



## Special Council Meeting

6 July 2022

# Minutes

To: The President and Councillors.

Here within are the Minutes of the Special 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.

A handwritten signature in blue ink, appearing to read 'Suzie Haslehurst', is positioned above the printed name.

Suzie Haslehurst

**CHIEF EXECUTIVE OFFICER**



## 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.



# CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	5
2	RECORDS OF ATTENDANCE .....	5
2.1	APOLOGIES .....	5
2.2	APPROVED LEAVE OF ABSENCE .....	5
3	DISCLOSURE OF INTEREST .....	5
4	PUBLIC QUESTIONS .....	5
4.1	PUBLIC QUESTION TIME .....	5
5	PUBLIC SUBMISSIONS .....	6
6	OFFICER REPORTS .....	6
6.1	CORPORATE AND COMMUNITY SERVICES .....	6
6.1.1	Community Funding Program 2022/23 .....	6
7	CONFIDENTIAL BUSINESS .....	12
7.1	Toodyay Recreation Centre Management .....	13
7.2	Correspondence from Clublinks .....	14
8	CLOSURE OF MEETING.....	14

### **Preface**

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following a Special 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 7 July 2022.

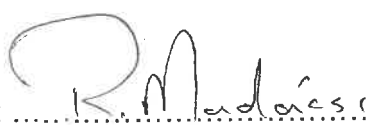


Suzie Haslehurst

**CHIEF EXECUTIVE OFFICER**

### **Confirmed Minutes**

These minutes were confirmed at a meeting held on 27 July 2022.

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 R Madacsi, Shire President, declared the meeting open at 1.02pm 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."*

The Shire President read through other preliminaries.

## 2 RECORDS OF ATTENDANCE

### Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President (via zoom)
Cr C Duri	Councillor
Cr P Hart	Councillor (via zoom)
Cr S McCormick	Councillor
Cr M McKeown	Councillor
Cr S Pearce	Councillor
Cr D Wrench	Councillor (via zoom)

### Staff

Ms S Haslehurst	Chief Executive Officer
Mrs T Bateman	Manager Corporate and Community Services
Mr J Augustin	Manager Infrastructure and Assets
Mr M Werder	Project Manager
Ms Kimberley Hardie	Economic Development Coordinator (via zoom)
Mrs M Rebane	Executive Assistant

### Visitors

Nil.

### 2.1 APOLOGIES

Nil

### 2.2 APPROVED LEAVE OF ABSENCE

Nil

## 3 DISCLOSURE OF INTEREST

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

### 4.1 PUBLIC QUESTION TIME

Nil.

**5 PUBLIC SUBMISSIONS**

Nil.

**6 OFFICER REPORTS****6.1 CORPORATE AND COMMUNITY SERVICES****6.1.1 Community Funding Program 2022/23**

Date of Report:	1 June 2022
Applicant or Proponent:	Shire of Toodyay
File Reference:	FIN30
Author:	T Bateman – Manager Corporate and Community Services
Responsible Officer:	T Bateman – Manager Corporate and Community Services
Previously Before Council:	Not Applicable
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

**PURPOSE OF THE REPORT**

Council is requested to determine budget allocations arising from the Community Funding programme for inclusion in the 2022/23 draft budget. This report was presented to Council at the Ordinary Council Meeting held 22 June 2022, but no decision was made in accordance with clause 10.5(c) of the *Shire of Toodyay Standing Orders Local Law 2008*. Officers have provided additional comment under the heading “**Further Comment**” below.

**BACKGROUND**

At the Ordinary meeting of Council held in February 2022, Council adopted the Community Funding Policy and the associated guidelines. This policy sought to formalise the annual sponsorship process, the timing of which supports responsible budget planning on an annual basis. The *Community Funding Policy* and *Community Funding Guidelines* were designed to set out the parameters for Council's support of one-off community activities and events in an equitable and accountable way.

Following adoption of the policy, the funding round was opened on 1 March 2022, for a five-week period, and eligible groups were encouraged to apply. During this time, Officers held information sessions for interested groups. Consequently, twelve applications totalling \$78,195 were received for Council's consideration.

At the May 2022 OCM, it was resolved;

*That Council:*

1. *Agrees to allocate up to \$80,000 in the draft 2022/23 budget process for the Community Funding Program 2022/23;*
2. *Requests the CEO to:*
  - a) *Arrange a Council workshop to provide further information and discussion regarding the applications received;*
  - b) *Bring a report back to the June OCM for Council to determine the cash contributions to be made within the \$80,000 allocation.*

In accordance with the above resolution, a workshop was held with staff and Councillors on 1 June 2022 so that officers could provide further information regarding the funding requests. The workshop was attended by seven Councillors.

## COMMENTS AND DETAILS

The Shire of Toodyay supports the collective and economic benefit of its community and businesses and provides financial assistance through the Community Funding Program to consider these proposals.

At the close of the advertising period, a panel of Officers assessed each application in accordance with Council's *Community Funding Guidelines* to ensure eligibility, and provided recommendations based on their assessment. Key consideration was given to the following areas;

- Community participation, connectedness, and well-being.
- Building community capacity.
- Attraction of visitors and economic impact.
- Understanding, protection, and appreciation of the natural and built environment.
- Contribution to the vibrancy and quality of life in Toodyay.

A summary of recommended funding is included below;

Applicant	Description of Project	Proposed Funding
Toodyay Netball Club	Assistance to purchase new club uniforms	\$1,400
Toodyay Cricket Club Inc	Assistance to deliver 2022/23 Junior Coaching Clinics	\$2,500
Noongar Kaartdijin Aboriginal Corporation	Assistance to deliver the overall trail mapping and one "whole of Noongar Trail" sign	\$2,900
Toodyay DHS & P&C Inc	Assistance in construction of a nature playground at Toodyay DHS	\$3,000
Toodyay Park Run	Assistance to purchase a defibrillator as part of establishing the inaugural Toodyay Parkrun	\$2,000
Toodyay Community Resource Centre	Assistance to deliver the 2022 Toodyay Annual Christmas Street Party, 2022/23 TCRC School Holiday Program and TCRC Youth and Community Development programme.	\$25,000



Applicant	Description of Project	Proposed Funding
Toodyay Events Planning Inc.	Assistance to deliver the 2023 Toodyay Moondyne Festival	\$10,000
Toodyay Fibre Festival Inc.	Assistance to deliver the 2023 Toodyay Fibre Festival	\$7,000
Toodyay Youth Care	Assistance to deliver the 2022/23 Toodyay Youth Care Program	\$10,000
<b>Total Proposed Cost</b>		<b>\$63,800</b>

Officers have considered a number of the above requests – specifically annual activities and events – and see the benefit of negotiating multiyear funding agreements where appropriate. Officers are proposing that Council considers three year agreements for the following groups;

- Toodyay Community Resource Centre (TCRC) - \$25,000
  - o Inclusive of the funding request for the Christmas Party and School Holiday Programmes, officers are proposing the Shire negotiates a multiyear funding agreement with the TCRC as follows:
    - Year 1                 \$25,000
    - Year 2                 \$20,000
    - Year 3                 \$20,000

A multiyear agreement will enable the Toodyay CRC to continue delivery of its regular after school programme as well as targeted activities to engage teenagers. The Shire of Toodyay is committed to providing ongoing support to children and young people as part of the Strategic Community Plan. Support of this initiative aligns with the Shire's objectives.

In addition to the above, the TCRC delivers events that support the health and wellbeing of the community and support economic development. Both of these areas are key objectives in the Shire's SCP.

- Moondyne Festival - \$10,000
  - o Council supports the delivery of the Moondyne Festival on an annual basis. A multiyear funding agreement will provide Toodyay Events Planning Inc. the assurance and security of ongoing support.
- Toodyay Youthcare - \$10,000
  - o Funding is requested annually to assist with the provision of a School Chaplain. Provision of this service aligns with key objectives of the Shire's SCP.

Each agreement will be negotiated individually and will be subject to conditions and acquittal and reporting requirements. Agreements will be negotiated by the Chief Executive Officer under delegation.

### **Further Comment**

At the June OCM, Council heard a submission on behalf of the Fibre Festival in support of its sponsorship application, requesting Council's consideration of an allocation more than that recommended by Officers. Council could if it wished, make an amendment to the Officer's recommendation to increase the allocation to the Fibre Festival.



## IMPLICATIONS TO CONSIDER

### **Consultative:**

Community funding applicants

### **Strategic:**

Toodyay Strategic Community Plan 2028

Strategic priorities include:

- Support the development of community groups and sponsorships.
- Build partnerships that strengthen our community wellbeing.

### **Policy related:**

Community Funding Policy

### **Financial:**

The funding requests recommended for support in the 2022/23 year total \$63,800, comprising both cash components and in-kind requests. In-kind requests have been considered on a case-by-case basis due to the fact that costs are an estimate only and, in some cases, may be subject to significant variations beyond the Shire's control.

Furthermore, Officers are proposing in-kind support is limited to areas such as fee waivers for facility hire or application fees. Considering the high workload and abundance of projects across the assets and infrastructure department, scheduling additional projects outside of the works program may have a detrimental effect on current projects.

Subject to negotiation and approval of multiyear funding agreements, officers will make the necessary adjustments to the Long Term Financial Plan.

### **Legal and Statutory:**

All Council supported events will need to comply with and be assessed against any statutory policies and legislation.

### **Risk related:**

Should Council resolve to support the proposed Officer recommendation, local organisations will have critical timely allocation of financial support, helping re-establish direction and confidence in their own futures. Through the Shire of Toodyay Annual Budget and Long-Term Financial Plan for community funding, community groups paired with large scale local events have the opportunity of obtaining peace of mind and financial security through the community funding process as approved by Council.

Officers consider reputational risk as low in consideration of the significant support Council provides to a range of community activities and projects across the year.

### **Workforce related:**

Assistance from the works department may be required to support some of the in-kind requests, however, support of this nature has been limited based on organisational capacity.

## VOTING REQUIREMENTS

Absolute Majority

Cr Ruthven moved the Officer's Recommendation.

Cr Duri objected to the motion.

Cr Pearce seconded the motion.

Debate commenced.

Cr McKeown raised a Point of Order in accordance with Standing Order 8.4 pertaining to the use of the word "Council" as Council can only make decisions at a meeting of Council.

Cr Madacsi upheld the Point of Order in accordance with Standing Order 8.5, advising that the words "Council has discussed" cannot be said as it is implying that the decision has been made; and that the word "Councillors" or "Councillor" is the better terminology rather than "Council."

*Mr M Werder entered the Council Chambers at 1.07pm.*

Debate continued.

Cr Duri moved an amendment to the motion as follows:

**That the amount of \$8,000 only be approved for the Fibre Festival.**

Cr McCormick objected to the amendment.

Cr McKeown seconded the amendment.

Debate on the amendment commenced.

Cr McCormick foreshadowed an amendment to the Officer's Recommendation.

Debate on the amendment continued.

Clarification was sought.

Debate continued.

Further clarification was sought.

The amendment was put.

#### **AMENDMENT/COUNCIL RESOLUTION NO. SCM115/07/22**

MOVED Cr C Duri

SECONDED Cr M McKeown

That the amount of \$8,000 only be approved for the Fibre Festival.

Voted For: Councillors R Madacsi, C Duri, P Hart, S McCormick, M McKeown and D Wrench

Voted Against: Councillors B Ruthven and S Pearce

**MOTION CARRIED 6/2 BY ABSOLUTE MAJORITY**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. SCM116/07/22****MOVED** Cr B Ruthven**SECONDED** Cr S Pearce

That Council:

1. Approves the following funding requests as part of the 2022/23 draft budget totalling \$64,800:

Toodyay Netball Club	\$1,400
Toodyay Cricket Club Inc	\$2,500
Noongar Kaartdijin Aboriginal Corporation	\$2,900
Toodyay DHS & P&C Inc	\$3,000
Toodyay Park Run	\$2,000
Toodyay Community Resource Centre	\$25,000
Toodyay Events Planning Inc.	\$10,000
Toodyay Fibre Festival Inc.	\$8,000
Toodyay Youth Care	\$10,000

2. Requests the Chief Executive Officer to negotiate a three year funding agreement for the following groups;

Toodyay Community Resource Centre	\$25,000
Toodyay Events Planning Inc.	\$10,000
Toodyay Youth Care	\$10,000

3. Requests the CEO to update the Long Term Financial Plan to include the Multiyear Funding Agreements.

**MOTION CARRIED BY ABSOLUTE MAJORITY 8/0**

**7 CONFIDENTIAL BUSINESS****OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. SCM117/07/22****MOVED** Cr R Madacsi**SECONDED** Cr S Pearce

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the *Local Government Act 1995*:

**7.1 Toodyay Recreation Centre Management**

This matter is considered to be confidential under Section 5.23(2) - (c) and (e) 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 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 and a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

**7.2 Correspondence from Clublinks**

This matter is considered to be confidential under Section 5.23(2) - (c) and (e) 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 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 and a matter that if disclosed, would reveal –

- (i) a trade secret; or
- (ii) information that has a commercial value; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

**In accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.**

Voted For: Councillors R Madacsi, B Ruthven, C Duri, P Hart, S McCormick, S Pearce and D Wrench

Voted Against: Cr M McKeown

**MOTION CARRIED 7/1**

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

*All members of the public departed the Council Chambers at 1.27pm.*

**7.1 Toodyay Recreation Centre Management****VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. SCM118/07/22****MOVED** Cr S Pearce**SECONDED** Cr P Hart

That Council:

1. Approves the Clublinks Pty Ltd Business & Marketing Plan for the Toodyay Recreation Centre for the 2022/2023 financial year; and
2. Requests the CEO to include an allocation of \$538,662 in the 2022/23 Draft Budget to cover the proposed budgeted deficit relating to the management of the Toodyay Recreation Centre for 2022/23.

Voted For: Councillors R Madacsi, B Ruthven, C Duri, P Hart, S McCormick, S Pearce and D Wrench

Voted Against: Cr M McKeown.

**MOTION CARRIED 7/1 BY ABSOLUTE MAJORITY**

## 7.2 Correspondence from Clublinks

### VOTING REQUIREMENTS

Simple Majority

#### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. SCM119/07/22

**MOVED** Cr P Hart

**SECONDED** Cr S McCormick

That Council agrees to vary the financial key performance indicator of the Toodyay Recreation Centre management contract to exclude budget variations to water and electricity charges for the 2021/22 financial year given that an accurate baseline budget was unable to be determined due to:

- a) 2021/22 being the first full year of operation of the TRC;
- b) the establishment of the landscaping required higher than normal irrigation;
- c) the Shire was paying the water and electricity bills for some time;
- d) the failure of the bore at the TRC significantly affected water consumption and skewed readings for the period; and
- e) the Shire retained control of the irrigation schedule with no input from Clublinks.

Voted For: Councillors B Ruthven, C Duri, P Hart and D Wrench

Voted Against: Councillors R Madacsi, S McCormick, M McKeown and S Pearce

**VOTES EQUALLY DIVIDED 4/4**

*In accordance with 5.21(3) of the Local Government Act 1995, the Presiding Member cast a second vote 'against' the motion.*

**MOTION LOST 4/5**

#### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. SCM120/07/22

**MOVED** Cr S Pearce

**SECONDED** Cr C Duri

That Council move from behind closed doors.

**MOTION CARRIED 8/0**

*The Council Chambers were re-opened at 2.44pm. In accordance with Standing Order 5.2(7), the Presiding Member read aloud the following resolutions for the benefit of members of the public: SCM121/07/22 and SCM122/07/22 – Resolutions made by Council.*

## 8 CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.47pm.