing, environmental protection, and community wellbeing.

### **Policy related:**

Operational environmental health procedures may require updating following adoption.

### **Financial:**

Nil.

### **Legal and Statutory:**

**Local Government Act 1995** – Section 3.5 provides the head of power for making local laws considered necessary for the good government of the district. The local law-making procedure in section 3.12 applies.

**Public Health Act 2016** – Establishes the risk-based public health framework, including definitions of "public health risk" and "nuisance", and powers of the Chief Health Officer and authorised officers.

**Health (Miscellaneous Provisions) Act 1911** – Now significantly superseded, but still relevant in limited areas (for example, on-site wastewater).

**Local Government (Functions and General) Regulations 1996** – Part 2, including forms and constraints for infringement and modified penalties.

The draft 2026 local law expressly acknowledges that it is made under the *Local Government Act 1995* and is to be read in conjunction with the *Public Health Act 2016* and related regulations.

### **Risk related:**

**Legislative risk:** The 2017 local law contains provisions that overlap or potentially conflict with the *Public Health Act 2016* regime (especially in infectious diseases, nuisance, and

public health orders). The 2026 law mitigates this risk by deferring to the PHA and focusing on local enforcement roles.

**Operational risk:** The previous prescriptive provisions are difficult to administer consistently; the new law combines clear obligations with flexible notice powers.

**Community health risk:** The new law maintains and, in some areas, strengthens the Shire's ability to respond to public health risks, including housing conditions, vector control, events and waste management.

This report mitigates the risk.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION**

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

**Purpose:** to protect, promote and improve public and environmental health within the district by regulating public health risks and nuisances, sanitation and housing standards, lodging houses and short-term accommodation, public buildings and events, animals, vectors and pests, offensive trades and associated activities.

**Effect:** that people living in, working in or visiting the district must comply with requirements designed to prevent or minimise public health risks, and the local government is empowered to administer, enforce and give effect to those requirements through notices, directions, and penalties where necessary.

### 10.4.3 Stage One: Making the Local Government Property Local Law 2026 - Initiation of Local Law Process

Date of Report:	17 June 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/49-04 (D26/2234)
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	02/04/2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Current Local Law; and <a href="#">↔</a></li> <li>2. Schedule of Submissions; <a href="#">↔</a></li> <li>3. Local Government Property Local Law (track changed). <a href="#">↔</a></li> </ol>

#### PURPOSE OF THE REPORT

To consider the submissions received during the public advertising period for the proposed *Local Government Property Local Law 2026 (Attachment 1)* pursuant to section 3.12(4) of the *Local Government Act 1995*; and to seek Council approval to recommence the statutory process under section 3.12(3) of the *Local Government Act 1995* to make the amended *Shire of Toodyay Local Government Property Local Law 2026 (Attachment 2)* so that it can be advertised for public comment.

#### BACKGROUND

The current local law is attached (**Attachment 1**).

Council previously resolved to advertise the proposed *Local Government Property Local Law 2026* in accordance with section 3.12 of the *Local Government Act 1995*, and submissions were invited.

During the advertising period, submissions were received (**Attachment 2**). These submissions have been reviewed and are included for Council's information.

#### COMMENTS AND DETAILS

It has been identified that the PDF version of the proposed local law made available:

- To the Council at their 2 April 2026 Council Meeting; and
- To the public for the purpose of public advertising;

did not consistently reflect the **complete and correct WORD version of the draft local law**. This is the first time a formatting issue of this nature has occurred.

Specifically the original draft (Word version) contained complete and correctly structured provisions however, during conversion to PDF, portions of text were omitted, truncated or incorrectly displayed. This resulted in clauses appearing incomplete; subclauses not being visible; apparent duplication of lettering; and a number of provisions appearing unclear or defective.

Notably, this issue is not confined to a single clause, but occurs across multiple parts of the local law, including Part 2 and Part 10.

Advice was sought from the Department of Local Government, Industry Regulation and Safety (DLGIRS), who have indicated that:

- a correct draft local law must be available for public inspection during the submission period;
- if the draft available to the public omits relevant provisions, this is considered a significant omission; and
- in such circumstances, the prudent course of action is to re-advertise the local law and undertake a further submission period.

In order to ensure transparency in the consultation process and compliance with statutory requirements it is necessary to re-advertise the *Local Government Property Local Law 2026* (**Attachment 2**) in its correct and complete form.

The redrafted Local Law is ready for advertising and public submissions as it is the most appropriate and prudent course of action is to recommence the statutory process under section 3.12 of the *Local Government Act 1995* and re-advertise the proposed *Local Government Property Local Law 2026* in its complete and correct form.

**It is recommended that Council resolve its intent to adopt the *Local Government Property Local Law 2026*.**

**Section 3.12 (2) states:**

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

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

## IMPLICATIONS TO CONSIDER

### **Consultative:**

Department of Local Government, Industry Regulation and Safety advised the following:

### **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:**

Nil.

**Financial:**

Nil.

**Legal and Statutory:**

Section 3.12 of the *Local Government Act 1995*

**Risk related:**

The key risks associated with proceeding to make the local law without re-advertising include:

- **Statutory compliance risk** – the requirement under section 3.12 that the draft local law be available for public inspection may not have been fully satisfied;
- **Procedural fairness risk** – members of the public were not provided with the complete draft local law during the consultation period;
- **Disallowance risk** – the Joint Standing Committee on Delegated Legislation may determine that the local law was not properly advertised and consider disallowance;
- **Reputational risk** – perception that the consultation process was incomplete or unclear; and
- **Operational delay risk** – if the local law is challenged or disallowed, this would result in greater delay than undertaking re-advertising now.

Re-advertising the corrected draft local law removes uncertainty regarding compliance with section 3.12 and ensures alignment between the advertised and final versions.

This report demonstrates a transparent and accountable governance approach and mitigates the risk of disallowance or post-gazettal challenge.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION**

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

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

**Effect:** is that persons using local government property within the Shire of Toodyay must do so in accordance with the provisions of the local law, any determinations made under it, and any conditions imposed by the local government, so that the

property is used consistently with the good governance of the district, the safety and amenity of the community, and other applicable written laws.

#### 10.4.4 Stage Three: Proposed Parking and Parking Facilities Local Law 2026 – Consideration of Submissions and Adoption

Date of Report:	15 June 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	F26/49-06 (D26/6220)
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"> <li>Schedule of Submissions; <a href="#">↔</a></li> <li>Parking and Parking Facilities Local Law (track changed). <a href="#">↔</a></li> </ol>

#### PURPOSE OF THE REPORT

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

- considers the submissions made that were received during the public consultation period for the proposed *Parking and Parking Facilities Local Law 2026* ; and
- 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);
- Resolves, pursuant to section 3.12 of the *Local Government Act 1995*, to make the *Parking and Parking Facilities Local Law 2026* as attached (**Attachment 2**); and
- 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 *Parking and Parking Facilities 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 *Parking and Parking Facilities Local Law 2026*.

The proposed local law:

- modernises the Shire's parking and stopping regulatory framework;
- aligns with the *Road Traffic Code 2000* and contemporary enforcement practice;
- supports safe, orderly and accessible use of roads, verges and parking facilities; and
- provides flexibility through signage-based controls, exemptions and Council determinations rather than prescriptive rules.

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

### COMMENTS AND DETAILS

Two submissions were received during the advertising period for the proposed Parking and Parking Facilities Local Law 2026 (**Attachment 1**).

Council is requested to consider submissions received during the public advertising period, 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 enforceability, without altering the intent, scope or operation of the local law.

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

### Overview

Concerns were raised regarding the interpretation of specific clauses, including:

- operation of emergency vehicle exemptions;
- application of restrictions in loading zones, mail zones and special-use bays; and
- perceived limitations on operational vehicles such as emergency services and postal services.

These matters have been reviewed and are addressed within the structure of the local law.

In particular:

- Clause 7.5 provides broad exemptions for emergency and special purpose vehicles acting in the course of their duties, ensuring emergency services are not restricted in operational situations;
- restrictions relating to loading zones, mail zones and other designated bays are intentionally aligned with the *Road Traffic Code 2000* and are supported by signage-based enforcement; and
- the local law operates in conjunction with administrative practices, signage and operational discretion to ensure practical application.

No amendment to the local law is required in response to the submission.

There were perceived inconsistencies identified between clause headings and operative provisions, most notably in relation to references to “fire stations”.

In response, the relevant clause was amended to remove references not supported by the operative provisions. This ensures clarity, avoids duplication with the *Road Traffic Code 2000*, and maintains a clear distinction between enforceable provisions and general headings.

This amendment is minor and does not alter the intent or operation of the local law.

Concerns were raised by one submitter regarding the potential introduction of paid parking within the Shire and its impact on tourism and local access.

The *Parking and Parking Facilities Local Law 2026* is an enabling regulatory framework and does not mandate paid parking or introduce fees.

Any future consideration of paid parking; permit systems; or time-restricted parking schemes would require separate Council decisions and, where appropriate, further community consultation.

Accordingly, no amendment to the local law is required in response to this submission.

### **Summary**

The two submissions have been carefully considered.

No submissions identified a defect requiring a substantive change to the policy framework, intent or operation of the local law.

The *Parking and Parking Facilities Local Law 2026*, as amended, is considered legally sound, proportionate and suitable for Council to resolve to make.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative:**

Public advertising (Stage Two of the Local Law Process) was undertaken in accordance with statutory requirements. There were two submissions made, the first from a Morangup Resident and the second, from a Toodyay Resident.

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

Caravan Park and Camping Grounds Policy

#### **Financial:**

Nil.

#### **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 correct drafting errors; resolve inconsistencies; and improve clarity and enforceability without altering intent, scope or operation.

Such amendments are not considered “significantly different” and do not require re-advertising.

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:**

Nil.

## **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 *Parking and Parking Facilities 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 *Parking and Parking Facilities 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 *Parking and Parking Facilities Local Law 2026* that was advertised); and
4. **Makes** the *Parking and Parking Facilities 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 *Parking and Parking Facilities 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*.

### 10.4.5 DRAFT Information and Communication Technology (ICT) Strategic Plan 2026–2031

Date of Report:	2 June 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	MAN2
Author:	A Hart – Temporary Chief Executive Officer
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	27 September 2023 OCM 220/09/23.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. DRAFT ICT Strategy; and ⇨</li> <li>2. Risk Register Matrix - Cybersecurity Risks. (confidential) Section 5.23(2) (3) (a) <i>matter required to be confidential under a written law, excluding this act and local laws;</i> (4) (e) <i>information the making public of which would be likely to endanger the security (including cyber security) of any of the local government's property or operations; (under separate cover)</i></li> </ol>

#### PURPOSE OF THE REPORT

To receive the DRAFT Information and Communication Technology (ICT) Strategic Plan 2026–2031, developed to reduce the organisational risk of:

- Underinvestment in ICT infrastructure;
- Cybersecurity vulnerabilities;
- Loss of data or service disruptions; and
- Lack of strategic direction.

#### BACKGROUND

The Shire has prepared the DRAFT Information & Communication Technology (ICT) Strategic Plan 2026–2031, which forms part of the Shire's Integrated Planning and Reporting Framework. The DRAFT Plan outlines the strategic direction for ICT infrastructure, systems, governance, cybersecurity, continuity, and operational planning over the next five years.

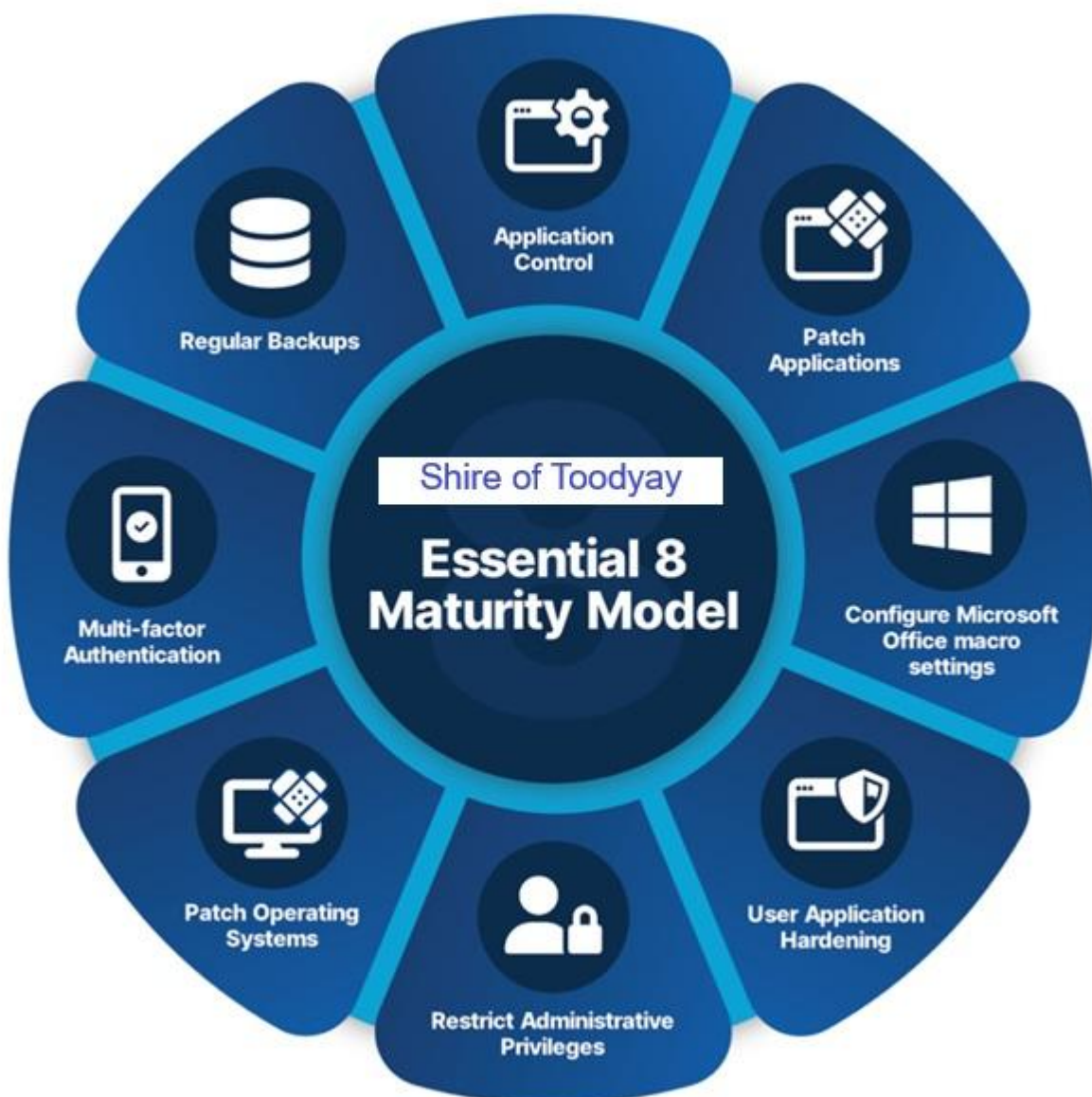
The DRAFT document contains sections covering:

- ICT governance and planning;
- Current business systems and infrastructure;

- Data and systems security;
- Disaster recovery and business continuity;
- ICT asset management;
- A staged action plan across governance, security, applications, infrastructure, project management, and emerging technologies.

An outline of some risks is included in the Risk Management section of the DRAFT Plan, outlining key ICT risks such as cyber-attacks, hardware issues, underinvestment, and compliance concerns however, the Shire’s Risk Register provides comprehensive detail on Cybersecurity risks and mitigation for such risks (**Attachment 2**).

The Office of the Auditor General (OAG) published report 9: 2023-24 6 December 2023 for Implementation of the Essential Eight Cyber Security Controls which include:



## COMMENTS AND DETAILS

The DRAFT Plan provides a comprehensive overview of the Shire's ICT environment, including operational requirements and strategic priorities.

### Risk Content

The DRAFT Plan includes a risk assessment covering the following categories:

- Financial;
- Health & Safety;
- Reputation;
- Service Interruption (including cyber-attack and loss of internet);
- Compliance;
- Property; and
- Environmental impacts of ICT infrastructure.

These risks are supported by mitigation actions such as improved planning, system upgrades, stronger authentication, asset management, and stakeholder engagement.

The DRAFT ICT Strategic Plan:

- Supports organisational resilience and business continuity
- Establishes strategic direction for ICT governance and security
- Identifies key risk areas and mitigation measures
- Connects to legislative and audit requirements such as cybersecurity, record-keeping, and disaster recovery obligations

The DRAFT ICT Strategic Plan 2026–2031 provides a structured approach to improving ICT governance, infrastructure, systems security, and asset management. It aligns with the IPR Framework and supports organisational resilience.

## IMPLICATIONS TO CONSIDER

### Consultative:

Nil.

### Strategic:

#### **Shire of Toodyay Council Plan 2023-2033**

Outcome 9. Responsible and effective leadership and governance.

### Policy related:

Risk Management Framework

### Financial:

Implementation of the DRAFT Plan includes a five-year operational budget and hardware lifecycle replacement schedule.

Future budgets will incorporate ICT renewals, security improvements, and system upgrades consistent with the strategy.

**Legal and Statutory:**

The DRAFT ICT Strategic Plan assists the Shire to meet statutory obligations related to:

- Cybersecurity requirements under Commonwealth and State frameworks;
- Records management;
- Business continuity; and
- Procurement and asset management practices.

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

Information Technology is part of the Corporate and Community Services planning of services.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

**Risk related:**

If Council does not accept the officer's recommendation to receive the DRAFT ICT Strategic Plan, the primary risks relate to governance assurance and organisational resilience.

- **Reduced oversight risk (moderate):** not formally receiving or considering the strategy limits ICT governance, cybersecurity controls, and business continuity planning.
- **Strategic alignment risk (moderate):** Failure to progress the Plan may delay alignment between ICT priorities and the Shire's Integrated Planning and Reporting Framework, impacting long-term planning and investment decisions.
- **Cybersecurity and operational risk (moderate-high):** Without endorsement and progression of the strategy, risks relating to cyber vulnerabilities, system obsolescence, and service interruption may not be systematically addressed.
- **Audit and compliance risk (moderate):** Lack of formal consideration may be viewed as a gap in governance assurance processes, particularly in light of increasing regulatory and audit focus on ICT risk and resilience.

These risks are mitigated by Council receiving the Plan for oversight purposes and enabling Council to consider adoption supported by appropriate governance advice.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

That Council:

1. adopts the DRAFT ICT Strategic Plan 2026–2031 as presented (**Attachment 1**); and
2. receives and notes the Risk Register matrix for Cybersecurity Risks (**Confidential Attachment 2**).

### 10.4.6 Adoption of the Information and Communication Technology (ICT) Asset Disposal Policy

Date of Report:	20 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN26
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:	<ol style="list-style-type: none"> <li>Draft (NEW) Information and Communication Technology (ICT) Asset Disposal Policy; <a href="#">⇒</a></li> <li>Auditor Findings Extract - 2024/2025 Financial Audit (Relevant Section) <a href="#">⇒</a></li> </ol>

#### PURPOSE OF THE REPORT

To seek Council adoption of the new Information and Communication Technology (ICT) Asset Disposal Policy (**Attachment 1**).

#### BACKGROUND

During the 2024/25 audit, the Shire's auditors identified the absence of a formalised policy governing the secure disposal of Information and Communication Technology (ICT) assets as a compliance and governance gap. The Executive Manager Finance & Corporate Services has since directed that a formal policy be drafted and adopted by Council to rectify this audit finding.

The policy was taken to the Audit, Risk and Improvement Committee on 14 May 2026 who recommended the following:

*That Council:*

- Adopts the ICT Asset Disposal Policy as presented in Attachment 1.*
- Notes that adoption of this policy addresses the relevant audit point raised in the 2024/2025 Annual Financial Audit.*
- Authorises the CEO to make any typographical amendments necessary prior to publication.*

#### COMMENTS AND DETAILS

The draft **ICT Asset Disposal Policy** has now been prepared using the Shire's standard Policy Template and best-practice asset disposal principles. The policy establishes clear

guidelines for the reuse, recycling, donation, sale, or destruction of ICT equipment, and ensures that all data-bearing devices are sanitised in accordance with accepted security standards.

The policy content is drawn from the operational information contained in the previous internal asset disposal approach.

Key elements of the Policy include:

- Approved disposal methods, including donation to community groups, recycling, sale to staff, or disposal by an authorised contractor.
- Mandatory removal or destruction of hard disk drives (HDDs) and controlled wiping or reuse of solid-state drives (SSDs).
- Requirements ensuring software licence compliance (only original operating system retained).
- CEO authority in situations requiring external disposal.
- Documentation requirements to support audit verification and asset register integrity.

The adoption of this policy will directly address the auditor's recommendation and strengthen governance over the management of ICT assets.

### Options

- **Adopt the Policy** (Recommended)
- Request amendments and defer adoption
- Not adopt the Policy (not recommended; as it would retain an audit non-compliance)

It is recommended that the policy be adopted.

### IMPLICATIONS TO CONSIDER

#### **Consultative:**

Executive Manager Finance & Corporate Services

ICT Support Contractor

A workshop with Elected Members on 18 June 2026 identified opportunities to strengthen the Draft ICT Asset Disposal Policy to ensure greater clarity, transparency and alignment with contemporary security and asset management practices. Key feedback included the need for defined disposal decision criteria, asset classification based on risk, strengthened data sanitisation standards aligned with recognised frameworks, improved governance around staff asset sales, and enhanced environmental considerations. These matters have been incorporated into the updated draft policy, resulting in a more robust, auditable and operationally clear framework that supports legislative compliance, information security and effective asset management.

#### **Strategic:**

*Shire of Toodyay Council Plan 2023-2033*

Outcome 9. Responsible and effective leadership and governance.

#### **Policy related:**

National Competition Policy (where applicable)

Purchasing Policy

**Financial:**

Nil.

**Legal and Statutory:**

*Local Government Act 1995* – s.3.58 Disposing of Property

**Risk related:**

**Risk Category:** Compliance / Information Security

**Risk Rating:** Moderate (reduced to Low upon adoption)

Failure to adopt an ICT Asset Disposal Policy presents risks of:

- non-compliance with audit requirements
- data breaches from improperly disposed devices
- reputational damage
- unauthorised access to corporate information

The policy significantly mitigates these risks.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council:

1. Adopts the Information Management and ICT Asset Disposal Policy as presented in **Attachment 1**.
2. Authorises the CEO to make any typographical amendments necessary prior to publication.

**10.4.7 Adoption of Information Management & Information and Communication Technology (ICT) Acceptable use Policy**

Date of Report:	27 February 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN27
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:	<ol style="list-style-type: none"> <li>Draft (NEW) Draft Information Management &amp; ICT Acceptable Use Policy; <a href="#">⇨</a></li> <li>Auditor Findings Extract - 2024/2025 Financial Audit (Relevant Section) <a href="#">⇨</a></li> </ol>

**PURPOSE OF THE REPORT**

To seek Council adoption of the Information Management and Information and Communication Technology (ICT) Acceptable Use Policy (**Attachment 1**).

**BACKGROUND**

The Shire’s auditors identified that while operational ICT and information management rules existed, they were not adopted by Council as a formal policy. This was raised as a compliance and governance gap.

A new policy has therefore been drafted using the Shire’s approved Policy Template and the content of the existing operational document Information Management and Information and Communications Technology Acceptable Use.

The Executive Manager Finance & Corporate Services has advised that formal Council adoption is required to satisfy the audit recommendation.

**COMMENTS AND DETAILS**

Following Councillor feedback, minor enhancements will be incorporated prior to final publication to strengthen cybersecurity alignment, governance controls, and operational clarity.

The policy outlines the Shire’s expectations regarding the use of ICT systems, management of digital information, and responsibilities of employees, contractors, and elected members. Key inclusions:

- Definitions of authorised users, records, malware, and other critical ICT terms.

- Application of the five principles of information security: confidentiality, integrity, availability, compliance, and responsibility.
- Requirements for records management under the *State Records Act 2000*.
- Clear rules governing internet use, email use, mobile device security, and software licensing.
- Prohibitions relating to illegal, offensive, or inappropriate ICT use.
- Incident reporting expectations and help-desk processes.
- Consequences for breaches, including disciplinary action and mandatory reporting to integrity agencies where required.

The policy strengthens internal controls, mitigates cyber and information risks, and ensures a consistent standard of acceptable ICT behaviour.

### Options

- **Adopt the Policy** (Recommended)
- Request amendments and defer adoption
- Not adopt the Policy (not recommended; as it would retain an audit non-compliance)

It is recommended that the policy be adopted.

### IMPLICATIONS TO CONSIDER

#### Consultative:

Executive Manager Finance & Corporate Services

ICT Support Contractor

A workshop with Elected Members on 18 June 2026 identified opportunities to strengthen the Draft Information Management and ICT Acceptable Use Policy to better reflect contemporary ICT governance and cybersecurity practices. Key areas of feedback included information classification, alignment with the Australian Cyber Security Centre Essential Eight, practical application of acceptable use provisions, clarification of recordkeeping requirements, and improved governance around access, monitoring, and responsibilities. These matters have been incorporated into the updated draft, resulting in a policy that is clearer, more operationally practical, and aligned with legislative obligations, audit expectations, and modern information security standards.

#### Strategic:

*Shire of Toodyay Council Plan 2023-2033*

Outcome 9. Responsible and effective leadership and governance.

#### Policy related:

National Competition Policy (where applicable)

Purchasing Policy

#### Financial:

Nil direct financial implications. Employee training and compliance monitoring are accommodated within existing budgets.

**Legal and Statutory:**

*State Records Act 2000*

*Local Government Act 1995* (general governance obligations)

*Privacy and Responsible Information Sharing Act 2024* (privacy, records management and misconduct legislation referenced in the policy content)

**Risk related:**

**Risk Category:** Information Security / Legislative Compliance

**Risk Rating:** High (reduced to Low when controlled)

Auditors noted gaps in policy governance for ICT acceptable use. Risks include:

- cyber security breaches;
- records mismanagement;
- privacy non-compliance;
- reputational harm;
- misconduct risk.

Adoption addresses these issues and meets audit expectations.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council:

1. Adopts the Information Management and ICT Acceptable Use Policy as presented in **Attachment 1**.
2. Authorises the CEO to make any typographical amendments necessary prior to publication.

#### 10.4.8 New Privacy Management Plan and adoption of new Privacy Policy and Data Breach Response policy.

Date of Report:	6 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:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. NEW Privacy Policy; <a href="#">↔</a></li> <li>2. NEW Data Breach Response Policy; <a href="#">↔</a></li> <li>3. Privacy Management Plan; <a href="#">↔</a></li> <li>4. Summary of Privacy Management Plan; and <a href="#">↔</a></li> <li>5. Privacy Statement. <a href="#">↔</a></li> </ol>

#### PURPOSE OF THE REPORT

To inform Council of the legislative requirements resulting from the assent of the *Privacy and Responsible Information Sharing Act 2024* (the PRIS Act) and to consider adoption of a new Council Policy titled 'Privacy' and 'Data Breach Response Policy'.

It is also to inform Council of a Privacy Management Plan which provides a framework for managing privacy risks and compliance obligations.

#### BACKGROUND

The *Privacy and Responsible Information Sharing Act 2024* received royal assent on 6 December 2024, providing a framework to protect the privacy of personal information handled by public entities and provides a framework to authorise the responsible sharing of information held by public entities.

The Department of Premier and Cabinet handle matters relating to Responsible Information Sharing.

The Office of the Information Commissioner handle matters relating to Privacy.

The PRIS Act 2024, and the Office of Digital Government prescribes a series of requirements relating to privacy and responsible information sharing.

Each quarter, the Shire's Governance Coordinator is required to complete the Department of the Premier and Cabinet PRIS Readiness progress report.

As an agency, the completion of the PRIS Readiness Assessment means that the Shire, as an Agency can assess their level of PRIS maturity across five levels:

- (1) Initial;
- (2) Developing;
- (3) Defined;
- (4) Managed; and
- (5) Optimised.

The Administration has prepared two new policies to address the requirements of the PRIS Act.

1. A Privacy Policy to replace the previous version, aligning with the *Privacy Act 1988* (Cth) and the Australian Privacy Principles (APPs).
2. A Data Breach Response Policy to ensure timely, transparent, and effective management of data breaches.

### COMMENTS AND DETAILS

This report seeks Council's adoption of a strategic Privacy Policy and Data Breach Response Policy. While there is currently no legislative requirement mandating local governments to implement these policies, their adoption is widely recognised as best practice.

Formal adoption by Council demonstrates a clear organisational commitment to privacy protection and effective data breach management. It also reinforces the importance of compliance across all levels of the organisation. Endorsed policies provide an authoritative foundation for implementation, supporting consistent communication, training, and accountability for staff and management in meeting the requirements of emerging privacy obligations.

The Privacy Policy contains the Shire's commitment to safeguarding the data and information which the Shire collects and holds against misuse, loss, modification, unauthorised access or unauthorised disclosure, in accordance with the PRIS Act and in compliance with the provisions of the *Freedom of Information Act 1992*.

A Privacy Management Plan has been developed to support the implementation of the proposed Privacy Policy and Data Breach Response Policy. The Plan outlines the operational procedures, risk management approach, and controls that will be used to give effect to the adopted policies.

The Plan is provided to Council for information only and will be maintained as an administrative document under the authority of the Chief Executive Officer.

It is intended that when the policies are adopted by Council a public summary of the Privacy Management Plan (**Attachment 4**) will be published on the Shire's website to ensure transparency, with the Privacy Management Plan. It is also intended that the current Privacy Statement on the website be updated (**Attachment 5**).

### IMPLICATIONS TO CONSIDER

#### Consultative:

Feedback raised during the Council workshop held on 18 June 2026 has been carefully considered and incorporated into the revised Privacy Policy and Data Breach Response Policy where appropriate. In particular:

- A structured data breach response framework has now been included in the Data Breach Response Policy to clearly outline how incidents will be managed.

- Governance responsibilities, including the role of the Chief Executive Officer and reporting to Council and the Audit, Risk and Improvement Committee, have been strengthened.
- Security, access control, and information handling commitments have been expanded within the Privacy Policy.
- The policies have been aligned with the Privacy and Responsible Information Sharing Act 2024 and emerging regulatory requirements.

Matters relating to operational detail, including response timeframes, escalation procedures, and technical controls, are addressed within the Privacy Management Plan and associated procedures, which are provided to Council for information.

**Strategic:**

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

Outcome 9. Responsible and effective leadership and governance.

**Policy related:**

Risk Management Framework

**Financial:**

Nil.

**Legal and Statutory:**

Local Governments in Western Australia are now legislatively required to comply with privacy obligations under the *Privacy and Responsible Information Sharing Act 2024* (PRIS Act)

**Risk related:**

The risk of adopting these policies is low as these policies have been created to align with the PRIS readiness reporting requirements from the Department of Premier and Cabinet. This report mitigates the risk.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

That Council:

1. Adopts the Privacy Policy (**Attachment 2**); and
2. Adopts the Data Breach Response Policy (**Attachment 3**);
3. Authorises the CEO to make any typographical amendments to the policies before they are published.

**10.5 INFRASTRUCTURE, ASSETS AND SERVICES**

Nil.

**10.6 COMMITTEE REPORTS**

**10.6.1 Infrastructure and Works Advisory Committee: Membership**

Date of Report:	15 June 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	COC18
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	4/6/26
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	Nil

**PURPOSE OF THE REPORT**

To enable the Infrastructure and Works Advisory Committee to consider and recommend to Council the appointment of two community members to the Committee.

**BACKGROUND**

At the Ordinary Council Meeting held on 4 June 2026, Council resolved (OCM112/06/26) to invite two community members to participate in the Infrastructure and Works Advisory Committee, namely:

- Mr Chris Somers; and
- Mr Stirling Thomson.

In accordance with this resolution, invitations were issued on behalf of the Chief Executive Officer.

The Infrastructure and Works Advisory Committee Terms of Reference provide for the inclusion of community members on the Committee, with such members to be formally appointed by Council following consideration and recommendation arising from the Committee.

**COMMENTS AND DETAILS**

Mr Chris Somers and Mr Stirling Thomson have been invited to attend the Infrastructure and Works Advisory Committee as prospective community members in accordance with Council’s resolution.

The inclusion of community members is intended to:

- provide local knowledge and experience to inform Committee deliberations;
- strengthen community engagement in infrastructure and works planning; and
- support the Committee in providing informed recommendations to Council.

While Council has directed that invitations be issued, the formal appointment of community members is a matter for Council, typically following a recommendation from the Committee.

Under section 5.10 of the *Local Government Act 1995*, a local government may appoint external persons to a committee. Formal appointment must be resolved by Council at a meeting, and decisions of Council and committees are made in accordance with section 5.20 of the Act.

Accordingly, it is appropriate for the Committee to:

- consider the participation of the invited individuals; and
- make a recommendation to Council regarding their formal appointment as community members of the Committee.

## IMPLICATIONS TO CONSIDER

### **Consultative:**

Nil.

### **Strategic:**

#### ***Shire of Toodyay Council Plan 2023-2033***

Outcome 9. Responsible and effective leadership and governance.

### **Policy related:**

Risk Management Policy and the 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 the Committee chooses not to support the recommendation.

### **Workforce related:**

Nil.

## VOTING REQUIREMENTS

Simple Majority

**INFRASTRUCTURE AND WORKS ADVISORY COMMITTEE RECOMMENDATION**

That Council appoints the following persons as community members of the Infrastructure and Works Advisory Committee in accordance with section 5.10 of the *Local Government Act 1995* and the Committee's Terms of Reference:

- (a) Mr Chris Somers; and
- (b) Mr Stirling Thomson.

### 10.6.2 Audit, Risk and Improvement Committee Recommendations: Governance and Assurance Reporting

Date of Report:	11 June 2026
Applicant or Proponent:	Shire of Toodyay ARIC
File Reference:	COC2
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. Extract from ARIC Minutes. <a href="#">↗</a>

#### PURPOSE OF THE REPORT

This report presents the recommendation of the Audit, Risk and Improvement Committee (ARIC) following its meeting on 10 June 2026 in relation to governance, risk, financial and compliance reporting.

#### BACKGROUND

At its meeting on 10 June 2026 ARIC considered Item 4.1 – *Audit, Risk and Improvement Committee Standing Reports – Officer Submission*.

Following its review, ARIC made three recommendations to Council as follows:

- ARIC041/06/26;
- ARIC043/06/26; and
- ARIC046/06/26.

The content of these recommendations are contained in the extract from ARIC Minutes (**Attachment 1**).

#### COMMENTS AND DETAILS

Nil.

#### IMPLICATIONS TO CONSIDER

##### Consultative:

Nil.

##### Strategic:

Shire of Toodyay Council Plan 2023-2033 supports governance improvement, organisational transparency and strengthened oversight and accountability.

**Policy related:**

Risk Management Policy

**Financial:**

Nil.

**Legal and Statutory:**

*Local Government Act 1995*

*Local Government (Audit) Regulations 1996*

- Regulation 16 – ARIC functions
- Regulation 17 – CEO review of systems

**Risk related:**

This matter represents a moderate to high governance risk, which is being actively managed through:

- strengthening assurance frameworks
- improving reporting quality
- addressing underlying system and process issues

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**ARIC RECOMMENDATION - ARIC043/06/26**

That Council:

1. Notes that the Grants Register presented to ARIC contains incomplete information, including missing acquittal dates, missing outstanding grant amounts, and missing status updates for grants with past due dates, and that ARIC has identified this as a material financial and compliance risk.
2. Requests that the CEO undertake an immediate review of the Shire's grant management and reporting processes, and provide Council, within 3 months, with a report outlining:
  - (a) the current status of all outstanding grant acquittals,
  - (b) any overdue or at-risk grants,
  - (c) any financial exposure arising from non-compliance, and
  - (d) the corrective actions being implemented to ensure complete and accurate grant reporting.

**ARIC RECOMMENDATION - ARIC043/06/26**

That Council

1. Notes that no Compliance Breach Register has been provided to ARIC, and that the absence of recorded suspected breaches, investigations, outcomes, and corrective actions represents a material legislative compliance risk.
2. Requests that the Chief Executive Officer undertake an immediate review of the Shire's compliance management and reporting processes, and provide Council, within three months, with a report outlining:
  - (a) all suspected or confirmed breaches identified in the past 12 months,
  - (b) the status of any investigations underway,
  - (c) any systemic or repeated non-compliance,
  - (d) the corrective actions implemented or required, and
  - (e) the measures being taken to ensure a complete and accurate Compliance Breach Register is maintained.

**ARIC RECOMMENDATION - ARIC046/06/26**

That Council:

1. Notes that the Audit, Risk and Improvement Committee has reviewed information provided on 10 June 2026 in the Officer's report at item 4.1 titled Audit, Risk and Improvement Committee Standing Reports - Officer Submission.
2. Notes that the information presented was incomplete and lacked sufficient detail in key areas of risk management, financial accuracy and analysis, and compliance obligations, preventing ARIC from forming a reliable view of the organisation's control environment.
3. Acknowledges that ARIC is unable to provide Council with assurance regarding the adequacy of the Shire's governance, risk management, financial and compliance environment, based on the information provided.

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.1 Road Names - River Hills Estate**

Date of Report:	23 June 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:	<input type="checkbox"/> 30 October 2025 Ordinary Council Meeting <input type="checkbox"/> 5 February 2026 Ordinary Council Meeting
Author’s Disclosure of Interest:	Nil
Council’s Role in the matter:	Executive
Attachments:	1. Supporting historical information (Dorizzi family) <a href="#">⇒</a>

**PURPOSE OF THE REPORT**

To consider a Notice of Motion provided by Councillor Dival regarding the naming and renaming of roads within the River Hills Estate.

**BACKGROUND**

On 23 June 2026 Councillor Dival provided the Temporary Chief Executive Officer notification of a notice of motion for the 2 July 2026 Ordinary Meeting of Council as follows:

*“That Council approves the following road names,*

- 1. The extension of Murray Walkway to Goomalling Road*
- 2. Rename the portion of Drummond St from Murray Walkway to Raynor Loop Dorizzi Rise.*

*My reason for this motion is, the extension of Murray Walkway is a logical extension with an existing road name, and Dorizzi Rise honours the 3 Dorizzi brothers who gave the ultimate sacrifice in world war 2. Both names are within the scope of the subdivision naming protocol.*

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

Council has previously considered road naming within the River Hills Estate, including the requirement to align with the adopted naming theme recognising Toodyay civilians who went to war and advertising of alternative road names and subsequent deferral pending further review.

## COMMENTS AND DETAILS

Council has previously endorsed a naming theme recognising local individuals who served in wartime. The proposed name “**Dorizzi Rise**” is consistent with this theme, commemorating the Dorizzi brothers, who were Toodyay residents that served in World War II and died as prisoners of war.

The extension of **Murray Walkway** to Goomalling Road is consistent with standard road naming practice, where existing road names are extended to maintain logical continuity and minimise confusion for addressing and emergency services.

All road names must be approved by Landgate prior to gazettal. This includes checks to ensure compliance with naming standards, avoidance of duplication, and suitability for addressing purposes.

The proposed renaming of a portion of Drummond Street may have implications for property addressing, landowners and relevant service providers, and would require appropriate notification processes.

## IMPLICATIONS TO CONSIDER

### **Consultative:**

Nil.

### **Strategic:**

Shire of Toodyay Council Plan 2023-2033 supports heritage recognition and alignment with community identity.

### **Policy related:**

Nil.

### **Financial:**

Nil.

### **Legal and Statutory:**

Local Government Act 1995.

### **Risk related:**

The risks in approving the extension and renaming are low.

### **Workforce related:**

The proposed road renaming will require officer involvement to coordinate administrative and notification processes, including updating addressing records, liaising with Landgate and emergency services, and communicating changes to affected landowners and service providers. These activities will be managed within existing staff resources.

## VOTING REQUIREMENTS

Simple Majority

**NOTICE OF MOTION FROM CR DIVAL**

That Council:

1. Approves the extension of Murray Walkway to Goomalling Road; and
2. Approves the renaming of the portion of Drummond Street (from Murray Walkway to Raynor Loop) to Dorizzi Rise, subject to:
  - a) confirmation of correct historical spelling; and
  - b) approval by Landgate.

**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 Chief Executive Officer – Leave**

This matter is considered to be confidential under Section 5.23 - (2) (b)(i) and (4) (b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter relating to the recruitment or employment of the CEO or senior employee, including the termination of employment and information relating to the personal affairs of an individual;

**15.2 Clarification of Implementation Timing – Operational Efficiency Measures No. 2**

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

**16 NEXT MEETINGS**

<b>Meeting</b>	<b>Date</b>	<b>Time</b>
Ordinary Council Meeting	6 August 2026	5.30pm
Agenda Forum	30 July 2026	5.30pm
Audit & Risk Committee Meeting	9 July 2026	10.30am
Local Emergency Management Committee Meeting	16 July 2026	10.30am

**17 CLOSURE OF MEETING**