Ordinary Council Meeting

3 September 2026

Minutes

To: The President and Councillors.

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

Alan Hart

TEMPORARY CHIEF EXECUTIVE OFFICER

Our Vision, Purpose and Values

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

Our Vision

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

Our Purpose

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

Our Values

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

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

Community Aspirations

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

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

Disclaimer

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

Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website

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

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

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

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

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Preface

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

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

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

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

Unconfirmed Minutes

These minutes were approved for distribution on 15 September 2026.

Alan Hart

TEMPORARY CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 1 October 2026.

Signed: ……………………………………………….

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

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 5:30pm and read aloud an Acknowledgement of Country:

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

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCE

Members

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

Staff

Mr A Hart	Temporary Chief Executive Officer
Mr S Ambrose	Executive Manager Economic Development and Community Services
Mr M Burgess	Executive Manager Infrastructure, Assets and Services
Ms P Kaur	Council Support Officer

Members of the Public

M Eberle, P Ruthven, B Ruthven, N HoyPoy

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

The Chief Executive Officer advised of disclosures as follows:

Disclosures of Interest			
Name	**Type**	**Item**	**Extent**
Cr Madacsi	Impartiality	11.1	Is the Secretary of Toodyay Community Garden Inc

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 6 August 2026, the following questions were taken on notice:

Question Two

Do you know how many responses were received on the old Depot questionnaire?

Response from the Temporary Chief Executive Officer:

75 responses were received via the online survey for the 'Shire of Toodyay - Old Depot Site Future Use Planning'.

Question Four

How much has the Shire paid Ascentive for their consultation?

Response from the Temporary Chief Executive Officer

Ascentive has been paid $3,217.94 for the Reserve 33931 - Old Depot Site Engagement and Concept Masterplan.

4.2 PUBLIC QUESTION TIME

B Ruthven – Question 1

There were community meetings held earlier this year and an online Ascentive survey about the Shire. How many community members:

a) Attended to those meetings and;

b) Responded to the online survey?

Question taken on notice.

B Ruthven – Question 2

What is the percentage of ratepayers that number amounted to?

Question taken on notice.

B Ruthven – Question 3

My next question relates to the Annual Budget. What is the source of the $1,000,000 transfer into the Plant reserve account?

Response from the Temporary Chief Executive Officer:

Municipal funding.

B Ruthven - Question 4

What is the $393,000 transfer from the Plant reserve account to be used for?

Response from the Temporary Chief Executive Officer:

For the purchase of plant.

B Ruthven - Question 5

What is the source of the $539,000 transfer into the Buildings reserve account?

Response from the Temporary Chief Executive Officer:

It is the proceeds from the sale of the Veterinary building.

B Ruthven - Question 6

What is the $1,960,700 from the Building reserves account to be used for?

Response from the Temporary Chief Executive Officer:

For non-routine building maintenance works on our heritage building and construction of key worker accommodation for staff.

B Ruthven - Question 7

Why has nothing been set aside for Slaughterhouse Bridge in the reserve accounts?

Response from the Temporary Chief Executive Officer:

We do not know what the final cost of construction is, what level grant funding there is and what the final design is.

B Ruthven - Question 8

There is current $340,000 in the IT reserve account. Where will the $400,000 to replace Datascape come from?

Response from the Temporary Chief Executive Officer:

Municipal fund.

B Ruthven - Question 9

Council has budgeted to acquire $2,868,644 worth of additional buildings, please explain what this figure comprises?

Question taken on notice.

B Ruthven - Question 10

What is the total value of the Shire's subdivision development of the Batty Pass Estate, near the school, including the current stage.

Question taken on notice.

B Ruthven Question 11

How does the Shire keep track of portable and attractive assets as required by the finance regulation 17B?

Response from the Temporary Chief Executive Officer:

A register is kept.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council held on 6 August 2026

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM191/09/26

MOVED Cr R Madacsi

SECONDED Cr M Dival

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 6 August 2026 be confirmed with the record of attendance amended to include Cr Dival as an attendee.

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

Voted Against: Nil

MOTION CARRIED 7/0

7 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

7.1 PETITIONS

Nil.

7.2 DEPUTATIONS

Nil.

7.3 PRESENTATIONS

Nil.

7.4 SUBMISSIONS

7.1 N HOYPOY – TOODYAY EVENTS PLANNING INC (TEPI)

Regarding Item 10.3.1 Community Funding Sponsorship Agreements 2026/2027 Financial Year at 5:40 PM.

During the submission, N HoyPoy referred to an email sent to Councillors highlighting an inconsistency between the funding historically received by Toodyay Events Planning Inc. (TEPI) for the Moondyne Festival and the funding listed in Item 10.3.1.

N HoyPoy noted that TEPI had not been notified of the change to the level of funding and support provided.

The Shire President advised this would be further evaluated at the consideration of Item 10.3.1 *Community Funding Sponsorship Agreements 2026/2027 Financial Year.*

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

Nil.

10.2 FINANCE AND CORPORATE SERVICES

10.2.1 List of Payments - July 2026

Date of Report:	13 August 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	U Prill – Accounts Payable Officer
Responsible Officer:	C Delmage – Acting Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. List of Payments July 2026

PURPOSE OF THE REPORT

For Council to receive the List of Payments for the month of July 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 July 2026 and is attached. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

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

Outcome 9. Responsible and effective leadership and governance.

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

Policy related:

Purchasing Policy

Delegation CS1

Financial:

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

Legal and Statutory:

Local Government Act 1995

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

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

Local Government (Financial Management) Regulations 1996

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

Risk related:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM192/09/26

MOVED Cr R Mills

SECONDED Cr M Dival

That Council receives the List of Payments as attached and summarised below, for the month of July 2026:

Description	Amount $
Municipal Cheques	$75.00
Electronic Funds Transfer Payments	$789,048.26
Payroll	$432,595.68
Credit Cards	$3,631.71
Other (Including Direct Debits)	$90,219.13
Total	**$1,315,569.78**

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

Voted Against: Nil

MOTION CARRIED 7/0

10.2.2 Monthly Financial Statements - July 2026

Date of Report:	17 August 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN32
Author:	C Delmage – Acting Executive Manager Finance and Corporate Services
Responsible Officer:	C Delmage – Acting Executive Manager Finance and Corporate Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil.
Council's Role in the matter:	Legislative
Attachments:	1. EOM Financial Statements - July 2026

PURPOSE OF THE REPORT

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

BACKGROUND

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

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

COMMENTS AND DETAILS

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

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

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

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

Outcome 9. Responsible and effective leadership and governance.

9.2 Govern Shire finances, assets and operations responsibly.

Policy related:

Financial Governance

Financial:

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

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM193/09/26

MOVED	Cr R Mills
SECONDED	Cr M Dival

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

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

MOTION CARRIED 7/0

10.2.3 Budget Amendment - Regional Road Safety Program - Funding

Date of Report:	13 August 2026
Applicant or Proponent:	NA
File Reference:	GRT42
Author:	C Delmage – Acting Executive Manager Finance and Corporate Services
Responsible Officer:	C Delmage – Acting Executive Manager Finance and Corporate Services
Previously Before Council:	NA
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Government of WA - Media Statement; 2. Julimar Road Project Nomination Form; 3. Toodyay Bindi Bindi Road Project Nomination Form; and 4. RRSP MOU - Shire of Toodyay & MRWA.

PURPOSE OF THE REPORT

For Council to consider an amendment to the adopted 2026/2027 Annual Budget.

BACKGROUND

On 22 July 2026, the Government of Western Australia gave a media statement regarding the second tranche of funded projects for the Regional Road Safety Program (RRSP).

The Shire of Toodyay has been awarded $7,534,994 for the following projects:

1. Toodyay Bindi Bindi Road SLK 0.00 to 33.40 - $3,560,272
2. Julimar Road SLK 0.00 to 30.54 - $3,974,722

Both projects involve the sealing of road shoulders and installation of audible line markings.

Both are 100% funded and require no matching Shire contributions.

COMMENTS AND DETAILS

Nil

IMPLICATIONS TO CONSIDER

Consultative:

Consultation has occurred with the Executive Manager Infrastructure & Asset Services who has confirmed that the Projects can be delivered by the Shire using a combination of Shire staff and contractors.

Strategic:

Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.2. Govern Shire finances, assets and operations responsibly

Policy related:

Purchasing Policy.

Financial:

A revenue increase of $7,534,994 in grant funding offset by an expenditure increase of $7,534,994 in project costs will result in a nil financial budget impact.

Legal and Statutory:

6.8. (1) A local government is not to incur expenditure from its municipal fund which is not included in its annual budget except where the expenditure —

(b) is authorized in advance by resolution*;

* *Absolute majority required.*

Risk related:

Nil risk implications at the time of authoring this report.

Workforce related:

Managed with existing Shire resources and external contractors.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM194/09/26

MOVED Cr J Prater

SECONDED Cr S Van der Heyden

That Council approve the following changes to the Shire of Toodyay's 2026/2027 Adopted Annual Budget:

GL / WO	Description	Amount
121.133.50	Increase Revenue - State Grants - Capital	-7,534,994
WO.10105	Increase Expense - Toodyay Bindi Bindi Road SLK 0.00 to 33.40	3,560,272
WO.10106	Increase Expense - Julimar Road SLK 0.00 to 30.54	3,974,722
	Total Budget Impact	0

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

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

10.2.4 Clublinks - Sundry Debtors - Unrecoverable

Date of Report:	12 August 2026
Applicant or Proponent:	NA
File Reference:	FIN5
Author:	C Delmage – Acting Executive Manager Finance and Corporate Services
Responsible Officer:	C Delmage – Acting Executive Manager Finance and Corporate Services
Previously Before Council:	Ordinary Council Meeting – 18 December 2024 Council Workshop – 16 July 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Email Correspondence 1; 2. Email Correspondence 2; 3. Clublinks Debtor Invoice No. 1875; 4. Clublinks - P&L FY2021; 5. Clublinks - P&L FY2023; 6. Clublinks Letter Correspondence 2024; 7. Email Correspondence To Clublinks - 15 July 2026.

PURPOSE OF THE REPORT

For Council to consider the likelihood of debt recovery from Clublinks and approve the write off of $20,655.91.

BACKGROUND

The Shire has an outstanding debtor amount of $20,655.91 for services associated with the Toodyay Recreation Centre.

The amount in question relates to invoice No. 1875, issued for profit share arrangements from FY2021 and FY2023.

The matter has been ongoing since at least May 2024, when Anthony Edgar (Chief Operating Officer, Clublinks Management Pty Ltd) formally disputed the charges, indicating that the Recreation Centre operated at a loss; and Clublinks had previously sought financial variations and support from the Shire based on those losses.

Subsequent debt recovery actions were initiated through a third-party debt collection agency (Cloud Payment Group).

Clublinks has maintained its position that the amounts are not payable and has indicated the matter is considered closed from their perspective.

COMMENTS AND DETAILS

The debt remains outstanding and disputed.

The matter has progressed through internal correspondence; formal invoicing; and referral to an external debt collection agency.

Advice from the debt collection agency indicates that the debt cannot be resolved through standard recovery processes. Further escalation would require legal action, including a solicitor's letter of demand (with associated costs).

Internal communications have raised concerns that legal recovery may not be cost-effective; and there is a low likelihood of successful recovery without further dispute escalation.

The matter is currently unresolved and under consideration, with no final determination made regarding write-off or further legal action.

IMPLICATIONS TO CONSIDER

Consultative

Consultation has occurred between Shire staff and our debt recovery agent. The matter was also discussed at a Councillor Workshop held 16 July 2026.

Further correspondence sent to Clublinks in July 2026 has had no response.

Strategic

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

Outcome 9. Responsible and effective leadership and governance

9.1 Provide strong, clear, and accountable leadership.

9.2 Govern Shire finances, assets, and operations responsibly.

Policy related

Debt Collection Policy

Financial Governance Policy

Financial

Total outstanding revenue will reduce by $20,655.91.

The debt is formally disputed by Clublinks, which may limit straightforward recovery. Legal action would incur additional costs with uncertain recovery outcomes.

General Function

NA

Legal and Statutory

Local Government Act 1995

Risk related

Nil risk related implications at the time of writing this report.

Workforce related

Nil workforce implications at the time of writing this report.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM195/09/26

MOVED Cr M Dival

SECONDED Cr R Mills

That Council approve the write off of Sundry Debtor Invoice 1875 for the amount of $20,655.91, covered by the Provision for Doubtful Debts for the financial year ending 30 June 2026.

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

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

10.3.1 Community Funding Sponsorship Agreements 2026/2027 Financial Year

Date of Report:	22 July 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	CSD13
Author:	S Ambrose – Executive Manager Economic Development and Community Services
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	N/A
Council's Role in the matter:	Executive
Attachments:	1. YouthCARE Chaplaincy Services 2026/2027 Application; 2. Toodyay Lions Club Jumbo Auction 2026/2027 Application; and 3. Toodyay Triathlon Club Triathlon Event 2026/2027 Application

PURPOSE OF THE REPORT

To consider requests for community funding and sponsorship arrangements for community initiatives and events and determine funding allocations for inclusion in the 2026/2027 Annual Budget. Applications seeking one-off funding, fee waivers, in-kind support or donations are considered separately under the Community Funding Program.

BACKGROUND

The Community Funding Policy provides a framework for allocating financial assistance to community initiatives that deliver social, cultural and economic benefits to the Toodyay community. The 2026/2027 funding round opened on 9 March 2026 and closed on 20 April 2026. Three applications seeking multi-year funding support were received from YouthCARE, the Toodyay Lions Club and Toodyay Triathlon Club. Toodyay Events Committee also seeks Council support for the Moondyne Festival each year. This report seeks Council determination on funding commitments in the 2026/2027 Financial Year (FY).

This includes provision for an existing multi-year funding agreement with the Avon Valley Vintage Vehicle Association (AVVVA) for the annual swap meet.

COMMENTS AND DETAILS

Multi-year funding provides certainty for community organisations delivering programs and events that contribute to the social, cultural, and economic wellbeing of the community.

However, Council can decide to approve Community Funding Program allocations on an annual basis. During the assessment process for the 2026/2027 Community Funding Program, Councillors expressed a preference for allocation of funding on an annual basis, over multi-year arrangements. The proposed allocations have been assessed against the Community Funding Policy and current Council Plan outcomes and are considered to demonstrate community benefit. Funding has been recommended for one year, in the 2026/2027 FY.

Organisation	Initiative	Cash	In-kind value
YouthCARE	Chaplaincy Services at Toodyay District High School - cash	$10,000	0
Lions Club of Toodyay	Community Jumbo Auction – cash & in-kind venue hire	$800	$960
Toodyay Events Planning Inc	Moondyne Festival – in-kind venue hire to a maximum of $10,000	0	$10,000
Avon Valley Vintage Vehicle Association	Swap Meet – in-kind provision of toilets to a maximum of $3,000.	0	$3,000
Toodyay Triathlon Club	Toodyay Triathlon Event – cash and in-kind access/entry to the pool.	$3,000	$1,500
Total Recommended Funding		**$13,800**	**$15,460**

IMPLICATIONS TO CONSIDER

Consultative:

The funding round was publicly advertised and supported through community information sessions and direct engagement with applicants. Proposed funding arrangements were discussed at a Council Workshop on 21 May 2026.

Strategic:

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

Outcome 1 A safe and healthy community

Outcome 2 An inclusive and connected community

Outcome 3 A strong, diverse and sustainable economy

Outcome 8 Toodyay is a popular tourism destination.

Policy related:

Community Funding Policy.

Financial:

The proposed total for funding allocation in the 2026/2027 FY is $13,800 cash and $15,460 in-kind contributions.

Legal and Statutory:

Approved funding allocations will be subject to grant administration, sponsorship acknowledgement and acquittal requirements.

Risk related:

Risk is considered low. Funding will include accountability and reporting requirements.

Workforce related:

Administration and monitoring will be undertaken within existing staff resources.

OPTIONS

Council may approve, amend or decline the recommended allocations.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM196/09/26

MOVED Cr M McKeown

SECONDED Cr M Dival

That Council

1. Approves funding allocations in the 2026/2027 Financial Year for:
    - YouthCARE ($10,000)
    - Lions Club of Toodyay ($1,760)
    - Toodyay Events Planning Inc ($15,000)
    - Avon Valley Vintage Vehicle Association ($3,000) and
    - Toodyay Triathlon Club ($3,000 plus in-kind ($1,500) pool access)
2. Notes that approved activities are to be delivered during the 2026/2027 Financial Year.
3. Notes that recipients are required to acknowledge the Shire of Toodyay as a sponsor, and fulfil grant administration, acquittal, and reporting requirements.

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

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

10.4 EXECUTIVE SERVICES

10.4.1 Request for Approval of Expenditure for Legal Advice on Legislative Reform Implementation

Date of Report:	22 July 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:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Quotation from McLeods Lawyers; (confidential) *Section 5.23(2)* *(3) (b) matter that prohibits or restricts the making public of information.* *(4) (c) (ii) information contained in a tender received by the local government for a contract to the extent that the information a tendered methodology for calculating a price; (under separate cover)* 2. Scope of Request.

PURPOSE OF THE REPORT

To seek Council approval to engage McLeod's Lawyers to provide legal advice regarding implementation of the Local Government Legislative Reform Framework, including amendments to the *Local Government Act 1995* and subsidiary legislation, where the estimated cost exceeds the Chief Executive Officer's delegated financial authority.

BACKGROUND

The local government sector has undergone significant legislative reform since January 2026. The reforms include amendments to the *Local Government Act 1995* and the introduction of new statutory obligations, governance frameworks, conduct provisions, meeting procedures and compliance requirements.

To support implementation of these reforms, the Shire has undertaken an extensive review of governance policies, delegations, procedures, business operating practices and associated governance documents.

Given the complexity of the legislative framework and the potential legal implications arising from interpretation and implementation of the reforms, staff have sought a quotation from McLeod's Lawyers to provide independent legal advice regarding the application of the legislative reforms to the Shire's governance framework.

COMMENTS AND DETAILS

The Shire recently requested a quotation to provide legal advice relating to implementation of the Local Government reform legislation and subsidiary regulations. The quotation received estimates legal costs in the range of $9,000 to $12,000 plus GST.

The proposed advice is intended to:

- Review governance documents affected by legislative reform;
- Confirm legislative compliance of Council policies and procedures;
- Provide legal interpretation on implementation issues arising from the reforms;
- Assist the Shire in identifying areas where amendments to governance frameworks may be required; and
- Reduce the risk of adopting practices inconsistent with legislative requirements.

Administration considers the engagement of specialist local government legal expertise to be appropriate given recent Audit, Risk and Improvement Committee and Council resolutions related to governance, the significance of the reforms and the potential governance risks associated with incorrect implementation.

The estimated expenditure exceeds the Chief Executive Officer's financial delegation and therefore requires Council approval before a purchase order can be issued.

IMPLICATIONS TO CONSIDER

Consultative:

Internal consultation has occurred with the Chief Executive Officer regarding the need for specialist legal advice and the scope of the proposed engagement.

Strategic:

The engagement supports Council's commitment to sound governance, legislative compliance, transparency and continuous improvement of governance systems.

The advice will assist the Shire in ensuring governance documents remain contemporary and aligned with legislative requirements.

Policy related:

The proposed engagement supports implementation and review of governance policies and related governance documents affected by legislative reform.

Financial:

The estimated cost of the legal advice is between $9,000 and $12,000 plus GST.

Legal and Statutory:

The engagement is intended to assist the Shire in understanding and implementing obligations arising from:

- *Local Government Act 1995;*
- *Local Government (Model Code of Conduct) Regulations 2021;*
- *Local Government (Local Government Inspector) Regulations 2025; and*
- other subsidiary legislation affected by the reform program.

Obtaining advice from specialist local government lawyers will assist Council and staff in ensuring statutory compliance.

Risk related:

Failure to obtain legal advice may result in:

- Governance documents remaining inconsistent with current legislation;
- Increased risk of procedural errors;
- Increased risk of challenge to Council decisions;
- Reputational risk to the organisation; and
- Reduced confidence in the Shire's compliance framework.

Obtaining independent legal advice will mitigate these risks.

Workforce related:

No direct workforce implications have been identified.

Implementation of any recommendations arising from the legal advice may require future staffing resources to amend governance documents and business processes.

VOTING REQUIREMENTS

Absolute Majority

MOTION/COUNCIL RESOLUTION NO. OCM197/09/26

MOVED Cr R Mills

SECONDED Cr M Dival

That Council move behind closed doors under **section 5.23(4)(g)** of the *Local Government Act 1995*, read in conjunction with the *Local Government (Administration) Regulations 1996*, on the basis that the attachment contains information relating to commercial value or potential competitive advantage.

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

Voted Against: Nil

MOTION CARRIED 7/0

Members of the gallery were requested to vacate Council Chambers at 5:57 PM.

OFFICER'S RECOMMENDATION

MOVED: Cr Dival

That Council:

1. Approves the engagement of McLeod's Lawyers for the provision of legal advice relating to implementation of the Local Government Legislative Reform Framework and associated subsidiary legislation.
2. Authorises expenditure of up to $12,000 (exclusive of GST) for this engagement.
3. Authorises the Chief Executive Officer to execute all necessary documentation and issue a purchase order for the engagement.

MOTION FAILED DUE TO NO SECONDER

ALTERNATIVE MOTION/COUNCIL RESOLUTION NO. OCM198/09/26

MOVED Cr R Mills

SECONDED Cr J Prater

That Council:

1. Does not approve the Scope of Request contained in **Attachment 2.**
2. Directs the Chief Executive Officer to issue a revised Request for Quotation seeking a new proposal from legal counsel, with the scope limited strictly to:
   a. A comprehensive textual compliance audit of the following corporate documents and council policies, specifically:
      - Code of Conduct for Council Members, Committee Members and Candidates
      - Complaints of Alleged Breach of the Code of Conduct Policy
      - Council Forums Policy
      - Electronic Attendance at Meetings Policy
      - Investment of Surplus Funds Policy
      - Attendance at Events Policy
      - Execution of Documents Policy
      - Legal Representation Costs Indemnification Policy
   b. Identification of any defective, contradictory, unclear, or noncompliant wording within those documents when assessed against the *Local Government Act 1995*, and associated reform Regulations effective 1 January 2026.

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

Voted Against: Nil

MOTION CARRIED 7/0

In accordance with regulation 11DA of the Local Government (Administration) Regulations 1996, the reason(s) for the alternative motion are as follows:

- **Clarifying the Actual Purpose of Item 10.4.1:**

  The officer's report states that Item 10.4.1 seeks Council approval for expenditure to obtain legal advice on implementing the 2026 legislative reforms. However, the scope issued by the CEO to McLeod's Lawyers has been confined only to a small subset of documents adopted under Resolution OCM013/02/26, despite additional governance policies adopted in 2025 also requiring statutory compliance review following the reforms released on 18 December 2024. The amendment ensures the legal engagement is directed to all affected policies listed in Section 2 a), not just those selected by the CEO.

- **Removal of Scope Expansion:**

  Attachment 2 expands the scope into matters Council has already resolved, including the procedural validity of the February 2026 ARIC Charter amendments and the legal effect of Council's own resolutions. These retrospective governance questions fall outside the purpose of Item 10.4.1 and do not require external legal expenditure. The amendment removes these unnecessary components and restores the scope to legislative compliance work only.

- **Financial Responsibility and Value for Money:**

  The quotation of $9,000–$12,000 reflects the expanded procedural scope drafted by the CEO, which goes well beyond the legislative implementation purpose described in the officer's report. It is financially prudent to ensure that any legal engagement is confined strictly to the statutory compliance review of affected governance documents, rather than broader matters that do not contribute to implementing the 2026 reforms. Refocusing the scope will ensure expenditure is directed only toward work that delivers practical compliance outcomes and avoids unnecessary legal costs.

- **Focus on Practical, Forward-Looking Outcomes:**

  The expanded scope in Attachment 2 directs legal counsel to examine the procedural validity of past meetings, resolutions, and committee actions. This retrospective analysis does not contribute to implementing the 2026 legislative reforms and provides no operational benefit to the Shire. The amendment ensures that any legal engagement is directed toward forward-looking compliance work — specifically, correcting statutory defects in governance documents so the Shire can operate under clear, contemporary, and legally compliant policies.

- **Avoiding Duplication of Council's Own Decisions:**

  Council has already resolved that the February 2026 ARIC Charter amendments were procedurally defective and reinstated the prior Charter. Seeking legal advice on matters already determined by Council is unnecessary, duplicative, and inconsistent with responsible financial management. The amendment removes this redundant component from the scope.

MOTION/COUNCIL RESOLUTION NO. OCM199/09/26

MOVED Cr M McKeown

SECONDED Cr R Madacsi

That Council move from behind closed doors at 6:27pm.

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

Voted Against: Nil

MOTION CARRIED 7/0

Members of the gallery returned to Council Chambers at 6:27 PM.

10.4.2 Audit, Risk and Improvement Committee Membership

Date of Report:	1 September 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:	1. Application (confidential) *Section 5.23(2)* *(3) (a) matter required to be confidential under a written law, excluding this act and local laws;* *(4) (b) information relating to the personal affairs of an individual; (under separate cover)* 2. Reference Checks (confidential) *Section 5.23(2)* *(3) (a) matter required to be confidential under a written law, excluding this act and local laws;* *(4) (b) information relating to the personal affairs of an individual; (under separate cover)*

PURPOSE OF THE REPORT

To consider the appointment of a community member to the Audit, Risk and Improvement Committee (ARIC) following the recent expression of interest process.

BACKGROUND

The Shire undertook an expression of interest process in May 2026 to invite applications for community membership on the Audit, Risk and Improvement Committee.

The process was undertaken to support:

- appropriate composition of the Committee; and
- continuity of independent membership in accordance with legislative requirements.

Following this process, an application has been received from a suitably qualified individual for consideration.

COMMENTS AND DETAILS

The Shire has only received one expression of interest for community membership on ARIC. The application has been provided as a confidential attachment, as it contains personal information relating to the applicant.

As per the Charter the CEO sought reference checks (**Attachment 2**) and discussed the vacancy with the Shire President.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

Policy related:

Audit, Risk and Improvement Committee Charter states the following in terms of what the process is where a vacancy occurs on the Committee:

(b) Where a vacancy arises, the following process will be undertaken:

i. The vacancy shall be publicly advertised pursuant to s.1.7 of the Local Government Act 1995;

ii. Applications shall be reviewed and assessed by an internal panel of Shire Officers that will include: The Chief Executive Officer, Executive Manager Finance and Corporate Services, and the Governance Coordinator;

iii. A report shall be provided to the Selection Panel which will consist of the Chief Executive Officer and the Shire President; making a recommendation of shortlisted candidates for interview;

iv. The Chief Executive Officer will prepare a report on the selection process and make a recommendation for the appointment of the Presiding and Deputy Presiding Members. The report shall be submitted directly to Council;

v. The Chief Executive Officer will send out letters of appointment;

vi. The Chief Executive Officer will conduct an induction with the appointed Presiding and Deputy Presiding Members.

Financial:

Nil.

Legal and Statutory:

Local Government Act 1995 – section 7.1A

Risk related:

Failure to maintain appropriate Committee membership may impact the effectiveness and independence of ARIC

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM200/09/26

MOVED Cr M Dival

SECONDED Cr R Madacsi

That Council considers the late item for Audit, Risk and Improvement Committee Membership.

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

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM201/09/26

MOVED Cr M Dival

SECONDED Cr R Madacsi

That Council appoints the applicant, as per **Confidential Attachment 1**, as a community member of the Audit, Risk and Improvement Committee.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.5 INFRASTRUCTURE, ASSETS AND SERVICES

Nil.

10.6 COMMITTEE REPORTS

10.6.1 ARIC Recommendation regarding the 2025 Annual Compliance Audit Return (CAR)

Date of Report:	31 August 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	GOVR-13
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	Annual occurrence
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. 2025 Compliance Audit Return.

PURPOSE OF THE REPORT

To consider the Audit, Risk and Improvement Committee recommendation made on 21 August 2026 as follows:

<u>AUDIT RECOMMENDATION NO. ARIC068/08/26</u>

That Council:

1. *That Amended ARIC Recommendation to Council, that Council:*
2. *Notes that the Audit, Risk and Improvement Committee has reviewed the draft 2025 Compliance Audit Return (CAR) as required under Regulation 14 of the Local Government (Audit) Regulations 1996.*
3. *Notes the following inaccuracies identified during the Committee's review of the draft return:*
   (a) *Item 2 is incorrectly declared "Yes" while the comments confirm it should be "No";*
   (b) *Item 17 requires correction of the resolution number to OCM089/04/25 to reflect the confirmed minutes;*
   (c) *Item 25 is incorrectly declared "N/A" and should be "Yes";*
   (d) *Item 39 is incorrectly declared "Yes" while the comments confirm it should be "No";*
   (e) *Item 56 is incorrectly declared "No" while the comments confirm it should be "Yes";*
   (f) *Item 63 is incorrectly declared "Yes", as ARIC is aware of duplicate payments of almost $250,000, indicating non-compliance and therefore the response should be "No".*

(g) Item 70 incorrect declared as "Yes", should be "No".

4. *Notes that a number of items within the draft CAR cannot be independently verified, as several questions rely on administrative declarations or internal compliance systems rather than documentary evidence, and therefore the Committee is unable to provide assurance on those items' accuracy.*
5. *Directs the Chief Executive Officer to amend the 2025 Compliance Audit Return to rectify the inaccuracies identified in Clause 2 and present the amended Return to Council for formal adoption prior to any submission to the Inspectorate.*
6. *Requests that the Chief Executive Officer provide a formal Statement of Assurance to Council confirming the accuracy and completeness of the remaining data within the Return prior to its adoption.*

The Compliance Audit Return assesses the Shire's compliance with prescribed statutory requirements for the period 1 January 2025 to 31 December 2025.

BACKGROUND

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires local governments to carry out a compliance audit for the previous calendar year in respect of prescribed statutory requirements. The audit is undertaken using the Compliance Audit Return issued by the Department of Local Government, Industry Regulation and Safety.

The completed Compliance Audit Return has been prepared by administration and is attached for the Committee's consideration. Following consideration by the Audit, Risk and Improvement Committee, the Return is required to be presented to Council for adoption and subsequent submission to the Inspector.

All Western Australian local governments must complete a CAR annually under Reg. 14 and submit it to the Department after Council adoption. ARIC's role is to review compliance performance, focus on systemic gaps, and advise on the adequacy of management responses.

COMMENTS AND DETAILS

Administration completed the 2025 Compliance Audit Return and assessed compliance with the prescribed statutory requirements applicable during the period 1 January 2025 to 31 December 2025. The majority of statutory requirements were assessed as compliant, with a small number of non-compliances and administrative issues identified during the review process. Several questions were not applicable due to the nature of the Shire's operations or because the relevant circumstances did not arise during the audit period.

The Compliance Audit Return identified areas where governance and compliance processes can be strengthened. In each instance, administration has either implemented corrective action or commenced measures to prevent recurrence.

Summary of Results

The assessment identified five instances of non-compliance. Corrective action has been implemented in relation to these matters. The remaining applicable requirements were assessed as compliant.

Non-Compliance Matters Identified

Primary Return Not Lodged Within Required Timeframe

The Compliance Audit Return identified that a Primary Return was not lodged within the required statutory timeframe by an employee who had been granted delegated authority.

The omission was identified by administration in April 2025 and subsequently rectified, with the matter reported to the Department. At the time, Officers reviewed onboarding and delegation processes to ensure all required disclosures are completed prior to the exercise of delegated authority.

Delegation Instrument Not Issued

The Compliance Audit Return identified that an employee may have exercised delegated authority without a written instrument of delegation being issued as required under section 5.44(2) of the *Local Government Act 1995*.

The Executive Manager Economic Development and Community Services had commenced the role on 9 September 2025 and resigned 23 February 2026. The oversight was identified on 1 April 2026 when Certificates of Authority were provided to the person who was acting in the role. Additional control measures were subsequently introduced to ensure Officers are notified in writing of their delegations and returns are received before Officers are able to exercise delegated functions on commencement with the Shire.

Minutes not issued within legislative timeframe

It was noted in the Compliance Management Calendar and has been added as a reference in the Compliance Audit Return 2025 that the minutes of the Bush Fire Advisory Committee had not been published onto the Shire's website within the 7 day timeframe.

The Shire had also received notification from the Department in August 2024 relating to the Special Council Meeting (SCM) held on Monday 12 August 2024 and the agenda for that council meeting not appearing on the website. The Department was responded to by saying that the matter of non-compliance would be put onto the 2024 Compliance Audit Return however that return had been lodged by 31 March 2026, well after the notification in August 2024. This is the reason why it has also been noted in 2025's compliance audit return.

The website is often audited by the Governance Coordinator which is why there is also a notation on the compliance audit return that the public agenda for the special council meeting held in January 2025 had also not been published. Training was instigated in regard to special council meeting processes to ensure this would not occur in the future.

Conclusion

This report asked the Committee to note the identified non-compliances and the corrective actions undertaken by administration.

The Committee then made a determination as to whether they were satisfied that the matters were appropriately addressed and did not prevent the Committee from recommending adoption of the 2025 Compliance Audit Return by Council.

Additional Information

The version of the Compliance Audit Return provided to the Committee as part of their agenda on 13 August 2026 differed slightly from the version attached to the Officer Report on 14 August 2026.

The Chief Executive Officer amended the 2025 Compliance Audit Return as per the Audit, Risk and Improvement Committee recommendation to Council. Comments in regard to those amendments are as follows:

(a) Item 2 is incorrectly declared "Yes" while the comments confirm it should be "No";

The response to the question under s.3.16 should be yes because all local laws, including the Standing Orders Local Law 2008 were reviewed by Council in November 2023 however, as it is a **2025 Compliance Audit Return** it has been changed to say

"No". The comment has remained which clearly establishes that the local laws have in fact been reviewed.

Advice received from the Department of Local Government LG Hotline on 14 August 2026 was as follows:

"As the Shire have conducted a review of the Standing Orders, the local law's 15 year auto-repeal period is reset. Accordingly, the local law will remain in force unless it is repealed by another local law or it reaches its next "automatic repeal date" due to lack of review (i.e. 15 years). My understanding is that if a mandatory standing order regulation ever came into effect, it would likely be accompanied by some mechanism (such as a Governor's local law) to switch all local governments to the new system. However, any shift of that kind is likely to be announced to the LG Sector well in advance."

(b) Item 17 requires correction of the resolution number to OCM089/04/25 to reflect the confirmed minutes;

This change has been made. The correct resolution was OCM089/04/25.

(c) Item 25 is incorrectly declared "N/A" and should be "Yes";

This change has been made.

(d) Item 39 is incorrectly declared "Yes" while the comments confirm it should be "No";

This change has been made to mark it as No with the comment to be as follows:

<u>Comment:</u> Special Council Meeting (SCM) on Monday 12 August 2024. Public agenda had not been published due to the matter being confidential, and a public agenda had not been prepared to put onto the website. The matter rectified and responded to the department.

A Special Meeting Notice and public Agenda was not distributed prior to the meeting of 13 Jan 2025 nor published on the website.

Reason was because the person whose role it was to do this was on long service leave and there were no other staff members available to rectify it.

Bush Fire Advisory Committee meeting May 2025 Minutes were published on 20 June 2025.

(e) Item 56 is incorrectly declared "No" while the comments confirm it should be "Yes";

This change has been made to say yes. The comment has been changed to the following:

<u>Comment:</u> The following two Councillors were elected in October 2025 and to date:

Cr Mills completed all modules of the certificate before 1 March 2026.

Cr Van der Heyden completed all modules except Meeting Procedures prior to 24 May 2026. The last module is to be completed by 30 September 2026.

(f) Item 63 is incorrectly declared "Yes", as ARIC is aware of duplicate payments of almost $250,000, indicating non-compliance and therefore the response should be "No".

This change has been made to mark it as No with the comment to be as follows:

Comment: During the audit of subsequent payments (payments after year end), we identified that an expenditure amount of $242,521.73 relating to financial year 2025 was paid twice in financial year 2026. The first payment was processed on 03/07/2025, and a second identical payment was processed again on 25/07/2025.

(g) Item 70 incorrect declared as "Yes", should be "No".

This change has been left as Yes because the following List of Payments and Monthly Financial Statements were presented to Council:

27 Feb 2025	January 2025 List of Payments
27 March 2025	February 2025 List of Payments
27 March 2025	January and February Monthly Financial Statements
24 April 2025	March 2025 List of Payments and Monthly Financial Statement
22 May 2025	April 2025 List of Payments and Monthly Financial Statements
26 June 2025	May 2025 List of Payments and Monthly Financial Statements
24 July 2025	June 2025 List of Payments
28 August 2025	June 2025 Monthly Financial Statements
28 August 2025	July 2025 List of Payments and Monthly Financial Statements
25 September 2025	August 2025 List of Payments and Monthly Financial Statements
30 October 2025	September 2025 List of Payments
27 November 2025	October 2025 List of Payments
27 November 2025	September 2025 and October 2025 Monthly Financial Statements
18 December 2025	November 2025 List of Payments and Monthly Financial Statements

For the comment to be "no" it would necessitate a comment as to why it is "no".

If Council wish to make it no then the suggested comment would be that in 2025 the December 2025 List of Payments and Monthly financial statements were not provided.

However the above comment does not mean noncompliance as most other local governments would be unable to present the December payments list until the following year.

The Compliance Audit Return is required to be lodged with the Department of Local Government, Industry Regulation and Safety by 30 September 2026 (refer to Attachment 1).

In regard to the request that the *Chief Executive Officer provide a formal Statement of Assurance to Council confirming the accuracy and completeness of the remaining data within the Return prior to its adoption this is unable to be executed as the compliance audit return has not been independently reviewed. If Council were of a mind to seek an independent review please refer to the financial implications section of this report.*

A third Officer Recommendation has been proposed to accommodate such a request from Council, once the Council, in accordance with regulation 14(6)(a) determine if any matters raised by the audit, risk and improvement committee require action to be taken by the local government.

If Council resolves this recommendation a Special Council Meeting would need to be arranged well in advance of 30 September 2026 to ensure the CEO lodges the return by 30 September 2026.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

The Compliance Audit Return supports effective governance, regulatory compliance, accountability and continuous improvement across the organisation.

Policy related:

Nil.

Financial:

Should Council request an independent review of the Compliance Audit Return, the review is expected to incur a cost of approximately $3,400.00 plus GST. As this expenditure has not been budgeted for, Council approval would be required in a timely manner to enable the review to be undertaken prior to the lodgement date of **30 September 2026.**

Legal and Statutory:

Local Government Act 1995.

Local Government (Audit) Regulations 1996 in particular Regulations 13, 14 and 15 relating to compliance audits and the submission of Compliance Audit Returns

Regulation 14. Compliance audits

(1) A local government must carry out an audit (a ***compliance audit***) of the local government's compliance with the statutory requirements prescribed by regulation 13 for the period beginning on 1 January and ending on 31 December in each year.

(1A) Subregulation (1) is subject to regulation 15A.

(2) After a local government has carried out a compliance audit, the CEO must —

- (a) prepare a compliance audit return in a form approved by the Inspector; and
- (b) give a copy of the compliance audit return to the local government's audit, risk and improvement committee.

(3) The audit, risk and improvement committee must —

- (a) review the compliance audit return; and
- (b) report to the council the results of that review.

(4) When reporting to the council, the audit, risk and improvement committee must make any recommendations that the committee considers appropriate in relation to the compliance audit return.

(5) The council must consider the compliance audit return and the results of the audit, risk and improvement committee's review (including any recommendations) at a meeting of the council.

(6) The council must —

(a) determine if any matters raised by the audit, risk and improvement committee require action to be taken by the local government; and

(b) either —

(i) adopt the compliance audit return; or

(ii) adopt the compliance audit return subject to amendments proposed by the council.

Risk related:

Failure to adopt and submit the Compliance Audit Return within the prescribed timeframe may result in non-compliance with legislative requirements.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM202/09/26

MOVED Cr R Madacsi

SECONDED Cr M Dival

That Council approves the consideration of Item 10.6.1 ARIC Recommendation regarding the 2025 Annual Compliance Audit Return (CAR) as an urgent item of business.

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

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

OFFICER'S RECOMMENDATION

MOVED Cr M Dival

SECONDED Cr S Van der Heyden

That Council, in accordance with regulation 14(6) of the Local Government (Audit) Regulations 1996:

1. Notes that the Audit, Risk and Improvement Committee has reviewed the draft 2025 Compliance Audit Return (CAR) as required under Regulation 14 of the *Local Government (Audit) Regulations 1996;*
2. Notes the amendments made to the Compliance Audit Return arising from the Audit, Risk and Improvement Committee's review as per their recommendation (No. ARIC068/08/26 as contained in this report);
3. Determines that the matters raised by the Audit, Risk and Improvement Committee do not prevent adoption of the Compliance Audit Return and will be addressed through the Shire's ongoing compliance improvement processes.
4. Adopts the 2025 Compliance Audit Return, as amended (**Attachment 1**); and
5. Authorises the Chief Executive Officer to lodge the adopted Compliance Audit Return with the Local Government Inspectorate by 30 September 2026.

OFFICER'S RECOMMENDATION 3

That Council approves expenditure of $3,400.00 plus GST for an independent review of the Compliance Audit Return to enable the Chief Executive Officer to provide a formal Statement of Assurance to Council confirming the accuracy and completeness of the data within the Return prior to its lodgement.

MOTION/COUNCIL RESOLUTION NO. OCM203/09/26

MOVED Cr M McKeown

SECONDED Cr R Madacsi

That Council proceed to the next item of business.

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

<u>Voted Against:</u> Nil

MOTION CARRIED 7/0

10.6.2 ARIC Recommendation No 069/08/26

Date of Report:	1 September 2026
Applicant or Proponent:	N/A
File Reference:	COC2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	No – although workforce planning was discussed at a Councillor workshop
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider the following recommendation made by the Committee at their meeting held on 21 August 2026:

ARIC RECOMMENDATION No.ARIC001/08/26

Moved Mrs. N Mills

Seconded Ms K Barrack

That the Audit, Risk and Improvement Committee recommends that Council:

1. Notes that the Audit, Risk and Improvement Committee (ARIC) has reviewed the information contained in the ARIC Monthly Report for June 2026 at item 4.2 of the Agenda of 13 August 2026.
2. Notes that ARIC has identified a significant internal control weakness, with the Acting Executive Manager Finance and Corporate Services performing both preparer and reviewer roles on the Reconciliation Status Report, Unreconciled Items Register, Aged Payables Report, and Aged Receivables Report.
3. Reviews the financial appropriation for human resources as a matter of priority, acknowledging the Chief Executive Officer's commentary that the statutory obligations of ARIC's oversight and the Infrastructure & Works Committee present an emerging risk of staff burnout, and that additional resourcing is required to ensure sufficient organisational capacity exists to meet all statutory governance obligations and rectify the Shire's legacy compliance issues.

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

Voted Against: Nil

Motion carried 5/0

BACKGROUND

At the ARIC meeting held on 21 August 2026 rather than consider the Officer's recommendation, a motion was made to recommend three things, one of which was to "Review the financial appropriation for human resources as a matter of priority, acknowledging the Chief Executive Officer's commentary that the statutory obligations of ARIC's oversight and the Infrastructure & Works Committee present an emerging risk of staff burnout, and that additional resourcing is required to ensure sufficient organisational capacity exists to meet all statutory governance obligations and rectify the Shire's legacy compliance issue."

COMMENTS AND DETAILS

The Shire is currently in the process of engaging a consultant to prepare a Workforce Management Plan which will identify any capacity issues within Council currently and in the future. It is expected that this plan will be prepared for Council's consideration by the end of December 2026.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Nil.

Policy related:

Nil.

Financial:

Nil.

Legal and Statutory:

Nil.

Risk related:

Nil.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council consider the report titled ARIC Recommendation No. 069/08/26.

OFFICER'S RECOMMENDATION 2

That Council:

1. Notes the recommendation No. 069/08/26 made by the Committee; and
2. Requests the CEO bring the Workforce Plan to Council at its Ordinary Council Meeting to be held in December 2026.

MOTION/COUNCIL RESOLUTION NO. OCM204/09/26

MOVED Cr M McKeown

SECONDED Cr R Madacsi

That Council proceed to the next item of business.

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

Voted Against: Nil

MOTION CARRIED 7/0

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Cr Prater

Date of Report:	25 August 2026
Applicant or Proponent:	Cr J Prater (Notice of Motion) **Subject land:** Lot 264, 14 Fiennes St, Toodyay (Reserve No. 21797)
File Reference:	MAN11
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	5 March 2026 - OCM026/03/26
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Cr Prater Notice of Motion. 2. Information about Reserve 21797.

PURPOSE OF THE REPORT

Councillor Prater has submitted a Notice of Motion requesting that Council offer the Toodyay Community Garden a five-year lease, with an additional five-year option, over a portion of Lot 264, 14 Fiennes Street, Toodyay, for the establishment of a community garden.

The proposed motion includes the following conditions:

- the Community Garden organisation be responsible for all outgoings, maintenance of infrastructure and buildings; and
- provide a response within ten days of the Ordinary Council Meeting, and, if accepted, authorise the CEO to prepare a draft lease for Council consideration.

BACKGROUND

The subject land is located at Lot 264, 14 Fiennes Street, Toodyay. The reserve has a total area of approximately 10,935m² and is currently identified as a Civic and Community Reserve under Local Planning Scheme No. 5. The site was formerly used for sporting and community purposes and includes existing hardstand and infrastructure associated with the former tennis court facility.

The proposed community garden area occupies approximately 3,100m² (66m x 47m) of the reserve. The site is bounded by residential development to the west, a former basketball court site to the east, the Shire Administration Building to the south, and a road reserve to the north.

The rationale provided in the Notice of Motion is to provide security of tenure for the Toodyay Community Garden, activate an underutilised site for community benefit, utilise existing infrastructure to reduce establishment costs, and provide a location with basic universal access.

Statutory and Planning Considerations

Local Planning Scheme No. 5

The land is zoned Civic and Community Reserve under Local Planning Scheme No. 5. The objectives of the reserve are:

1. To provide for a range of community facilities which are compatible with surrounding development.
2. To provide for public facilities and services by organisations involved in activities for community benefit.

A community garden is consistent with the intent and objectives of the Civic and Community Reserve, as it serves a community benefit and provides a community-based facility.

Heritage Considerations

The property is located within a State Heritage area. Any future development, structures, works or alterations associated with establishing the community garden would require referral to the Heritage Council through the Department of Planning, Lands and Heritage as part of the development approval process.

The site is also located within Special Control Area 3: Central Toodyay Heritage Precinct. As a result, any development application must be determined by Council and accompanied by a Heritage Impact Statement. Any proposed development must comply with Local Planning Policy 20: Central Toodyay Heritage.

Landscape Protection

The subject land is within Special Control Area 5: Landscape Protection. Any future development requiring planning approval must comply with the requirements of Schedule 2 of Local Planning Scheme No. 5.

Rail Noise Considerations

The land is located within the trigger distance of a railway line. Future development may therefore be subject to the requirements of State Planning Policy 5.4: Road and Rail Noise and the associated guidelines.

COMMENTS AND DETAILS

The proposal seeks to facilitate a community-led initiative on land that is currently underutilised. The intended use is consistent with the objectives of the Civic and Community Reserve and would provide a community benefit through local food production, community engagement and educational opportunities.

While the proposed lease would provide tenure to the Toodyay Community Garden, it must be recognised that any physical works, structures, landscaping, fencing, sheds, water infrastructure or other improvements associated with the development of the garden may require separate development and heritage approvals prior to commencement. The granting of a lease does not remove the requirement to obtain all necessary statutory approvals.

Should Council support the Notice of Motion, the preparation of a lease agreement would allow detailed consideration of matters including permitted use, maintenance obligations, insurance requirements, utility costs, public liability, improvements to the land, and compliance with all statutory approvals. Such matters would be addressed in a future lease document presented to Council.

IMPLICATIONS TO CONSIDER

Consultative:

Nil.

Strategic:

Council Plan 2023-2033

The proposal supports the provision of community facilities and activities that encourage community participation and activation of Council-owned land.

Policy related:

Any future development on the site would need to comply with Local Planning Scheme No. 5, Local Planning Policy 20: Central Toodyay Heritage, and relevant State planning policies.

Financial:

The Notice of Motion proposes that the Toodyay Community Garden be responsible for all property outgoings, including power and water, and for the maintenance of infrastructure and buildings on the site. Any costs associated with drafting and executing the lease would be borne by Council unless otherwise specified within the lease arrangements.

Legal and Statutory:

Nil.

Risk related:

Council should ensure that any future lease adequately addresses insurance, public liability, maintenance responsibilities, asset management obligations, site access, and statutory approval requirements prior to occupation and use of the land.

Workforce related:

Nil.

Conclusion

The proposed community garden is consistent with the objectives of the Civic and Community Reserve and will provide a community-focused use for an underutilised Council-owned site. Notwithstanding this, any future development associated with the use will be subject to planning, heritage and other statutory approval requirements.

Additional Information – Refer to Attachment 2

The subject land is a Crown Reserve (21797) managed by the Shire of Toodyay for the purposes of Parks and Recreation. The Management Order for the reserve includes a Power to Lease of up to 21 years, subject to the consent of the Minister for Lands.

Section 46(3)(a) of the Land Administration Act provides for leases or licences to be entered into over the whole or a part of a reserve. A lease instrument is used when exclusive possession of an area is proposed. A licence is used to grant a right to use the land for a particular purpose without exclusive possession.

Should Council resolve to lease a portion of Reserve 21797, the agreed lease will be lodged with the Department of Planning, Lands and Heritage for Ministerial consent as required by the Management Order. The proposed 5-year lease with 5-year option is less than the maximum 21 years permitted and is consistent with the intent of the Management Order. The community-based nature of the proposed lessee (Toodyay Community Garden) is also consistent with the community purpose of the reserve of Parks and Recreation.

VOTING REQUIREMENTS

Simple Majority

NOTICE OF MOTION/COUNCIL RESOLUTION NO. OCM205/09/26

MOVED Cr J Prater

SECONDED Cr S Van der Heyden

That Council:

1. Supports in principle the establishment of a community garden on a portion of Lot 264, 14 Fiennes Street, Toodyay.
2. Offers the Toodyay Community Garden a lease over the proposed area for a term of five (5) years with a further option of five (5) years, subject to:
    a. The lessee being responsible for all utility costs and outgoings associated with the site;
    b. The lessee being responsible for maintenance of infrastructure and improvements within the leased area;
    c. The lessee obtaining all required planning, heritage and statutory approvals prior to undertaking any development or works;

   d. The lessee maintaining appropriate public liability insurance to the satisfaction of the Shire.

3. Requires the Toodyay Community Garden to advise Council by close of business day of Monday 14 September 2026 to advise Council of their decision whether it accepts the offer.

4. Authorises the Chief Executive Officer to prepare a draft lease agreement for the consideration of Council.

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

Voted Against: Nil

MOTION CARRIED 7/0

11.2 Notice of Motion - Cr McCormick

Date of Report:	25 August 2026
Applicant or Proponent:	Cr McCormick (Notice of Motion)
File Reference:	MTG7
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Cr McCormick Notice of Motion.

PURPOSE OF THE REPORT

For Council to consider a Notice of Motion proposing several interim activation projects on Shire-owned land and the delivery of additional alfresco dining infrastructure within the Stirling Terrace café precinct (**Attachment 1 and below**).

Councillor Motion

That Council:

1. Recognises that the Shire is currently undertaking longer-term planning work, including the building and asset review and the review of the Council Plan, and that future use of some Shire sites may be informed by those processes.
2. Supports the following interim activation projects, which make positive and practical use of existing spaces while longer-term planning is progressed:
   (a) Open entrances to the old depot site to provide large vehicle parking and direct the CEO to implement this project prior to 1 October 2026.
   (b) Prepare a budget to install reticulated turf on former tennis courts 5 and 6 at Fiennes Street Reserve and report the cost of implementation to Council for consideration within the mid-year budget review. The proposed area is shown in the attached image.
3. Supports the delivery of two additional permanent alfresco dining bays on the Stirling Terrace café strip and directs the CEO to complete the project by the 2026 Christmas Street Party, noting funding has already been allocated.
4. Notes that the interim activation projects do not limit future planning, development or decision-making regarding the old depot site or Fiennes Street Reserve.

BACKGROUND

The Notice of Motion seeks to progress a number of small-scale activation initiatives aimed at improving utilisation of existing public assets while longer-term strategic planning processes are undertaken. The motion acknowledges that Council is currently undertaking broader strategic work, including reviews of its asset portfolio and Council Plan, which may ultimately influence the future use of several Shire-owned sites.

The proposed projects include:

- Temporary activation of the former depot site through provision of additional large vehicle parking.
- Investigation of irrigated turf installation on the former tennis court area at Fiennes Street Reserve.
- Delivery of two additional permanent alfresco dining bays on Stirling Terrace.

COMMENTS AND DETAILS

1. Old Depot Site Vehicle Parking

The opening of access points to the former depot site for use as large vehicle parking may provide additional parking capacity for caravan, motorhome, trailer and service vehicle users visiting the town. Prior to implementation, officers would need to consider:

- Site access and safety requirements.
- Surface condition and suitability for vehicle use.
- Signage and traffic management.
- Any insurance, risk management or compliance requirements.

Subject to these considerations, the initiative appears capable of being delivered as a relatively low-cost interim activation measure.

2. Fiennes Street Reserve Turf Project

The motion proposes the installation of reticulated turf on the area previously occupied by former tennis courts 5 and 6 at Fiennes Street Reserve. The Project would improve the amenity and usability of the reserve and provide additional open recreational space.

Implementation would require further investigation, including:

- Detailed design.
- Irrigation requirements and water availability.
- Establishment and ongoing maintenance costs.
- Capital and operating budget implications.

Preparation of a cost estimate and presentation to Council through the mid-year budget review process would enable Council to consider the Project's financial implications before committing funding.

3. Stirling Terrace Alfresco Dining Bays

The motion notes that funding has already been allocated for additional alfresco dining infrastructure in the Stirling Terrace café precinct. If budget allocation and approvals are already in place, progression of the project would support economic activity, hospitality businesses, and increased activation of the town centre.

Project timing would be subject to procurement, design, contractor availability and any approvals required. Completion prior to the 2026 Christmas Street Party would be dependent on these matters being managed within available timeframes.

4. Relationship to Strategic Planning

The motion specifically recognises that the proposed depot and Fiennes Street initiatives are interim measures and do not predetermine any future strategic decisions regarding those sites. This approach allows Council to enhance community use of the land while retaining flexibility for future planning outcomes.

IMPLICATIONS TO CONSIDER

Consultative:

No formal consultation has been undertaken in relation to the motion. Should Council resolve to proceed with any project requiring design development or significant site changes, community stakeholder consultation may be appropriate.

Strategic:

Council Plan 2023-2033

The proposed initiatives align with objectives commonly associated with:

- Improving community amenity.
- Encouraging visitation and economic activity.
- Activating underutilised public spaces.
- Enhancing the attractiveness and usability of public assets.

Policy related:

No direct policy implications have been identified at this stage.

Financial:

Old Depot Site Parking

Potential costs may include:

- Access works.
- Signage.
- Minor site improvements.
- Ongoing maintenance.

These costs are expected to be modest but would need to be confirmed through assessment.

Fiennes Street Reserve Turf Project

The motion specifically requests preparation of a budget estimate for Council consideration. Costs would likely include:

- Site preparation.
- Irrigation installation.
- Turf supply and establishment.
- Ongoing maintenance and water consumption.

No funding commitment is proposed at this stage.

Alfresco Dining Bays

The motion notes that funding for the project is already included within Council's budget.

Confirmation of available funding and remaining project costs would be provided through project management processes.

Legal and Statutory:

There are no direct statutory implications arising from consideration of the motion. Any works approved by Council would be subject to compliance with relevant legislation, planning requirements, procurement provisions and Council policies.

Risk related:

Key risks include:

Risk	Likelihood	Consequence	Mitigation
Cost escalation	Medium	Medium	Detailed costing prior to implementation
Community expectations regarding permanent future use of sites	Medium	Low	Clearly communicate interim nature of works
Operational and maintenance costs exceeding estimates	Medium	Medium	Lifecycle cost assessment
Delivery delays for alfresco project	Medium	Medium	Early procurement and project scheduling

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

NOTICE OF MOTION/COUNCIL RESOLUTION NO. OCM206/09/26

MOVED Cr S McCormick

SECONDED Cr M Dival

That Council:

1. Recognises that the Shire is currently undertaking longer-term planning work, including the building and asset review and the review of the Council Plan, and that future use of some Shire sites may be informed by those processes.
2. Supports the following interim activation projects, which make positive and practical use of existing spaces while longer-term planning is progressed:
   (a) Open entrances to the old depot site to provide large vehicle parking and direct the CEO to implement this project prior to 1 October 2026.
   (b) Prepare a budget to install reticulated turf on the former tennis courts 5 and 6 at Fiennes Street Reserve and report the cost of implementation to Council for consideration within the mid-year budget review. The proposed area is shown in the attached image.
3. Supports the delivery of two additional permanent alfresco dining bays on the Stirling Terrace café strip and directs the CEO to complete the project by the 2026 Christmas Street Party, noting funding has already been allocated.
4. Notes that the interim activation projects do not limit future planning, development or decision-making regarding the old depot site or Fiennes Street Reserve.

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

Voted Against: Crs R Madacsi, R Mills and J Prater

MOTION CARRIED 4/3

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

Nil.

13 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

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

14.1 MEMBERS

Nil.

14.2 EMPLOYEES

Nil.

15 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION NO. OCM207/09/26

MOVED Cr R Mills

SECONDED Cr S Van der Heyden

That the basis for confidentiality for Item 15.1, Notice of Motion – Cr Mills, be amended to **section 5.23(4)(b)** (the personal affairs of any person).

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

Voted Against: Nil

MOTION CARRIED 7/0

Cr Prater exited Council Chambers at 7:25 PM.
Cr Prater returned to Council Chambers at 7:27 PM

MOTION /COUNCIL RESOLUTION NO. OCM208/09/26

MOVED Cr M McKeown

SECONDED Cr M Dival

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

15.1 Notice of Motion - Cr Mills

This matter is considered to be confidential under Section 5.23 - (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 the personal affairs of any person.

15.2 Notice of Motion - Cr Madacsi

This matter is considered to be confidential under Section 5.23 - (4) (e) of the Local Government Act, and the Council is satisfied that 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;

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

Voted Against: Cr R Madacsi

MOTION CARRIED 6/1

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

All members of the gallery were requested to vacate Council Chambers at 7:30pm.

15.1 Notice of Motion - Cr Mills

All staff except for the Temporary Chief Executive Officer were requested to vacate Council Chambers at 7:44 PM. The Executive Managers of Infrastructure, Asset and Services and Economic Development and Community Services departed the meeting at this time.

VOTING REQUIREMENTS

Absolute Majority

MOTION /COUNCIL RESOLUTION NO. OCM209/09/26

MOVED Cr M McKeown

SECONDED Cr M Dival

That item 15.1 Notice of Motion – Cr Mills be withdrawn.

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

Voted Against: Nil

MOTION CARRIED 7/0 BY ABSOLUTE MAJORITY

15.2 Notice of Motion - Cr Madacsi

VOTING REQUIREMENTS

Simple Majority

ALTERNATIVE MOTION/COUNCIL RESOLUTION NO. OCM210/09/26

MOVED Cr R Madacsi

SECONDED Cr M Dival

That Council does not enter a contractual arrangement for a new ERP before it receives and considers a report which includes the following:

1. The Terms of contract and relevant quotation.
2. The projected software cost in the first five years of use for the system.
3. Whether the system is projected for upgrades, the timescale for the development of new modules and if required, the adaptation of existing Modules to meet the Shire’s needs
4. The estimated transition time until fully functional.
5. The recommended human resources required and skill level.
6. The processes to be used to ensure cleanliness of data imported into the new system.
7. How data mismatches will be addressed.
8. Testing procedures to be used prior to the new system going live.
9. The fall-back plan with steps to be taken.

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

Voted Against: Nil

MOTION CARRIED 7/0

In accordance with regulation 11DA of the Local Government (Administration) Regulations 1996, the reason(s) for the alternative motion are as follows:

To provide additional information to Council to ensure informed decision making.

MOTION/COUNCIL RESOLUTION NO. OCM211/09/26

MOVED Cr R Madacsi

SECONDED Cr M McKeown

That Council move from behind closed doors at 8:16pm.

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

Voted Against: Nil

MOTION CARRIED 7/0

The Council Chambers were re-opened at 8:16 PM

16 NEXT MEETINGS

Meeting	Date	Time
Audit & Risk Committee Meeting	9 September 2026	10.30am
Bushfire Advisory Committee Meeting	10 September 2026	5.30pm
Local Emergency Management Committee Meeting	10 September 2026	10.30am
Ordinary Council Meeting	1 October 2026	5.30pm
Infrastructure & Works Committee Meeting	8 October 2026	5.30pm

17 CLOSURE OF MEETING

The Shire President declared the meeting closed at 8:19pm.