

5.2. EXPRESSION OF INTEREST - MOSSMAN POOL SWIMMING COACHING AND AQUATIC PROGRAMS

REPORT AUTHORS Louise Dias, Property Officer
Susan Lunn, Property Officer

MANAGER Terry Farrelly, Manager People and Community Services

DEPARTMENT People and Community Services

RECOMMENDATION

That Council:

- 1. Note the Officers' recommendations following Council's Expression of Interest (EOI) process for the Provision of Swimming Coaching and Aquatic Programs from January to June 2020 for the Mossman Pool located on Lot 6 RP 742785 corner of Foxtan Avenue and Park Street Mossman;**
- 2. Offer swimming pool lane hire in mutually agreed hired lane spaces to suitably qualified and experienced applicants for the purpose of Swimming Coaching and Aquatic Programs, subject but not limited to the following terms and conditions;**
 - a. Lane hire fee to be \$30 per hour for a term between the 21st of January 2020 to the 30th of June 2020 and subject to annual review as per Council's annually approved Fees and Charges for the Mossman Pool;**
 - b. In addition to the lane hire fee, the usual Mossman Pool entry fees from Council's annually approved Fees and Charges apply to the successful applicants' members;**
 - c. Successful respondents of the EOI will be invited to submit an Application for Swimming Pool Lane Hire. Council reserves the right to terminate any arrangements for the use of facilities in the event of non-compliance with terms and conditions agreed in the application;**
 - d. All future applicants for swimming pool lane hire will be accepted and assessed according to the *Mossman Pool and Caravan Park – Swimming Pool Lane Hire Agreement*;**
 - e. All applicants for Lane Hire are responsible for all costs associated with providing the documentation required for the *Mossman Pool and Caravan Park – Swimming Pool Lane Hire Agreement*;**
 - f. All mandatory copies of supporting documentation must be provided with the application for *Mossman Pool and Caravan Park - Swimming Pool Lane Hire Agreement*. Mandatory documentation includes current Public Liability Insurance to \$20,000,000 with Douglas Shire Council noted as an interest party, current qualification and accreditation certificates and current Queensland Blue Card; and**

3. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer to determine and finalise any and all matters associated with this EOI.

EXECUTIVE SUMMARY

The Douglas Shire Council sought expressions of interest for the provision of swimming coaching and aquatic programs for a term from January to June 2020 for the Mossman Pool. The Mossman Pool is located on Lot 6 RP 742785 corner of Foxtan Avenue and Park Street Mossman and is part of essential community infrastructure servicing locals and visitors in the Shire.

The successful EOI respondents provided evidence, or could provide evidence at time of application, of current public liability insurance, mandatory First Aid and CPR qualifications and qualification/accreditations relevant to the activity or program being delivered.

An hourly fee of \$30 will apply for lane hire for the provision of such programs. In addition to the lane hire fee, the usual Mossman Pool entry fees from Council's annually approved Fees and Charges apply to the successful respondents' members.

The successful EOI respondents will be invited to submit an application for lane hire with the ***Mossman Pool and Caravan Park – Swimming Pool Lane Hire Agreement*** in which all terms and conditions must be complied with.

A decision regarding whether to retain the Learn to Swim program exclusively internally or extend the opportunity for external operators to run a Learn to Swim program at the Mossman Pool has been held pending further consideration.

BACKGROUND

Due to the former Lessee of the Mossman Pool relinquishing their lease on 1 September 2019, Council has been managing the operations of the Mossman Pool.

The aquatic facility became fully operational on 8 October 2019 following extensive works undertaken to ensure the Facility was safe and complied with relevant legislation and guidelines. Refurbishment works were undertaken to upgrade the general standard of the Facility.

In order to generate revenue and to activate use of the facility, pool management implemented a school holiday Intensive Learn to Swim program and is currently taking bookings for Term 1 Learn to Swim classes.

Since becoming operational, Council has received a number of enquiries from external operators regarding the ability to hire lanes for a variety of aquatic activities including Learn to Swim programs, swimming coaching, aqua fitness activities, diving certification and water training for various community volunteer groups included SES.

To transparently explore the suitability of Providers and the type and breadth of services offered, Council published an EOI for the Provision of Swimming Coaching and Aquatic Programs on 19 December 2019 in the Gazette and on Council's website. The EOI closed on the 8 January 2020.

In order to accommodate the EOI for Swimming Coaching and Aquatic Programs, the swimming pool lanes must be made available for hiring. The Mossman Pool measures 50 metres long by 21 metres wide and can be divided into 8 lanes with lane ropes.

The lane hire fee is \$30 per hour for a term between the 21 January 2020 to the 30 June 2020 and subject to annual review as per Council's annually approved Fees and Charges for the Mossman Pool.

In addition to the lane hire fee, the usual Mossman Pool entry fees from Council's annually approved Fees and Charges apply to the successful respondents' members.

The successful EOI respondents provided evidence, or would be in a position to provide evidence at time of application, of Public Liability Insurance to the value of \$20,000,000 indemnifying the Douglas Shire Council against all claims of any kind arising from the hire of the swimming lanes and the associated use of other pool facilities, except to the extent of any negligence on the part of the Douglas Shire Council, together with mandatory First Aid and CPR qualifications and qualification/accreditations relevant to the activity or program being delivered.

The successful EOI respondents will be invited to submit an application for lane hire by completing the **Mossman Pool and Caravan Park – Swimming Pool Lane Hire Agreement** in which all terms and conditions must be complied with. Council reserves the right to terminate any arrangements for the use of facilities in the event of non-compliance with the agreed terms and conditions.

From the 13 January 2020, Council will commence the scheduled Learn to Swim Program with the Learn to Swim Holiday Intensive Program. For this reason the Learn to Swim Program respondents were not to be considered as Council will deliver such programs with existing qualified staff.

However, it was agreed at Council Workshop held 15 January 2020 that further consideration will be given to whether external operators will be considered to operate Learn to Swim classes at the Mossman Pool.

The Mossman Meteors Swimming Club has the use of 3 lanes 2 hours in the morning and 2 hours in the afternoon 5 days a week. The successful EOI respondents will not interfere with this arrangement passed by a Council Resolution on the 3 November 2015.

COMMENT

The EOI assessment team included the Senior Procurement Officer, Property Officer and Mossman Pool and Caravan Park Facility Officer. The assessment was based on the respondents' proposal, current public liability insurance and minimum and mandatory qualifications dependent on the type of program being delivered.

Five (5) responses were received to the EOI. Three (3) of the respondents were approved to apply for lane hire. Two (2) respondents were not approved.

Each respondent will be notified in writing of the outcome of their proposal to the Expression of Interest. The successful EOI respondents will be invited to apply for lane hire by completing the **Mossman Pool and Caravan Park – Swimming Pool Lane Hire Agreement** in which all terms and conditions must be complied with.

FINANCIAL/RESOURCE IMPLICATIONS

The EOI successful respondents will be responsible for all costs associated with complying with the Application for Swimming Pool Lane Hire.

RISK MANAGEMENT IMPLICATIONS

All risks associated with the lane hire and use of other pool facilities will be borne by the EOI successful respondents.

SUSTAINABILITY IMPLICATIONS

Economic: Successful EOI respondents will service locals and visitors to the Shire and consequently promote usage of the Mossman Pool which is an essential community infrastructure in the Shire.

Environmental: Nil

Social: Promoting an active and healthy swimming lifestyle in the Shire.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 2 - Fostering Sustainable Economic Growth

A robust economy is at the heart of a thriving community and enables investment in environmental protection. While our remoteness is a key attribute, it also presents challenges for attracting new business and investment. We must also meet the challenges of fierce competition in the tourism sector. Council will partner with industry to build, diversify and promote the Douglas economy. Council will design and deliver infrastructure, strategies and services that support the local economy and businesses.

Goal 3 - We will develop strategies that seek to diversify the Shire's economic base.

Operational Plan 2019-2020 Actions:

1.1.1 - Implement the Community Facilities Revitalisation program.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Custodian Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.

CONSULTATION

Internal: EOI Assessment Committee.

External: AUSTSWIM and Royal Life Saving Australia.

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

Nil