



AGENDA

FOR THE

SPECIAL MEETING OF COUNCIL

25 NOVEMBER 2024


NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of Council will be held on Monday, 25 November 2024 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 3:00PM for the purpose of considering:

- WALMANYJUN CABLE BEACH FORESHORE REDEVELOPMENT STAGE 2 - PROPOSED HEAD CONTRACT BUDGET AMENDMENT

Regards,



S MASTROLEMBO
Chief Executive Officer

22/11/2024

Our Mission

"To deliver affordable and quality Local Government services."

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions in section 5.25 of the *Local Government Act 1995* establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

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SHIRE OF BROOME
SPECIAL MEETING OF COUNCIL
MONDAY 25 NOVEMBER 2024
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1. OFFICIAL OPENING

2. ATTENDANCE AND APOLOGIES

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

4. PUBLIC QUESTION TIME

5. REPORTS FROM OFFICERS

5.1 PEOPLE

There are no reports in this section.

5.2 PLACE

5.2.1 WALMANYJUN CABLE BEACH FORESHORE REDEVELOPMENT STAGE 2 - PROPOSED HEAD CONTRACT BUDGET AMENDMENT

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	PLA98
AUTHOR:	Manager Engineering
CONTRIBUTOR/S:	Project Engineer
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

The Walmanyjun Cable Beach Foreshore Redevelopment is a key priority for the Shire of Broome and is built upon years of research, strategy development, master planning, business case development, grant applications and extensive community consultation.

At the time of adopting the 2024/25 Annual Budget the Shire of Broome was still seeking significant funding support for the Stage 2 scope of works of the Walmanyjun Cable Beach Foreshore Redevelopment. Therefore, there is no funding contained within the 2024/25 annual budget beyond the funding towards the Stage 1 works.

In order for the Chief Executive Officer to be able to release a tender for the Stage 2 Head Contract under Delegation of Authority 1.2.16, Council approval is being sought to amend the 2024/25 annual budget to recognise that the Stage 2 works will commence in 2024/25.

BACKGROUND

Previous Considerations

- OMC 27 July 2023 Item 14.3
- OMC 31 August 2023 Item 14.1
- SMC 21 December 2023 Item 6.1
- OMC 29 August 2024 Item 9.2.3

The Walmanyjun Cable Beach Foreshore Redevelopment is a key priority for the Shire of Broome (the Shire) and is built upon years of research, strategy development, master planning, business case development, grant applications and extensive community consultation.

Stage 1 focused on the southern area of the site, to the West and East of the Broome Surf Life Saving Club building and the entrance roundabout on Sanctuary Road. Stage 1 is scheduled to be completed in early 2025 following some delays in the contract works. This project shall deliver, new coastal access structures, a lookout, stairs and accessible ramp to the Broome Surf Life Saving Club, grassed terraces, coastal promenade, dune stabilisation, a shade structure, basketball court and skate park. Public art is also being incorporated into several elements of the Stage 1 works.

Stage 2 shall largely complete the remainder of the redevelopment which spans the full footprint of the foreshore reserve. Stage 2 shall deliver; completion of key stormwater

upgrades, new road and carpark arrangements, amphitheatre upgrades, lighting and market/event electrical infrastructure, an ablution and kiosk facility, coastal promenade, dune stabilisation, rock revetment seawall and various art and interpretation elements.

The Shire had previously referred to a Stage 3 which was to include the water play area in the centre of the reserve, and associated landscaping, playground and shade amenities. This is now intended to be delivered under the Stage 2 Head Contract and no longer to be referred to as Stage 3.

The Shire's internal workforce is proposed to be utilised on this project for the preparation of garden beds, installation of metal garden bed edging, installation of landscaping rock treatments, the propagation and installation of plants (excluding turf), and minor reticulation works. This scope shall be budgeted for and form part of the 2025/26 financial year resourcing requirements to coincide with the expected timing of these works.

Under the Local Government Act 1995 the Local Government is required to call tenders before entering into a Contract for goods or services where the value is expected to exceed \$250,000. By way of a Delegation of Authority 1.2.16, the Chief Executive Officer (CEO) has authority to call tenders in accordance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996. However, the following condition applies:

- Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:
 - o proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government,
 - o current supply contract expiry is imminent,
 - o value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and
 - o The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.

At the time of adopting the 2024/25 Annual Budget the Shire of Broome was still seeking significant funding support for the Stage 2 scope of works of the Walmanyjun Cable Beach Foreshore Redevelopment. Therefore, there is no funding contained within the 2024/25 annual budget beyond the funding towards the Stage 1 works.

In order for the CEO to be able to release a tender for the Head Contract works of Stage 2 under Delegation of Authority 1.2.16, Council approval is being sought to amend the 2024/25 Annual Budget to recognise that Stage 2 works will now commence in the 2024/25 financial year.

COMMENT

The design documentation for Stage 2 of the Walmanyjun Cable Beach Foreshore Redevelopment is sufficiently completed in order to go to tender for the Head Contract. The final design of water play area is substantially complete and is proposed to be provided to tenderers during the tender open period to allow them time to include for the delivery of this scope under the Head Contract.

The scoping design of some items to be delivered outside this Head Contract are ongoing. These include the relocation and provision of water, power and communication utility services, wayfinding, art and interpretation, CCTV and smart technology for vehicle

monitoring. The funding for these items is outside of the scope of the proposed budget and will be tabled with Council for consideration of budget allocation at a later date.

Please refer to confidential **Attachment 1** for a summary of the works proposed to be delivered under the Head Contract or engaged separately.

Procurement shall be managed internally by officers through Vendor Panel as a Public Tender. The Tender shall be issued immediately following endorsement of the recommendation of this report.

The tender is proposed to be open for submissions through to early February 2025 with an Evaluation Report to be presented to Council at the February Ordinary Meeting of Council. Respondents shall be required to submit a proposed time line within their tender which shall be considered during the tender assessment. Given the scale of the project, it is anticipated that construction will require approximately 12 months to complete once commenced on site. Construction is desired to commence promptly in May 2025 following Council's decision on the tender. Further clarity on construction timeframes will be provided by the preferred contractor when Council are requested to award the tender.

CONSULTATION

The detailed design of the Walmanyjun Cable Beach Foreshore Redevelopment was completed by Josh Byrne and Associates and specialist sub-consultants, building on the 2017 master plan and business case. The water park and surrounding area is being designed by Urbis and specialist sub-consultants.

Public consultation was undertaken throughout the design development and a Community and Stakeholder Reference Group was created.

Ongoing consultation is being undertaken in accordance with the Shire's Community Engagement Policy. Officers are working with parties that will be impacted during the works to minimise disruption and review activation initiatives.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.57 Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply good or services.*
- (2) *Regulations may make provision about tenders*

Local Government (Functions and General) Regulations 1996

11. When tenders have to be publicly invited

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless sub regulation (2) states otherwise.*

Local Government Act 1995

6.2 Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

6.8. Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- a. is incurred in a financial year before the adoption of the annual budget by the local government;
- b. is authorised in advance by resolution*; or
- c. is authorised in advance by the mayor or president in an emergency.

(1a) In subsection (1) —
"additional purpose" means a purpose for which no expenditure estimate is included in the local government's annual budget.

* Absolute majority required.

POLICY IMPLICATIONS

Shire of Broome Purchasing Policy

FINANCIAL IMPLICATIONS

The Stage 2 cost estimate and project funding is summarised in confidential **Attachment 1**.

The pre-tender estimate for the Head Contract scope of works is \$35,875,000.

The costing is informed by the assessment by experienced quantity surveyors Rider Levett Bucknall during the design development and further updates and inclusions by officers based on the extent of the final Stage 1 works and other project costs.

Council is requested to consider and approve the necessary budget amendments to allow for the Stage 2 Head Contract tender to be issued to the market. Further budget amendments for other early works shall be proposed at the time of endorsing the preferred respondent to award the tender based on any further funding secured.

RISK

Delays in the commencement of the Tender for the Head Contract for Stage 2 may result in:

- Delayed commencement of works;
- An extended construction program due to seasonal conditions;
- Greater disruptions to the public use of the Cable Beach foreshore area;
- Greater impact on local businesses;
- Cost escalations;
- Reduction in funding due to missed deadlines for progress; and
- Reputational damage.

These risks are mitigated by issuing the Tender promptly.

There is a risk that the Shire may not secure all of the remaining grant funding required to deliver the full scope of Stage 2. The Shire's CEO is currently lobbying various State Government Ministers to secure the remaining funding required and a West Australian Bike Network application is currently pending for a 50% contribution towards the Camp School Path.

If the Shire is unsuccessful in securing further funding, then Council will need to consider own source funding and/or value management of the scope of Stage 2 prior to awarding the tender.

To ensure the Council is in a position to proceed with a contract from this tender, two items are to be noted in the tender as scope of works which may specifically be deleted prior to award of the Contract. These items were identified as they are high value succinct packages which could be delivered at a later date:

- the northern piled pedestrian ramp and stair structure ; and
- the central shade structure and two commercial spaces.

Price variability can be expected across the submissions based on their time taken to review the scope, availability of materials/sub-contractors, appetite for risk and general approach to the works. Officers shall provide tender briefings and site inspections to ensure respondents are full informed of the tender requirements.

Detailed construction risks will be tabled when Council are requested to award the Tender.

STRATEGIC ASPIRATIONS

Place - We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.

Outcome 6 - Responsible growth and development with respect for Broome's natural and built heritage

Objective 6.3 Create attractive, sustainable streetscapes and green spaces.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

1. *Approve the inclusion of a budget of \$35,875,000 Ex GST in the 2024/25 financial year within Expense Account CB21 - Walmanyjun Cable Beach Foreshore Redevelopment Stage 2 - Head Contract;*
2. *Approve the inclusion of a budgeted income of \$35,875,000 Ex GST in the 2024/25 financial year within Income Account CB221 - Walmanyjun Cable Beach Foreshore Redevelopment Stage 2 - Head Contract;*
3. *Request the Chief Executive Officer to continue lobbying efforts to secure additional funding for the Walmanyjun Cable Beach Foreshore Redevelopment Project.*

Attachments

1. Walmanyjun Cable Beach Foreshore Redevelopment Stage 2 - Funding and Pre-Tender Estimate (*Confidential to Councillors and Directors Only*)

This attachment is 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”, and section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”.

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

7. MEETING CLOSURE