



Ordinary Council Meeting

23 August 2023

Commencing at 1.00 pm

LATE REPORTS AGENDA

Enclosed is a late report for Council to consider.


Suzie Haslehurst
CHIEF EXECUTIVE OFFICER



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

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

13.2 EMPLOYEES

13.2.2 Toodyay Showgrounds Bar - Request to revoke a Council Resolution

Date of Report:	18 August 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	AGR4
Author:	N Rodger – Operations Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	OCM 26 July 2023 Item 9.4.1
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. TAS Terrace Bar - Delay in Dismantling ↓

PURPOSE OF THE REPORT

To seek Council approval to revoke Council Resolution OCM170/07/23 regarding deconstruction of the bar structure at the Toodyay Showgrounds.

BACKGROUND

At the Ordinary Meeting of Council held on 26 July 2023, Council resolved to:

1. Approve the deconstruction and storage of the bar structure at the Toodyay Showgrounds before the Toodyay Annual 2023 Agricultural Show day: and
2. Request the Chief Executive Officer to liaise with the Toodyay Agricultural Society about the need for a new structure or reconstruction and schedule for discussions at a Council workshop no later than 31 December 2023.

COMMENTS AND DETAILS

A letter was received from Mr Bruce Shenn, President of the Toodyay Agricultural Society (TAS) following the Council meeting held on 26 July 2023 requesting that the dismantling of the bar building be delayed until after Agricultural Show on 7 October 2023 (**Attachment 1**). He advised that TAS wished to investigate the feasibility of repairs to the building and if favourable, may be prepared to contribute to such repairs.

The Shire President, CEO and Operations Officer met with Mr Shenn on-site at the showgrounds on 15 August 2023 to discuss his request. Mr Shenn advised that TAS had the contact of a qualified builder who could provide a quote to repair the bar building. Officers requested that a quote be provided to the Shire. At the time of writing, no contact had been

received. As previously reported, Officers have been unable to locate a contractor willing to quote for repairs to the building.

During the meeting, Officers advised Mr Shenn that should there be a delay in the dismantling of the bar building, safety fencing would need to be installed.

Officers have since received email correspondence from Mr Shenn claiming this measure to be unnecessary and unsightly. However, LGIS has advised that the Shire should take 'reasonable care' as per the conditions of our insurance, which include 'taking all reasonable precautions to prevent personal injury and damage to property'.

It is Officers' recommendation that should Council determine to delay the deconstruction, that safety fencing would be installed around the bar building to ensure the safety of patrons attending the show day.

IMPLICATIONS TO CONSIDER

Consultative:

Officers have consulted with the Shire's insurers, industry professionals and Shire management.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2022-2033

Outcome 1: A safe and healthy community

O1.1. Facilitate community safety.

Outcome 9: Responsible and effective leadership and governance

O9.2 Govern Shire finances, assets, and operations responsibly.

Policy related:

Risk Management

Asset Management

Financial Governance

Financial:

Nil

Legal and Statutory:

Clause 15.1 and 15.2 Standing Orders Local Law 2008

Local Government Act 1995

Building Act 2011

Risk related:

The current condition of the bar warrants action to address risks to public safety which is considered moderate (9) and requires adequate controls to be put in place. Fencing of the building seeks to mitigate that risk. There is also a reputational risk should an incident occur which causes personal injury. This is rated high (15).

Workforce related:

The Shire has an ongoing commitment to the upgrade, renewal and maintenance of Shire buildings.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council, in accordance with Standing Order 4.5, considers Item 13.2.2 Toodyay Showgrounds Bar - Request to revoke a Council Resolution as new business of an urgent nature.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION 2

That Council

1. Revokes Council Resolution No. OCM170/07/23 regarding the deconstruction of the bar structure at the Toodyay Showgrounds in accordance with *Shire of Toodyay Standing Orders Local Law 15.1* and Regulation 10 of the *Local Government (Administration) Regulations 1996*;
2. Notes that the Shire will erect barrier fencing around the bar structure to mitigate risks to public safety during the 2023 Agricultural Show; and
3. Requests the Chief Executive Officer to further discuss the future of the bar structure with the Toodyay Agricultural Society in relation to possible repairs and report back to Council by 30 November 2023.

*Toodyay Agricultural Society (Inc)*

Founded 1853

PO Box 362, Toodyay, WA 6566.

Email: toodyayagsociety@gmail.comWeb www.toodyayagshow.com.au

Admin Officer – 0400 979 671

ABN: 96 074 225 286

The Shire President

Shire of Toodyay

15 Fiennes Street

TOODYAY WA 6566

August 1, 2023

Cc: Shire of Toodyay CEO; Operations Officer: Narelle Rodger.

Dear Rosemary,

SHOWGROUNDS BAR

Further to my comments at the Shire Council meeting on July 26 that we may require the Bar building space to comply with the conditions of our liquor licence, this now appears not to be the case. That is, the Bar building can remain in situ and we can erect a marquee, or similar in front of it to facilitate the sale of beverages for the October 7 Show without compromising our liquor licence.

The reason for making you aware of this is that TAS would ask that dismantling of the Bar building be delayed until after October 7, 2023. In the meantime, TAS wishes to investigate the feasibility of repairs to the building and, if favourable, may be prepared to fund such repairs should the Shire not wish to contribute. Of course the Shire would be consulted throughout the process should we proceed.

I suggest that the delay in dismantling the Bar building until after the Show would avoid the difficulties of storage of items within the Bar building as well as the cost of relocating services. Also, I have noted that approximately 25% of the floor of the building appears to be MDF board on stumps which would deteriorate rapidly if left open to the weather. We don't want machinery on the site 'lifting' the floor prior to the Show as the ground disturbance could make the use of the licensed area questionable.

It is hoped that you and the Councillors are agreeable to this proposal which could provide a favourable outcome for both parties.

This matter is now urgent it needs to be addressed prior to any dismantling of the building taking place.

We thank you for your consideration and look forward to a positive response.

Yours sincerely,

Bruce Shenn T: 0427991486

President

Toodyay Agricultural Society (Inc.)