

**MINUTES FOR THE WATER PLAYGROUND COMMITTEE OF THE SHIRE OF BOYUP BROOK
MEETING HELD IN THE COUNCIL CHAMBERS, ABEL STREET, BOYUP BROOK ON THURSDAY
22 FEBRUARY 2018 COMMENCED AT 6.30pm.**

1. RECORD OF ATTENDANCE/APOLOGIES

COMMITTEE

Cr G Aird – Shire President
Cr R Walker - Deputy Shire President
Cr S Alexander
Cr H O'Connell
Cr E Rear

OBSERVER

Cr P Kaltenrieder

STAFF

Mr Alan Lamb (Chief Executive Officer)
Mr Daly Winter (Community Emergency and Regulation Manager)
Mrs Maria Lane (Executive Assistant/Records Officer)

2. ELECTION OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

The first item of business for the first meeting of a new committee is the election of Presiding Member and Deputy Presiding Member.

The process will be for the CEO, or Appointed Officer, acting with authority from the CEO, to conduct an election for the position of Presiding Member and then the Presiding Member will conduct the second election. The committee may wish to dispense with the Deputy Presiding Member election at this time as this committee traditionally meets only once per year and the need for a Deputy is unlikely.

2.1 ELECTION OF PRESIDING MEMBER

The CEO called for nominations

Councillor Aird was declared elected Presiding Member

2.2 ELECTION OF DEPUTY PRESIDING MEMBER

The Presiding Member called for nominations

Councillor Alexander was declared elected Deputy Presiding Member

3. MEETING OPEN TO THE PUBLIC

At its February 2018 meeting Council resolved as follows:

That Council appoint a Water Playground Committee comprising of the Shire President, Deputy Shire President, Cr Alexander, Cr O'Connell and Cr Rear with the authority to purchase.

The meeting will commence on Thursday, 22nd February 2018 at 6.00pm.

Council delegated the power to purchase and so all committee meetings are to be open to the public. The following sections of the Local Government Act have relevance:

5.23. Meetings generally open to public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (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; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
and
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

5.24. Question time for public

- (1) *Time is to be allocated for questions to be raised by members of the public and responded to at —*
 - (a) *every ordinary meeting of a council; and*
 - (b) *such other meetings of councils or committees as may be prescribed.*

- (2) *Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.*

5.25.Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (a) *the matters to be dealt with at ordinary or at special meetings of councils; and*
 - (b) *the functions of committees or types of committee; and*
 - (ba) *the holding of council or committee meetings by telephone, video conference or other electronic means; and*
 - (c) *the procedure to be followed at, and in respect of, council or committee meetings; and*
 - (d) *methods of voting at council or committee meetings; and*
 - (e) *the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and*
 - (f) *the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and*
 - (g) *the giving of public notice of the date and agenda for council or committee meetings; and*
 - (h) *the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and*
 - (i) *the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and*
 - (j) *the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —*
 - (i) *tabled at a council or committee meeting; or*
 - (ii) *produced by the local government or a committee for presentation at a council or committee meeting,**are to be made available for inspection by members of the public.*
- (2) *Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.*

The following Regulations from the Local Government (Administration) Regulations have application:

4A. Matter prescribed for when meeting may be closed to public (Act s. 5.23(2)(h))

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

[Regulation 4A inserted in Gazette 31 Mar 2005 p. 1037.]

5. Question time for public, meetings that require prescribed (Act s. 5.24)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;*
- (b) every meeting of a committee to which the local government has delegated a power or duty.*

6. Question time for public, minimum time for (Act s. 5.24(2))

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.*
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.*

7. Question time for public, procedure for (Act s. 5.24(2))

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —*
 - (a) by the person presiding at the meeting; or*
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,*

having regard to the requirements of subregulations (2), (3) and (5).

- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.*
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.*
- (4) Nothing in subregulation (3) requires —*
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or*
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or*
 - (c) a committee to answer a question that does not relate to a function of the committee.*
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —*
 - (a) declare that he or she has an interest in the matter; and*
 - (b) allow another person to respond to the question.*

It is recommended that in the event any member of the public attends this public meeting, discussions relating to quotations provided be conducted behind closed doors. The quotations were supplied in good faith for Shire use and not for general publication - commercial confidentiality.

4. PUBLIC QUESTION TIME

5. REPORTS

5.1 Water Playground Project

Location:	<i>Swimming Pool</i>
Applicant:	<i>Daly Winter</i>
File:	<i>Swimming Pool</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>8 February 2018</i>
Author:	<i>Daly Winter – Community, Emergency and Regulation Manager</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Quotes and estimates from Commercial Aquatics, Tropical Pools, Trisley's Hydraulic Services, Dynamic Playgrounds and Wetdeck Pools. Spreadsheet provided by Cr Rear summarising quotations received. Spreadsheet provided by administration.</i>

SUMMARY

This item is for Council to receive a progress report on the development of a water playground at the swimming pool.

The time frame to complete the project is tight as grant funding-received (\$32,000 in 2016-17 and \$32,000 in 2017-18) towards this project from the Department of Local Government, Sport and Cultural Industries, has to be acquitted by the 30 June 2018.

Five (5) quotes have been received for the project, but at this point in time a contractor has not been appointed to undertake the construction and installation of the water playground.

BACKGROUND

At the 25 August 2016 Council Meeting, Council resolved to support the development of a water play facility at the Boyup Brook Swimming Pool. An extract from the minutes is listed below:

"MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 25 AUGUST 2016 - MOTION

MOVED: Cr Kaltenrieder SECONDED: Cr Muncey

That Council;

1. Authorise the planning and development of a water play facility at the Shire swimming pool complex. The plan be to complete the project by the 30 June 2018, and to amend forward plans to specifically include this project. The funding plan be to apply in the order of \$22,000, from the 2016/17 Community Pool Revitalisation Grants Program, and \$32,000 from 2017/18, plus in the order of \$36,000 from Shire funds in 17/18 to fund the project (\$90,000).

2. Approve an application being lodged with the Department of Sport and Recreation, for funding under its Community Pool Revitalisation Grants Program for a portion of the \$32,000 grant (\$22,000), available for pool facilities, from the 2016/17 funding round, for a water play facility planned for 2017/18.

3. Authorise a Swimming Pool Facility Revitalisation Reserve Fund being established in 16/17 with relevant grant funding for the planned water play facilities.

CARRIED 8/1 Res 99/16"

Detailed below is information regarding the progress to date on the implementation of this water playground project.

Uncertainty regarding the second round (2017-18) of the Community Pool Revitalisation Facilities Funding (CPRFF) delayed the initial start of this project. The CPRFF funding had been withdrawn initially however there were two Councils in the South West that had quarantined funds for multi-year projects and we were one of them and we were granted our funds for 2017-2018 whilst all of the other Councils missed out.

In December 2017 an application for a \$20,000 grant towards this project was lodged with Lotterywest (refer below to an 'amended' *Project Budget* which accompanied the application), and on 7th February Lotterywest communicated to the shire that the application was successful.

Project Budget –

Boyup Brook Splash Pad Budget			
Expenditure	Unit	Total	
Works	\$		
Water Playground works. (Contractor TBC)		\$ 120,000 TBC	
Subtotal		\$ 120,000	
In-kind Work			
Shire Labour (130 hours)	\$ 55	\$ 7,150	
Shire Plant		\$ 3,000	
Subtotal		\$ 10,150	
Promotion and Advertising			
Promotion		\$ 500	
Subtotal		\$ 500	
Total Expenditure (A)	\$	130,650 TBC	
Income			
Grants and Other Income	\$		
Department Sport and Recreation		\$ 32,000	c
Department Sport and Recreation		\$ 32,000	nc
Shire of Boyup Brook		\$ 36,000	c
Lotterywest		\$ 20,000	c
Subtotal		\$ 120,000	
In-kind Contributions			
Shire Labour (130 hours)	\$ 55	\$ 7,150	c
Shire Plant		\$ 3,000	c
Subtotal		\$ 10,150	
Promotion and Advertising			
Promotion		\$ 500	c
Subtotal		\$ 500	
Total Income (B)	\$	130,650	

A summary of the 5 quotes/estimates received by the shire is detailed below, and refer attached for the various detailed submissions:

Supplier	Quote (excluding GST)
Wetdeck Pools	\$119,982
Tropical Pools	\$120,000
Dynamic Playgrounds	\$135,000
Commercial Aquatics	\$150,000 - \$200,000
Trisley's Hydraulic Services Pty Ltd	\$350,000 - \$400,000

Ongoing Costs

At this point in time we cannot accurately determine the operational costs for the water playground facility as we don't know the exact configuration of the proposed system! We have however, sourced some information from the Collie Shire about their operational costs for their water playground.

Facility

Shire of Collie Water Playground

Below are the items the park has spent approx. \$40,000 - \$50,000 this figure does not include staff wages to test the water daily or staff training/certification. (approx. \$2500 each)

- Lights
- Pumps
- Solenoids
- Switches
- Electrical Contractors
- Plumbers
- Chemicals
- Annual Service of Automated Unit (Self dosing unit)

Time Constraints

Funding received from the Department of Local Government, Sport and Cultural Industries must be acquitted by the 30 June 2018 and therefore the project needs to be completed prior to that date.

Design

When considering the design of the new water playground the ability to be able to add onto the playground and extend it in the future is a feature we see as desirable. Also features that can be easily swapped and changed from time to time without the need for any major changes is also seen as advantageous.

A further design consideration is the capacity of the water reservoir servicing the facility, given that the risk of contamination is inversely related to reservoir capacity.

COMMENT

As contained in the background.

CEO COMMENT

In hindsight the desire of Councillors for more Council involvement in this project should have been anticipated and the February meeting report should have been supported by a listing of quotations (as Cr Rear has provided) and crafted to lead to a Council decision on selection of a supplier.

The position is now that we have a project ready to appoint a service provider and new Councillors with good questions and understandable desires for involvement.

As with all projects where the design phase is not done, quotations end up being akin to apples and oranges, so hard to compare. It is suggested then that the committee first decide if it prefers the project to be postponed or proceeded with. If its the former then It should make that recommendation to Council as it does not have the power to make this decision. If its the latter then time is of the essence and so the next decision, it is recommended, should be to select a supplier based on the information to hand.

Then have the supplier do another site visit, where committee may attend, and meet with the committee to set the relevant details of what is to be completed in the current project. This may take say a fortnight but then the committee would need to approve a purchase and leave the project to staff and the supplier to get working on to completion.

Constraints that the committee should be aware of include the requirement to call tenders where the cost is \$150,000 or more.

CONSULTATION

Alan Lamb (CEO), Jo North (Pool Manager), Stephen Carstairs (Director of Corporate Services), and the Pool Manager and the author have met onsite with different representatives from the companies quoting on the provision of the facilities to discuss concept designs and operational issues.

STATUTORY OBLIGATIONS

Nil.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The shire's 2017-18 Annual Budget allocated \$120,000 for the cost of this project, to be funded from grants/contributions at \$84,000, and the balance (\$36,000) to be shire funded. The revised project budget (\$130,650) would mean the shire would contribute an additional \$10,650 towards this project.

CEO COMMENT

The committee has been delegated power to purchase but not power to amend the budget to allow for more funds to be spent. The foregoing notes that the budget is \$120,000 for this project but indicates a revised project budget (\$130,650). Whilst Council has not resolved to amend the budget for this increase it also has not restricted the committee from looking to this as the project budget. The CEO will explain further at the meeting.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The pool complex is a very well used feature of the town. The main pool and kiddies pool have served the community well for many years and the recent heating project has enhanced the community benefit of this facility. The water playground will add to amenity of the pool area and encourage increased usage.

VOTING REQUIREMENTS

Absolute majority.

MOVED INTO COMMITTEE

MOVED: Cr Cr Walker

SECONDED: Cr Alexander

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.

CARRIED 5/0

Res 18/18

Cr Kaltenrieder left the Chambers at 7.47pm

Cr Alexander left the Chambers at 7.51pm

Cr Alexander returned to the Chambers at 7.55pm

MOVED OUT OF COMMITTEE

MOVED: Cr Walker

SECONDED: Cr Rear

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

CARRIED 5/0

Res 19/18

Adjournment

That the meeting be adjourned for an afternoon tea break, the time being 8.31pm.

Resumption

That the meeting resume, the time being 8.38pm.

The meeting resumed with the following persons in attendance.

Cr Aird

Cr Walker

Cr Rear

Cr O'Connell

Cr Alexander

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1

MOVED: Cr Aird

SECONDED: Cr Walker

That the Committee resolve to

- 1. engage Wetdeck Pools to construct a water playground facility at the Shire swimming pool complex to a maximum cost of \$130,650 excluding GST.**
- 2. require that the supplier:**
 - to have the project completed and operational no later than 31st May 2018**
 - use stainless steel fittings**
 - make the water features (spraying units and the like) interchangeable so that the playground may be reconfigured from time to time**
 - construct the deck and associated plumbing such that additional features could be added at a later date.**
- 3. Committee meet with the supplier and further scope the project as soon as practicable.**

CARRIED BY ABSOLUTE MAJORITY 4/1

Res 20/18

6 CLOSURE OF MEETING

There being no further business the Presiding Member, Cr Aird thanked all for their attendance and declared the meeting closed at 8.46pm.