



AGENDA

FOR THE

SPECIAL MEETING OF COUNCIL

11 MARCH 2025

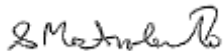
NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of Council will be held on Tuesday, 11 March 2025 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5:00pm for the purpose of considering:

- WALMANYJUN CABLE BEACH FORESHORE REDEVELOPMENT STAGE 2 - GRANT AGREEMENTS AND STEERING COMMITTEE
- WALMANYJUN CABLE BEACH FORESHORE REDEVELOPMENT - STAGE 2 - RFT 24-10 HEAD CONTRACT TENDER EVALUATION AND BUDGET ENDORSEMENT

Regards,



S MASTROLEMBO
Chief Executive Officer

07/03/2025

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.

Should you require this document in an alternative format please contact us.

SHIRE OF BROOME
SPECIAL MEETING OF COUNCIL
TUESDAY 11 MARCH 2025
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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 - GRANT AGREEMENTS AND STEERING COMMITTEE

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	PLA98
AUTHOR:	Special Projects Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Acting Director Development & Community
DISCLOSURE OF INTEREST:	Nil

SUMMARY:
 This report requests Council consider authorising the Chief Executive Officer to execute the funding agreements for the \$26,361,852 Regional Precincts Partnership Program (rPPP) and the \$9,000,000 Royalties for Regions (RfR) program. Further, Council is also requested to consider establishing and endorsing Terms of Reference for an advisory Steering Committee to provide project oversight and guidance for the delivery of the Walmanyjun Cable Beach Foreshore Redevelopment Stage 2.

BACKGROUND

Previous Considerations

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

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

In September 2021, the Shire appointed Josh Byrne and Associates to progress the detailed design of the Walmanyjun Cable Beach Foreshore Redevelopment. When designs were finalised in 2023, the total project cost was estimated to be \$48,930,000, including a \$5,000,000 allowance for a waterpark. These costs were expected to escalate over time until the project is delivered.

At the time the Shire did not have the full funding required for the project and therefore planned to proceed with the redevelopment in a staged approach. Stage 1 focused on the site's southern area, west and east of the Surf Club and main entrance roundabout on Sanctuary Road. Stage 1 is currently under construction and is nearing completion. When Officers made funding applications in 2023/2024, two further stages were considered for the remainder of the foreshore redevelopment project. However, a later engineering review determined that these would best be delivered in one combined stage, Stage 2. This stage consists of the remainder of the site, including the waterpark area, and extends from the southern carpark to the north end of the amphitheatre. Figure 1 gives an outline of the two stages.



Figure 1 Construction Stages of the Walmanyjun Cable Beach Foreshore Redevelopment.

Since the estimation of costings in 2023, the Shire has actively sought grant funding to support delivery.

- The Department of Communities announced funding of \$310,00 for the delivery of a new Changing Places facility within the foreshore.
- In June 2023, Lotterywest announced funding of \$1,000,000 for Stage 1 and \$5,000,000 for a waterpark and associated amenities in Stage 2.

Following the announcement by Lotterywest, sufficient funding was confirmed for Stage 1, and a contract was awarded for its construction.

A funding application was made to the Regional Precincts and Partnership Program for the remainder of the funds required to complete Stage 2. Funding applications were also made to the Hotspot Coastal Adaption Protection (H-CAP) to fund coastal protection works and to the WA State Governments - Royalties for Regions program.

COMMENT

Royalties for Regions

In late 2024, the Shire submitted a funding request to the WA State Government for co-contribution funding of \$9,480,000 for Stage 2. On 13 January 2025, it was announced that the Shire was successful in securing funding of \$9,000,000 excluding GST.

A draft funding agreement was first received by Shire Officers in mid-February 2025. Officers have reviewed the terms and undertaken negotiations with the funding manager, the Department of Primary Industry and Regional Development (DPIRD), to ensure that the final terms are acceptable to both parties. The confidential funding agreement is attached in **Attachment 1**.

Regional Precincts Partnership Program

The Shire applied to the Federal Government's Regional Precincts and Partnership Program - Stream 2 on 30 October 2023 for funding towards Stages 2 and 3 of the Walmanyjun Cable Beach Foreshore Redevelopment. For operational reasons, Stages 2 and 3 have since been tendered as one package, and construction is intended to proceed as a single stage (Stage 2). However, references to Stage 3 remain in funding agreements from the rPPP and Lotterywest and will be acquitted as such.

On 16 May 2024, it was announced that the Shire had successfully secured Regional Precincts and Partnership grant funding of \$26,361,852, excluding GST.

A draft funding agreement was first received by Shire Officers in mid-December 2024. Officers have reviewed the terms and undertaken negotiations with the funding manager, Main Roads Western Australia, to ensure that the final terms are acceptable to both parties, and that the project can be delivered as described, and cash inflows balance expenditure claims against the Shire to avoid any cashflow issues. The confidential funding agreement is attached in **Attachment 2**.

Partnerships

An integral part of the Regional Precincts and Partnership Program is taking a partnership approach to overseeing the delivery of precinct-scale projects. This approach was previously used for the Chinatown Revitalisation project which has delivered outstanding results for the community. The approach will provide stronger project oversight for a major community project with significance at the local, state, and federal levels. It also provides a variety of unique domain knowledge and helps demonstrate that there is a wide range of community and stakeholder support.

A Steering Committee formed part of the funding application to the Regional Precincts and Partnership Program, therefore Officers recommend a Steering Committee (SC) is established with membership comprising representatives from the following organisations which have indicated their interest:

- Shire of Broome – President
- Shire of Broome - CEO

- Nyamba Buru Yawuru
- Development WA (Kimberley Division)
- Kimberley Development Commission
- Regional Development Australia (Kimberley)

The Steering Committee's role as described in the proposed SC Terms of Reference (**Attachment 3**) is to:

1. Provide general project oversight and guidance
2. Act as the advisory committee to the Council on the redistribution of funds between project elements;
3. Actively foster the involvement of other leveraged funds and private investment into the Project;
4. Assist in the Shire of Broome’s efforts to ensure that the Community and Key Stakeholders of the Walmanyjun Cable Beach Foreshore Redevelopment are informed of the Project progress and engage them in its economic and social activation.

The Steering Committee is proposed to be an advisory authority only and will have no delegated authority under the Local Government Act (WA) 1995. As the entity responsible for managing construction contracts and the ongoing management of the foreshore reserve and for acquitting funding grants, it is important that the Shire of Broome retain the authority to complete these actions.

Should the formation of the Steering Committee be approved, the Project's governance structure, showing the relationship between the various groups and their reporting lines, is shown in Figure 2.

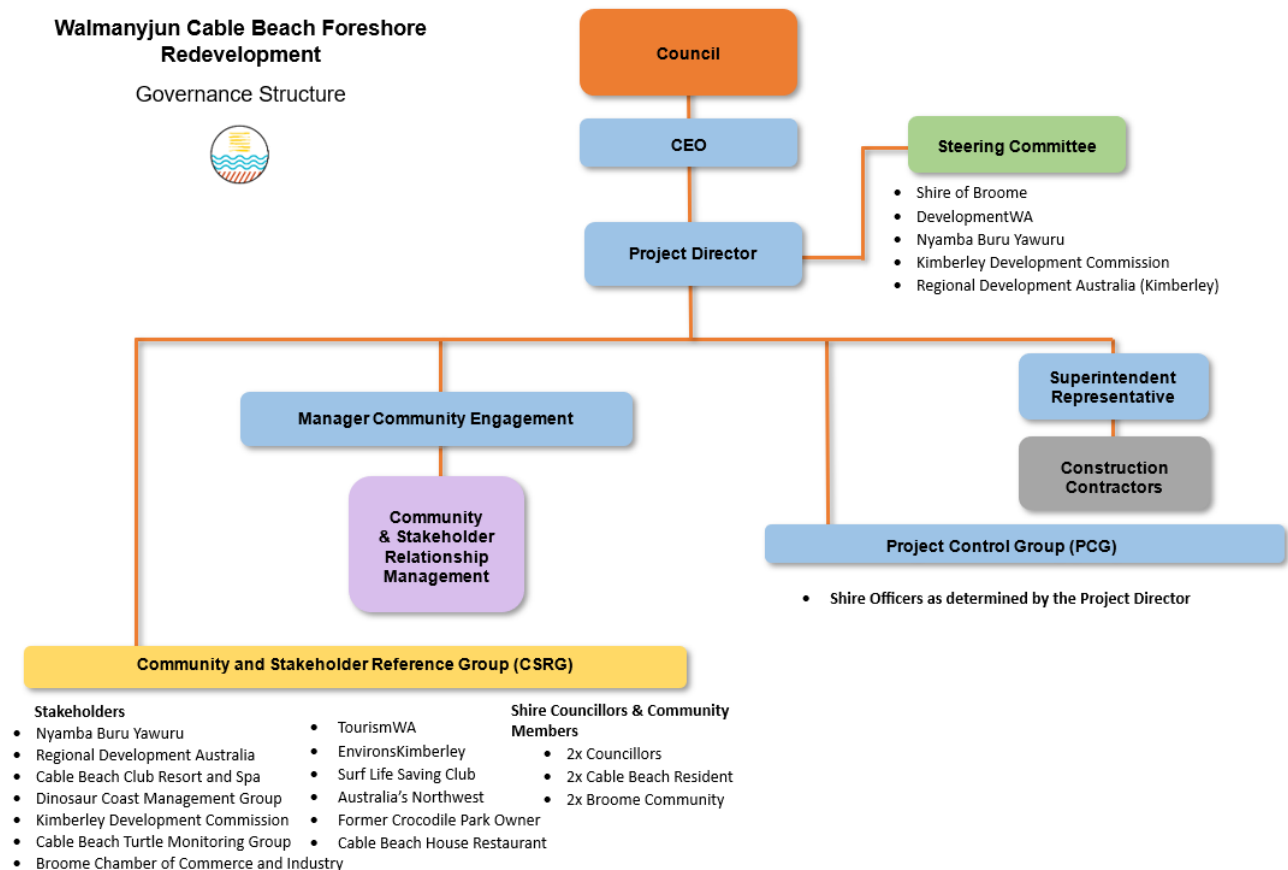


Figure 2 Proposed Project Governance Structure including Steering Committee.

It is proposed that the Steering Committee meet quarterly to review the project's progress and carry out its responsibilities. Reports from relevant Shire Officers will provide updates to the Steering Committee. Secretariat duties will be provided by the Shire of Broome and a quorum of 3 members is required.

The Community and Stakeholder Reference Group (CSRG), which has a wider membership base, advised the Shire throughout the detailed design phase and construction of Stage 1, and it is proposed that this group also continue to meet and discuss issues related to construction and funding for Stage 2. A Project Control Group (PCG), made up of Shire Officers, carries out day to day functions and will meet as required to ensure collaboration and to advise on solutions to issues.

The Project Director will be responsible for the overall coordination of all elements of the project, including management of key roles - Manager Community Engagement and Superintended Representative. They are also responsible for the preparation of agendas for the; Steering Committee, CSRG and PCG, although they may delegate their preparation.

The Shire's Project Engineers will continue to be responsible for the management of construction works and will be their only point of contact. Steering Committee members are not permitted to contact contractors.

CONSULTATION

The Shire of Broome has undertaken extensive community and stakeholder consultation throughout the master plan and detailed design of the Walmanyjun Cable Beach Foreshore Redevelopment. The CSRG created for this purpose is proposed to continue until the end of construction works.

This item proposes the establishment of a Steering Committee that will enhance links between stakeholders and provide ongoing consultation through construction.

STATUTORY ENVIRONMENT

Local Government Act (WA) 1995.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Royalties for Regions funding agreement delivers additional income of \$9,000,000 excluding GST.

The Regional Precincts and Partnership funding agreement delivers additional income of \$26,361,852 excluding GST.

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The signing of the Funding Agreements forms a legal agreement to use the funds for the approved purpose, however, if the Shire does not wish to complete the works it may terminate the agreement and return any funds received. Financial implications are thus only entered into once expenses are incurred.

There are no financial implications relating to the establishment or running of the Steering Committee. Membership is voluntary with no dispensation provided.

RISK

Funding

Commonwealth funding agreements often contain conditions that prevent additional Commonwealth funding sources from being applied to the same project. The guidelines for the rPPP include this condition, precluding the sourcing of additional Commonwealth funds for this project. However, the available Commonwealth funding may be used for up to 100% of the project costs where there is sufficient funding.

Where construction costs for Stage 2 exceed the available funding, additional co-contributions must be secured from non-commonwealth sources such as State or Shire funding.

Steering Committee

There is a risk that the Steering Committee may introduce excessive administrative work for the project team and result in bureaucratic delays. This risk has been mitigated by limiting meetings to quarterly and preparing the project team by initiating bi-monthly reports to the Shire's Executive Management Group (EMG) as a preparatory measure.

There is a risk that the Steering Committee may make decisions that prevent the Shire from meeting either legal requirements or decisions of Council. This risk has been mitigated by careful review and structuring of the Terms of Reference to ensure the benefits of a Steering Committee are obtained without placing the Shire at risk.

There is a risk that the Steering Committee may be perceived as having governance control of the project. This risk is to be mitigated by clear communication about the groups roles and responsibilities.

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 6.1 Promote sensible and sustainable growth and development.

Objective 6.3 Create attractive, sustainable streetscapes and green spaces.

Prosperity - Together, we will build a strong, diversified and growing economy with work opportunities for everyone.

Outcome 9 - A strong, diverse and inclusive economy where all can participate

Objective 9.1 Increase Broome's domestic and international trade in tourism, agriculture, aquaculture, minerals and energy, culture and the arts, and other emerging industries.

Objective 9.2 Activate the precincts of Broome.

VOTING REQUIREMENTS*Simple Majority***REPORT RECOMMENDATION:***That Council:*

1. *Subject to Council awarding a tender for major construction of Stage 2, authorises the Chief Executive Officer to:*
 - o *Negotiate minor modifications and execute the Royalties for Regions Program Grant Agreement;*
 - o *Approve necessary variations for grant administration and delivery*
2. *Subject to Council awarding a tender for major construction of Stage 2, authorises the Chief Executive Officer to:*
 - o *Negotiate minor modifications and execute the Regional Precincts and Partnership Program Grant Agreement;*
 - o *Approve necessary variations for grant administration and delivery*
3. *Subject to a Tender being awarded by Council for major construction of Stage 2, endorse the Steering Committee Terms of Reference in **Attachment 3** and authorise the Chief Executive Officer to:*
 - o *Confirm member participation;*
 - o *Negotiate minor changes to the Terms of Reference as required for the effective operation of the Steering Committee.*

Attachments

1. RfR - Funding Agreement (*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”.
2. rPPP - Funding Agreement (*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”.
3. WCBFR - Steering Committee - Terms of Reference



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WALMANYJUN CABLE BEACH FORESHORE REDEVELOPMENT

STEERING COMMITTEE - Terms of Reference

WALMANYJUN CABLE BEACH FORESHORE REDEVELOPMENT – STEERING COMMITTEE (SC)

FUNCTIONS:

1.0 VISION / PURPOSE

The Steering Committee has been formed to provide oversight, guidance and engagement through construction of the Walmanyjun Cable Beach Foreshore Redevelopment.

2.0 BACKGROUND

Walmanyjun Cable Beach and Foreshore is an extremely significant Local, State and Federal asset and has been voted third Best Beach in the world. The redevelopment of the foreshore, which links to and services the beach is key to enhancing community and visitor experiences.

The redevelopment of the foreshore has been a long held aspiration of the Shire of Broome, with initial attempts going back to 2009. Recent work has involved the: 2016 Development Strategy, 2017 Master Plan, 2020 Business Case and 2022-2023 Detailed Design.

The Shire of Broome, Kimberley Development Commission and Development WA (formerly LandCorp) have previously entered into Memorandum of Understandings (MOUs) to undertake joint projects together including the Chinatown Revitalisation Project Stage One and Stage Two. Expanding on the previous partnership; Nyamba Buru Yawuru (NBY) and Regional Development Australia - Kimberley (RDA) have been invited to join the Steering Committee for the Walmanyjun Cable Beach Foreshore Redevelopment.

The Steering Committee approach helped bring about the successful delivery of the Chinatown Revitalisation as it allowed for the input of a variety of unique domain knowledge.

Nyamba Buru Yawuru is the recognised corporate arm of the Native Title Holders for the project area, providing important aboriginal cultural context and perspective.

DevelopmentWA were involved in the delivery of the Scarborough Beach Foreshore Redevelopment and locally with the Chinatown Revitalisation.

Kimberley Development Commission is a statutory authority of the WA government, their role is to promote the economic and social development of the Kimberley region.

Regional Development Australia – Kimberley, is a federally funded body focused on growing a strong and confident regional economy.

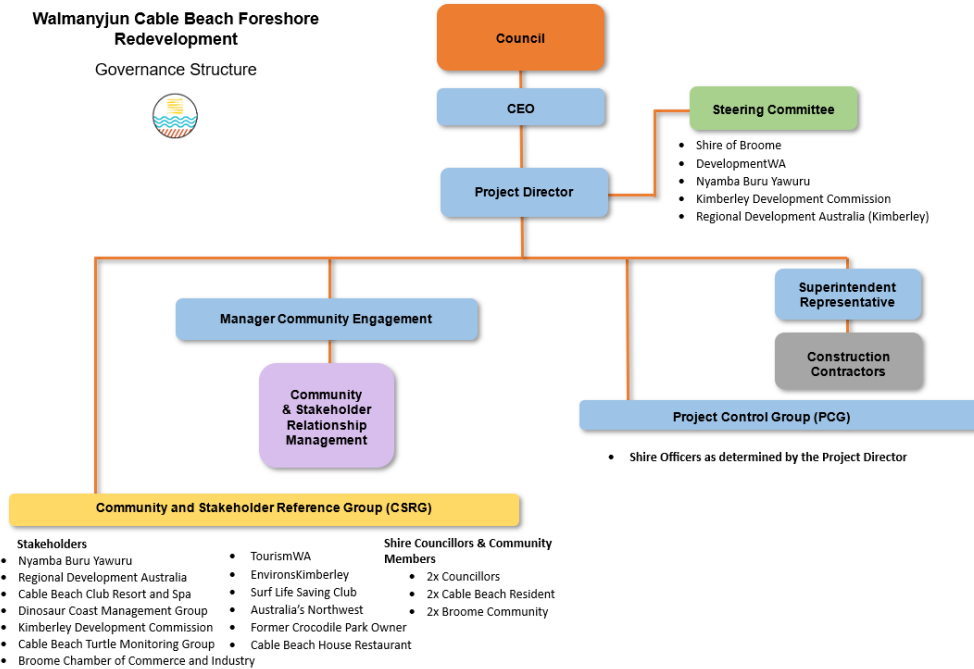
3.0 INTRODUCTION

This document outlines the agreed governance model for this project and the terms of reference for the Steering Committee.

4.0 GOVERNANCE MODEL

The governance structure for the Walmanyjun Cable Beach Foreshore Redevelopment is presented below.

- The Shire of Broome Council, consisting of all the elected Members is shown in Orange.
- The Steering Committee consist of 5 organisations indicated by the green box.
- The Project Director will is responsible for the overall coordination of all elements of the project, including management of key roles - Manager Community Engagement and the Superintendent Representative. They are also responsible for the preparation of agendas for the; Steering Committee, CSRG and PCG, although they may delegate their preparation.
- The extent and membership of the Community and Stakeholder Reference Group (CSRG) is shown in yellow. It consists of a variety of individuals, businesses and organisations with an interest in the Project.
- Community and Stakeholders which sit outside of the CSRG are indicated by the purple box.
- Shire officer roles and the Project Control Group (PCG) are shown in light blue.
- The PCG is an internal Shire group convened to harness the expertise within the separate departments of the Shire and with responsibility to deliver the project.
- External Contractors utilised for the design and construction of the Project are shown in Grey and are not defined further.



5.0 Steering Committee

Membership	Shire of Broome	Shire President
		CEO
	Nyamba Buru Yawuru	CEO
	Kimberley Development Commission	CEO
	DevelopmentWA	Manager Regional North
	Regional Development Australia	Kimberley Director
Proxies	Each member may delegate a proxy to attend in their place providing the Chairperson is advised in writing or by email.	
Chairperson	<p>The Chairperson is the: Shire of Broome - President</p> <p>The President may delegate the role of the Chairperson to another Councillor or a Shire of Broome Officer.</p> <p>The responsibilities of the Chairperson include:</p> <ul style="list-style-type: none"> • Ensure the meeting is run on time and in accordance with the agenda • Strictly upholding the Shire's Code of Conduct to ensure equity and respect at all times • Encourage feedback and response by members 	

	<ul style="list-style-type: none"> Summarise actions and responsibilities at the conclusion of the meeting Review and distribute minutes to Committee members < 5 working days
Shire of Broome CEO	<ul style="list-style-type: none"> Compile the Agenda and distribute to members > 5 working days prior to meeting The CEO may delegate these responsibilities to another Shire Officer.
Meeting Schedule	Quarterly or as required by the Chairperson.
Meeting Location	Meetings will normally be held at the Shire of Broome offices Members may participate in person or by tele or video conference.
Secretariat	The Secretariat functions will be provided by the Shire of Broome.
Quorum	Three Voting Members
Purpose	The Steering Committee's role and responsibility is: <ol style="list-style-type: none"> Provide general project oversight and guidance Act as the advisory committee to the Council on the redistribution of funds between project elements; Actively foster the involvement of other leveraged funds and private investment into the Project; Assist in the Shire of Broome's efforts to ensure that the Community and Key Stakeholders of the Walmanyjun Cable Beach Foreshore Redevelopment are informed of the Project progress and engage them in its economic and social activation.
Delegated Authority	Walmanyjun Cable Beach Foreshore Redevelopment – Steering Committee has no delegated authority under the meaning of the Local Government Act (WA) 1995.

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

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	WALMANYJUN CABLE BEACH FORESHORE REDEVELOPMENT - STAGE 2 - RFT 24-10 HEAD CONTRACT TENDER EVALUATION AND BUDGET ENDORSEMENT		
LOCATION/ADDRESS:	Nil		
APPLICANT:	Nil		
FILE:	RFT24-10		
AUTHOR:	Manager Engineering		
CONTRIBUTOR/S:	Special Projects Coordinator		Project Engineer
RESPONSIBLE OFFICER:	Director Infrastructure		
DISCLOSURE OF INTEREST:	Nil		

SUMMARY:

This report considers the submissions received for the Shire of Broome's Request for Tender 24-10 for the Head Contract to deliver the next stage of the Walmanyjun Cable Beach Foreshore Redevelopment and seeks Council's adoption of the recommendation contained within the confidential Evaluation Report.

Council are also requested to adopt the remaining sub project and budget allowances for the remaining scope of the project to be directly managed by Shire officers with specialist contractors and internal labour resources.

7. MEETING CLOSURE