Ordinary Council Meeting

5 November 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.

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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 17 November 2026.



Alan Hart

TEMPORARY CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 3 December 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 5:31 pm 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
Ms C Delmage	Acting Executive Manager Finance and Corporate Services
Mr C Erasmus	Executive Manager Planning and Regulatory Services
Mr S Ambrose	Executive Manager Economic Development and Community Services
Mr M Burgess	Executive Manager Infrastructure, Assets and Services
Mrs D Maritz	Executive Assistant
Ms P Kaur	Council Support Officer

Members of the Public

D Grey	B Lee	D Lee
C Lee	E Hall	A W Barr
M Bell	B Nichols	B Davies
S Saint	W Saint	B Ruthven
P Ruthven	M Eberle	

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

LEAVE OF ABSENCE

MOTION/COUNCIL RESOLUTION NO. OCM248/11/26

MOVED Cr M McKeown

SECONDED Cr M Dival

That Council approve a leave of absence for Cr McKeown for the period from Friday, 6 November 2026 to Wednesday, 11 November 2026, inclusive.

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

3 DISCLOSURE OF INTERESTS

The Chief Executive Officer advised of disclosures as follows:

Disclosures of Interest			
Name	**Type**	**Item**	**Extent**
Cr Madacsi	Impartiality	15.1	Is named within the report.
Cr Prater	Impartiality	10.3.1	Is a member of Toodyay Race Club.

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4.2 PUBLIC QUESTION TIME

M Bell – Question 1

Why hasn't the Toodyay Shire obtained clearances; Aboriginal Cultural Heritage Conservation, Heritage and Property Services, Department of Planning, Lands and Heritage? These were to be obtained 2023/24.

On 31st January 2023, the Shire officially requested Main Roads WA to undertake the Design and Construction of the replacement bridge, including obtaining all clearances. Clearances are scheduled to be obtained by January 2027, following Councils decision on the preferred design of the bridge. On page 182 [of the attachments] Main Roads has supplied a timetable of when Aboriginal Heritage will be applied for – beginning the application in October 2026 and obtaining the clearance in January 2027.

M Bell – Question 2

Did the CEO have an urgent meeting with the minister for infrastructure as per 27/11/25? What was the result if the meeting did not take place? Why not?

Taken on notice.

A W Barr – Question 3

What is the plan for Slaughterhouse Bridge? Are you ignoring it and hoping it goes under the table, or do you actually have a set plan you want to do? The document provided would have been great to have 6 months ago – how valid is it and is it available to the public?

It has been on the Shire website since Friday last week [30 October 2026] in the agenda for this meeting.

A W Barr – Question 4

Why has it taken so long for the maintenance people to come up with this document?

You can ask, but I don't know why it took them so long.

E Hall – Question 5

Does the Shire have a plan in place to enable emergency egress by residents of Toodyay West Road and its feeder roads in the event of a fire?

Residents of Toodyay West Road and its feeder roads have two potential exit routes: via Picnic Hill or West Toodyay Road onto Julimar Road. The safest route will depend on fire conditions and advice from the Incident Controller. Residents should have a bushfire plan, monitor emergency warnings and evacuate early when safe.

E Hall – Question 5

My question was not residents. Does the Shire have a fire plan to evacuate us in the emergency of a fire sweeping through?

Any emergency evacuation order will not be made by the Shire. It will be made by the incident controller in the event of a fire. The Shire has no jurisdiction over when or how or where evacuation takes place. That is the responsibility of the Incident Controller of the fire at the time.

E Hall – Question 6

FESA would say that most Shires in a high-risk danger area would have a fire plan. Does the Shire have some sort of fire plan?

This question can be taken on notice; however, it is no longer FESA, it's the Department of Fire and Emergency Services. There are ways out of West Toodyay including Picnic Hill Road and Toodyay West Road. There's works also soon to be done on Fitzgerald Terrace to make it more trafficable.

C Lee – Question 7

What are we going to do about Slaughterhouse Bridge? It's got to be open.

There is an item regarding Slaughterhouse Bridge on the agenda for today and I intend to bring that item forward for consideration as it is listed quite late in the agenda.

C Lee – Question 8

Are you able to give us an estimated time as to when the bridge will be opened?

This bridge cannot be reopened as it is at the end of its lifespan. Therefore, the bridge must be replaced. The item listed in the agenda related to which design open the Shire wishes to proceed with Main Roads WA for the replacement bridge.

C Lee – Question 9

Why hasn't clearing of fuel (flammable materials) along Toodyay West Road been conducted by the Shire in recent years?

This can be investigated as a part of an urgent maintenance program.

B Ruthven – Question 10

The Officer's Recommendation for Item 10.5.2 at Point 3 says "requests a further report to Council at the 50% design stage with a detailed cost estimate to allow the Council to commence assessing different funding options." There is no time on that. When is that going to happen?

When Main Roads WA complete 50% of the design. They haven't given us a timeframe as to when that will occur. They have given us a timeline on when the design will be completed – which is May 2027.

B Ruthven – Question 11

On page 62 of the attachments, in the monthly payments, there is a payment to $33,500 to LGIS WA with the description "worker's compensation adjustment contribution." Please explain this extra charge.

Each year we estimate what our wages are for the calculation of an insurance premium purposes at the end of each financial year we submit what our actual wages are and then adjustment is made to the workers compensation insurance premium for the previous year.

B Ruthven – Question 12

How inaccurate were the estimates to have an extra premium of that size?

They were not inaccurate. It is quite common that adjustments are made at the end of the financial year.

B Ruthven – Question 13

Has the Shire had an increase in the number of workers compensation claims during the last 2 years?

Taken on notice.

P Ruthven – Question 14

At the June Ordinary Council Meeting I asked what is the difference between an Acting CEO and a Temporary CEO and why has Mr Hart been appointed in a temporary capacity. You responded that the Council policy provides for an Acting CEO not exceeding 6 weeks and a Temporary CEO greater than 6 weeks but less than 12 months.

That is not correct.

The policy allows for three situations: Appoint an Acting CEO for up to 6 weeks, Acting CEO for 6 weeks to 12 months or appoint a temporary CEO substantive vacancy. Since you told us at the meeting that Mr Bowman is on leave there is no substantive vacancy. So why was Mr Hart appointed as a Temporary CEO contrary to Shire Policy?

Taken on notice.

P Ruthven – Question 15

Where did your incorrect response come from?

Taken on notice.

B Ruthven – Question 16

Who is the holder of the liquor permits at the Toodyay Recreation Centre?

The Shire does not have a liquor licence at the Toodyay Recreation Centre.

B Ruthven – Question 17

Does the Toodyay Tennis Club have a permit from the CEO to consume on Shire premises?

Yes.

B Ruthven – Question 18

Does the Tennis Club have a lease of the facilities at the Recreation Centre?

Yes.

B Ruthven – Question 19

Was that granted by Council or the CEO?

Taken on notice.

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council held on 1 October 2026

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM249/11/26

MOVED Cr M Dival

SECONDED Cr J Prater

That the Unconfirmed Minutes of the Ordinary Council Meeting held on 1 October 2026 be confirmed.

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

7.4.1 B NICHOLS

Regarding Item 10.1.2 Consideration of Development Application for an Ancillary Dwelling at 11 Fargo Way, Toodyay

During the submission, B Nichols explained the context and reasons for the Development Application. B Nichols highlighted the importance of the property to his family and spoke in favour of the Officer's Recommendation.

The Shire President acknowledged and thanked B Nichols for the submission.

8 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

MOTION/COUNCIL RESOLUTION NO. OCM250/11/26

MOVED Cr M McKeown

SECONDED Cr M Dival

That Council, pursuant to Clause 4.2(1) of the Shire of Toodyay Standing Orders Local Law 2008, amend the order of business to consider Item 10.5.2, *"Slaughterhouse Bridge – Design Options"*, as the first item of business.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.5.2 Slaughterhouse Bridge-Design Options

Date of Report:	20 October 2026
Applicant or Proponent:	N/A
File Reference:	BR4085
Author:	M Burgess – Executive Manager Infrastructure, Assets and Services
Responsible Officer:	M Burgess – Executive Manager Infrastructure, Assets and Services
Previously Before Council:	OCM 27 November 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Bridge 4085 15% Design Options -October 2026 2. Email from MRWA 15% Design Options October 2026

PURPOSE OF THE REPORT

For Council to consider the design options presented by Main Roads WA (MRWA) for Slaughterhouse Bridge to enable MRWA to continue with the design of the replacement bridge.

BACKGROUND

Bridge 4085, known as Slaughterhouse Bridge is on Toodyay West Road and is the most direct access to West Toodyay, which according to the 2021 Census had a population of 497 people (10.8%) of the total population of the Shire from the 2021 Census of 4,601. West Toodyay is also serviced via Julimar Road to West Toodyay Road and Picnic Hill Road (gravel road) via Toodyay Bindi-Bindi Road.

The Bridge was originally constructed in 1937 and comprises of seven timber spans and is anchored by drive timber piles with an overall length of 43.9m, width of 4.78m.

A capacity assessment of the Bridge 4085 Toodyay West Road was carried out by MRWA in November 2021, which identified significant deterioration in the timber elements of the support structure of the bridge.

In March 2023, MRWA advised the Shire of the options to limit the load on the bridge until such time as the bridge could be replaced with a new structure. A load limit of 9 tonnes was imposed based on emergency repairs carried out in September/October 2023 and a heavy vehicle diversion implemented. Additional props under the bridge were also installed.

When the 9-tonne limit was placed on the bridge, in accordance with the *Road Traffic Act 1974*, Emergency Service vehicles were no longer permitted to drive on the bridge.

In March 2023, MRWA commenced planning to replace the bridge and in May 2024, a report was presented to Council with two design options for Council's consideration. At that meeting Council did not consider any of the options.

In July 2024 Council resolved to request MRWA proceed with a single lane design the inclusion of a footpath.

In November 2025, MRWA undertook a further capacity assessment and advised that due to the condition of the bridge it was not prepared to weight limit the bridge due to significant deterioration. MRWA recommended closing the bridge on safety grounds. At the same meeting, Council reaffirmed the request to MRWA to proceed with the design of a single lane design with the inclusion of a footpath.

COMMENTS AND DETAILS

When Council resolved to approve a single lane bridge (July 2024), this was done without the benefit of traffic count data. MRWA have since completed a traffic count and have concluded that a single lane bridge is not feasible. Based on the traffic count data, a two-lane bridge will be required to be constructed.

The reason for this coming back to Council is for Council to make a recommendation on the revised two-lane design of the replacement bridge.

There are three design options for the replacement of Bridge 4085 Toodyay West Road. The different options are detailed in the attachment to this report, and are summarised as follows:

Criteria	Option 1 - Precast concrete deck planks	Option 2 - Steel Girder bridge	Option 3 - Mabey bridge
Upfront cost - Phase 1	Phase 1 (Substructure + Road bridge superstructure) ≈ $7.2m	Phase 1 (Substructure + Road bridge superstructure) ≈ $5.5m	**N/A**
Upfront cost - Phase 2	Phase 2 (Foot bridge superstructure only) ≈ $1.95m	Phase 2 (Foot bridge superstructure only) ≈ $1.10m	**N/A**
Total upfront cost	Total ≈ $9.15m	Total ≈ $6.60m	**Total ≈ $7.0m**
Phase 2 Alternative	**Conventional steel foot bridge superstructure ≈ $1.10m;** Pedestrian Mabey bridge superstructure ≈ $0.8m	-	-

Criteria	Option 1 - Precast concrete deck planks	Option 2 - Steel Girder bridge	Option 3 - Mabey bridge
Costs associated with road realignment works and the supply, placement and compaction of fill material behind the abutment and wing walls	Approximately between $1.38m and $2.04m	Approximately between $1.38m and $2.04m	Approximately between $1.38m and $2.04m
Durability	100 years or more	100 years or more	Less than 100 years
Maintenance cost	Low	**Medium**	High
Is the width of the future pedestrian pathway more than the minimum allowable of 1800mm?	Yes (2500mm)	Yes (1800mm)	No (1500mm)
Ease of construction	**Moderately complex to construct**	**Moderately complex to construct**	Easily constructible
Accessibility and transportation constraints	**Moderately hard to transport and access**	Easy to transport and moderately easy to assemble on site	Easy to transport and moderately easy to assemble on site
Complexity in modifying structure in future	Easily modifiable	Easily modifiable	Difficult to modify
Percentage of water that is blocked by the structure during an overtopping event of 1 in 500 ARI flooding	50%	100%	**50 to 75%**
Can Australian Standard guardrails be installed on the bridge?	Yes	Yes	No
Stormwater drainage design	Easy	Easy	Complex

MRWA are requesting that Council choose a bridge design between Option 1 and Option 2. Option 3 is not being considered as feasible because of the following factors

1. Lifespan is less than 100 years
2. There is no option of a pedestrian pathway to be included or added
3. It is difficult to modify in the future
4. Guardrails cannot be installed
5. Stormwater drainage design is complex.

Ongoing maintenance is the defining issue between Option 1 and Option 2. The construction method determines the ongoing maintenance and with Option 1 being concrete construction, the ongoing maintenance is low and Option 2, being a Steel Girder construction, the ongoing maintenance is higher. At the time of writing this report, the ongoing maintenance costs are not known.

Council is being requested to select Option 1 or Option 2 as the preferred construction method to allow MRWA to continue with the design phase. Once the design has been completed and cost estimates finalised, funding applications can be lodged with the State and Federal Governments to assist in the construction of the bridge.

It is recommended that Option 2 be selected as the preferred construction as the initial capital cost is significantly less that Option 1 and in the absence of any ongoing maintenance costs, it is difficult to compare the long-term costs of the two.

Further to this, Option 1 is down as Moderately Hard to Transport and Access whereas Option 2 is listed as Easy to Transport and Moderately easy to assemble on site which should equate to initial transport costs being lower for Option 2.

The current design timetable will have the 100% design complete by May/June 2027.

IMPLICATIONS TO CONSIDER

Consultative:

Council, Main Roads WA

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 5.1 Provide Responsible Planning and Development

Outcome 6. Safe, sustainable, and affordable transport options.

Policy related:

Risk Management

Long term Financial Planning

Financial:

The 15% design cost estimates are for Option 1, $9.15m and Option 2, $6.6m. These cost estimates do not include other costs associated with the works, such as road realignment, compaction fill, wing walls and service relocations (if any). This cost is estimated to be between $1.38m to $2.04m for both options, excluding service relocations (if any).

Once the design progresses and costings are refined, there will be an opportunity for the Shire to apply for state and federal government funding to assist with the cost of

construction. According to current Guidelines funding is capped at 80% of the total cost and as this is a replacement bridge, government funding is limited to like-for-like replacement so the footpath will not be funded. Council will need to fund the difference which based on the options outlined in the report could be as high as $3.79m based on the 15% design (Option 1) at today's dollars.

Legal and Statutory:

Nil

Risk related:

Since the financial impact is higher than $500,000 the rating level is catastrophic (5). Until other funding sources are confirmed, the likelihood is rated as likely (4) and hence the risk is extreme (20)

Workforce related:

While MRWA are entirely funding and implementing the detailed design of Bridge 4085, Shire Officers will assist with community consultation as the design phase is progressed.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM251/11/26

MOVED Cr S Van der Heyden

SECONDED Cr M Dival

That Council:

1. Approves the Design Option 2 (Steel Girder Bridge), as the preferred option for the design of the replacement of Bridge 4085, Toodyay West Road;
2. Approves the inclusion of a Footbridge Superstructure into the design; and
3. Requests a further report to Council at the 50% design stage with a detailed cost estimate to allow the Council to commence assessing different funding options.

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

Voted Against: Crs M McKeown and R Madacsi

MOTION CARRIED 5/2

10 OFFICER REPORTS

10.1 PLANNING AND REGULATORY SERVICES

10.1.1 Consideration of Development Application for a Single House at Strata Lot 1 on Strata Plan S090603 44A Stirling Terrace, Toodyay

Date of Report:	30 September 2026
Applicant or Proponent:	Anne Bouveng
File Reference:	A3007/89STIT
Author:	JP Pratama – Town Planner
Responsible Officer:	R Winslow – Acting Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. Development Plans 2. Heritage Impact Statement 3. Noise Management Details

PURPOSE OF THE REPORT

For Council to consider a Development Application for a Single House at Strata Lot 1 on Strata Plan S090603 addressed as 44A Stirling Terrace, Toodyay (The Property).



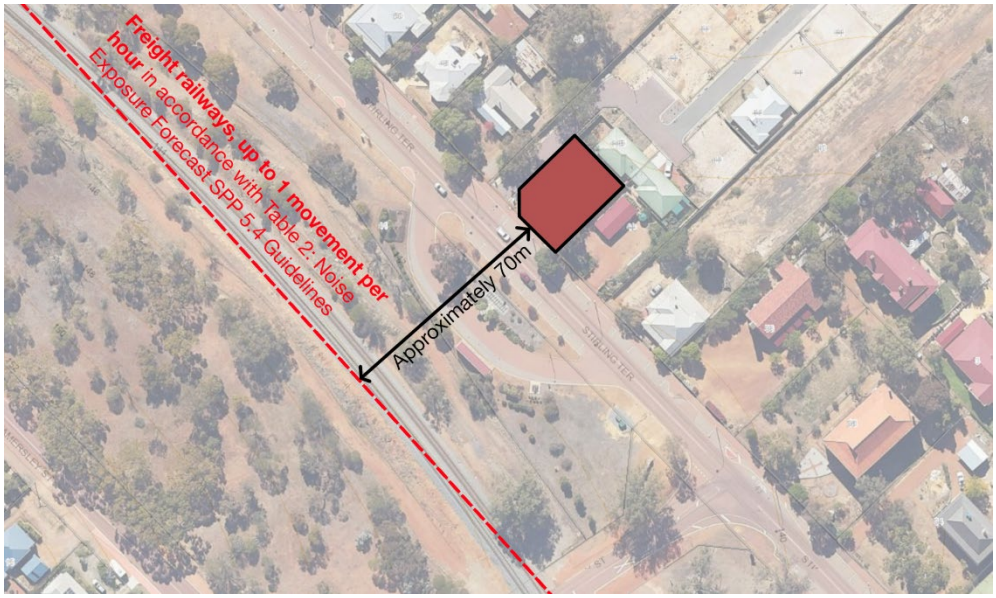
BACKGROUND

Site

The property is zoned Residential with a density code of R40 by Shire of Toodyay Local Planning Scheme No. 5 (The Scheme). The property comprises a survey-strata lot measuring 579 m². The property occupies a corner location with street frontages to Stirling Terrace and private road Cascade Lane. Vehicular access is proposed via Cascade Lane, which is the subject of a legally established easement created as part of the subdivision process and benefiting Strata Plan S090603.

The site slopes from Stirling Terrace towards the rear boundary, with existing survey levels ranging from approximately RL 140 metres at the frontage to RL 137 metres at the rear. This equates to an overall level difference of approximately 3 metres across the lot.

The property is identified as being located within a bushfire-prone area. The property is also located within the trigger distance of the freight rail corridor and is therefore subject to consideration under State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations.



Heritage Status

The subject land is located within the area identified as Toodyay Townsite (Place No. 26408). However, the Heritage Council record shows no statutory heritage protection listings. Accordingly, the site does not appear to meet the definition of a heritage-protected place under Clause 1A (a) and (b) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Proposal

The applicant seeks development approval to construct a single house.

The dwelling has a total internal floor area of approximately 132m², plus a 35m² alfresco area, 13m² carport, and 3m² porch, for a total development area of approximately 183m².

Access to the dwelling is via Cascade Lane under a shared access arrangement. The proposed building has a finished floor level of RL 138.50, approximately the property's mid-level.

COMMENTS AND DETAILS

Development Approval Requirement

Under clause 61(1), Item 23, the erection or extension of a single house may be exempt from development approval where specified criteria are satisfied, including where the site is not included on a heritage list and is not located within a designated heritage area.

The subject property is located within Special Control Area 3 (Toodyay Town Centre Precinct) and is not eligible for the exemption provisions contained within Schedule A. Development approval is therefore required.

Residential Development

Scheme requirements

Clause 25 of the Scheme provides that the Residential Design Codes (R-Codes) are to be read as part of the Scheme. Clause 32 - Site and Development Requirements, Table 6 (Page 25) states that development within the Residential Zone is to be setback in accordance with the Residential Design Codes unless varied by the Scheme provisions.

State Planning Policy

SPP 3.7 – Bushfire

The property is identified within a bushfire prone area, and the submitted plans indicate compliance with BAL 12.5 construction requirements. The building permit process will address detailed compliance with bushfire construction standards.

SPP 5.4 – Road and Rail Noise

The property is located approximately 70m from the freight railway centreline, placing it within the 200m trigger distance for Freight Railways identified in Table 1 – Transport Corridor Classification and Trigger Distances (SPP 5.4, Section 4.1.2, Page 2).

Under Table 2 – Noise Targets (SPP 5.4, Page 5), new noise-sensitive development is to achieve outdoor noise targets of 55 dB LAeq (day) and 50 dB LAeq (night), together with indoor noise targets of 40 dB LAeq (day) for living areas and 35 dB LAeq (night) for bedrooms. A single house constitutes noise-sensitive development for the purposes of the Policy.

Reference to Table 2 – Noise Exposure Forecast (Road and Rail Noise Guidelines, Page 9) indicates that a dwelling located approximately 70m from a freight railway with up to one train movement per hour is subject to a forecast noise level of approximately 58 dB LAeq, corresponding to Exposure Category A.

IMPLICATIONS TO CONSIDER

Compliance with Policies

SPP 5.4 – Road and Rail Noise

The dwelling incorporates several measures consistent with the principles of a Quiet House Design Package to mitigate potential rail noise impacts. At a site level, the dwelling benefits from the lot being located below the level of Stirling Terrace and the adjacent railway corridor, with the Information Bay and road reserve providing additional separation from the noise source.

The internal layout further assists noise attenuation, with a storage room along the Stirling Terrace frontage buffering the primary living areas, while the alfresco area is located at the rear of the dwelling, further from the railway corridor.

At the building envelope level, Bedroom 2, being the most exposed room, incorporates Soundcheck Gyprock wall lining and Comfort Plus glazing. Comfort Plus glazing is also proposed throughout the dwelling, and window openings facing the railway corridor have been limited to approximately 600mm × 1810mm to minimise noise ingress.

Additional acoustic treatments include solid timber external doors with quality seals, a double-door entry arrangement incorporating two Hume JST6 doors separated by an enclosed porch, and construction on a concrete slab to reduce potential vibration transfer. Collectively, these measures clearly respond to the noise objectives of SPP 5.4 Road and Rail Noise and support the conclusion that the dwelling can achieve an acceptable internal and external acoustic environment.

Residential Design Codes

A technical assessment of the proposal demonstrates compliance with all applicable Deemed-to-Comply provisions of the Residential Design Codes, except for clause 5.3.1 C1.1(iii) – Outdoor Living Areas, which requires the outdoor living area to be directly accessible from the primary living space of the dwelling. In this instance, the alfresco is accessed from the kitchen via the rear door or alternatively via the hallway adjacent to the living room.

The proposal satisfies the intent of Design Principle P1.1 of Clause 5.3.1 (Outdoor Living Areas). The alfresco provides a functional outdoor living area of sufficient size for recreation and entertaining and is located at the rear of the dwelling to address road and rail noise, resulting in a more protected and usable outdoor space. In addition, the 3-metre eastern setback provides usable open space that can be used in conjunction with the main living area. Given that the dwelling is situated significantly lower than the street and adjoining properties, the 3-metre eastern setback also provides sufficient uncovered open space to allow adequate access to sunlight and natural ventilation, particularly during the winter months. Accordingly, the proposal achieves an appropriate balance between outdoor living functionality, solar access, landscaping opportunities, and acoustic amenity.

Local Planning Policy Central Toodyay Heritage Area

Scale and Size (cl. 2.2)

The dwelling is a single-storey house, consistent with the prevailing built form in the locality and reflecting the predominantly single-storey character identified throughout the Heritage Area. The building responds to the site's natural slope and maintains a scale compatible with surrounding development.

Form (cl. 2.3)

In terms of built form, the dwelling incorporates a 25-degree pitched roof form and a 450 mm overhang, with a front porch indicating the entrance and orientation towards Stirling Terrace.

Siting (cl. 2.4)

The dwelling is oriented towards Stirling Terrace, as indicated by the porch, which marks the front entry and presents a clear residential address to the primary street frontage, while vehicular access is from Cascade Lane. This arrangement minimises the visual prominence of vehicle infrastructure.

Materials and Colours (cl. 2.5)

The proposed materials and colours reflect those used in neighbouring properties through weatherboard cladding, Colorbond roofing, and muted colour tones.

Detailing (cl. 2.6)

The dwelling adopts vertically proportioned windows in accordance with clause 2.6. On the elevation facing Cascade Lane. However, for Stirling Terrace, we considered horizontally oriented windows because vertically oriented windows would likely make only a small portion visible from the street due to the level difference. By contrast, horizontally oriented windows provide greater visual presence from the road. This helps maintain a stronger connection with the streetscape and is considered more consistent with the character of the surrounding development, while considering the use of each room facing the rail and main road.

The proposed single house has been assessed against the relevant policies and has demonstrated compliance and the necessary measures to satisfy the policies' objectives.

Consultative:

Nil.

Strategic:

Nil.

Policy related:

- Residential Design Codes (R-Codes)
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 5.4 – Road and Rail Noise
- Local Planning Policy – Central Toodyay Heritage Area

Financial:

Nil.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Toodyay Local Planning Scheme No. 5

Risk related:

No significant risks identified.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM252/11/26

MOVED Cr J Prater

SECONDED Cr R Madacsi

That Council in accordance with clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions for Local Planning Schemes grants Development Approval for a Single House at Strata Lot 1 on Strata Plan S090603 44A Stirling Terrace, Toodyay subject to the following conditions:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years of the notice of determination, the approval will lapse and be of no further effect.
2. The development shall be carried out generally in accordance with the plans and supporting documentation submitted with the application, as approved by the local government.
3. All stormwater from the approved dwelling shall be contained and discharged within the subject property and shall not adversely affect adjoining land, road reserves or public infrastructure.
4. The dwelling shall be constructed to a minimum BAL-12.5 standard, or higher where required, in accordance with the recommendations of the approved Bushfire Attack Level assessment and the requirements of AS 3959.
5. Prior to the occupation of the dwelling, vehicle crossover shall be constructed to the specification and satisfaction of the Local Government.

ADVICE NOTES

(a) A Building Permit must be obtained prior to commencement of any building works.

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

Voted Against: Cr M Dival

MOTION CARRIED 6/1

10.1.2 Consideration of Development Application for an Ancillary Dwelling at 11 Fargo Way, Toodyay

Date of Report:	5 October 2026
Applicant or Proponent:	Rachelle Miller – Evoke Living Homes
File Reference:	A3138/326FAR
Author:	JP Pratama – Town Planner
Responsible Officer:	R Winslow – Acting Executive Manager Planning and Regulatory Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. Development Plans 2. Applicant Justification
	Tabled Attachment 1 Item 10.1.1 Additional Information

PURPOSE OF THE REPORT

For Council to consider a Development Application for an ancillary dwelling at Lot 326 (11) Fargo Way, Toodyay as it seeks a variation to the floor area requirements of Local Planning Policy No. 2 – Ancillary Accommodation (the Policy).

BACKGROUND

Site Location

The property is zoned Rural Residential by Shire of Toodyay Local Planning Scheme No. 5 (the Scheme) and has an area of approximately 2.4 hectares. The lot has a relatively narrow configuration with a frontage of approximately 100 m. Existing development is predominantly concentrated towards the front portion of the site. The land slopes downward towards the rear of the property. The proposed ancillary dwelling is to be located adjacent to the existing dwelling on its northern side.

Proposal

The application seeks approval for an ancillary dwelling with an internal floor area of approximately 90m² (or 97m² based on the submitted area schedule), exceeding the 70m² maximum floor area prescribed by the Policy. The proposal also includes a western setback of approximately 15m, where a 30m setback would ordinarily apply within the Rural Residential zone. The development comprises a single-bedroom ancillary dwelling containing one bathroom. The proposed ancillary dwelling is to be located adjacent to the existing dwelling and will utilise the existing vehicle access to the site.



COMMENTS AND DETAILS

Land Use & Zoning

The site contains an existing Single House, to which the proposed ancillary dwelling is to be attached. Pursuant to Table 4 – Zoning Table, Ancillary Dwelling is a 'D' use within the Rural Residential zone and may only be approved at the discretion of the local government. As the proposed development will remain ancillary to the existing Single House, the application is may be considered by the local government and assessed on its planning merits.

Setbacks

Clause 32 of the Scheme establishes site and development requirements. Pursuant to Clause 32(2), development is required to be setback in accordance with Table 6. For land zoned Rural Residential, Table 6 prescribes minimum street, side and rear boundary setbacks of 30 metres. The applicant proposes a variation to the side boundary setback requirement, with a setback of 15 metres proposed to the western side boundary in lieu of the required 30 metres.

Pursuant to Delegation PRS 8 – Development Application Delegations, applications involving a setback variation of greater than 50% may not be determined under delegated authority. In this instance, the proposed setback represents a reduction of approximately 50% from the prescribed setback requirement.

Tree removal

No trees are being proposed to be removed for the establishment of this ancillary dwelling.

IMPLICATIONS TO CONSIDER

Local Planning Policy No. 2 Ancillary Accommodation

The submitted area schedule sheet 7 (Attachment 1) identifies the ancillary dwelling and alfresco as separate components, comprising 97m² and 13m² respectively. As the alfresco is an open, unenclosed structure comparable to a verandah, it is not considered to form part of the "internal floor area" referred to in Clause 1(a) of the Policy. Accordingly, the relevant floor area for assessment is 97m², representing an exceedance of 27m² above the prescribed 70m² maximum.

Notwithstanding the variation, the proposed ancillary dwelling remains materially smaller than the existing single house and will continue to be clearly subordinate in scale and character. As such, the development remains consistent with the intent of ancillary dwelling as a dwelling that is secondary and incidental to the primary dwelling.

The subject land comprises approximately 2.4 hectares. Given the size of the lot, together with the separation from adjoining properties and the road frontage, the additional floor area is unlikely to result in any adverse impact on the amenity of neighbouring landowners or the rural character of the locality.

The proposed ancillary dwelling is to be located adjacent to the existing dwelling which remain in line (cl. 1(h)), with a separation distance of approximately 3m, and will utilise the existing driveway access (cl. 1(f)). The siting and shared access arrangement are consistent with the objectives of the Policy ensuring the development remains subordinate to and does not function independently from the primary dwelling. The building is proposed to be constructed using Colourbond wall cladding and roofing materials in colours complementary to the existing dwelling (cl. 1(e)).

Special Control Area 5 – Landscape Protection

The proposed unit sits behind established trees and shrubs adjacent to the existing dwelling, substantially screening it from Fargo Way and from adjoining properties. Given the size of the lot and its rural setting, the reduced setback will likely have no adverse effect on the amenity of any adjoining owner or the locality more generally. Furthermore, visibility from Fargo Way is limited and the low traffic volumes associated with the loop road further reduce the prominence of the structure within the streetscape.

Clause 32 (16) Local Planning Scheme No. 5

Pursuant to Clause 32(16) of the Scheme, a building may be permitted within the prescribed setback area where: (a) a physical obstruction precludes compliance; (b) the location will not adversely affect the amenity of adjoining owners or the locality generally; and (c) due to topography or lot configuration, compliance with the setback requirement cannot reasonably be achieved or would be unnecessarily disadvantageous.

In support of the proposed setback variation, the site contains several existing constraints within the front portion of the property, including leach drains, a septic system, established gum trees proposed to be retained, water tanks and associated structures. These features significantly constrain the available space and limit opportunities to locate the ancillary accommodation outside the prescribed setback area.

In addition, the proposed location enables the ancillary dwelling to utilise the existing driveway access and provides a practical arrangement for the delivery and installation of the prefabricated modular building. Locating the structure adjacent to the existing dwelling allows the development to be accommodated with minimal disturbance to existing site infrastructure and vegetation. Accordingly, the proposed siting is considered to respond appropriately to the physical constraints of the site and represents the least impactful development outcome available.

Consultative:

No advertising of this application was undertaken.

Strategic:

Nil.

Policy related:

- Local Planning Policy 2 – Ancillary Accommodation
- Special Control Area 5 – Landscape Protection

Financial:

Nil.

Risk related:

Nil.

Workforce related:

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM253/11/26

MOVED Cr M Dival

SECONDED Cr S Van der Heyden

That Council in accordance with clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Deemed Provisions for Local Planning Schemes grants Development Approval for an ancillary dwelling at Lot 326 (11) Fargo Way, Toodyay subject to the following conditions:

1. If the development the subject of this approval is not substantially commenced within a period of 2 years of the notice of determination, the approval will lapse and be of no further effect.
2. The development shall be carried out generally in accordance with the plans and supporting documentation submitted with the application, as approved by the local government.
3. All stormwater shall be directed away from the ancillary dwelling and discharged in manner where there is no discharge onto adjoining properties to the satisfaction of the local government.
4. Prior to occupation, the development shall be connected to an approved effluent disposal system.
5. Prior to occupation, a minimum of 22,500 litres of potable water capacity shall be reserved and maintained for the use of the ancillary accommodation. This reserved capacity may be provided within the existing on-site potable water storage system.

ADVICE NOTES

(a) A Building Permit must be obtained prior to commencement of any building works.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.1.3 Consideration of Road Name Changes - Drummond St, Nunile

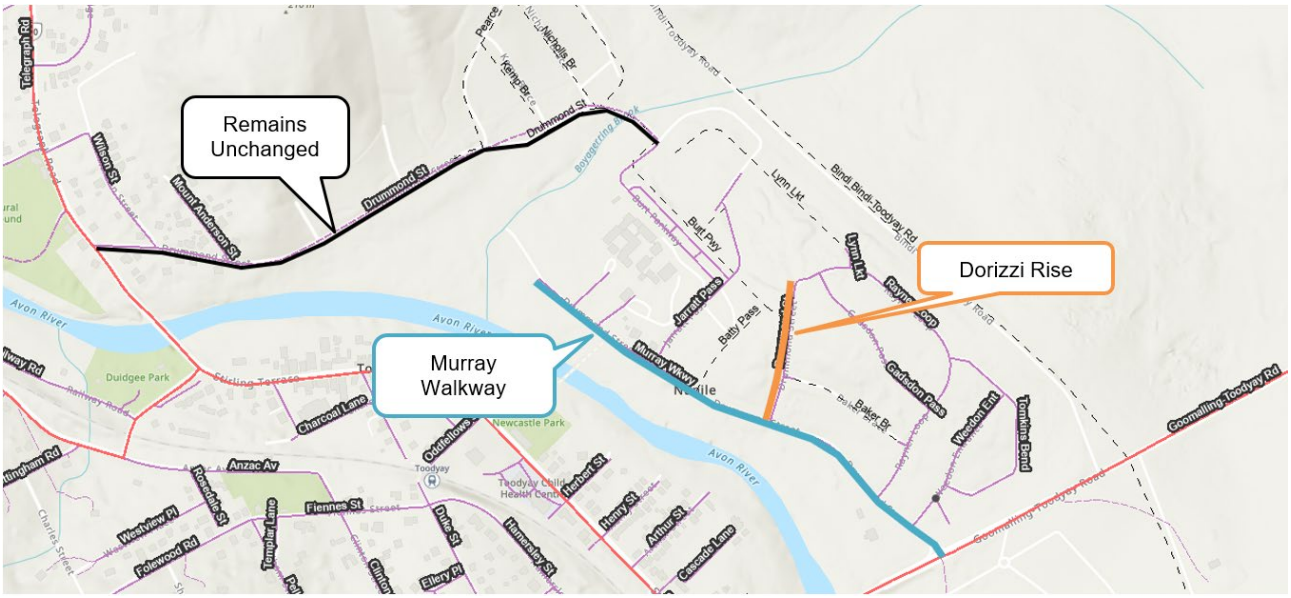
Date of Report:	7 October 2026
File Reference:	DRUE0078
Author:	R Winslow – Acting Executive Manager Planning and Regulatory Services
Responsible Officer:	R Winslow – Acting Executive Manager Planning and Regulatory Services
Previously Before Council:	2 July 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	Nil

PURPOSE OF THE REPORT

For Council to consider submissions received during advertising on the proposed road name changes to Drummond Street, Nunile.

BACKGROUND

Council considered a Notice of Motion relating to road names in the Riverhills Estate at the Ordinary Council Meeting held on 2 July 2026. The motion proposed renaming the portion of Drummond Street located between Goomalling – Toodyay Road and Rayner Loop to Murray Walkway and Dorizzi Rise as shown below:



Council unanimously resolved as follows:

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.*

Subsequent to the above Council decision, the proposal was advertised for public comment, including writing to affected landowners. Submissions were invited from 6 August 2026 until 11 September 2026. The matter is now returned to Council for consideration of submissions received and a final decision on the road naming.

COMMENTS AND DETAILS

Murray Walkway

It is proposed to extend the name “Murray Walkway” eastward to Goomalling – Toodyay Road. This will provide a single name for the roadway running from Goomalling – Toodyay Road to Toodyay District High School.

Renumbering of properties will not be required for the new section of Murray Walkway as the numbering currently runs from 8 to 34, with one property on the river side of the road currently numbered 9.

A potential future issue with road numbering relates to the high school. With the extension of Murray Walkway, the school street number of 46 does not allow for sufficient spare numbers for Council’s proposed subdivision of Lot 9508. The two houses located near Jarratt Pass are also currently unnumbered and would need to be accommodated in any future numbering. It is recommended that the high school and adjacent dwellings are allocated new numbers 74 (Lot 100), 78 (Lot 101) and 88 (school). This will provide sufficient room for any future subdivision without requiring a further renumbering.

Dorizzi Rise

It is proposed to rename the portion of Drummond Street that runs northwards to Rayner Loop as “Dorizzi Rise”. The proposed name recognises Tom, Herbert and Gordon Dorizzi, who lived in Toodyay and enlisted in the 2/4th Machine Gun Regiment in 1940. Following the fall of Singapore, the three brothers were captured and later died during the Sandakan Death Marches in Borneo in 1945. The Dorizzi family lived for a period of time in the former Newcastle Gaol and operated a number of enterprises including woodyard and cartage, night soil collection and school bus run.

The spelling of the name “Dorizzi” has been confirmed through contemporary newspaper articles (via Trove 1941 and 1943), as well as the plaques currently located in Toodyay. The spelling is also used in internet articles relating to the military service of the brothers.

Ideally, the numbering in the new Dorizzi Rise would start at 2 and increase as the road heads northwards to Rayner Loop. However, there are currently a number of dwellings occupied on this street that will be inconvenienced by both a name change and a number change. An alternative to renumbering would be to continue with the existing numbering which commenced at 36. Whilst not consistent with the road numbering standard, it is unlikely to create confusion.

IMPLICATIONS TO CONSIDER

Consultative:

Two submissions were received during the advertising period.

The first submission raised no objection to the naming of Dorizzi Rise. However, a strong objection was made to renumbering of properties. This would require physical changes to letterboxes and houses, which would come at a cost to owners.

The second submission objected to the renaming of Dorizzi Rise on the grounds of inconvenience, such as updating of details and advising utilities, etc. The submission also requested information on transitional arrangements where the old address may continue to work.

There are a number of arrangements that will be used to inform utilities and other agencies of the name change and potentially numbering change. The Shire would coordinate this and work with Australia Post to continue service under both names. However, it would be in landowners interests to update details quickly given the reliance on electronic spatial information, such as Google and website address searches. The Shire will prepare an information pack to provide each affected property owner that advises how and where to update details.

Strategic:

Nil.

Policy related:

Nil.

Financial:

There will be minor administrative costs associated with processing the name change and renumbering. There will be costs associated with the production and placement of street signage. These costs will be borne by the adopted 2026/2027 Annual Budget.

General Function:

Nil.

Legal and Statutory:

Road naming in Western Australia is undertaken in accordance with the *Land Administration Act 1997* and Landgate's Policies and Standards for the Geographical Naming of Western Australia. Final approval of road names rests with Landgate under delegated authority from the Minister for Lands.

Property street address numbering is administered by the local government and Landgate in accordance with Australian/New Zealand Standard AS/NZS 4819:2011 Rural and Urban Addressing. In practice, local government allocates the number for a property and Landgate incorporates this into the property's information and title.

Risk related:

Low. The administration of road name and property numbering by local government is incorporated into legislation, policy and standards.

Workforce related:

Existing staff resourcing will adequately administer this process.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM254/11/26

MOVED Cr M Dival

SECONDED Cr S McCormick

That Council

1. Notes the submissions received regarding the proposed road name changes for Drummond Street, Nunile;
2. Requests Landgate extends the name of Murray Walkway, Nunile from its eastern end along Drummond Street to Goomalling – Toodyay Road;
3. Requests Landgate renames the portion of Drummond Street, Nunile between Murray Walkway and Rayner Loop as Dorizzi Rise, in commemoration of the three Dorizzi Brothers, who served and perished during the Second World War, aligning with the road naming theme for the subdivision of Toodyay citizens who went to war;
4. Provides Landgate with all historical information available on the Dorizzi brothers to provide to the Geographic Names Database;
5. Allocates new property address numbers to Toodyay District High School and Lots 100 and 101 Murray Walkway, Nunile; and
6. Retains the existing property address numbering for the new Dorizzi Rise.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.1.4 Consideration of Submissions on Amendment No. 2 to Local Planning Scheme No. 5

Date of Report:	8 October 2026
File Reference:	PRO25
Author:	R Winslow – Acting Executive Manager Planning and Regulatory Services
Responsible Officer:	R Winslow – Acting Executive Manager Planning and Regulatory Services
Previously Before Council:	2 April 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Legislative
Attachments:	1. Local Planning Scheme No. 5 Amendment No. 2

PURPOSE OF THE REPORT

For Council to consider submissions received, and to make a recommendation to the Minister for Planning on Amendment No. 2 to Shire of Toodyay Local Planning Scheme No. 5 (the Scheme).

BACKGROUND

The State Government has introduced changes to the Model Provisions and Deemed Provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). These changes relate to short-term rental accommodation and tourist and visitor accommodation land uses. As a result, the Shire's Scheme must be updated to ensure consistency with the revised regulatory framework.

Amendment No. 2 (the Amendment) proposes modifications to the Scheme Text to update various land use classes and definitions in accordance with the new State provisions. The regulatory changes introduce new land use terms within the Model and Deemed Provisions and remove several existing accommodation-related use classes that are now considered redundant.

Council considered preparation (i.e. initiation) of the Amendment at its Ordinary Meeting held on 2 April 2026. At this meeting, Council resolved to "prepare" the amendment, which allowed for the document to proceed to the Western Australian Planning Commission (WAPC) and Environmental Protection Authority (EPA). Once considered by these agencies, public advertising was conducted in accordance with the Regulations. Advertising commenced on 13 August 2026 and ran for 42 days until 24 September 2026.

A copy of the consolidated Amendment as advertised and prepared for further consideration is attached at **Attachment 1**.

COMMENTS AND DETAILS

Rationale and Scope of Amendment

Amendment 2 is required to give effect in the Scheme to changes in the Regulations. A local government is required to ensure that its local planning scheme is consistent with the *Planning and Development Act 2005* and Regulations at all times. This Amendment will ensure consistency is maintained.

Amendment 2 is a text amendment only. No amendments to zoning or reservations on the Scheme Maps are proposed. The various text changes are outlined at Item 10.1.3 of the 2 April 2026 Ordinary Meeting of Council and at **Attachment 1**.

Role of Council

Council has an administrative / legislative function rather than the normal quasi-judicial decision-making role it has with development proposals. Council's role was to first "prepare" or initiate the Amendment and to undertake the necessary public and agency consultation. This role ends with Council considering submissions and making a recommendation to the Minister for Planning on whether to proceed with the Amendment.

Should Council consider modifications to the Amendment, these are made in the form of recommended changes. Council is unable to make changes directly, notwithstanding these may be in response to submissions received.

IMPLICATIONS TO CONSIDER

Consultative:

Public advertising resulted in the receipt of one submission regarding the Amendment. A summary of the submission and officer responses is in the table below:

No.	Issue raised	Officer response
—	**Submitter: P Inverarity** **Support, subject to clarification**	Supports the intent of the amendment and its alignment with the State short-term rental accommodation (STRA) framework. Seeks clarification on transitional arrangements, car parking and guidance for operators. Identifies one drafting error. Support noted. One modification is warranted (Item 6). The other matters can be addressed through information to operators and do not require changes to the amendment.
1	Transition of existing Bed and Breakfast operations. Requests confirmation that existing owner-occupied Bed and Breakfasts will be treated as Hosted STRA, not Tourist and Visitor Accommodation.	Noted. A dwelling where the host ordinarily resides, and resides during the stay, meets the definition of hosted short-term rental accommodation. The definition of tourist and visitor accommodation expressly excludes hosted short-term rental accommodation. The classification follows from the definitions. It is not a matter of discretion. The Shire can confirm this in information provided to operators. **No modification required.**

No.	Issue raised	Officer response
2	Development approval and transitional arrangements. Requests confirmation that expiry of an existing approval will not require a new approval where the use is exempt.	Agreed in principle. Under the deemed provisions (Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015), use of a dwelling for hosted short-term rental accommodation is exempt from development approval. Expiry of a time-limited Bed and Breakfast approval will not, of itself, require a new approval where the use meets the definition. The statement in the Amendment Report on renewals applies to uses that still require approval, such as unhosted STRA and tourist and visitor accommodation. Building works may still require approval. **No modification required.**
3	Zoning Table. Supports Hosted STRA as a 'P' use in relevant zones.	Support noted. The approach is consistent with WAPC Planning Bulletin 115/2024. **No modification required.**
4	Car parking – Schedule 6. Questions the basis for retaining 'R-Codes plus one bay' for Hosted STRA, and how it applies where no development approval is required.	The change is a consequential update. It replaces a deleted use class with its successor so Schedule 6 remains current. It does not introduce a new standard. As the use is exempt from development approval, the parking standard does not apply to commencing or continuing hosted STRA in an existing dwelling. Existing operators will not be required to construct an additional bay. A broader review of parking standards is better addressed through the scheme review. **No modification required.**
5	Distinction from lodging-houses and implementation guidance. Requests coordinated planning and environmental health guidance for operators.	Noted. The STRA definition excludes a lodging-house under the Health (Miscellaneous Provisions) Act 1911. Lodging-house requirements and STRA registration sit outside the Scheme. Planning and environmental health officers can provide coordinated information to operators. This does not require a change to the amendment. **No modification required.**
6	Drafting error – SU13.	Agreed. This is a drafting error. The term must match the defined land use to be effective.

No.	Issue raised	Officer response
	Item I refers to 'hosted short-stay rental accommodation' rather than the defined term 'hosted short-term rental accommodation'.	**Modification recommended: Modify Item 2(I) of the amendment (Schedule 2 – Special Use Zones, SU13) by replacing "hosted short-stay rental accommodation" with "hosted short-term rental accommodation.**
7	Support for small hosted accommodation businesses. Asks that the framework recognise the difference between hosted and unhosted accommodation.	Noted. The amendment distinguishes hosted and unhosted STRA through separate use classes and permissibility, consistent with the State framework. **No modification required.**

Officers recommend Council considers recommending the Minister for Planning modifies the Amendment to rectify the drafting error in Point 2(I) of the resolution. This position is reflected in the Officer Recommendation.

Strategic:

Plan for the future: Council Plan 2023-2033

Outcome 8. Toodyay is a popular tourism destination.

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

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

Shire of Toodyay Local Planning Strategy

Given its effect is limited to changes required to reflect the Regulations, the Amendment does not impact on the Local Planning Strategy.

Policy related:

Council currently does not have any local planning policies related to tourist and short-term accommodation uses.

Financial:

As the Shire has prepared this Amendment rather than a proponent, all costs associated with preparation, advertising and processing will be borne within Council's adopted Budget.

Legal and Statutory:

1. Planning and Development Act 2005

- Section 75 provides legislative power to the Council to prepare changes to its local planning scheme. This was undertaken on 2 April 2026.
- Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising. This referral has been completed.

- Section 87 provides for the Minister to approve the amendment, refuse it, or direct that modifications be made. This will be the next step after Council consideration.

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

- Regulations 34 and 35(2) require an amendment to be classified as basic, standard or complex. Amendment No. 2 is a standard amendment.
- Regulation 47 requires a standard amendment to be advertised for 42 days. This was conducted during August and September 2026.
- Regulation 50 requires Council to consider submissions within 60 days after the end of the submission period. Council must then resolve to support the amendment, support it with modifications, or not support it. This period ends in late November 2026.
- Regulation 51 allows Council to advertise a significant modification, but this is optional. The proposed SU13 correction is minor, so no further advertising is needed.
- Regulation 53 requires the amendment documents, the schedule of submissions, Council's responses, any modifications and the Council resolution to be sent to the WAPC within 21 days of the resolution.
- Regulation 76A specifies requirements for making documents available to public.

Risk related:

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

Workforce related:

All tasks associated with processing the Amendment are accommodated within current staff resources.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM255/11/26

MOVED Cr S McCormick

SECONDED Cr J Prater

That Council

1. Notes the submission received with respect to Amendment No. 2 to Shire of Toodyay Local Planning Scheme No. 5;
2. Recommends the Minister for Planning approves Amendment No. 2 to Shire of Toodyay Local Planning Scheme No. 5 as included at **Attachment 1**, subject to the following modification to rectify a drafting error:
   (a) Replace “hosted short-stay rental accommodation” with “hosted short-term rental accommodation” at Part 2(I), dot point 2 of the Amendment Document.

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

Voted Against: Nil

MOTION CARRIED 7/0

10.2 FINANCE AND CORPORATE SERVICES

10.2.1 List of Payments - September 2026

Date of Report:	6 October 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 - September 2026

PURPOSE OF THE REPORT

For Council to receive the List of Payments for the month of September 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 September 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. OCM256/11/26

MOVED Cr S McCormick

SECONDED Cr J Prater

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

Description	Amount $
Municipal Cheques	$500.00
Electronic Funds Transfer Payments	$1,112,007.17
Payroll	$313,374.13
Credit Cards	$3,515.13
Other (Including Direct Debits)	$130,106.22
Total	**$1,559,502.65**

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 - September 2026

Date of Report:	14 October 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. Monthly Financial Statements - September 2026

PURPOSE OF THE REPORT

To present to Council the Monthly Financial Statements for September 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. OCM257/11/26

MOVED Cr R Mills

SECONDED Cr J Prater

That Council receives the Monthly Financial Statements for September 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

10.3 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES

10.3.1 Toodyay Race Club - Request to Defer 2026/2027 Community Funding Program Allocation to the 2027 Toodyay Picnic Race Day

Date of Report:	13 October 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	CSD13-02
Author:	K Murray – Grants Officer
Responsible Officer:	S Ambrose – Executive Manager Economic Development and Community Services
Previously Before Council:	OCM186/08/26
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To request that a grant allocated through the Shire's 2026/2027 Community Funding Program to the Toodyay Race Club for the 2026 Picnic Race Day Heritage Race, be considered as part of the 2027/2028 budget deliberations for the 2027 event.

BACKGROUND

At the Ordinary Council meeting on 6 August, Council resolved (OCM186/08/26) to approve a 2026/2027 Community Funding Program allocation of $2,500 to the Toodyay Race Club for a heritage foot race at the 2026 Picnic Race Day.

The 2026/2027 Community Funding Program opened to applications on 9 March 2026 and closed on 20 April 2026. Applications were assessed against eligibility requirements, demonstrated community benefit and alignment with priorities in Council's Plan. Applications were considered by Councillors at a workshop in May 2026 and recommended to Council at the August 2026 Ordinary Council Meeting.

The Toodyay Race Club was advised that they had been allocated $2,500 for the Heritage Foot Race on 18 August 2026. On 16 September 2026, the Toodyay Race Club indicated that due to the timing of the grant outcome in relation to the race meeting (27 September 2026) the club had secured an alternative source of funding for the 2026 event. The Club initially proposed an alternative use for the funding (ie: a children's heritage themed colouring book) before requesting to defer the grant to the 2027 Toodyay Picnic Race Day event for the heritage foot race.

COMMENTS AND DETAILS

Due to the short timeframe between the announcement of the 2026/2027 Community Funding Program recipients and the 2026 Toodyay Picnic Race Day event, it is

understandable that the Toodyay Race Club acted to secure alternative funding to ensure the foot race would proceed. Event promotions required inclusion of sponsor logos on social media and printed posters, prior to the announcement of the 2026/2027 Community Funding Program allocations.

IMPLICATIONS TO CONSIDER

Consultative:

The Toodyay Race Club made the request following consultation with the club committee.

Strategic:

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

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:

Increase of $2,500 of unused funds in 2026/2027 Adopted Budget.

Legal and Statutory:

Funded projects must comply with relevant legislative and approval requirements.

Risk related:

Risk is considered low. The Toodyay Race Club successfully delivers the Toodyay Picnic Race Day on an annual basis.

Workforce related:

Within existing resources.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council consider the amount of $2,500 as part of the 2027/2028 Annual Budget deliberations for the Toodyay Race Club's Heritage Themed Foot Race at the 2027 Toodyay Picnic Race Day event.

ALTERNATE MOTION /COUNCIL RESOLUTION NO. OCM258/11/26

MOVED Cr S Van der Heyden

SECONDED Cr S McCormick

That Council approve the 2026/2027 Community Funding allocation to the Toodyay Race Club - Heritage Race to be carried forward to the 2027/2028 year to be utilised at the 2027 event.

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

Voted Against: Crs R Madacsi and R Mills

MOTION CARRIED 5/2

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

So that the Toodyay Race club can be confident in their funding early in the 2027/2028 financial year.

10.4 EXECUTIVE SERVICES

10.4.1 Adoption of Specified Dog Areas Notice pursuant to Sections 31 and 32 of the Dog Act 1976

Date of Report:	5 October 2026
Applicant or Proponent:	N/A
File Reference:	F26/49-01
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	4 June 2026 OCM123/06/26
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Council Notice - Dog Areas

PURPOSE OF THE REPORT

To seek Council's approval by absolute majority to adopt the attached Notice specifying dog prohibited areas and dog exercise areas within the Shire pursuant to sections 31 and 32 of the *Dog Act 1976* and clause 6.1 of the *Shire of Toodyay Dog Local Law Amendment Local Law 2027.*

The proposed approach removes the need to amend the local law whenever Council wishes to amend dog area designations and instead enables such areas to be specified by Council resolution.

BACKGROUND

Historically, dog prohibited areas and dog exercise areas were prescribed within local laws made under section 51 of the *Dog Act 1976*.

The *Dog Amendment Act 2013* significantly changed this framework by removing the former local law making powers relating to dog prohibited areas and dog exercise areas and replacing them with a system whereby local governments specify such areas by resolution of Council under sections 31 and 32 of the *Dog Act 1976*.

This legislative transition was formalised by Regulation 37 of the *Dog Regulations 2013*, which provides:

"Each place control provision has no effect after 31 July 2014."

A "place control provision" includes provisions of a local law made under former section 51(b), (ba) or (bb) of the *Dog Act 1976*, including provisions identifying places where dogs are prohibited or where dogs may be exercised.

Accordingly, any dog exercise areas or dog prohibited areas previously established under the Shire's historic dog local laws ceased to have legal effect after 31 July 2014.

Council's historical local laws included dog exercise area provisions identifying Reserve 27015 (Toodyay Showgrounds) as a dog exercise area. However, those provisions ceased to have effect upon commencement of Regulation 37.

On 4 June 2026 Council resolved (OCM123/06/26) to designate the Toodyay Recreation Centre Playing Field as an off-leash dog exercise area and authorised the Chief Executive Officer to implement that determination through signage, community communication and associated administrative actions.

The proposed *Shire of Toodyay Dog Local Law Amendment Local Law 2027* reflects the legislative framework established under the *Dog Act 1976* by providing that dog prohibited areas and dog exercise areas are not prescribed within the local law itself but are instead specified through a Council Notice adopted by absolute majority.

The attached Notice has therefore been prepared to provide a consolidated and contemporary schedule of dog prohibited areas and dog exercise areas within the Shire.

COMMENTS AND DETAILS

Council resolved to advertise the proposed *Shire of Toodyay Dog Local Law Amendment Local Law 2027* pursuant to section 3.12 of the *Local Government Act 1995*. The purpose of the amendment is to replace Part 6 of the principal local law to align the Shire's local law framework with the requirements of sections 31 and 32 of the *Dog Act 1976*.

Clause 6.1 of the proposed Amendment Local Law provides that dog prohibited areas and dog exercise areas are not prescribed within the local law itself and are instead specified by Council Notice adopted by absolute majority.

Sections 31 and 32 of the *Dog Act 1976* establish the statutory mechanism for local governments to specify dog prohibited areas and dog exercise areas. The legislation no longer requires these areas to be contained within a local law.

Section 31(3C) requires a local government to give local public notice of its intention to specify a dog prohibited area or dog exercise area at least 28 days before making that specification.

Importantly, the legislation refers to **local public notice** and does not require publication in the *Government Gazette*.

The term "local public notice" is defined under the *Local Government Act 1995* and is generally satisfied by publication through the local government's ordinary public notice mechanisms, including publication on the Shire's website and other approved forms of local public notification.

There is no requirement within sections 31 or 32 of the *Dog Act 1976* for gazettal of dog prohibited areas or dog exercise areas and gazettal is therefore not a prerequisite to a lawful Council decision.

The attached Notice is not intended to operate as the statutory notice of intention contemplated by section 31(3C). Rather, it is the final instrument by which Council formally specifies dog prohibited areas and dog exercise areas following consideration of the proposed local law amendments and associated public advertising process.

The areas identified within the Notice have been publicly disclosed through the local law review process and have formed part of the broader consultation undertaken in respect of the amendment local law.

Council is now being requested to adopt the Notice so that a valid and legally current schedule of dog prohibited areas and dog exercise areas exists under the legislative framework established by the *Dog Act 1976*.

This matter is particularly important because Regulation 37 of the *Dog Regulations 2013* rendered previous local law place control provisions ineffective after 31 July 2014. As a consequence, historical dog exercise areas contained within previous local laws no longer have legal effect.

Without adoption of the attached Notice, the only clearly identifiable dog exercise area formally designated by Council is the Toodyay Recreation Centre Playing Field pursuant to Council Resolution OCM123/06/26.

Adoption of the Notice will ensure that Council has a consolidated, contemporary and legally supportable record of dog prohibited areas and dog exercise areas consistent with the intent of sections 31 and 32 of the *Dog Act 1976* and clause 6.1 of the proposed *Shire of Toodyay Dog Local Law Amendment Local Law 2027*.

IMPLICATIONS TO CONSIDER

Consultative:

No external consultation required at this stage.

The amendment local law will require public advertising in accordance with section 3.12 of the *Local Government Act 1995.*

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Minor officer time and gazettal costs associated with amendment local laws.

Legal and Statutory:

Section 31(2B) of the Dog Act 1976 permits a local government, by absolute majority, to specify public places where dogs are prohibited.

Section 31(3A) permits a local government, by absolute majority, to specify dog exercise areas.

Section 32 provides that dogs may be exercised in dog exercise areas subject to the provisions of the Act.

Risk related:

The failure of the Council to deliver necessary undertakings poses a significant regulatory and legal risk. Specifically, a resulting disallowance would halt ongoing amendments and complicate the enforcement of current provisions, resulting in sustained non-compliance and heightened exposure to litigation.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM259/11/26

MOVED Cr S Van der Heyden

SECONDED Cr J Prater

That Council, by absolute majority and pursuant to sections 31 and 32 of the *Dog Act 1976*:

1. adopts the Council Notice titled **"Specified Dog Areas"** contained in **Attachment 4;**
2. specifies the dog prohibited areas and dog exercise areas identified in that Notice;
3. determines that the Notice is to take effect on the commencement of the *Shire of Toodyay Dog Local Law Amendment Local Law 2027*;
4. notes that all previous dog exercise area and place control provisions contained within former local laws ceased to have effect pursuant to Regulation 37 of the *Dog Regulations 2013*; and
5. authorises the Temporary Chief Executive Officer to publish the Notice and arrange any required signage, mapping and administrative updates.

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

Voted Against: Cr M Dival

MOTION CARRIED 6/1 BY ABSOLUTE MAJORITY

10.4.2 Policy Review: Community Complaints Policy

Date of Report:	20 October 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	PCY2
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	September 2023 OCM214/09/23
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Community Complaints Policy; 2. Revised Community Complaints Policy (Track changes included); and 3. Revised Community Complaints Policy (Track changes accepted).

PURPOSE OF THE REPORT

To present the revised Community Complaints Policy for Council's consideration and adoption, replacing the existing policy adopted on 27 September 2023 (**Attachment 1**).

BACKGROUND

The Community Complaints Policy was last reviewed by Council on 27 September 2023.

A review of the policy identified opportunities to strengthen the Shire's complaint handling framework and align it with contemporary complaint management principles, including Australian Standard AS 10002:2022 Guidelines for Complaint Management in Organisations and guidance issued by Ombudsman Western Australia.

The revised policy has been updated to provide greater clarity, consistency and transparency in the management of community complaints.

COMMENTS AND DETAILS

The revised policy retains the existing purpose of providing a framework for the receipt, assessment and management of community complaints while introducing several improvements to strengthen governance and accountability.

Key changes include:

- alignment with Australian Standard AS 10002:2022 and Ombudsman WA complaint handling guidance;
- clearer definitions, scope and objectives;
- a structured six-stage complaint handling process;

- service standards and response timeframes;
- enhanced procedural fairness provisions;
- provisions for managing conflicts of interest and internal reviews;
- clearer pathways for complaints relating to employees, contractors, elected members and the Chief Executive Officer;
- management of unreasonable complainant conduct; and
- improved reporting and continuous improvement requirements.

The revised policy provides a more comprehensive framework for managing complaints and supports consistent, transparent and accountable decision-making.

IMPLICATIONS TO CONSIDER

Consultative:

A draft of the revised Community Complaints Policy was considered by Councillors at the September 2026 Councillor Workshop. Feedback and discussion arising from the workshop informed subsequent amendments to the policy.

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

Outcome 10. Happy community members who feel heard, valued and respected.

The revised policy supports the Shire's commitment to good governance, accountability, transparency and continuous improvement.

Policy related:

The revised policy replaces the existing Community Complaints Policy adopted by Council on 27 September 2023.

Financial:

Nil

Legal and Statutory:

The policy has been developed having regard to:

- *Local Government Act 1995;*
- *Local Government (Model Code of Conduct) Regulations 2021;*
- *State Records Act 2000;*
- *Freedom of Information Act 1992; and*
- *Work Health and Safety Act 2020;*

Risk related:

Risks if adopted (Low)

The revised policy strengthens governance arrangements and provides greater clarity and consistency in complaint handling.

If not adopted: Moderate risk.

Retaining the current policy may limit alignment with contemporary complaint handling standards and recognised better practice.

Workforce related:

Officers will implement the revised policy and update relevant administrative procedures and website content as required.

Conclusion:

The revised Community Complaints Policy provides a clearer and more contemporary framework for managing community complaints. Adoption of the policy will strengthen governance, improve transparency and support consistent complaint handling practices across the organisation.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM260/11/26

MOVED Cr S McCormick

SECONDED Cr S Van der Heyden

That Council

1. Adopt the Revised Community Complaints Policy as attached (**Attachment 3**); and
2. Authorises the Temporary Chief Executive Officer to make minor administrative, formatting, legislative and typographical amendments that do not alter the intent of the policy.

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

10.4.3 Policy Review: Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates.

Date of Report:	12 October 2026
Applicant or Proponent:	N/A
File Reference:	PCY9
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	1 October 2026 at Ordinary Council meeting (Item 10.4.9).
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Current Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates Policy; and 2. REVISED Complaint Form.

PURPOSE OF THE REPORT

To consider:

(a) revoking the current Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates Policy (**Attachment 1**);

(b) endorsing the Behavioural Complaint Form (**Attachment 2**) which is a legislative requirement under regulation 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021; and*

(c) authorising one or more persons to receive complaints and withdrawals of complaints under regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021.*

BACKGROUND

The Shire's current Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates Policy was last reviewed by Council on 27 Feb 2025 and 1 October 2026.

COMMENTS AND DETAILS

The current policy was workshopped by Councillors in September and October 2026 and as a result of the workshops, this report is being presented to Council to revoke the current Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates Policy (**Attachment 1**) and to approve the revised Behavioural Complaint Form (**Attachment 2**) for the purposes of regulation 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021.*

It is noted that the revocation of the policy does not alter the complaints process, it still relies on the act and regulations as to the process and treatment of complaints.

The revised Complaints Form has been updated to align with regulation 11 of the *Local Government (Model Code of Conduct) Regulations 2021* and current legislative requirements. Approval of the form will ensure members of the public continue to have access to a Council-approved mechanism for lodging behavioural complaints.

IMPLICATIONS TO CONSIDER

Consultative:

Councillor workshop held on 17 September 2026 and 15 October 2026.

Strategic:

Shire of Toodyay Council Plan 2023–2033

Outcome 9 – Responsible and Effective Leadership and Governance

9.1 Provide strong, clear and accountable leadership

Policy related:

Council Policy GOV4 - Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates will be removed from the website.

Financial:

No direct financial implications have been identified.

Legal and Statutory:

Relevant legislation includes:

- *Local Government Act 1995*;
- *Local Government (Model Code of Conduct) Regulations 2021*; and
- *Local Government (Local Government Inspector) Regulations 2025*.

The revised complaint form has been updated to reflect the current legislative framework.

Risk related:

The absence of a policy will not affect the process that is followed, as it is included as an appendix to the revised complaint form.

Risk: Moderate.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM261/11/26

MOVED Cr S McCormick

SECONDED Cr M Dival

That Council by Absolute Majority

1. Revokes Council Policy GOV4 - Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates (**Attachment 1**);
2. Notes that behavioural complaints will continue to be dealt with in accordance with the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021* and the *Local Government (Local Government Inspector) Regulations 2025;*
3. Approves the revised Behavioural Complaint Form (**Attachment 2**) for the purposes of regulation 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021; and*
4. Authorises the Chief Executive Officer and Governance Coordinator as persons authorised to receive complaints and withdrawals of complaints under regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*.

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

Voted Against: Crs R Madacsi and R Mills

MOTION CARRIED 5/2 BY ABSOLUTE MAJORITY

10.4.4 Joint Standing Committee on Delegated Legislation Review of the Parking and Parking Facilities Local Law 2026.

Date of Report:	18 October 2026
Applicant or Proponent:	N/A
File Reference:	F26/49-06
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	2 July 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Committee Decision - Parking and Parking Facilities Local Law 2026; (confidential) *Section 5.23* *(4) (h) information that is the subject of a direction given under section 5.23AA(2) ----- The Departmental CEO, or a person authorised by the Departmental CEO, may, in relation to any particular information, direct a local government for the purposes of section 5.23(4)(h) that a meeting may be closed to members of the public to the extent necessary to ensure that the information is dealt with at the meeting on a confidential basis.* *S.5.23AA(3) A direction under subsection (1) or (2) may be expressed to apply to a particular meeting or to meetings of a particular class. (under separate cover)* 2. Proposed Shire of Toodyay Parking and Parking Facilities Local Law Amendment Local Law 2027. 3. Advert for Parking and Parking Facilities Local Law.

Reasons for Attachment 1 being confidential

The letter, addressed to the Shire President, stated:

This correspondence including any attachments is confidential and privileged. Your local government may only discuss the content of this letter and any attachments with the Western Australian Local Government Association, the department responsible for local government, and the Shire's legal advisors, to the extent necessary to obtain information the Committee seeks. Each person to whom you distribute this material must be made aware of its confidential and privileged status.

PURPOSE OF THE REPORT

To consider correspondence from the Joint Standing Committee on Delegated Legislation regarding the *Parking and Parking Facilities Local Law 2026* and determine whether Council will provide the requested undertakings and commence the process to amend the local law.

BACKGROUND

The Parking and Parking Facilities Local Law 2026 was adopted by Council on 2 July 2026 and published in the Government Gazette on 31 July 2026.

Following gazettal, the local law was reviewed by the Joint Standing Committee on Delegated Legislation. By correspondence dated 12 October 2026, the Committee advised that a number of drafting and formatting issues had been identified and requested that the Shire provide formal undertakings to address those matters. The Committee has also given a Notice of Motion to Disallow the local law pending receipt of satisfactory undertakings.

The issues identified are administrative in nature and relate primarily to:

- Clause numbering errors within Schedule 2;
- Two missing full stops in clause 4.2;
- A formatting error in clause 4.10; and
- Clarification regarding access to Australian Standard 1742.11.

The Committee has requested that Council resolve to provide undertakings by 20 Nov 2026.

COMMENTS AND DETAILS

The Committee has requested Council undertake to:

1. Advise within 12 months whether the Shire has access to Australian Standard 1742.11 and whether residents can access the Standard free of charge; and
2. Amend the *Parking and Parking Facilities Local Law 2026* within 12 months to correct the identified drafting errors; and
3. Not enforce the affected provisions inconsistently with the proposed amendments until the amendment local law has been completed; and
4. Ensure the undertakings accompany any publicly available copy of the local law.

The requested amendments do not alter the policy intent of the local law. They are primarily corrective amendments intended to ensure the local law can be lawfully administered and enforced. Particular concern has been raised regarding incorrect clause references in Schedule 2 because modified penalties may only be imposed where the corresponding offence provision is correctly identified.

In regard to the Australian Standard, the Shire intends to obtain and retain a current licensed copy of AS 1742.11 and make the Standard available for inspection at the Shire Administration Office, subject to applicable copyright and licensing restrictions.

In accordance with the undertaking sought by the Committee, the Shire will advise the Committee whether it has access to AS 1742.11 and whether the public is able to access or inspect the Standard free of charge.

Officers have prepared an Amendment Local Law in accordance with section 3.12 of the *Local Government Act 1995* for Council consideration and public advertising.

Section 3.12(2) Requirement - Parking and Parking Facilities Local Law Amendment Local Law 2027

The person presiding is to give notice that:

The **purpose** is to amend the *Shire of Toodyay Parking and Parking Facilities Local Law 2026* to correct drafting, formatting and clause-referencing errors identified by the Joint Standing Committee on Delegated Legislation.

The **effect** is to correct punctuation, formatting and clause references within the *Shire of Toodyay Parking and Parking Facilities Local Law 2026,* improve its accuracy and administration, and ensure modified penalties correspond with the correct offence provisions. The amendment does not alter the policy intent or substantive operation of the local law.

IMPLICATIONS TO CONSIDER

Consultative:

No external consultation required at this stage.

The amendment local law will be advertised in accordance with section 3.12 of the *Local Government Act 1995.*

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Advertising and gazettal costs associated with the amendment local law can be met from existing operational budgets.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995* governs the process for amending a local law. Failure to provide the requested undertakings may increase the risk of disallowance by Parliament.

Risk related:

Failure to undertake the amendments may result in:

- Increased compliance risk;
- Potential enforcement difficulties;
- Parliamentary disallowance of the local law.

Workforce related:

Nil.

MOTION/COUNCIL RESOLUTION NO. OCM262/11/26

MOVED Cr M McKeown

SECONDED Cr M Dival

That Council agrees the Shire President is not required to read aloud the first Officer's Recommendations relating to this agenda item.

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM263/11/26

MOVED Cr M Dival

SECONDED Cr R Madacsi

The Council of the Shire of Toodyay resolves to undertake to the Joint Standing Committee on Delegated Legislation that the Council will:

1. Within 12 months, advise if the Shire has access to Australian Standard 1742.11 and if so, whether residents can access the Standard free of charge.
2. Within 12 months amend the Local Law as follows:
   (a) Advise if the Shire has access to Australian Standard 1742.11 and if so, whether residents can access the Standard free of charge.
   (b) Insert two full stops in clauses 4.2(3) and 4.2(4).
   (c) In clause 4.10, delete '(d)' and back space the words 'unless stopping is permitted by a parking control sign'.
   (d) In Schedule 2, make the following amendments:
   - In Item 1, clause 2.1 Parking not wholly within a parking stall, amend the clause number to 2.2(1)(b).
   - In Item 2, clause 2.2 Parking contrary to restrictions in a parking station, amend the clause number to 2.3.
   - In Item 3, clause 3.1 Parking or stopping contrary to a sign, amend the clause number to 3.2(1)(C).
   - In Item 4, clause 3.2 Parking in area set apart for different class of vehicle, amend the clause number to 3.2(1)(a).
   - In Item 5, clause 3.2 Parking in area set apart for persons of a different class, amend the clause number to 3.2(1)(b).

- In Item 6, clause 3.2 Parking during prohibited period, amend the clause number to 3.2(1)(c).
- In Item 7, clause 3.2 Parking in a no-parking area, amend the clause number to 3.2(3)(a).
- In Item 8, clause 3.2 Parking in an M/C bay when not a motorcycle/bicycle, amend the clause number to 3.2(3)(c).
- In Item 11, clause 3.2 Parking in an "Authorised Vehicles Only" area without permission, amend the clause number to 3.2(4).
- In Item 17, clause 3.6 Parking within 1 metre of fire hydrant, amend the clause number to 3.6(1()).
- In Item 18, clause 3.6 Parking within 3 metres of letterbox, amend the clause number to 3.6(1(k).
- In Item 19, clause 3.6 Parking within 10 metres of intersection or traffic island, amend the clause number to 3.6(1)(e).
- In Item 26, clause 3.11 Parking on private land without consent, amend the clause number to 3.11(2).
- In Item 28, clause 4.1 Stopping in a no-stopping area, amend the clause number to 4.1(1).
- In Item 29, clause 4.1 Stopping in a no-parking area (beyond 2-minute pickup/drop-off provision, amend the clause number to 4.1(2)(c).
- In Item 30, clause 4.1 Stopping on a yellow edge line, amend the clause number to 4.1(3).
- In Item 31, clause 4.2 Stopping in Loading Zone unlawfully, amend the clause number to 4.2(1).
- In Item 32, clause 4.2 Stopping in Taxi Zone unlawfully, amend the clause number to 4.2(2).
- In Item 33, clause 4.2 Stopping in Bus Zone unlawfully, amend the clause number to 4.2(3) and insert a full stop inserted after the word 'Zone'.
- In Item 34, clause 4.2 Stopping in Mail Zone unlawfully, amend the clause number to 4.2(4) and a full stop inserted after the word 'Zone'.
- In Item 47, clause 4.15 Stopping in bicycle parking area, amend the clause number to 4.15(1).
- In Item 48, clause 4.16 Stopping in motorcycle parking area, amend the clause number to 4.15(2).

3. Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 2.

4. Ensure that a copy of these undertakings accompanies the Local Law wherever the Shire makes it publicly available, whether in hard copy or electronic form.

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**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM264/11/26

MOVED Cr M Dival

SECONDED Cr J Prater

That Council:

1. Notes the confidential correspondence (**Attachment 1**) received from the Joint Standing Committee on Delegated Legislation dated 12 October 2026.
2. Authorises the Shire President to sign the undertaking correspondence to the Committee.
3. Gives notice of the purpose and effect of the *Parking and Parking Facilities Local Law Amendment Local Law 2027* (**Attachment 2**) under section 3.12(2) as follows:
   (a) The **purpose** is to amend the *Shire of Toodyay Parking and Parking Facilities Local Law 2026* to correct drafting, formatting and clause-referencing errors identified by the Joint Standing Committee on Delegated Legislation.
   (b) The **effect** is to correct punctuation, formatting and clause references within the *Shire of Toodyay Parking and Parking Facilities Local Law 2026,* improve its accuracy and administration, and ensure modified penalties correspond with the correct offence provisions. The amendment does not alter the policy intent or substantive operation of the local law.
4. Adopts the *Parking and Parking Facilities Local Law Amendment Local Law 2027 (***Attachment 2**) for advertising under section 3.12(3).
5. That Council authorises the Temporary Chief Executive Officer to undertake the statutory advertising process in accordance with section 3.12(3) of the *Local Government Act 1995* for the *Parking and Parking Facilities Local Law Amendment Local Law 2027* (**Attachment 3**).

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

Voted Against: Nil

MOTION CARRIED 7/0

10.4.5 Joint Standing Committee on Delegated Legislation Review of the Activities in Thoroughfares and Public Places and Trading Local Law 2026.

Date of Report:	18 October 2026
Applicant or Proponent:	N/A
File Reference:	F26/49-08
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	6 August 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Committee Decision - Activities in Thoroughfares and Public Places and Trading Local Law 2026; (confidential) *Section 5.23* *(4) (h) information that is the subject of a direction given under section 5.23AA(2) ----- The Departmental CEO, or a person authorised by the Departmental CEO, may, in relation to any particular information, direct a local government for the purposes of section 5.23(4)(h) that a meeting may be closed to members of the public to the extent necessary to ensure that the information is dealt with at the meeting on a confidential basis. S.5.23AA(3) A direction under subsection (1) or (2) may be expressed to apply to a particular meeting or to meetings of a particular class. (under separate cover)* 2. Proposed Shire of Toodyay Activities in Thorughfares and Public Places and Trading Local Law Amendment Local Law 2027. 3. Advert for Activities in Thoroughfares and Public Places and Trading Local Law Amendment Local Law 2027.

Reasons for Attachment 1 being confidential

The letter, addressed to the Shire President, stated:

This correspondence including any attachments is confidential and privileged. Your local government may only discuss the content of this letter and any attachments with the Western Australian Local Government Association, the department responsible for local government, and the Shire's legal advisors, to the extent necessary to obtain information

the Committee seeks. Each person to whom you distribute this material must be made aware of its confidential and privileged status.

PURPOSE OF THE REPORT

To consider correspondence from the Joint Standing Committee on Delegated Legislation regarding the *Activities in Thoroughfares and Public Places and Trading Local Law 2026* and to provide the undertakings requested by the Committee.

BACKGROUND

The *Activities in Thoroughfares and Public Places and Trading Local Law 2026* was adopted by Council on 6 August 2026 and published in the Government Gazette on 31 August 2026.

Following publication, the local law was reviewed by the Joint Standing Committee on Delegated Legislation, which identified a number of drafting and cross-referencing errors and requested that the Shire provide formal undertakings to amend the local law within 12 months.

COMMENTS AND DETAILS

The Committee identified:

- An outdated definition of "Competition Principles Agreement" in clause 6.1.
- Incorrect references in clauses 6.10, 6.16 and 6.18.
- Multiple incorrect clause references in Schedule 1 Prescribed Offences.

The Committee has requested Council provide undertakings to amend these provisions and not enforce the Local Law contrary to those amendments pending completion of an amendment local law.

Officers have prepared an Amendment Local Law in accordance with section 3.12 of the *Local Government Act 1995* for Council consideration and public advertising.

Section 3.12(2) Requirement - *Activities in Thoroughfares and Public Places and Trading Local Law Amendment Local Law 2027*

The person presiding is to give notice that:

The **purpose** is to amend the *Activities in Thoroughfares and Public Places and Trading Local Law 2026* to correct drafting and clause referencing errors identified by the Joint Standing Committee on Delegated Legislation.

The **effect** is to update an interpretation provision, correct internal clause references and prescribed offence references, improve the accuracy and administration of the local law, and ensure offence provisions correctly correspond with the prescribed penalties. The amendment does not alter the policy intent or substantive operation of the local law.

IMPLICATIONS TO CONSIDER

Consultative:

No external consultation required at this stage.

The amendment local law will be advertised in accordance with section 3.12 of the *Local Government Act 1995.*

Strategic:

Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Advertising and gazettal costs associated with the amendment local law can be met from existing operational budgets.

Legal and Statutory:

Section 3.12 of the *Local Government Act 1995* governs the process for amending a local law. Failure to provide the requested undertakings may increase the risk of disallowance by Parliament.

Risk related:

Failure to amend the identified provisions may result in:

- ambiguity in interpretation of the local law;
- difficulties in enforcement of prescribed offences;
- ongoing compliance concerns identified through parliamentary scrutiny; and
- potential disallowance proceedings.

Workforce related:

Nil.

MOTION/COUNCIL RESOLUTION NO. OCM265/11/26

MOVED Cr M McKeown

SECONDED Cr J Prater

That Council agrees the Shire President is not required to read aloud the first Officer's Recommendations relating to this agenda item.

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM266/11/26

MOVED Cr S Van der Heyden

SECONDED Cr M Dival

That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that the Council will:

1. Within 12 months amend the Local Law as follows:
   (a) In clause 6.1, amend the term "Competition Principles Agreement" so that it states: "Competition Principles Agreement" means the Competition Principles Agreement executed by the Treasurers of each State and Territory of the Commonwealth of Australia on 29 November 2024".
   (b) In clause 6.10, amend the term "permit" so that it states: "A permit issued for the purpose of clause 6.11".
   (c) In clause 6.16, amend the term "permit holder" so that it states: "The person to whom a permit has been issued for the purpose of clause 6.17".
   (d) In clause 6.18, amend the reference to clause 6.16 so that it cites clause 6.17.
   (e) In Part 11, Schedule 1, amend:
      - clause 5.17(1) to 5.17;
      - clause 6.8(1)(a) to 6.9(1)(a);
      - clause 6.8(1)(b) to 6.9(1)(b);
      - clause 6.8(1)(c) to 6.9(1)(c);
      - clause 6.8(2) to 6.9(2);
      - clause 6.10 to 6.11;
      - clause 6.11(2) to 6.12(2);
      - clause 6.14 to 6.15;
      - clause 6.16 to 6.17;
      - clause 6.18 to 6.19;
      - clause 6.20(1) to 6.21(1); and
      - clause 6.20(2) to 6.21(2).
2. Not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1.
3. Ensure that a copy of these undertakings accompanies the Local Law wherever the Shire makes it publicly available, whether in hard copy or electronic form.

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM267/11/26

MOVED Cr J Prater

SECONDED Cr S Van der Heyden

That Council:

1. Notes the confidential correspondence (**Attachment 1**) received from the Joint Standing Committee on Delegated Legislation dated 12 October 2026.
2. Authorises the Shire President to sign the undertaking correspondence to the Committee.
3. Gives notice of the purpose and effect of the *Activities in Thoroughfares and Public Places and Trading Local Law Amendment Local Law 2027* (**Attachment 2**) under section 3.12(2) as follows:
   (a) The **purpose** is to amend the *Activities in Thoroughfares and Public Places and Trading Local Law 2026* to correct drafting and clause referencing errors identified by the Joint Standing Committee on Delegated Legislation.
   (b) The **effect** is to update an interpretation provision, correct internal clause references and prescribed offence references, improve the accuracy and administration of the local law, and ensure offence provisions correctly correspond with the prescribed penalties. The amendment does not alter the policy intent or substantive operation of the local law.
4. Adopts the *Activities in Thoroughfares and Public Places and Trading Local Law Amendment Local Law 2027 (***Attachment 2**) for advertising under section 3.12(3).
5. That Council authorises the Temporary Chief Executive Officer to undertake the statutory advertising process in accordance with section 3.12(3) of the *Local Government Act 1995* for the *Activities in Thoroughfares and Public Places and Trading Local Law Amendment Local Law 2027* (**Attachment 3**).

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

10.5.1 Bitumen RFQ 26/27

Date of Report:	21 October 2026
Applicant or Proponent:	Shire of Toodyay
File Reference:	TBA
Author:	L Harris – Depot Technical Project Officer
Responsible Officer:	M Burgess – Executive Manager Infrastructure, Assets and Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Summary of Quotations (confidential) *Section 5.23* *(3) (a) matter required to be confidential under a written law, excluding this act and local laws; (under separate cover)* 2. Seal Quotes - Summary (confidential) *Section 5.23* *(4) (c) (i) information contained in a tender received by the local government for a contract to the extent that the information is a tendered price; (under separate cover)* 3. Bitutek Quote Submission (confidential) *Section 5.23* *(4) (c) (i) information contained in a tender received by the local government for a contract to the extent that the information is a tendered price; (under separate cover)* 4. Boral Quote Submission (confidential) *Section 5.23* *(4) (c) (i) information contained in a tender received by the local government for a contract to the extent that the information is a tendered price; (under separate cover)* 5. Jackson Asphalt Quote Submission (confidential) *Section 5.23* *(4) (c) (i) information contained in a tender received by the local government for a contract to the extent that the information is a tendered price; (under separate cover)* 6. Bitumen Surfacing Quote Submission (confidential) *Section 5.23* *(4) (c) (i) information contained in a tender received by the local government for a contract to the extent that*

	the information is a tendered price; (under separate cover) 7. Fulton Hogan Quote Submission (confidential) *Section 5.23* *(4) (c) (i) information contained in a tender received by the local government for a contract to the extent that the information is a tendered price; (under separate cover)*

PURPOSE OF THE REPORT

For Council to review submissions from a Request For Quotes (RFQs) to carry out Council's Seal and Reseal Program for the 2026/2027 Works Program and approve the preferred supplier as per the Officer Recommendation.

BACKGROUND

Council is required to call for RFQs every year to carry out its seal and reseal programs.

Judging from last year's submissions it was done each time for each individual program, which led to a loss of stone on the Toodyay Bindi-Bindi Road given the time of year it was sprayed.

COMMENTS AND DETAILS

The separate quoting of each program can limit Council's ability to take advantage of warmer weather as bitumen contractors are often fully committed and may defer requests issued later in the season.

By requesting quotes for Council's entire program earlier, this will go a long way to alleviate the type of issues like the loss of stone on Toodyay Bindi-Bindi Road and will keep the bitumen pliable for a longer period of time, which in turn will help with better adhesion of bitumen to the stone.

Council received the following five submissions:

1. Bitutek
2. Boral
3. Fulton Hogan
4. Jackson Asphalt
5. Bitumen Spray Seals

IMPLICATIONS TO CONSIDER

Timing of works that allows for required pavement temperatures for sealing and resealing programs.

Consultative:

Nil

Strategic:

The maintenance and improvement of the Shire's road infrastructure.

Policy related:

Purchasing Policy

Financial:

The projects and maintenance activities referred to in this report are funded through the adopted 2026/2027 Budget and associated grant-funded road programs.

General Function:

To exercise the Council's asset management and public works infrastructure functions by procuring necessary road-sealing services to maintain the local transport network

Legal and Statutory:

The procurement of these works complies with the Shire's procurement policy

Risk related:

Failure to maintain roads, drainage infrastructure may result in increased asset deterioration, reduced service levels, safety risks and higher long-term renewal costs. The ongoing implementation of the Capital Works Program assists in mitigating these risks.

Workforce related:

No direct workforce implications

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM268/11/26

MOVED Cr J Prater

SECONDED Cr R Mills

That Council accepts the quotation submitted by Bitutek for the delivery of the Shire of Toodyay's 2026/2027 Road Sealing and Resealing Program and authorises the Temporary Chief Executive Officer to execute any associated contractual documentation on behalf of the Shire.

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

10.6 COMMITTEE REPORTS

10.6.1 Purchase of Grader

Date of Report:	20 October 2026
Applicant or Proponent:	N/A
File Reference:	TBA
Author:	L Harris – Depot Technical Project Officer
Responsible Officer:	M Burgess – Executive Manager Infrastructure, Assets and Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Review
Attachments:	1. Grader Quotes (confidential) *Section 5.23* *(4) (g) (Reg.4A (a)) prescribed information as per Regulation 4A of the Local Government (Administration) Regulations 1996 that for the purposes of section 5.23(4)(g) the following is prescribed:* *r.4A (a) the price, or potential price, for the sale or purchase of property by the local government and any information relating to the price or potential price. (under separate cover)*

PURPOSE OF THE REPORT

To provide the Infrastructure and Works Committee with a suggested idea of the purchase of one grader for Council's future construction and maintenance programs.

BACKGROUND

To provide the Infrastructure and Works Committee with a suggested idea of the purchase of one grader for Councils future construction and maintenance programs.

COMMENTS AND DETAILS

Given the recent chain of events with the increase of funding and with the possibility of more through other sources of funding it is felt the purchase of a second grader upgraded to a construction standard would be of a benefit to council for future works.

With a second grader Councils operations becomes more efficient at the same time providing a better service for the ratepayer as the response times can be shortened considerably rather than relying on contractors.

Council currently allocates $130,000 per year to dry-hire a grader. These funds could instead be transferred to the plant reserve to fund the outright purchase of a grader.

Whilst I understand there has been significant changes in the outside crew due to a loss of staff and plant over the last few years, I believe what Council have available to them at the moment have the capabilities to provide quality work for a few years to come at the same time retaining staff that live in the community.

IMPLICATIONS TO CONSIDER

Consultative:

IAWC and Shire staff.

Strategic:

The maintenance and improvement of the Shire's Road Infrastructure.

Policy related:

Nil

Financial:

It is proposed that the purchase of the new grader be funded as follows:

Detail	Increase	Decrease
New Grader	530,000	
Hino FS2844 – Purchase / Trade / Reserve		73,000
Zero Turn Mower – Purchase / Trade / Reserve		25,000
T0022 Isuzu D-Max Coordinator (1 Changeover) – Purchase / Trade / Reserve		50,000
Skidsteer – Savings		60,000
Road Maintenance – Savings on Hire Grader		75,000
Plant Replacement Reserve		247,000
Nil Budget Impact	**530,000**	**530,000**

Legal and Statutory:

Nil

Risk related:

Failure to maintain roads, drainage infrastructure facilities may result in increased asset deterioration, reduced service levels, safety risks and higher long-term renewal costs. The ongoing implementation of the Capital Works Program assists in mitigating these risks

Workforce related:

Improves operator retention, reduces safety liabilities and maximises labour productivity.

VOTING REQUIREMENTS

Absolute Majority

IWACC RECOMMENDATION NO IWACC009/10/26 /COUNCIL RESOLUTION NO. OCM269/11/26

MOVED Cr R Mills

SECONDED Cr S McCormick

That the Infrastructure and Works Committee recommends to Council the following:

That Council receives the Infrastructure Report and approves the purchase of one new grader.

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. OCM270/11/26

MOVED Cr S McCormick

SECONDED Cr J Prater

That Council:

1. Receives the Infrastructure Assets Work Committee report;
2. Approves the purchase of one John Deere – 670P-Tier Motor Grader (Premium Circle) – New/2026 at an outright purchase cost of $530,000; and
3. Approves the funding of the purchase as follows:

Detail	Increase	Decrease
New Grader	530,000	
Hino FS2844 – Purchase / Trade / Reserve		73,000
Zero Turn Mower – Purchase / Trade / Reserve		25,000
T0022 Isuzu D-Max Coordinator (1 Changeover) – Purchase / Trade / Reserve		50,000
Skidsteer – Net Savings after purchase		60,000
Road Maintenance – Savings on Hire Grader		75,000
Plant Replacement Reserve		247,000
Nil Budget Impact	**530,000**	**530,000**

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

Voted Against: Crs R Madacsi and R Mills

MOTION CARRIED 5/2

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion: Status Report Regarding CEO Absence

Date of Report:	23 September 2026
Applicant or Proponent:	Cr Rosemary Madacsi
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:	Review
Attachments:	1. Notice of Motion.

PURPOSE OF THE REPORT

To present a Notice of Motion submitted by Cr Rosemary Madacsi for Council's consideration.

BACKGROUND

Cr Rosemary Madacsi has submitted a Notice of Motion in accordance with clause 4.4 of the *Shire of Toodyay Standing Orders Local Law 2008*. The motion requests that Council receive a report relating to matters associated with the absence of the Chief Executive Officer (**Attachment 1**)..

COMMENTS AND DETAILS

Council's role is to determine whether it wishes to support the Notice of Motion and request preparation of the information identified within the motion.

Should Council resolve to carry the Notice of Motion, officers will prepare a report for Council's consideration having regard to any applicable legislative, governance, confidentiality and privacy requirements.

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:

Nil.

Legal and Statutory:

The Notice of Motion has been submitted in accordance with clause 4.4 of the *Shire of Toodyay Standing Orders Local Law 2008* relating to motions of which previous notice has been given.

Should Council resolve to request the information identified within the Notice of Motion, any subsequent report would need to be prepared having regard to relevant legislative requirements relating to confidentiality, privacy, employment information and legal professional privilege.

Risk related:

If supported - Low Risk

The Notice of Motion enables Council to determine whether it wishes to receive additional information in relation to the matters outlined in the motion.

If not supported - Low Risk

Council may determine that the information requested is not required to assist it in exercising its governance responsibilities.

Workforce related:

Nil.

MOTION/COUNCIL RESOLUTION NO. OCM271/11/26

MOVED Cr M McKeown

SECONDED Cr R Madacsi

That Council, pursuant to section 5.23(2)(b) of the *Local Government Act 1995* and in accordance with the *Shire of Toodyay Standing Orders Local Law 2008*, resolves to close the meeting to members of the public for the consideration of this agenda item, as the matter relates to the personal affairs of an individual.

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

Voted Against: Nil

MOTION CARRIED 6/0

Member(s) of the public departed Council Chambers at 7:22 pm.
All staff except for the Temporary Chief Executive Officer departed Council Chambers at 7:22 pm.

VOTING REQUIREMENTS

Simple Majority

NOTICE OF MOTION – CR MADACSI /COUNCIL RESOLUTION NO. OCM272/11/26

MOVED Cr R Madacsi

SECONDED Cr M McKeown

That Council receives a full status report as a confidential item at either a Special Council Meeting before, or at the December 2026 Ordinary Council Meeting of all matters in relation to the absence of the CEO Aaron Bowman, including the following;

1. Copies of all advice sought and received regarding the absence of the CEO Aaron Bowman and who sought the advice.
2. All costs itemised in seeking the above advice.
3. All monies paid by the shire or due to be paid by shire to the CEO regarding this matter since April 2026 inclusive.
4. All decisions made that were acted upon or intend to be acted upon, to date about the CEO regarding his absence from the shire since April 2026 inclusive.

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

Voted Against: Crs S McCormick and J Prater

MOTION CARRIED 5/2

MOTION/COUNCIL RESOLUTION NO. OCM273/11/26

MOVED Cr M McKeown

SECONDED Cr M Dival

That Council Chambers be reopened at 7:45pm.

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

Member(s) of the public did not return to Council Chambers.

Executive Managers Planning and Regulatory Services, Economic Development and Community Services, Finance and Corporate Services and Infrastructure, Asset and Services exited the meeting at 7:45pm.

Remaining staff returned to Council Chambers at 7:45 pm.

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

Cr Madacsi departed Council Chambers at 7:50 pm.

MOTION/COUNCIL RESOLUTION NO. OCM274/11/26

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 Behavioural Complaint – Consultation and Finalisation of Action Plan

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 information relating to the personal affairs of an individual;

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

Voted Against: Crs R Mills and S Van der Heyden

MOTION CARRIED 4/2

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 at 7:54 pm.

15.1 Behavioural Complaint – Consultation and Finalisation of Action Plan

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. OCM275/11/26

MOVED Cr M Dival

SECONDED Cr J Prater

That That Council:

1. Notes that consultation with the respondent has been undertaken in accordance with clause 12 of the *Local Government (Model Code of Conduct) Regulations 2021* and Council Resolution No. OCM224/10/26.
2. Notes and considers the respondent's submission dated 2 November 2026.
3. Determines, pursuant to clause 12(4) of the *Local Government (Model Code of Conduct) Regulations 2021*, to implement an Action Plan requiring the respondent to provide written acknowledgement that they:
   (a) understand their confidentiality obligations;
   (b) understand the limits of their interactions with staff;
   (c) acknowledge the workplace health and safety implications of their conduct; and
   (d) will not disclose confidential information except as permitted.
4. Authorises the Chief Executive Officer to notify the respondent of Council's decision.

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

MOTION/COUNCIL RESOLUTION NO. OCM276/11/26

MOVED Cr M McKeown

SECONDED Cr J Prater

That Council move from behind closed doors at 8:14 pm.

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

Voted Against: Nil

MOTION CARRIED 6/0

The Council Chambers were re-opened at 8:14pm.

Cr Madacsi returned to the meeting at 8:15 pm.

16 NEXT MEETINGS

Meeting	Date	Time
Ordinary Council Meeting	3 December 2026	5.30pm
Audit & Risk Committee Meeting	12 November 2026	10.30am
Bushfire Advisory Committee Meeting	10 December 2026	5.30pm
Local Emergency Management Committee Meeting	10 December 2026	10.30am

17 CLOSURE OF MEETING

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