



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."

AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

2 JUNE 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.

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					LOA				
	26 March									
	30 April	LOA						A		
	2 June				LOA			LOA		
	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 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
 - (iiia) 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
TUESDAY 2 JUNE 2015
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NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Tuesday, 2 June 2015 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards

A handwritten signature in black ink, appearing to read 'K R Donohoe', with a horizontal line underneath.

K R DONOHOE
Chief Executive Officer

21/05/2015

1. OFFICIAL OPENING**2. ATTENDANCE AND APOLOGIES**

Leave of absence: Cr A Poelina and Cr DM Male as granted at the OMC 30 April 2015

Attendance:

Leave of Absence:

Apologies:

Officers:

Public Gallery:

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest

4. PUBLIC QUESTION TIME**5. CONFIRMATION OF MINUTES**RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 30 April 2015 be confirmed as a true and accurate record of that meeting.

RECOMMENDATION:

That the Minutes of the Special Meeting of Council held on 12 May 2015 be confirmed as a true and accurate record of that meeting.

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

7. PETITIONS

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Under section 5.23 (2)(d) of the *Local Government Act 1995* Council may resolve to move the meeting behind closed doors.

9.

**REPORTS
OF
OFFICERS**

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.

9.1.1 APPOINTMENT OF A DEPUTY AND AN ADDITIONAL COMMUNITY MEMBER TO THE ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	CDE13
AUTHOR:	Manager Community Development
CONTRIBUTOR/S:	Youth and Community Development Officer
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 May 2015

SUMMARY: This report seeks Council's consideration of a request to appoint an additional Councillor Deputy and an additional community member to the Arts, Culture and Heritage Advisory Committee, advertise for vacancies on the committee, and approval to amend the Committee's Terms of Reference accordingly.

BACKGROUND

Previous Considerations

OMC 26 August 2008	Item 9.2.3
OMC 6 September 2012	Item 9.1.2
OMC 1 November 2012	Item 9.1.2
OMC 27 April 2014	Item 10.3

On 6 September 2012, Council resolved to establish an Arts, Culture and Heritage Advisory Committee (ACHAC) and on 1 November 2012, adopted the Terms of Reference for this Committee and appointed members to the Committee following an Expression of Interest (EOI) process.

The purpose of the ACHAC as contained in the Terms of Reference 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 Art Prize.

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

Since its establishment, the ACHAC has made recommendations to Council regarding a number of matters including but not limited to;

- Public Art Masterplan
- Municipal Heritage Inventory
- Priorities for arts, culture and heritage to be included in the Strategic Community Plan
- Chinatown Heritage Signage Project
- Broome Civic Centre Management Plan
- Shinju Matsuri Inc Sponsorship Agreement 2015-2017

Following two resignations received from members of the ACHAC, Council resolved to appoint the following members to the Committee at its Ordinary Meeting of Council held on 27 April 2014;

- Councillor P Matsumoto as an elected member representative
- Rani Middleton as a Community Representative
- Cr M Lewis as a Deputy elected member representative

In addition, the representative from Nagula Jarndu (arts organisation delegate) has advised that due to a recurrent requirement to declare a financial interest in matters discussed and therefore not participate, she has tendered her resignation but would like to nominate another representative from Nagula Jarndu to the Committee.

Therefore, the ACHAC currently comprises the following membership;

3 x Councillors	Cr A Poelina Cr P Matsumoto Cr M Manado	Deputy: Cr G Campbell Deputy: Cr M Lewis Deputy: vacant
1 x Heritage Organisation	Sarah Keenan	Broome Historical Society
1 x Arts Organisation	vacant	
1 x Cultural Organisation	Sarah Yu	Nyamba Buru Yawuru
3 x Community Representatives	Eunice Yu (Chairperson) Gwen Knox (Deputy Chair) Rani Middleton	

The Terms of Reference for the ACHAC stipulates quarterly meetings and requires a quorum of five (5) members including at least one (1) elected member delegate. A quorum has not been achieved for the last two scheduled meetings of the ACHAC (5 February and 16 April 2015).

In light of this and given that the ACHAC will oversee the implementation of the Public Art Master Plan endorsed by Council in February of this year, members of the ACHAC have proposed to Officers that Council considers appointing an additional member to the Committee, particularly with skills and experience in the visual arts.

Council could also request Nagula Jarndu as the appointed arts organisation member, to nominate an alternative representative. However, in accordance with the Terms of Reference for the ACHAC as outlined below, it is proposed that the Shire seeks expressions of interest from the community for all community representative vacancies.

7.2 Tenure of Membership

Where a person is appointed as a member of the Arts, Culture and Heritage Committee the person's membership of the Committee continues until —

- *The person no longer holds office by virtue of which the person became a member.*

Consequently, this report seeks Council's consideration of a proposal to appoint:

1. an additional elected member deputy to the ACHAC to fill a current vacancy;
2. one additional community representative; and

to seek Expressions of Interest to fill the proposed community representative vacancies.

COMMENT

In addition to filling a current vacancy for an elected member deputy an arts organisation delegate, Shire officers propose the appointment of an additional member of the community to the ACHAC. The reasons for this are twofold;

1. This will provide greater opportunity to achieve a quorum at committee meetings;
2. This will address a perceived gap in skills and expertise as discussed with the members of the ACHAC.

The current membership of the ACHAC provides limited knowledge and skills in the area of visual and public art. While performance, heritage and culture are well represented, some Committee members have expressed concern that if the ACHAC is to be involved in any decisions regarding public and/or visual arts, then those skills would be required.

It is proposed that the Shire advertises the proposed vacancies and a recommendation is made to Council at the Ordinary Meeting of Council to be held on 25 June regarding appointment. This will allow appointment of a community member with the necessary skills prior to the next meeting of the ACHAC and increase the possibility of achieving a quorum.

CONSULTATION

Community and organisation members of the Arts, Culture and Heritage Committee

STATUTORY ENVIRONMENT

Local Government Act 1995

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

* Absolute majority required.

- (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member;

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee;

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

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

Absolute Majority

REPORT RECOMMENDATION:

That Council:

1. *Appoints Councillor _____ as a Deputy to the Arts, Culture and Heritage Committee.*
2. *Endorses the proposal to appoint an additional community member to the Arts, Culture and Heritage Advisory Committee particularly with experience in visual arts.*
3. *Requests the Chief Executive Officer to;*
 - (a) seek Expressions of Interest from the community for the following positions on the Arts, Culture and Heritage Advisory Committee;*
 - (i) Arts Organisation representative*
 - (ii) Community representative (visual arts)*
 - (b) make a recommendation to Council to appoint members in the above categories;*
 - (c) amend the Terms of Reference for the Arts, Culture and Heritage Committee accordingly.*

(ABSOLUTE MAJORITY REQUIRED)

Attachments

Nil

9.1.2 DISPOSAL OF 4 JONES PLACE

LOCATION/ADDRESS:	4 Jones Place, Broome
APPLICANT:	Nil
FILE:	RES38845
AUTHOR:	Manager Economic Development
CONTRIBUTOR/S:	Manager Community Development Strategic Planning Coordinator
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 May 2015

SUMMARY: Council had previously considered tenders for the disposal of this property and decided not to accept any tender.

A subsequent workshop was held with Councillors as per Council's resolution and this report proposes a process that Council can consider for the disposal of the Jones Place property moving forward.

The report also recommends that the Shire undertakes minor works required to the facility to ensure safety.

BACKGROUNDPrevious Considerations

OMC 24 July 2008	Item 11.2
OMC 14 April 2011	Item 9.2.4
OMC 19 December 2013	Item 9.2.3
OMC 27 November 2014	Item 9.1.4

At the Ordinary Meeting of Council held on 27 November 2014 it was resolved:

That Council:

1. *In accordance with Local Government Functions and General Regulations 18 Council declines to accept any tender.*
2. *Requests the Chief Executive Officer to arrange a workshop with Councillors and staff to:*
 - a. *review and discuss the scope, objectives and criteria for any future disposal of this property; and*
 - b. *provide clarification on any planning or other approvals required depending upon the uses determined.*

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7/0

This resolution varied from the Officer recommendation with the following reasons recorded in the minutes:

- *To establish criteria for Council to provide support for small grass roots community organisations that might not otherwise attract funding or support from other sources.*
- *No planning approvals are in place.*

In accordance with the Council resolution a workshop was held which discussed disposal options and the view of Councillors present was to:

- Review the criteria to ensure that more grass roots community organisations that may not otherwise attract funding or support from other sources have access to the building. Officers have made some suggestions on this below for Council's consideration.
- Undertake a simpler disposal process such as an expression of interest to reduce the requirement for small community organisations to undertake extensive tender processes. Again, Officers have made some suggestions below as to how this could occur for Council's consideration.

COMMENT

This section of the report deals with the Expressions of Interest and the proposed maintenance required at the building.

Expressions of Interest

In accordance with the intent of Councillors at the workshop, an Expression of Interest (EOI) process could be undertaken in a simpler format than what would occur under a more formal tender process. This would not be in line with the traditional EOI process associated with a tender in accordance with the regulations in that it would be proposed not to undertake a tender process following the EOI. Results of the EOI process would be presented to Council and Council could select an EOI and agree to enter a lease with that group using *Functions and General Regulation 30* exemption (being that the groups by their very nature are not for profit). This would align with Council's desire to make the process simpler to allow more grass roots community organisations to be considered.

Officers suggest that the EOI contains two parts, the first eligibility criteria in accordance with Council's intent to ensure that only grassroots community organisations have an opportunity to be considered, and an evaluation section for proponents subsequently deemed eligible.

It is proposed that eligibility criteria would take the form of clarifications from proponents highlighting areas where proponents would not meet criteria as indicated below.

Eligibility criteria

- Does your organisation employ full-time paid staff? Yes(ineligible)/No
- Is your organisation based in the Shire of Broome? Yes/No (ineligible)
- Are you a registered Not for Profit organisation as recognised by the ATO? Yes/No (ineligible)
- Does your organisation undertake commercial operations which are not considered general fund raising within its operating model? Yes(ineligible)/No

Officers recommend that EOIs should still be assessed against the original evaluation criteria below but in recognition of the intent, a less stringent measure is applied, hence the removal of the percentage allocations which were used in the tender assessment.

Evaluation Criteria for the Expression of Interest

- Financial capacity to manage and maintain the Jones Place property
- Demonstrative benefit and social wellbeing to the community
- Demonstrative level of governance to support longevity of tenure

- Demonstrative best utilisation of the premises

Maintenance

The original tender process identified the following issues that need to be addressed relating to maintenance of the building;

- i) RCD electrical
 - installation of circuit breakers in accordance with statutory regulations
 - install circuit schedules to boards where required
 - replace faulty or missing exit and emergency lighting
- ii) Remedial works to the radio mast tower
 - Acor consultants noted that the restraining wires on the 30 metre radio mast were showing localised deflections or had suffered storm damage in the past.
 - It is proposed to make repairs to these wires to ensure stability of the mast and public safety.

As the building was previously proposed to be leased in an 'as inspected' condition but no tender was awarded, Council could if it wished undertake this remedial works prior to entering into a lease. This approach is recommended by Officers given the likely reduced financial capacity of grass roots community organisations. Quotes and estimates have been received for the electrical works, emergency lighting and repairs to the tower with these costs presented to Council for consideration.

In addition to this the Shire will continue to undertake regular 6 monthly pest inspections on the site as per normal preventative maintenance schedule.

Clarification on any planning or other approvals required

The site is zoned "Public Purpose" under Town Planning Scheme 6 and there are no additional use rights under the scheme. When assessing an application for development, the Shire will consider the ultimate purpose intended for the reserve. According to the Management Order, this is for community purposes and/or recreation. Whilst the Shire has the power to lease for any term not exceeding 21 years subject to consent from the Minister for Lands, it does not have the ability to vary the purpose of the Reserve unless the change is approved by the Minister for Lands under the *Land Administration Act 1997*. The Management Order clearly states under Point 1, *To be utilised for its designated purpose of 'Community and Recreation Purposes only'*. Commercial development would therefore not be permitted on the site. Consequently, this requirement is reflected in the eligibility criteria to avoid commercial activities taking place on the site.

A successful proponent of the EOI process would therefore not need to lodge a Development Application so long as the proposed use is the same as the existing use of "community purposes" and no new development or modifications to the external building are proposed.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

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

- (2) 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.

3.58. Disposing of property

- (1) In this section —
 “**dispose**” includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 “**property**” includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 (a) the highest bidder at public auction; or
 (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 (a) it gives local public notice of the proposed disposition —
 (i) describing the property concerned;
 (ii) giving details of the proposed disposition; and
 (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and
 (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 (a) the names of all other parties concerned;
 (b) the consideration to be received by the local government for the disposition; and
 (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —
 (a) a disposition of land under section 29 or 29B of the Public Works Act 1902;
 (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 (b) the land is disposed of to a body, whether incorporated or not —

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

- (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable

18. Rejecting and accepting tenders

(5) The local government may decline to accept any tender.

[Regulation 18 amended in Gazette 29 Jun 2001 p. 3131-2.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Asset:

	Capital Expense	Lifecycle Cost (annually)	Remarks
Capital Expense			
Electrical Renewal	\$9,500		Installation of RCD
Emergency lighting	\$3,200		Replace faulty or missing emergency lights
Repairs of radio mast tower	\$6,000,		Repairs to mast wires
TOTAL	\$18,700		
* Operation and Maintenance costs - calculated as an increase to existing costs for upgrade and new assets.			

RISK

There are two main risks associated with this process for Council to consider, namely:

1. Has the disposal process been conducted in an open and transparent manner? Members of the community or community organisations could criticise the Shire if they perceive the process has not been conducted in a transparent manner providing opportunities for as many groups as possible to consider using the space. Arguably the proposed Expressions of Interest process goes a long way to providing this transparency.
2. Is the building safe for use? Previously the proposal to tender the building as is was considered appropriate, however given the time passed since this and the process to follow, Officers consider Council funding and undertaking the remedial works removes any future risk to the organisation and is therefore warranted.

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

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

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

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

1. *Requests the Chief Executive Officer to call for Expressions of Interest for a period of four weeks to lease the property at Reserve 38845, 4 Jones Place Broome generally using the previous lease terms with the following amendments:*

(a) the following eligibility criteria:

- *Does your organisation employ full-time paid staff? Yes(ineligible)/No*
- *Is your organisation based in the Shire of Broome? Yes/No (ineligible)*
- *Are you a registered Not for Profit organisation as recognised by the ATO? Yes/No (ineligible)*
- *Does your organisation undertake commercial operations which are not considered general fund raising within its operating model? Yes(ineligible)/No*

(b) the following criteria to assess Expressions of Interest submitted by eligible proponents;

- o Financial capacity to manage and maintain the Jones Place property*
- o Demonstrative benefit and social wellbeing to the community*
- o Demonstrative level of governance to support longevity of tenure*
- o Demonstrative best utilisation of the premises*

2. *Authorises the transfer from the Building Reserve of \$18,700 to account 146051 to undertake works at the site to ensure the building is safe including electrical modifications, emergency lighting and repairs to the telecommunications mast.*

Attachments

Nil

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.

9.2.1 PROPOSED AMENDMENT TO BIDYADANGA LAYOUT PLAN NO.3

LOCATION/ADDRESS:	Bidyadanga
APPLICANT:	Department of Planning
FILE:	ABL02.2
AUTHOR:	Planning Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil.
DATE OF REPORT:	10 April 2015

SUMMARY:

The Department of Planning (DoP) has prepared an amendment to the Bidyadanga Layout Plan No.3 (refer Attachment 1) towards facilitating the Department of Housing's (DoH) plans to construct 22 new houses in Bidyadanga. DoP has requested the Shire of Broome endorse the amended Layout Plan.

This report recommends that Council endorse the amendments as proposed.

BACKGROUNDPrevious Considerations

OMC 21 March 2013 Item 9.2.5

Site and Surrounds

Bidyadanga is located 95km to the south-west of Broome (190km by road). The high water mark of La Grange Bay is approximately 1.5km to the west of the settlement. The community has a population of approximately 850 people and is the largest Aboriginal community in Western Australia.

SL Lot 149, the subject of the proposed amendment (as detailed in Attachments 2 & 3) is described as follows:

- Lot 149 is located in the south-west of the Bidyadanga community, and is positioned to the south of Bidyadanga Road.
- Existing residential development abuts Lot 149 to the east, while Lot 205 designated for future residential development, is positioned across the Bidyadanga Road to the north-west.

Description of Proposal

The DoP proposes to amend the Bidyadanga Layout Plan No.3 to facilitate the construction of 22 new residential dwellings. The proposed amendments are summarised as follows:

- re-draw lot 149 to create 22 lots for 'residential' development, and 3 lots for 'recreation'; and
- the extension of Bidyadanga Road and Pirrarlia Street.

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. The creation of additional residential lots as proposed was previously identified as 'Priority 1' under Part 4.5 Housing of the Bidyadanga Layout Plan Report approved by WAPC in 2013. The Layout Plan Report provides the following rationale for the development of Lot 149.

This site is to be the first area of residential expansion as it has appropriate land tenure, is free from major constraints, and will require minimal extension of essential service networks. Lot 149 is within the outer limit of the 500m exclusion boundary for the wastewater treatment ponds, but any potential impacts are mitigated by the direction of prevailing winds and the future expansion of the sewage ponds in a south-west direction. It is estimated that lot 149 has sufficient area to yield up to 25 future houses, including roads and recreation areas.

The layout plan report recognises that a portion of the proposed lots will continue to encroach into the 'wastewater exclusion boundary' designated with respect the waste water treatment ponds located to the south-west of the community. In addressing this as a potential constraint, the layout plan report provides that the development of residential lots within the wastewater exclusion boundary is supportable on the basis that:

- the wastewater treatment ponds will be extended to the south, (and therefore will not be extended closer to areas designated for residential use); and,
- the direction of prevailing winds is such that odour is likely to be directed away from residential areas.

It should be noted that the Environmental Protection Authority's: *Guidance for the Assessment of Environmental Factors Western Australia (in accordance with the Environmental Protection Act 1986, Separation Distances between Industrial and Sensitive Land Uses, dated June 2005*, outlines that there is no prescribed separation distance and that the separation distances for waste water treatment plants are to be considered on a case-by-case basis. Given that the proposed new lots will be set back further than other existing lots, and considering the rationale provided above the proposed intrusion into the buffer can be supported.

Further to the above rationale supporting the development of Lot 149, the creation of additional residential lots in this location will make efficient use of existing infrastructure and services such as water, sewer, and road connection available within proximity to these lots. Minimal extension of existing infrastructure will be required to service the proposed lots.

In view of the above rationale it is recommended that Council endorse the amendment to create additional residential lots.

CONSULTATION

The DoP has provided the signed endorsements of the Bidyadanga Aboriginal Community La Grange Incorporated and Karajarri Traditional Lands Association in their referral to the Shire.

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

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.

6.4 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.

6.8 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.

Shire of Broome Local Planning Strategy

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:

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.

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

Actions:

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.

Local Planning Scheme No.6

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

POLICY IMPLICATIONS

NIL.

FINANCIAL IMPLICATIONS

NIL.

STRATEGIC IMPLICATIONS

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

Accessible and safe community spaces

Participation in recreational activity

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

Council is able to mobilise resources to deliver municipal services to Indigenous communities that are compliant, effective and within Council's capacity.

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

Affordable land for residential, industrial, commercial and community use

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council endorses the proposed amendments to the Bidyadanga Layout Plan as detailed in Attachment 3.

Attachments

1. Amendment to Bidyadanga Layout Plan - Attachments 1, 2 & 3

9.2.2 PROPOSED OFFICE AND RESTAURANT - 22 CARNARVON STREET (OLD BROOME LOCKUP)

LOCATION/ADDRESS:	LOT 1 NO.22 CARNARVON STREET, BROOME
APPLICANT:	RFF Pty Ltd
FILE:	CAR2/22
AUTHOR:	Planning Officer
CONTRIBUTOR/S:	Statutory Planning Coordinator Director of Development Services
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	In accordance with section 5.70 of the Local Government Act 1995, the Director Development Services declared an impartiality interest due to his friendship with a person who may be associated with the proposed restaurant.
DATE OF REPORT:	16 April 2015

SUMMARY: RFF Pty Ltd has submitted a planning application for a 'Restaurant' use in addition to the current 'Office' use at Lot 1, No.22, Carnarvon Street. The site features the State heritage listed 'Old Broome Lockup' and 'Boab Tree', both of which are listed as place number 60 on the Shire's Municipal Heritage Inventory.

No previous formal parking arrangements have been determined for the subject site. As a result the application is presented to Council for consideration in regards to the number of public parking bays attributable to the subject site.

This report recommends that Council in considering the history of land use on the site, the previous Town Planning Scheme 4 and Local Planning Policy 8.9 provisions, attribute 6 public parking bays to the site. Further it is recommended that Council grant conditional approval for the "Office" and the "Restaurant".

BACKGROUND***Previous Considerations***

OCM 16 December 1997	Item 8.9
OCM 15 June 1999	Item 9.1.2
OCM 1 November 2002	Item 9.5.2
OCM 15 June 2004	Item 9.1.7
OCM 3 November 2005	Item 9.5.2
OCM 30 September 2010	Item 9.3.4
OCM 16 May 2013	Item 9.4.4

Site and Surrounds

The 318sqm subject site is located within the 'Town Centre' zone, is positioned on the western side of Carnarvon Street and falls within the Chinatown Development Strategy (CDS) study area. The site features the State Heritage Listed 'Old Broome Lockup' and 'Boab Tree', and is classified on the National Trust. With an approximate 6 metre frontage

to Carnarvon Street, the lot is accessible by foot traffic only, with no on-site car parking available.

Adjoining development consists of an 'Office' land-use utilised by DFES to the south, Wing's restaurant to the north, while two-storey, multiple dwelling development adjoins the site to the west. Adjacent development across Carnarvon Street comprises a mixture of 'Office' tenancies and multiple dwelling residential developments. It is also noted that an existing residential use, (which formed part of Planning Approval previously granted to Wing's Restaurant on 6 June 2007), immediately abuts the portion of the site where the outdoor dining area is proposed.

Previous Land-Use/Ownership

The 'Old Broome Lockup' was constructed in 1895 in association with the original Broome Police Station, which stood on the corner of Napier Terrace and Carnarvon Street where 'Wing's restaurant now stands. The 'Old Broome Lockup' and former 'Customs House' building were located on the same parent Lot 19. Following the re-location of the Broome Police Station to its current location in 1965, and the demolition of the former 'Custom's House' in the late 1960's, the 'Old Broome Lockup' building remained and was utilised for a range of purposes, some of which were set out in lease agreements with the Shire and are detailed below.

A key consideration of relevance to the current application relates to how parking provision has been looked at historically with respect to use of the 'Old Broome Lockup', and, how use of the 'Old Broome Lockup' has over time been intertwined with the adjoining 'Former Customs House' site, on which the current 'Department of Fire and Emergency Services Authority' (DFES) building now stands.

In the early 1990's the Commonwealth, as the land-owner, subdivided former Lot 19, to create the separate land parcels on which the current DFES building, the 'Old Broome Lockup', and Wing's Restaurant now exist. Subsequently in 1999 the adjoining 'DFES' and 'Wings Restaurant sites' were sold to private land-owners. As a consequence, the parking spaces which were previously available on the adjoining 'DFES site' for use by the 'Old Broome Lock-up', were now no longer available as these bays were considered to service the uses on the private lot.

However anecdotal evidence suggests that four car parking bays were built in the Carnarvon Street Road Reserve directly adjacent to the 'DFES site', in the mid to late 1990's. Unfortunately it is unclear from the records as to what instigated the construction of these bays.

It should be noted that there is no record that Planning Approval was ever granted as part of any lease previously approved by Council for the use of the 'Old Broome Lockup site'. It should further be noted that a review of these leases and Council resolutions, indicate that formalised parking arrangements for the 'Old Broome Lockup', either in the form of approved plans or written agreement, were never established. It is therefore reasonable to accept that Council previously in granting leases for the use of the site, accepted that only public car parking bays would be available to service the land uses on this site.

The following provides summary of leases approved by Council for uses of the 'Old Broome Lockup':

- 18 August 1992 – Council resolved to enter into long term lease arrangement of the 'Old Lockup' with the Commonwealth for purposes of 'Tourist Attraction including Historical Displays', subject to finalisation of a lease agreement with the Australian Department of Administrative Services.
- 20 October 1992 – Council approved the lease of the 'Old Broome Lockup' for use as a 'Blacksmith Tourist Attraction'.
- 1 June 1994 – A Building Permit was issued for renovations and upgrades to 'Old Broome Lockup' in association with use of property as 'Blacksmith Tourist Attraction'.
- 16 December 1997 - Council resolved to lease the 'Old Broome Lockup' to 'Burdekin Youth in Action Inc.' for a period of six months, for use as a 'Coffee House'.
- 25 June 1999 – Shire leased 'Old Lockup' to R & J MacKay for purposes of 'Exhibiting Music Memorabilia, Sale of Music and Coffee House'.
- 10 April 2001 – Further to Council resolution, the 'Old Broome Lock Up' was leased to 'Shinju Matsuri' for a period of 2 years.
- 11 June 2002 - Council resolved to lease the 'Old Broome Lock Up' to 'Prosser Fine Art' for the purpose of a studio gallery.
- 1 November 2002 – Council resolved to purchase the 'Old Broome Lockup' from the Commonwealth Government. Council's resolution specified its agreement to enter into a Heritage Agreement with the Western Australian Heritage Council and to update the 1993 Conservation and Management Plan for the site.
- 1 December 2002 - The lease of the 'Old Broome Lockup' was transferred from 'Prosser Fine Art' to the Pigram Brothers for the purposes of 'Retail/Booking Office'. Following the expiry of the lease to the Pigram Brothers in early 2004, the premises continued to be used as an art gallery to showcase indigenous art.
- 2004 - Council resolved to lease the property to 'Groovylips Enterprises' for use as an 'Art Gallery' and 'Cultural Tourism'.
- 16 May 2013 – Council agreed to enter into a lease arrangement with RFF Pty Ltd to utilise the 'Old Gaol' as an 'Office'.

Considering the land uses previously approved at any point in time the number of car parking bays required for the land uses may have varied requiring as much as nine or at the very least three public car parking bays. However as Council has never formally allocated bays to the site it is unclear as to how many public car parking bays can be attributed to the land uses on this site.

In January 2015 Local Planning Scheme 6 was gazetted requiring Council to consider land use proposals against this new local planning framework. As the site is on the Shire's heritage list, under LPS 6 any physical development on the land requires a planning approval. The applicant was advised of this requirement and subsequently submitted a planning application.

Applicant's Proposal

The application proposes to establish a 'Restaurant' land-use on-site in addition to the current 'Office' land use. The restaurant will consist of a 46sqm outdoor dining area with a seating capacity limited to 19 persons and will utilise a 16sqm mobile food van as a kitchen. The food van kitchen will provide both a sit-down meal and take-away coffee service. The restaurant will operate between the hours of 7am to 3pm Monday to Sunday and it is expected that up to 3 persons are to be employed on-site.

The existing 'Office' use on-site, will continue to be utilised by RFF Pty Ltd, with the restaurant activity to be operated by a third-party.

Submitted plans detail the provision of landscaping and installation of two timber decked areas on-site and, in addition, the applicant has provided plans of elevations showing external finishing (art work) of the food van (Refer Attachment 2). A timber screen, approximately 1.8m high, (to same height of existing chain-link fence), will be installed to a portion of the northern wall alongside the proposed seating area to provide additional privacy for both patrons of the restaurant and the adjoining residence previously approved for the Wing's restaurant site.

The applicant has provided that the proposal will comply with the Conservation Management Plan applicable to the site and will retain the heritage significance of the place in the following ways:

- *"Preliminary consultation with the Heritage Office was undertaken regarding the proposal";*
- *The design and theme of the restaurant will respect and incorporate the historical significance of the site, and will maintain visual sightlines between the 'Old Gaol' and the street;*
- *The proposed use of the site will retain and conserve the Lockup and Boab Tree in their entirety;*
- *The proposed use will be 'reversible' and, in effect, 'temporary' in terms of infrastructure associated with the restaurant on-site being re-moveable;*
- *No signage or advertising devices are proposed as part of the current application."*

Below is a summary of the points in relation to car parking that was included in the application, which sets out the applicant's rationale as to why no additional car parking is required and why only public car parking could be used to service the proposed land uses:

- LPP 8.16 - Parking – Car, Motorbike and Bicycle gives the ability for Council to consider the approval of off-site car parking. The applicant contends that formal parking has already been provided in the road reserve directly in front of the site to support previous land uses on site. In addition to the four bays directly abutting the site, there is approximately 58 car parking bays provided in the road reserve within 100m of the site, which are provided for public use.
- There is a significant amount of retrospective car parking available within the local road reserve to support the proposal.
- The proposal is consistent with a number of previous land uses on the site including the previous cafe, art gallery and museum.
- The applicant expresses that the Chinatown Development Strategy sets out that the current perception that there is not a suitable level of parking in Chinatown is incorrect and therefore Council should support this development being provided with no parking. Further, the CDS provides a range of actions to be implemented to ensure future development is not restricted by car parking and congestion.
- The Transport Assessment Guidelines prepared by the WAPC, provides a guide to assessing the traffic generation for a range of land uses. As the proposal comprises

a restaurant area of less than 50sqm, it is anticipated the proposal would generate less than 10 vehicle trips in peak hour. Therefore, under the Guidelines the proposal is considered low impact and does not require a formal traffic assessment. The low vehicle generation rate of the proposal, in combination with its location to the town centre and access to a range of public parking, means that vehicle trips to the site can be easily managed.

- The site on the southern fringe of the main Core Activity Area in Chinatown as identified in the CDS and will be in close proximity to a range of other Shire initiatives including the weekend markets, coastal outlooks and the proposed 'jetty to jetty' walks. Further the site is in close proximity to a range of residential and commercial land uses, including a range of restaurants (most of which are evening uses).
- There are five restaurants within 50m of the site which have limited, if any parking located on site. It is expected the demand for parking from these land uses is provided within the surrounding public road reserves.
- Apart from the Aarli Bar, all of these restaurants generally operate between 4:30pm and 9:30pm. Given the proposed opening hours of this facility it will not conflict with other similar uses within the immediate area.
- In addition to the reduce conflict between land uses, the proposal provides the opportunity to activate this area of Chinatown during the day, when tourist will be out exploring Broome.
- While it has been demonstrated the proposal can be approved with the required parking being provided within the road reserve, LPS6 allows for additional variations to reduce on-site parking in relation to enhancing heritage values. The range in previous land uses that have occurred on the site is testament to a preference for enhancing heritage values and managing parking off site.

COMMENT

There are two components for Council to consider in determining this application:

1. How many public car parking bays are available or allocated to the site; and
2. What are the planning merits of the application;

With regards to the planning merits, officers undertook a full assessment of the application as is detailed below. With regards to the number of public car parking bays available for land uses on site officers provide the following comment:

Public Car Parking Bays Available

Council in September 2010 adopted Local Planning Policy 8.9 *Cash-in-lieu of Car Parking – Town Centre Chinatown Zone*. Whilst the policy in 2010 did not strictly include this property, it did include the car parking being provided in the adjacent road reserve. The property was developed at the time the policy was adopted and was zoned 'Town Centre - Chinatown' in Town Planning Scheme No. 4 (TPS 4). Therefore it could be argued that the policy should be applied to the property as no onsite parking was provided for the site and considering the history of the parent lot. In particular policy provision 6 of LPP 8.9 should be considered:

6. *Properties identified as developed (not vacant) in the discussion paper dated 18 August, 2005 are entitled to claim the existing provision of car parking (on-site and cash in lieu) is adequate for the existing development and only provide car parking for the net increase in gross leasable floor area or alternatively are entitled to recalculate parking requirements to current standards, taking into account any previous provision of cash payments in lieu of on-site car parking provided.*

As such in 2010 the property was used as per the lease granted to 'Groovy Lips Enterprises' in 2004 for use as an 'Art Gallery' and 'Cultural Tourism'. The use was described in the Council report as follows:

Gallery for local artists including indigenous artists, including artists working in the courtyard so that tourists can interact and learn about culture, art and history. Would like to develop tours both of and from the lock up explaining Broome's multicultural history and in particular Aboriginal cultural history.

TPS 4 and the related planning policy being LPP 8.13 which was in place in 2010, required 1 bay per 25sqm. Based on the above description and photos that formed part of the attachments to the Council report the courtyard area used was that to the south and rear of the building. As a result the parking requirements for the site was 6 (5.2) based on the total development including the building (66.1sqm) and the courtyard and toilets (64sqm).

Therefore based on LPP 8.9 it is considered that 6 bays were available to the site at the time the policy was adopted. It is recommended that Council formally acknowledges that 6 public parking bays are attributed to this site and that any future intensification requiring additional bays, would be subject to cash in lieu contributions.

Planning Assessment

The following comment represents a strategic discussion of planning considerations of relevance to the current application to ensure a determination consistent with orderly and proper planning.

Land Use

The Local Planning Strategy (the 'Strategy') seeks to promote Chinatown as the primary activity centre for Broome and sets a vision for the revitalisation of Chinatown as *"the primary centre with a focus on retail, commercial, and entertainment uses, as considered in the CDS"*. Further to the direction set by the Strategy, the CDS aims to achieve land-use activation in Chinatown by establishing a hierarchy of desired land-use to correlate with particular precinct areas of Chinatown. Under the CDS, the 'Old Broome Lockup' is designated as a 'Mixed Use' precinct, within which a 'Restaurant' is a priority land-use. The current application, therefore, complements the strategic development objectives for Chinatown as set out in the Strategy and CDS.

Further to the development objectives for Chinatown, the Scheme provides direction for how development and land-use should be undertaken. Under the Scheme, both the existing 'Office' and the currently proposed 'Restaurant' are permitted land-uses and do not present implications with regards to site and development requirements as set out under Schedule 15. In addition, the current application satisfies Scheme provisions with consideration for heritage significance.

Car Parking Provision

Submitted plans detail approximately 62sqm of the site is to be utilised as floor-space in association with the proposed 'Restaurant'. Based on the car parking provisions of Schedule 16 of the Scheme, three parking bays are required to service the proposed 'Restaurant' use, in addition to the three parking bays required for the existing 'Office' use. Although a minimum of six parking bays are required to be provided for the use of the

subject site as proposed, it is recognised that the narrow nature of the lot, and the presence of a heritage listed building on-site, effectively means that provision of on-site car parking is not possible. The presence of the heritage listed 'Boab Tree' adjacent to the lot also means that construction of car parking within the immediate road reserve is not possible.

As outlined above, if Council accepts that LPP 8.9 applies and therefore that 6 bays are attributable to this site, then the site would be deemed to satisfy the current parking standards.

Amenity Considerations

The proposed 'Restaurant' activity on-site is consistent with the 'Mixed Use' objectives for the location as set out in the Chinatown Development Strategy (CDS). A restaurant activity is also considered to be compatible with existing development and land-use both adjoining, and within proximity to the subject site.

However, consultation undertaken with adjoining land-owner's has identified concern for the potential of the restaurant to impact adversely on privacy and amenity. In response to these concerns, the applicant has detailed that a timber screen, approximately 1.8m high, (to same height of existing chain-link fence), will be installed to a portion of the northern wall alongside the proposed seating area to provide additional privacy for both patrons of the restaurant and the adjoining property.

Accordingly, it is recommended that a condition reflecting this be included in approval.

Heritage Significance

The subject site, place number 60 on the Shire's Municipal Heritage Inventory, features the State Heritage listed 'Old Gaol' (Former Police Lockup) and 'Boab Tree'. The site is also classified on the National Trust. A Heritage Agreement prepared between the Shire and State Heritage Office, dated 12 August 2003, requires development and land-use to be in accordance with the Conservation Management Plan (CMP) that was prepared for the site in 2006.

The application was referred to the State Heritage Office for comment 2 April 2015, with advice provided 1 May 2015 as follows:

- *"Whilst the Conservation Plan notes that no new development shall occur in the area between the Boab Tree and the Lockup it is appreciated that this is a very restricted site and as such opportunities for new development relating to compatible uses is limited. Development of small outbuildings in this location was also previously supported in 2006.*
- *The proposal does not impact upon fabric described as 'some', 'considerable', or 'exceptional', significance and, therefore, according to the Conservation Management Plan is a compatible use.*
- *The proposal does not have a negative impact on the Statement of Significance for the place.*
- *The proposed development works are minor in nature and potential impact. The mobile food van is not a permanent built structure and can easily be removed from the site without adverse impact at a later date if required.*
- *A sight line is retained from the road side and Boab Tree down to the Lockup via the main walkway.*
- *The proposal may increase the public visitation and enjoyment of the site.*

- *The cladding and artwork proposed for the mobile food van is not considered to have a negative impact upon the cultural heritage significance of the Lockup or Boab Tree. It offers an old versus new contrast to the setting and is proposed for the new van itself rather than the significant fabric of the heritage building.*

The proposed development, as represented by the drawings and supporting documents received, is supported."

Further to advice received from the Heritage Office, it is considered the proposed 'Restaurant' is compatible with section 13.5 of the CMP which provides that:

"The place needs to continue to be used for appropriate functions that do not intrude into the fabric of the place and preferably offer opportunities for public access."

A key objective for the Chinatown Conservation Area as set out under Part 8.0 'Heritage' of the Chinatown Development Strategy (CDS) is to ensure that infill development and new land-use maintains the heritage authenticity and built form character of the conservation area. The CDS provides that:

"New development should complement but not copy the aesthetic qualities of the Chinatown heritage precinct. It should respect the general scale, proportion and materiality of original buildings, but be identifiable as new development. This principle also applies to new work on heritage listed places. It should not visually dominate heritage listed buildings or places, or the precinct generally. New development in Chinatown should be of a high quality design that creatively interprets and responds positively to the historic context provided by the heritage place or precinct."

The proposed food van will be of a design that ensures visual contrast is achieved between the 'Old Gaol' building and the van, and through incorporation of artwork, the van will be easily identifiable as new development. The siting of the food van on-site responds positively to the 'historic context' of the site insofar as sightlines between the 'Old Gaol' and the street will be preserved. It can be expected that the proposal will facilitate 'interpretation' of the heritage place through its attraction of visitors to the site.

The application is therefore consistent with the heritage objectives of the CDS and the requirements of the CMP. With reference to the State Heritage Office advice set out above, it is considered the application gives due regard for heritage considerations as required under part (h) of clause 10.2 of LPS6.

Requirements under other Relevant Legislation

The application details the proposed 'Restaurant' will cater for a maximum of 19 patrons within the restaurant at any one time. Under the Building Code of Australia and relevant Health legislation public toilets are not required for restaurants that cater for 19 patrons or less. If the applicant sought to cater for additional patrons or to make the toilets available as public toilets the existing ablutions on site may have to be upgraded to meet the current Australian Standards. Additionally, use of the site for functions or events may trigger the requirements of relevant legislation such as the *Health (Public Buildings) Regulations 1992* and upgrades to the site could be required.

Therefore it is recommended that the application is supported on the condition that the maximum capacity of the restaurant is to be limited to no more than 19 patrons at any one time.

Summary

It is recommended that the application be supported subject to conditions as outlined above.

CONSULTATIONHeritage

The subject site, place number 60 on the Shire's Municipal Heritage Inventory, features the State Heritage listed 'Old Gaol' ('Old Broome Lockup') and 'Boab Tree'. The site is also classified on the National Trust. In view of these designations, the application was referred to the State Heritage Office for comment on 2 April 2015 with advice received 1 May 2015. Comments received are included under the Officer's comment section of the report.

Adjoining Landowners

Consultation with the owners of five adjoining properties was undertaken to allow for property owners to provide comment with respect proposed parking arrangements. For details of the submissions received, please refer to Attachment No. 3 - Schedule of Submissions. Following points present a summary of comments received from adjoining land-owners:

- Support for the application was registered and the view was conveyed that the proposed 'Restaurant' would assist towards activating the southern end of Chinatown;
- Concern was raised that patrons of the proposed 'Restaurant' may park on the adjoining 'DFES' site, in conflict with the tenants of the building;
- Concern was raised for potential impacts upon privacy and amenity with regards adjoining residential component previously approved on 'Wing's' site;
- Owner's of adjacent development across Carnarvon Street registered their non-objection to the proposed parking arrangements.

STATUTORY ENVIRONMENT*Heritage of Western Australia Act (1990)**11. Public authorities to assist in conservation of registered places*

- (1) A person who, as a Minister of the Crown, is responsible as the Minister under any written law —
- (a) shall not, as such Minister, initiate or take any action under that law; and
 - (b) shall give all such directions and do all such things as, consistently with that written law, can be given or done under that law by the responsible Minister to ensure that any decision-making authority in respect of which that Minister has a responsibility does not take any action under that law,
- which will, or will be likely to, adversely affect a registered place unless that Minister is satisfied that there is no feasible and prudent alternative to the taking of that action and that all measures which can reasonably be taken to minimize any adverse effect will be taken.

- (2) Where an application is referred pursuant to section 78 or it otherwise comes to the notice of a decision-making authority that a proposal being considered by, or referred to or initiated by, that authority may affect any registered place or place which is the subject of a Heritage Agreement that authority shall refer the proposal to the Council as soon as is practicable and thereafter furnish to the Council all such aid, information and facilities as are practicable, and the Council shall thereupon advise both the Minister and the authority making the referral.
- (3) A decision-making authority shall not take any action that might (whether or not adversely) affect to a significant extent a registered place or a place which is the subject of a Heritage Agreement (even though that action is not directly related to the place) unless —
- (a) subsection (2) has been complied with by the authority; and
 - (b) the authority has informed the Council of the proposed action and given the Council a reasonable opportunity to consider it and to advise both the Minister and that authority; and
 - (c) that action is consistent with advice received from the Council, or there is no feasible and prudent alternative to the taking of that action; and
 - (d) the decision-making authority has used its best endeavours to ensure that all measures which can reasonably be taken by any person involved in the implementation of the proposal are taken so as to minimize any adverse effect.
- (4) For the purposes of this section —
- (a) the making of a decision or recommendation; or
 - (b) the grant of an approval or permission (including a building permit or demolition permit under the Building Act 2011), or the issue of a licence; or
 - (c) a refusal so to do,
- constitutes the taking of action, and where the adoption of a recommendation would adversely affect a place the making of that recommendation shall be deemed to be action affecting the place adversely.

Chinatown Development Strategy

6.6.4 Strategy for Parking – Strategies

- Do not allow private or exclusive use of car parking provided on public land;
- Require the provision of required development parking on-site where the site dimensions have the capacity to accommodate it.

8.0 Heritage

New development should complement but not copy the aesthetic qualities of the Chinatown heritage precinct. It should respect the general scale, proportion and materiality of original buildings, but be identifiable as new development. This principle also applies to new work on heritage listed places. It should not visually dominate heritage listed buildings or places, or the precinct generally. New development in Chinatown should be of a high quality design that creatively interprets and responds positively to the historic context provided by the heritage place or precinct.

4.4 Town Centre Zone

4.4.1 The purpose of the Town Centre Zone is to ensure that the area develops and functions as the principal retail, activity and commercial centre for Broome with retail, office, commercial, residential, social, recreational and community facilities.

4.4.2 The objectives of the Town Centre Zone are to:

- (a) conserve and promote the heritage and aesthetic character and streetscape of the Town Centre Zone;
- (b) encourage development in accordance with the development strategy and relevant design guidelines.
- (c) provide for a mix of commercial activity including restaurants, bars and residential development.

4.32 Development in the Town Centre Zone

4.32.1 Site and Development Requirements:

- (a) All land use and development shall be consistent with the Chinatown Development Strategy and relevant design guidelines.

Other clauses relevant to consideration of this application are set out below:

5.7 Car parking

5.7.1 Land within the Scheme area shall not be used or developed for any purposes unless car parking bays, bicycle racks and motorcycle bays are provided on site in accordance with Schedule 16.

5.7.1.1 Where land is to be developed or used for a purpose not mentioned in Schedule 16, or where a standard or requirement is not specified in Schedule 16, the local government shall determine in each case the required number of car parking bays, bicycle racks and motorcycle bays to be provided on the land having regard to the:

- (a) nature of the proposed development;
- (b) number of employees or others likely to be employed or engaged in the use of the land;
- (c) anticipated demand for visitor parking;
- (d) orderly, proper and sustainable planning of the area;
- (e) the parking requirements under the Scheme for uses of a similar nature (if any).

5.7.2 Reciprocal parking

5.7.2.1 Where on any lot, different land uses have been or are to be established and those uses operate at different times to each other, the local government, upon being satisfied that the operating times will be permanent and will form the subject of conditions under which a planning approval will be granted, may reduce the total number of bays required to be provided for those uses as set out under Schedule 16, or as specified by the local government, on a reciprocal use basis having regard to the greatest number of vehicles that may

need to be accommodated on the land during periods of peak usage of the site.

5.7.6 Cash-in-lieu of car parking

5.7.6.1 (a) Where the local government so decides, cash payments in lieu of the provision of parking spaces on the site of any proposed development may be accepted but the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the scheme plus the value, as estimated by the local government, of that area of the land which would have been occupied by the parking spaces:

(b) Payments under this clause shall be paid into a parking fund to be used for the provision and maintenance of public car parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.

5.7.7 The Local Government may waive or vary requirements for on-site car parking if it is satisfied that adequate constructed car parking has been provided in close proximity to the proposed development.

Schedule 15 – Development Standards

Zone	Site Coverage %	Plot Ratio	Front	Secondary Street	Rear/Side
Town Centre	75%	1	Nil.	Nil.	*/Nil.

* Standard to be set by the local government in each case having regard to the likely impact of a planning proposal on adjoining properties, the requirements of the scheme in relation to the subject land.

Schedule 16 – Car, Motorcycle and Bicycle Ratios

Table 1 – Minimum number of Car Parking Bays

Use Class	Minimum Number of Parking Bays
	'Town Centre – Chinatown' zone
Residential (All types), Residential Building, Backpackers Hostel, Motel and the accommodation section of a Hotel)	Shall comply with the Use class requirements as listed below.
All Other Development	1 Bay per 25sqm Gross Floor Area

10.2 Matters to be considered by local government

10.2.1 The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application –

(a) the aims and provisions of the Scheme and any other relevant local planning schemes operating within the Scheme area;

- (b) the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (h) the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;
- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development.

POLICY IMPLICATIONS

Local Planning Policy 8.16 – Parking - Car, Motorcycles, and Bicycles

As set out in the 'Comment' section above, the application presents a variation to the parking requirements of Local Planning Policy 8.16.

FINANCIAL IMPLICATIONS

The application presents financial implications for the Shire associated with construction of car parking bays within public road reserve.

STRATEGIC IMPLICATIONS

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

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

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council;

1. Acknowledges that 6 public parking bays are attributed to Lot 1 (No 22) Carnarvon Street and that any future intensification requiring additional bays, would be subject to cash in lieu contributions.
2. Approves the application for Planning Approval 2015/22 for an 'Office' and 'Restaurant' Use at Lot 1 (No 22) Carnarvon Street submitted by RFF Pty Ltd subject to the following conditions.
 - a) Development must be carried out in compliance with the plans and documentation listed below and endorsed with the Council's stamp, except

where amended by other condition of this approval.

Plans & Specifications

P1 (Site Plan), P2 (Floor Plan), P3 (Elevation), P4 (Elevation) and P5 (Artist Impression), as received by the Shire on 18 March 2015.

- b) The 'Restaurant' shall have a maximum capacity of 19 persons at any one time.
- c) Prior to commencement of use on-site the applicant shall submit plans of elevation detailing the provision of an adequate screening device to provide screening to a height of 1.8m, to be installed along the length of the northern boundary fence .
- d) Landscaping shall be installed in accordance with approved plans dated 18 March 2015 prior to commencement of the use.

Advice Notes

- i. Any proposed use of the property which presents an increase in the number of patrons to the site or any proposal to modify the buildings/site must first obtain relevant approvals from the local government. This may result in the need to upgrade the existing facilities.
 - ii. The development must be connected to the Water Corporations sewer and water.
 - iii. This approval does not permit the use of the land and or any building or undertaking of development unless all conditions have been and continue to be complied with. You are advised of the need to comply with the requirements of the following other legislation:
 - The Western Australian Building Act 2011 requires a Building Permit being obtained from the Shire before any work commences on site; and
 - Health Act 1911 and Department requirements in respect to the development and use of the premises.
 - iv. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
 - v. The granting of this Planning Approval is not a clearance that there are no Aboriginal Heritage Sites on the land nor is it an approval under Section 18 of the Aboriginal Heritage Act, in the event that there is an Aboriginal Heritage Site on the land. The land owner will need to make enquiry and application to the Department of Aboriginal Affairs in this regard.
3. Authorises the Chief Executive Officer to seek a revised market rental valuation upon establishment of the restaurant and negotiate revised lease conditions accordingly.

Attachments

1. Attachment 1 - Location Plan
2. Attachment 2 - Plans
3. Attachment 3 - Schedule of Submissions
4. Attachment 4 - Applicant's Submission
5. Attachment 5 - Parking Plan 'DFES Site'
6. Attachment 6 - 2005 Chinatown Car Parking Plan

9.2.3 BRAC AQUATIC RENEWAL

LOCATION/ADDRESS:	Portion of Reserve 42502 Cable Beach Road East
APPLICANT:	Nil
FILE:	GPC08
AUTHOR:	Manager BRAC
CONTRIBUTOR/S:	Manager Community Development
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 May 2015

SUMMARY: This report presents Council with an update regarding the proposed aquatic upgrade at the Broome Recreation and Aquatic Centre following confirmation of funding of \$1.25 million towards this project from the WA Department of Sport and Recreation's Community Sporting Facilities Fund (CSRFF). The report also seeks Council's direction regarding the deliver method of the project should it be approved within the budget 2015/16 budget.

BACKGROUNDPrevious Considerations

OMC 25 September 2015

Item 9.1.3

BRAC is the key facility for sport, recreation and leisure in Broome. The pool is an important part of Broome life for locals and visitors who use the facility to learn to swim, undertake group fitness, swim competitively and for recreation.

Construction commenced on the original aquatic component of BRAC in 1993 and was officially opened on 29 July 1994. The BRAC aquatic space consists of a combined 25 metre pool with eight lap lanes and a crescent shaped lagoon leisure pool. It is surfaced with pool tiles and pebblecrete which was installed over the original pool mix plaster, and surrounded by brick paving. In recent years a large retractable shade structure has been installed that covers the entire length of the pool.

In 2013 the Shire of Broome engaged CCS Strategic to develop an overarching strategic plan for sport, recreation and leisure within the municipality and more specifically, a master plan for BRAC. The aquatic space at BRAC was a major focus for the master plan due to its age relative to the remainder of the centre, limitations in the original design, the deterioration of the facility since construction and the importance of the aquatic space to the Broome (and wider Kimberley) community. Geoff Ninnies Fong & Partners Pty Ltd was engaged by CCS Strategic to undertake a condition assessment of the pool and water treatment plant. The assessment reported that the pool has a number of deficiencies as it relates to contemporary standards and cited recommendations for the upgrade of the facility to ensure it continues to service as a safe and compliant community facility.

COMMENT

The Sport, Recreation and Leisure Plan recommended that the aquatic component of BRAC be the number one priority for investment by the Shire. The majority of the works were not to add anything new to the aquatic component of BRAC but to address the

failures that the facility is currently experiencing and to modernise disinfection and filtration systems to comply with contemporary standards and requirements. The priority works and expected prices are summarised as below:

Task/improvement	Estimated cost
Remove all concourse paving	41,500
Construct new balance and backwash tanks	190,000
Construct new plantroom	712,500
Relocate existing water treatment system for 25 metre pool	56,500
Upgrade existing take-offs to existing gutters	181,000
Refurbish /retille end bulkheads on 25m pool	54,000
Reform leisure pool – new gutters, floor and wall tiling	181,000
Increase size of piping to balance tank	203,500
Allowance for hydraulic design for concourse drainage	12,500
Establish new drainage grade around the pools	41,500
Install storm water system to take concourse drainage	122,000
Storm water disposal consistent with backwash disposal	34,000
Resurface concourse/grandstand with poured exposed aggregate	345,000
Enhance landscaping and fencing	75,000
Increase water supply capacity to the site	38,000
Replace lighting to pool area	42,000
Allowance for architectural fees (DA,BA and tender)	19,500
Project Management costs (10%)	305,500
Contingency (20%)	665,000
Total estimated project cost	3,320,000

The above costs are based on the Quantity Surveyor's estimates developed for the Sport, Recreation and Leisure Plan.

The works are considered essential to ensure compliance with modern standards and to increase efficiencies for water sanitation and the general operation of the aquatic facility, providing financial, environmental and health benefits to the Broome community.

Also included in the whole of project cost is the allowance for project management, architectural fees for development/building approvals and a allowance for contingency. Project management is calculated at 10% of the project cost. A contingency allowance of 20% of the project cost has been calculated. A significant contingency is required for this project due to the unknown condition of the subsurface. This project is considered high risk, partially due to the fact that the paving and piping has been in place in excess of 20 years and the condition of the hydrostatic valves is also unknown.

More detailed upgrade considerations are included in the DRAFT project plan attached.

Project delivery

A design and construct method of delivery is proposed as it will ensure that the design of the upgrade aligns with the delivery of the physical works, and will mean that the aquatic/hydraulic specialists completing the design will be an important presence throughout the construction program.

Timing of the BRAC aquatic upgrade will be critical with a lengthy construction period expected. While the exact timeframe cannot be determined until a tender is awarded, it is estimated that this project will require closure of the pool for approximately six months.

Should Council agree, and subject to the adoption of the 2015/16 Budget, it is proposed to seek Council's approval to award the tender in October this year following a six week advertising period commencing in August. It is envisaged the construction phase will commence in April 2016.

Management considerations

During the closure for the aquatic upgrade, the dry component of BRAC will continue to be operational. There will be a more targeted focus on dry group fitness options to be implemented during the day and continued programming through the traditionally busy evenings with community sport.

The months of April to September are traditionally the quieter months for recreational swimmers as the weather and subsequently the water temperature cools. There are investigations currently taking place to determine locations in Broome for the use of resort/hotel pools to continue to provide essential programming such as swimming lessons, aquatic education, swimming club activities/training and possibly aqua group fitness classes.

BRAC currently has nine full time staff and a number of casuals that are responsible for daily operations and programming. Several full time staff have large amounts of leave accrued that will be utilised within this period while there are ample duties to ensure that all staff have meaningful roles during the aquatic closure.

The Shire has no obligation to provide casual employees with ongoing work throughout the closure period, although there will be the need for the continuation of several that specialise in group fitness and swim teaching. Over the last 12 months, there has been a focus on recruiting casual staff in preference to filling full time positions in preparation for the disruption caused by the aquatic upgrade. **CONSULTATION**

The BRAC Master Plan and overarching Sport, Recreation and Leisure Plan were developed following significant consultation with users, sporting clubs and community groups. Results of previous studies and consultation were also examined to ensure that all aspects of community need and sentiment were considered.

Aquatic experts, industry benchmarking and current standards were consulted to determine the priority works for completion in the immediate stage of aquatic upgrade. Considerable consultation with Shire staff and elected members was undertaken through Councillor workshops, Executive and Middle Management groups and site specific BRAC staff.

In accordance with the Shire's Community Engagement Policy and Framework, the tender scope will include a requirement for tenderers to submit a community engagement plan subject to the satisfaction of the Shire.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.15. Local government's ability to receive revenue and income

- (1) A local government may receive revenue or income —
 - (a) from —

- (i) rates; or
 - (ii) service charges; or
 - (iii) fees and charges; or
 - (iv) borrowings; or
 - (v) investments; or
 - (vi) any other source,
- authorised by or under this Act or another written law; or
- (b) from —
 - (i) dealings in property; or
 - (ii) grants or gifts.

(2) Nothing in subsection (1)(a) authorises the making by a local government of a local law providing for the receipt of revenue or income by the local government from a source not contemplated by or under this Act.

POLICY IMPLICATIONS

- 4.4.1 Principal Environment Policy
- 5.1.10 Community Engagement Policy

FINANCIAL IMPLICATIONS

Funding has been approved to the value of \$1,250,000 through the Department of Sport and Recreation Community Sport and Recreation Facilities Fund (CSRFF). A project brief has been submitted to the 2015/16 budget process requesting a Shire contribution of \$1,035,000 consisting of borrowings and reserves as outlined below. Further, officers are currently negotiating a Voluntary Developer Contributions Agreement with Landcorp and a contribution of \$1,035,000 to this project has been included in the proposed agreement. Should this contribution not be forthcoming, the scope of the project will need to be adjusted.

Asset:

BRAC Aquatic Upgrade	Capital Expense	Lifecycle Cost (annually)	Remarks
Capital Expense			
Renewal	\$3,320,000		
Upgrade			
New			
Budget Impact			
Loan interest			
Renewal			
*Operations			
*Maintenance			
Less Additional Revenue			
TOTAL	\$3,320,000		
* Operation and Maintenance costs - calculated as an increase to existing costs for upgrade and new assets.			

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

Funding Source: BRAC Aquatic Renewal

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant	1,250,000		Renewal	CSRFF	
Reserve	538,278		Renewal	Building Reserve	
Budget	496,722		Renewal & Upgrade	Borrowings	
Developer Contributions	1,035,000		Upgrade	Developer Contributions	
TOTAL	\$3,320,000				

RISK

The risk of this project is the construction scheduling and ensuring that the aquatic space will be reopened within the timeframe expected by the community. If the project goes over time there will be criticism and frustration from the many community groups and individual users. If the project was to be completed late, there could also potentially be lost income and revenue.

If this was to occur the risk would be assessed as **Possible** (likelihood) and **medium impact**. It may have the potential to cause public embarrassment, have moderate impact on finances (\$10,000 - \$50,000) and attract a moderate media profile. This has resulted in an overall rating of a **high** risk that Directors and the CEO need to be aware of. This high risk rating is the reason that a contingency of 20% has been budgeted.

To mitigate the occurrence of this, a clause will be included in the contract of works to ensure that there is incentive for the construction to be completed on time. This could be implemented in the form of either a performance based incentive, or significant penalties under liquidated damages.

Almost Certain	H	H	E	E	E
Likely	M	H	H	E	E
Possible	L	M	H	E	E
Unlikely	L	L	M	H	E
Rare	L	L	M	H	H
<i>Likelihood and Impact</i>	Insignificant	Minor	Moderate	Major	Catastrophic

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.

High level social capital to increase 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:

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:

Sustainable and integrated strategic and operational plans.

Responsible resource allocation.

Effective community engagement.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

1. *Notes the proposed scope of work detailed in the project plan and proposed scheduling for the BRAC aquatic upgrade.*
2. *Requests the Chief Executive Officer to formally accept the funding from the Department of Sport and Recreation's Community Sport and Recreation Facilities Funding Program and authorises the Shire President and Chief Executive Officer to engross any relevant documentation.*
3. *Authorises the Chief Executive Officer to call for tenders for design and construction for the BRAC aquatic upgrade following:*
 - (a) *Council's adoption of the 2015/16 Budget; and*
 - (b) *confirmation from LandCorp providing a contribution towards this project as part of the Developer Contributions for Broome North inline with the project budget.*

Attachments

1. Project Plan - BRAC Aquatic - for Council May 2015 - PDF

9.2.4 PETITION TO FENCE THE TOWN BEACH WATERPARK AND PLAYGROUND AREA

LOCATION/ADDRESS:	Town Beach, Broome
APPLICANT:	Kristie Parker
FILE:	ENR01 & RES 17132.2
AUTHOR:	Manager Engineering Operations
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	NIL
DATE OF REPORT:	14 May 2015

SUMMARY:

At the Ordinary Meeting of Council held on 30 April 2015, a petition was presented proposing to make the Town Beach Water Park and Playground Area safer for children by fully enclosing the area with fencing.

This report seeks Council consideration of options for improving children's safety within the Town Beach Water Park and Playground Area.

BACKGROUNDPrevious Considerations

At the Ordinary Meeting of Council held on 30 April 2015, Councillor D Male advised she had received a Petition from Mrs Kristie Parker of Broome, on behalf of the residents of Broome. The Petition requested that the Town Beach Water Park and Playground Area be made safer for children by fully enclosing the area with fencing. Councillor D Male noted that the petitioner had advised the Petition was in an incorrect format, however still wished for it to be presented.

"To make Town Beach Water Park and play-ground area safer for children by fully enclosing the play area with fencing.

As residents of Broome we find the Town Beach Water Park and play-ground are to be unsafe for Children. The lack of enclosed fencing and the direct and exposed access to the busy car park area creates an imminent risk to children.

For the following reasons we the residents of Broome request that the Shire of Broome consider fully fencing Town Beach Water Park and play-ground are:

- *The direct access to the busy car park area creates an imminent risk to the safety of children.*
- *Having the area fully fenced and being able to confine children to the play area will create a safer playing environment and more enjoyable experience for parents and carers of children.*
- *The Water Park and playground is one of the most popular parks in Broome and is used more frequently by locals and tourists throughout the year.*
- *The car park area is regularly used for many different reasons including boat launching, water recreational-activities, tourism, dining and local*

events. The frequency and mix of traffic and the close proximity of the car park to the play area increases the risk of a significant incident occurring."

The Deputy Shire President advised that under Section 3.5 of the Shire of Broome's Standing Orders Local Law, the signatures would be verified before Council could receive the Petition, and that the Petition would be presented as an item to the next Ordinary Meeting of Council.

COMMENT

After receiving the Petition at the April Council meeting, it has been verified that 206 of the petitioners are residents of Broome.

Attachment 1 – Petition to fully fence the Town Beach Water Park and Playground

The proximity to car parking is an important consideration in the design of playgrounds. However, current Australian Standards do not require playgrounds to be enclosed nor to be a minimum distance from car parking. The proximity and requirement to enclose a playground is based on a case by case risk assessment basis. Due to the high level of patronage in the Town Beach Reserve, a risk assessment has been undertaken for this site (refer below).

All playgrounds within the Shire of Broome are audited annually by an independent accredited playground auditor to ensure compliance with current Australian Standards. Recent audits of the Town Beach Water Park and Playground have not highlighted a requirement for additional fencing.

Officers acknowledge the concerns of residents and have identified the following options for Council's consideration:-

Option 1- Do Nothing

The Shire of Broome acknowledges the concerns of residents and does nothing.

Based on the Risk Assessment below, the Do Nothing Option presents an extreme level of risk to children's safety.

Option 2 – Enclose Eastern Carpark Access

Option 2 proposes the installation of fencing and a gate at the eastern carpark access. This would include:

- 7 meters of 1500mm high aluminium powder coated fencing

- 1 x 1200mm high x 1200mm wide gate to suit self-closing with magna latch.

Enclosing of the eastern carpark access would restrict direct access into the car park by children and leave access to the toilets, cafe and beach open. This would create a safer environment for children.

Based on the Risk Assessment below, only enclosing the eastern carpark access still results in a high level of risk to children's safety.

Attachment 2 – Option 2: Enclose Eastern Carpark Access

Option 3 - Fully Enclose Town Beach Water Park and Playground.

Option 3 proposes the installation of fencing to totally enclose the Town Beach Water Park and Playground. This would include:

- 57 meters of 1500mm high aluminium powder coated fencing

3 x 1200mm high x 1200mm wide gate to suit self-closing with magna latch.

Fully enclosing the Water Park and Playground would restrict children from leaving the area and thus creating a much safer and more enjoyable environment for children and their parents/carers.

Based on the risk assessment below, fully enclosing the Town Beach Water Park and Playground results in a low risk to children's safety.

Attachment 3 – Option 3: Fully Enclose the Town Beach Water Park and Playground

Officers recommend the full enclosure of the water park as detailed in Option 3. This project will require the consideration of a budget allocation for the installation of fencing and gates as part of the draft 2015/16 capital works programme. Officers can also apply to Lotterywest and other funding bodies to obtain a grant and thus reduce the cost of the proposed work on the Shire.

To reduce the immediate risk associated with egress of children through the eastern car park access, the gate and associated fencing outlined in option 2 will be installed in the 2014/15 financial year. Funds are available in job number 113543 - Town Beach Water Park Maintenance account.

CONSULTATION

Kristie Parker
Resident of Broome

STATUTORY ENVIRONMENT

Local Government Act 1995

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;*
 - (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

Policy 1.2.11 Risk Management

FINANCIAL IMPLICATIONS

Option 2. Enclose Eastern Car park Access

	Initial Cost	Lifecycle Cost (Annual)	Remarks
Start Up costs			
Budget Impact	\$3,300		Capital Upgrade
Operational (Annual)		\$200	Operational Costs
TOTAL	\$3,300	\$200	

Option 3. Fully Enclose Town Beach Water Park and playground.

	Initial Cost	Lifecycle Cost (Annual)	Remarks
Start Up costs			
Budget Impact	\$24,800		Capital Upgrade
Operational (Annual)		\$900	Operational Costs
TOTAL	\$24,800	\$900	

Funding Source: Option 2. Enclose Eastern Car park Access

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Muni	\$3,300		Upgrade	Muni 14/15	113543
Muni		\$200	Op Ex	Muni 14/15	113543
TOTAL	\$3,300				

Funding Source: Option 3. Fully Enclose Town Beach Water Park and playground.

Funding Type	Capital or Start Up	Life Cycle Costs (Annual)		Funding Details (eg	Account Number
		Cost \$	*Cost Type		

	Expense			RLCIP)	
Muni	\$3,300	\$200	Op Ex	Muni 14/15	113543
Muni	\$10,750		Upgrade	Muni 15/16	113619
Grant	\$10,750		Upgrade	Lotterywest	113619
Muni		\$900	Op Ex	Muni 15/16	113543
TOTAL	\$24,800				

RISK

The Shire of Broome's Risk Management Policy 1.2.11 recognises that a Local Government Authority is exposed to a broad range of risks, which if not managed, could adversely impact on the organisation achieving its strategic objectives.

A risk assessment has been undertaken for the options being considered at this site.

Option 1 – Do Nothing

The Consequence of the Do Nothing option is as follows:-

Reputation - Moderate
Health - Major

The Risk of the Do Nothing Option is as follows:-

Reputation – 1 (Almost Certain)
Health – 3 (Possible)

The Risk Assessment of the Do Nothing Option is as follows:-

Reputation - Extreme
Health – Extreme

Based on the extreme risk associated with the Do Nothing Option, Officers recommend that fencing be installed at the site.

Option 2 – Enclose Eastern Car park Access

The Consequence of the enclosing the eastern carpark access is as follows:-

Reputation - Minor
Health - Major

The Risk of the enclosing the eastern carpark access is as follows:-

Reputation – 3 (Possible)
Health – 4 (Unlikely)

The Risk Assessment of the enclosing the eastern carpark access is as follows:-

Reputation - Medium
Health – High

Based on the high risk associated with the option of only enclosing the eastern carpark access, Officers recommend that this fencing be installed as a minimum.

Option 3 - Fully Enclose Town Beach Water Park and playground.

The Consequence of fully enclosing the Town Beach Water Park and Playground is as follows:-

Reputation - Low
Health - Low

The Risk of fully enclosing the Town Beach Water Park and Playground is as follows:-

Reputation – 5 (Rare)
Health – 5 (Rare)

The Risk Assessment of fully enclosing the Town Beach Water Park and Playground is as follows:-

Reputation – low
Health – low

Based on the low risk associated with the full enclosure of the Town Beach Water Park and Playground, Officers recommend to fully enclose the Town Beach Water Park and Playground.

Almost Certain	H	H	E	E	E
Likely	M	H	H	E	E
Possible	L	M	H	E	E
Unlikely	L	L	M	H	E
Rare	L	L	M	H	H
<i>Likelihood and Impact</i>	Insignificant	Minor	Moderate	Major	Catastrophic

Legend	Remedial Outcome
<i>E</i>	<i>Extreme Risk - Immediate intervention required</i>
<i>H</i>	<i>High Risk - Director or CEO must be informed and aware</i>
<i>M</i>	<i>Management responsibility to monitor</i>
<i>L</i>	<i>Operationally address</i>

Frequency	Likelihood of Incident Occurring	
<i>Almost Certain</i>	<i>Expected to occur in most circumstances</i>	<i>More than once per year</i>
<i>Likely</i>	<i>Will probably occur in most circumstances</i>	<i>At least once per year</i>
<i>Possible</i>	<i>Should occur at some time</i>	<i>At least once in three years</i>
<i>Unlikely</i>	<i>Could occur at some time</i>	<i>At least once in ten years</i>
<i>Rare</i>	<i>May occur, only in exceptional circumstances</i>	<i>Less than once in fifteen years</i>

LEVEL	DESCRIPTION	FINANCIAL IMPACT	HEALTH	REPUTATION	OPERATION
1	<i>Insignificant</i>	<i>Less than \$1,000</i>	<i>No injuries</i>	<i>Unsubstantiated, low impact, low profile or no news item</i>	<i>Little impact</i>
2	<i>Low</i>	<i>\$1,000 to \$10,000</i>	<i>First aid treatment</i>	<i>Substantiated, low impact, low media profile</i>	<i>Inconvenient delays</i>
3	<i>Medium</i>	<i>\$10,000 to \$50,000</i>	<i>Medical treatment</i>	<i>Substantiated, public embarrassment, moderate impact, moderate media profile</i>	<i>Significant delays to major deliverables</i>
4	<i>High</i>	<i>\$50,000 to \$150,000</i>	<i>Death or extensive injuries</i>	<i>Substantiated, public embarrassment, high impact media profile, third party actions</i>	<i>Non achievement of major deliverables.</i>
5	<i>Extreme</i>	<i>More than \$150,000</i>	<i>Multiple deaths or severe permanent disablements</i>	<i>Substantiated, public embarrassment, very high multiple impacts, high widespread multiple media interactivity, third party action.</i>	<i>Non achievement of key objectives.</i>

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 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:

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

1. *Notes the concerns of the residents of Broome in relation to the safety of children at the Town Beach Water Park and Playground.*
2. *Acknowledges the risk to children at the Town Beach Water Park and Playground due to the proximity of the carpark and endorses Option 2 to be undertaken as a priority in 2014/15.*
3. *Endorses the full enclosure of the Town Beach Water Park and Playground as detailed in Option 3, subject to funding being available.*
4. *Requests the Chief Executive Officer to seek external funding to undertake the full enclosure of the Water Park and Playground and consider the project as part of 2015/16 budget deliberations.*

Attachments

1. Petition to fully fence the Town Beach Water Park and Playground
2. Option 2 - Enclose Eastern Carpark Access
3. Option 3 - Fully enclose the Town Beach Water Park and Playground

9.2.5 FREDERICK ST /DAMPIER TCE CONNECTION AND LOOKOUT

LOCATION/ADDRESS:	Cnr Frederick St and Dampier Tce
APPLICANT:	Nil
FILE:	PLA94
AUTHOR:	Special Projects Coordinator
CONTRIBUTOR/S:	Manager Economic Development
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	23 March 2015

SUMMARY: The Shire has been successful in receiving funding from Tourism WA Demand – Driver Infrastructure. Initially this comprises \$300,000 in this financial Year and a second \$300,000 in the 2015/16 financial year subject to matching funding being secured.

To match the \$300,000 funding in the 2014/15 FY and to enable works to commence on the road connection phase (and detailed design of the lookout) as soon as possible, Officers are proposing Council make its previously committed \$300,000 towards the project from the Road Reserve this year rather than borrowings in the 2015/16 FY.

The first milestone for TDDI funds committed from Tourism WA requires construction to commence prior to the end of the 2014/15 financial year.

Funding for construction of the lookout phase can be considered once the Chinatown Revitalisation Business Case is endorsed by Cabinet which is expected to occur over the coming months. If these funds are approved they can be used to match the second \$300,000 from identified from Tourism WA in the 2015/16 FY.

BACKGROUNDPrevious Considerations

OMC 21 February 2013	Item 9.2.1
OMC 26 February 2015	Item 9.2.8

That Council:

1. Endorses the Chief Executive Officer's attempts to seek funding from the Kimberley Development Commission from Royalties for Regions, and Tourism WA from the TDDI scheme for implementation of the Dampier Terrace/Frederick Street Connection and associated viewing platform identified in the Chinatown Development Strategy in line with this report.
2. Agrees to commit expenditure of \$300,000 from Shire funds identified for Chinatown Revitalisation towards this project should other funding be secured.
3. Requests the Chief Executive Officer to prepare a Community Engagement Plan for this project and undertake consultation with the Chairman and representatives of the Mallinbarr community as soon as practicable.

Following Council's resolution the following has occurred in regard to this project:

1. Officers met with the Chairperson of the Mallinbarr Aboriginal Community on 5 March 2015. The Chairperson indicated support for the proposal with some minor amendments to the concept which have been included.

2. The Shire President wrote to Nyamba Buru Yawuru formally advising them of the project and seeking feedback and comment.
3. Funding contract has been secured for \$300,000 from Tourism WA of a potential \$600,000 for the entire project. A criteria of this funding is that it is matched dollar for dollar by the proponent, hence Officers are only recommending Council commit to the initial \$300,000 at this stage.
4. The concepts have been further refined incorporating feedback from a number of stakeholders and the final concept is also attached for Councils consideration.
5. Officers have prepared the Business Case requesting \$300,000 from the State Government. The final draft of this business case has been provided to the Kimberley Development Commission for comment prior to lodgement. Advice from the State Government is that this request is best considered in conjunction with the Chinatown Revitalisation Business Case as single cohesive project.

COMMENT

To facilitate delivery of this project as soon as possible and to meet the obligations of the Tourism WA funding, officers are proposing Council approve the Shire's allocation of \$300,000 for this project in this financial year. This would allow for the road component of the project to progress. This funding would also allow tender documentation to be prepared for the lookout component of the project. A timeline for the road component of the project is included below for Council's reference. Funds for this could be drawn from the Road Reserve. This would negate the need to provide these funds as part of the 2015/16 financial year as previously resolved.

The lookout component of the project is proposed to be undertaken as a detailed design tender with a subsequent construction tender if and when the Chinatown Revitalisation Project funds become available. If funding from the State is not forthcoming Council can then consider if it will match the \$300,000 in the 2015/16 financial year to progress the lookout component of the project or not progress any further. Council is not required to make this decision at this stage and it is recommended to commit the \$300,000 this year to complete the road component of the project.

It is therefore recommended to accept \$300,000 of the Tourism WA funding for the 2014/15 FY and match these funds with \$300,000 from the Road Reserve to facilitate this project progressing prior to 30 June 2015.

The Final Concept can be found in **Attachment 1-6**.

Project Timing – Road Connection

TDDI funding confirmed	12/05/2015
Shire of Broome funding confirmed	02/06/2015
Construction Commencement	15/06/2015
Practical Completion	31/08/2015

CONSULTATION

Preliminary consultation has been undertaken with Nyamba Buru Yawuru, and Mallingbarr Body Corporate. Minor adjustments to the concept have been made in response to this consultation. Both parties received the proposal with positive comments however as part of the community engagement plan continued engagement will be undertaken as the project enters detailed design and implementation.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS**Funding Source: Frederick Street/Dampier Terrace Lookout and Road Connection**

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant	\$900,000			Tourism WA TDDI \$600,000 (only \$300,000 committed at this stage) and Royalties for Regions \$300,000 (Not committed at this time).	
Reserve	\$300,000			Transfer from Road Reserve	101219600
TOTAL	\$1,200,000				
*Cost Type – Asset: New, Upgrade, Renewal, Maintenance, Operating. Service: Start up and Operating					

STRATEGIC IMPLICATIONS

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

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:

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:

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

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

1. *Thanks Tourism WA for the Tourism Demand – Driver Infrastructure (TDDI) funding which will be used for this project;*
2. *Accepts the \$300,000 for the 2014/15 financial year towards the Road Connection component noting it requires matching contribution from the Shire of \$300,000 (which is addressed below).*
3. *Approves a budget amendment to transfer \$300,000 from the Road Reserve via General Ledger Account 101219600 for the commencement of works on the project in this financial year and approves a new job number to be established under subprogram 124 – Road Construction for the purpose of commencing the extension to Frederick St and connection to Dampier Terrace*
4. *Acknowledges that this \$300,000 is considered as part of the Shire's \$2 million commitment towards Chinatown Revitalisation as per the long term financial plan and therefore requests the Chief Executive Officer to reflect this in the 2015/16 draft budget.*
5. *Authorises the Chief Executive Officer to accept the second \$300,000 for the 2015/16 financial year (to be used for the lookout component) if matching funding is allocated from the Chinatown Revitalisation Business Case from Royalties for Regions.*

(ABSOLUTE MAJORITY REQUIRED)

Attachments

1. Concept Cover Page
2. Concept Site Plan
3. Concept Floor Plan
4. Concept Design Elements
5. Concept Infrastructure Elements
6. Staging of Works Diagram

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.

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.

9.4.1 PAYMENTS - APRIL 2015

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:	6 May 2015

SUMMARY: This report recommends that Council adopts the list of payments made under delegated authority, as per the attachment to this report, April 2015.

BACKGROUNDPrevious Considerations

Nil

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 Electronic Funds Transfer (EFT), cheque, credit card or direct debit.

Attached is a list of all payments processed under delegated authority during April, 2015.

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.

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

REPORT RECOMMENDATION:

That Council records the accounts as paid under delegated authority for April 2015, totalling \$3,375,294.56, as attached, covering:

- *EFT Vouchers 30317-30705 totalling \$3,138,036.90;*
- *Municipal Cheque Vouchers 57278-57289 totalling \$48,984.64;*
- *Trust Cheque Voucher 3397 totalling \$4,136.57 and*
- *Municipal Direct Debits 18445.1-18512.21 totalling \$184,136.45*

Attachments

1. PAYMENTS - APRIL 2015

9.4.2 APRIL 2015 FINANCIAL ACTIVITY REPORT

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Accountant
CONTRIBUTOR/S:	Senior Finance Officer
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 May 2015

SUMMARY: Council is required by legislation to consider and adopt the Monthly Financial Activity Statement Report for the period ended 30 April 2015, as required by Regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

Council is further provided with a General Fund Summary of Financial Activity (Schedules 2 to 14) which provides comprehensive information on Council's Operations by Function and Activity.

BACKGROUNDPrevious Considerations

Council is provided with the Monthly Financial Activity Report which has been developed in line with statutory reporting standards and provides Council with a holistic overview of the operations of the Shire of Broome.

Supplementary information has been provided in the form of a General Fund Summary of Financial Activity, which discloses Council's Revenue and Expenditure in summary form, by Programme (Function and Activity).

COMMENT

The following are key indicators supporting the year to-date budget position with respect to the Annual Forecast Budget:

Budget Year elapsed	83%
Total Rates Raised Revenue	100% (of which 97% has been paid)
Total Other Operating Revenue	97%
Total Operating Expenditure	81%
Total Capital Revenue	36%
Total Capital Expenditure	30%
Total Sale of Assets Revenue	25%

There were a number of budget amendments processed in November, February and May as part of the Quarterly Finance and Costing Review (FACR). The statutory mid-year review was held as part of the 2nd Quarter FACR. The amendments from the 1st, 2nd and 3rd Quarter FACR are recorded in the minutes of the Audit Committee meeting held 13 November 2014, 10 February 2015 and 12 May 2015 respectively. Additionally, amendments have been made since budget adoption, which further impact upon the

forecast end-of-year position. The net impact of all budget amendments reported to Council year-to-date is a predicted budget deficit of \$115,656, excluding the results of the 3rd Quarter FACR. The results of the 3rd Quarter FACR are contained in another agenda item for Council's consideration.

More detailed explanations of variances are contained in the notes to the monthly statement of financial activity. The commentary identifies significant variations between the expected year-to-date budget position and the position at the reporting date.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

1A) In this regulation —

"committed assets" means revenue unspent but set aside under the annual budget for a specific purpose.

- 1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - b) *budget estimates to the end of the month to which the statement relates;*
 - c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - e) *the net current assets at the end of the month to which the statement relates*
- 2) *Each statement of financial activity is to be accompanied by documents containing —*
 - a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - c) *such other supporting information as is considered relevant by the local government.*
- 3) *The information in a statement of financial activity may be shown —*
 - a) *according to nature and type classification;*
 - b) *by program; or*
 - c) *by business unit.*
- 4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*

- b) recorded in the minutes of the meeting at which it is presented.
- 5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- 1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - b) is authorised in advance by resolution*; or
 - c) is authorised in advance by the mayor or president in an emergency.
- (1a In subsection (1) —
“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.
- 2) Where expenditure has been incurred by a local government —
 - c) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - d) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

* Absolute majority required.

POLICY IMPLICATIONS

2.1.1 Materiality in Financial Reporting

FINANCIAL IMPLICATIONS

The adoption of the Monthly Financial Report is retrospective, and the utilisation of this information to direct the Chief Executive Officer would be prospective and subject to resolution.

Accordingly, the financial implications associated with adoption are Nil.

STRATEGIC IMPLICATIONS

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

Responsible resource allocation

Effective community engagement

Retention and attraction of staff

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

1. *Adopts the Monthly Financial Activity Report for the period ended 30 April 2015 and;*
2. *Receives the General Fund Summary of Financial Activity (Schedules 2-14) for the period ended 30 April 2015.*

Attachments

1. April 2015 Financial Activity Statement

9.4.3 MINUTES OF THE JOINT MEETING OF THE KIMBERLEY ZONE OF WALGA AND REGIONAL COLLABORATIVE GROUP HELD 3 MAY 2105

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	OGSO3 & RCG01
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 May 2015

SUMMARY: This report requests Council to receive and endorse the Minutes from the Joint meeting of the Kimberley Zone of WALGA and Regional Collaborative Group held on 3 May 2015.

BACKGROUND

Previous Considerations

A copy of the minutes from the meeting held 3 May 2015 between members of the Kimberley Zone of WALGA and Kimberley Regional Collaborative Group (RCG) are attached for Council consideration.

As a result of a past decision of the group, both the Kimberley Zone and RCG meetings are joined.

It should be remembered that the Kimberley Zone of WALGA is a group established to represent regional issues to the State Council of the Western Australian Local Government Association (WALGA).

The RCG is a deed of agreement between four (4) local governments with the Minister for Local Government to progress regional reform.

COMMENT

The minutes and respective background information are attached to this report and the following comments are made in relation to the resolutions passed by the Group. Additional recommendations have been made where necessary for Council's consideration.

7.1 KIMBERLEY ZONE OF WALGA & RCG MEETING RESOLUTION STATUS REPORT

A status report was provided from the Project Officer outlining progress or otherwise on Resolutions passed by the Zone/RCG since February 2013. The status report was received and noted for finalisation under the authorisation of the Secretariat.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Zone of WALGA & Regional Collaborative Group:

- 1. Receives the attached Resolution Status Report;**
- 2. Authorises the Secretariat to proceed with co-ordinating the finalisation of outstanding action items arising from meeting resolutions.**

Moved: Cr Moulden

Seconded: Cr Edwards

CARRIED UNANIMOUSLY 4/0

7.2 KIMBERLEY ZONE OF WALGA 1415 FINANCIAL ACTIVITY REPORT

A Financial Activity Report was presented for adoption. Summary follows:

Indicators and Variances

The following are the key indicators of the year to date budget position;

Budget Year Lapsed	75%
Total Operating Income	116%
Total Operating Expenditure	112%

Total operating income and expenditure currently exceed budget given the 2011-12 CLGF Key Worker Housing SWEK portion of \$956,842+\$8,646.75 interest returned to the Zone for redistribution.

A summary of committed Kimberley Regional Collaborative Group project expenditure as percentage of forecast budget follows;

Project	Grant	Total Expenditure	% Complete
2012-13 DLGC – Records Management	\$107,000- 13/14 FY	\$70,440.08	66%
2013-14 DLGC – Capacity Audit of Synergy	\$107,000- 14/15 FY	\$78,848	74%
2014-15 DLGC – Corporate Performance Management	\$158,000 – To be applied for	-	-
2010-11 CLGF – Key Worker Housing	\$3,827,368- 13/14 FY	-	-
2011-12 CLGF – Key Worker Housing	\$3,827,368- 14/15 FY \$956,842+\$8,646.75 interest - 14/15 FY	\$4,795,476.75	100%
2012-13 CLGF – Key Worker Housing	\$3,827,368- 14/15 FY	\$3,827,368-	100%
2014 DLGC – Kimberley Youth Strategy Stage 1	\$40,000- 13/14 FY \$8,790 – 14/15 RCG Seed Fund	\$36,593	75%
2015 DLGC – Kimberley Youth Strategy Stage 2	\$22,526- To be applied for	-	-

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Zone of WALGA and Regional Collaborative Group adopts the

Financial Activity Report for the period ended 31 March 2015.**Moved: Cr Moulden****Seconded: Cr Tracey****CARRIED UNANIMOUSLY 4/0****7.3 KIMBERLEY ZONE OF WALGA 15/16 BUDGET FOR APPROVAL**

The Secretariat presented a Kimberley Zone of WALGA and Regional Collaborative Group Draft 15/16 Budget for consideration. Requests had been circulated to member Councils seeking submission of project briefs for inclusion in the draft budget, however at the time of writing the report, no submissions had been received. As such the \$40,000 annual funding from members for projects had not been allocated.

As the next meeting of the Zone/RCG is scheduled for August 2015, it was proposed for the budget to be endorsed as attached, with projects to be determined at the next meeting. For the purpose of developing the draft budget, the opening brought forward balance forecasts a proposed surplus to 30 June 2015. This details a surplus of \$95,293 for the Secretariat and a further surplus of \$337,487 for the Regional Collaborative Group. These are mainly restricted funds already allocated to a number of existing projects.

RESOLUTION:***That the Kimberley Zone of WALGA and Regional Collaborative Group;***

- 1. Endorse the Kimberley Zone of WALGA 15/16 Budget, and***
- 2. The group CEO's and Project Manager recommend priority projects and reports to the August Zone Meeting for its consideration.***

Moved: Cr Moulden**Seconded: Cr Archer****CARRIED UNANIMOUSLY 4/0****7.4 REGIONAL AUDIT TENDER**

The concept of a Regional Audit Tender for annual Financial Audits and Grant Acquittal services has previously been considered by the Zone/RCG as this may deliver advantages to each of the member Councils through improved service and cost savings.

At the Kimberley Zone CEO Group Meeting on the 25 November 2013, members discussed the potential of a collective tender process and agreed to investigate it further. At that stage, both the Shires of Broome and Derby/West Kimberley had contracts with UHY Haines Norton expiring 30 June 2013 and the Shire of Halls Creek and Wyndham/East Kimberley had contracts with UHY Haines Norton expiring 30 June 2015.

Consultation between the Shire of Broome and Derby/West Kimberley recognised an opportunity to commence a Request For Tender (RFT) process with a recommendation for appointment of an approved auditor for a period of two years from 1 July 2013. RSM Bird Cameron were appointed over this period, however the Group did note that an opportunity for procurement of Auditing Services jointly by the four member councils would present post 30 June 2015.

The report outlined that it was proposed for a Request For Tender (RFT) process to be undertaken by the Shire of Broome for the selection and appointment of an approved

auditor for a period of five years from 1 July 2015 to serve the Shire of Broome, Shire of Derby West Kimberley, Shire of Halls Creek and Shire of Wyndham East Kimberley.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Zone of WALGA and Regional Collaborative Group authorises the Secretariat to initiate the joint Request for Tender (RFT) process for the provision of Audit Services to the Shires of Broome, Derby/West Kimberley, Halls Creek and Wyndham/East Kimberley (jointly and severally) for a period of five years from 1 July 2015.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

7.5 REGIONAL DEVELOPMENT AUSTRALIA – INVESTMENT PROSPECTUS

This report advised of a proposed regional collaboration with the Kimberley, Pilbara and Northern Territory Regional Development Australia offices to develop an Investment Prospectus.

Currently each shire promotes economic development in the Kimberley individually. A review had been undertaken of the current status of economic development within the four Kimberley shires and it was proposed for a Kimberley, Pilbara and Northern Territory Economic Development Advisory Group to be established so that the four Kimberley shires can work collaboratively with the Kimberley, Pilbara and Northern Territory RDA's to develop an Investment Prospectus.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Zone of WALGA and Regional Collaborative Group authorises the Secretariat to;

- 1. Support the establishment of a Kimberley, Pilbara and Northern Territory Economic Development Advisory Group to investigate and progress Economic Development/Investment issues for the Kimberley Region,***
- 2. Support the Kimberley, Pilbara and Northern Territory RDA's develop a joint Kimberley, Pilbara and Northern Territory Investment Prospectus.***

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

7.6 VOLUNTEERING

Currently each Kimberley shire individually promotes and participates in volunteering with no policy or structured approach. This report reviewed the current status of volunteering activities within the four Kimberley shires and proposed a regional approach to improving volunteering initiatives within the Kimberley.

RESOLUTION:

That the Kimberley Zone of WALGA and Regional Collaborative Group authorises the

Secretariat to develop a project proposal and budget to apply to the Department of Local Government and Communities for funding to support the following regional volunteering initiatives;

- 1. Capacity building – Skills audit of Volunteers.**
 - *Develop a registration and matching service for groups and volunteers.*
- 2. Capacity building - Training/Education of Volunteers.**
 - *Develop a Kimberley circuit to run Training/Education of volunteer staff.*
- 3. Business Support Services**
 - *Develop a program to provide volunteer organisations with on ground support services to develop business plans, get setup and operational, and comply with all regulatory requirements.*
 - *Develop ongoing sporting and activity programs for the communities youth.*
- 4. Central IT Database.**
 - *Develop an IT cloud database for sharing information on regulatory, taxation, governance, reporting, constitution, insurance requirements. Extend to pooling resources to undertake book keeping services.*
- 5. Better communication.**
 - *Develop a marketing/promotion campaign across the Kimberley.*

Moved: Cr Tracey

Seconded: Cr Moulden

CARRIED UNANIMOUSLY 4/0

7.7 TAKEAWAY ALCOHOL MANAGEMENT SYSTEM UPDATE

This report provided an update as to the status of the establishment of a 12 month trial of a Takeaway Alcohol Management System (TAMS) for the Shire of Wyndham East Kimberley.

It was advised that the project scope had increased to include additional licensees within the trial, which would require additional funding for the extra scanning equipment for three additional locations. The Shire of Wyndham East Kimberley were currently seeking available grants to fund the additional equipment required for the trial.

RESOLUTION:

That the Kimberley Zone of WALGA and Regional Collaborative Group endorse the provision of additional funding in the amount of \$13,500 from the 14/15 surplus budget to cover the equipment costs of the additional licensees to be involved in the 12 month Takeaway Alcohol Management System trial within the Shire of Wyndham East Kimberley.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED 3/1

8.1 STATE COUNCIL MEETING AGENDA AND PRESIDENT'S REPORT

The State Council Agenda and Presidents Report had been received on the 20 April 2015 and was attached for member consideration.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Zone of WALGA notes the State Council Meeting Agenda and Presidents Report.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

8.2 WEST AUSTRALIAN NEWSPAPER HARD COPY DISTRIBUTION TO AREAS NORTH OF BROOME

The purpose of this report was to request support from the Kimberley Zone of WALGA to write to the West Australian Newspaper to request it revoke the decision to cease distribution of printed editions to areas north of Broome.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Zone of WALGA send the attached letters to WALGA and the West Australian Newspaper to support the revocation of the West Australian Newspaper's decision to cease distribution of printed editions of the newspapers to areas north of Broome.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

8.3 HEALTH AND EDUCATION ALLIANCE

The Department of Education, in partnership with the Independent Broome School Cluster and the Member for Kimberley Ms Josie Farrer have proposed an initiative to develop a business plan for the establishment of a Broome Health and Education Extended Service Centre at each of the Broome schools, those being;

- Broome Senior High School
- Cable Beach Primary School
- Broome Primary School
- Broome North Primary School
- Roebuck Primary School

The project will deliver five purpose built facilities with a focus on;

1. Improved school readiness. This will be measured against the National On-Entry Assessment.
2. Parent capacity building through parent groups and continues support programs.

3. Development of a Broome model for increased collaboration and cross school provision for access to Allied Health and School Psychology Services.

(REPORT RECOMMENDATION)**RESOLUTION:**

That the Kimberley Zone of WALGA support and advocate for the establishment of the Broome Health and Education Extended Service Centres.

Moved: Cr Moulden

Seconded: Cr Tracey

CARRIED UNANIMOUSLY 4/0

8.4 CENTRALISED EMERGENCY MANAGEMENT AGENCY – KIMBERLEY REGION

This report provided an update on the progress of the transition of fire and emergency services to a centralised Emergency Management Agency for the Kimberley Region.

It was advised that a significant portion of additional resources had been employed into the region as a result of this trial process. This has meant a greater level of emergency management response to the community, far greater than what the district or region has ever had allocated for emergency management.

(REPORT RECOMMENDATION)**RESOLUTION:**

That the Kimberley Zone of WALGA notes the presentation, successes made to date and looks forward to further discussion on implementing a more formal arrangement post the conclusion of the Kimberley Bushfire Management Trial in December 2015.

Moved: Cr Archer

Seconded: Cr Tracey

CARRIED UNANIMOUSLY 4/0

9.1 COUNTRY LOCAL GOVERNMENT FUND EXPENDITURE – KEY WORKER HOUSING PROJECT UPDATE

This report provides an update as to the status of the Country Local Government Fund to progress the Key Worker Housing project. The Shire of Broome is currently progressing a tender for a house and land package to build a single dwelling with reallocated grant funds.

(REPORT RECOMMENDATION)**RESOLUTION:**

That the Kimberley Regional Collaborative Group notes the progress of the Country Local Government Fund 2010-11, 2011-12 and 2012-13 Grant Funding for the Key Worker Housing Project.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

9.2 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2012/13 GRANT FUND EXPENDITURE – RECORDS MANAGEMENT PROJECT UPDATE

A grant for \$107,000 was approved by the Department of Local Government and Communities for the purchase and implementation of an Office 365 Cloud based collaboration and Records Management System for the Kimberley Zone. This report provided an update on progress of the project.

The next phase of the project is to supply hardware (ipad's) setup and configured to work seamlessly with the Sharepoint document management system and to commence an archival and disposal program at each Shire. The final stage of the project involves training and the roll out of the system to all user groups, which is intended to occur over the next month.

A letter of variation is to be forwarded to the Department of Local Government and Communities to request reallocation of surplus grant funds of \$10,000 towards the third project instalment of DLGC grant funding for the Corporate Performance Management Project.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Collaborative Group notes the progress of the Department of Local Government and Communities 2012-13 Grant Funding for the Records Management Project.

Moved: Cr Tracey

Seconded: Cr Edwards

CARRIED UNANIMOUSLY 4/0

9.3 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2013/14 GRANT FUND EXPENDITURE – BUSINESS IMPROVEMENT REVIEW UPDATE

A grant for \$107,000 was approved by the Department of Local Government and Communities for a Business Improvement Review of the IT Vision Synergy Soft system utilised by the four Kimberley Shires. The report presented advised that the Business Improvement Review project is progressing as anticipated and indicated that workshops at each shire had been conducted and functional assessments completed. The final stage of the project is to hold onsite training for officers at each member Council.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Collaborative Group notes the progress of the Department of Local Government and Communities 2013-14 Grant Funding for the Business Improvement Review of the IT Vision Synergy Soft System.

Moved: Cr Moulden

Seconded: Cr Edwards

CARRIED UNANIMOUSLY 4/0

9.4 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2014/15 GRANT FUND EXPENDITURE – CORPORATE PERFORMANCE MANAGEMENT

This report provided an update as to the status of the Department of Local Government and Communities funding to progress the implementation of the Corporate Performance Management toolset for the Kimberley Zone and Regional Collaborative Group.

Synergy Soft is a fully integrated enterprise product suite that encompasses all business areas of an organisation within a single user interface. The Kimberley regional Council's use the Synergy Soft solutions of Business and Financial Management, Corporate and community services, Records Management, Governance and Infrastructure service solutions.

The current local government management operating environment has undergone a significant increase in both the mandatory as well as desirable need for better analytical reporting, business intelligence and corporate performance management tools to support their business.

The corporate performance management (CPM) application seamlessly utilises the SynergySoft Enterprise Resource Planning data along with any other relevant data sources required for mandatory and desirable management use. The CPM toolset comes fully integrated with SynergySoft and populated with three initial functional solutions, including;

- Statutory Workforce Planning
- Financial Reporting and Analysis
- Operational Performance Indicators

The proposed objectives of the project are to enhance the availability and sophistication of analytical management reporting for both mandatory as well as desirable organisational business requirements. This project will facilitate a standardised and comparative approach to reporting analysis across the Kimberley Zone that provides the basis for future benefits consideration such as comparative or consolidated reporting and benchmarking. The project is fully funded from grants.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Collaborative Group;

- 1. Endorses the Corporate Performance Management Project; and***
- 2. Authorises the Secretariat to finalise the Department of Local Government and Communities 2014-15 Grant Funding application and Financial Assistance Agreement.***

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

9.5 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2014 GRANT FUND EXPENDITURE – KIMBERLEY YOUTH STRATEGY – STAGE 1 CONSULTATION

This report provided an update as to the status of the Department of Local Government and Communities grant funding to progress a Kimberley Youth Strategy for the Kimberley Zone and Regional Collaborative Group.

The grant agreement outlines the project definition as the research of the views of young people by engaging them in creative ways to inform the planning and development of their communities. The agreed anticipated activities include the Zone working in partnership with young people and/or community groups to support youth participation in helping make their community youth friendly. The consultation could also be used to support the review of other relevant strategies, policies and plans, and to inform the improvement of relevant services.

The Kimberley Youth Strategy project is progressing as anticipated with the following milestones being completed;

- An initial kickoff meeting with Bluebottle Consulting was conducted.
- The proposed project approach and deliverables were agreed.
- The project schedule and payment plan was agreed.
- A formal agreement was drafted and signed by the Secretariat and Bluebottle Consultants.
- Service provider mapping has been completed.
- A survey monkey has been developed and put onto each Shires website and Facebook page.
- A media release has been completed.
- The regional face to face consultation has been completed.
- A Project progress report has been provided to the DLGC Director General.
- A Final Local Government Consultation Report has been provided.
- A draft Service Providers Report has been provided.
- A draft Consultation with Young People Report has been provided.
- A Final Kimberley Youth Services Mapping Document has been provided.
- A draft Stage 1-Consultation Report has been provided.

A meeting of the executive group was conducted on 15th April 2015 to discuss the delivery of Stage 1 – Consultation and the scope of Stage 2. It was agreed that Stage 2 would include the Kimberley Zone Strategy and Action Plan as well as a process of aligning the Kimberley Action Plan with each Shires Strategic Community Plan by identifying linkages and developing a plan for each Shire to build the capacity of the Shire and the community to meet the identified needs and remedy shortfalls in the current approaches to Youth Services.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Collaborative Group notes the progress of the Department of Local Government and Communities 2014 Grant Funding for the development of the Kimberley Youth Strategy.

Moved: Cr Tracey

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

9.6 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2014 GRANT FUND EXPENDITURE – KIMBERLEY YOUTH STRATEGY – STAGE 2 STRATEGY AND ACTION PLAN

This report provided an update as to the status of the Department of Local Government and Communities grant funding to progress the development of the Action Plan for the Kimberley Zone and Regional Collaborative Group.

The purpose of this project is to draw on the information obtained during the consultation phase undertake consultation with youth, youth sector service providers and local governments across the Kimberley to inform the development of the Kimberley Youth Strategy.

The Kimberley Youth Strategy – Stage 2 – Strategy and Action Plan, will take on 5 project phases;

Phase 1 – Environmental Scan

- 1.1 Review the impact of current and proposed commonwealth and state youth services policies and trends.
- 1.2 Research other federal, state and local government policy initiatives to ascertain and inform strategies for positioning the Kimberley Zone to take advantage of future potential funding and strategic opportunities.

Phase 2 – Workshop

- 2.1 Facilitate a workshop with relevant staff representatives from each of the Shires to;
 - establish a framework for local government involvement in youth services that guides a consistent, coordinated approach while allowing for the different operating contexts and delivery methods each shire has,
 - identify priority focus areas for the strategic plan,
 - provide an opportunity for knowledge sharing,
 - identify best methods for ongoing collaboration.

Phase 3 – Develop Youth Strategy

- 3.1 Develop an overarching strategy document with the Kimberley Zone and Kimberley Local Governments that is informed by the work undertaken during stage one of the project and the environmental scan.

Phase 4 – Develop Action Plan

- 4.1 Develop an action plan detailing specific activities and timeframes for implementing the youth strategy.

Phase 5 – Alignment of Kimberley Action Plan with each Shires Strategic Community Plan

- 5.1 Identify and link how each specific activity from the Kimberley action plan will fit into each Shire's Strategic Community Plan and develop a plan for each shire to build the capacity of the Shire and its community to meet the identified needs and remedy shortfalls in the current approaches to Youth Services.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Collaborative Group;

- 1. Endorses the Kimberley Youth Strategy Stage 2 – Strategy and Action Plan; and***
- 2. Authorises the Secretariat to finalise the Department of Local Government and Communities 2014-15 Grant Funding application and Financial Assistance Agreement.***

Moved: Cr Tracey***Seconded: Cr Edwards******CARRIED UNANIMOUSLY 4/0*****9.7 REGIONAL COLLABORATIVE GROUP SEED FUND PROJECT**

This report provided a recommendation for the Regional Collaborative Group 2014-15 Seed Funding (\$40k) to be used towards the investigation of the establishment of a Centre for Excellence in the Kimberley.

A Centre for Excellence aligns school, higher education and industry sector resources and expertise to deliver academic, career and leadership opportunities for students in government schools.

There are numerous Centres for Excellence established across Australia. Each Centre for Excellence has a unique specialisation focus and ensures that the curriculum is rigorous and challenging and incorporates sound academic practice in order for students to be able to undertake normal course requirements as well as having the opportunity for extended study and research in their chosen area of interest.

In order for Centres for Excellence to success, partnerships with schools and universities are essential. The partnership with the university will be expected to better support professional experience placements and professional development of staff through reciprocal school/university arrangements. University professors, specialized industry paraprofessionals and highly accomplished teachers would deliver courses in a number of ways including a combination of online, on campus and intensive weekly programs.

Benefits of Centres for Excellence include;

- Specialised, challenging learning experiences,
- Access to industry experience that will foster confidence and competence in the area of specialisation,
- Pathways to higher education and possible employment opportunities,
- Keeping kids in the Kimberley,
- Diversifying learning and education opportunities,
- Extended learning opportunities in association with the university.

RESOLUTION:***That the Kimberley Regional Collaborative Group lay the item on the table.******Moved: Cr Archer******Seconded: Cr Tracey******CARRIED UNANIMOUSLY 4/0*****CONSULTATION**

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications to the Shire of Broome with any of the items presented in this report. Members have been requested to consider the allocation of surplus Kimberley Zone of WALGA/RCG of \$13,500 toward the Shire of Wyndham East Kimberley Takeaway Alcohol Management System Upgrade.

RISK

There is minimal risk associated with the recommendation of this report to the Shire of Broome.

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

High level social capital that increases community capacity

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:

An organisational culture that strives for service excellence

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council

- 1. Receives and endorses the resolutions of the Kimberley Zone of WALGA/Regional Collaborative Group as attached in the minutes from the Joint Meeting held 3 May 2015 enbloc; and*
- 2. Authorises the following budget amendments to the Kimberley Zone of WALGA accounts for the utilisation of \$13,500 of surplus funds towards the Takeaway Alcohol Management System trial within the Shire of Wyndham East Kimberley:*
 - Account No. 22143 Kimberley Zone - Tourism Corridor Op Exp – reduced \$13,500*
 - Account No. 405231 Kimberley Zone - TAMS Project Op Exp – increased \$13,500*

(ABSOLUTE MAJORITY REQUIRED)

Attachments

1. Minutes Joint Meeting Kim Zone WALGA/RCG

9.4.4 REVIEW OF TOURISM ADMINISTRATION POLICY AND TOURISM DIFFERENTIAL RATE ALLOCATIONS

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	Nil
AUTHOR:	Manager Economic Development
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 May 2015

SUMMARY: This report provides a review of the Tourism Administration Policy undertaken by Officers and makes recommendations regarding the approach to the distribution of the Tourism Differential rate allocations for the 2015/16 financial year and potentially beyond.

These changes recommend a more Shire specific approach to what information is provided to the Shire by those organisations receiving funding and when it is provided. It is also recommended that in future, these submissions for funding are considered by the Economic Development Advisory Committee for recommendation to Council. This is proposed to come into effect for the 2016/17 FY allocations.

This report also recommends an allocation be made to the newly formed Broome Tourism Leadership Group (subject to provision of a formal submission) to assist them with establishment and resourcing of an operating framework.

BACKGROUND

Previous Considerations

SMC 2 July 1999	Item 5.2
OMC 22 July 2003	Item 9.1.2
OMC 18 January 2007	Item 9.1.3
OMC 11 April 2007	Item 9.4.1
OMC 9 July 2009	Item 9.4.3
OMC 14 April 2011	Item 9.2.1
SMC 13 July 2011	Item 9.2.1
OMC 19 April 2012	Item 9.4.4

Council last considered the Tourism Administration Policy at the OMC 19 April 2012 and associated recommendations from a review undertaken by Dominic Carbone and Associates and Darren Long Consulting (DCA/DLC) with the following resolution

COUNCIL RESOLUTION:

That Council;

- 1) Adopts the Draft Tourism Administration Policy,*
- 2) Sets a sum certain yield of \$315,000 from tourism differential rates from the 2012/2013 budget for the purpose of tourism initiatives,*
- 3) Maintains the yield, plus any general increase, from the GRV Broome Tourism Group rate, and conforms to the 50% rule by lowering the minimum rate to the point*

of a 50/50 balance in minimums and non-minimums, with the balance of the required yield made up from the balance of non-minimum rates within that rating group.

The current Tourism Administration Policy relates to the Broome Visitor Centre in Section 1.0 Visitor Information Services and Australia's Northwest Section 2.0 Marketing.

The policy does not commit a financial allocation but requests four year business plans and identification of the financial support required from the Shire for the respective organisations initiatives to be submitted and reviewed annually, allowing for Shire consideration of the requested funding. This allows the Shire to allocate financial resources as it considers appropriate within the policy framework.

Other requirements for the funded organisations within the policy include providing assurances that they are financially viable, identification of activities and projects, the determination of KPI's related to these activities and providing audited financial statements for the preceding year.

Each organisation is also to provide a report to Council on an annual basis in relation to the expenditure of funds and the performance criteria set and to acknowledge the financial assistance received from the Shire on promotional materials connected to the projects and in its annual report.

Other sections of the policy incorporate Collaboration, Tourism Industry Development, Planning, Infrastructure and Amenities and allows the Chief Executive officer to appoint a Tourism Advisory Group. The last section of the policy provides an overview of the multiplier Effect Rating Model. The current Policy is included in Attachment 1.

The Tourism differential rate allocation per financial year (including 2014/15 FY) amounts to \$315,000 per annum which is currently allocated to the following organisations and initiatives for the amounts detailed below:

- Broome Visitors Centre \$110,000 paid in two instalments of \$55,000
- Australia's North West \$175,000 paid in one instalment
- Other Tourism initiatives \$30,000 – Discretionary amount determined by Council, expended as initiatives arise. In 2014/15 these funds have been used towards Guest Town at Perth Royal Show, Town Beach markets and support for Cruise Ship visits.

Since Council last reviewed this policy the tourism industry, with support from the Shire and Tourism WA, has prepared a Broome Tourism Strategy (Summary Report Part 1 Attachment 2 and Part 2 Attachment 3) and established the Broome Tourism Leadership Group (BTLG). These industry developments together with analysis of the reporting obligations of those parties receiving funding have prompted a review of the policy for Council's consideration.

The BTLG has prepared a comprehensive strategy on the initiatives required to provide direction to the Tourism Industry over the next few years. The Shire is progressing with implementing a number of these priorities identified in this strategy (i.e. Chinatown Redevelopment). However any review of the Tourism Administration Policy should endeavour to achieve alignment between these strategies and funding the Shire provides to tourism organisations. The details of how this occurs are proposed to be developed in consultation with key stakeholders.

The BTLG has identified pillars within the industry that it wishes to target and has formed sub committees to undertake work relevant to these pillars including Brand, Product, Access, Experience, Infrastructure and Industry. Further, the BTLG has recently requested Royalties

for Regions funding to undertake a comprehensive research program aimed at reinvigorating the Broome brand.

COMMENT

Over the past few years the level of detail which has been provided by those organisations receiving funding as a result of this Policy has increased to a level that generally meets most of the obligations of the policy, however further improvements can be made.

Officers recommend that reporting against the Policy undergo refinement including the addition of specific timeframes to align with the Shire budget process and to enable input from the newly formed Economic Development Advisory Committee. This would facilitate better Shire specific reporting in regards to the proposed programs and activities that the Shire funds and their specific results.

An analysis of the current policy requirements related to sections 1.0 and 2.0 Visitor Services and Marketing is provided in Attachment 4 with recommendations for Council consideration. In essence, a more time framed, Shire specific reporting regime that relates to the Shire portion of funding approved, along with the actions or initiatives with performance targets and subsequent outcomes should be employed. This can then be aligned to reflect requests for the next year of funding.

As the Policy does not currently commit a financial allocation this could allow a more holistic overview of the value of proposed initiatives and assessment of possible alternatives and funding considerations for the Shire.

For example, the BTLG is currently formalising a governance arrangement, and when this is completed the Shire could receive a formal submission from the BTLG to be a recipient of funding from the Tourism Administration Policy given the strong alignment with the remit of this group and the Tourism Administration Policy. The BTLG also has stakeholder support to represent the tourism industry. The latest media release for the BTLG is included in Attachment 5.

Should Council consider this to be a direction to pursue, officers recommend an allocation of \$20,000 be made to support the BTLG within the next financial year, potentially to assist in establishing an ongoing operating framework or assistance in resourcing outputs of the strategic work undertaken. This would be subject to receiving a formal application from the BTLG along the lines of the existing policy requirements and subsequent to its governance framework being formalised.

It is possible that the BTLG could act in an advisory capacity in the future as to which organisations and initiatives should be funded from the Tourism Administration Policy based on the industry evidence and strategic research it undertakes within its remit specific to Broome. Officers consider the tourism specific knowledge and industry focus of the BTLG could add value to the allocation process into the future.

Officers propose that the balance of the \$30,000 allocation for Shire tourism initiatives in 2015/16 FY (\$20,000 remaining after Cruise Ship Servicing of \$10,000 as per the OMC February 2015 resolution) could be utilised to facilitate the funding of the BTLG, subject to the conditions stated above. This would allow the current allocations of the Tourism Administration Policy for both the BVC and ANW to remain the same for the next financial year and time for the recommended amendments to the reporting requirements under the policy to be consulted and enacted.

Officers suggest another option to accommodate the BTLG would be a reduction in the existing allocations to the BVC and ANW with \$20,000 potentially being realised by an equitable reduction of just over 7% to each organisation. However to allow adequate time to transition to this newer model, receive a submission from BTLG and to enact formal changes to the Tourism Administration Policy post advice from the Economic

Development Advisory Committee, officers recommend maintaining the existing level over this next 2015/2016 financial year to allow adequate time to formalise, consult and facilitate the above recommendations.

Therefore allocations proposed for the next financial year would be:

Organisation/Initiative	14/15	15/16
BVC	\$110,000	\$110,000
ANW	\$175,000	\$175,000
Broome Tourism Leadership Group (pending submission and incorporation)		\$20,000
Shire Tourism Initiatives	\$15,000	Nil
Cruise Ship Support as per OMC resolution Feb 2015	\$15,000	\$10,000
Total	\$315,000	\$315,000

Allocations for 2016/17 and beyond

In reviewing the policy Officers propose to outline a clearer process and timeline for consideration of allocations to tourism organisations into the future. This is broadly outlined as follows:

- Organisations make submissions to the Shire reporting on the outcomes of the previous year and making requests for the following year by December each year.
- Officers would then review these submissions and refer them to the Economic Development Advisory Committee in February/March of the following year.
- Council would then consider the submissions and recommendations from EDAC in April and decide the allocations for the following financial year.

This process is proposed to be further refined in consultation with key stakeholders and presented to Council for consideration.

CONSULTATION

Officers recommend that engagement occurs with the parties who receive funds from the Tourism Administration Policy to review the recommendations and develop a revised draft policy for Council's consideration.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Tourism Administration Policy 2.1.6 which is proposed to be amended.

Economic Development Advisory Committee Terms of Reference. The current committee terms of reference are attached at Attachment 6. If Council agreed with this recommendation these would need to be amended.

FINANCIAL IMPLICATIONS

There is no overall budget impact

RISK

Possible risks include stakeholder discontent from ANW and BVC related to the proposed reporting amendments and the lack of other funding available for ad hoc initiatives from the Shire Tourism Initiatives category. This is considered to have a medium residual risk. It should be noted however, that a change of allocations with good resultant outcomes for the tourism industry in Broome may be achieved through the proposed approach by accommodating the BTLG in next year's budget process and incorporating this new group into the Tourism Administration Policy.

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

Participation in recreational activity

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

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

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

Responsible resource allocation

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council requests the Chief Executive Officer to:

- 1. Include the following allocations from the Tourism Administration Policy for the*

2015/16 financial year:

a) Broome Visitor Centre	\$110,000
b) Australia's Northwest	\$175,000
c) Shire Tourism Initiatives (\$10,000 Cruise Ships)	\$10,000
d) Broome Tourism Leadership Group	\$20,000

2. *Inform the above stakeholders accordingly and invite BLTG to make a formal submission for consideration of funding.*
3. *Amend the Tourism Administration Policy generally in line with the recommendation contained in Attachment 4 and this report in consultation with the Broome Visitors Centre, Australia's Northwest and the Broome Tourism Leadership Group.*
4. *Present this revised Policy to the Economic Development Advisory Committee for consideration and recommendation to Council.*

Attachments

1. Current Tourism Administration Policy
2. Broome Tourism Leadership Group Tourism Strategy Summary Part 1
3. Broome Tourism Leadership Group Strategy Summary Part 2
4. Review of Tourism Administration Policy Section 1.0 and 2.0
5. Press Release Broome Tourism Leadership Group
6. Economic Development Advisory Committee Terms of Reference

9.4.5 PLANNING AND DEVELOPMENT (DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2011

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ACT12, PLA79
AUTHOR:	Director of Development Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 May 2015

SUMMARY: The Standing Committee on Uniform Legislation and Statutes (the Standing Committee) undertook an enquiry into the operation and effectiveness of Development Assessment Panels. Officers made a submission to the Standing Committee in relation to procedural and process issues associated with the administration of the Development Assessment Panels.

The Standing Committee invited the Shire to make a presentation regarding the officer's submission at a hearing held on 4 May 2015. Subsequently the Standing Committee wrote to the Shire President, requesting Council give consideration to particular matters pertaining to representation of the local government on the Panel.

This report requests Council's consideration in drafting a response to the questions from the Standing Committee with regards to the Development Assessment Panels.

BACKGROUND

Previous Considerations

Nil

In November 2014 the Standing Committee on Uniform Legislation and Statutes (the Standing Committee) commenced an inquiry into the operation and effectiveness of the *Planning and Development (Development Assessment Panels) Regulations 2011 (Regulations)*. The inquiry relates to section 171F of the *Planning and Development Act 2005*. This section requires the Regulations to be reviewed by a Standing Committee of the Legislative Council. The Committee advertised its inquiry and invited submissions from interested persons and organisations.

Officers made a submission in February 2015 in relation to procedural and process issues experienced at the Shire of Broome with the administration of the Development Assessment Panels, see **Attachment 1**. The Submission outlined the following points and made recommendations as per below:

1. Definition of 'Optional' and 'Mandatory' and DAP applications
Recommendation: The thresholds are changed to better capture only development considered to be of 'regional' or 'state' significance.

2. Further Information Requests

Recommendation: Regulations 2011 be amended to include a provision to 'stop the clock' on statutory processing time when a request for further information is issued.

3. Operation of the DAP Pre-meeting Discussions

Recommendation: The DAP Standing Orders be updated to include a process that is inclusive of all present DAP Members whether during site visits or pre DAP meeting discussions.

4. Term of Local Government Member

Recommendation: The nomination of DAP local members be co-ordinated within the local government election and subsequent meeting cycle.

5. Training of DAP Members

Recommendation: A procedure be established that sets out the process for delivery of training for new DAP members.

6. Submission of RA Report

Recommendation: The Act be amended to exclude public holidays and the period between 25 December to 1 January from the statutory determination days and the associated requirement or the lodging of the RA report.

7. Further Services from the RA

Recommendation: Regulation 13 be amended to state as follows *Presiding member of a DAP may, at any time after the RA Report is forwarded direct the responsible authority to give to the DAP either or both of the following services in connection with the application.*

To ensure further information is only required after the assessment has been completed.

In April 2015, the Standing Committee gave the Shire the opportunity to talk to its submission at a hearing held on 4 May 2015. The Director Development Services at the hearing gave further evidence in regards to the points raised in the officer's submission. At the hearing the Standing Committee also asked more general questions which were not directly related to the officer's submission. Whilst responses were given by the Director at the time, the Director suggested that Council may wish to consider providing responses to some of the questions. Subsequently the Standing Committee wrote to the Shire President see **Attachment 2**, requesting consideration be given by Council to the following questions:

1. *Does the Shire believe the role of elected councillors on DAPs has been clearly articulated (given they are required to make their own independent decision on the planning merits of an application as well as be representatives of the local government)?*
2. *Does the Shire believe there is an inconsistency between what is stated in Regulation 25 and clause 2.1.2 of the DAP Code of Conduct (Regulation 25 referring to local government DAP members being 'representatives of the relevant local government' and clause 2.1.2 of the DAP Code of Conduct stating a local government member 'must exercise independent judgement') in a scenario where*

a DAP may decide not to follow the recommendation in the RAR as well as the views of the local government council?

3. *The recent amendments made to the Regulations, which came into effect on 1 May 2015, include a modification to the quorum requirements for Development Assessment Panels. This provides that a quorum can now be any three members, including the Presiding Member (where previously, the quorum had to include at least 1 local government member).*

These questions are discussed below and an officer's recommendation is provided for Council's consideration.

COMMENT

The Role of Elected Members

The first two questions relate to the Role of Elected Members on the Development Assessment Panels and are addressed below. Councillors would be aware that when Council considers planning applications, each application is to be considered on its merits against the local planning framework. Therefore when Councillors consider a planning application, Councillors are to be representative of the community in so far as the community have been involved in informing and developing the local planning framework, and may also have made comments or submissions on the application in relation to its merits against the planning framework. Therefore each Councillor as a local government representative is to consider the application and its merits independently by taking into account the values and nuances of the local planning framework when voting on the application. Councillors' role as local government representatives in this regard is particularly important when considering what level of variation to the local planning framework may be supported.

However Councillors as local government representatives cannot vote based on any other local or political considerations apart from the merits of the application against the local planning framework. In a similar fashion the Development Assessment Panel Code of Conduct 2011 (the Code of Conduct) makes it clear that regardless of whether or not Council has a formal position on the particular planning application, each Councillor representing the local government is still to vote on it independently considering the planning merits, as they would have when voting on it at Council as described above. The Code of Conduct provides as follows:

- 2.1.2 *A local government member of a DAP is not bound by any previous decision or resolution of the local government in relation to the subject-matter of a DAP application. In such a situation, the member is not prevented from voting for a decision that is the same as the local government's. However, the member must exercise independent judgment, and consider the application on its planning merits, in deciding how to vote.*

Officers are of the opinion that whilst the Code of Conduct is clear the Regulations may create some confusion for Councillors, considering Regulation 25 of the Planning and Development (Development Assessment Panels) Regulations 2011 (the Regulations) states the following:

25. JDAP members

- (1) *The members of a JDAP, at any meeting of the JDAP to determine or otherwise deal with a development application or an application to amend or cancel a determination of the JDAP, are —*
- (a) the 2 local government members included on the local government register as representatives of the relevant local government in relation to the development application; and*
 - (b) 3 persons appointed to the JDAP as specialist members.*

The clarity provided by the Code of Conduct appears to be conflicting with the Regulations if the Regulations are considered in a Local Government Act context. In such a context it could mean that the representatives of the local government are bound to any previous resolution made by Council with regards to the matter. However if the Regulations are read in the context of the Planning and Development Act 2005, the intent of the Regulations remains that the Development Assessment Panel is to be an independent panel, which is not bound by any previous decisions by other parties. This allows the Panel to consider the merits of the application independently against the local planning framework.

It could therefore be argued that as part of the Panel, the role of the Councillors as local government representatives is similar to that as being an individual Councillor when Council is the decision making authority. Therefore Councillors on the Panel may have regard for any previous resolutions by Council, but are not bound by it. It is acknowledged that this is clear in the code of conduct, but may be confusing when interpreting the Regulations against the code of Conduct of the Shire of Broome and the Local Government Act 1995.

It is therefore recommended that Council writes to the Standing Committee outlining that: the roles outlined within the Regulations in regards to the responsibilities of Councillors who are members of the Development Assessment Panel should be clarified to the extent where it makes it clear that a Councillor sitting on the Panel is not bound by any previous decision made by the local government or any resolution made by the Council, as the case may be under the Local Government Act 1995. Quorum Requirements for Development Assessment panels

The recent amendments made to the Regulations, which came into effect on 1 May 2015, include a modification to the quorum requirements for Development Assessment Panels. This provides that a quorum can now be any three members, including the Presiding Member (where previously, the quorum had to include at least 1 local government member). Officers assume that the rationale for this amendment could be to ensure that local governments do not boycott the Panel by not being present and thereby not allowing a decision to be made. The amendment to the Regulations therefore ensures that even without local government representation the Panel could still make a decision.

Officers consider that this amendment may allow a scenario where there is no local government representation when a decision is made for planning approval which could significantly vary the local planning framework. Such a scenario is strongly discouraged but does bring up the question of the composition of the Panels. As per regulation 25 (see above) the Panel consists of 2 local government representatives and 3 specialist members. This means that even when both local government members attend, the three specialist members could still outvote the local government representatives. WALGA in its submission requested this aspect be reconsidered see **Attachment 3**.

Officers recommend that in order to ensure local decision making the number of local government representatives should be increased to three, allowing the presiding member to have a casting vote should it be required.

As such it is recommended that Council requests that the Standing Committee on Uniform Legislation and Statutes considers reinstating the previous regulations requiring a local government member to be present at the meeting to enable a quorum and consider increasing the number of local government representatives to three.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

25. JDAP members

- (1) *The members of a JDAP, at any meeting of the JDAP to determine or otherwise deal with a development application or an application to amend or cancel a determination of the JDAP, are —*
 - (a) *the 2 local government members included on the local government register as representatives of the relevant local government in relation to the development application; and*
 - (b) *3 persons appointed to the JDAP as specialist members.*
- (2) *In subregulation (1)(a) — **relevant local government**, in relation to a development application, means the local government of the district in which the land to which the development application relates is situated.*
- (3) *The specialist members must be appointed in writing by the Minister.*
- (4) *Regulation 37 applies to the appointment of specialist members.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

RISK

The risk associated with responses to the Standing Committee is considered Low. However the potential risk associated with quorums for the Development Assessment Panels not including Local Government representation may be considered moderate as whilst unlikely, it may impact on planning decisions being made without the local community being represented. As a result it is recommended that Council provides a response to the Standing Committee outlining that Council would request that the previous provisions of the regulations be reinstated to ensure a member from the local government is part of the decision making process.

STRATEGIC IMPLICATIONS

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

Effective communication

Accessible and safe community spaces

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 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

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

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council writes to the Standing Committee on Uniform Legislation and Statutes outlining the following:

1. *Council believes that the roles outlined within the Regulations in regards to the responsibilities of Councillors who are members of the Development Assessment Panel should be clarified to the extent where it makes it clear that a Councillor sitting on the Panel is not bound by any previous decision made by the local government, or any resolution made by the Council, as the case may be, under the Local Government Act 1995.*
2. *Council requests that the Standing Committee on Uniform Legislation and Statutes considers reinstating the previous regulations requiring a local government member to be present at the meeting to enable a quorum and consider increasing the number of local government representatives to three.*

Attachments

1. Attachment 1 - Officer's Submission
2. Attachment 2 - Correspondence from the Standing Committee
3. Attachment No 3 - WALGA's Submission to Standing Committee

10.

**REPORTS
OF
COMMITTEES**

10.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 12 MAY 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 May 2015

SUMMARY: This report presents to Council the outcomes of the Audit Committee's meeting held 12 May 2015, and seeks consideration of adoption of the recommendations pertaining to the Quarter 3 Finance and Costing Review (FACR) and the Audit Regulation 17 Improvement Plan Biannual Progress Report.

BACKGROUNDPrevious Considerations

Nil

Quarter 3 Finance and Costing Review

Between 1 January and 31 March, a local government is to carry out a review of its annual budget for that year and this is to be submitted to the Council within 30 days of completion. This process was completed as part of the Quarter 2 Finance and Costing Review (FACR) and presented to the Audit Committee for consideration on 10 February 2015. Subsequently, a number of recommendations from the Audit Committee were presented to Council for consideration at the Ordinary Meeting of Council on 26 February 2015.

The Quarter 3 FACR process commenced on 20 April 2015 and Council's Executive Management Group considered the results on Friday, 8 May 2015. The results of the FACR were presented for the consideration of the Audit Committee on 12 May 2015 and Council is requested to consider the recommendations of the Audit Committee on this matter.

Audit Regulation 17 Improvement Plan Progress Report

The functions of local government Audit Committees have been expanded under amendments gazetted in 2013 to the *Local Government (Audit) Regulations 1996* (the Regulations) to include reviewing the appropriateness and effectiveness of a local government's systems and procedures in regard to risk management, internal control and legislative compliance.

Specifically, Audit Regulation 17 (Audit Reg 17) of the Regulations requires the Chief Executive Officer (CEO) to conduct a review and report the results to the Audit Committee on the effectiveness of the systems and procedures regarding risk management, internal control and legislative compliance. The Department's *Audit in*

Local Government Guideline No. 9 advises that the review can be undertaken either on an internal or external audit basis.

At the Ordinary Meeting of Council (OMC) held 28 August 2014, Council adopted the Audit Committee's recommendation to engage an external auditor to comply with the requirements of the Regulations. UHY Haines Norton (UHYHN) was appointed as the audit firm to conduct the review.

The inaugural CEO's report on the biennial Regulation 17 Review was presented to Council at the Ordinary Meeting of Council held 27 November 2014. The requirement to report biannually to the Audit Committee on the progress of the improvement plan is one of the actions listed within the plan.

COMMENT

Quarter 3 Finance and Costing Review

The forecast financial position to 30 June 2015 was a \$116k deficit following the mid-year budget review. In response to Council's request that the CEO achieve budget normalisation at the end of the Q3 FACR meetings, the Executive scrutinised each account for savings and the proposed amendments are predicting an end of year surplus of \$10k.

It should be noted that the Shire undertook an organisational restructure which has had a significant impact upon expenditure within salaries accounts. A reconciliation of the salaries accounts was undertaken to forecast the end of year impact of the restructure. This has resulted in some budget amendment recommendations to cover long service leave and excess annual leave payments, which have been offset by a proposed transfer from the Leave Reserve.

The final forecast of all the amendments to salary accounts and the corresponding transfer from the Leave Reserve is a \$68,752 deficit impact to the Shire of Broome.

A comprehensive list of accounts has been included for perusal by the Committee and summarised by Directorate, with comparison to previous FACRs conducted this financial year below:

	FACR Q1 (Income)/Expense	FACR Q2 (Income)/Expense	FACR Q3 (Income)/Expense	YTD Impact (Income)/Expense
Executive - Total	(2,500)	23,500	(9,700)	11,300
Business Enterprise and Community Development - Total	63,622	14,327	(92,500)	(14,551)
Corporate Services - Total	0	0	0	0
Development Services - Total	11,000	15,500	15,000	41,500
Engineering Services - Total	(10,000)	0	(39,088)	(49,088)
Other Agenda items not requiring a FACR Amendment	0	207	0	207
	62,122	53,534	(126,288)	(10,632)

Audit Regulation 17 Improvement Plan Progress Report

"Improvement Plan" action items contained within the "Regulation 17 Review" are allocated to members within the TAG committee and prioritised in accordance with organisational need and capacity.

There are a number of actions that are partially complete or in progress full details are contained in the attachment.

The following action items have been completed in accordance with the "Regulation 17 Review".

No	Framework Component Improvements
RM 201	Risk Matrix amended in accordance with ISO 31000 (international best practice standards)
RM 3.1	Risk Management Working Group (Audit Reg 17 TAG) has been established and monthly meetings initiated
RM3.2	Risk Agenda topic included on weekly EMG Agenda
RM3.3	Records of inductions maintained on personnel files
RM3.9	Business Operating Procedure for Hazard Reporting has been established.
LC 2.4	Legislative Compliance Working Group (Audit Reg 17 TAG) has been established and monthly meetings initiated
IC2.2	Internal Controls Working Group (Audit Reg 17 TAG) has been established and monthly meetings initiated

The following action items have been progressed in accordance with the "Regulation 17 Review" pending Council consideration;

No.	Framework Components
RM1.2	DRAFT Policy Work Safety Health
IC 1.1	DRAFT Policy Internal Control
IC1.8	Policy 2.1.2 Investment of Surplus Funds

The above documents are attached to this report for review and notation by the Audit Committee and subsequent recommendation to Council for adoption. These policies have been workshopped with the Audit Committee on 6 May 2015 with attendance from Councillors Campbell, Tracey and Male.

CONSULTATION

UHY Haines Norton
Chamber of Commerce and Industry

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 1996

6.8. Expenditure from municipal fund not included in annual budget

- 1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - b) is authorised in advance by resolution*; or
 - c) is authorised in advance by the mayor or president in an emergency.

(1a in subsection (1) –

“additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.”)

Local Government (Audit) Regulations 1996

16. Audit committee, functions of

An audit committee —

- (a) is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- and
- (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and
- (c) is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council.

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

POLICY IMPLICATIONS

Materiality in Financial Reporting Policy 2.1.1

Investment of Surplus Funds Policy 2.1.2

FINANCIAL IMPLICATIONS

The net result of the 3rd Quarter FACR estimates is a forecast surplus of \$10,632 to 30 June 2015.

The Chief Executive Officer has identified that the Road Reserve balance is \$1,178,637, which represents only a minimal contingency considering the road network and probable future leverage requirements within the growth centre development phase of Broome and recommends that organisational savings be allocated to this reserve.

RISK

The 'Regulation 17 Review' audit produced a comprehensive "Improvement Plan" sanctioned into three main compliance areas;

- Risk Management (RM)
- Legislative Compliance (LC)
- Internal Controls (IC)

The key priorities for progress identified by the Audit Reg 17 Technical Advisory Group include:

- Re-development of the Risk Management Strategy and Framework
- Re-establishment of the risk register
- Contractor induction management; and
- Risk training

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:

An organisational culture that strives for service excellence

Sustainable and integrated strategic and operational plans

Responsible resource allocation

VOTING REQUIREMENTS

Absolute Majority

COMMITTEE RECOMMENDATION 1:

That Council:

1. *Receives the Quarter 3 Finance and Costing Review Report for the period ended 31 March 2015;*
2. *Adopts the operating and capital budget amendment recommendations for the period ended 30 June 2015 as attached.*
3. *Approves the budget to transfer \$344,250 of the remaining of organisational savings to Road Reserve.*
4. *Acknowledges that the Quarter 3 FACR has achieved a predicted surplus of \$10K to*

30 June 2015.

(ABSOLUTE MAJORITY REQUIRED)

COMMITTEE RECOMMENDATION 2:

That Council:

1. *Receives the Audit Regulation 17 progress report and attached updated Improvement Action Plan.*
2. *Adopts the reviewed actions, timelines and responsible officers as detailed in the Improvement Action Plan.*
3. *Adopts the proposed policies as attached:*
 - (a) Work Safety Health Policy*
 - (b) Internal Control (Governance and Internal Controls) Policy*
4. *Adopts the reviewed Policy 2.1.2 Investment of Surplus Funds as attached.*

Attachments

1. Minutes of the Audit Committee Meeting 12 May 2015
2. Attachments to 12 May 2015 Audit Committee Agenda

11. NOTICES OF MOTION

12. BUSINESS OF AN URGENT NATURE

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

14. MATTERS BEHIND CLOSED DOORS

15. MEETING CLOSURE