



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

SPECIAL MEETING OF COUNCIL

12 MAY 2015

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:

SHIRE OF BROOME
SPECIAL MEETING OF COUNCIL
TUESDAY 12 MAY 2015
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NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome will be held on Tuesday, 12 May 2015 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5:00pm for the purpose of considering:

- ORDINARY MEETING OF COUNCIL 2 JUNE 2015
- YAWURU PARK COUNCIL- MINYIRR PARK STAIRCASE TENDER
- YAWURU PARK COUNCIL - DRAFT 2014/15 YAWURU CONSERVATION ESTATE BUDGET

Regards



K R DONOHOE
Chief Executive Officer

08/05/2015

Chairman: Date:

**MINUTES OF THE SPECIAL MEETING OF COUNCIL OF THE SHIRE OF BROOME,
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,
ON TUESDAY 12 MAY 2015, 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 H Tracey Deputy Shire President
 Cr A Poelina
 Cr M Lewis
 Cr D Male
 Cr C Mitchell
 Cr M Manado (From 5.03pm)

Leave of Absence: Nil

Apologies: Nil

Officers: Kenn Donohoe Chief Executive Officer
 Sam Mastrolembo Director Corporate Services
 Andre Schonfeldt Director Development Services
 Michael Dale Director Engineering Services
 Rochelle Pigginn Manager Governance
 Simon Penn Media and Promotions Officer
 Erin Harding Senior Administration & Governance Officer

Public Gallery: Trudi Ridge Shire of Broome

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest
Nil	Nil	Nil	Nil

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
Nil	Nil	Nil	Nil

4. PUBLIC QUESTION TIME

Nil

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

Chairman: Date:

6.

**REPORTS
OF
OFFICERS**

Chairman: Date:

6.1

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.

There are no reports in this section.

6.2

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:

There are no reports in this section.

6.3

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:

There are no reports in this section.

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:

6.4.1 ORDINARY MEETING OF COUNCIL 2 JUNE 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	AME01
AUTHOR:	Manager Governance
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 May 2015

SUMMARY: Due to the number of Leave of Absence requests granted at the Ordinary Meeting of Council held 30 April 2015, the Ordinary Meeting of Council scheduled to be held on 28 May 2015 will not have sufficient numbers to commence at 5pm with a quorum.

This report requests Council to consider rescheduling the holding of the Ordinary Meeting of Council to Tuesday 2 June 2015 commencing at 5.00pm in the Council Chamber.

BACKGROUNDPrevious Considerations

OMC 27 November 2014

In accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, local governments are to at least once a year provide local public notice of the date, time and location that their Ordinary Meetings of Council are to be held within the next 12 months.

Council adopted the Council Meeting dates for 2015 at the Ordinary Meeting of Council held 27 November 2014, and these dates were subsequently advertised in the Broome Advertiser on 18 December 2014, notices were placed on the Shire Administration and Library notice boards and on the website.

COMMENT

At the Ordinary Meeting of Council held 30 April 2015 the following Councillors were granted a Leave of Absence for the dates indicated:

- Cr A Poelina 22 May – 12 June 2015
- Cr P Matsumoto – 25 May – 1 June 2015
- Cr C Mitchell – 28 May 2015
- Cr D Male – 25 May – 15 June 2015 (inclusive)

Whilst it is noted that Cr Mitchell advised he should be in attendance from 6pm, subject to there being no delays to his return flight, this means that there will be insufficient numbers to achieve a quorum for the commencement of the 28 May 2015 Ordinary Meeting of Council at 5.00pm.

Chairman: Date:

The Shire President and Chief Executive Officer have discussed the options available and an alternative date of Tuesday 2 June 2015 has been recommended. The meeting is proposed to commence at 5.00pm in the Council Chamber.

In accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996* local public notice will be provided as defined under section 1.7 of the *Local Government Act 1995*. A notice will be placed in the Broome Advertiser, on the Shire of Broome Administration and Library notice boards and in addition on the Shire of Broome website.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be -
- (a) published in a newspaper circulating generally throughout the district; and
 - (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is -
- (a) published under subsection (1)(a) on at least one occasion; and
 - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than -
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held -

- (a) if called for by either -
 - (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting;
or

- (b) if so decided by the council.

5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

Chairman: Date:

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to:
- (g) the giving of public notice of the date and agenda for council or committee meetings;

Local Government (Administration) Regulations 1996**12. Public notice of council or committee meetings — s.5.25(1)(g)**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- (a) the ordinary council meetings; and
- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
- are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).
- (3) Subject to sub-regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in sub-regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In accordance with regulation 12 of the *Local Government (Administration) Regulations 1996* an advertisement will be placed in the Broome Advertiser at an approximate cost of \$300. Any advertising of Council Meeting dates has been included in the 2014/2015 Budget under Account No. 142100.

STRATEGIC IMPLICATIONS

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

Effective communication

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

Chairman: Date:

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Council:

1. ***Calls an Ordinary Meeting of Council on Tuesday 2 June 2015 commencing at 5.00pm in the Council Chamber in accordance with Section 5.4(b) of the Local Government Act 1995, and***
2. ***In accordance with regulation 12 of the Local Government (Administration) Regulations 1996 provide local public notice in the Broome Advertiser, place notices on the Shire of Broome Administration and Library notice boards, and in addition on the Shire of Broome website advising that the Ordinary Council Meeting of 28 May 2015 has been cancelled and a new meeting is to be convened at 5pm 2 June 2015.***

CARRIED UNANIMOUSLY 6/0

Attachments

Nil

Cr M Manado entered the Chambers at 5.03pm.

6.4.2 YAWURU PARK COUNCIL- MINYIRR PARK STAIRCASE TENDER

LOCATION/ADDRESS:	Minyirr Park
APPLICANT:	Yawuru Park Council
FILE:	NAT 55
AUTHOR:	Coastal Park Governance Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 May 2015

SUMMARY: *The Department of Parks and Wildlife require the Yawuru Park Council to approve the granting of a tender to construct stairways and viewing platforms within the Minyirr Park.*

This report considers Tenders received for the construction of stairways and viewing platforms at Minyirr Park and seeks Council endorsement of the recommendation contained in the construction tender recommendation report. Council's resolution on this matter will allow the Yawuru Park Council to consider awarding of the tender.

BACKGROUND

Yawuru Park Council Previous Considerations

The Yawuru Park Council (YPC) had considered pedestrian dune crossing's and infrastructure development within Minyirr Conservation Estate at three previous YPC Meetings (December 2012, March 2013 May 2013).

At YPC Meeting Number 18 (May 2013), the YPC agreed to approve trail works in Minyirr Park. Shire representatives requested a final summary sheet with the total cost of the project and advised that there is a requirement for Local Governments to have an asset management system.

YPC Agenda Extract as follows:

Yawuru Park Council Meeting Number 18. Meeting Date: 15 May 2013

YPC Agenda Item 4.3. Proposed Trial work project in Minyirr Park: Update including maintenance costs

RECOMMENDATION:

That the Yawuru Park Council;

- 1) Approve the works proposed in stage two as per information provided.*
- 2) Shire confirm the availability of funding from Landcorp (\$50,000) for the dune crossing at Banu Avenue*

VOTING REQUIREMENTS:

Yawuru/ Shire

OUTCOME:

Approved (consensus)

COMMENT

A Draft Recreational Masterplan is currently being developed by Department of Parks and Wildlife for the Yawuru Conservation Estate. This Recreation Master Plan provides broad

Chairman: Date:

direction for recreation activities and facilities within the Conservation Estate, both in and adjacent to Broome.

Existing facilities throughout the Conservation Estate are limited and the lack of facilities combined with the increasing population and tourism pressures is now having detrimental impacts. Facilities including signage, vehicle barriers, shelters and paths are generally out dated and require maintenance. Visitors to the Conservation Estate mirror the annual Broome population cycle with a moderate but constant level of local use throughout the year and a sharp increase in visitation through the dry season (May – October). Visitation is dependent on access, with the In-Town Estate areas receiving the highest visitation, particularly Minyirr Park and Gantheaume Point.

In May 2013, YPC agreed to upgrade of two rope ladder structures/dune crossings. These works were to include the construction of two staircases and one lookout deck on the Balarrri and Birndany trails (referred to at this time as Howe Drive South and Banu Avenue trails).

Attachment A - In Town Parks - Recreation Master plan (North) – Drawing 4.

The Department of Parks and Wildlife (Kimberley Region) engaged the WA Department of Finance– Building, Management and Works (BMW) to progress a design and manage the delivery of works. BMW cost estimates for professional services and project management have been presented as \$ 28,000.

A Tender for the stairways and viewing platforms was progressed by BMW and advertised via Tenders WA. Tenders closed on 4 February 2015 and 11 submissions were received from 9 tenders with two alternate tenders.

Attachment B- Tender Documents- Minyirr Park Staircase Drawings.

Details of the tender process and the review of tenders is contained within the Tender Recommendation Report.

Attachment C- BMW Tender Recommendation Report.

Due to conflicting Shire of Broome and BMW processes relating to building permit requirements, the awarding of the Tender is yet to progress. BMW have notified their preferred tenders to extend the tender validity period.

Attachment D – BMW Tender Assessment Presentation - 4th March 2015

A number of meetings were required between YPC member organisations and BMW to progress and building requirements for infrastructure on the Conservation Estate. The Shire sought advice from the Building Commission, and it has been agreed that a Building Permit is required for all works, although a registered builder is not required.

DPaW provided the YPC Members with a Briefing Note on 22nd April 2015 to gain an out of session Recommendation to proceed with the formal engagement of the successful tenderer. However, as Shire delegates appointed to the Yawuru Park Council are appointed to represent the position and the interests of the Shire of Broome and have no delegation rights, this matter is being brought back to Council for a resolution.

Attachment E- YPC Members Briefing Note 22nd April 2015.

Lotterywest Grant

The Shire of Broome were successful in securing an Outdoor Community Facility Grant (Application Number: 421003899) on 18 July 2013. The Grant Application was lodged March 2013. The approved grant of \$100,000 is for the construction of a 'staircase over sand dunes' (Minyirr Park).

The Shire of Broome contacted Lotterywest on 18 July 2014 to request an extension of time for the project and were advised on 29 August 2014 that the acquittal extension was confirmed to 30 June 2015, with funding to be provided on provision of receipts. The Shire of Broome will request a further extension to the Lotterywest Grant upon award of the tender.

Attachment F – Lotterywest Response -3 September 2014.

Landcorp Contribution

During the construction of Januburu Six Seasons Stage 4, a condition of subdivision was that Landcorp provided \$70,000 “for maintenance and future dune crossings”.

Attachment G- Landcorp \$70,000 Grant Agreement

This grant amount has been held in a Shire of Broome Trust Account and has accrued interest and the total available amount is \$85,247.96 (Account: T2849 – Town Planning Bond Trust Fund). An amount of \$50,000 is to be assigned to the Minyirr Park Staircase project.

CONSULTATION

Department of Finance – Building, Management and Works
 Department of Parks and Wildlife
 Nyamba Buru Yawuru
 Yawuru Park Council
 Building Commission

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.
- (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.

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

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.

ASSOCIATED DOCUMENTS

Yawuru Prescribed Body Corporate Indigenous Land Use Agreement – Broome (Yawuru PBC ILUA)

Chairman: Date:

Yawuru Area Agreement Indigenous Land Use Agreement – Broome (Yawuru Area Agreement ILUA)

Joint Management Agreement (JMA)

Assistance Agreement (AA)

POLICY IMPLICATIONS

Shire of Broome Yawuru Park Council Policy 1.5.1

- There is no delegation to the Yawuru Park Council representatives.

FINANCIAL IMPLICATIONS

The Shire will provide \$50,000 that was a developer contribution by Landcorp and has been managed as a Shire of Broome Trust account since 2009. The Shire will also access Lotterywest funding of \$ 100,000 which was initially granted in 2013. The remainder of the funds for the project will be obtained from the YPC Trust Account.

The total budget required to award the tender is \$240,313 (or \$263,344 GST Inc.). The BWM costs to undertake the management of the construction work is estimated to be \$17,244. There is sufficient budget to proceed with the award of the tender and management of the works.

The table below outlines funding sources for the capital and lifecycle costs.

Funding Source:

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)	Funding Details	Account Number
Grant	\$100,000		Lotterywest	GL105400
Reserve	\$50,000		Landcorp	T2849 – Town Planning Bond Trust Fund
YPC 2014/15 Budget	\$90,313		YPC Trust Account	
Renewal		\$16,7730	YPC Trust Account	
Maintenance		\$4,700	YPC Trust Account	
TOTAL	\$240,313	\$21,430		

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

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:

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

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

Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr C Mitchell

Seconded: Cr ML Lewis

That Council:

1. **Endorses the recommendations as contained in the confidential construction tender recommendation report (BMW 0590814), as prepared and administered through the Department of Building Maintenance and Works to construct stairways and platforms at Minyirr Park.**
2. **Amends the following budget line items on acquittal of the project and receipt of a valid tax invoice:**
 - a. **GL 105400 - Development Grants Rec'd - Op Inc - Protection of Environment increase by \$150,000 income being receipt of \$100,000 Lotterywest grant funding, and \$50,000 Trust Account T2849 Landcorp Town Planning Bond to be redeemed out of trust.**
 - b. **Job 105055 - Coastal Management Operational - Op Exp -Prot of Environment increase by \$150,000 being grant and trust funds expenditure for project funding forwarded.**
3. **Authorises the Shire of Broome's delegates to the Yawuru Park Council to endorse the recommendations as contained within the confidential construction tender recommendation report (BMW0590814) at the next meeting of the Yawuru Park Council.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7/0

Attachments

1. Attachment A - In Town Parks - Recreational Master Plan (North) - Drawing 4
(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)(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 B - Tender Documents - Minyirr Park Staircase Drawings (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)(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 C - BMW Tender Recommendation Report (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)(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 D - BMW Tender Assessment Presentation (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)(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 E - YPC Members Briefing Note 22 April 2015 (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)(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 F - Lotteries West Response 3 September 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)(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”.

7. Attachment G - Landcorp \$70,000 Grant Agreement (Confidential to Councillors and Directors Only)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((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”.

7.

**REPORTS
OF
COMMITTEES**

Chairman: Date:

7.1 YAWURU PARK COUNCIL - DRAFT 2014/15 YAWURU CONSERVATION ESTATE BUDGET

LOCATION/ADDRESS:	Yawuru Conservation Estate
APPLICANT:	Yawuru Park Council
FILE:	NAT 55.1
AUTHOR:	Coastal Park Governance Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 May 2015

SUMMARY: The draft 2014/15 Yawuru Conservation Estate Budget and the February 2015 Yawuru Trust Account was presented at the Yawuru Park Council Meeting on 18 March 2015. This report recommends that Council endorse the draft 2014/15 Yawuru Conservation Estate Budget and the February 2015 Yawuru Trust Account.

BACKGROUND

Previous Considerations

Yawuru Conservation Estate	OMC	27 November 2014	Item 10.2
	OMC	29 October 2009	Item 9.1.1
Yawuru Park Council Representation	OMC	22 May 2014	Item 10.2
	OMC	21 November 2013	Item 9.4.6
	OMC	30 September 2010	Item 9.1.1
In Town Management Plan	OMC	21 February 2013	Item 9.2.13
	OMC	19 April 2012	Item 9.2.4
	OMC	15 March 2012	Item 9.2.5
	OMC	1 August 2011	Item 9.4.8
Out of Town Management Plan	SMC	29 May 2013	Item 9.2.1
	OMC	4 October 2012	Item 9.2.1

In 2010, the Indigenous Land Use Agreements (ILUA) between the State and Yawuru were registered and executed. Included in the Agreement were new areas of Conservation Estate to be jointly managed in a variety of management regimes, by Yawuru, the Department of Parks and Wildlife (DPaW) and the Shire of Broome. Areas included the proposed Roebuck Bay Marine Park, intertidal and land based areas outside of the Broome Townsite, as well as areas within the Broome Townsite. Management of the new areas of the Conservation Estate is overseen by the Yawuru Park Council (YPC) which comprises three representatives each from Yawuru, DPaW and the Shire.

Funding identified through the ILUA comprises \$11.5million over 5 years to 2013/14. Funds are managed by DPaW for employment of Yawuru Park Rangers and Joint Management Staff, capital works, operational costs and the development of management plans.

The table below identifies the various areas within the Yawuru Conservation Estate, and the YPC voting and tenure responsibilities.

Conservation Estate Area	YPC Voting and Tenure Responsibility
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Chairman: Date:

Minyirr Buru.(In-Town Conservation Estate)	Yawuru NBY and SoB.
Cable Beach Intertidal Zone (currently within the Out of Town Conservation Estate). Located approximately 600 metres north of the rocks and is referenced as Area 25 Portion 1 & 2 ITZ Tri-partite Management Area (Yawuru PBC ILUA).	Draft Management Plans and tri-partite arrangements yet to be developed.
Birragun. (Out-of-Town Conservation Estate)	Yawuru NBY and DPaW.
Nagulagun. (Marine Park)	Yawuru NBY and DPaW.
Yawuru Conservation Estate (YCE). (Matters relating to the whole of the Conservation Estate).	Yawuru NBY, SoB and DPaW (non land tenure issues). Occasionally YPC Agenda Items are submitted relating to the Estate as a whole (as an example the development of a communications plan, branding development and off road vehicles).

COMMENT

At the YPC meeting held on 18 March 2015 (Meeting Number 27), the status of the Yawuru Trust Account and a draft 2014/15 Yawuru Conservation Estate Budget were presented.

YPC Draft Minutes (Meeting Number 27) - Agenda Item 5.5 - YPC Recommendation:

<p>REPORT RECOMMENDATION:</p> <ol style="list-style-type: none"> 1. <i>YPC recommends the reporting of the current existing Trust Account to reflect the role and responsibilities of the Yawuru Park Council.</i> 2. <i>NBY, SOB and DPaW commit to progress the 2015/16 financial year budget estimates by nominating two representatives from each organisation to complete this project before the second (next) YPC meeting, in 2015. Organisation to nominate participants today. (next) YPC meeting, in 2015.</i> 3. <i>Adopt the DRAFT budgets prepared by the NBY, SOB and DPaW working group for the 14/15 financial year that the cover both in town and out of town reserves within discrete budgets. (Note: that this recommendation needs to be adopted by NBY and SOB in special meeting, prior to the next YPC meeting).</i> <p>Moved: GC Seconded: DS</p>
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Note: GC – Graeme Campbell. DS – Darren Stevens.

The draft 2014/15 Yawuru Conservation Estate Budget separated the existing Joint Management Funds into Out of Town and In Town Conservation Estate Budgets.

Attachment 1: Draft 2014/15 Yawuru Conservation Estate Budget

Chairman: Date:

The YPC has adopted the draft 2014/15 Yawuru Conservation Estate Budget. This resolution is required to be adopted by both the Shire of Broome and NBY.

At the end of February 2015, there was \$5,175,081 remaining in the Yawuru Trust Account for the management of the Yawuru Conservation Estate.

Attachment 2: Yawuru Trust Account February 2015.

The current ILUA funds are anticipated to extend past the funding timeframe by approximately two to three financial years (2016/17). After this time it is unknown how or if the joint management arrangement will continue to be funded. External funding opportunities have been sought to boost the ILUA funds, particularly for capital works, which may include dune crossing and trail improvements, particularly within the In Town Conservation Estate.

CONSULTATION

Department of Parks & Wildlife
Nyamba Buru Yawuru
Yawuru Park Council

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Land Administration Act 1997 - Section 49

"49 . Management plan for managed reserve

- (1) A management body may submit to the Minister for his or her approval a plan for the development, management and use of the Crown land in its managed reserve for the purpose of that managed reserve.
- (2) The Minister may request a management body or proposed management body to submit to the Minister in an approved form, within such period as is specified in that request, for his or her approval a plan for the development, management and use of the Crown land in the managed reserve of the management body for the purpose of that managed reserve.
- (3) A management body must, before submitting a plan to the Minister under subsection (1) or in response to a request under subsection (2) —
 - (a) consider any conservation, environmental or heritage issues relevant to the development, management or use of the Crown land in its managed reserve for the purpose of that managed reserve; and
 - (b) incorporate in the plan a statement that it has considered those issues in drawing up the plan.
- (4) If a management body submits a plan to the Minister under subsection (1) or in response to a request under subsection (2) and the Minister approves that plan and notifies the management body of that fact, the management body may develop, manage and use the Crown land concerned —

- (a) *in accordance with the plan; or*
- (b) *if the Minister approves a variation of the plan, in accordance with the plan as varied."*

Conservation and Land Management Act 1984 (WA) (Conservation Commission)

CALM Act (Executive Body)

Assistance Agreement (AA) - Section 33(1)(f) CALM Act 1984 (WA)

"33. CEO, functions of

(1) *The functions of the CEO are, subject to the direction and control of the Minister —*

- (f) *to provide advice to, or undertake work for or jointly with, and to supply services or facilities to, any department, public or private body or other person, whether in the State or elsewhere if the Minister is of the opinion that the provision of that advice or the undertaking of that work is in the public interest; "*

Marine Parks and Reserves Authority (Section 26A of the CALM Act - Marine Authority)

Dog Act 1976

Cat Act 2011

Control of Vehicles (Off-road Areas) Act 1978

Control of Vehicles (Off-road Areas) Regulations 1979

POLICY IMPLICATIONS

Shire of Broome Yawuru Park Council Policy 1.5.1.

Note there is no delegation to the Shire of Broome Yawuru Park Council representatives.

ASSOCIATED DOCUMENTS

Yawuru Prescribed Body Corporate Indigenous Land Use Agreement – Broome (Yawuru PBC ILUA)

Yawuru Area Agreement Indigenous Land Use Agreement – Broome (Yawuru Area Agreement ILUA)

Joint Management Agreement (JMA)

Assistance Agreement (AA)

FINANCIAL IMPLICATIONS

The draft 2014/15 Yawuru Conservation Estate Budget and February 2015 Yawuru Trust Account are attached.

The adoption of the draft 2014/15 Yawuru Conservation Estate Budget is predominately retrospective as the financial year is over 80% progressed.

The use of Shire Staff to progress the draft 2015/16 Yawuru Conservation Estate Budget will be covered by the Shire's operational budget.

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

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 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

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

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:

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr A Poelina

That Council endorses the attached recommendations of the draft 2014/15 Yawuru Conservation Estate Budget and the February 2015 Yawuru Trust Account, and authorises its delegates to inform the Yawuru Park Council of this resolution.

CARRIED UNANIMOUSLY 7/0

Attachments

1. Draft 2014/15 Yawuru Conservation Estate Budget
2. Yawuru Park Council Trust Account - February 2015

8. MATTERS BEHIND CLOSED DOORS

Nil

9. MEETING CLOSURE

There being no further business the Chairman declared the meeting closed at 5.19pm.