



## Special Council Meeting

8 May 2025

Commencing at 8:30 PM

# Agenda

### Notice of Meeting.

To: The President and Councillors.

A Special Council Meeting of the Shire of Toodyay will be held at the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566 on the above-mentioned date and time.

The Special Meeting of Council has been called by the Shire President.

The Special Meeting of Council is for the purpose of all matters related to the Tender for the management of the Toodyay Aquatic Centre.

Aaron Bowman JP

**CHIEF EXECUTIVE OFFICER**



## Our Vision, Purpose and Values

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

### Our Vision

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

### Our Purpose

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

### Our Values

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

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

### Community Aspirations

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

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

### Disclaimer

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

### Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website

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

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

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

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



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

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Presiding Member is to run through the Preliminaries, and to declare the Ordinary Meeting of Council open.

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****2.1 APOLOGIES****2.2 APPROVED LEAVE OF ABSENCE**

Nil

**3 DISCLOSURE OF INTERESTS****4 PUBLIC QUESTIONS****4.1 PUBLIC QUESTION TIME****5 PUBLIC SUBMISSIONS**

**6 OFFICER REPORTS****6.1 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES****6.1.1 Tender for the management of the Toodyay Aquatic Centre**

Date of Report:	5 May 2025
Applicant or Proponent:	Shire of Toodyay
File Reference:	TEN97
Author:	S Watson – Executive Manager Economic Development and Community Services
Responsible Officer:	S Watson – Executive Manager Economic Development and Community Services
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	1. Tender Document. (confidential) <i>Section 5.23(2)</i> <i>(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (under separate cover)</i>

**PURPOSE OF THE REPORT**

To approve the advertising statewide of the tender for the Management of the Toodyay Aquatic Centre in the West Australian newspaper on a date to be determined by the CEO.

**BACKGROUND**

When the Toodyay Recreation Centre opened in 2020, Clublinks Management Pty Ltd was awarded the tender to operate the facility, which included the aquatic centre, the hard courts (tennis, netball and basketball), the sporting fields and the recreation pavilion. There were a number of issues experienced with the management of the facilities during this period and while the contract was due to finish 31 December 2024, Clublinks sought an early exit from the contract by 30 June 2024.

At the 24 July 2024 Ordinary Council meeting, Council approved the management of the Toodyay Recreation Centre being undertaken inhouse by the Shire. A former Clublinks swimming pool manager was subsequently recruited to take over the management of the Toodyay Recreation Centre complex including the aquatic centre; however, this did not work out and the Shire was left with no manager and potentially being unable to open the aquatic centre in time for the start of the summer season 2024/25.

To address this, Contract Aquatic Services (CAS) were contracted on a short-term basis by the Shire for season 2024/25 (November 2024 to April 2025) to manage the aquatic centre only. CAS are a very experienced outfit who manage and operate a number of regional

swimming pools including a number in the Wheatbelt. The contract with CAS is due to expire on 3 May 2025 and as a result, the Shire must begin the process of procuring, via a tender, the management services of an external provider for the aquatic centre for the summer season 2025/26 and beyond.

## COMMENTS AND DETAILS

Under the management of Contract Aquatic Services (CAS) this last season (2024/2025) at the Toodyay Aquatic Centre has been a huge success with record attendances being experienced, plus additional events and programs taking place including three hugely popular 'Mega Splash' events, aqua aerobics, school swimming carnivals, swimming lessons and squad, and other initiatives. Reinforcing this, the Shire has received a great deal of positive feedback about the aquatic centre, the programs and the CAS management team from community members and pool patrons during the 2024/25 season. Given this and the fact that the Shire does not have the resources (financial or human) or the experience to manage the facility, it is preferred that the aquatic centre is managed by an experienced external contractor obtained through a public tender process. Accordingly, a tender package has been prepared for advertising which outlines a scope of works to be addressed over a three-year term with a two-year option following mutual agreement, with a commencement date of 1 September 2025. The suggested advertising process is state-wide advertisements in the West Australian Newspaper over a minimum two-week period.

Shire Officers have prepared a Tender document taking all feedback received during the 2024/2025 season into consideration, as well as research and consultation with other local governments and providers. In order to gain the maximum benefit from the total opening hours available and based on patron feedback this season, the tender scope of works for the forthcoming season at the Toodyay Aquatic Centre includes:

- a) extended hours in the morning to better cater to lap swimmers;
- b) the closing one day a week to allow for garden maintenance to be done with no conflict with pool users; and
- c) extended hours in the evenings in the months of December, January, February and March to enable a better experience for pool patrons in the hotter months.

## IMPLICATIONS TO CONSIDER

### Consultative:

Shire executive team, current contractor and other local governments.

### Strategic:

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

##### Outcome 1: A safe and healthy community

- 1.2. Facilitate community health and wellbeing
- 1.3. Grow participation in sport and recreational activities

##### Outcome 9: Responsible and effective leadership and governance

- 9.2. Govern Shire finances, assets and operations responsibly.

### Policy related:

Shire of Toodyay Purchasing Policy.

**Financial:**

It is planned to undertake a public tender process to procure a contractor to manage and operate the Toodyay Aquatic Centre in accordance with the *Local Government Act 1995*, the *Local Government (Functions and General) Regulations 1996* and the relevant Shire policies and procedures. The tender purchasing decision will be based on the supplier's response to a detailed specification and pre-determined selection criteria that assesses and evaluates all best and sustainable value considerations.

There will be some administrative costs for advertising. The cost of the advertising will be covered by the operating budget.

**Legal and Statutory:**

*Local Government (Functions and General) Regulations 1996*

r.11A Part 4 – Provisions of Goods and Services

*Local Government Act 1995.*

Part 6 – Financial Management

**Risk related:**

The management of the Toodyay Aquatic Centre by an external contractor will involve appropriate reporting mechanisms being established that balance the need for commercial efficiency with accountability to the Shire and the community, with particular emphasis on risk, including reputation, and public liability and safety.

**Workforce related:**

The CEO will establish a tender assessment panel prior to the advertising of the tender comprised of Shire officers with a mix of skills and experience relevant to the nature of the purchase.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council approves the advertising statewide of the tender for the Management of the Toodyay Aquatic Centre in the West Australian newspaper on a date to be determined by the CEO.

**7 CLOSURE OF MEETING**