



CONFIRMED MINUTES

OF THE

SPECIAL MEETING OF COUNCIL

8 SEPTEMBER 2021

These minutes were confirmed at a meeting held 30 September 2021 and signed below by the Presiding Person, at the meeting these minutes were confirmed.

Signed:

A handwritten signature in black ink, appearing to be 'AJ', is written over a horizontal line.

SHIRE OF BROOME
SPECIAL MEETING OF COUNCIL
WEDNESDAY 8 SEPTEMBER 2021
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**MINUTES OF THE SPECIAL MEETING OF COUNCIL OF THE SHIRE OF BROOME,
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,
ON WEDNESDAY 8 SEPTEMBER 2021, COMMENCING AT 5:00PM.**

1. OFFICIAL OPENING

The Chairperson welcomed Councillors, Officers and members of the public and declared the meeting open at 5:00pm.

2. ATTENDANCE AND APOLOGIES

ATTENDANCE

Councillors:	Cr D Male Cr H Tracey Cr P Matsumoto Cr C Mitchell Cr B Rudeforth Cr P Taylor Cr N Wevers	Deputy Shire President (Chair) Shire President (Attending via TEAMS)
Apologies:	Cr F West Cr E Foy	
Leave of Absence:	Nil	
Officers:	Mr S Mastrolembo Mr J Hall Mr K Williams Mr D Kennedy Mr G McKnight Mr P Collins Ms N Roukens Mr M Condiman	Chief Executive Officer Director Infrastructure Director Development Services Manager Governance, Strategy and Risk Marketing & Communications Coordinator Manager Engineering Manager Community Engagement and Special Projects Senior Procurement & Risk Officer
Public Gallery:	Mr Beau Bibby Ms Carmel Leahy Mr Mark Ledgerwood	

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

Nil.

4. PUBLIC QUESTION TIME

The following questions were received from Carmel Leahy prior to the meeting

Question One (1)

My questions relate to RFQ21-31 Cable Beach Foreshore Redevelopment Detail Design

The Shire's Caretaker period starts in just seven hours. I have been speaking to the Electoral Commission. It is normal practise for a governing body including a Shire Council to suspend important decision making once the electoral process is underway.

Nominations for Shire opened on Thursday 2nd September. The electoral process is well underway. We have three candidates sitting on the council. Is it ethical for the Shire to be holding a Special Council Meeting to consider a matter of importance and making decisions just seven hours before your Caretaker Period begins?

Response provided by Sam Mastrolembo, Chief Executive Officer

The point of Council's Election Caretaker Policy is to maintain a high standard of integrity during the election period. The matter for Council consideration is in compliance with this policy.

Question Two (2)

Why is the Shire holding a Special Council Meeting to make decisions about the Cable Beach Foreshore Redevelopment Detail Design just seven hours before their Caretaker Period and already in the midst of the electoral process rather than waiting for the electoral process to be completed?

Response provided by Sam Mastrolembo, Chief Executive Officer

The meeting has been called in accordance with Council's Election Caretaker Policy.

The matter was programmed to be tabled at the August OMC, however due diligence undertaken by officers regarding clarifications on submissions has ultimately extended this timeframe.

A Special Council meeting has been called at this time primarily to permit Council consideration of this matter to enable the procurement process to be completed to appoint the preferred consultant to undertake detailed design on the Cable Beach Foreshore Redevelopment. This procurement process commenced in early July 2021. It is historical practice to call Special Council meetings to award tenders to ensure timely procurement occurs and budgeted items are completed within the Financial Year.

This Project is within Council's endorsed Strategic Community Plan, Corporate Business Plan and 3 Year Covid-19 Recovery Plan. It should be further noted the detailed design is within Council's endorsed annual budget. It is the CEO's responsibility to so far as reasonably practical abide by the Caretaker Election Policy. This has occurred. It is also the CEO's responsibility to complete budgeted items within the financial year.

The following questions were asked by Beau Biddy at the meeting

Question One (1)

Will a coastal sediment specialist be engaged as part of the Cable Beach Foreshore Redevelopment Detail Design stage to predict how sand and the sediment will be effected by the proposed development?

Response provided by Peter Collins, Manager Engineering

The Detailed Design Stage will investigate all additional studies that are required to meet Australian Standards and regulatory requirements. If this process identifies that a sediment movement study is required, then an appropriately qualified coastal sediment specialist would be engaged.

Question Two (2)

Has any estimate of the cost of sand renourishment been done in relation to the Cable Beach Foreshore Redevelopment and was a coastal sediment specialist engaged to assist with this calculation?

Response provided by Peter Collins, Manager Engineering

Seashore Engineering have completed the initial concept design for protection options of Cable Beach which includes sand renourishment. These produced estimated volumes of sand required to provide appropriate protection and high level cost estimates. Refer to Council Agenda Item 9.2.1 – Cable Beach Coastal Protection Options and Geotechnical Investigations at the Ordinary Meeting of Council held on 24 June 2021.

Exact volumes and detailed cost estimates will be produced during the Detailed Design Stage.

The following questions were asked by Carmel Leahy at the meeting on behalf of Brendan Renkin

Question One (1)

Can the Shire confirm that the sum total of people involved in the consultation for the Cable Beach Foreshore Redevelopment is 11 people?

Response provided by Sam Mastrolembo, Chief Executive Officer

This question has been answered previously. Please refer to the Minutes of the Ordinary Council Meeting held on 26 August 2021 – Page 7.

Question Two (2)

How will the successful tenderer engage with the community during the design process? How many opportunities will members of the public have to shape the design?

Response provided by Sam Mastrolembo, Chief Executive Officer

This question has been answered previously. Please refer to the Minutes of the Ordinary Council Meeting held on 26 August 2021 – Page 13.

Question Three (3)

Do any of the Shire Councillors have any business or other professional relationships with any of the parties that have submitted tender applications? If so, have these interests been declared?

Response provided by Desiree Male, Deputy Shire President and Chair of Meeting

Declarations of Interest were dealt with at Item 3 in the Agenda in accordance with the *Local Government Act 1995*.

Nil declarations have been received.

5. REPORTS FROM OFFICERS

5.1 PEOPLE

There are no reports in this section.

5.2 PLACE

There are no reports in this section.

5.3 PROSPERITY

There are no reports in this section.

5.4 PERFORMANCE

There are no reports in this section.

6. MEETING CLOSED TO PUBLIC**COUNCIL RESOLUTION:**

Minute No. C/0921/012

Moved: Cr C Mitchell

Seconded: Cr P Taylor

That the meeting be closed to the public at 5.18pm.

CARRIED UNANIMOUSLY 7/0

This item and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains “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”.

6.1 RFQ21-31 CABLE BEACH FORESHORE REDEVELOPMENT DETAIL DESIGN

LOCATION/ADDRESS:	Cable Beach Foreshore (Reserve 36477)
APPLICANT:	Nil
FILE:	PLA98; RES 36477
AUTHOR:	Chief Executive Officer
CONTRIBUTOR/S:	Special Projects Coordinator
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

The Shire of Broome has undertaken Request for Quotation (**RFQ**) 21-31 to appoint a suitable Consultant Team to manage Detail Design services for the Cable Beach Foreshore Redevelopment (**CBFR**). This report provides an overview of the procurement process and seeks Council's endorsement to engage the preferred consultant.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION

(REPORT RECOMMENDATION)

Minute No. C/0921/013

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Council:

- 1. Accepts the Quotation submitted by Josh Byrnes and Associates as the most advantageous Respondent from which to form a contract for RFQ 21-31 Cable Beach Foreshore Redevelopment Project Detailed Design.**
- 2. Authorises the Chief Executive Officer to negotiate and execute contract documentation (for Stages 1-5) to the maximum value of \$915,231.82 Ex GST. In addition to the inclusion of an option to progress Stage 6 should future funding become available.**
- 3. Request the Chief Executive Officer to identify funding for \$24,190.41 Ex GST for the budget shortfall for Cable Beach Foreshore Redevelopment Detailed Design through the First Quarter 2021-2022 Finance and Costing Review.**
- 4. Approve a budget amendment of \$68,988.00 Ex GST to Income Account 0113403, to reflect the grant from the Department of Transport.**
- 5. Approve budget amendment of \$68,988.00 Ex GST to Expense Account 1181426, for the delivery of RFQ 21-31 Cable Beach Foreshore Redevelopment Project Detailed Design.**
- 6. Request the Chief Executive Officer seek funding opportunities to progress Stage 6 works in due course.**

CARRIED BY ABSOLUTE MAJORITY 6/1

Those in favour: Crs H Tracey, D Male, P Matsumoto, C Mitchell, B Rudeforth and P Taylor

Those against: Cr N Wevers.

1. RFQ21-31 Evaluation Report
2. Shortlist Lead Project Experience

COUNCIL RESOLUTION:

Minute No. C/0921/014

Moved: Cr N Wevers

Seconded: Cr B Rudeforth

That the Meeting again be open to the public at 5.29pm.

CARRIED UNANIMOUSLY 7/0

The Council chambers were opened and it was noted that no members of the public returned to the Chambers.

7. MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 5.30pm.