

April 2022

Expression of Interest

Busselton Foreshore East Kiosk - Commercial Opportunity

Busselton Foreshore East Redevelopment, Busselton, Western Australia



BUSSELTON

Chief Executive Officer

City of Busselton

2 Southern Drive

BUSSELTON WA 6280

Tel: +61 8 9781 0444



Submission Due Date

4.30pm

Wednesday 4 May 2022

CONTENTS

OVERVIEW	3
KIOSK SITE	3
Kiosk Details.....	4
Tenure and Term	5
Fees and Charges.....	5
Outgoings	5
Other Terms and Conditions	5
OPERATING HOURS	7
EXPRESSION OF INTEREST PROCESS AND METHODOLOGY	8
Timeframe	8
How to Prepare and Submit Your Proposal	8
Lodgement of Proposals	9
APPENDIX A - PROPONENT DETAILS AND FORESHORE KIOSK PROPOSAL FORM	10
APPENDIX B - GENERAL CONDITIONS FOR EXPRESSION OF INTEREST PROPOSALS	12
APPENDIX C – ABOUT BUSSELTON	14

OVERVIEW

The City of Busselton is seeking Expressions of Interest (EoI) proposals from local innovative commercial operators and start-up businesses to take up trading opportunity at the newly redeveloped Busselton Foreshore East site. A kiosk is available for periodical hire at the new site and the City is looking for a proponent to incorporate the following;

- Product offering that may include the sale of coffee, drinks and/or packaged produce;
- How the proposal will increase visitation to the area, create vibrancy and activate the space;
- Trading commencement date and opening hours of trading;
- How the proposal will support community events held at Barnard Park, i.e. weekend and weekday sporting fixtures and training days

Please note that the City is only requesting Expressions of Interest for this kiosk at this time, with no specific timeframes as the tenure arrangement is subject to the approval of the Minister for Lands.

KIOSK SITE

The kiosk is located at the newly developed Busselton Foreshore East, between Milne and Georgette St (opposite Barnard Park and Busselton Tennis Centre). The newly refreshed public space includes grassed space, landscaping, seating, improved pathways, wheelchair access, barbecues, shelter and lighting. The kiosk is located approximately 650m to the east of Busselton Jetty.

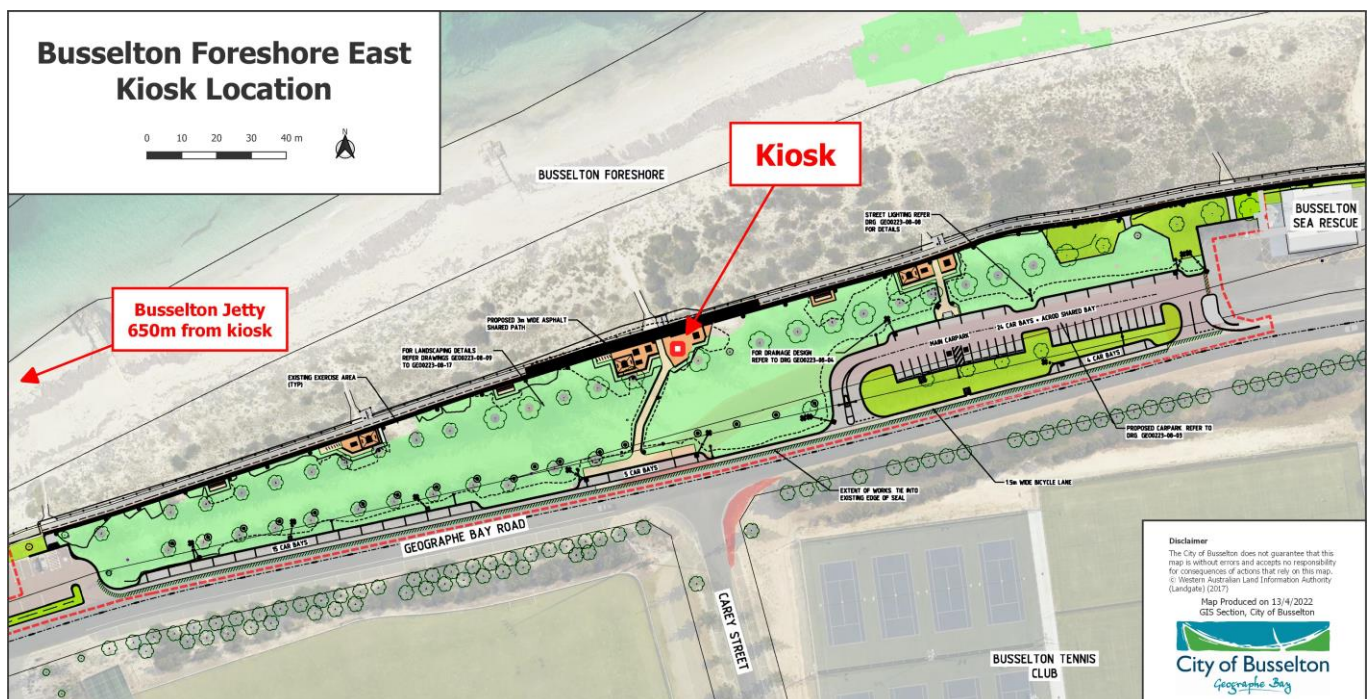


Figure 1 - Busselton Foreshore East Kiosk Location

Kiosk Details

- The kiosk is approximately 2.9m x 2.4m in size;
- The kiosk has three sides with awning style hatch openings and internal access through the fourth panel via container style doors;
- The kiosk is fitted with plumbing (including 1 x hand wash basin), 4x 250V 15amp GPO power outlets, lighting and basic signage fixtures;
- Each kiosk is capable of being secured and locked when not in use;
- The following services are available for each kiosk:
 - Water – potable and waste
 - Electricity
 - Lighting

Please note: The kiosk is currently not fitted out to support any food preparation, including dishwashing sinks, extractor fans or refrigeration. The sale of pre-packaged food items will be permitted.

Kiosk Design and Location



Figure 2 - Busselton Foreshore East Kiosk

Permit Holders will be responsible for:

- Operating the space with adequately trained staff
- Removing waste/rubbish at the end of each day
- Maintaining minimum operating hours – see section 5.0
- Obtaining relevant regulatory requirements relating to the City of Busselton *Food Act 2008* Certificate of Registration (Environmental Health) and any other regulatory approvals
- Internal fit out, with prior approval from the City
- Restoring the kiosk to its original working order at the end of the permit period, including emptying the kiosk of all additional fixtures, fittings and goods.
- Maintaining public liability insurance to the value of \$10M, with evidence of this required before a permit will be issued

Tenure and Term

Initially the City will issue a Trader's Permit under the Thoroughfares and Public Places and Trading Local Law 2015 (the Local Law) for a term of up to two years expiring in June 2024.

Fees and Charges

The fees and charges for the Foreshore East Kiosk will be in accordance with the City's Adopted Schedule of Fees and Charges. The current adopted Fees and Charges 2021-2022 are:

- **Foreshore Kiosk Permit Fee** - \$3,060.00 (incl. GST) per annum charged on a pro rata basis, for example for a six month period the permit fee will be \$1,530 (incl. GST).
- **Initial Permit Application Fee** - \$158 (incl. GST)
- **Kiosk Bond Fee** - \$1,147.00, this will be payable at the time of permit issue and will be refunded at the completion of the permit period, dependant on the kiosk being returned to its original condition.

Fees and charges are reviewed and adopted annually by the Council of the City of Busselton and subject to CPI increases each financial year.

Outgoings

The permit holders will be responsible for the following:

- Business Insurance for internal fit out and goods inside the kiosk area, (excluding external structure of the kiosk),
- Electricity and water consumption costs will be charged on an average usage basis to be determined with the permit holder relative to the permit holders use operations.

Other Terms and Conditions

- All furniture and equipment is to be contained within the kiosk structural area.
- Steel awnings with gas struts and container style door openings on one side are provided as permanent components of the kiosk, no additional security fixings are to be installed by the permit holder.

- The permit holder is responsible for the replacement cost of any lost or damaged keys (a Key Bond is required as determined in the City of Busselton Annual Adopted Fees and Charges).
- The kiosks will have a standard signage design including sign fixtures. The Kiosk Operators will be required to supply a sign that fits with fixtures and the signage design will require approval from the City prior to installation.
- Permit holders are not permitted to permanently affix posters, signs, fixtures or fittings to the kiosks (no screwing, nailing, or drilling) without prior approval.
- A refuse collection service is not provided and the offsite removal of waste on a daily basis is the responsibility of the permit holder. Disposal of waste or rubbish in the Busselton Foreshore public waste bins is not permitted.
- The permit holder is responsible for all non-structural maintenance and repair of the kiosk in consultation with the City.
- The permit holder is responsible for the cleaning of the kiosk including maintaining the area surrounding the kiosk in a neat and tidy condition.
- The permit holder is responsible for cleaning the external surfaces of the kiosk and reporting any graffiti to the City of Busselton.
- Permit holders are responsible for permit holders right of entry and indemnities.
- The permit holder will be required to obtain at its own cost any/all permits/authorisations/approvals for the proposed kiosk operation.
- Occupation of the kiosks may be subject to the application and approval of any necessary Environmental, occupational health and licensing approvals.

OPERATING HOURS

The City will issue permits for an initial period of two years and it is expected that kiosks will operate during the following hours (as a minimum):

Period	Minimum Operating Expectations
October to end November	Open on weekends at a minimum, including public holidays
December school holidays to end of January	Open 7 days per week, including public holidays
During the school term February to April	Open on weekends at a minimum, including public holidays
During the April school holidays	Open 7 days per week, including public holidays
During events and public holidays	Open

The kiosk operator is not limited to operating the minimum operating hours. Subject to certain conditions, the City would actively encourage longer opening hours. Proponents are required to submit their proposed operating hours in their Proposal Form and consider in their EOI submission additional opening hours.

The City requires kiosk operators to open during all events in the Foreshore Precinct and to service community events, weekend and weekday sporting fixtures and training days.

EXPRESSION OF INTEREST PROCESS AND METHODOLOGY

The proposals will be assessed by a selection panel consisting of suitably qualified City Officers. To assist the City with the evaluation process, Proponents may be requested to clarify information provided in the proposal or to provide additional information. Please note preference will be given to City of Busselton based businesses / offering in the first instance.

In exercising its discretion in selecting preferred Proponents, the City will, among other things, give consideration to:

- Proponents who best demonstrate the ability to add diversity and support the vision of the Busselton Foreshore and activation of the Foreshore;
- Preference for proposals from local innovative commercial operators and start-up businesses; and
- Proposals from which the City will potentially gain the most economic and/or community benefit.

The City may also, in its sole discretion, decide to:

- Reject proposals considered to be incomplete or not providing sufficient information;
- Decline to select a Proponent;
- Terminate negotiations with a preferred Proponents; or
- Commence negotiations with any other person or entity who submitted a proposal under this Expression of Interest process.

All Proponents will receive a written response advising of the outcome of their EOI proposal.

Timeframe

The estimated timeframe for the above process is as follows:

Expression of Interest advertising	13 April 2022
Closing date for Expressions of Interest	4 May 2022
Assessment of proposals received	5 – 11 May 2022
Approvals sought to issue permits	Timeframe subject to Department of Lands approvals

How to Prepare and Submit Your Proposal

- Contact the Economic and Business Development team, contact details below, to discuss your ideas before progressing with your proposal.
- Carefully read all parts of this Expression of Interest and ensure you understand the scope of works and all the procedural requirements for submitting a proposal.
- Prepare your proposal in the format provided (Appendix A) and in accordance with the guidelines listed in this document, include as much information as possible.
- Include supporting documentation demonstrating capacity to operate the proposed business, maintaining minimum kiosk operational times;

- Acknowledgement of and demonstrated ability to pay all relevant costs, fees and charges
- Sign and lodge your proposal before the Closing Date – see LODGEMENT OF PROPOSALS below.

The total length of proposals is not to exceed five double sided A4 pages (ten pages in total) including visuals (photos, diagrams etc.) but excluding company profiles and attachments. Electronic copies in PDF format are preferred.

Enquiries

All enquiries, requests for further information regarding this opportunity should be directed to:

Economic and Business Development Team

Phone: (08) 9781 0444

Email: economicdevelopment@busselton.wa.gov.au

Lodgement of Proposals

Proposals must be lodged by the Closing Date which is:

Closing Date: 4.30pm Wednesday 4 May 2022 (Western Standard Time)

Proposals are to be clearly marked '*Foreshore Kiosk East – Commercial Opportunity*' and forwarded to and received by the City by the closing date/time, by one of the following means:

1. Placed in a sealed envelope and delivered by hand to the City of Busselton Administration Office, Southern Drive, BUSSELTON WA 6280.
2. Placed in a sealed envelope and posted through the mail to:
Chief Executive Officer
City of Busselton
Locked Bag No 1
BUSSELTON WA 6280, or
3. Or, emailed to: city@busselton.wa.gov.au

Non-Conforming Proposals

Non-conforming/alternate and late proposals may be rejected/considered at the absolute discretion of the CEO of the City of Busselton.

APPENDIX A - PROPONENT DETAILS AND FORESHORE KIOSK PROPOSAL FORM

Appendix "A" must be completed by the Proponent.

Identity of the Proponent

Name of Business/Organisation:	
Legal status (i.e sole proprietor, partnership, trust, corporation, incorporated association)	
ACN/ABN/Association Registration No:	
Street Address:	
Postal Address:	

Contact Details

Name of Principal Contact Person:	
Position:	
Telephone:	
Email:	

Foreshore Kiosk Proposal Form

Must be completed by the proponent, please describe the following:

Assessment Criteria	Proposal Description	Weighting assessment criteria %
Your operational capacity : <ul style="list-style-type: none"> The trading hours you propose to open the kiosk (including months and days): 		20%
Your demonstrated financial capacity / sustainability:		25%

The quality of your proposed product / service offering and the extent to which it could add vibrancy to and support the vision of the Foreshore: <ul style="list-style-type: none"> • Are you a local business operator? • The products you propose to offer at the kiosk: 		30%
How your proposed product / service adds diversity to the current offerings / activities at the Foreshore:		25%
Does your proposal have any requirements additional to those identified in this Expression of Interest?		0%

Agreement to Terms and General Conditions

By lodging an EOI proposal, the Proponent agrees to be bound by the City of Busselton's Terms and General Conditions set out at Appendix B (if the Proponent is a consortium, all consortium members are to separately sign).

Signed for and on behalf of Proponent:

Signature:	
Name:	
Organisation:	
Position:	
Date:	

APPENDIX B - GENERAL CONDITIONS FOR EXPRESSION OF INTEREST PROPOSALS

This Expression of Interest process shall be subject to the following:

- All proposals will remain valid and open for selection for a minimum period of **90 (ninety) days** from the Closing Date.
- The City does not:
 - intend to hold a formal briefing; or
 - require a formal site inspection.
- The City may at any stage of the process and in its sole discretion:
 - decide not to proceed with this process and/or the Project;
 - change or vary the scope of Project or any part thereof;
 - change or vary the procedural arrangements under this Expression of Interest; or
 - extend the Closing Date.
- The City shall use its best endeavours to keep confidential information provided by Proponents confidential. Proponents however acknowledge and accept that their proposals and documents and other information which form part of or are in relation to their proposals, may be disclosed by the City if required by law (whether under the *Freedom of Information Act 1992*, under a court order or otherwise).
- This Expression of Interest may result in negotiations for the award of a contract, but is in itself not an offer open for acceptance by Proponents by submitting a proposal.
- Selection of preferred Proponents do not constitute an acceptance or endorsement of the Proponent's proposal or any part thereof.
- The City has used reasonable efforts in compiling this Expression of Interest. It will however not be liable to Proponents for any inaccuracy or omission in this Expression of Interest or any additional information which may be provided or withheld.
- Proponents will be deemed to have:
 - satisfied themselves they have a full set of the Expression of Interest documents and all relevant attachments; and
 - examined and to be aware of all the risks; contingencies, relevant legislation and other requirements and circumstances having an effect on their proposal and/or relevant to the Project, which is obtainable by the making of reasonable enquires;
- The Proponent, by submitting a proposal, irrevocably authorises the City to contact and have access to and give consideration to:
 - any referees nominated by the Proponent;
 - any risk assessment undertaken by a credit agency appointed by the City;
 - any information produced by the bank, financial institution or accountant of the Proponent; and so as to assess that proposal and may consider such materials/information as tools in the evaluation thereof.

- All documents, materials, articles and information submitted by the Proponent as part of or in support of a proposal will become upon application the absolute property of the City and will not be returned to the Proponent, PROVIDED that the Proponent is entitled to retain any copyright and other intellectual property rights therein, unless otherwise agreed upon.
- Except as expressly and specifically permitted under this Expression of Interest or any subsequent agreement, no Proponent shall have any claim for compensation of any kind whatsoever, as a result of participating in or responding to this Expression of Interest, and by submitting a proposal each Proponent shall be deemed to have acknowledged and agreed that it has no such claim(s).

APPENDIX C – ABOUT BUSSELTON

VISION

The City of Busselton is aiming to increase visitation to Busselton, create vibrancy and activate the Foreshore areas particularly during peak periods such as school and public holidays, summer periods and events. To that end the City is seeking expressions of interest from local suppliers/ producers/ business owners and potential operators wishing to participate in additional product offerings along the Busselton Foreshore areas.

Operators are encouraged to think innovatively and submit proposals that will create an additional visitor experience and product offering that is both local and unique. The prime objective is procuring services or activities that would add value and diversify the existing product offering along the Foreshore areas.

LOCATION

Busselton is located in the South West of Western Australia in the Geographe and Margaret River wine regions and is the principal population base within the City of Busselton. The City is one of the State's most popular tourist and holiday destinations due to its mild climate, attractive coastline, relaxed lifestyle and world-class wine and surf.

The City has a permanent resident population of approx. 38,926 (2018). However, during peak tourist season, this number swells to over 70,000 on any one day. The City has experienced an average annual population growth rate of around 3%, which is one of the highest growth rates in the country and is predicted to continue.

The Busselton Foreshore has undergone significant improvements in recent years. It extends from the entry of Queen Street along Foreshore Parade and is the entry point to the Busselton Jetty, the Foreshore has a key pedestrian access route to and from the

BUSSELTON FORESHORE IN THE CONTEXT OF OTHER PROPOSED EVENTS IN THE CITY OF BUSSELTON

The City supports an impressive events calendar which brings significant social and economic returns to Busselton, Dunsborough, Yallingup and the broader South West region. With a variety of major events running almost back-to-back throughout summer and expanding into the traditional 'off peak' season, the City has cemented its position as the leading regional location for major events in WA.

In the last 12 months more than 100 sporting, cultural and community events have been staged across the City, attracting thousands of visitors to the region. This includes a growing number of high-profile events which are major draw-cards for the region. These events, which include Ironman WA, CinefestOz, Perth International Jazz Festival, Gourmet Escape, Cabin Fever and Fine Vines Festival, attract thousands of people to the City and generate significant income.

The City is also leading a number of major flagship projects, some are outlined below:

Busselton Foreshore Redevelopment

Since 2009 the City has been undertaking significant redevelopment works at the Busselton Foreshore to enhance the visitor / community leisure experience and to introduce additional commercial opportunities to support the needs of the increasing population. The Foreshore now boasts:

- The regular berthing of cruise ships with thousands of passengers each year coming ashore at the jetty to visit the unique attractions of the area.

- Commercial development opportunities including the provision of short stay accommodation, microbrewery, retail and hospitality offerings, linking the Foreshore and the iconic Busselton Jetty to Queen Street and the City Centre.
- Railway House, the new home of the historic Ballarat Engine and Margaret River Busselton Tourist Association (MRBTA). Railway House tell stories of the early settlers, the timber industry, Busselton Jetty and its links to the bond store and Settlement Art Statues in the ArtGeo Cultural Complex and Cultural Precinct.
- Youth Precinct, including the Youth and Communities Activities Building and state of the art Skate Park.
- State of the art stage sound shell and amphitheatre, suitable for hosting high class live productions.
- Sea Play by the Bay adventure playground containing an extensive ocean theme including a ship wreck and large sea creatures.
- Toddler Playground.

Busselton Margaret River Airport

The redevelopment of the strategically located Busselton Margaret River Airport will significantly increase the accessibility of Busselton. The airport is just 6.5km from the town centre, linked via the Bussell and Vasse Highways. The redevelopment of the airport facilities is aimed at increasing the usage and capacity of the airport to accommodate interstate and international operations, with direct flights from Melbourne now in operation from 6 April 2022.