



I hereby give notice that a Special Meeting of Council will be held on:

Date: Tuesday, 27 October 2020
Time: 9.00am
Location: Council Chambers
Administration Office
10 Furneaux Street
Cooktown

AGENDA AND BUSINESS PAPERS

Special Council Meeting

27 October 2020

Linda Cardew
Chief Executive Officer

Order Of Business

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1 ATTENDANCE**2 MEETING OPENED****3 APOLOGIES****4 ACKNOWLEDGEMENT OF COUNTRY**

On behalf of all Councillors, the Mayor acknowledged the Guugu Yimithirr people, Traditional Custodians of the land on which we meet today, and paid respects to their Elders past, present and emerging.

5 COMMUNITY, ECONOMY AND INNOVATION - REPORTS

5.1 RFT E4920 - MANAGEMENT OF NATURE'S POWERHOUSE

File Number: D20/27598

Author: Land Tenure and Native Title Coordinator

Authoriser: Lawrence Booth, Director Community, Economy and Innovation

Attachments: Nil

PRECIS

This report seeks Council's approval to issue a Request for Expressions of Interest (REOI) for the management of Nature's Powerhouse.

BACKGROUND/HISTORY

Nature's Powerhouse is a standalone building located within the boundary of the Gallop Botanic Gardens (Lot 98 on Plan SP241470) (see *Image 1*). The underlying tenure is a Reserve for the community purpose of Botanic Gardens and Recreation.

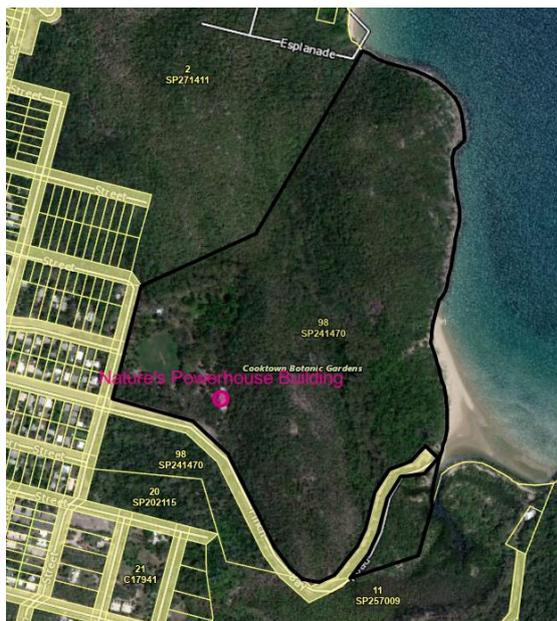


Image 1. Map of Gallop Botanic Gardens showing location of Nature's Powerhouse Building



Image 2. Internal view of Nature's Powerhouse looking through the VIC area to the cafe

The building is divided into several different areas (see *Image 2*) and currently houses multiple uses including:

- Café
- Visitor Information Centre & Gift Shop
- Charles Tanner Gallery
- Vera Scarth-Johnson Gallery

Currently, Council has a Memorandum of Agreement with the Cooktown and District Community Centre ('CDCC') for the operation of the Visitor Information Centre, Gift Shop and Charles Tanner Gallery area and CDCC also holds a Trustee Permit for the operation of the Café. These arrangements will expire on December 31, 2020.

The renowned Vera Scarth-Johnson Gallery which attracts visitors daily, operates under a separate agreement and will not form part of this Request for Expressions of Interest.

A current Land Management Plan for Gallop Botanical Gardens which is noted on the land title, provides guidance on the future use of Nature's Powerhouse and also provides for the issuing of a Trustee Lease following the completion of the correct procurement processes.

Due to the expiration of the current tenure arrangements and the requirements which apply to the disposal of an interest in land under the *Local Government Regulations 2012*, it is appropriate for Council to issue a public Request for Expressions of Interest.

A Request for Expressions of Interest will allow Council to seek out flexible, high-level proposals to develop creative solutions to optimize the art and cultural hub that is Nature's Powerhouse, continue operation of the accredited Visitor Information Centre and also to continue to develop the current quality of services provided through the cafe.

Interested parties would need to respond to a preliminary Expressions of Interest document by providing comprehensive written submissions detailing previous experience and their concept plans for either the entire available areas or the specific area they would be interested in. All submissions will then be reviewed through a discovery process between Council and the candidates to enable Council to get a solid understanding of each proposal.

Following the discovery process, all short-listed applicants would then be invited to complete the Request for Tender process to provide their financial information.

LINK TO CORPORATE PLAN

Key Strategy Priority – Governance – Accountable, responsible and appropriate governance and management, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 4: Work management systems and procedures are reviewed and adjusted to support improved organisational service provision, compliance and efficiency.

Objective 4f: Council activities comply with applicable legislation through well maintained policies, procedures and information systems that guide and facilitate good decision making.

CONSULTATION

Consultation has been undertaken with:

- Director of Community, Economy and Innovation
- Director of Organisational Business Services
- Land Tenure and Native Title Coordinator
- Procurement Coordinator
- Representatives of the Department of Natural Resources Mines and Energy

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

In accordance with section 228(3) of the *Local Government Regulations 2012*, Council may invite expressions of interest only if Council decides, by resolution that it would be in the public interest to invite expressions of interest before inviting written tenders, and records its reason for making the resolution in the minutes of the meeting at which the resolution was made.

The Request for Expressions of Interest process complies with the Land Management Plan for the Gallop Botanical Gardens.

POLICY IMPLICATIONS

The issuing of a Request for Expressions of Interest complies with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

N/A

RECOMMENDATION

That Council resolves:

1. To issue a Request for Expressions of Interest for the operation of Nature's Powerhouse excluding the Vera Scarth-Johnson Gallery.
2. The reasons being the expiration of the current agreements and the upgrade of available tenure from a Trustee Permit to a Trustee Lease.

5.2 RFT T0520 - THE BOATHOUSE AND RECONCILIATION ROCKS PRECINCT PROJECTS**File Number:** D20/26296**Author:** Procurement Officer**Authoriser:** Lawrence Booth, Director Community, Economy and Innovation**Attachments:** Nil**PRECIS**

This report seeks Council's approval to award a contract for the construction, landscaping and paving of Stage 1 of the Boathouse and Reconciliation Rocks Precinct projects.

BACKGROUND/HISTORY

The redevelopment of Cooktown's Boathouse into a cultural centre is a legacy project to support the on-going revitalisation of Cooktown and the advancement of the region's unique cultural heritage.

With Captain Cook's seven weeks' stay on the banks of the Endeavour River, Cooktown can authentically lay claim to the Australia's first recorded act of reconciliation and the first recorded wordlist of an Indigenous language, Guugu Yimidhirr.

The Boathouse facility is currently managed by the Cooktown Re-enactment Association, whose members work tirelessly to promote the region's unique cultural history and the reconciliation story. This story is of central importance to the beginning of Australia's modern history and, in the spirit of reconciliation, should be shared with people from Australia and around the world.

The new cultural centre will operate an interactive meeting place, offering opportunities for storytelling, Indigenous cultural workshops, presentations, education and training. It will play a crucial role in strengthening and sharing the region's heritage and cultural values. The new facility will feature a range of flexible spaces, including a multimedia and exhibition space featuring historical images, language, cultural films and recordings, a learning space and library and storytelling area.

The Reconciliation Rocks legacy project complements the Cultural Centre project. It involves landscaping, design, interpretation, boardwalk and artistic installation at the Reconciliation Rocks precinct in Cooktown. The Reconciliation Rocks area near the Endeavour River is the location of the first recorded act of reconciliation which occurred between Captain Cook and the local Indigenous Bama following a disagreement in 1770. This is a place of historical and spiritual significance and as such, the community believes it deserves respectful recognition. This project provides an opportunity to establish Reconciliation Rocks as a place of national significance in Australia's contemporary story of reconciliation.

Indeed, the significance of the place has been recognised by the National Trust of Australia (Queensland), which is seeking to list the site on the National Heritage Register. The National Heritage Register is Australia's list of natural, historic and Indigenous places of outstanding significance to the nation.

The site has been identified by the Cooktown Re-enactment Association through considered analysis of the journal entries of Captain James Cook and botanist Joseph Banks. Whilst Cook's and Bank's Journals differ on the approximate distance of the site from the stricken ship, Cook's entry

'we follow'd them for near half a Mile' was considered the more credible due to Cook's renowned cartography expertise. It may not be possible to establish the exact location of Reconciliation Rocks, but the interpretation installed at the site will enable visitors to contemplate the significance of the site and its place in history.

Cook Shire Council contracted CA Architects to prepare a Master Plan for the project site and these specifications were released via tender. A Request for Tender (RFT T0520 – The Boathouse and Reconciliation Rocks Precinct) was prepared, advertised and published in the local media, on Council's webpage and uploaded to Vendor Panel – Public Tenders on Wednesday 26 August 2020 with a closing date and time of 2pm, Wednesday, 16 September 2020. In accordance with due process, a number of questions were raised and answers provided on the Vendor Panel forum during the tendering process.

As part of the tender process, a non-mandatory site inspection and briefing was held at 10.30am on Tuesday, 8 September 2020.

The site inspection and briefing was attended by:

- Bryant Building Contractors
- Brendan Grant Homes
- Urban Scape

Four submissions were received by the closing date:

NO.	TENDERER	LOCATION	AMOUNT (EX. GST)
1	BRYANT BUILDING CONTRACTORS	Cairns, QLD	\$ 1,639,000
2	NEATER CONSTRUCTION (Q) PTY LTD	Cairns, QLD	\$ 1,272,120
3	WATER CONSERVATION SERVICES	Collaroy, NSQ	N/A
4	W.I.P. QLD PTY LTD	Strafford, QLD	\$ 1,780,931

The submission from Water Conservation Services was not evaluated further, as it was assessed as being a non-conforming tender.

Consideration:

The remaining three submissions were evaluated by Council officers from the Community, Economy and Innovation and Infrastructure Departments and a consultant Project Manager against the following criteria:

CRITERIA	WEIGHTED PERCENTAGE
Compliance	0%
Program	15%
Project understanding and methodology	25%
Previous experience and key personnel	20%
Local Content	10%
Price	30%

Following an initial review of the submissions, it was noted that the tenderers had provided a "Trades Summary" in lieu of a more detailed "Trades Breakdown" as required by the tender. The tenderers were requested to re-submit their offer including a complete Trades Breakdown.

As the tenders submitted exceeded the project budget and following discussions with Council's Major Projects Project Control Group (PCG), it was determined that a refocus of scope could result in project savings to enable the project to be delivered within budget, but still meet the aspirations of the original project brief.

After working with closely with the project architects, Addendum No.1 was issued to the Tenderers on 6 October 2020 with a closing date and time of 2pm, Wednesday 14 October 2020.

The addendum requested Tenderers to adjust their prices based on adjustments to construction material and finishes, the colour palette used and some of the associated landscaping works.

The revised submissions received were as follows:

NO.	TENDERER	AMOUNT (EX. GST)
1	BRYANT BUILDING CONTRACTORS	\$ 1,514,513.00
2	NEATER CONSTRUCTION (Q) PTY LTD	\$ 1,272,120.00
4	W.I.P. QLD PTY LTD	\$ 1,189,693.20

The Tenders were assessed by the Panel against the relevant evaluation criteria and the following the final ranking of the submissions was determined:

TENDERER	SCORE	RANKING
W.I.P. QLD PTY LTD	3.36	1
BRYANT BUILDING CONTRACTORS	3.14	2
NEATER CONSTRUCTION (Q) PTY LTD	3.06	3

LINK TO CORPORATE PLAN

Key Strategy Priority – Governance – Accountable, responsible and appropriate governance and management, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 4: Work management systems and procedures are reviewed and adjusted to support improved organisational service provision, compliance and efficiency.

Objective 4f: Council activities comply with applicable legislation through well maintained policies, procedures and information systems that guide and facilitate good decision making.

CONSULTATION

There was extensive consultation with relevant Council officers, the Project Manager and the consultant architects, CA Architects. The collaborative approach to finessing the project scope has resulted in a process which potentially will lead to a successful project delivery outcome, which meets the overarching aspirations of the project.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

In accordance with section 226 of the Local Government Regulation 2012, a local government cannot enter into a large-sized contractual arrangement without first inviting written tenders. Council has complied with this requirement of the Regulation.

POLICY IMPLICATIONS

The process undertaken to procure these services complies with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

This tender price is within budget as an approved funded project under the Federal Government's "Community Development Grants Program".

RECOMMENDATION

That Council:

1. Approve the award of RFT T0520 – The Boathouse and Reconciliation Rocks Precinct to **W.I.P. QLD PTY LTD** in the total amount of **\$ 1,189,693.20 (excluding GST)**, and;
2. Delegate authority to the Chief Executive Officer, under section 257 of the Local Government Act 2009 (QLD), the ability to execute the contract, approve payments, negotiate and finalise minor administrative or financial amendments and approve any variations, as required.