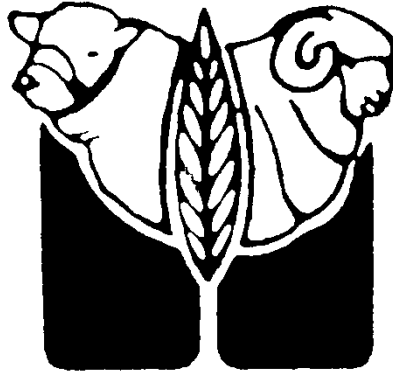


MINUTES



SPECIAL MEETING
HELD

THURSDAY 14TH JUNE 2018
COMMENCED AT 6.03PM

AT

SHIRE OF BOYUP BROOK
ABEL STREET – BOYUP BROOK

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1. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr G Aird- Shire President
Cr R Walker-Deputy Shire President
Cr A Alexander
Cr P Kaltenrieder
Cr K Moir
Cr E Muncey
Cr T Oversby
Cr H O'Connell
Cr E Rear

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Daly Winter (Manager Community and Regulatory Services)
Mrs Maria Lane (Executive Assistant)

1.2 Apologies

1.3 Leave of Absence

2. PUBLIC QUESTION TIME

3. APPLICATIONS FOR LEAVE OF ABSENCE

4. MATTERS REQUIRING A DECISION

4.1 Confidential Item: Settlement of Wetdeck Pools' Damages Claim

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 4.1

MOVED: Cr Aird

SECONDED: Cr Walker

That Council act on McLeods Barristers and Solicitors recommendation and:

1. Settle the current (INV-0699) claim by Wetdeck Pools with an offer of \$12,500.00 excluding GST.
2. Have the Shire enter into a confidential Deed of Settlement, whereby Wetdeck Pools agrees to waive any further claim against the Shire in respect of requisition R 23207 (the Contract) or the works subject of the Contract.

CARRIED 7/2

Res 91/18

4.2	Grant Funding for Water Playground Project
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Location:	<i>Swimming Pool</i>
Applicant:	<i>N/a</i>
File:	<i>Swimming Pool</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 June 2018</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Letter from Department of Local Government, Sport and Cultural Industries</i>

SUMMARY

The purpose of this report is put before Council the DLGSCI letter in response to Council's request to defer the Community Pools Revitalisation funding secured for the water playground facility, and to amend its purpose. The request was agreed to with conditions and it is recommended that Council agree to meet the conditions and move purposefully toward meeting these new conditions.

BACKGROUND

The following comes from previous reports:

At the 25 August 2016 Council Meeting, Council resolved to support the development of a water play facility at the Boyup Brook Swimming Pool.

At the 15 February 2018 Council Meeting, Council resolved to appoint a Water Playground Committee with the authority to purchase.

At the February Meeting of the Water Playground Committee 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.*

Following the meeting between the Water Playground Committee and representatives from Wetdeck Pools a new location was selected as the preferred site. This location incorporated a retaining wall feature and was positioned in a more suitable location for monitoring by the Swimming Pool Manager as it was immediately behind the small frog pool.

The inclusion of a new retaining wall pushed costs beyond the figures initially presented to Council. A new project budget is detailed below.

Project Budget –

Boyup Brook Splash Pad Budget						
Expenditure	Unit	Total	Income	Unit	Total	c/ nc
Works	\$		Grants and Other Income	\$		
Water Playground plus retaining wall works.		\$ 149,750	Department Sport and Recreation		\$ 32,000	c
			Department Sport and Recreation		\$ 32,000	c
			Shire of Boyup Brook		\$ 36,000	c
			Lotterywest		\$ 20,000	c
Subtotal		\$ 149,750	Subtotal		\$ 120,000	
In-kind Work			In-kind Contributions			
Shire Labour (130 hours)	\$ 55	\$ 7,150	Shire Labour (130 hours)	\$ 55	\$ 7,150	c
Shire Plant		\$ 3,000	Shire Plant		\$ 3,000	c
Subtotal		\$ 10,150	Subtotal		\$ 10,150	
Promotion and Advertising			Promotion and Advertising			
Promotion		\$ 500	Promotion		\$ 500	c
Materials and Contractors			Materials and Contractors			
*Concrete		16,600	Concrete		16,600	
*Electrical		10,000	Electrical		10,000	
*Plumbing		3,000	Plumbing		3,000	
Subtotal		\$ 30,100	Subtotal		\$ 30,100	
Total Expenditure (A)		\$ 190,000.00	Total Income (B)		\$ 190,000.00	
<ul style="list-style-type: none"> ESTIMATES Only 						

Time Constraints –

As there were significant time constraints on the completion date for this project in consultation with the Shire President and Chief Executive Officer, the CEO authorised a purchase order to be placed with the selected supplier.

At the April 2018 meeting of Council, the officer recommendation was moved and seconded but lost, as follows:

That Council;

- 1. Authorises the additional expenditure of \$59,350.00 for the Water Playground Project.**
- 2. Endorses the Committees selection of Wetdeck Pools as the preferred supplier and the Chief Executives Officers actions in placing the Purchase Order to meet project deadlines.**

LOST 2/7

Res 72/18

The resolution gives direction on the project but is not clear on the matter of grants.

The following comment was provided to the May 2018 meeting.:

Before moving to the grants, its important to review the position in financial terms.

The Committee had Council's authorisation to purchase. At its meeting held 15 February 2018 the Committee resolved :

- 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.**

Subsequently, the CEO issued a purchase order to the firm (5/4/2018) for an amount of \$149,750, on the understanding that there was a matter of urgency in now getting the Committee's decision actioned, and that the Committee had met with the firm and increased the scope of the project.

So the firm was engaged by the Committee in February and the engagement confirmed by a purchase order in April. The firm was contacted later in April to advise that Council no longer supported the project and so there was insufficient funds to complete it, and the order was cancelled. The firm has indicated they have expenses relating to visits, purchases and the like and a claim is expected.

In relation to the Lotterywest grant of \$20,000. Council has 6 months in which to spend and acquit this grant, acquittal is required by 5 August 2018. In relation to the DSR grant of \$64,000. In September 2017, DSR advised that Boyup Brook would receive the 2017/18 grant of \$32,000 to add to the \$32,000 from 2016/17. That the project had to be completed and acquitted by 1 June 2018.

Following indication that there may be an opportunity to defer the DSR grant acquittal etc, a letter was forwarded seeking to have the project completion and acquittal date extended to allow Council, at this meeting, to consider seeking to use the grant for the purpose it was approved for or a like purpose. Whilst there has been no reply to this letter as yet this item is included to give Council the opportunity to either review the project, consider another or decide to return grant funds, if the opportunity to do so is presented by DSR.

The options discussed with DSR and included in the letter are as follows:

- 1. Return all grant funds held*
- 2. Revisit the expanded water play project and fund the grant shortfall part from what was budgeted in 2017/18 and the balance from a 2018/19 provision.*
- 3. Revisit the original water play project and seek to complete it within budget provisions.*
- 4. Look to a similar project which may be acceptable to DSR (then also acceptable to Lotterywest). Here the children's splash pool replacement was noted as being a similar project.*

If Council were to use Wet Deck Pools for options 2, 3 or 4 then it may be possible for costs incurred, by that firm, to be transferred to one of these projects.

If the option of deferring the DSR grant acquittal date presents itself does Council wish to have option 2, 3, or 4, or any other pursued or should option 1 be actioned?

If there is an opportunity to defer the DSR grant, does Council also wish to seek to have the Lotterywest grant deferred, to be used for the same purpose as the DSR grant, or returned?

New information

At its May 2018 meeting Council resolved as follows:

That Council;

1 seek to have the Community Pools Revitalisation Program grant of \$64,000 acquittal date extended, from 1 June 2018, to 30 June 2019, or another date acceptable to the Government Department, in order to:

c) seek approval for funds to be used for a new, yet to be decided, but similar project, such as a new children's splash pool.

2 seek to have the Lotterywest grant of \$20,000 acquittal date extended to 30 June 2019 in order to:

c) seek approval for funds to be used for a new, yet to be decided, but similar project, such as a new children's splash pool.

CARRIED BY ABSOLUTE MAJORITY 7/2

Res 86/18

COMMENT

Council's request to defer the grant was approved on the following conditions:

This extension is conditional on the shire submitting:

1. an alternative project proposal by no later than 30 July 2018 for consideration; and once approved
2. project milestone dates - *refer below*:

Revised project milestones	Proposed completion date
Preparation Tender / Quotes	
Signing of Contract	
Site Works to Commence	
Construction Commences	
50% Completion	
Project Completed	

If Council wishes to seek to use the grant funds (\$64,000), it will need to have decided on a project so that this can be forwarded to the DLGSCI by 30 July 2018. In order to make an informed decision it will need to give an indication of what it wants to do so that budget prices (and or quotations) may be obtained prior to the July Council meeting. In order to achieve this, and noting that Wetdeck Pools was previously selected to assist with the proposed water playground project, it is recommended that Council:

1. Accept the revised grant conditions
2. Approve the appointment of Wetdecks Pools to provide a concept plan and cost estimates for a water play facility which involves:
 - Removal of the current kiddies splash pool
 - Construction of a water play facility which incorporates a splash pool and water play deck, either as one construction or as two, dependant on legislative and other requirements, within a total budget of \$200,000.
3. Approve expenditure of \$5,000 to meet the costs of item 2.
4. Pass to the pool committee oversight of the project commencing with a review and recommendation to Council, at its July ordinary meeting, on a costed concept plan for the project that includes a timeline in the format requested.

CONSULTATION

The author has discussed the matter with staff, The owner of Wetdeck Pools , and the President.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not known at this time, dependant on Council direction.

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

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 4.2

MOVED: Cr Oversby

SECONDED: Cr Moir

That Council:

- 1. Accept the revised grant conditions with the following timeline preparation quotes 1st July, signing contract 16th July site works and construction commenced 1st August, 50% completion 30th August and project completed 30th September 2018.**
- 2. Approve the appointment of Wetdecks Pools to provide a concept plan and cost estimates for a replacement of the kiddies pool to the value of \$5,000.00 excluding GST which involves:**
 - **Removal of the current kiddies splash pool and metal shade cover.**
 - **Construction of a new kiddies pool facility which incorporates a beach style entry, within a total budget of \$117,500 excluding GST inclusive of concept plan.**
- 3. Pass to the Swimming Pool committee oversight of the project commencing with 2 committee meetings before the end of June and a scheduled special council meeting on 26th June 2018.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 92/18

5 CLOSURE OF MEETING

There be no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 8.15pm.