

10.5.1 – Financial Assistance Agreement (SJ) – Byford Nature Splash Park (SJ3042)

Responsible Officer:	Strategic Project Specialist
Senior Officer:	Chief Executive Officer
Disclosure of Officer's Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is for Council to consider and provide direction on how to proceed with an election commitment received at the 2021 State Government election for a Splash Park in Byford.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 20 July 2020 – OCM234/07/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. APPROVES the election priorities and request as contained within attachment 1*
- 2. REQUESTS the Chief Executive Officer to prepare relevant promotional material for the priorities.*

Special Council Meeting – 6 April 2020 – SCM083/04/20 - COUNCIL RESOLUTION / Officer Recommendation

That Council ENDORSES the following as the basis for economic priorities and stimulus for the Shire of Serpentine Jarrahdale:

- 1. Continues to provide information and advice for small businesses*
- 2. Proposes the following projects as Shire Stimulus Projects to attract Federal and/or State Government funding:*
 - a. Hyper-growth Road Upgrades*
 - b. Nature Play and Splash Park Byford*
- 3. Requests the Chief Executive Officer to play a facilitation role with potential developers, Peel Development Commission and RDA Peel to identify and access State or Federal funding and support programs which may become available in response to COVID19.*
- 4. Requests the Federal and State Governments:*
 - a. Reaffirm support for existing committed infrastructure projects including:*
 - i. Extension of Tonkin Highway from Thomas Road to South West Highway.*
 - ii. Extension of the train line to Byford as part of the MetroNet Project.*

- b. Consider new additional government infrastructure projects including:
 - i. Realignment of the Freight Rail as part of the Tonkin Highway extension.
 - ii. Dual Carriage Way of Thomas Road from South West Highway to Kwinana Freeway.
- c. Provide funding to commence planning for new medium to long term government facilities including undertaking development of Business Cases for:
 - i. Byford TAFE; and
 - ii. Byford Health Hub.

Ordinary Council Meeting – 27 August 2018 – OCM090/08/18 - COUNCIL RESOLUTION / Officer Recommendation

That Council

1. *Receives the BMX Relocation – Feasibility Study, as contained in attachment OCM090.1/08/18 for use as a guiding document, acknowledging the Byford BMX Club requires relocation from Briggs Park Recreation Precinct.*
2. *Agrees to the relocation of the BMX Facility to the Keirnan Park Recreation Precinct, with a preference for a State level facility.*

Background

In August 2019 the Shire engaged UDLA to undertake a Concept Design Report to support the development of the future Bill Hicks Community Space for the Nature Play Splash Park at Bill Hicks Reserve, Byford. The estimated project cost at the time was \$2.6m.



Figure 1 – Byford Nature Splash Park Master Plan

In the lead up to the 2021 State Government election, Council endorsed this project to be one of its election priorities and requests.

During the election campaign both major political parties indicated to the Shire they were supportive of the project but would prefer to see the facilities located in the Byford Town Centre, rather than Bill Hicks Reserve.

In response to this request the CEO wrote to both major political parties advising them of the Civic Purpose site in the town centre of Byford and offering this site as a potential location for the Splash Park, subject to Council's approval for the site.

During the 2021 State election campaign, the Shire received the following commitments for the Splash Park project in a Byford Town Centre location:

- Labor Party - \$1.3m
- Liberal Party - \$5m

The Labor Party won government.

At the May 2021 Ordinary Council meeting, Council adopted the Byford Town Centre Civic Site – Concept Master Plan. The Master Plan identifies a range of mixed primary and secondary uses to be delivered on the site, such as the future library and Byford Health Hub, with the Nature Play Splash Park proposed to be located at the northern end of the site.



Figure 2 – Artist impression – Nature Play Splash Park

Forward Work Costs – Civic Purpose Site

East Metropolitan Health Service is delivering the Byford Health Hub project on behalf of the State Government. Following East Metropolitan Health Service's investigations for development of the 7000sqm Byford Town Centre Civic Site to deliver the Byford Health Hub, the Shire now has more accurate estimate of the costings to develop this site. The costings options of the whole site, as well as just the library/splash park portion of the site have revealed that a significant amount of additional funding is required to commence forward works for the splash park to ensure the site can be developed.

The following issues are now impacting upon the ability to deliver this election commitment namely as follows:

- Only half of the original estimated project costs have been committed to the project to date. If the Council wanted to progress with the project additional funds would need to be obtained and/or the Shire would need to contribute some funding towards the project.
- The estimated project costs of \$2.6m were developed pre-pandemic and Officers would expect to see an overall increase in the project cost estimates in line with the escalation experienced on other projects. Officers have not yet engaged any consultants to provide a revised estimate until a clear direction is received from Council.
- The costs of developing the Byford Town Centre Civic Site adds significant costs to the project than was initially considered. These additional funds would also need to be sourced in addition to the capital construction costs.
- The site is currently not developed or accessible. Access to the site would require construction of associated roads. These roads have been committed to as part of the Metronet project however this timeline has been delayed by a year.

Therefore, the current election commitment funding of \$1.3m towards a Splash Park in the Byford Town Centre is not able to be progressed in its current form.

Alternate Recreation Project

In May 2022, Officers discussed the challenges of the Splash Park project with the Department Local Government, Sport and Cultural Industries and that the Shire has insufficient capacity to cover the shortfall in funding to complete the project within the terms of the agreement. It was suggested to the Shire that the current agreement could be repurposed for another recreational facility. Officers indicated that a Bike Pump Track could be a suitable alternative if the community and the State Government were in agreement.

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	22 August 2022
Councillors in Attendance	Cr Rich, Cr Atwell, Cr Duggin and Cr Strautins

External consultation

Department Local Government, Sport and Cultural Industries to discuss the State Government election commitment Financial Assistance Agreement and options to progress the project.

Darling Range MLA Hugh Jones to discuss options for the State Government election commitment funding, with the following criteria prepared to assess potential alternate projects which could be considered for the funding:

- Location needs to be in Byford;
- The facility needs to target the similar age range to the Splash Park;
- Alternate project needs to be constructed and operational by the time of the next State Government election.
- The project budget needs to be no greater than \$1.3m (including Shire on costs), unless additional funds are committed by the Shire.

Formal community engagement is proposed to be undertaken to obtain the community views on repurposing the election commitment towards a Bike Pump Track.

Statutory Environment

Nil.

Comment

Given the funding constraints of the Splash Park Project in its current form, Officers have identified the following options for Council to consider to progress the State Government election commitment and associated funding:

1. Repurpose the election commitment funding	Request the State Government to consider repurposing the election commitment grant agreement for another purpose. This alternative purpose would require agreement from the State Government and Officers would recommend support from the community via a feasibility study and associated community consultation. If this was to occur then the Council could, at a later time, identify the Splash Park project as a future election commitment.
2. Request an extension of time	Seek an extension to the timeframe to deliver the Splash Park in the town centre location from the State Government of a number of years. This would mean the facility would not be constructed prior to the next State Government election in 2025. This would enable the Shire to work to secure other funding towards the development of the facility and/or contribute funding of its own towards the project. A delay in timing would also mean that construction of the MetroNet Station and associated road works would occur prior to construction of the Splash Park commencing.
3. Decline the election commitment funding	Advise the State Government that as funds received for the election commitment were not sufficient to construct the facilities as designed in the preferred town centre location the Shire does not accept the grant funding agreement. This would involve formally declining the funding opportunity and not receiving the grant funding.

Officers recommend that Council explore Option 1 to request the State Government repurpose the election commitment towards an alternative project.

Based upon the discussions with Darling Range MLA Hugh Jones and the criteria set out for an alternate project for the \$1.3m State Government election commitment, Officers have identified a Bike Pump Track Project for Council's consideration.

Proposed Opportunity – Bike Pump Track

Bike Pump Tracks enable riders to maintain momentum instead of pedaling and can be ridden continuously. Pump Tracks can be constructed from various types of material however it is recommended to be constructed from two surfaces being (Asphalt and Composite Product). The various advantages of pump tracks are considered below:

- Promote health and wellbeing with physical activity;
- Suited to being constructed in smaller areas connecting with existing recreational facilities such as co-locating with existing reserves;
- Attract local residents and visitors from outside the area to utilise these facilities.

Examples – Pump Tracks

Location	John Dunn Challenge Park – Third Ave, Kelmscott within the City of Armadale
Type	Composite product and concrete ramps and includes which included pump tracks for beginner and advanced riders, jump tracks for beginner, intermediate and advanced, skills loop, bike safety track, bike playground, hard and soft landscaping, bike – minor maintenance kit, site furniture, public toilet and signage.
Size	3,500m ²
Total Cost	\$1.6m



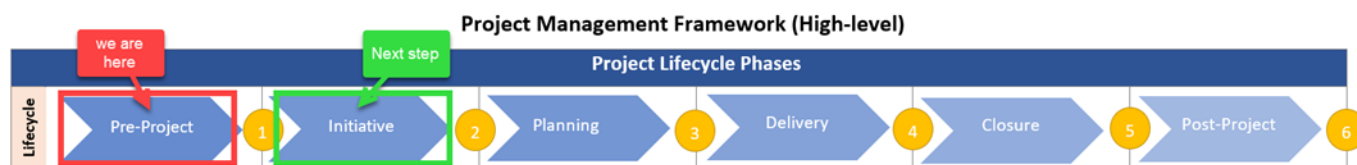
Figure 3 – Pump Track – John Dunn Challenge Park



Figure 4 – Pump Track – John Dunn Challenge Park

Project Development

Should Council wish to explore repurposing the election commitment for the construction of a Bike Pump Track, this project would be investigated and developed using the Shire’s Project Management Framework methodology.



To progress the Bike Pump Track project, a detailed Feasibility Study would be undertaken and would include the following activities:

- scale definition.
- site investigations (multiple recommendations) and analysis.
- opinion of probable costs.

Council would need to allocate funds for the Feasibility Report to be undertaken. An external consultant would be engaged to assist the Shire to carry out this work.

The project lifecycle phases will involve a collaboration in which the initiative and planning stage (feasibility study and community consultation) of the project will be managed by Officers in community services and then handed over to infrastructure for delivery. A project steering group will be formed to ensure the main activities / milestones of the financial assistance agreement are met and carried out in accordance with the project management framework.

Next Steps

Below is a summary of the relevant actions Officers would undertake for the three options identified in this report:

OPTION	ACTIONS
1. Repurpose the election commitment funding	<ul style="list-style-type: none"> • Advise Department Local Government, Sport and Cultural Industries of Council's decision to undertake Feasibility Report for the Bike Pump Track and seek in-principle support for the project. • Undertake a Feasibility Report for the Bike Pump Track. • Present Feasibility Report to Council for consideration.
2. Request an extension of time	<ul style="list-style-type: none"> • Write to Department Local Government, Sport and Cultural Industries seeking an extension to the timeframe to deliver the Splash Park in the town centre location for a number of years. • Present response from Department Local Government, Sport and Cultural Industries back to Council for consideration.
3. Decline the election commitment funding	<ul style="list-style-type: none"> • Advise Department Local Government, Sport and Cultural Industries and Darling Range MLA Hugh that the Shire declines the election commitment funding for the Splash Park due to funding constraints.

Options and Implications

Option 1

That Council:

1. AUTHORISES the Chief Executive Officer to write to the Department of Local Government, Sports and Cultural Industries to formally seek in-principle agreement to repurpose the Financial Assistance Agreement for the Splash Park project in Byford towards construction of a Bike Pump Track, subject to a Feasibility Report being prepared.
2. REQUESTS that the Chief Executive Officer to undertake a Feasibility Report for a Bike Pump Track, inclusive of:
 - Community consultation.
 - scale definition.
 - site investigations and analysis.
 - opinion of probable costs.
3. AUTHORISES a budget amendment as per the below table to fund these works:

Account Number	Type	Account Description	Debit	Account Number
1400-NEW-6230-0000	Increase Expenditure	Pump Track Feasibility – External Contractor	50,000	
5300-17300-4101-0000	Decrease Income	General Purpose - Financial Assistance Grants - Roads		50,000

Account Number	Type	Account Description	Debit	Account Number
Reason: Funds required for Pump Track Feasibility, with increase in expenditure to be offset by higher than anticipated revenue from the 2022/23 Financial Assistance Grants.				

4. REQUESTS the Chief Executive Officer to present a report back to Council inclusive of:
- the response from the Department of Local Government, Sports and Cultural Industries regarding point 1.
 - the Bike Pump Track Feasibility Report for consideration.

Option 2

That Council REQUESTS the Chief Executive Officer to write to the Department of Local Government, Sports and Cultural Industries to:

- seek an extension to the timeframe to deliver the Splash Park until after the 2025 State Government Election, once the Byford Metronet Station has been constructed; and
- request additional funding to deliver the Splash Park project on the Byford Town Centre Civic Site, as per the adopted Master Plan.

Option 3

That Council REQUESTS the Chief Executive Officer to write to the Department Local Government, Sport and Cultural Industries and Darling Range MLA Hugh Jones to advise that the Shire declines the \$1.3m election commitment funding for the Splash Park project due to funding constraints.

Option 1 is recommended.

Conclusion

For a number of factors, as outlined in the report, the State Government election commitment for the Splash Park cannot be delivered in its current form with the funds available. Council has been presented options as to how to move forward with this project and the associated election commitment funding.

Officers believe that repurposing the election commitment for a Bike Pump Track meets the criteria relating to the State Government election commitment funding.

To ensure the Bike Pump Track project considers community engagement, site analysis and full project cost estimates, Officers recommend carrying out a Feasibility Study, as well as further engagement with the Department Local Government, Sport and Cultural Industries, on the project.

Officers are recommending these two steps occur and a report be presented back to Council for further consideration of the Bike Pump Track project.

Attachments (available under separate cover)

- 10.5.1 - attachment 1** – Department of Local Government Sport and Cultural Industries – Election Commitment – Byford Splash Nature Park – Draft Financial Assistance Agreement (IN21/24025)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
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Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Financial Implications

Option1

Approximately \$50,000 is required to carry out the Feasibility Report for the Bike Pump Track project.

There is no budget provision for this project in the 2022/23 Budget. Financial assistance grants is over budget by \$137,782 and is available to fund this requirement.

Options 2 and 3

There are no financial implications relating to the option 2. The Shire will lose the election commitment funding with option 3.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Department of Local Government, Sports and Cultural Industries may not support the variation to the Financial Assistance Agreement for alternate project.	Council endorsement for the development of the Feasibility Report for the Bike Pump Track project.	Financial	Possible	Moderate	MODERATE	Present Feasibility Report to Council and outcome of request to Department of Local Government, Sports and Cultural Industries to repurpose the Financial Assistance Agreement for consideration and direction of next steps.

2	Department of Local Government, Sports and Cultural Industries may not support an extension of time for the Financial Assistance Agreement for the Splash Park project.	Nil	Strategic Stakeholder Relationships	Possible	Minor	MODERATE	Present a report back to Council to re-consider options regarding the Financial Assistance Agreement.
3	Declining the Financial Assistance Agreement could impact Shire's future advocacy for State Government funding towards other community infrastructure projects.	Nil	Strategic Stakeholder Relationships	Possible	Minor	MODERATE	

Voting Requirements: Absolute Majority (s6.8 of the *Local Government Act 1995*)

OCM258/10/22

COUNCIL RESOLUTION / Officer Recommendation

Moved Cr Strautins, seconded Cr Duggin

That Council:

1. **AUTHORISES** the Chief Executive Officer to write to the Department of Local Government, Sports and Cultural Industries to formally seek in-principle agreement to repurpose the Financial Assistance Agreement for the Splash Park project in Byford towards construction of a Bike Pump Track, subject to a Feasibility Report being prepared.
2. **REQUESTS** that the Chief Executive Officer to undertake a Feasibility Report for a Bike Pump Track, inclusive of:
 - scale definition.
 - site investigations and analysis.
 - opinion of probable costs.
3. **AUTHORISES** a budget amendment as per the below table to fund these works:

Account Number	Type	Account Description	Debit	Account Number
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Reason: Funds required for Pump Track Feasibility, with increase in expenditure to be offset by higher than anticipated revenue from the 2022/23 Financial Assistance

Grants.

- 4. REQUESTS the Chief Executive Officer to present a report back to Council inclusive of:**
- a. the response from the Department of Local Government, Sports and Cultural Industries regarding point 1.**
 - b. the Bike Pump Track Feasibility Report for consideration.**

CARRIED UNANIMOUSLY 6/0