



MISSION AND VALUES OF COUNCIL

"A Sustainable Community that is inclusive, attractive, healthy and pleasant to live in, that uses our land so as to preserve our history and environment, respects the rights and equality of our citizens and manages our future growth wisely."

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

18 DECEMBER 2014

OUR VISION

"A thriving and friendly community that recognises our history and embraces cultural diversity and economic opportunity, whilst nurturing our unique natural and built environment."

OUR MISSION

"To deliver affordable and quality Local Government services."

CORE VALUES OF THE SHIRE

The core values that underpin the achievement of the mission will be based on a strong customer service focus and a positive attitude:

Communication

Integrity

Respect

Innovation

Transparency

Courtesy

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 of the Local Government Act 1995 (Section 5.25 (e)) 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.

Chairman:..... Date:

Councillor		Cr G Campbell	Cr J Bloom	Cr H Tracey	Cr D Male	Cr M Manado	Cr C Mitchell	Cr A Poelina	Cr M Lewis	Cr P Matsumoto
2013	21 November									LOA
	19 December									
2014	27 February							LOA		
	27 March – No quorum	A		LOA		LOA		LOA	NA	NA
	31 March			LOA						
	24 April								A	
	22 May		LOA	LOA				LOA		LOA
	26 June									LOA
	24 July							LOA	A	
	28 August						LOA			
	25 September					A			A	
	23 October		Resigned 16/10/14					LOA	A	
	27 November									
	18 December			A						A
2015	26 February									
	26 March									
	30 April									
	28 May									
	25 June									
	30 July									
	27 August									
	24 September									
	15 October									

- LOA (Leave of Absence)
- NA (Non Attendance)
- A (Apologies)

2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from

Chairman:..... Date:

continuing his or her membership of the council, unless all of the meetings are within a 2 month period.

- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.*
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —*
 - (a) if no meeting of the council at which a quorum is present is actually held on that day; or*
 - (b) if the non-attendance occurs —*
 - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or*
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or*
 - (iii a) while the member is suspended under section 5.117(1)(a)(iv); or*
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.*
- (6) A member who before the commencement of the Local Government Amendment Act 2009 section 5¹ was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.*

[Section 2.25 amended by No. 49 of 2004 s. 19(1); No. 17 of 2009 s. 5.]

SHIRE OF BROOME
ORDINARY MEETING OF COUNCIL
THURSDAY 18 DECEMBER 2014
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NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday, 18 December 2014 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards



K R DONOHOE
Chief Executive Officer

9/12/2014

Chairman:..... Date:

**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF THE SHIRE OF BROOME,
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,
ON THURSDAY 18 DECEMBER 2014, COMMENCING AT 5.00PM.**

1. OFFICIAL OPENING

The Chairman welcomed Councillors, Officers and members of the public and declared the meeting open at 5.00pm.

2. ATTENDANCE AND APOLOGIES

Attendance: Cr G Campbell Shire President
 Cr A Poelina
 Cr P Matsumoto
 Cr M Manado
 Cr D Male
 Cr C Mitchell

Leave of Absence:

COUNCIL RESOLUTION:

Moved: Cr C Mitchell **Seconded: Cr P Matsumoto**

That Cr M Manado be granted Leave of Absence for the period from 16 February to 25 March 2015 inclusive.

CARRIED UNANIMOUSLY 6/0

Apologies: Cr H Tracey Deputy Shire President
 Cr M Lewis

Officers: Mr K Donohoe Chief Executive Officer
 Mr P Martin Deputy Chief Executive Officer
 Mr S Mastrolembo Director Corporate Services
 Mr A Schonfeldt Director Development Services
 Mr M Dale Director Engineering Services
 Ms J Moloney Council Secretary
 Mr S Penn Media and Promotions Officer
 Ms R Piggin Manager Governance

Public Gallery: Dave Dureau Resident
 Rhonda Chappell Resident
 Theresa Bengston Shire of Broome
 Suzie Haslehurst Shire of Broome
 Peter Taylor
 Rob Menzies BIA
 Elisabeth Lucke Expo
 Adam Seiler Shire of Broome
 Bruce Rudeforth Resident
 Len Boyling Shire of Broome

Chairman:..... Date:

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest
Cr D Male	9.1.2	NORTH WEST EXPO UPDATED REQUEST – VENUE LICENCE, SPONSORSHIP AGREEMENT AND BANK OVERDRAFT GUARANTEE	<i>Financial</i> – Applicant is a client of my business.
Cr G Campbell	12.1	DRAFT 2036 AND BEYOND: A REGIONAL BLUEPRINT FOR THE KIMBERLEY	<i>Financial</i> – Board Member of KDC and receive sitting fees.

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
Cr C Mitchell	9.1.2	NORTH WEST EXPO UPDATED REQUEST – VENUE LICENCE, SPONSORSHIP AGREEMENT AND BANK OVERDRAFT GUARANTEE	<i>Impartiality</i> – N W Expo as a committee member.
Cr A Poelina	9.2.2	PETITION REQUESTING SHARED PATHWAY INSTALLATION ON PEMBROKE ROAD AND DICKSON DRIVE	<i>Impartiality</i> – Pembroke Rd as my residence is located on 12 Pembroke Rd.
Cr M Manado	9.3.2	LORIKEET DRIVE EXTENSION	<i>Impartiality</i> – Yawuru PBC ordinary member.

4. PUBLIC QUESTION TIME

The following questions were submitted at the Ordinary Meeting of Council by Dave Dureau.

Question 1: Weeds to be declared noxious in the town site and the Shire to develop a practical management strategy to list weeds species, adopt appropriate laws provided in the Local Government Act to eliminate them from the landscape over a twenty year period.

Answer provided by the Shire President
 This question will be taken on notice.

Question 2: The Shire of Broome to list weed management and control on the Agenda for the next Joint meeting of the 4 Kimberley Shires with an aim to adopting a cooperating regional approach to weed control and eventual elimination as the long term objective in Kimberley.

Answer provided by the Shire President
 This question will be taken on notice.

Question 3: *The Shire is the logical agency with the powers to bring together all the government and private and business land owners together with aboriginal owners to ensure every one co operates with cash to achieve a weed free Kimberley. Can you get on and do it?*

Answer provided by the Shire President

This question will be taken on notice.

5. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr P Matsumoto

That the Minutes of the Ordinary Meeting of Council held on 27 November 2014 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY 6/0

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil

7. PETITIONS

Nil

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The Chairperson advised that there were matters for discussion on the agenda for which the meeting may be closed, in accordance with section 5.23(2) of the Local Government Act 1995.

9.1.2 NORTH WEST EXPO UPDATED REQUEST - VENUE LICENCE, SPONSORSHIP AGREEMENT AND BANK OVERDRAFT GUARANTEE

9.3.1 RATES REVIEW 2014/15

9.3.2 LORIKEET DRIVE EXTENSION

9.

**REPORTS
OF
OFFICERS**

Chairman:..... Date:

9.1

OUR PEOPLE



PRIORITY STATEMENT

Embracing our cultural diversity and the relationship between our unique heritage and people, we aim to work in partnership with the community to provide relevant, quality services and infrastructure that meet the needs and aspirations of our community and those visiting and doing business in our region.

Supporting and contributing to the well-being and safety of our community is paramount, as is our focus on community engagement and participation.

Council aims to build safe, strong and resilient communities with access to services, infrastructure and opportunities that will result in an increase in active civic participation, a reduction in anti-social behaviour and improved social cohesion.

Chairman:..... Date:

The Chairman advised that for the purpose of the minutes the Voting Requirements should state Absolute Majority not Simple Majority.

9.1.1 AUSTRALIA DAY CELEBRATIONS 2015

LOCATION/ADDRESS:	Town Beach Reserve, Pioneer Park
APPLICANT:	Nil
FILE:	REE21
AUTHOR:	Manager Community Development
CONTRIBUTOR/S:	Events Coordinator
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 December 2014

SUMMARY: This report seeks Council's direction regarding Australia Day celebrations in 2015 in light of Buru Energy declining to sponsor the event and further sponsorship not forthcoming. Officers are recommending that the Shire stages the Australia Day Fireworks and Family Celebration with the shortfall sourced from organisational savings during the second quarter FACR process.

BACKGROUND

Previous Considerations

OMC 18 December 2012 Item 12.3

In December 2012, after receiving word that the Mangrove Hotel intended *not* to host its annual Australia Day fireworks event, Council resolved to:

1. Stage an afternoon/evening event on Australia Day that includes;
 - (a) a family concert at Pioneer Park, Town Beach Reserve and Foreshore
 - (b) a fireworks display

2. Include \$30,000 as the Shire's contribution to the event in the second quarter budget review.

3. Enter a sponsorship agreement with Buru Energy for the value of \$20,000 to fund the fireworks display associated with the event.

A highly successful event was staged on 26 January 2013 that attracted approximately 3,000 people and included a smoke and alcohol-free family concert featuring local and visiting artists and local community stallholders, culminating in a 20 minute fireworks display over Roebuck Bay.

A similar event was planned and budgeted for 2014 with the added involvement of local businesses where hospitality providers were encouraged to plan and promote Australia Day activities at their venues, providing additional activation along the Roebuck Bay foreshore area. Inclement weather forced the cancellation of the Family Concert at Town

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Beach and Pioneer Park in 2014. However the fireworks display went ahead as planned with fireworks fired from the Old Jetty Groyne at Town Beach.

Buru Energy was the principal sponsor of the fireworks display in both 2013 and 2014 and Officers were in discussion with representatives from Buru regarding sponsorship of the 2015 event and the possibility of a multi-year sponsorship agreement to support future events. However, Buru has recently informed Officers that it is unable to provide support for the 2015 event due to the current economic climate.

Officers have subsequently approached a number of potential sponsors including The Prendiville Group, Kimberley Accommodation, Landcorp, Shell and the Commonwealth Bank. Given the timeline for the event and current economic constraints, all have declined.

The report seeks Council's direction with regard to the proposed 2015 Australia Day Family Concert and Fireworks event.

COMMENT

Officers had approached The Mangrove Hotel regarding the possibility of sponsoring this year's event prior to Buru Energy's decision with a view to providing a second firing point for the fireworks from a barge in front of The Mangrove and Moonlight Bay Apartments. However with The Mangrove's owners regrettably declined the invitation. Therefore, should Council agree, fireworks will again be fired from the Old Jetty groyne.

It is proposed that community stallholders are invited to again set up at Pioneer Park but in view of more stringent budget management, it is proposed that rather than the expense of a fully lit stage with performances by visiting artists, expressions of interest are sought from local buskers and roving entertainers to move through the crowds to create a festive atmosphere.

Spirit FM Radio has been approached to broadcast live from the event with amplification proposed to be provided at Pioneer Park.

Risk

In light of the forced cancellation of last year's concert and loss of sponsorship for this year's event, Officers have undertaken a risk assessment of the proposed event for 2015.

Weather

According to the WA Bureau of Meteorology, January has the highest number of days with rain of any month of the year averaging a 40% chance of rain. Last year's event was almost cancelled due to excessive rainfall leading up to the event and on the event day itself; impacting on the comfort and number of spectators attending the event. In addition, inclement weather resulted in risks to operators at the site including structures blowing over and electrical leads being inundated with water. Inclement weather mitigation strategies will have budget implications and/or mean cancellation of the event. Officers seeking quotes for independent 'rain' insurance cover for this event.

Health

The planned use of a barge for firing was abandoned immediately prior to the 2014 event due to tidal issues exacerbated by weather conditions. A secondary location of the Old Jetty was then identified and utilised. Although technically the Old Jetty is a preferred site as it does not have the associated higher risk of firing from a barge, the minimum exclusion zone between firing and spectators is 250m with '0' wind. Variable wind speeds at this

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time of year may require the exclusion zone to be up to 400m – directly encroaching and reducing spectator seating areas at Town Beach.

Environment

The excessive rain in the days leading up to and on the day of the event in 2014 meant that the heavy vehicle traffic, trailers and foot traffic affected the reserve and restitution was required post event due to damage to the reserve area.

Financial

The cost of the highly successful 2013 event was \$56,911 which included capital works to the value of \$8,776 to adapt the barge provided by Paspaley Pearls to allow firing of the fireworks from the barge. The event cost was offset by \$20,000 sponsorship from Buru Energy.

In 2014, the event cost was \$50,348 which included time and equipment to repair damages to the reserve and hire of the staging, marquees, promotion and the cost of the fireworks. The total was again offset by sponsorship of \$20,000 from Buru Energy.

In 2015, Officers budgeted for \$25,000 in sponsorship and \$25,000 contribution from the Shire. Given the lack of sponsorship forthcoming, Officers seek Council's consideration of increasing the Shire's contribution to fund the fireworks display. Following a Request for Quote, one quotation for the delivery of a 20 minute fireworks display was received for the amount of \$20,000.

Options

Officers suggest the following options for Council's consideration;

Option 1

Given the loss of sponsorship, the associated cost to the Shire and the risk of inclement weather, decline to hold the Australia Day Fireworks and Family celebration in 2015. This means that any dedicated Australia Day activities will be reliant upon individual businesses to organise. While this option would entirely mitigate the financial risk to the Shire, given the positive feedback from the 2013 event, it could be argued that this is a valued community celebration that should be supported by the Shire.

Option 2

In light of Buru's withdrawal and no further sponsorship forthcoming, choose not to present a fireworks display as part of the Shire's Australia Day celebrations. This option provides a family-friendly community event without the expense of a fireworks display however, the effect on the community response to the event is arguable. In addition, the event could still be cancelled in the instance of inclement weather. Officers do not favour this option.

Option 3

Council could choose to contribute an extra \$20,000 and proceed with plans to stage an Australia Day Fireworks and Family celebration at Town Beach and Pioneer Park in 2015. Officers propose that this option be considered as a once-off approval and that future events are dependent upon sponsorship and/or community contributions.

Officer Recommendation

Officers are recommending Option 3 with the extra funds sourced during the second quarter FACR process through organisational savings. Officers propose that negotiations are commenced as soon as possible with potential sponsors for multi-year support of the fireworks component of the Shire's Australia Day celebrations.

Officers are also seeking Council's approval to delegate authority to the Chief Executive Officer to approve the event permit subject to all regulatory requirements being met.

CONSULTATION

The Mangrove Hotel
 Matso's Broome Brewery
 Buru Energy
 Commbank
 Landcorp
 Shell

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

5.1.11 Events

FINANCIAL IMPLICATIONS

The table below outlines the costs for 2013 and 2014 events and the proposed budget for the 2015 event.

Expense	2013 Actual	2014 Actual	2015 Budget
Artist Performance Fees	\$5,996	\$1,879	\$3,500
Artist Travel & Accommodation	\$1,754	\$1,009	
Engineering Operations	\$6,468	\$14,210	\$11,000
Fireworks	\$20,000	\$19,955	\$20,000
Freight	\$801		\$650
Entertainment	\$8,006	\$11,061	\$6,500
Licences/Permits/Venue	\$625		\$625
Miscellaneous	\$9,071		
Promotional Material	\$3,762	\$2,234	\$2,725
Security	\$428	\$0	
Total Cost	\$ 56,911	\$ 50,348	\$ 45,000

Council could consider using a portion of the funds raised from the Tourism Rate Differential to support the increased Shire contribution. However, while it is anticipated that this event will attract visitors from outside Broome, Officers suggest that funds are sourced during the second quarter Financial and Costing Review process through organisational savings.

Chairman:..... Date:

STRATEGIC IMPLICATIONS**Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:**

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

An organisational culture that strives for service excellence

Responsible resource allocation

Effective community engagement

VOTING REQUIREMENTS

Absolute Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr D Male

Seconded: Cr M Manado

That Council:

- 1. Notes the withdrawal of a key sponsor for the Australia Day Fireworks and Family Concert and Officers' efforts to seek further sponsorship;**
- 2. Requests the Chief Executive Officer to:**
 - a) stage an Australia Day Fireworks and Family Celebration at Town Beach and Pioneer Park;**
 - b) source the increased Shire contribution of \$20,000 to fund the fire works during the second quarter FACR process; and**
 - c) Begin negotiations with potential sponsors as soon as possible regarding future events; and**
- 3. Delegates authority to the Chief Executive Officer to approve the Australia Day Fireworks and Family Celebration to be held at the Town Beach Reserve and Pioneer Park on Monday 26 January 2014 from 16:00 to 21:30 subject to all regulatory and policy requirements being met.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0

Attachments

Nil

Chairman:..... Date:

This item and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, 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”.

COUNCIL RESOLUTION:

Moved: Cr D Male **Seconded: Cr A Poelina**

That in accordance with Standing Order 3.2(2), Agenda Item 9.1.2 be moved in the order of business to the end of the meeting to be considered under Section 14 Matters Behind Closed Doors.

CARRIED UNANIMOUSLY 6/0

9.1.2 NORTH WEST EXPO UPDATED REQUEST - VENUE LICENCE, SPONSORSHIP AGREEMENT AND BANK OVERDRAFT GUARANTEE

LOCATION/ADDRESS: Broome Recreation and Aquatic Centre Reserve 42502

APPLICANT: North West Expo Inc

FILE: LSS078, REE11, LEG285

AUTHOR: Manager Community Development

CONTRIBUTOR/S: Nil

RESPONSIBLE OFFICER: Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Nil

DATE OF REPORT: 3 December 2014

Refer to 14. Matters Behind Closed Doors.

9.2

OUR PLACE



PRIORITY STATEMENT

The Shire of Broome has an abundance of unique natural features, coastal attractions, significant streetscapes, historic precincts and a mix of old and new urban developments.

Our aim is for all communities and settled areas, including the Broom Township, to be a place where the natural environment, on which life depends, is maintained, whilst at the same time the built environment contributes to the economy and a quality lifestyle for all.

Preserving the Shire's natural environment is a critical community outcome. Council will put into place strategies that nurture and improve the Shire's unique environment and biodiversity.

The Shire will work in partnership with the community and other agencies to ensure responsible and accountable management of both the natural and build environments is achieved in the short term and for future generations.

Chairman:..... Date:

9.2.1 PROPOSED AMENDMENT TO DJARINDJIN LAYOUT PLAN NO.3

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ABL02.1
AUTHOR:	Planning Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Manager Planning Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	25 November 2014

SUMMARY: The Department of Planning (DoP) has prepared amendments to the Djarindjin Layout Plan No.3 maps (refer Attachments 1 and 2) and requests the Shire of Broome endorse the amended Layout Plan maps as detailed in Attachments 3 & 4.

The proposed amendments to the Layout Plan maps are presented to Council for consideration.

This report recommends that Council notes the proposed amendments and expresses concern that:

- 1) the Layout Plan as proposed does not achieve adequate separation between Water Source Protection Areas and incompatible land-uses; and
- 2) does not provide consideration for how the intensification of the airport use may impact upon the amenity of residents and the locality.

BACKGROUNDPrevious Considerations

Planning Approval 2014/96 was granted under delegated authority to Djarindjin Aboriginal Corporation (DAC) on 7 August 2014 for 'Extension of Aircraft Apron Areas and Relocation of Buildings' at SL-lot 547, Djarindjin Junction. In considering the proposed upgrades to the Djarindjin-Lombadina airport site, a number of considerations pertinent to the currently proposed amendments were raised including the need to re-locate the currently designated 'future drinking bore' and associated drinking water source protection area to achieve adequate separation from incompatible land-use. A report prepared by consultant hydrologists Global Groundwater, submitted in support of the application approved 7 August 2014, supported the relocation of the bore, (as part of any future amendment to the Layout Plan), approximately 200 meters to the south. Written advice received from the Department of Water 8 August 2014 supporting the relocation of the 'designated future bore' to ensure that the airport and other land-uses within proximity will not compromise the integrity of the 500m buffer for the drinking water source protection area.

Site and Surrounds

The Djarindjin settlement and Djarindjin Junction are located approximately 175kms north of Broome. The proposed amendments relate to the Djarindjin community location as depicted in Attachments 1 & 3 and SL-lot 547 (the airport site) as shown in Attachments 2 & 4.

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Description of Proposal

The DoP proposes to amend the Layout Plan as follows:

- a) Extend the boundaries of existing the airport site to the south (refer Attachments 2 & 4).
- b) Re-locate existing SL-Road Reserve connecting D1 Street (refer Attachment 1) to align with existing Djarindjin-Lombadina Road to create a four-way intersection providing separate access to both Djarindjin and Lombadina (refer Attachment 3).
- c) Re-name various streets throughout the Djarindjin settlement (refer Attachment 3).

The amendments to the Layout Plan are being undertaken to:

- a) Increase the area of SL- lot 547 to cater to anticipated growth of airport land-use;
- b) Provide distinct, differentiated road access to both Lombadina and Djarindjin;
- c) Review street names so properties can be identified for emergency services access and provision of services.

COMMENT

State Planning Policy 3.2 (SPP 3.2) requires that layout plans reflect the growth aspirations of communities based on sound planning principles including consideration of known cultural, environmental, and infrastructure constraints and opportunities.

Road Realignment

The proposed amendment to the road reserve alignment and vehicular access arrangements to Djarindjin will provide a clearer delineation of access between the Djarindjin and Lombadina communities.

Airport Expansion – Drinking Water Protection

The Layout Plan proposes to provide for the increased expansion of the airport site to accommodate anticipated future improvements to the airport to service off-shore industry. The amended Layout Plan however, does not account for the need to separate and delineate this land-use from 'drinking water source protection areas'.

Clause 4.15.1 of LPS 6, drinking water source protection areas are to be protected from inappropriate land-uses. The Western Australian Planning Commission's (WAPC) Statement of Planning Policy 2.7 – *Public Drinking Water Source Policy*, refers to the need for drinking water source protection areas to be managed in accordance with the principle of risk avoidance. Under the Public Drinking Water Source Policy, development and land-use within proximity to a water source protection area primarily designated for residential use should be characterised by low-intensity and low-risk land-use. An airport land-use, with ancillary development such as refuelling activities, fuel storage, and mechanical repair, is not considered to be low-intensity, low-risk form of land-use that is compatible with a drinking water source protection area.

It should also be noted that the Layout Plan report acknowledges the intention to re-locate the current 'drinking water source protection area' (shown as SL-lot 503). However, the 'future settlement water source', (lot 552), will also be compromised by the proposed expansion of the airport land-use. Advice received from consultant hydrologists Global Ground Water and DoW, as part of the development approval 2014/96, supports the relocation of the designated future bore with a view to conserving the integrity of the water source protection area.

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DoP has also confirmed that the re-location of the designated 'future bore' and drinking water source protection area is desirable and may be explored as part of a future amendment to the Layout Plan. Officers however recommend that this form part of the current proposed amendments to the Layout Plan, in order to ensure the issues are addressed now as the current proposed amendments will impact on the designated future bore and associated water source protection area.

Airport Expansion – Amenity Impacts

It is anticipated that the growth and development of off-shore resource projects will generate an intensification of the use of the airport. It is expected that increased air traffic, both with respect fixed-wing and helicopters, will increase the potential for noise impacts on the residents of the locality.

Whilst the proposed amendments to the layout plan caters for the expansion of airport land uses, the potential for amenity impacts associated with this expansion and the anticipated intensification of the airport has not been addressed in the proposed amendments to the Layout Plan. Further investigation and consideration for how such impacts may be managed should be included in these proposed amendments to the Layout Plan, and should also be considered in any future amendment to the Lombadina-Djarindjin Aerodrome Master Plan.

Summary

Officers consider there has not been sufficient consideration given to the issues of potential impacts on the amenity and public drinking water areas. As such it is recommended Council notes the proposed amendments and recommends that the following points be incorporated in the Djarindjin Layout Plan:

- a) The Layout Plan should consider a separation and delineation of land-use with consideration for 'drinking water source protection areas' and it is recommended that the amended Layout Plan include a new future location for the settlements drinking water source that is not compromised by surrounding land-uses.
- b) The Layout Plan and background report should provide adequate consideration for how the proposed expansion of SL-lot 547, and anticipated intensification of the airport use, may impact on the future amenity of residents and the locality.

CONSULTATION

DoP has confirmed that consultation with DAC was undertaken in relation to the proposed amendments to the Layout Plan. However, the DoP has not provided evidence that consultation with both the Djarindjin and Lombadina communities has been undertaken in relation to the proposed expansion of the airport use on SL-lot 547 and how the anticipated intensification of the airport use and associated noise may impact on the future amenity of residents and the locality.

It is therefore further recommended that DoP first undertake this consultation with the community prior to making the amendments to the Layout Plan.

STATUTORY ENVIRONMENT

Planning & Development Act 2005

State Planning Policy 3.2 'Planning for Aboriginal Communities' was prepared pursuant to the provisions of Part 3 of the Planning & Development Act 2005.

State Planning Policy 3.2

Objectives

Chairman:..... Date:

2.1 To provide for the recognition of Aboriginal settlements through local planning schemes and strategies.

2.2 To collaboratively plan for the orderly and coordinated development of Aboriginal settlements.

4.0 Application of the Policy.

4.1 This policy applies to the planning and development of Aboriginal settlements throughout Western Australia.

Layout plans – Preparation

6.1 All Aboriginal settlements are to have an endorsed Layout Plan.

6.2 Layout Plans may be prepared for Aboriginal communities that exhibit special circumstances, such as a native title agreement that confers an undertaking of support by the State for development of a particular place.

6.3 Layout Plans are to be prepared in accordance with this policy and associated guidelines and are to comprise: a) map-set; b) background report, and; c) provisions.

6.4 Layout Plans are to reflect the growth aspirations of the resident community and traditional owners based on sound planning principles including consideration of known cultural, environmental, economic, tenure and infrastructure constraints, opportunities and requirements.

6.5 The Layout Plan map-set is to be based on appropriate spatial data and is to distinguish existing from proposed land uses.

6.6 The background report and provisions are to be prepared in accordance with WAPC specifications, which may be detailed as a guideline prepared under this policy.

6.7 A simplified version of a Layout Plan may be prepared if it is in accordance with a guideline prepared under this policy.

6.8 A drinking water source protection plan is to be prepared for each Aboriginal settlement and is to be incorporated into the Layout Plan.

Consultation

6.9 Consultation is to be undertaken with the resident community, traditional owners, local government and relevant key agencies and stakeholders in the preparation of Layout Plans.

Endorsement

6.11 The WAPC may endorse a Layout Plan if—

(c) the relevant local government has endorsed the Layout Plan, or in the case that the local government has not endorsed the Layout Plan, that the WAPC is satisfied that preparation of the Layout Plan has included appropriate consultation with the

local government and that best endeavours were made to secure the endorsement of the local government.

Amendments

6.13 An endorsed Layout Plan may be amended at the request of any interested party, subject to the application of provisions 6.9 to 6.12 of this policy.

6.14 If an amendment is considered to be minor in nature it may be completed without the application of provisions 6.9 to 6.12 of this policy, other than the requirement for endorsement by the WAPC.

6.15 Amendments to layout plans are to be recorded on the map-set.

Interim Development Order No.4.

Application

This Order applies to: Land between the Scheme boundary of Town Planning Scheme No. 4 and extending northwards, eastwards and southwards to the boundaries of the Municipality.

Local Planning Scheme No.6 (to be gazetted)

4.15 Settlement Zone

4.15.1 The objectives of the Settlement Zone are to identify existing and proposed Aboriginal settlements and to plan for the orderly and proper development of those places by:

- (a) requiring preparation and endorsement of a Layout Plan;
- (b) ensuring that development accords with a Layout Plan;
- (c) providing for a mix of land uses typically found in Aboriginal Settlements, including light industrial, tourism, residential, commercial, community, recreation and public utility; protecting sensitive areas, such as No Go areas and drinking water source protection area from inappropriate development; and
- (d) providing for traditional law and culture.

4.42 Development in the Settlement Zone

4.42.1 Site and Development Requirements:

- (a) Proposed development is to comply with a Layout Plan prepared in accordance with State Planning Policy 3.2

Shire of Broome Local Planning Strategy (to be gazetted)

Secondary Centres

Secondary Centres are defined as sustainable communities which generally source potable water from their own bore, operate their own generators, utilise septic tanks and have their own waste management facilities. These centres are well connected and can access the goods, services and facilities provided within the principal centre.

Objectives:

Chairman:..... Date:

To provide settlement service centres to surrounding land uses including rural living, pastoral and tourism.

To provide Secondary Centres supported by appropriate land, infrastructure, facilities and services to meet economic and community needs.

To allow for the expansion of identified Secondary Centres to create sustainable communities.

Strategies:

Plan and facilitate the development of secondary service centres in the settlements of Ardyaloon, Djarindjin/Lombadina, Beagle Bay and Bidyadanga of between 500 - 1,000 people.

Develop a partnership between the Shire and the Department of Planning to consolidate layout plans for identified secondary service centres within this Strategy.

Burrjuk and Budgarjook are not considered to be secondary centres under this strategy, however they may develop into one in the future, and should be considered in a future review of this strategy.

Identify future development areas and development investigation areas that provide for future expansion within secondary centres.

Actions:

Set out a Settlement zone within the local planning scheme and provide relevant provisions for Layout Plans to guide the development within Secondary Centres.

Update Layout Plans for Ardyaloon, Djarindjin/Lombadina and Bidyadanga in accordance with SPP 3.2.

Verify that sufficient residential land is identified within the revised Layout Plans to meet current and longer-term needs of the centres.

Liaise with the Commonwealth and State Government on the bilateral agreement to ensure service provision within Aboriginal communities is financially responsible and sustainable for generations to come.

Assist the WA Planning Commission through the Department of Planning to review the Layout Plans developed for Aboriginal communities as Development Strategies that form part of the Local Planning Strategy.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Effective communication

Affordable services and initiatives to satisfy community need

A healthy and safe environment

Chairman:..... Date:

Our Place Goal – Help to protect the nature and built environment and cultural heritage of Broome whilst recognising the unique sense of the place:

Realistic and sustainable land use strategies for the Shire within state and national frameworks and in consultation with the community

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr C Mitchell

Seconded: Cr P Matsumoto

That Council:

1. **Notes the proposed amendments to the Djarindjin Layout Plan No.3 as detailed in Attachments 3 & 4; and**
2. **Requests the Chief Executive Officer to write to the Department of Planning recommending that the following matters be adequately addressed in the preparation of the amendments to the Layout Plan:**
 - a) **Adequate separation and delineation of land-use with consideration for 'drinking water source protection areas';**
 - b) **Adequate consideration for how the proposed expansion of SL-lot 547, and anticipated intensification of the airport use, may impact on the future amenity of residents and the locality; and**
 - c) **that the communities of both Lombadina and Djarindjin be consulted with regards to these proposed amendments and potential impacts.**

CARRIED UNANIMOUSLY 6/0

Attachments

1. Attachments 1, 2, 3 & 4

With regards to Item 9.2.2 Cr A Poelina disclosed that “I have an association with Pembroke Rd as my residence is located on 12 Pembroke Rd. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly”.

9.2.2 PETITION REQUESTING SHARED PATHWAY INSTALLATION ON PEMBROKE ROAD AND DICKSON DRIVE

LOCATION/ADDRESS:	Pembroke Road and Dickson Drive
APPLICANT:	Nil
FILE:	ENG04
AUTHOR:	Director of Engineering Services
CONTRIBUTOR/S:	Director Corporate Services
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 December 2014

SUMMARY: At the Ordinary Meeting of Council on 27 November 2014, Joe Hogan on behalf of local ratepayers and residents of Broome presented a petition to request that the Shire of Broome construct cycle paths along Pembroke Road and Dickson Drive.

This report recommends that the nominated pathways be considered for inclusion in the Shire of Broome’s 10 Year Capital Works Program for Pathways.

BACKGROUND

Previous Considerations

NIL

At the Ordinary Meeting of Council on 27 November 2014, Joe Hogan on behalf of local ratepayers and residents of Broome presented a petition to request that the Shire of Broome complete dual use paths along the length of Pembroke Road and Dickson Drive.

The Petition reads as follows:

We the undersigned local ratepayers and residents of Broome Shire, request that the Broome Shire Council complete a cycle-path down the length of Pembroke Road to Clementson Street and from Germanus Kent down Dickson Drive to Pembroke Road. These paths are required for the following reasons:

- *Provide a safe means of travel for local residents and tourists, (pedestrians and cyclists), especially at night.*
- *Encourage local ratepayers and their families, to maintain an active healthy lifestyle, (cycling and walking etc)*
- *Offering an alternative for Germanus Kent staff and residents, Kimberley Land Council employees, dance studio patrons and other small business's in Pembroke Road and Dixon Drive ie. Walk and cycle rather than take car or bus.*
- *Assist all families in making Pembroke Road and Dickson Drive more in line with other streets in Broome that currently have pathways.*
- *Give children and staff at Catherine House (Babagarra Nyirra) an access for prams, bikes, scooters etc. When going out to places such as Demco and Town Beach.*

Chairman:..... Date:

Mr Hogan first contacted Council on this matter via the customer feedback form in early May 2014 with the following response provided by Shire Officers on 16 May 2014 by email.

Thank you for your recent footpath request via the Shire of Broome customer feedback form for new footpaths on:

Pembroke Street (Orr Street to Clementson Street)

Dickson Drive (Germanus Kent to Pembroke Street)

In response to your enquiry the following is offered:

All new subdivisional areas within the Shire of Broome are provided with footpaths paid for by the developer to Liveable Neighbourhoods planning guidelines. Unfortunately the Shire has many older subdivisions that were never provided with pathways and the small amount of available funds for footpath construction needs to be carried out on a priority basis, with priority for higher order paths that attract external funding from the State Government being at the top of the list.

The Shire of Broome has both a Five Year Footpath Plan and a longer term 10 Year Footpath Capital works plan that nominate all historical priority footpaths requiring installation as either new, renewal or upgrade and estimates for these paths have been including in the long term financial plan modelling.

The paths that you have requested are currently not on either of these plans and have not been requested or highlighted in the past. In saying that the plan is reviewed annually and the majority of the paths requested will be reviewed to be included at some time in the future, except the section of path on Pembroke Street from Dickson Drive to Clementson Street which will be installed by the developer as part of the adjacent future subdivision.

It must however be pointed out that the 10 Year Footpath Plan is already fully allocated and it would be some years off before Council could consider these paths for a formal budget allocation.

COMMENT

A review of the signed petitioners indicates that out of the 101 signatures, 39 are electors of the Shire of Broome. This report presents the petition to Council for its consideration.

The Shire of Broome has a 10 Year Capital Works Program for Pathways which nominates priority pathways for construction. Historically this Program been compiled focusing on pathways in high pedestrian traffic areas which would be eligible for grant funding and as per residents complaints/requests for pathways on less pedestrian trafficked streets. It should be noted that any proposed additions to the Program will require additional funding or alternatively, deferment of existing identified priorities.

There is currently no shortage of pathway candidates for both external and internal funded pathway projects, as a large proportion of the town was previously developed without any pathways being installed. This adds to the financial burden on the Shire in constructing these new paths, as well as allowing for future renewal works on existing paths.

The Regional Bicycle Network (RBN) Grant Scheme provides funding of up to 50% of pathway project costs. The RBN Grant Scheme selection criteria are as follows:-

- Connections to schools or education facilities.
- Attractions for tourist cycling.
- Connections to other regional pathway networks.
- Continuation of existing RBN Scheme pathways such as Guy Street Stage 3.

Chairman:..... Date:

- It would solve an existing regional route that has non complaint pathway or serious safety concerns.

The pathways identified in the petition are discussed in detail below:-

Dickson Drive

- Germanus Kent (Aged Care Facility) to Pembroke Road (estimated cost \$40,000).

This pathway would link Pembroke Street to Germanus Kent Aged Care Facility. However, more importantly it would provide a continuous link from the Baba Garra Nyirwa Children's Residential Facility (Catherine House) which is located on the corner of Pembroke St and Dickson Drive to Demco Beach, Town Beach and Fongs Store. This would provide opportunities for the children and staff to walk and ride to nearby amenities.

It is unlikely that this pathway would attract RBN Grant Scheme funding and would need to be fully funded by the Shire.

Officers recommend that this pathways project be considered for inclusion in the 10 Year Capital Works Program for Pathways.

Pembroke Road

- Orr Street to Dickson Street (estimated cost \$70,000).

This pathway would provide a link between Dickson Drive and Orr Street, and would provide access for the residential properties on the eastern side of the Pembroke Road. The pathway would also provide a link north to the local distributor pathways running east/west along Guy Street, and provide access to St Marys Catholic School and BRAC.

This pathway project may be eligible for grant funding under the RBN Grant Scheme.

Officers recommend that this pathways project be considered for inclusion in the 10 Year Capital Works Program for Pathways.

- Dickson Street to Clementson Street (estimated cost \$ 60,000)

The pathway which links Dickson Street to Clementson Street provides a linkage to the existing pathway which runs east/west along Clementson St. This is a useful link, however the pathway should be constructed as part of the development of the Yawuru lot which fronts Pembroke Street. Although timing of the subdivision is more than likely to be some time off, this pathway is not critical and should not be funded by the Shire.

Officers recommend that this pathways project should be funded by developers and should not be considered for inclusion in the 10 Year Capital Works Program for Pathways.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- (1) A Petition, in order to be effective, is to –
- (a) be addressed to the President of the Shire of Broome;
 - (b) be made by residents and/or electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of the residents and/or electors making the request, and the date each resident and/or elector signed;

Chairman:..... Date:

- (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) be in the form prescribed by the Act and Local Government (Constitution) Regulations 1998 if it is –
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
 - (h) not contain any language that is disrespectful to the Council or likely to be defamatory to any person
- (2) A member of the Council presenting a petition shall be limited to a statement from the parties from whom it comes, the number of signatures attached to it, the material issues contained in it and to the reading of the preamble to the petition. It shall be incumbent on the member of Council presenting the petition to be familiar with the nature and contents of the petition, and to ascertain that it is in the form prescribed by subclause (1).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is recommended that the Dickson Drive Pathway and the Pembroke Rd Pathway (Orr St to Dickson St) be considered for inclusion in the 10 Year Capital Works Program for Pathways as part of the 2015/16 budget deliberations. These projects will be subject to allocations towards pathway projects within the Long Term Financial Plan and other capital works priorities.

Cost breakdown and funding source for Pathways

Pathway	Estimated Cost	Shire Contribution	Grants/ Developer Contributions
Dickson Drive Pathway - Germanus Kent to Pembroke Road;	\$40,000	\$40,000	0
Pembroke Road Pathway - Orr Street to Dickson Street	\$70,000	\$35,000	\$35,000
Pembroke Road Pathway - Dickson St to Clementson St	\$60,000	0	\$60,000

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

Participation in recreational activity

Chairman:..... Date:

Our Place Goal – Help to protect the nature and built environment and cultural heritage of Broome whilst recognising the unique sense of the place:

Best practice asset management to optimise Shires' infrastructure whilst minimising life cycle costs.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Affordable and equitable services and infrastructure

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr D Male

Seconded: Cr P Matsumoto

That Council:

1. **Requests the Chief Executive Officer as part of the 2015/16 budget deliberations to consider for inclusion into the 10 Year Capital Works Program for Pathways, the following pathway projects (subject to allocations towards pathway projects within the Long Term Financial Plan and other capital works priorities):-**
 - **Dickson Drive Pathway between Germanus Kent (Aged Care) and Pembroke Road**
 - **Pembroke Road Pathway between Orr Street and Dickson Street**
2. **Request the Chief Executive Officer to advise the petitioner of Council's resolution.**

CARRIED UNANIMOUSLY 6/0

Attachments

1. Petition
2. Pathway Plan

9.3

OUR PROSPERITY



PRIORITY STATEMENT

Our region has grown significantly over the past years in terms of population, economy and industry – this will continue! Balancing ecological sustainability with economic growth and retaining the ‘look and feel’ of Broome and its environs are an ongoing challenge for the region. Encouraging appropriate investment and business development opportunities to ensure a strong, diverse economic base is essential for community prosperity and the success of our future generations.

Focusing on developing clear pathways linking education with employment for our youth and the community at large is essential as we aim to retain our local people and continue to build a skilled and highly motivated workforce.

Business and Industry partnerships must be fostered to ensure sustainable economic growth is achieved, along with the provision of affordable and equitable services and infrastructure. Ensuring development meets community needs and legislative requirements whilst creating close community relationships and enhancing our understanding of local heritage and cultural issues will continue to be a major focus. The built environment must contribute to the economy, long term viability of the region and provide a quality lifestyle for all.

Chairman:..... Date:

The Chairman advised a Revised Report Recommendation was circulated prior to the meeting.

9.3.1 RATES REVIEW 2014/15	
LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ARA12
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	17 November 2014

SUMMARY: Council is requested to consider a proposal to phase out rate concessions that have been applied to properties located within the 12 Mile and Coconut Well area, in addition to properties which have a Horticultural Land Use within the Shire of Broome. Further, a Land Use Survey has been conducted within these areas and Council is also requested to consider the progress of a change in basis of valuation methodology for certain properties that have been assessed to be used for predominantly 'non-rural' purposes.

BACKGROUND

Previous Considerations

At a Special Meeting of Council held on 24 July 2013 proposed differential rates for the 2013/14 financial year were considered by Council and endorsed for advertising. In endorsing the differential rates for advertising, regard was given to advice received from the Department of Local Government and Communities in relation to compliance matters associated with such. Specifically, the differential rating categories and the objects and reasons for each required review and were amended accordingly.

In comparison to the adopted 2012/13 Differential Rates, changes included required amendment to category titles to exclude any reference to a locality. In addition, all objects and reasons were reviewed and amended to improve clarity and justification, resulting in the creation of some new categories. This included the reforming of others to simplify matters and to ensure compliance.

In summary, with regard to Unimproved Value (UV) rating categories, two new categories were proposed, combining a number of former categories:

UV - Rural (The base rate for Unimproved Value) – proposed to contain the following former categories:

- UV-Dampier Coconut Well;
- UV-Dampier Twelve Mile;
- UV-Skuthorpe; and
- UV-Horticulture/Wattle Downs

UV- Commercial Rural – proposed to contain the following former categories:

- UV-Dampier Short Stay Accommodation;
- UV-Dampier Commercial Operations & Pearling; and
- UV-Dampier Pastoral

It is noted that UV – Mining was proposed to remain but, without reference to Dampier.

Further, the only changes proposed to the Gross Rental Value (GRV) differential rating categories were the deletion of reference to Broome as a locality and some variation to the objects and reasons.

Council subsequently resolved the following at the Special Meeting of Council held on 24 July 2013 in regards to the setting of Differential Rates:

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr A Poelina **Seconded: Cr D Male**

That Council,

1. **Endorses the following differential rates across all categories and calls for public submissions under Section 6.36 of the Local Government Act 1995.**

DIFFERENTIAL RATE CATEGORY	CENTS IN THE DOLLAR	MINIMUM RATE
<i>Residential (GRV)</i>	8.0653	\$1131
<i>Residential – Vacant (GRV)</i>	14.7494	\$1131
<i>Commercial (GRV)</i>	9.3794	\$1131
<i>Tourism (GRV)</i>	11.7902	\$1131
<i>Mining (UV)</i>	13.2879	\$ 782
<i>Rural (UV)</i>	0.5145	\$1131
<i>Commercial Rural (UV)</i>	2.3729	\$1131

2. **Endorses the following rate concessions for inclusion in the 2013/14 Draft Budget.**

Concession Category	Concession in %
<i>UV rated properties in the locality of Coconut Wells.</i>	48%
<i>UV rated properties in the locality of Twelve Mile.</i>	27%
<i>UV rated properties with a Horticulture recorded land use under Section 6.33 (1)(b) of the Local Governments Act 1995</i>	11%
<i>These concessions do not apply on minimum rates.</i>	

3. **Adopts the objects and reasons for each of the proposed differential rates and minimum payments in 1. Above as detailed in Attachment.**

4. **Authorises the CEO to apply for the Minister’s approval for under Section 6.33 of the Local Government Act 1995 to impose differential rates for those rates that are more than twice the lowest differential rate.**

- 5. Authorised the Shire President and Chief Executive Officer to prepare and implement a Media/Information Strategy (utilising engagement framework principles) advising of Council's rate review in 2013/14, including notification with the Rate Information Brochure.**

CARRIED UNANIMOUSLY 5/0

A further Special Meeting of Council was held on 28 August 2013 to consider formal adoption of the 2013/14 Annual Budget. There were no submissions received on the proposed Differential Rates and Council subsequently adopted the Differential Rates for 2013/14 as above.

Following this process, and as per point 5 of the aforementioned Council resolution, comment was provided within the Rates Information Brochure circulated with rates notices advising that a Rates Review would be occurring in 2013/14. As part of this rates review an initial internal Land Use Survey review was conducted of some properties within the Chinatown precinct and tourist areas of Broome. This was deemed necessary due to the change of the objects and reasons specifically in the Residential Differential Rating Category to be 'Land Use' based rather than 'Zoning' based. Properties that were clearly identified as having a residential use were therefore transferred into the GRV Residential category. Further reviews have continued to address this issue and with GRV revaluations due from the Value General's Office it is intended to scrutinise this information upon receipt in April 2015 and adjust any further anomalies that may be identified.

In regards to a broader Rates Review, a number of previous studies that had been undertaken in recent years were reviewed internally and re-presented to Council for consideration as part of the 2014/15 Annual Budget Process. A Council workshop was held on 23 April 2014 providing an overview of the following previously prepared Rates Studies by the consultant from DCA (Dominic Carbone and Associates), Mr Dominic Carbone:

- Tourism Initiative Review
- Change in Basis of Valuation Methodology Study for Coconut Well and 12 Mile

This workshop was attended by Councillors G Campbell, A Poelina, C Mitchell, D Male and former Councillor J Bloom.

Tourism Initiative Review

As further background on the Tourism component, the Shire of Broome, in 2009, undertook a review of the definition and intent of the collection of differential rates for tourism initiatives. Kadar Pearson Partners Pty Ltd (KPP) was appointed to undertake the first stage of the review.

Using stakeholder forums KPP were able to explore:

- i) The role of the local authority in supporting tourism for the Shire of Broome through marketing or servicing,
- ii) The funding level adequacies for tourism activity in the Shire of Broome,
- iii) To engage any other views on the direction of the strategy in marketing or servicing to assist tourism, commerce and the local economy in the Shire of Broome.

Following this, in 2010, the Shire of Broome appointed Dominic Carbone and Associates and Darren Long Consulting (DCA/DLC) to:

Chairman:..... Date:

- i) Facilitate a workshop forum for all stakeholders,
- ii) Determine other tourism marketing initiatives, if any, to be considered for support by Shire funds in addition to current support given to ANW and BVC,
- iii) Investigate and engage views on developing a model between stakeholder groups that creates a broader and more equitable base for tourism revenue raising beyond local government rates collection,
- iv) Make recommendations to Council for revising the tourism differential rating objectives to meet policy objectives of a broader and more equitable model for tourism economic development strategy, as developed from the stakeholder workshop,
- v) Supply a report providing recommendations from the outcomes of the workshop and the future strategy for tourism differential rating.

As a result of the key findings, the following recommendations were developed by DCA/DLC for Council consideration:

- (1) That marketing and promotion of Broome as a tourist destination continue to be funded through the Local Government Property Rating Framework utilising the Differential Rating System.
- (2) That revenue collected through the differential rating system for the tourism component be distributed on a needs basis, with key stakeholders preparing and submitting to the Shire four (4) year business plans disclosing their operations and proposed tourism initiatives.
- (3) That the Council give consideration to using the Multiplier Effect for Broome as an alternative rates distribution model for the tourism differential component.
- (4) That the Council formulate a Tourism Policy, which outlines the Council's role in the financing of tourism initiatives, in order to develop constructive partnerships with the local community, business groups, tourism industry operators and community organisations.

A sample Tourism Policy is included in the Report for the Council's consideration.

- (5) That the Shire of Broome initiate discussions with the Board of Broome International Airport for the purpose of introducing a passenger head tax to complement the revenue derived from the tourism differential rate component to promote tourism initiatives in Broome.
- (6) That the formation of an Advisory Group be established at the discretion of the Chief Executive Officer to advise him in relation to any matter pertaining to Broome Tourism, which will assist him in the preparation of reports to Council.

The Tourism Initiative Review was formally presented to and considered by Council on 14 April 2011. The following was resolved at this meeting:

COUNCIL RESOLUTION:

Moved: Cr J Bloom

Seconded: Cr R J Lander

- 1. Receives the Tourism Initiative Review Report from Domenic Carbone and Associates/Darren Long Consulting,**
- 2. Adopts points 1,2,3,4 and 6 of the recommendations contained in the Tourism Initiative Review Report,**

Chairman:..... Date:

The Tourism Administration Policy has been reviewed biennially with other Council Policies and the yield of \$315k has remained unchanged since its inception. The funds are allocated to tourism initiatives annually including Australia's North West (\$175k), Broome Visitor Centre (\$110k) and other Tourism Initiatives on application and as approved by Council (\$30k). No changes are proposed to this current practice.

Change in Basis of Valuation Methodology Study for Coconut Well and 12 Mile

In 2007, Council staff commenced a land use study of rateable Dampier Ward properties to ascertain appropriate methods of rating in terms of land use as required under the *Local Government Act 1995*.

At the Ordinary Meeting of Council held on 8 May 2008, Council resolved the following:

- “1). That Council undertakes a review of the basis of valuation used for rating Dampier Ward rural land use activities.
- 2). That consultation occurs in the form of general advice to the district (via advertising) of the Council's decision to undertake the review, the rationale for the review and that comment is sought. Specific advice to affected ratepayers of the land use study.
- 3). That Council will consider review submissions as a basis to prepare a draft policy for advertising, with specific advice of the draft policy sent to affected ratepayers for comment.”

After the review of 23 submissions, a report was presented to Council on 17 December 2008 and recommended that as a result of the land use review, Council adopt a Draft Rural Rating Policy for the purpose of advertising and further public comment.

At the Ordinary Council Meeting held on 17 December 2008, Council resolved to:

- “1). Adopts the Draft “Rural Rating Policy” for the purpose of advertising only for a period of 70 days for public comment.
- 2). Provide specific notice of the draft policy to affected ratepayers and invites submissions during the public comment period.”

The second consultation was undertaken in accordance with Council's resolution of 17 December 2008, and a further 15 submissions were received. In summary, the following concerns were raised:

- Argued that they were undertaking rural pursuits (10);
- Argued that rural operations provide majority of income (6);
- Rural operations did not support majority of income (6);
- Lack of services or access to services because of distance (5);
- Rubbish services not provided or too expensive (3);
- No sealed road to Coconut Well and Willie Creek (3);
- Wanted to see indicative rate comparisons for UV and GRV (2);
- Is intending to use, or existing use of, property for B&B operations (3); and
- The Shire should not encourage smaller lot sizes(1).

A further report was presented to Council on 2 September 2009 recommending adoption of the Rural Rating Policy and that affected ratepayers be provided specific consultation where there is an intention to change the basis of rating.

At the Ordinary Council Meeting held on 2 September 2009, the Council resolved to:

- “1). Adopt the “Rural Rating Policy”.

Chairman:..... Date:

- 2). Undertake a “Community Ratings Workshop” with affected persons in relation to the Rural Rating Policy.
- 3). Provide specific notice to affected ratepayers where there is an intention to change the method of valuation, in terms of policy, and invite submissions during a comment period of 35 days.”

The Community Ratings Workshop was held on 13 May 2011, facilitated by Domenic Carbone and Associates and Darren Long Consulting, with approximately 30 community members in attendance. During the workshop a number of specific issues were raised by workshop participants and answered by the consultants, as follows:

- The keeping of minutes for the workshop;
- The legal liability of a local government to levy rates as local government is not recognised in the Australian Constitution;
- The possibility of the Shire having a hidden agenda by using the change in valuation method as a revenue raising opportunity;
- The increase in market prices for land being looked upon as a trigger for GRV values increasing, leading to the possible change in methodology;
- Appointment of Valuer;
- Rural Rating Policy;
- Transparency and equity issues are of concern;
- Department of Local Government Guideline No. 2 – Changing Methods of Valuation of Land;
- Requests for Financial Information;
- Method of determining Valuations; and
- Concerns were raised over the time limitations regarding the time permitted from receiving the rate notice and when an appeal against the valuation must be lodged.

Consultant Recommendations

The Consultant provided the following three recommendations for Council consideration:

1. The Shire of Broome give consideration to utilising Spot Valuations in the localities of Coconut Well and 12 Mile.
2. In Order to bring the existing Rural Rating Policy into line with the rating requirements of the *Local Government Act* and (1) above, the Shire of Broome consider amending its Rural Rating Policy by deleting the Policy Statements and substituting the following- “ To give effect to above guiding principles the Council is to observe the following:
 - a). Ensure that any rural (UV) property is assessed to determine whether the use of the property is “predominantly rural”.
 - b). Subject to (a) above, the Shire is to utilise the Spot Valuation method where there is a number of individual lots within a valuation area that are used for purposes that are not consistent with the predominant use of land within that valuation area.
 - c). Properties that are considered to be predominantly used for non-rural purposes be referred to the Minister for Local Government with sufficient information to allow a determination to be made on the method of valuation to be applied.
 - d). Subject to Ministerial approval in (c) above, apply the GRV to rural land used predominantly for non-rural purposes.

- e). Ensure that the appeal rights are made clear to affected land owners.

The report presented to Council advised that this proposed amendment was considered to be an interim measure until such time the Shire appoints an independent expert to undertake the assessment of properties within Coconut Well and 12 Mile to determine the predominant use of the land for each individual lot.

3. The Shire of Broome gives consideration to appointing an independent expert to undertake a land use audit/assessment of properties within Coconut Well and 12 Mile to determine the predominant use of land for each individual lot.

At the Special Council Meeting held on 13 July 2011, Council resolved to:

- "1. Receive the Changes in Basis of Valuation Methodology Study from Domenic Carbone & Associates and Darren Long Consulting.
2. Adopts amended rural rating policy for the purpose of advertising for a period of 35 days."

2014/15 Rates Review

As part of the adoption of the 2014/15 Annual Budget on 27 June 2014, Council resolved the following:

"Request the Chief Executive Officer to;

- a. *Convene a workshop of Councillors and staff by 30 August 2014 for the purpose for providing direction regarding the commencement of a full rates review and community consultation as per previous resolutions of Council; and*
b. *Include with the 2014/2015 rates notice to property owners with UV rated properties in the locality of Coconut Well, 12 Mile and Skuthorpe advising a review of concessions will be included in the full rates review which may affect future concession rating."*

Correspondence was forwarded in line with this resolution in conjunction with the issue of Rates Notices in August 2014. A workshop was accordingly convened on the 26 August 2014 which was attended by Councillors J Bloom, C Mitchell, M Lewis and H Tracey. Further information was provided at a follow up meeting held on 21 October 2014. Council was presented with a number of potential scenarios to phase out these concessions and this is now presented to Council for formal consideration.

In addition, Council was advised that Whelans Town Planning Consultants had been engaged to undertake an independent land use survey within the Coconut Well and 12 Mile location. This completed report and recommendations form a confidential attachment to this report. The survey was conducted through a visual drive-by inspection and followed up by a review of aerial mapping data. A number of properties have been identified as being utilised for predominantly 'non-rural' purposes. Council is requested to consider this information and accordingly progress a change in the basis of valuation methodology on certain properties from UV (Unimproved Value) to GRV (Gross Rental Value).

COMMENT

Section 6.47 of the *Local Government Act 1995* enables Council to grant a concession on rates. There is no prescribed limit on the amount of a concession, however based on the rating principles of fairness and equity, there should be sound justification to provide concessions to some ratepayers and not others. The aforementioned concessions were introduced through the 2012/13 budget adoption process as a means to ensure that ratepayers within certain areas were not overburdened with a rate increase due to the

Chairman:..... Date:

reform required to be undertaken at the request of the Department of Local Government and Communities (DLGC). Essentially these properties were formerly in varied differential rating categories with different rates in the dollar having been applied over many years.

The introduction of concessions has since highlighted this issue and research indicates that there is no substantiated justification to provide ratepayers in 12 Mile, Coconut Well or properties with a Horticulture land use a concession over and beyond each other or other ratepayers within the Shire of Broome. A review of Council records back to the mid 1990's confirms that a differential rating philosophy has been applied at the Shire of Broome for many decades. Previous determinations by Council to apply different rates in the dollar for these properties have been based on providing a more 'equitable' rating philosophy.

Essentially, different rates in the dollar have been applied to negate the property valuation affect on the rates payable to the Shire. The DLGC have conducted a review of differential rates being applied across Western Australia over the last two years and have requested many Local Governments to review their categories and their objects and reasons for such. The Shire of Broome has continued to review and refine its objects and reasons over this period, resulting in an improved justification for the establishment of different categories in the first instance.

The DLGC's Local Government Operational Guidelines No. 2 Changing Methods of Valuation (Please refer to Attachment) states the following:

"In implementing suitable systems and procedures, local governments should observe the principles of:

- *objectivity;*
- *fairness and equity;*
- *consistency;*
- *transparency; and*
- *administrative efficiency.*

The prospects for a satisfactory outcome will be significantly improved if these principles are correctly applied.

Objectivity

As far as possible the predominant use of land should be reviewed and determined on the basis of an objective assessment of relevant criteria. External parties should be able to understand how and why a particular determination was made.

Fairness and equity

Rating principles should be applied fairly and equitably. Each property should make a fair contribution to rates based on a method of valuation that appropriately reflects predominant use.

Consistency

Rating principles should be applied, and determinations should be made, in a consistent manner. Like properties should be treated in a like manner.

Transparency

Systems and procedures for determining the method of valuation of land should be clearly documented and available for the public to inspect. This is fundamental to the "good government" principle upon which the Act is based. The right to govern accompanies the obligation to do so openly and fairly.

Administrative efficiency

Rating principles and procedures should be applied and implemented in an efficient and cost-effective manner."

The first matter to be established is whether the predominant use of a property is 'rural' or 'non rural'. Section 6.28 of the Local Government Act 1995 states that the basis for a rate on any land must be based on UV or Unimproved Value where a property has a predominantly rural use and based on GRV or Gross Rental Value where the property is predominantly non rural. The attached report from Whelan's has identified a number of properties that are currently rated as UV that may in fact be used for a predominantly non-rural purpose.

It is recommended that the affected property owners be given an opportunity to comment on these findings, and this feedback be reviewed prior to formal consideration of Council to consider a request to the Minister to change the method of valuation.

Further, in review of the aforementioned rating principles, it is proposed for Council to consider the phase out of concessions that have been applied. An analysis of rates levied for 2014/15 was undertaken and a number of scenarios were provided through workshops for Council consideration of phasing out of concessions. In review of the financial impact the phasing out of concessions will have on affected ratepayers it is proposed to progressively reduce and remove the concessions applied over a three year period commencing in the 2015/16 Financial Year. It is recommended that affected property owners be advised in writing of this intention and provided an opportunity to attend a workshop to discuss this issue.

CONSULTATION

Department of Local Government and Communities
Whelans Town Planning Consultants

STATUTORY ENVIRONMENT

Local Government Act 1995

S6.28 Basis of Rates

- 1). *The Minister is to -*
 - (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
 - (b) *publish a notice of the determination in the government gazette.*
- 2). *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be -*
 - (a) *where the land is used predominantly for rural purposes, the unimproved value of the land, and*
 - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

S6.33 Differential general rates

1. *A local government may impose differential general rates according to any or a combination, of the following characteristics -*
 - (a) *the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;*

Chairman:..... Date:

- (b) the predominant purpose for which the land is held or used as determined by the local government;
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

S6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

* Absolute majority required

POLICY IMPLICATIONS

2.1.5 Rural Rating

FINANCIAL IMPLICATIONS

In 2014/15 Council provided rates concessions to properties within 12 Mile, Coconut Wells and properties with a Horticultural land use to the value of approximately \$166k. It is proposed to phase this out over a three year period commencing in the 2015/16 Financial Year.

The financial impact of change of method of valuation on some properties from UV to GRV is not confirmed and will be dependent on valuations that will be required to be undertaken. Council will then be required to consider an applicable rate in the dollar for these properties with regard to the rates in the dollar applied to other GRV rating categories.

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Effective communication

Affordable services and initiatives to satisfy community need

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Affordable and equitable services and infrastructure

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

Responsible resource allocation

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council requests the Chief Executive Officer to:

1. Undertake consultation with affected ratepayers regarding Council's intention to phase out concessions over a three year period commencing in the 2015/16 financial year as follows:

Property Type	Current 2014/15 Concession	Proposed 2015/16 Concession	Proposed 2016/17 Concession	Proposed 2017/18 Concession
Horticultural Land Use	11%	7.33%	3.67%	Nil
12 Mile	27%	18%	9%	Nil
Coconut Well	48%	32%	16%	Nil

2. Consults through direct correspondence to affected ratepayers in addition to the holding of a workshop on 5 March 2015.
3. Advise ratepayers identified within the attached confidential Land Use Survey that;
 - (a) As part of the completion of a recent independent Land Use Survey, their properties have been identified as having a predominantly 'non-rural' land use;
 - (b) Council seeks their comment on these findings prior to 27 February 2015; and
 - (c) It is intended for all properties confirmed to have a predominantly 'non-rural' land use to be considered for a change in method of valuation from 'Unimproved Value' to 'Gross Rental Value' in accordance with Section 6.28 of the Local Government Act 1995.
4. Presents the outcomes of the workshop and feedback received on the land use survey to the March Ordinary Meeting of Council for Council's consideration.

COUNCIL RESOLUTION:
(REVISED REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr D Male

That Council requests the Chief Executive Officer to:

1. Undertake consultation with affected ratepayers regarding Council's intention to phase out concessions over a three year period commencing in the 2015/16 financial year as follows:

Property Type	Current 2014/15 Concession	Proposed 2015/16 Concession	Proposed 2016/17 Concession	Proposed 2017/18 Concession
Horticultural Land Use	11%	7.33%	3.67%	Nil

12 Mile	27%	18%	9%	Nil
Coconut Well	48%	32%	16%	Nil

2. **Consults through direct correspondence to affected ratepayers in addition to the holding of a Community Information Session on 5 March 2015.**
3. **Advise ratepayers identified within the attached confidential Land Use Survey that;**
 - (a) **As part of the completion of a recent independent Land Use Survey, their properties have been identified as having a predominantly ‘non-rural’ land use;**
 - (b) **Council seeks their comment on these findings prior to 27 February 2015; and**
 - (c) **It is intended for all properties confirmed to have a predominantly ‘non-rural’ land use to be considered for a change in method of valuation from ‘Unimproved Value’ to ‘Gross Rental Value’ in accordance with Section 6.28 of the Local Government Act 1995.**
4. **Presents the outcomes of the Community Information Session and feedback received on the land use survey to the March Ordinary Meeting of Council for Council’s consideration.**

CARRIED UNANIMOUSLY 6/0

Attachments

1. DLGC Operational Guideline No. 2 - Changing Methods of Valuation of Land
2. Land use Investigations within the Shire of Broome *(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)(b) as it contains “the personal affairs of any person”.

With regards to Item 9.3.2 Cr M Manado disclosed that “I have an association with Yawuru PBC Ordinary Member. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly”.

9.3.2 LORIKEET DRIVE EXTENSION

LOCATION/ADDRESS:	Lorikeet Drive, Roebuck
APPLICANT:	Nil
FILE:	14/13
AUTHOR:	Senior Project Engineer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 December 2014

SUMMARY: This report considers Tenders received for the Lorikeet Drive Extension Project and seeks adoption of the recommendation contained in the confidential tender evaluation report.

BACKGROUND

Previous Considerations

OMC 23 October 2014 Item 9.2.4

The eastern section of Lorikeet Drive is currently a “No Through Road” in Roebuck Estate servicing 10 residential properties on its northern side with an adjacent drainage reserve on the southern side.

Initial planning for Roebuck Estate contained two proposed connection points (Lorikeet Drive and Spoonbill Avenue) from the estate to a new, realigned Main Roads WA road that ran between Roebuck Estate and the One Mile Community. For a number of reasons, these works were never constructed. This is now having the effect of creating excessive traffic volumes within the subdivision.

From a traffic efficiency perspective, it is essential to have additional access points for Roebuck Estate which gives direct access to and from the Old Broome Road arterial traffic route. This will reduce travel times in general and have a beneficial effect on driver safety.

The need for this was always recognised in planning for the Estate and the situation has been further amplified by the closure of right hand turn movements out of Sanderling Drive onto Gubinge Road by Main Roads WA. Many residents from the northern sections of Roebuck Estate previously would travel to and from Town via this route.

Currently nearly all traffic from within Roebuck Estate heading towards the Town, utilise Sanderling Drive, Sandpiper Avenue and Old Broome Road as their primary traffic route. This pushes traffic volumes in Sanderling Drive to the upper limit of acceptable environmental traffic flows, and adds considerably to the safety risk along this section of road.

Chairman:..... Date:

COMMENT

The scope of the work to construct the new section of Lorikeet Drive is as follows:-

- Removal of the existing cul-de-sac head and associated works on the eastern end of Lorikeet Drive.
- Location and protection of Horizon Power, Water Corporation and Telstra services.
- New drainage culverts under the proposed roadway in the existing main open drain running along the back of Roebuck Estate and along the existing table drain on Old Broome Road.
- Vegetation clearing, mulching and topsoil removal.
- Construction of 312m of new road pavement including a prime and 2 coat seal.
- Install semi mountable kerbing and appropriate drain chutes into drainage outlets.
- New intersection and appropriate channelisation treatment at Old Broome Road.
- Installation of regulatory signage and line marking to Main Roads WA standards.
- Provision of 2m wide pathway on the north side of Lorikeet Drive.
- Rural style fencing on the southern road reserve boundary to prevent public access into sensitive areas.
- Installation of street lighting to Australian Standards along length of the road extension and the new intersection.

Tenders for the Lorikeet Drive Extension Project were advertised on 1 November 2014 and closed on 19 November 2014, utilising the WALGA Procurement Consultancy Service. The tender recommendation is contained within the confidential tender recommendation report (attached).

CONSULTATION

WALGA
Pritchard Francis
Water Corporation
Horizon Power
Telstra
Adjoining Landowners

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 1.8 Statewide public notice.

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.

Section 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.*

Chairman:..... Date:

(2) Regulations may make provision about tenders

Local Government (Functions and General) Regulations 1996

Section 5 R14 Requirements for publicly inviting tenders

- (1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.
- (2a) If a local government —
 - (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under subregulation (1) or (2), is required to include —
 - (a) a brief description of the goods or services required;
 - (b) particulars identifying a person from whom more detailed information as to may be obtained;
 - (c) information as to where and how tenders may be submitted; and
 - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to
 - (a) such information as the local government decides should be disclosed to those interested in submitting a tender;
 - (b) detailed specifications of the goods or services required;
 - (c) the criteria for deciding which tender should be accepted;
 - (d) whether or not the local government has decided to submit a tender; and
 - (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130.]

Section 5 R15 Minimum time to be allowed for submitting tenders

- (1) If the notice is published in the newspaper as part of giving Statewide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.
- (2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

Local Government Act 1996

Chairman:..... Date:

Clause 2.4 The Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 18, paragraph (2)

- (1) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.

POLICY IMPLICATIONS

The tender has been managed in accordance with Policy 2.3.7 Purchasing, as the value of the tender is \$100,000 +.

FINANCIAL IMPLICATIONS

See attached confidential evaluation report for details of financial implications.

The current budget is sufficient to complete all required work to undertake the road construction and the tender for the construction works is within the budgeted amount.

The table below outlines funding sources for the project.

Funding Source: Lorikeet Drive Extension Project

Funding Type	Capital or Start Up Expense	Funding Details	Account Number
Grant	\$500,000	Regional Road Group	121779
Grant	\$750,000	Roads to Recovery	121776
Shire	\$65,000	Municipal Funds	
TOTAL	\$1,315,000		

Cost breakdown: Lorikeet Drive Extension Project.

	Capital Expense	Account Number
Contractor	\$946,652.26	RC230
Design, Contract/Project Management and Superintendence	\$81,180	RC230
Horizon Power Fees and Yawuru Cultural Monitors	\$106,748	RC230
All other costs and contingencies	\$180,419.74	RC230
TOTAL	\$1,315,000.00	

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Affordable services and initiatives to satisfy community need

Chairman:..... Date:

Accessible and safe community spaces

Our Place Goal – Help to protect the nature and built environment and cultural heritage of Broome whilst recognising the unique sense of the place:

Best practice asset management to optimise Shires' infrastructure whilst minimising life cycle costs.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Affordable and equitable services and infrastructure

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

Responsible resource allocation

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr C Mitchell

Seconded: Cr D Male

That Council:

1. **Endorses the recommendations as contained in the confidential tender assessment report for Tender 14/13 Lorikeet Drive Extension.**
2. **Notes details of the successful tenderer will be available for public information in the Tender Register in accordance with regulation 17 of the Local Government (Functions and General) regulations 1996.**
3. **Authorises the Shire President and Chief Executive Officer to engross the Contract Document.**

CARRIED UNANIMOUSLY 6/0

Attachments

1. Recommendation Report - Lorikeet Drive Extension (*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. Lorikeet Drive Extension - Plan 1
3. Lorikeet Drive Extension - Plan 2
4. Lorikeet Drive Extension - Plan 3

OUR ORGANISATION



PRIORITY STATEMENT

Council will strive to create an environment where local governance is delivered in an open and accountable manner; where we provide leadership to the region in such areas as planning and financial management; where the community has the opportunity to contribute to the Council's decision making thereby fostering ownership of strategies and initiatives.

In delivering open, accountable and inclusive governance, we will be ever mindful that we operate within a highly regulated environment that requires a high level of compliance.

Council will strive to be the conduit between the other spheres of government and the community, translating State and Federal law, policy and practice into customer focussed, on ground service delivery that support's Broome's unique lifestyle.

The Region is experiencing significant change with Council dedicated to sound governance, effective leadership and innovation, and high quality services. Building organisational capacity is a priority with a commitment to delivering services to the community in a sustainable, effective and accountable way.

Chairman:..... Date:

9.4.1 PAYMENTS - NOVEMBER 2014

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Finance Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 December 2014

SUMMARY: This report recommends that Council records the list of payments made under delegated authority, as per the attachment to this report, for the month of November 2014.

BACKGROUND

Previous Considerations

COMMENT

The Chief Executive Officer (CEO) has delegated authority to make payments from the Municipal and Trust funds in accordance with budget allocations.

The Shire provides payments to suppliers by either Electronic Funds Transfer (EFT), cheque, credit card or direct debit.

Attached is a list of all payments processed under delegated authority during the month of November, 2014.

CONSULTATION

Nil

STATUTORY ENVIRONMENT**Local Government (Financial Management) Regulations 1996****13.** Lists of accounts

(1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) *the payee's name;*
- (b) *the amount of the payment;*
- (c) *the date of the payment; and*
- (d) *sufficient information to identify the transaction.*

(3) *A list prepared under sub regulation (1) is to be —*

- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) *recorded in the minutes of that meeting.*

Chairman:..... Date:

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

List of payments made in accordance with budget and delegated authority.

STRATEGIC IMPLICATIONS

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

An organisational culture that strives for service excellence

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Retention and attraction of staff

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr M Manado

That Council records the accounts as paid under delegated authority for November 2014, totalling \$3,348,805.60, as attached, covering:

- ***EFT Vouchers 28689-29008 totalling \$3,002,629.33;***
- ***Municipal Cheque Vouchers 57203-57229 totalling \$116,318.14;***
- ***Trust Cheque Voucher 3382-3385 totalling \$11,370.21 and***
- ***Municipal Direct Debits DD17924.1-17971.9 totalling \$218,487.92***

CARRIED UNANIMOUSLY 6/0

Attachments

1. Accounts for Payment - November 2014

Chairman:..... Date:

The Chairman advised that an amended attachment page had been circulated prior to the Ordinary Meeting of Council.

9.4.2 REVIEW OF DELEGATIONS OF AUTHORITY

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ARE02
AUTHOR:	Manager Governance
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	21 November 2014

SUMMARY: The purpose of this report is for Council to review and consider its delegations to the Chief Executive Officer and to adopt the Delegations of Authority Register.

BACKGROUND

Previous Considerations

OMC 21 December 2006	Item 9.1.3
OMC 24 July 2008	Item 9.1.5
OMC 17 December 2008	Item 9.1.7
OMC 19 March 2009	Item 9.1.2
OMC 18 March 2010	Item 9.1.1
OMC 17 March 2011	Item 9.1.2
OMC 15 March 2012	Item 9.4.4
OMC 20 June 2013	Item 9.4.4
OMC 27 March 2014	Item 9.4.4

Under section 5.42 of the *Local Government Act 1995* (the Act), a Local Government may delegate to the Chief Executive Officer any of its powers or the discharge of any of its duties under the *Local Government Act 1995*, other than those prescribed under section 5.43 and any of its duties under the *Planning and Development Act 2005* section 214(2)(3) or (5).

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Shire. The Chief Executive Officer exercises the delegated authority in accordance with the Instrument of Delegation Register and Council policies.

All delegations made by Council must be carried by an Absolute Majority and be in accordance with section 5.42 of the Act.

Section 5.18 and 5.46(2) of the *Local Government Act 1995* requires that a Local Government keep a register of delegations of authority made under the Act and that these are reviewed at least once every financial year. Council do not currently delegate any powers or duties to Committees.

Chairman:..... Date:

The Instrument of Delegation Register was last presented to Council for review on 27 March 2014.

COMMENT

The Chief Executive Officer, Executive Management Group and responsible officers have reviewed the current delegations. The Instrument of Delegation Register, with amendments marked, forms an Attachment to this report. Additions or revisions are in red and any text to be deleted is ~~struck through~~.

It is proposed that the following delegation be removed.

- **Insurance, Public Liability Claims** – to ensure consistency and provision of protection against a possible eventuality, all claims (potential or otherwise) against the Shire of Broome as a result of Public Liability are to be lodged with Council's insurer, who will on behalf of the Shire of Broome, accept or reject a claim on an individual basis and indemnify the Shire of Broome from further recourse.

The existing instrument of delegation has the potential to expose Council to future liability in the event of a claim being accepted by the Shire of Broome, due to the value at the time being deemed below the Policy Excess threshold, leaving Council responsible for the claim (in its entirety) without recourse for indemnity. Accordingly, it is proposed this delegation be removed.

There are 3 proposed new delegations listed below which are also included in red in the attachment to this report. The existing delegations have been renumbered to allow for these inclusions.

- **Built Strata Certificate of Approval – Form 26** – Every strata plan when lodged for registration is required to be accompanied by a certification of approval from the Western Australian Planning Commission (WAPC). The authority to issue the Certificate of Approval – Form 26 has been delegated under the *Strata Title Act 1985* to Local Governments.
- **Certifying Premise Complies with Planning Laws – Motor Vehicles** – This delegation enables a Certificate of Planning Authority to be issued in accordance with the *Motor Vehicle Repairers Act 2003*.
- **Write Off of Debts Up to \$1,000** – This delegation will enable an efficient process to write off immaterial unrecoverable sundry or rates debts and penalty interest accrued on that debt of \$1,000 and under. Currently all requests for bad debt write offs are presented to Council for consideration.

With the gazettal of Local Planning Scheme No 6 a further review of the Planning Delegations will be required. Any changes to these Delegations will be presented to Council at that time.

It should be noted that Section 5.44 of the *Local Government Act 1995* allows for the Chief Executive Officer to sub-delegate to any employee of the Local Government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under the Act, other than the power of delegation. Sub delegations are included in the Shire of Broome Instrument of Delegation Register for consolidation purposes only and are not a matter for Council consideration.

Chairman:..... Date:

CONSULTATION

Nil

STATUTORY ENVIRONMENT**Local Government Act 1995****5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties -

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,
- are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) –

Chairman:..... Date:

conditions includes qualifications, limitations or exceptions.

5.45. *Other matters relevant to delegations under this Division*

- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984-*
 - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) *Nothing in this Division is to be read as preventing -*
 - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. *Register of, and records relevant to, delegations to CEO and employees*

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Other statutes administered by local governments such as *Planning and Development Act 2005, Building Act 2011, Health Act 1911, Food Act 2008, Cat Act 2011, Control of Vehicles (Off Road Areas) Act 1978, Caravan Parks and Camping Grounds Regulations 1997, Dog Act 1975 and Gaming and Wagering Commission Act 1987* also enable Local Governments to delegate specific functions and powers to Officers.

POLICY IMPLICATIONS

Relevant Policies are cross referenced throughout the Instrument of Delegation Register.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

An organisational culture that strives for service excellence

Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)
Moved: Cr D Male **Seconded: Cr C Mitchell**

Chairman:..... Date:

That Council adopts the reviewed delegations tabled within the attached Instrument of Delegation Register, noting:

- 1. the removal of the Insurance, Public Liability Claims delegation.***
- 2. the inclusion of the following new delegations:***
 - a) Built Strata Certification of Approval – Form 24,***
 - b) Certificate of Premise Complies with Planning Laws – Motor Vehicles, and***
 - c) Write Off of Debts up to \$1,000.***

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0

Attachments

1. Instrument of Delegation Register

10.

**REPORTS
OF
COMMITTEES**

Chairman:..... Date:

10.1 ACCESS AND INCLUSION ADVISORY COMMITTEE - MINUTES 25 NOVEMBER 2014

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	COS09
AUTHOR:	Manager Community Development
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 December 2014

SUMMARY: This report presents the Minutes of the Access and Inclusion Advisory Committee Meeting held 25 November 2014 for Council's consideration.

BACKGROUND

The Access and Inclusion Advisory Committee (AIAC) meets quarterly to advise Council on matters of Access and Inclusion and to oversee the development, implementation and review of the Shire's Disability Access and Inclusion Plan.

Previous Considerations

As outlined in the attached minutes.

COMMENT

The AIAC discussed one item: *5.1 Meeting Dates for 2015* at the meeting held 25 November 2014 and this report now seeks Council's endorsement of the proposed meeting dates for 2015.

A morning tea was held following the meeting to thank members of the AIAC for their contribution during the year.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995
WA Disability Services Act 1993 (as amended 2004)
Equal Opportunity Amendment Act Western Australia (1988)
Disability Discrimination Act (1992)

POLICY IMPLICATIONS

Nil

Chairman:..... Date:

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Effective communication

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

High level social capital that increases community capacity

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

An organisational culture that strives for service excellence

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr A Poelina

That Council receives the Minutes of the Access and Inclusion Advisory Committee (AIAC) meeting held on 3 June 2014 and;

- 1. Adopts the following meeting dates for 2015 to be held on Tuesday, commencing at 10.30am in the Shire of Broome Committee Room;**
Tuesday 17 February 2015
Tuesday 19 May 2015
Tuesday 18 August 2015
Tuesday 17 November 2015
- 2. Requests the Chief Executive Officer to schedule a half hour briefing session immediately prior to each meeting commencing at 10am.**
- 3. Requests the Chief Executive Officer to arrange training for the committee regarding meeting procedure and legislative requirements.**

CARRIED UNANIMOUSLY 6/0

Cr G Campbell acknowledged the good work that this Committee undertakes and thanked them for their efforts.

Attachments

1. MINUTES - Access and Inclusion Advisory Committee - 25 November 2014

The Chairman advised of additional attachments that had been circulated prior to the meeting.

10.2 ARTS, CULTURE AND HERITAGE COMMITTEE - MINUTES 27 NOVEMBER 2014

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	RCS12
AUTHOR:	Manager Community Development
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 December 2014

SUMMARY: This report presents the minutes of the Arts, Culture and Heritage Advisory Committee Meeting held 27 November 2014 and seeks Council's consideration of the Committee's recommendations.

BACKGROUND

The purpose of the Arts, Culture and Heritage Advisory Committee (ACHAC) is:

To provide advice to Council on matters of Arts, Culture and Heritage. This includes matters relating to the Shinju Matsuri Festival such as the scope of financial and in kind support provided to the festival and participation in the Shinju Matsuri Acquisitive Arts Prize.

To provide advice to Council to guide the implementation of the Shire of Broome Public Art Policy.

Previous Considerations

As detailed in the Minutes attached.

The meeting was originally scheduled to take place on 18 November 2014. However after 30 minutes, it was determined that a quorum did not exist and the meeting was adjourned until 27 November 2014 in accordance with Regulation 8 (c) of the Local Government (Administration) Regulations 1996 (s 5.25 (1) (c) Local Government Act 1995).

COMMENT

At the meeting held on 27 November 2014, the ACHAC was asked to consider the following items:

- 5.1 *Broome Civic Centre Logo*
- 5.2 *Meeting Dates for 2015*

As one member of the ACHAC declared a financial interest relating to Item 5.1 and was required to leave the room, it was determined that a quorum did not exist and that this item could not be formally considered by the Committee. The matter was discussed informally after the closure of the meeting and in the interests of progressing this matter,

Chairman:..... Date:

Officers seek Council's endorsement of Concept 1 as the basis for the development of a logo for the Broome Civic Centre. This concept is the one favoured by members of the ACHAC.

Meeting Dates were discussed and a recommendation made by the Committee to hold meetings quarterly on a Thursday commencing at 3pm.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

As detailed in the Minutes attached.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As detailed in the Minutes attached.

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Effective communication

Affordable services and initiatives to satisfy community need

High level social capital that increases community capacity

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

An organisational culture that strives for service excellence

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(OFFICER RECOMMENDATION)

Moved Cr C Mitchell

Seconded: Cr M Manado

That Council requests the Chief Executive Officer to use Concept 1 to develop the logo for the Broome Civic Centre as outlined in the Officer report contained in the attached Minutes.

CARRIED UNANIMOUSLY 6/0

COUNCIL RESOLUTION:
(COMMITTEE RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr D Male

- 1. That Council receives the Minutes of the meeting of the Arts, Culture and Heritage Advisory Committee held on 27 November and adopts the following meeting dates for 2015 to be held on Thursdays, commencing at 3pm in the Shire of Broome Committee Room;***

Thursday 5 February 2015

Thursday 16 April 2015

Thursday 16 July 2015

Thursday 15 October 2015

CARRIED UNANIMOUSLY 6/0

Attachments

- 1. MINUTES - Arts Culture & Heritage Advisory Committee 27 November 2014**

11. NOTICES OF MOTION

Nil

Chairman:..... Date:

12. BUSINESS OF AN URGENT NATURE

With regard to Item 12.1 Cr G Campbell declared a Financial Interest as a “Board Member of KDC and received sitting fees” and departed the Chambers at 5.30pm.

Due to an apology being received from Cr H Tracey, Deputy Shire President the vacation of the position of presiding officer required a nomination from the floor for the position of Chair to enable Item 12.1 to be considered. The Chief Executive Officer called for nominations.

COUNCIL RESOLUTION:

Moved: Cr D Male **Seconded: Cr A Poelina**

That Cr C Mitchell be nominated to the position of presiding officer for the purpose of consideration of Item 12.1 Draft 2036 and Beyond: A Regional Blueprint for the Kimberley.

CARRIED UNANIMOUSLY 5/0

Cr C Mitchell assumed the Chair.

12.1 DRAFT 2036 AND BEYOND: A REGIONAL BLUEPRINT FOR THE KIMBERLEY	
LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ORL21
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	5 December 2014

SUMMARY: Council is requested to consider providing feedback to the Kimberley Development Commission on the draft document, “2036 And Beyond: A Regional Blueprint for the Kimberley”

BACKGROUND

Previous Considerations

Nil

Correspondence was received from the Kimberley Development Commission (KDC) on 11 November 2014 (Attachment 1) advising the Shire of Broome of a public submission period that was seeking comment and feedback on the aforementioned draft Regional Blueprint for the Kimberley. This document has previously been circulated to Councillors under separate cover and is available electronically on the KDC’s website, www.kdc.wa.gov.au. A copy of the Draft Overview for Public Comment and a Frequently Asked Questions sheet forms Attachments 2 and 3 to this report respectively. The public submission period officially closed to members of the public on 3 December 2014, however in consideration of the timing of Ordinary meetings of Council (OMC), verbal advice from the KDC has

confirmed that Council may make formal submission following consideration at the 18 December 2014 OMC.

The document has been developed over the past 18 months and is claimed to be “an aspirational and future focussed plan that has been designed to guide and shape the transformation of the Kimberley well into the future.”

“The Blueprint creates a platform for leadership to stand upon, to engage maturely and constructively across all levels of government, community and industry.

In its aspirational future, Kimberley could have a population of 92,000 by 2036, sustained by an economy led by Agriculture and food production, Minerals and energy production, tourism visitation and supported by a broadening range of industry activity. The resultant labour market would sustain an additional 34,000 new jobs, of which Aboriginal people would need to be involved in over 19,000 new jobs. This transformational outcome would provide a vital underpinning of the future Kimberley society and economy.

Embracing the aspirational future points to six agendas to change the Kimberley:

1. Regional Leadership and development-readiness - towards a culture of strong local leadership that is engaged proactively and maturely in achieving the potential of our region and its people.

2. Enhancing the Capability Services Sector - constructively engage with governments and key service delivery agencies (health, education, housing and workforce development) to ensure they are strong enablers, not barriers, for our regions success.

3. Aboriginal Advancement - a purposeful regional approach to ensuring that Aboriginal people have the capabilities, opportunities and incentives to reach their potential as an integral part of our region's development.

4. Industry and Resources Development - unlocking the sustainable development of our natural resources to add value for the State and create enduring legacy assets in the region.

5. Developing our Regional Centres - developing vibrant and viable regional centres as a key to supporting population growth and enhancing the Kimberley lifestyle.

6. Infrastructure for driving growth - encouraging a deliberate and proactive approach to developing key infrastructure as a catalyst for development.”

Further to this, the Blueprint sets a vision which is based on the principles of “People, Place and Prosperity” having strong alignment with the Shire of Broome's existing Strategic Planning documents.

The vision states:

“The Kimberley aspires to a long term future transformed into one of the world's most successful and sustainable regions. The hallmarks of the success will be:

People - a well-housed, highly educated and healthy people enjoying high amenity in sustainable communities

Place - a place with outstanding infrastructure, services and governance set within a well-conserved and iconic natural environment

Prosperity - shared prosperity arising from the success of the region's main drivers of economic opportunity: Agriculture, Rangeland Industries, Tourism, Minerals & Energy”

The following eight major goals have also been nominated with prescribed measurable targets:

- Minerals and Energy

Chairman:..... Date:

- *Agriculture and Food*
- *Tourism*
- *Rangeland Industries*
- *Housing*
- *Education and Training*
- *Health and Wellbeing*
- *Infrastructure, Service and Governance*

Some of the targets include:

- *“Tripling the value of production from the region’s food industries to \$1 billion per year, coupled with raising agricultural food export earnings to \$590 million per year, and in so doing employing more than 6,000 people in the sector of which almost half could be Aboriginal.*
- *Growing the output value of tourism to \$700 million per year by developing diversified product offerings into a more globally recognised industry, employing 8,000 people and dramatically increasing Aboriginal involvement.*
- *Increasing the employment of Kimberley people in the growing minerals and resource sector to over 60% of the sector’s workforce.*
- *Increasing the supply of regional housing by over 14,000 dwellings and strengthening the housing market through a wider range of housing solutions.*
- *Lifting the region’s educational outcomes to mirror the norms that apply nationally.*
- *Achieving health indicators that match those in the rest of the State and nation.*
- *Providing infrastructure and services that meet the regional needs of industry and community to grow and develop safe and prosperous communities with high standards of community amenity.*
- *Investing in ‘upstream’ solutions to avert inevitable ‘downstream’ costs.”*

Council is requested to consider comments and feedback provided by staff to form the basis of formal comment to be provided on the Blueprint to the Kimberley Development Commission.

COMMENT

From a Shire of Broome perspective, the document is seen to be positive with Broome nominated to be the Regional City of the Kimberley, Kununurra as the Regional Centre and Derby as the sub-regional centre. The document is ‘aspirational’ and predicts the region and Broome could grow to a population of up to 92,283 and 43,230 respectively by 2036. Broome and Kununurra have both been nominated aspirational average growth rates of 5%.

The aforementioned six agendas that have been proposed to change the Kimberley are supported. These are nominated as transformational priorities and cover a broad spectrum of challenges but also opportunities that are there for the region. Overall the intent of the Blueprint is to specify the aspirations for the region and then nominate measurable strategies to achieve such. The document does this well.

Attachment 4 to this report includes comments collated from staff regarding the draft document. It is recommended Council endorse this schedule for submission to the KDC.

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It is noted that Appendix 3 of the Blueprint is a Preliminary Pipeline of Infrastructure and Service Projects. Amendment is proposed to this list to correct estimates on construction costs of some projects and propose the inclusion of projects such as Cape Leveque Road upgrade, Kimberley Regional Offices Redevelopment and Broome Urban Renewal Project.

Other feedback proposed includes:

- Recognition of the need to update the Local Commercial Strategy, Local Housing Strategy and Local Rural Strategy.
- Including an additional challenge to preserve the characteristics of the Kimberley whilst supporting other industries.
- Recognition that impacts of natural hazards are a challenge to land development.
- Recognition that the implications of the Bilateral Agreement of 2006 between Federal and State Government is a challenge.
- Focus on high value industries such as research and development.
- Develop a Tropical Aquaculture Research Facility Campus in Broome.
- Develop and upgrade infrastructure to facilitate export to south-east Asia.
- In regard to pastoral lease reform, consider the development of tourism enterprises that integrate Aboriginal culture and eco tourism.
- Enhance air transport connections between Broome and interstate and international destinations.
- New action to maintain market competitiveness as a tourist destination.
- New action to ensure Local Planning Strategies provide flexibility for pastoral lease diversification.
- Consider innovative approaches to stimulate investment in home ownership.
- Vocational training opportunities be provided in remote communities.
- Consideration of university sub-campuses in Broome.
- Promote investment into the development of accommodation facilities for itinerant medical patients.
- Future revisions of the Blueprint to consider the Shire of Broome's Local Planning Strategy and Community, Economic and Environmental Profiles as part of the evidence base.
- Increase engagement with Native Title Holders.
- Update cost estimates for Regional Resource Recovery Park.
- The West Kimberley also be a focus for increased agricultural development.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Regional Blueprint does identify a preliminary pipeline of infrastructure and service projects. These projects have nominated estimated costs and responsibilities for delivery.

The Frequently Asked Questions document provided by the KDC (please see attached) does state, "...that the Blueprint is not designed to be a list of projects. But by determining

Chairman:..... Date:

the strategies, targets, goals and measures by which projects and initiatives will be assessed now and into the future the Blueprint provides a framework that can help proponents shape projects. Projects that can demonstrate the greatest and most focused contribution to these goals and targets will maximise the opportunities to receive favourable funding considerations from a range of sources."

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Effective communication

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

High level social capital that increases community capacity

Our Place Goal – Help to protect the nature and built environment and cultural heritage of Broome whilst recognising the unique sense of the place:

Realistic and sustainable land use strategies for the Shire within state and national frameworks and in consultation with the community

A built environment that reflects arid tropical climate design principles and historical built form

A unique natural environment for the benefit and enjoyment of current and future generations

A preserved, unique and significant historical and cultural heritage of Broome

Retention and expansion of Broome's iconic tourism assets and reputation

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Affordable and equitable services and infrastructure

Affordable land for residential, industrial, commercial and community use

Key economic development strategies for the Shire which are aligned to regional outcomes working through recognised planning and development groups/committees

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

An organisational culture that strives for service excellence

Sustainable and integrated strategic and operational plans

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Responsible resource allocation

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr D Male

Seconded: Cr A Poelina

That Council request the Chief Executive Officer to thank the Kimberley Development Commission (KDC) for its efforts in developing the Draft “2036 And Beyond: A Regional Blueprint for the Kimberley”, and provide the attached schedule of comments and feedback for their consideration in finalisation of the document.

CARRIED UNANIMOUSLY 5/0

It was noted that the Chief Executive Officer will write to the KDC.

Cr G Campbell returned to the Chambers at 5.35pm.

Cr C Mitchell read aloud the resolution for the benefit of Cr G Campbell.

Attachments

1. Overview: Draft 2036 And Beyond: A Regional Blueprint for the Kimberley
2. Blueprint Frequently Asked Questions
3. Comments on Regional Blueprint

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

14. MATTERS BEHIND CLOSED DOORS

This item and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, 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”.

With regards to Item 9.1.2 Cr C Mitchell disclosed that “I have an association with N W Expo as a committee member. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly”.

With regard to Item 9.1.2 Cr D Male declared a Financial Interest as the “applicant is a client of my business” and departed the Chambers at 5.35pm and she stated that she will not be returning to the meeting.

COUNCIL RESOLUTION:
 Moved: Cr C Mitchell Seconded: Cr M Manado
 That Council move behind closed doors to consider Agenda Item 9.1.2.
CARRIED UNANIMOUSLY 5/0

Members of the gallery departed the Chambers at 5.36pm excepting for Elisabeth Lucke.

COUNCIL RESOLUTION
 Moved: Cr C Mitchell Seconded: Cr P Matsumoto
 That Council be permitted to engage directly with Ms Elisabeth Lucke.
CARRIED UNANIMOUSLY 5/0

The Chairman permitted engagement between Council and Elisabeth Lucke at 5.38pm.

Questions and clarifications were sought.

Elisabeth Lucke departed the Chambers at 5.46pm.

9.1.2 NORTH WEST EXPO UPDATED REQUEST - VENUE LICENCE, SPONSORSHIP AGREEMENT AND BANK OVERDRAFT GUARANTEE

LOCATION/ADDRESS:	Broome Recreation and Aquatic Centre Reserve 42502
APPLICANT:	North West Expo Inc
FILE:	LSS078, REE11, LEG285
AUTHOR:	Manager Community Development
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 December 2014

SUMMARY: Following Council's consideration of this matter at the OMC 27 November 2014, North West Expo Inc has provided further information as requested and is now seeking approval to amend the dates of North West Expo for 2015 and future events, continued support for in kind activities and a Shire guarantee of a bank overdraft facility to the value of \$100,000.

This report seeks Council's consideration of these requests in light of the additional information provided. Officers are recommending approval of the change of dates but are proposing that the Shire decline to provide any overdraft guarantee but provide in-kind support only for the 2015 event. Officers are further recommending any future support for 2017 event onwards is considered after the 2015 event together with the provision of audited financial statements.

COUNCIL RESOLUTION:

Moved: Cr P Matsumoto

Seconded: Cr M Manado

That Standing Orders be suspended at 5.47pm.

CARRIED UNANIMOUSLY 5/0

Questions and clarifications were sought.

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr A Poelina

That Standing Orders be reinstated at 6.03pm.

CARRIED UNANIMOUSLY 5/0

The Report Recommendation was moved by Cr M Manado.

The motion was seconded by Cr G Campbell.

Chairman:..... Date:

The motion was opposed by Cr C Mitchell

Debate ensued.

REPORT RECOMMENDATION:

Moved: Cr M Manado

Seconded: Cr G Campbell

That Council:

1. Notes the changed delivery model of North West Expo to a biennial event and approves the proposed date changes for the 2015 and 2017 events.
2. Advises North West Expo that on the basis of the information provided and resulting concerns regarding the financial situation and ambitious sponsorship targets for the 2015 event declines to provide any bank overdraft facility for the North West Expo until Audited financial statements can be provided which confirm the financial viability of the organisation and that it is a going concern.
3. Confirms the Shires continuing level of in-kind support for the 2015 event to the value of \$48,707 for venue hire and public works plus storage.
4. Requests the Chief Executive Officer to amend the Licence and Sponsorship Agreement to reflect these changes and seek the appropriate approval from the Minister for Lands.
5. Authorises the Shire President and Chief Executive Officer to engross the amended documents; and
6. Advises North West Expo Council will consider support for the 2017 and future events at the completion of the 2015 together with the provision of Audited Financial Statements.

MOTION LOST 2/3

Cr G Campbell requested that all votes be recorded in accordance with Section 5.21(4)(b) of the Local Government Act 1995.

Voting

For the Motion: Cr M Manado, Cr G Campbell

Against the Motion: Cr C Mitchell, Cr A Poelina and Cr P Matsumoto

Cr C Mitchell moved an alternate motion.

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr A Poelina

That Council:

Chairman:..... Date:

1. **Notes the changed delivery model of North West Expo to a biennial event and approves the proposed date changes for the 2015 and 2017 events.**
2. **Advises North West Expo that on the basis of the information provided and resulting concerns regarding the financial situation and ambitious sponsorship targets for the 2015 event declines to provide any bank overdraft facility for the North West Expo until Audited financial statements can be provided which confirm the financial viability of the organisation and that it is a going concern.**
3. **Confirms the Shires continuing level of in-kind support for the 2015 event to the value of \$48,707 for venue hire and public works plus storage.**
4. **Requests the Chief Executive Officer to amend the Licence and Sponsorship Agreement to reflect these changes and seek the appropriate approval from the Minister for Lands.**
5. **Authorises the Shire President and Chief Executive Officer to engross the amended documents; and**
6. **Advises North West Expo Council will consider support for the 2017 and future events at the completion of the 2015 together with the provision of Audited Financial Statements.**
7. **Defer consideration of the overdraft request until such time as the North West Expo Committee has provided confirmation of significant sponsorship to enable the Expo to proceed. This confirmation to be provided to the Shire of Broome prior to 31 January 2015.**

CARRIED UNANIMOUSLY 5/0

Reason: To defer consideration of the overdraft request, pending receipt of confirmation of significant sponsorship for the event.

Attachments

1. Attachment 1 - NW Expo Janyba Strategic Plan 2014 (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)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, 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”.

2. Attachment 2 - NW Expo Budgets and cashflows.pdf (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)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the

information is held by, or is about, a person other than the local government”, 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”.

- 3. Attachment 3 NW Expo Projects (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)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, 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”.

- 4. Attachment 4 - NW Expo - Janyba Funding Model.pdf (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)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, 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. Attachment 5 NW Expo - Financials (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)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, 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”.

- 6. Attachment 6 NW Expo - Sponsor support.pdf (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)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, 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”.

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr M Manado

That the meeting be re-opened to the public at 6.24pm.

CARRIED UNANIMOUSLY 5/0

The Council Chambers were opened at 6.24pm and it was noted that no members of the public returned to the Chambers.

The Shire President thanked all staff and Directors for all the work behind the scenes.

The Chief Executive Officer responded on behalf of the staff and thanked the Shire President and Councillors for the challenging year in 2014 and is very proud to serve Council. It is our love of Broome and living here that makes it. Best wishes to all families at Christmas.

15. MEETING CLOSURE

There being no further business the Chairman declared the meeting closed at 6.27pm.

Chairman:..... Date: