

# Special Council Meeting

18 May 2021

# Minutes

To: The President and Councillors

Here within the Minutes of the Special Council Meeting of the Shire of Toodyay held on the abovementioned date in the Council Chambers at the Shire of Toodyay, 15 Fiennes Street, Toodyay.

The Special Meeting of Council was called by the Shire President in accordance with section 5.4 of the *Local Government Act 1995*.

The Special Meeting of Council was for the purpose of considering the Fees and Charges for Toodyay Recreation Centre, and all matters related thereto.

A handwritten signature in blue ink, which appears to read 'Suzie Haslehurst', is positioned above the printed name and title.

Suzie Haslehurst  
CHIEF EXECUTIVE OFFICER



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## **Our Vision, Purpose and Values**

The Shire of Toodyay works together with the community to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

**Vision:** We are a vibrant rural community that respects our environment, celebrates our past and embraces a sustainable future.

**Purpose:** Local Government and community working together to obtain the best possible social, economic, and environmental outcomes for the people of Toodyay.

**Community Values:** We value highly:

- Our sense of community support and spirit;
- Our natural environment and healthy ecosystems;
- Our rural lifestyle;
- Our historic town; and
- Our local economy built on agriculture and emerging tourism, arts and cultural opportunities.

**Shire Values:** To progress the community's aspirations, the Shire is guided by:

***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.

***Commitment:*** We translate our plans into actions and demonstrate the persistence that produces results.

## **Disclaimer**

Members of the public should note that in any discussion regarding any planning 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 as notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

## **Availability of Meeting Agenda and its Attachments**

Information about Council Meetings is located on the website <http://www.toodyay.wa.gov.au/Council/Council-Meetings>

Agendas & Minutes are located under the heading "Council Meetings" at <http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

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



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**ATTACHMENTS** *with separate index follows Item 7.*

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## Preface

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

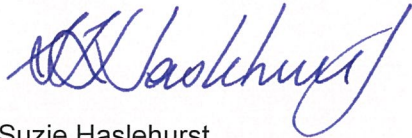
The "Confirmed" Minutes are then signed off by the Presiding Person.

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

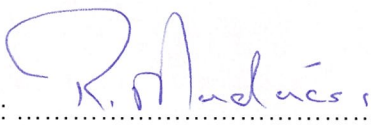
These minutes were approved for distribution on 19 May 2021.



Suzie Haslehurst  
CHIEF EXECUTIVE OFFICER

## Confirmed Minutes

These minutes were confirmed at a meeting held on 22 June 2021.

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 Madacsi, Shire President, declared the meeting open at 3.11pm and read aloud an Acknowledgement of Country:

*“I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging.”*

## **2. RECORDS OF ATTENDANCE**

### Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr T Chitty	
Cr P Hart	
Cr M McKeown	
Cr S Pearce	
Cr B Rayner	

### Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Assets and Services
Mr K Nieuwoudt	Manager Planning & Development
Mrs C Luangala	Manager Corporate & Community Services
Miss B Flaherty	Finance Coordinator
Mrs M Lamb	Communication and Compliance Officer
Mrs M Rebane	Executive Assistant

### Visitors

Nil

### **2.1 APOLOGIES**

Cr B Bell

### **2.2 APPROVED LEAVE OF ABSENCE**

Nil.

**3. DISCLOSURE OF INTERESTS**

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

**4. PUBLIC QUESTIONS** (relating to the purpose of the meeting and *responded to by the Shire President unless otherwise indicated*)

Nil

**5. PUBLIC SUBMISSIONS** (relating to the purpose of the meeting)

Nil

**6. PURPOSE OF MEETING AND SHIRE OFFICER REPORTS**

<b>6.1 Toodyay Recreation Centre Fee Structure</b>
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Date of Report:	1 February 2021
File Reference:	PRO15/FIN28
Author:	M Lamb – Compliance and Communications Officer
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	April 2021
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachment:	1. Fee Structure

**PURPOSE OF THE REPORT**

To request that Council adopts the proposed fee structure for the operation of the Toodyay Recreation Centre (TRC).

**BACKGROUND**

The Toodyay Aquatic Centre became operational on 24 October 2020 followed by the official opening of the Toodyay Recreation Centre on 21 November 2020.

The TRC was purposely built to facilitate the sports of tennis, netball, basketball, field hockey, rugby and soccer.

Council appointed Clublinks as the Venue Manager of the TRC in August 2020.

This report was before Council in February 2021. Consideration of the report was deferred to the March meeting due to the presentation of a petition to Council by the Toodyay Tennis Club. This report was withdrawn from the March meeting in order for officers to research statutory compliance issues and seek legal advice. This report

was presented again in April 2021 where a question concerning section 6.17 of the *Local Government Act 1995* was raised and although this section was not quoted in the previous report, the provisions contained in s6.17 of the Act were strongly considered when the fees for the TRC were recommended to Council.

### **COMMENTS AND DETAILS**

A fee structure has been put in place by the Venue Manager.

It has been recognised that for some clubs and associations, the move to the TRC may place them in a poor financial position with the increase in fees expected to be paid for use of the TRC. The Venue Manager has created an introductory fee for clubs with annual incremental increases with the view to enabling those clubs to cope with the any financial burden which maybe paced upon them.

The Venue Manager has also considered and compared the cost of the same or similar amenities being offered in Northam and has created the fee structure with all fees comparable with those of Northam and other surrounding districts.

The Venue Manager is working towards increasing participation through 'dry sports' at the centre and fees may be negotiated down in order to accommodate young and evolving clubs and activities.

It is noted that a petition was presented to Council at the February meeting by the Toodyay Tennis Club Inc. The concerns identified in the petition are acknowledged.

The proposed fee structure was introduced to Council at a workshop on 15 September 2020. Following consultation, the model has been adjusted to attract and encourage use of the Recreation Centre.

Shire officers and the venue manager are committed to proactively engaging with all users of the Recreation Centre as well as the broader community.

Further specific information has now been added to the proposed fee structure and these fees are set at the discretion of Council. The fee structure will be presented to Council again during the 21/22 budget review for any required amendments.

### **IMPLICATIONS TO CONSIDER**

#### **Consultative:**

The fee structure has been created after consultation with the clubs and with consultation of surrounding districts offering the same or similar amenities.

Other considerations have been the size of the club, the average age of the club, the financial positions of the individual clubs as well as their past fee obligations.

#### **Strategic:**

Key points from the Strategic Community Plan that apply to this decision are:

- Social: our community wellbeing and connection
  - O1: Maintain and develop services that meet the requirements of our diverse community.

O2: Facilitate community safety and wellbeing.

O3: Support the development of places and spaces for recreation, learning, art and culture.

- Economic: business and jobs in the community

O2: Promote Toodyay as a tourism destination.

- Built environment: Our buildings, roads and transport.

O2: Ensure our built environment meets community needs.

**Policy related:**

F.16 Financial Governance.

**Financial:**

The fees received through this structure will have a positive benefit to the Shire with the income offsetting the running costs of the TRC.

Council will have an opportunity when reviewing fees and charges during budget deliberations for the 21/22 budget to change or amend these TRC fees.

**Legal and Statutory:**

A misunderstanding of the regulations meant that the correct statutory process under the *Local Government Act* s6.16 and s19 was not followed.

Legal advice has been received. All fees paid to date by the community for access and use of the facility are reasonable and acceptable. Once Council sets these fees, the CEO will give notice under s6.19 of the *Local Government Act 1995*.

The setting of the TRC fees and charges were considered with a strong regard for the provisions set out in s6.17 of the *Local Government Act 1995* and in particular s6.17(1):

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
  - (a) *the cost to the local government of providing the service or goods; and*
  - (b) *the importance of the service or goods to the community; and*
  - (c) *the price at which the service or goods could be provided by an alternative provider.*

Fees and charges were set for potential participating clubs and groups using each groups' current annual financial commitments as a base, with consideration also given to similar groups and clubs operating in surrounding Shires and Districts.

For many groups and sporting clubs the TRC has provided the opportunity to reform and invigorate the sporting life of Toodyay. The aquatic centre in particular, has provided a large portion of our community with a much-needed fitness, health and wellbeing outlet that has been on the community's wish list for many years. With this in mind, entry fees were set with the understating of how important this service was to



the community as well as to encourage use and participation with reference to other similar operations in surrounding Shires and Districts.

It is widely acknowledged that if Local Government set the fees to cover 100% of the actual costs of operating the venue it would more than likely be prohibitive for use by community groups and defeat the purpose of the Community ethos.

As this is the first year of operation and considering the Shire has not operated a venue of this size previously, the first-year fees and charges were set on the low side to encourage use and participation and also as a guide and basis for Council in setting fees for subsequent financial years.

**Risk related:**

Clubs may decide the cost of moving to the TRC is still too high and places undue financial burdens of the clubs.

It also may be that cost for user groups is still too low and attracts further sporting and community groups to use the TRC – with the use outgrowing the scope of the facility to cope.

Setting fees too low may also impose a financial burden on the Shire in not recouping sufficient funds to operate the centre effectively.

**Workforce**

As has been the case to date, significant staff time will be required to monitor and manage community expectations of the TRC in partnership with the Venue Manager.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION**

That Council:

1. Adopts the proposed fee structure as attached to this report for the effective operation of the Toodyay Recreation Centre;
2. Requests the CEO to give notice under s6.19 of the *Local Government Act 1995*; and
3. Includes the fees and charges as part of the current financial year 2020/2021 budget.

Cr Ruthven moved the Officer's Recommendation as follows:

**That Council:**

1. **Adopts the proposed fee structure as attached to this report for the effective operation of the Toodyay Recreation Centre;**
2. **Requests the CEO to give notice under s6.19 of the Local Government Act 1995; and**

**3. Includes the fees and charges as part of the current financial year 2020/2021 budget.**

Cr McKeown objected to the motion.

Cr Pearce seconded the motion.

Debate commenced.

Clarification was sought.

Debate continued.

Cr McKeown moved an amendment to the motion as follows:

**That at Point 2 the word “due” be included between the words “give” and “notice”;**

**That Point 3 be deleted.**

Cr Rayner seconded the amendment.

Debate commenced in respect to the amendment.

Clarification was sought.

The amendment was put.

**AMENDMENT/COUNCIL RESOLUTION NO. 111/05/21**

**MOVED** Cr McKeown

**SECONDED** Cr Rayner

That at Point 2 the word “due” be included between the words “give” and “notice”;

That Point 3 be deleted.

**AMENDMENT CARRIED 4/3**

*In accordance with Section 5.21(4)(b) of the Local Government Act 1995, Cr Madacsi requested that the vote of all members present be recorded. Councillors Madacsi, Rayner, Chitty and McKeown voted for the motion. Councillors Ruthven, Pearce and Hart voted against the motion.*

Clarification was sought.

Debate on the substantive motion recommenced.

The motion was put.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 112/05/21**

**MOVED** Cr Ruthven

**SECONDED** Cr Pearce

That Council:

1. Adopts the proposed fee structure as attached to this report for the effective operation of the Toodyay Recreation Centre;
2. Requests the CEO to give due notice under s6.19 of the *Local Government Act 1995*.

**MOTION CARRIED 6/1**

*In accordance with Section 5.21(4)(b) of the Local Government Act 1995, Cr Madacsi requested that the vote of all members present be recorded. Councillors Ruthven, Pearce, Hart, Madacsi, Rayner, and Chitty voted for the motion. Councillor McKeown voted against the motion.*

**7. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 3.36pm.

## PURPOSE OF MEETING

<b>6.1</b>	<b>Toodyay Recreation Centre Fee Structure</b>	<b>1</b>
1.	Fee Structure.	1



### Toodyay Recreation Centre - Fees and Charges

Fees may be applied on a pro rata basis. Any hourly bookings by clubs will attract casual hourly rates.

Type	Facilities Included	Term	Fee (Incl. GST)	Comments
Seasonal Club Use	Sporting pitch/courts Changerooms/toilets Pavilion 1/2 Storage Room	Winter Summer	From \$550.00	Based on 3 sessions per week: Training x 2 and Game. Any additional use will attract fees. Night training sessions require the use of lights. This is included in the fee.
Annual Club Use	Sporting pitch/courts Changerooms/toilets Pavilion 1/2 Storage Room	Annual	\$2,750.00	Based on 3 sessions per week. Any additional use will attract fees. Night use requires the use of lights. This is included in the fee.
Casual Use	Pitch hire Changerooms/toilets (at the discretion of the Venue Manager)	Per hour (min 2 hrs)** 1/2 day Full day	\$40.00 \$250.00 \$350.00	**Currently free of charge. Night training sessions require the use of lights. This is included in the fee.
Casual Use	Multi use netball/basketball courts**	Per person Per hour	\$5.00 \$25.00	Some training to be held at night and requires the use of lights. This is included in the fee. **Currently free of charge.
Casual Hire	Tennis Courts	1 court per hour 4 courts per hour Racquet hire Ball hire	\$25.00 \$80.00 \$5.00 \$5.00	Night training sessions require the use of lights. This is included in the fee.
Social Sports	As required.	Team registration Per game per player	From \$35.00 +\$5.00	
Kitchen	Kitchen - general user Community fee	Per hour Per day TBC	From \$20.00 From \$100.00 \$20.00	The hire and use of the kitchen for not for profit organisations may be set as a community fee.
Kiosk food and beverage	Kitchen - sale of food and beverage		Cost +15%	

### Pavilion - Clubs / Community Groups

Registered clubs and not for profit community groups can use this fee structure. Hire periods can be negotiated with Venue Manager.  
Evening functions must be concluded by 12.00pm.

Type	Facilities	Term	Fee (Incl. GST)	Comments
Pavilion Function Room	1/2 room	Per hour	\$30.00	Includes use of tables and chairs. Catering facility will be included at a separate rate. Cleaning fee where applicable will be 100% of the cost charged by the Shire's nominated contractor.
		Full Day	\$150.00	
		Cleaning		
		Bond	\$500.00	
		Per hour	\$50.00	
		Full Day	\$250.00	
Pavilion Function Room	Full Room	Cleaning		
		Bond	\$500.00	

### Pavilion - Commercial Use

Cleaning fees where applicable will be 100% of the cost charged by the Shire's nominated contractor.  
Evening functions must be concluded by 12.00pm.

Type	Facilities	Term	Fee (Incl. GST)	Comments
Pavilion Function Room	Full Room	Per hour	\$70.00	Includes use of tables and chairs. Catering facility will be included at a separate rate.
		Full Day	\$300.00	
		Cleaning	100%	
		Bond	\$500.00	

### Acquatic Centre

A bond of \$100 may be charged for use of this facility.  
All Aquatic fees include GST - unless otherwise stated.

Type	Facilities	Term	Fee (Incl. GST)	Comments	
Multi Use Room	Full Room	N/A	\$100.00		
Outside grounds	Party with over 20 children attending	N/A	\$100.00		
Kiosk food and beverage	N/A	N/A	Cost +15%		
Swimming Pool	Casual	Multi Visit (11 visits)	Season		
		Adult	\$50.00		
		Child	\$40.00		
		Family	Casual \$4.00 (2-5yo) \$2.00		
		Concession	2 adults & 2 Children \$12.00 \$4.00		
Swim Programs	Member	Non Member (includes pool entry)			
			8 week swim program	\$110.00	
			Pre squad	\$144.00	
			Squad	\$155.00	
			Competitive	\$196.00	
			Master/Social Fitness	\$155.00	
			School Carnivals	\$440.00	
			School time trials	\$200.00	