



MISSION AND VALUES OF COUNCIL

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

CONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

27 AUGUST 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									
	28 May				LOA	A				
	25 June					A				
	30 July					LOA				
	27 August					LOA				
	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
THURSDAY 27 AUGUST 2015
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NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday, 27 August 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 Donohoe', with a horizontal line underneath.

K R DONOHOE
Chief Executive Officer

20/08/2015

Chairperson Date.....

**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF THE SHIRE OF BROOME,
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,
ON THURSDAY 27 AUGUST 2015, COMMENCING AT 5.00PM.**

1. OFFICIAL OPENING

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

2. ATTENDANCE AND APOLOGIES

Attendance: Cr G Campbell Shire President
 Cr H Tracey Deputy Shire President
 Cr A Poelina
 Cr P Matsumoto
 Cr M Lewis
 Cr D Male
 Cr C Mitchell

Leave of Absence: Cr M Manado (as granted at OMC 25 June 2015)

COUNCIL RESOLUTION:

Moved: Cr H Tracey

Seconded: Cr PM Matsumoto

That Leave of Absence be granted for Cr Mitchell for the period 6 September to 6 October 2015 and Cr Poelina for the period 22 to 25 September 2015.

CARRIED UNANIMOUSLY 7/0

Apologies: Mr P Martin Deputy Chief Executive Officer

Officers: Mr K Donohoe Chief Executive Officer
 Ms S Hazlehurst Manager Community Development
 Mr S Mastrolembo Director Corporate Services
 Mr A Schonfeldt Director Development Services
 Mr M Dale Director Engineering Services
 Ms R Piggin Manager Governance
 Ms E Harding Senior Administration and Governance Officer

Public Gallery: Peter Taylor
 Danielle Dwyer Shire of Broome
 Eric Nelsen Shire of Broome
 Theresa Bengtson Shire of Broome

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest
Director Corporate	9.1.1	Shire of Broome Indoor Staff Enterprise Agreement	Financial –Partner is an employee of the Shire of

Chairperson Date.....

Services – Mr Sam Mastrolembo			<i>Broome who is employed under the terms and conditions of the Indoor Staff Enterprise Agreement</i>
Cr G Campbell	9.3.2	Roebuck Bay Caravan Park - Consideration of Community Engagement Plan	Financial – Director of Company that operates Roebuck Bay Caravan Park

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
Cr C Mitchell	9.2.2	4 Jones Place (Old St Johns Building)	Impartiality- association with Broome Men's Shed as an unpaid member of committee (all volunteer) and member of Men's Shed.
Cr D Male	9.3.1	Establishment of Stakeholder and Community Reference Group – Chinatown Revitalisation Project	Impartiality – association with being a beneficial owner of property and operate a business in the precinct
Cr G Campbell	9.3.1	Establishment of Stakeholder and Community Reference Group – Chinatown Revitalisation Project	Impartiality – association with minor shareholder in company that owns property in Chinatown
Cr H Tracey	9.3.1	Establishment of Stakeholder and Community Reference Group – Chinatown Revitalisation Project	Impartiality – association with property in Dampier Terrace that I part own.

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr P Matsumoto

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

CARRIED UNANIMOUSLY 7/0

COUNCIL RESOLUTION:

Moved: Cr D Male

Seconded: Cr P Matsumoto

That the Minutes of the Special Meeting of Council held on 13 August 2015 be confirmed as a true and accurate record of that meeting.

Chairperson Date.....

CARRIED UNANIMOUSLY 7/0

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil

7. PETITIONS

Nil

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The Chief Executive Officer advises that there are matters for discussion on the agenda for which the meeting may be closed, in accordance with section 5.23(2) of the *Local Government Act 1995*.

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr D Male

That Item 9.2.2 be considered under 14. Matters Behind Closed Doors in accordance with the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”

CARRIED UNANIMOUSLY 7/0

COUNCIL RESOLUTION:

Moved: Cr D Male

Seconded: Cr C Mitchell

That the following Agenda items be considered under 14. Matters Behind Closed Doors, in accordance with section 5.23(2) of the Local Government Act 1995, as specified:

9.1.1 SHIRE OF BROOME INDOOR STAFF ENTERPRISE AGREEMENT 2014

Item 9.1.1 and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(a) as it contains “a matter affecting an employee or employees”, and as it contains “a decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting”, and section 5.23(2)(b) as it contains “the personal affairs of any person”.

9.3.3 CAMEL LICENCE RENEWALS

Item 9.3.3 and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, and section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is

about, a person other than the local government”, and section 5.23(2)(b) as it contains “the personal affairs of any person”, and section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”, and section 5.23(2)(d) as it contains “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.

CARRIED UNANIMOUSLY 7/0

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 SHIRE OF BROOME INDOOR STAFF ENTERPRISE AGREEMENT 2014

This item is located in these Minutes under Section 14, Matters To Be Discussed Behind Closed Doors.

9.2

OUR PLACE



PRIORITY STATEMENT

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

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

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

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

9.2.1 POLICY - MINING, PETROLEUM AND GEOTHERMAL ENERGY RESOURCE EXTRACTION

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	GVR002
AUTHOR:	Director of Development Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	28 May 2015

SUMMARY: *At the Ordinary Meeting of Council on 26 March 2015 a petition was submitted which requested that Council oppose fracking. At this meeting Council resolved to note the petition and request the Chief Executive Officer to prepare a policy on mining, petroleum and geothermal energy resource extraction.*

This report presents a draft Policy for consideration by Council and recommends that Council adopt the draft Policy for the purposes of seeking public comment.

BACKGROUNDPrevious Considerations

OMC 26 February 2015	Item 9.4.8
OMC 26 March 2015	Item 7.1

Proposal

In March 2015 Council resolved to note a petition presented to Council in relation to hydraulic fracturing processes associated with natural resources, and requested the Chief Executive Officer to prepare a policy on mining, petroleum and geothermal energy resource extraction in line with Council's previous resolution on the matter. The initial intent of the recommendation to Council to develop a policy was aimed at providing guidance to the Shire when engaging with relevant proponents with regards to these proposals.

Officers have now undertaken further research regarding the matter and have prepared a draft having regard for the relevant legislation and state policy provisions as is provided in **Attachment No 2**. The policy intends to provide guidelines for Council and the Shire's consultation with relevant parties in relation to mining, petroleum and geothermal energy resources activities.

COMMENT

In particular Officers considered the following in the preparation of the policy:

- Legal Advice regarding process and risks (confidential attachments)
- Parliamentary Inquiry
- Department of Mines and Petroleum Processes and Guidelines

Each of these points are further addressed below.

Legal Advice

Legal advice has been obtained which confirms the role of local government in mining, petroleum and geothermal energy permits, which is summarised by the following:

- Local governments do not have any regulatory role to play in assessment or determination of any application made under the Mining Act 1978 (Mining Act) and Petroleum and Geothermal Energy Resources Act 1967 (PGER Act) and planning approval is not required for these activities.
- With respect to mining proposals, consultation with the Shire by the Minister under the Mining Act is only required if an application is made to conduct activities over:
 - i. Reserved land, the control and management of which is vested with the Shire; or
 - ii. Land within the shire's district that is located within a townsite.
- Further under the Mining Act, local governments are required to be served with copies of the following types of mining applications:
 - i. Applications for prospecting licences, exploration licences and retention licences on land owned or occupied by the Shire (regulation 64A(1) of the *Mining Regulations 1981*);
 - ii. Application for any mining tenement that relates to private land (section 33(1)(a));
 - iii. Applications for a mining lease (section 74(3) and regulation 64A(2));
 - iv. Applications for general purposes leases (section 90(2) which applies the provisions of section 74 to general purposes leases); and
 - v. Application for miscellaneous licence (section 91(9)).
- The PGER Act makes no provision for consultation with a local government before a permit, reservation, licence or lease is issued or any necessary operations or works are undertaken.

A copy of the legal advice obtained in this regard is set out in confidential **Attachment No 1**.

While there is no requirement under legislation for consultation and no statutory role for local government in approval of permits and enforcements, the Department of Mines and Petroleum (DMP) does have Guidelines which are used in the assessment of proposals under the relevant Acts. These Guidelines recommend consultation with the local government and establish that a proponent is required to demonstrate the consultation undertaken when an application is submitted with DMP. Further, proponents undertaking such activities may also seek to engage with local government in any regard.

Parliamentary Inquiry

In 2013 the Western Australian Parliament through the Standing Committee on Environment and Public affairs commenced an inquiry into the implications for Western Australia of hydraulic Fracturing for unconventional gas. The Terms of reference is attached as **Attachment No 3**. The Inquiry Report has not yet been tabled to the Parliament, and it is unclear at this stage when the inquiry will be completed.

Details regarding the Inquiry are available on the parliament website:

Chairperson Date.....

<http://www.parliament.wa.gov.au/parliament/commit.nsf/WebInquiriesCurrent>

Legal Advice obtained indicated that due to the nature of the policy there is no need to wait for the inquiry to be completed prior to Council being able to adopt this policy.

Department of Mines and Petroleum Guidelines

When Council considered the petition in March 2015, a draft policy framework was foreshadowed that outlines the Shire's support for mining and petroleum and geothermal energy resources where:

- a.) The applicant has consulted with the relevant people directly affected with regards to land use rights and or compensation.
- b.) The applicant / DMP has undertaken community consultation through community forums outlining what the potential impact on the specific area will be and any of the relevant considerations further outlined in this policy.
- c.) the applicant should outline any potential benefits to the local economy;
- d.) there are no detrimental impacts on the public health and drinking water areas (in this regard Council will accept the position of the Environmental Protection Authority, Department of Health, and/or the Department of Mines and Petroleum);
- e.) Environmental matters have been taken into account and best practice mitigation strategies adopted (in this regard Council will accept the position of the Environmental Protection Authority, Department of Water, and/or the Department of Mines and Petroleum);
- f.) Ensure that the impacts on Council Infrastructure are adequately compensated for in the immediate and future life of that asset and that the full costs are recovered for any additional infrastructure required.

Based on established processes undertaken by the relevant agencies in considering these proposals under the relevant Acts and Regulations, it is not considered appropriate that the Shire of Broome adopt a Policy that provides further guidance or requirements on points a, b, d, and e mentioned above but rather acknowledges the process of assessment undertaken by the relevant Departments and Agencies. Each of the above areas and the reasons for including or excluding it in the draft policy is set out under the relevant headings below.

Points A - Consultation with the relevant people directly affected with regards to land use rights and or compensation

Section 27-35 of the Mining Act and Section 16-21 of the PGER Act contains provisions with regard to access to land and compensation for relevant proposals. Further, the provisions of the Native Title Act 1993 would still be applicable to any proposals.

As such it is considered unnecessary for the Shire to adopt a policy position in this regard as the matter is already legislated. Further this is not considered an area that the Shire has expertise to be involved with, nor is it a role of local government to be involved in these matters.

Point B - undertaking community consultation through community forums

The Department of Mines and Petroleum is responsible for administering both the Mining and PGER Act and the subsequent approval and regulatory processes.

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As summarised above, it is important to note that the PGER Act does not require DMP to refer the proposal to the local government before a permit, reservation, licence or lease is issued or any necessary operations or works are undertaken. Similarly the Mining Act only requires a referral process to the local government in limited instances where the local government may be in direct control of the land. That being said, DMP has Guidelines that establish a process for assessment of proposals which describes the process to be implemented when preparing an application for submission under both Acts. These Guidelines can be downloaded from the following link:

- DMP's Guidelines for the Preparation and Submission of an Environment Plan <http://www.dmp.wa.gov.au/documents/ENV-PEB-177.pdf>
- DMP's Guidelines for Mining Proposals in Western Australia [http://www.dmp.wa.gov.au/documents/ENV-MEB-200\(4\).pdf](http://www.dmp.wa.gov.au/documents/ENV-MEB-200(4).pdf)

Given that the existing Guidelines establish a process of consultation and further as the Shire does not have a regulatory role in the consideration of such proposals; it is not considered appropriate that a Shire Policy establish an additional consultation process.

Further, the Shire of Broome has an existing corporate Policy 5.1.10 – Community Engagement which establishes a sound process for engagement activities on Shire based projects. Council in discussions with the proponents of mining, geothermal and petroleum proposals can make applicants aware of this preferred consultation framework.

Point C - potential benefits to the local economy;

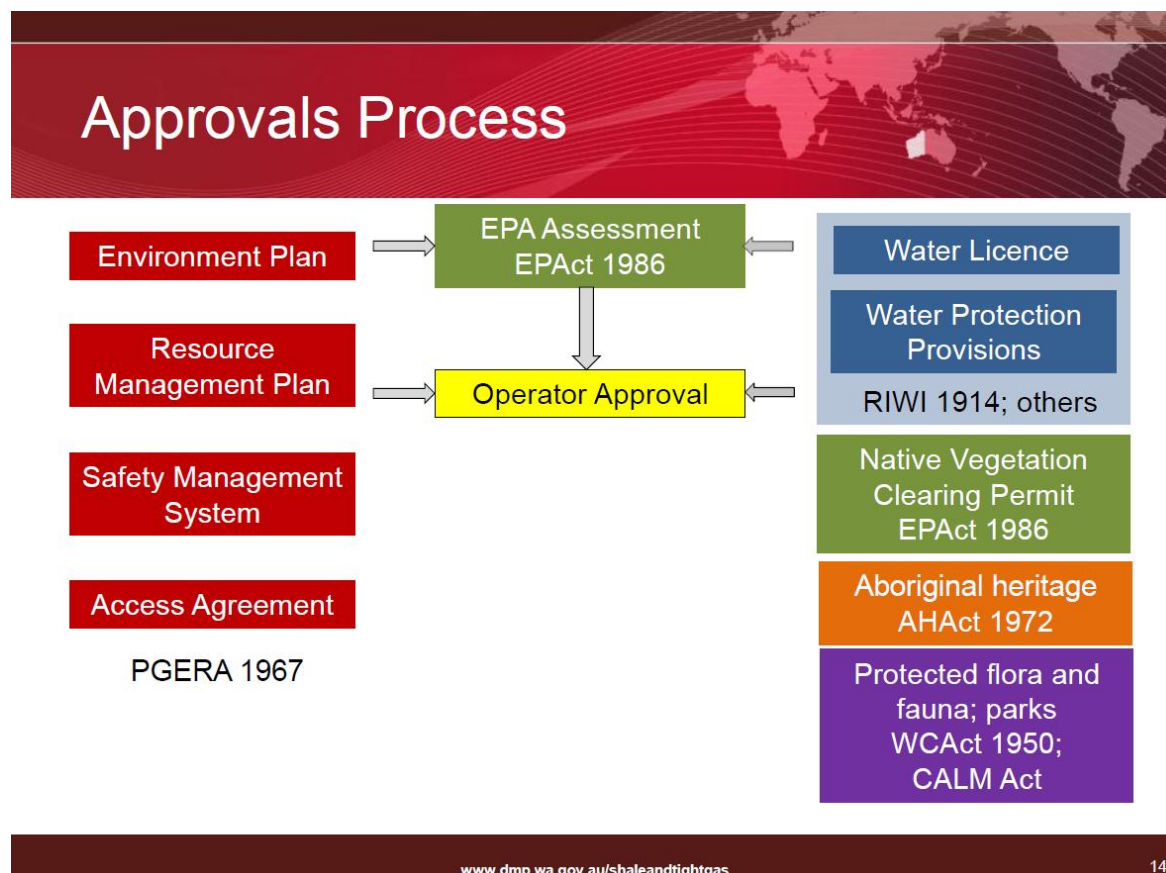
The strategic framework for development within the Shire of Broome is established in a series of documents including the State Planning Strategy, Kimberley Regional Blue Print, Kimberly Regional Planning and Infrastructure Framework, Dampier Peninsular Planning Strategy and the Shire of Broome Local Planning Strategy. All these documents support, and recognise the role mining, petroleum and geothermal proposals have on the local, State and Federal economy.

Individual projects can often deliver immediate and ongoing benefits to the local economy and it is important that in any engagement activity with proponents that the Shire acts as a champion to encourage the highest possible benefit to the local economy. As such, it is proposed that the Shire Policy requests applicants to include measures to deliver positive economic benefits to the local economy.

Point D & E – detrimental impacts on public health and drinking water areas and environmental matters have been taken into account and best practice mitigation strategies adopted

The Environmental Protection Act 1986 (EP Act) establishes the Environmental Protection Authority (EPA) who is ultimately responsible to protect the environment; and to prevent, control and abate pollution and environmental harm within Western Australia. DMP under the EP Act if concerned with the environmental impact of a proposal can refer proposals to the EPA who may decide to assess or not to assess a proposal when such a proposal is referred to the EPA (as provided for under section 38 of the EP Act).

Further, the approvals process for an operator to obtain the relevant approvals from DMP is outlined in the figure below. It should be noted that DMP is only responsible for the assessment of relevant plans required under different regulations supporting the PGER Act and that other agencies such as the Department of Water (DoW) are still responsible for consideration of applications under that agency's relevant legislation.



Source: Department of Mines and Petroleum, Petroleum Division

As can be seen from the above, the Environmental Plan becomes a vital document to ensure protection of the environment and to prevent, control and abate possible risks that may cause environmental harm or impact on human health. Division 3 of the PGER Environmental Regulations sets out the content of an Environmental Plan and also requires an Implementation Strategy to be included in the plan. DMP is responsible to ensure that all activities associated with an approved application is conducted in accordance with the Environmental Plan and the Implementation strategy and that ongoing monitoring is undertaken. This provides the effective regulatory regime and framework within which all activities will be monitored. It should be noted that DMP may require audits to be undertaken and for other decision making agencies to be involved in regulating these activities.

It is therefore deemed that the DMP and supporting agencies (which can include the Department of Water, EPA, Department of Environment and Regulation, Department of Environment (Federal), Department of Health and other State Government Authorities) has an adequate process to ensure that all proposals are assessed and regulated to limit potential impacts on public health, drinking water areas and environmental features.

As the Shire has no role in the approval or issuance of mining or petroleum tenements / licences or permits, the Shire should not aim to duplicate the assessment process undertaken in this regard. Further, the Shire does not have the technical expertise to assess proposals of this scale nor does local government have any legislative responsibility to regulate or enforce these aspects. As such, it is recommended that the Shire adopt a Policy which accepts the position of the relevant regulating agencies on their assessments of proposals and its potential impact on human health, the environment and water sources including drinking water. It should be noted, that the policy does not preclude the Shire from providing information on local issues known to the Shire through the consultation period mentioned above.

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Point F - impacts on Council Infrastructure and Local Amenity

The Local Government Act 1995 establishes that the local government is responsible for provision of infrastructure to support a community. Projects approved under the Mining Act and PGER Act can often be of a scale and involve activities which impact upon local infrastructure which the local government is responsible for developing/maintaining. The most common impacts can include impacts on local roads. In larger projects, this can also extend to community facilities that may be utilised to support the future workforce, etc.

It is important that when the Shire is engaged in a consultation exercise with a proponent that the Shire requests the applicant to demonstrate potential impacts that are anticipated to Shire infrastructure and that the Shire is adequately compensated for any impacts.

Further, while activities permitted through the Mining Act or the PGER Act are not required to obtain planning approval, it is considered that such activities should have due regard for the local planning framework established in the Shire's Local Planning Strategy and Local Planning Scheme No 6. Given that the majority of the mining, petroleum and geothermal proposals would be undertaken on land zoned either 'General Agriculture' or 'Cultural and Nature Resource Use', it is recommended that the Shire requests applicants to have due regard for the aims and objectives of the relevant zone in LPS 6 and to give consideration to how the proposal could be compatible with these and the surrounding land uses.

Summary

In order not to duplicate established and existing processes already in place by the relevant State Government agencies, it is recommended that the draft Policy be adopted that accepts the positions and assessment processes of the relevant regulatory bodies including the Department of Mines and Petroleum, Environmental Protection Authority, Department of Health, Department of Environment and Regulation, Department of Environment (Federal), Department of Water and Department of Aboriginal Affairs with regards to their respective areas of regulation.

The Policy will provide adequate strategic guidance to Shire Officers and Council when considering and providing comment on mining and petroleum and geothermal proposals with an aim to ensure local conditions, the local economy, potential impacts on local government infrastructure and the proposed methods of reducing impacts on the amenity and natural environment of the area are considered.

CONSULTATION

The Shire of Broome has sought legal advice and consulted with the Department of Mines and Petroleum in considering the preparation of the draft Policy. The legal advice pointed out that the processes for approval of these types of activities are not within the Shire's statutory powers and that the responsibility lies with the DMP who in turn outlined the processes involved and provided the relevant guidelines incorporated in this report and the policy.

Generally administrative policies adopted under the Local Government Act 1995 do not require advertising, however in this instance considering the significant interest in the topic

Chairperson Date.....

it is recommended that the draft policy be advertised in the local news paper for two consecutive weeks allowing submissions to be made for a period of 21 days.

STATUTORY ENVIRONMENT

Petroleum Geothermal Energy Resources Act 2012

16. Consent of owner or trustees required in certain cases for exploration etc.

- (1) A permittee, holder of a drilling reservation, access authority or special prospecting authority, lessee or licensee shall not enter upon any land to which this section applies for the purpose of —
- (a) exploring for petroleum or geothermal energy resources; or
 - (b) carrying out operations for the recovery of petroleum or geothermal energy,

unless the consent in writing of the owner or trustees, as the case may be, of the land has been first obtained.

- (1a) This section applies to land that is comprised in the permit, drilling reservation, access authority, special prospecting authority, lease or licence and is —

- (a) private land not exceeding 2 000 m² in extent; or
- (b) used as a cemetery or burial place; or
- (c) less than 150 m in lateral distance from any cemetery or burial place, reservoir or any substantial improvement.

- (2) For the purposes of this section —

- (a) **reservoir** includes any natural or artificial storage or accumulation of water, spring, dam, bore, and artesian well; and
- (b) the Minister is the sole judge of whether any improvement is substantial.

[Section 16 amended by No. 94 of 1972 s. 4; No. 12 of 1990 s. 11; No. 78 of 1990 s. 7; No. 73 of 1994 s. 4; No. 14 of 1996 s. 4; No. 17 of 1999 s. 24; No. 35 of 2007 s. 14.]

17. Compensation to owners and occupiers of private land

- (1) A permittee, holder of a drilling reservation, lessee or licensee may agree with the owner and occupier respectively of any private land comprised in the permit, drilling reservation, lease or licence as to the amount of compensation to be paid for the right to occupy the land.
- (2) Subject to subsections (3) and (5), the compensation to be made to the owner and occupier shall be compensation for being deprived of the possession of the surface or any part of the surface of the private land, and for damage to the surface of the whole or any part thereof, and to any improvements thereon, which may arise from the carrying on of operations thereon or thereunder, and for the severance of such land from other land of the owner or occupier, and for rights-of-way and for all consequential damages.
- (3) In assessing the amount of compensation no allowance shall be made to the owner or occupier for any gold, minerals, petroleum, geothermal energy resources or geothermal energy known or supposed to be on or under the land.
- (4) If within such time as may be prescribed the parties are unable to agree upon the amount of compensation to be paid, either party may apply to the Magistrates

Court at the place nearest to where the land is situated to fix the amount of compensation.

- (5) In determining the amount of compensation, the Court shall take into consideration the amount of any compensation which the owner and occupier or either of them have or has already received in respect of the damage for which compensation is being assessed, and shall deduct the amount already so received from the amount which they would otherwise be entitled to for such damage.

[Section 17 amended by No. 12 of 1990 s. 12; No. 78 of 1990 s. 7; No. 59 of 2004 s. 141; No. 35 of 2007 s. 15.]

18. Owner of private land in vicinity of permit area, drilling reservation, lease area or licence area may be entitled to compensation

If any private land or improvement thereon adjoining or in the vicinity of the land comprised in any permit, drilling reservation, lease or licence is injured or depreciated in value by any operations carried on by or on behalf of the permittee, holder of the drilling reservation, lessee or licensee or by reason of the occupation of any portion of the surface, or the enjoyment by the permittee, holder of the drilling reservation, lessee or licensee of any right-of-way, the owner and occupier of the private land or improvements thereon shall severally be entitled to compensation for all loss and damage thereby sustained, and the amount of compensation shall be ascertained in the same manner as is provided in section 17.

[Section 18 amended by No. 12 of 1990 s. 13; No. 78 of 1990 s. 7.]

19. Compensation for further damage

If while in occupation of any land comprised in a permit, drilling reservation, lease or licence the permittee, holder of the drilling reservation, lessee or licensee, as the case requires, causes any damage to the surface of any private land comprised within the boundaries of the land the subject of the permit, drilling reservation, lease or licence belonging either to the same or any other owner, or to any improvement on any such private land, not being damage already assessed under the provisions of this Part, the owner and occupier of the private land or improvement shall severally be entitled to compensation for the damage sustained by each of them, and the amount of such compensation shall be ascertained in accordance with the provisions of section 17.

[Section 19 amended by No. 12 of 1990 s. 14; No. 78 of 1990 s. 7.]

20. Holder of permit, drilling reservation, lease or licence not to commence operations on private land until compensation tendered or agreed upon

- (1) A permittee, holder of a drilling reservation, lessee or licensee shall not commence any operations on private land unless or until he has paid or tendered to the owner and to the occupier of the land the amount of compensation, if any, which he is required to pay under and as ascertained in accordance with this Act or he has made an agreement in writing with the owner or occupier as to the amount, times and mode of payment of the compensation, if any.
- (2) Where the owner is dead or cannot be found any payment of compensation may be made to the Minister in trust for the owner.

[Section 20 amended by No. 12 of 1990 s. 15; No. 78 of 1990 s. 7.]

21. Compensation payable to lessee of pastoral lease, lease for timber purposes or lease for use and benefit of Aboriginal inhabitants for damage to improvements and consequential damage

- (1) If a permittee, holder of a drilling reservation, lessee or licensee has by himself, his agent or his employee in the exercise or purported exercise of any of the powers conferred by or under this Act or by reason of any operation conducted or other action taken by him or any of them caused damage to any improvements on land leased by way of —
- (a) a pastoral lease within the meaning of the Land Administration Act 1997, or a lease otherwise granted for grazing purposes only; or
 - (b) a lease for timber purposes; or
 - (c) a lease for the use and benefit of the Aboriginal inhabitants,
- he is liable, subject to section 24, to pay compensation to the person to whom that land is so leased (in this section and in section 22 called the **compensable lessee** or a **compensable lessee**, as the case requires) for that damage and for any damage which the compensable lessee may, in the opinion of the Magistrates Court, suffer as a consequence of the damage to those improvements.
- (2) A person liable to pay compensation to a compensable lessee under the provisions of this section may agree with the compensable lessee as to the amount of compensation including compensation for consequential damage.
- (3) If an agreement is not made under subsection (2), the compensable lessee may commence an action for compensation before the Magistrates Court at the place nearest to the place at which the land is situated, or the person liable to pay compensation may so commence an action claiming a declaration as to the amount of compensation payable.

[Section 21 amended by No. 12 of 1990 s. 16; No. 78 of 1990 s. 7; No. 31 of 1997 s. 141; No. 59 of 2004 s. 141.]

117. Interference with other rights etc.

A person carrying on operations in the State under a permit, drilling reservation, lease, licence, special prospecting authority, access authority or instrument of consent under section 116 shall carry on those operations in a manner that does not interfere with —

- (a) the surface of any land or any improvements thereon; or
- (b) the conservation of the resources of the soil or the Earth's crust; or
- (c) any operations of another person being lawfully carried on by way of exploration for, recovery of or conveyance of a mineral, whether petroleum or not, or geothermal energy resources or geothermal energy, or by way of construction or operation of a pipeline; or
- (d) navigation; or
- (e) fishing; or
- (f) the conservation of the resources of the sea and the seabed,

to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of that first-mentioned person.

Penalty: a fine of \$10 000.

[Section 117 amended by No. 12 of 1990 s. 94; No. 78 of 1990 s. 7; No. 35 of 2007 s. 72; No. 42 of 2010 s. 54 and 62(15).]

Environmental Protection Act 1986

The Environmental Protection Act 1986 (EP Act), provides as follows:

An Act to provide for an Environmental Protection Authority, for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.

Under the EP Act the objective of the Environmental Protection Authority (EPA) is:

- (a) *to protect the environment; and*
- (b) *to prevent, control and abate pollution and environmental harm.*

8. Independence of Authority and Chairman

Subject to this Act, neither —

- (a) the Authority; nor
- (b) the Chairman,

shall be subject to the direction of the Minister.

The functions of the Authority are:

16. Functions of Authority —

- (a) *to conduct environmental impact assessments; and*
- (aa) *to facilitate the implementation of bilateral agreements; and*
- (b) *to consider and initiate the means of protecting the environment and the means of preventing, controlling and abating pollution and environmental harm; and*
- (c) *to encourage and carry out studies, investigations and research into the problems of environmental protection and the prevention, control and abatement of pollution and environmental harm; and*
- (d) *to obtain the advice of persons having special knowledge, experience or responsibility in regard to environmental protection and the prevention, control and abatement of pollution and environmental harm; and*
- (da) *to advise the Minister on the making or amendment of regulations when requested by the Minister to do so or on its own initiative; and*
- (e) *to advise the Minister on environmental matters generally and on any matter which he may refer to it for advice, including the environmental protection aspects of any proposal or scheme, and on the evaluation of information relating thereto; and*
- (f) *to prepare, and seek approval for, environmental protection policies; and*
- (g) *to promote environmental awareness within the community and to encourage understanding by the community of the environment; and*
- (h) *to receive representations on environmental matters from members of the public; and*
- (i) *to provide advice on environmental matters to members of the public; and*
- (j) *to publish reports on environmental matters generally; and*
- (k) *to publish for the benefit of planners, builders, engineers or other persons guidelines to assist them in undertaking their activities in such a manner as to minimise the effect on the environment of those activities or the results thereof; and*
- (l) *to keep under review the progress made in the attainment of the objects and purpose of this Act; and*

- (m) to coordinate all such activities, whether governmental or otherwise, as are necessary to protect, restore or improve the environment in the State; and
- (n) to establish and develop criteria for the assessment of the extent of environmental change, pollution and environmental harm; and
- (o) to specify standards and criteria, and the methods of sampling and testing to be used for any purpose; and
- (p) to promote, encourage, coordinate or carry out planning and projects in environmental management; and
- (q) generally, to perform such other functions as are prescribed.

38. Referral of proposals to Authority

- (1) Subject to subsections (2) and (5j), any person may refer a significant proposal to the Authority.
- (2) In the case of a proposal under an assessed scheme, only the proponent can refer the proposal to the Authority under subsection (1).
- (3) Subject to subsection (5j), the proponent of a strategic proposal may refer the proposal to the Authority.
- (4) If it appears to the Minister that there is public concern about the likely effect of a proposal, if implemented, on the environment, the Minister may refer the proposal to the Authority.
- (5) Subject to subsection (5j), as soon as a decision-making authority has notice of a proposal that appears to it to be —
 - (a) a significant proposal; or
 - (b) a proposal of a prescribed class,
 the decision-making authority is to refer the proposal to the Authority.
- (5a) Subsection (5) does not apply if the proposal has been referred to the Authority under subsection (1) or (4).
- (5b) In the case of a proposal under an assessed scheme, the application of subsection (5)(a) is subject to section 48I.
- (5c) If the Authority considers that a proposal that is —
 - (a) a significant proposal; or
 - (b) a proposal of a prescribed class,
 has not been referred to it under subsection (1), (4) or (5), the Authority is to require the proponent or a decision-making authority to refer the proposal to the Authority.
- (5d) A requirement under subsection (5c) is to be in writing and is to specify the period within which it has to be complied with.
- (5e) In the case of a proposal under an assessed scheme, the Authority can only require the referral of the proposal under subsection (5c) if it did not, when it assessed the assessed scheme under Division 3, have sufficient scientific or technical information to enable it to assess the environmental issues raised by the proposal.
- (5f) A requirement under subsection (5c) has effect despite section 48I(2).
- (5g) In subsections (5)(b) and (5c)(b), a reference to a proposal of a prescribed class includes a reference to a proposal of a prescribed class under an assessed scheme.
- (5h) A proponent or decision-making authority that has to refer a proposal to the Authority under a requirement under subsection (5c) is to do so within the period specified in the requirement.
- (5i) A referral under this section is to be in writing.
- (5j) Subject to section 46B(2), a proposal cannot be referred to the Authority under this section more than once unless assessment of it has been terminated under section 40A.

- (6) Except when the responsibility for a proposal is imposed on a public authority under another written law, the Minister shall, after consulting the Authority, nominate by notice in writing served on —
 - (a) the person concerned; and
 - (b) the Authority; and
 - (c) any relevant decision-making authority,
 a person as being responsible for each proposal which is referred or required to be referred, or which ought to be referred, under this section and which the Authority considers should be assessed by it under this Part.
- (6a) If the person nominated under subsection (6) ceases to have responsibility for a proposal, that person is to give the Authority written notice advising the name of the person to whom or which responsibility for the proposal will pass or has passed.
- (7) The Minister may, if he considers that a nomination made under subsection (6) should be revoked and after consulting the Authority, by notice in writing served on —
 - (a) the person to whom or which that nomination relates; and
 - (b) the Authority; and
 - (c) any relevant decision-making authority,
 revoke that nomination and nominate another person under that subsection in respect of that proposal.
- (7a) Subsections (6a) and (7) apply even if a report on the proposal has been published under section 44(3) but do not apply if the assessment of the proposal has been terminated under section 40A.
- (8) For the purposes of subsections (6) and (7), a person who is an individual may be nominated as being responsible for a proposal by reference to his name or by reference to his being the person for the time being holding or acting in a particular office or position.
- (9) For the purposes of subsections (6a) and (7) and section 3(2b), a person that has been notified under section 39A(3)(a) that the Authority is going to assess a proposal is to be regarded as having been nominated under subsection (6) as being responsible for the proposal whether or not such a nomination has been made.

[Section 38 amended by No. 23 of 1996 s. 18; No. 57 of 1997 s. 54(1); No. 54 of 2003 s. 6.]

Petroleum and Geothermal Energy Resources (Environmental) Regulations 2012

5. References to activity

A reference in these regulations to an activity includes, unless the contrary intention appears, a reference to —

- (a) a proposed activity; and
- (b) any stage of an activity.

6. Approved environment plan required for activity

The operator of an activity commits an offence if —

- (a) the operator carries out the activity; and
- (b) there is no environment plan for the activity.

Penalty: a fine of \$10 000.

7. Activity must comply with approved environment plan

- (1) The operator of an activity commits an offence if the operator carries out the activity in a way that is contrary to —
 - (a) the environment plan for the activity; or

- (b) any limitation or condition applying to the activity under regulation 11(4)(b).
Penalty: a fine of \$10 000.
- (2) Subregulation (1) does not apply to the operator if the operator has the written consent of the Minister to carry out the activity in that way.
- (3) The Minister must not give a consent under subregulation (2) unless there are reasonable grounds for believing that the way in which the activity is to be carried out will not result in —
 - (a) the occurrence of any significant new environmental impact or environmental risk; or
 - (b) the occurrence of a significant increase in any existing environmental impact or environmental risk.

Division 3 — Contents of environment plan

13. Contents of environment plan

An environment plan for an activity must include the matters set out in regulations 14, 15, 16 and 17.

14. Environmental assessment

- (1) The environment plan must include a comprehensive description of the activity including the following —
 - (a) the location or locations of the activity;
 - (b) details of the construction and layout of any facility;
 - (c) a description of the operational details of the activity and proposed timetables;
 - (d) any additional information relevant to consideration of the environmental impacts and environmental risks of the activity.
- (2) The environment plan must —
 - (a) describe the existing environment that may be affected by the activity; and
 - (b) include details of the particular relevant values and sensitivities (if any) of that environment.
- (3) The environment plan must include —
 - (a) details of all environmental impacts and environmental risks of the activity; and
 - (b) an evaluation of those impacts and risks; and
 - (c) a description of the environmental risk assessment process used to evaluate those impacts and risks, including the terms used in that process to categorise the levels of seriousness of those impacts and risks.
- (4) For the avoidance of doubt, the evaluation mentioned in subregulation (3)(b) must evaluate all the environmental impacts and environmental risks arising directly or indirectly from —
 - (a) all aspects of the activity; and
 - (b) potential emergency conditions, whether resulting from accident or any other cause.
- (5) The environment plan must include —
 - (a) environmental performance objectives that define the goals of the operator in relation to the —
 - (i) processes, policies and practices to be followed; and
 - (ii) equipment to be used; and
 - (iii) actions to be taken,
 for the purposes of minimising the environmental impacts and environmental risks of the activity; and
 - (b) environmental performance standards —

- (i) that state the performance required of persons, equipment and procedures for the purposes of managing the environmental impacts and environmental risks of the activity; and
 - (ii) against which the performance of the operator in meeting the environmental performance objectives in the environment plan can be measured;
- and
- (c) measurement criteria for the purposes of determining whether —
 - (i) the environmental performance objectives and environmental performance standards in the environment plan have been met; and
 - (ii) the implementation strategy in the environment plan has been complied with.
- (6) The environment plan must describe the requirements that —
 - (a) apply to the activity under legislation (including conditions imposed under legislation), international conventions or agreements, or applicable codes of practice; and
 - (b) are relevant to the environmental management of the activity.

15. Implementation strategy for environment plan

- (1) The environment plan must include an implementation strategy for the activity in accordance with this regulation.
- (2) The implementation strategy must include measures to ensure that the environmental performance objectives and environmental performance standards in the environment plan are met.
- (3) The implementation strategy must identify the specific systems, practices and procedures to be used to ensure that —
 - (a) the environmental impacts and environmental risks of the activity are continuously reduced to as low as is reasonably practicable; and
 - (b) the environmental performance objectives and environmental performance standards in the environment plan are met.
- (4) The implementation strategy must establish a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the environment plan.
- (5) The implementation strategy must include measures to ensure that each employee or contractor working on, or in connection with, the activity is aware of his or her responsibilities in relation to the environment plan and has the appropriate competencies and training.
- (6) The implementation strategy must provide for the monitoring of, audit of, management of non-compliance with, and review of, the operator's environmental performance and the implementation strategy.
- (7) The implementation strategy must provide for —
 - (a) specified emissions and discharges (whether occurring during normal operations or otherwise) to any land, air, marine, seabed, sub-seabed, groundwater, sub-surface or inland waters environment to be monitored and recorded in a way that —
 - (i) is accurate; and
 - (ii) can be audited against the environmental performance standards and measurement criteria in the environment plan;
 - and
 - (b) the monitoring mentioned in paragraph (a) to be done either continuously or at specified intervals; and
 - (c) tests to assess the performance of the monitoring equipment used for the purposes of paragraph (a) to be conducted at specified intervals.

- (8) If the activity is a petroleum activity that may involve the injection or re-injection of produced formation water into wells, the implementation strategy must specify the maximum permissible concentration of petroleum in that produced formation water.
 - (9) The implementation strategy must include details of any chemicals or other substances that may be —
 - (a) in, or added to, any treatment fluids to be used for the purposes of drilling or hydraulic fracturing undertaken in the course of the activity; or
 - (b) otherwise introduced into a well, reservoir or subsurface formation in the course of the activity.
 - (10) The implementation strategy must include an oil spill contingency plan that —
 - (a) sets out details of the following —
 - (i) preparations to be made for the possibility of an oil spill;
 - (ii) emergency response arrangements to be implemented if an oil spill occurs;
 - (iii) recovery arrangements to be implemented if an oil spill occurs;
 - (iv) current oil spill trajectory modelling that applies to the activity;
 and
 - (b) requires the operator to conduct tests of the emergency response arrangements set out in the oil spill contingency plan at specified intervals; and
 - (c) describes the tests mentioned in paragraph (b).
 - (11) The implementation strategy must provide for appropriate consultation with relevant authorities and other relevant interested persons or organisations.
17. Other information in environment plan
- (1) The environment plan must include the following —
 - (a) a statement of the operator's corporate environmental policy;
 - (b) a report on all consultations between the operator and relevant authorities and other relevant interested persons and organisations in the course of developing the environment plan;
 - (c) a list of all incidents that are classified as reportable incidents in relation to the activity.
 - (2) The environment plan must classify an incident as a reportable incident if —
 - (a) it could arise from the activity; and
 - (b) it has the potential to cause an environmental impact that is classified, under the environmental risk assessment process described in the environment plan, as moderate or more serious than moderate.

Local Planning Strategy

2.4.4 Pastoral Land

Pastoral land comprises areas, such as pastoral stations, used for primary production and/or for cultural and natural resource use activities, not including Rural Living areas (refer to 2.4.3). Anticipated future and existing pastoral land is depicted in Figures 4 and 5.

Objectives:

1. To protect land for primary production purposes.
2. To provide for the protection of the environmental values.
3. To provide for appropriate cultural and traditional land use.
4. To minimise the potential for land use conflict.

Chairperson Date.....

5. To carefully manage and protect natural resources.

Strategies:

1. Support pastoral activities while accommodating more irrigation-based and other economic diversification.
2. Support, if necessary through specific zoning in the Scheme, traditional cultural and natural resource uses.
3. Support the creation and protection of State managed nature reserves or Indigenous Protected Areas over areas with significant environmental/cultural values.

Actions:

- Set out a General Agriculture zone within the Scheme that provides for a range of rural activities associated with the pastoral industry and ancillary uses which are compatible with the capability of the land and retain the rural character and amenity of the locality.
- Set out a Cultural and Natural Resource zone within the Scheme that provides for traditional land use associated with cultural values and natural resources.
- Set out an Irrigation Investigation Area that reflects the extent of the Department of Agriculture's LaGrange Project.

3.2.3 Cultural and Natural Resource Use Areas

These areas provide for structures and/or activities associated with traditional Aboriginal law and culture, and resource development. The land is predominantly associated with unallocated crown land within the Dampier Peninsula and provides for rural living associated with outstations, smaller Aboriginal settlements, minor tourism development, and resource development. Traditional uses associated with Aboriginal culture should be exempt from the need to obtain planning approval within the zone.

3.2.6 Pastoral

Land designated as Pastoral generally provides for pastoral use and agricultural opportunities or large land holdings to accommodate land uses which may require isolation from closer urban development. Traditional land uses associated with Aboriginal culture and heritage within this land use category is exempt from the need for planning approval.

3.2.23 Irrigation Investigation Areas

Irrigation Investigation Areas are shown as an overlay on the Strategy maps.

They identify areas which have been supported by the Department of Agriculture and Food WA (DAFWA) and Department of Water (DoW) as potential irrigation areas suitable for broad scale horticulture. Studies are currently underway in the La Grange Aquifer sub-area and the Waterbank area of the Dampier Peninsula to determine whether the areas are suitable for this purpose.

The form and scale of any potential horticultural development will be guided by the results of these investigations. The identification of land for 'Irrigation Investigation' does not mean that the land will be used for mono scale agriculture, however the outcomes of these investigations may ultimately

support rezoning, and provide guidance for future subdivision and development.

Local Planning Scheme 6 (LPS 6)

The activities are likely to fall within the “General Agriculture” or “Cultural Natural Resource Use” Zones in Local Planning Scheme 6 (LPS 6). The following objectives are set for the zones:

4.12 Culture and Natural Resource Use Zone

- 4.12.1 The purpose of the Culture and Natural Resource Use Zone is to provide for the use of natural resources, preservation of Aboriginal heritage and cultural areas and the conservation of natural environmental values including significant landscapes and environmental areas.
- 4.12.2 The objectives of the Culture and Natural Resource Use Zone are to:
- (a) provide for development associated with the extraction of mineral and natural resources;
 - (b) ensure the preservation of Aboriginal heritage and culturally significant areas;
 - (c) provide for the conservation of significant landscape and environmental areas and values;
 - (d) allow for low impact tourism development including limited tourist accommodation and camping areas; and
 - (e) allow land uses associated with Aboriginal heritage, traditional law and culture.

4.10 General Agriculture Zone

- 4.10.1 *The purpose of the General Agriculture Zone is to provide for a range of rural activities which are compatible with the capability of the land and retain the rural character and amenity of the locality.*
- 4.10.2 *The objectives of the General Agriculture Zone are to:*
- (a) allow land uses which are compatible with general rural activities and which require large land holdings and/or separation from more intense land use and subdivision;*
 - (b) retain the rural nature of the zone for pastoral and grazing activities, predominantly on large scale land holdings;*
 - (c) allow small scale tourist related activities which may be associated with a pastoral station; and*
 - (d) allow for land uses associated with Aboriginal heritage, traditional law and culture.*

POLICY IMPLICATIONS

This policy will provide guidance to Council and Shire officers with regards to Mining, Petroleum and Geothermal proposals. As noted above the WA Parliament is currently undertaking an inquiry into the the Implications for Western Australia of Hydraulic Fracturing for Unconventional Gas. Whilst, the final outcomes of this inquiry is not yet

available the legal advice obtained raised no concerns with Council adopting the proposed draft policy prior to the inquiry's findings being available.

However, should Council wish not to adopt a formal policy in this regard at this point in time it is recommended that Council consider the following alternative motion:

That Council

1. Notes and acknowledges that the activities associated with mining, petroleum and geothermal energy resource extraction is assessed, approved and regulated by the relevant regulatory bodies including the Department of Mines and Petroleum, Environmental Protection Authority, Department of Health, Department of Environment and Regulation, Department of Environment (Federal), Department of Water and Department of Aboriginal Affairs and accepts the positions and assessment processes of the relevant regulatory bodies regarding these matters .
2. Writes to the Parliamentary Standing Committee on Environment and Public Affairs requesting a release date on the final report.

FINANCIAL IMPLICATIONS

Legal advice obtained through the process has been absorbed in operational costs. Advertising of the draft policy will also be absorbed in operational budget.

RISK

The risks associated with the relevant proposal are considered in the application process by various departments across a range of disciplines including where appropriate the Environmental Protection Authority. Generally the risks associated with the cost of remedial works where required will be borne by the proponent through its permit conditions from the Department of Mines and Petroleum.

Officers sought legal advice regarding the potential implications of having a policy in place and whether this will expose the Shire to significant litigation and potential compensation risks. The legal advice is provided as confidential **Attachment 4**.

In summary the legal advice outlines that there is no reason why the Shire should not proceed to adopt the Policy in the near future as there are in their opinion no liability risks associated with the adoption of the Policy. To the extent that any liability risks might arise from an approval which ought not to have been given or from a consultation which failed to raise the relevant matters apparently not addressed, those liability risk already exists, whether or not the policy is adopted.

STRATEGIC IMPLICATIONS

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

A healthy and safe environment

High level social capital that increases community capacity

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

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

A 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 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:

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council adopts in accordance with section 2.7 (2)(b) of the Local Government Act 1995 the draft Policy on Mining, Petroleum and Geothermal Energy Resource Extraction, for a public comment period of 21 days.

COUNCIL RESOLUTION:

Moved: Cr A Poelina

Seconded: Cr G Campbell

That Council adopts in accordance with section 2.7(2)(b) of the Local Government Act 1995 the draft Policy on Mining, Petroleum and Geothermal Energy Resource Extraction for Public comment period of 42 days

CARRIED UNANIMOUSLY 7/0

Reason: *Due to complexity of the issue surrounding fracking, and to allow adequate time for all members of the Community to research and comment on draft policy.*

Attachments

- Attachment No 1 - Legal Advice (*Confidential to Councillors and Directors Only*)

Chairperson Date.....

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(d) as it contains “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.

2. Attachment No 2 - Draft Policy
3. Attachment No 3 - WA Parliamentary Inquiry into the implications of Hydraulic Fracturing for unconventional gas - Terms of Reference
4. Attachment No 4 - Legal Advice regarding liability risk associated with adopting the Policy (*Confidential to Councillors and Directors Only*)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(d) as it contains “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.

9.2.2 4 JONES PLACE (OLD ST JOHNS BUILDING)

This item is located in these Minutes under Section 14, Matters To Be Discussed Behind Closed Doors.

9.2.3 CLOSURE OF A PORTION OF COGHLAN STREET ROAD RESERVE

LOCATION/ADDRESS:	Coghlan Street
APPLICANT:	Nil
FILE:	COG-1/GEN
AUTHOR:	Development and Subdivision Engineer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 April 2015

SUMMARY: The Heads of Terms agreement between the Shire of Broome and Pearl Coast Properties was endorsed at the Ordinary Meeting of Council on 26 March 2015, and has since been engrossed. The agreement required the permanent closure of a small portion of the Coghlan St road reserve.

This report recommends Council consider permanently closing a portion (as described in the attachment to this report) of the Coghlan Street Road Reserve and a Notice of Motion is advertised in the Broome Advertiser calling for public submissions in accordance with Section 58 of the *Land Administration Act 1997*.

BACKGROUNDPrevious Considerations

OMC 26 March 2015 Item 9.1.2

At the Ordinary Meeting of Council held on 26 March 2015, Council resolved the following:

That Council:

- a) *Endorses the attached Heads of Terms for the Broome International Airport Drainage Agreement*
- b) *Authorises the Shire President and Chief Executive Officer to engross the Heads of Terms for the Broome International Airport Agreement.*

The Heads of Terms agreement was negotiated between the Shire of Broome and Pearl Coast Properties (PCP) to resolve all outstanding drainage and land tenure issues at Broome International Airport.

Drainage Licence Agreement – Pearl Coast Properties Pty Ltd and the Shire of Broome

A drainage licence agreement was entered into between the Commonwealth of Australia (then owner of the airport) and the Shire of Broome on the 22 November 1982. The licence granted the Shire of Broome the right to install, maintain and operate a drain and related facilities on the strip of land identified in the licence.

For the purposes of identification in this report, the licence areas are known as:-

1. The Frederick Street Drainage Licence Area,
2. The Macpherson Street Drainage Licence Area.

Chairperson Date.....

The Macpherson Street Drainage Licence Area

The Macpherson Street Drainage Licence Area extends from the end of the Herbert Street and Macpherson Street intersection, sweeping around to the east through Lot 9000 and Lot 654, until it adjoins Reserve 18149. This drain is a continuation of the Frederick Street drainage system.

The Drainage Licence over the open drain within the McPherson Street Drainage Licence area was created in 1982. Even though the drainage licence only incurs a small annual fee, it contains a provision that either party can terminate the licence by failing to observe the terms of the licence or by giving the other party one month's notice of intention to terminate the licence. This is an extremely onerous condition over a critical part the Shire's drainage infrastructure.

As part of the negotiations to resolve the encroachment of Broome airport infrastructure onto Shire reserves, the drainage licence over Lots 654, 9000 and 1653 (The McPherson St Drain) will be converted to a drainage easement in favour of the Shire of Broome.

Encroachment of Airport Infrastructure over Drainage Reserves

The minor encroachment of airport infrastructure onto the Coghlan St Road Reserve consists of approximately 199m² of airport security fence and open drain. The adjoining lands to the north are owned by PCP. The encroachment does not currently impinge on the use of the land as a thoroughfare. However, the location of the fence does affect the Shire's ability to maintain the large open drain as it is unable to access airside security areas.

COMMENT

The Heads of Terms agreement has now been engrossed by PCP and the Shire. In accordance with the agreement, the Shire is to progress the road closure actions required for a portion of road reserve within Coghlan Street.

A section of the existing airport security fence and open drain encroaches into the Coghlan Street road reserve by 199m², referred to as Area D in the Heads of Terms agreement.

Attachment 1: Area D – Portion of Coghlan Street to be closed

The encroachment of airport infrastructure does not inhibit Coghlan Street being used as a public thoroughfare. Therefore it was agreed in the negotiation of the Heads of Terms agreement to formally close Area D within the Coghlan Street road reserve and facilitate the disposal of Area D to PCP through the Department of Lands.

Area D will be excised from the Coghlan Street road reserve and amalgamated into the Pearl Coast Properties parent lot (Lot 9000). A drainage easement will then be subsequently created over the existing McPherson St drain in favour of the Shire and this will replace the existing drainage licence.

Detailed survey has been carried out for the area of interest, and shows that Water Corporation reticulated water infrastructure exists within Area D. An easement will be provided over the existing assets, which will be confirmed in consultation with Water Corporation during the advertisement period.

Attachment 2: Survey of Water Corporation Assets

CONSULTATION

Department of Lands
Pearl Coast Properties
Water Corporation

The proposed road closure requires the Shire of Broome to publically advertise for 35 days a Notice of Motion to close a portion of the road under Section 58(3) of the *Land Administration Act 1997*.

Formal consultation with public service authorities will be undertaken during the advertisement period.

STATUTORY ENVIRONMENT

Land Administration Act 1997

58. Closing Roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3) request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objection made to it within that period concerning the proposal set out in that notice.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per the terms of the engrossed Heads of Terms agreement, PCP will grant a drainage easement over the McPherson St Drain free of charge to the Shire.

PCP will also bear all fees, charges and cost of survey related to the creation of a drainage easement in favour of the Shire.

The cost of purchasing the closed portion of the Coghlan St road reserve (Area D) from the Department of Lands will be borne by PCP.

RISK

If Heads of Term agreement is not actioned and a portion of Coghlan Street road reserve is not closed, the Macpherson Street Drainage License will stay in effect. As this licence may be terminated by PCP with only one month's notice, it presents a risk to the Shire. Whilst it is unlikely that PCP will cancel the licence, if it was to occur the cost of an

alternate drainage solution would be expensive. The combination of these two factors produces an overall high risk to the Shire.

The risk to the Shire can be mitigated by the closure of a portion of the Coghlan Street road reserve to facilitate a drainage easement being created in favour of the Shire.

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:

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr P Matsumoto

That Council:

- (a) Notes that under the Heads of Terms Agreement, a portion of the Coghlan Street Road Reserve is required to be closed, sold by Department of Lands to Pearl Coast Properties, and that a drainage easement in favour of the Shire of Broome will be created over the McPherson St Drainage Licence Area.**
- (b) Requests the Chief Executive Officer to:-**
 - (i) Advertise a Notice of Motion to close a portion of the Coghlan Street road reserve (Area D on Drawing no. D15-003-01) , for 35 days in accordance with Section 58(3) of the Land Administration Act 1997; and**
 - (ii) Present a report to Council on the outcome of the submissions received during the advertising period.**

CARRIED UNANIMOUSLY 7/0

Attachments

1. Area D - Portion of Coghlan Street to be Closed
2. Survey of Water Corporation Assets

9.2.4 SHIRE OF BROOME MUNICIPAL INVENTORY OF HERITAGE PLACES - LAKE EDA

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	PLA10
AUTHOR:	Statutory Planning Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 August 2015

SUMMARY: At the Ordinary Meeting of Council on the 28 August 2014, Council resolved to adopt the Shire of Broome Municipal Inventory of Heritage Places 2014. At this meeting, Council made a specific resolution with regard to Lake Eda and resolved that this place remain on the Municipal Inventory for the next twelve months and requested further information be sought for the site with a view of retaining it on the Heritage inventory.

Officers have received a environmental report providing further information with regards to the site and location and this report recommends that Lake Eda remains on the Municipal Inventory.

BACKGROUNDPrevious Considerations

OMC 28 August 2014

Item 10.4

A Municipal Inventory of Heritage Places (Municipal Inventory) is a survey of heritage places in a local government area; it identifies local heritage assets and provides the base information needed for local heritage. Municipal Inventories also are an informing document in preparation of a Heritage List adopted under a Local Planning Scheme and in the Shire of Broome's case, under Clause 7.1.7 of LPS6 the Municipal Inventory forms the Heritage List. This means that any development to a place on the Municipal Inventory requires planning approval from the Shire.

Every local government is required to prepare and adopt a Municipal Inventory under the provisions of the *Heritage Act of Western Australia* 1990. Further local governments are required to undertake a review of the Municipal Inventory every four years and can update the document annually.

The Shire of Broome undertook its review of the Municipal Inventory in 2014 and engaged a heritage consultant to undertake this process. The review recommended the nomination of new places and also recommended removal of some of the existing listings due to lack of information. Lake Eda was included as a place recommended to be removed from the Municipal Inventory. Council considered the outcomes of the review at the Ordinary Meeting of Council on 28 August 2014 and resolved the following:

That Council:

Chairperson Date.....

1. *Adopts the Municipal Inventory of heritage Placed 2014, as included in Attachment 2, for the purposes of the Heritage Act 1990 and also as the heritage list under Town Planning Scheme 2 [4], and pursuant to the*
 - a) *Heritage Act 1990 section 45(3) provides a copy to the Heritage Council; and*
 - b) *Shire of Broome Town Planning Scheme No 4 Clause 7.1.4 notifies the Western Australian Planning Commission*
2. *Receives Attachment 3 as a suggested list of nominated places for the purposes of consulting with the landowners prior to further consideration by Council for future inclusion on the Municipal Inventory of Heritage Places.*
3. *That Lake Eda remain on the Municipal Inventory of Heritages Places 2014 for the next twelve months and the CEO be requested to ascertain facts pertaining to the site with a view of retaining it on the Heritage List.*

COMMENT

With respect to part 3 of the resolution, Shire of Broome officer's have sourced additional information which clarifies the location of Lake Eda refer to **Attachment No 1**. Given the additional information that has been sourced, it is recommended that Council resolve that the site remain on the Municipal Inventory and it is recommended that the reference to the additional supporting information is updated as shown in **Attachment No 2**.

Since the adoption of the reviewed Municipal Inventory in August last year staff have been concentrated on finalising Local Planning Scheme No 6 and since its gazettal updating internal processes and policies. As a result, the Shire has not actively undertaken further research or consultation with the landowners for the other sites in the suggested lists of additional nominations referenced in part 2 of the above resolution.

Officers will continue to keep records of updates to listed places when identified or advised by members of the community. It is recommended that this be reported back to Council as a part of an annual update process and it is also envisaged that the consultation for the suggested listed of nominated places will be undertaken over the next 12 months to provide further updates in August 2016.

CONSULTATION

The 2014 Municipal Inventory review incorporated consultation with all owners of existing listed places listed on the 2004 Municipal Inventory and all members of the community were invited to submit nominations for new listings.

No further consultation has been undertaken as a part of this item.

STATUTORY ENVIRONMENT

Heritage Act of Western Australia 1990

Clause 45 requires local governments to compile an inventory of buildings with cultural heritage significance (Municipal Inventory) and requires that it is reviewed every four years after compilation.

POLICY IMPLICATIONS

Chairperson Date.....

Nil

FINANCIAL IMPLICATIONS

The Shire of Broome's Corporate Business Plan allocates financial resources in the 2017/2018 financial year to undertake the next scheduled review of the Municipal Inventory. Annual updates the Municipal Inventory would be undertaken internally and there is no budget allocation to engage heritage consultants to undertake this work. Therefore the scope of annual reviews will be subject to the availability of staff resource.

RISK

Nil

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

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr A Poelina

Seconded: Cr C Mitchell

That Council pursuant to Clause 45 of the Heritage Act of Western Australia 1990, adopt Place No 59, Lake Eda as a permanent listing on the Shire of Broome's Municipal Inventory of Heritage Place as set out in Attachment No 2.

CARRIED UNANIMOUSLY 7/0

Attachments

1. Attachment No 1 - Additional Information - Lake Eda
2. Attachment No 2 - Proposed updates to Lake Eda Listing

9.2.5 PROPOSED SIGNS - GREAT NORTHERN HIGHWAY

LOCATION/ADDRESS:	Great Northern Highway - La Grange
APPLICANT:	Karajarri Traditional Lands Association
FILE:	GRE-1/GEN
AUTHOR:	Statutory Planning Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 August 2015

SUMMARY: An application for planning approval to install two signs on the Great Northern Highway has been received. The signage is proposed at the southern and northern entrance of the Karajarri Native Title determination area.

The application is referred to Council as the applicant is seeking a variation to the Shire's Signs Local Planning Policy 8.17 - Signs (LPP 8.17) which officer's have no discretion to approve.

This report recommends that the signage as proposed be approved.

BACKGROUNDPrevious Considerations

Nil

Description of the Proposal

Approval is being sought for the placement of two signs within the Great Northern Highway road reserve. Both signs are intended to be installed at the entrance point to the Karajarri Native Title determination area, one being 42km south of where the Bidyadanga Community Road intersects with Great Northern Highway and one 31km north of this intersection. The two signs will display the same message and will advise people that they are entering Karajarri country; that the rangers are looking after the country and to please keep the country clean. The proposed sign details are set out in **Attachment No 1**.

Each sign is proposed to be 1.5m x 1m and will be affixed to a frame with a total height of 2.5m. The applicant has obtained written consent from Main Roads WA to place the signs within the Great Northern Highway road reserve.

COMMENT

The application seeks a variation to LPP 8.17 as it proposes the erection of signage within a road reserve. Both signs would fall within the 'sign not permitted' section of LPP 8.17, in that they are signs that are not erected within or on the lot boundaries, which officer's do not have any discretion to approve. The signs will have a surface area of 1.5sqm which falls within the permitted size of a freestanding sign which allows for 2sqm.

In considering this application, the objectives of the Policy must be referenced. The relevant objectives applicable are set out below:

Chairperson Date.....

1. Coordinate and control signage within the Shire of Broome;
3. Ensure the siting, design and general appearance of advertising does not detract from the visual amenity and character of the Shire; and
4. To avoid a proliferation of signs on individual sites and building.

Based on the above objectives of the Policy, it is considered that this application for signs within the Great Northern Highway could be supported for the following reasons:

- The signs are not traditional advertising signs and the purpose of the signs is to inform people that they are entering Karajarri country. This is not considered to establish a precedence which would lead to submission of other advertising signs in similar locations and therefore would not lead to the proliferation of signage.
- Two signs are proposed over a distance of 73km, which is not considered to detract from the visual amenity nor result in the proliferation of signage.
- The Great Northern Highway road reserve is 150m in width. This limits the ability of the applicant to achieve compliance with the Policy because if the signs were placed on the lot boundary, it would not be visible to passing traffic.
- The signs would increase community awareness and create a positive message to keep the country clean.

Given the above points, it is recommended that the application for the signs is conditionally approved.

CONSULTATION

Nil. The applicant has submitted copies of communication from Main Roads WA where consent is given to the placement of the signs within the Great Northern Highway road reserve.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Local Planning Scheme No 6

POLICY IMPLICATIONS

Local Planning Policy 8.17 – Signs

FINANCIAL IMPLICATIONS

Nil

RISK

Nil

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

Chairperson Date.....

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

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr PM Matsumoto

That Council approves the application for two freestanding signs within the Great Northern Highway, La Grange, subject to the following condition:

- 1. 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 conditions of this approval.***

Plans & Specifications

P1 (Location Plan), P2 (Site Plan) and P3 (Sign Elevations) as received by the Shire on 1 July 2015.

CARRIED UNANIMOUSLY 7/0

Attachments

1. Attachment No 1 - Sign Details

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.

With regard to Item 9.3.1 Cr D Male disclosed that “I have an association with being a beneficial owner of property and operate a business in the precinct. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

With regard to Item 9.3.1 Cr G Campbell disclosed that “I have an association with minor shareholder in company that owns property in Chinatown. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

With regard to Item 9.3.1 Cr H Tracey disclosed that “I have an association with property in Dampier Terrace that I part own. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

9.3.1 ESTABLISHMENT OF STAKEHOLDER AND COMMUNITY REFERENCE GROUP - CHINATOWN REVITALISATION PROJECT

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	PLA94
AUTHOR:	Deputy Chief Executive Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 August 2015

SUMMARY: This report provides Council with an update on the Chinatown Revitalisation Project and, as identified in the Chinatown Revitalisation Business Case, presents a proposal to Council to establish a Stakeholder and Community Reference Group for this project.

Whilst the Business Case is still being considered by the State Government, Officers recommend Council commences with establishing this reference group. This report presents Council with a proposed Terms of Reference for consideration and recommends Council call for nominations for positions on the group.

Prior to any announcement by the State Government on the funding for Chinatown Revitalisation, this group could assist with engagement and project development.

BACKGROUND

Previous Considerations

OMC	26 June 2014	Item 9.3.1
OMC	30 April 2015	Item 9.2.7

At its meeting on 30 April 2015, Council resolved the following:

That Council;

Chairperson Date.....

1. *Endorse the Chinatown business case for presentation to Cabinet with the ability for the Chief Executive Officer to make minor amendments to the document as required and sign the business case on behalf of the Shire.*
2. *Authorise the Shire President to write to the Premier and Minister for Regional Development advising that Council endorses the Chinatown Revitalisation Business Case and is prepared to consider \$2 million towards the revitalisation of Chinatown if the Business Case is approved by Cabinet.*
3. *Request the Chief Executive Officer to liaise with the KDC and Landcorp to finalise the Steering Committee terms of reference and governance model.*
4. *Request the Chief Executive Officer liaise with stakeholders to develop terms of reference for a Chinatown Community Reference Group for consideration by Council.*
5. *Request the Chief Executive Officer to call tenders to establish a panel of "Project Managers" to assist in delivery of existing and future potential projects.*

Progress on the Chinatown Project has centred around three main areas as follows:

Consideration of the Business Case by the State Government

The Business Case has been referred to the Department of Regional Development (DRD) for feedback as is the standard process. Detailed feedback was received last week from DRD and has been responded to by the Shire, Landcorp and the KDC. This feedback will be considered by DRD and the Business Case will then be referred to Treasury prior to formal consideration by Cabinet.

In line with Council's resolution, the Shire President forwarded correspondence to the Premier and Minister for Regional Development supporting the project and endorsing the Business Case.

As a result of the engagement that has already taken place with regard to the Business Case, a significant number of support letters have been received from local stakeholders endorsing the Business Case. These have been provided to the State for consideration.

Project Management and Delivery

LandCorp has been tasked with preparing an overall Project Management Plan to coordinate the timely delivery of all aspects of the proposed redevelopment. The Shire and KDC are having significant input into the development of this plan. The plan proposes that responsibility for delivering projects (pending their endorsement by Cabinet), will split between the Shire and LandCorp. The formal approval of this will come to Council for consideration once the Business Case is endorsed.

To manage the capital construction projects proposed to be the responsibility of the Shire Officers, in addition to the existing capital projects to be delivered, it is proposed that external project managers are engaged.

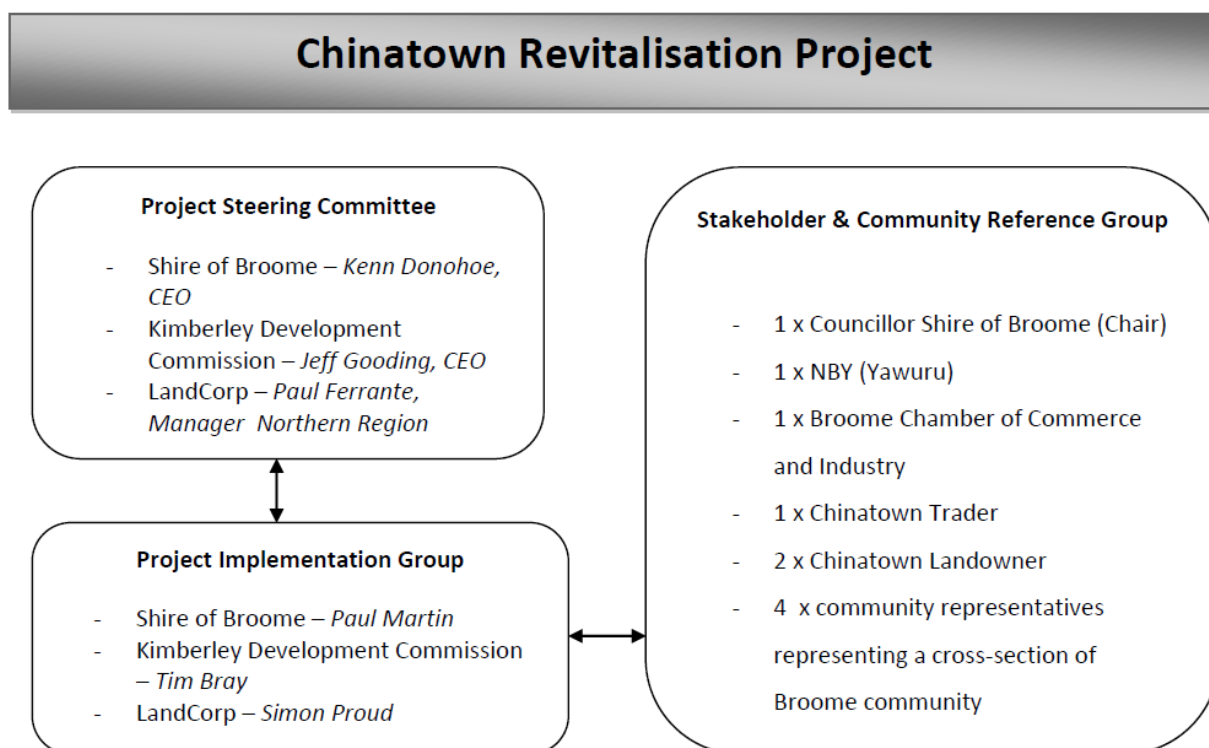
Extensive legal advice was obtained on the most appropriate means to provide the additional capacity required to deliver projects the Shire will be responsible for, together with existing major capital projects. This advice recommended calling two tenders for set works rather than establishing a "panel tender" for project management.

One of these tenders would be for existing major capital projects (KRO and BRAC Aquatic). This tender has been called and the assessment is the subject of a separate report for Councils' consideration.

The second tender would be called to project manage the major capital projects allocated to the Shire to deliver as part of the Chinatown Revitalisation. This tender is not proposed to be called until the funding has been secured, project governance established, and there is certainty regarding the projects for which Council will have responsibility.

Project Governance including Stakeholder and Community Engagement

Although still in development, the governance model for this project is expected to be along the following lines:



The final governance model, together with terms of reference for the Project Steering Group and the Project Control Group, will be reported to Council in the coming months.

This project is very important for Broome. How the community and stakeholders are engaged and meaningfully contribute towards the project outcomes is going to be critical to the success of this project. The establishment of a Stakeholder and Community Reference Group as outlined in this report should be seen as a first step in this process. It is proposed that the Stakeholder and Community Reference Group will have input, with the project partners, into the governance model. This may see some changes or modifications to the governance model and the reference group in the coming months.

COMMENT

Attached at Appendix 1 is a copy of the proposed terms of reference for the Stakeholder and Community Reference Group.

In accordance with the Shires Community Engagement Policy, Community Engagement Plans will be prepared for each major project. This will provide an opportunity for landowners, traders and other key stakeholders to be engaged in the relevant aspects of each project.

The Stakeholder and Community Reference Group therefore has the following purpose:

- Provide input and feedback to the Project Control Group and Council on the Revitalisation of Chinatown.
- Ensure the community and key stakeholders are appropriately engaged in the design and delivery of projects as part of the Chinatown Revitalisation.
- Act as a conduit between the Project Working Group and the community, traders and landowners in Chinatown.

The Reference Group will not be a decision making group nor a formal committee of Council. This responsibility will fall to the Steering Group who will act on advice from the reference group and the project control group.

It is proposed the membership of the group would be as follows:

- 1 x Councillor (1x Deputy) Shire of Broome (Chair of Group)
- 1 x Representative Yawuru
- 1 x Representative Broome Chamber of Commerce and Industry
- 1 x Representative Chinatown Traders
- 2 x Representatives of Landowners in Chinatown
- 4 x Community Representatives

Council could choose to wait to establish this group until the funding is announced however Officers consider this group would provide valuable assistance and input into the Frederick Street/Dampier Terrace and Lookout project and are therefore recommending it be established at this time.

If Council was to endorse the Officer recommendation, nominations would be sought from each of the above categories. The nominations received would then be presented to Council for consideration and appointment.

CONSULTATION

LandCorp and the Kimberley Development Commission have been involved in the development of the Terms of Reference and have been supportive of establishing this group at this time.

Stakeholders were advised of the establishment of a Community Reference Group when targeted consultation occurred regarding the Chinatown Business Case.

As mentioned above, major projects within the Chinatown Revitalisation will be required to have separate Community Engagement Plans. The funds for each engagement plan will be sourced from project costs.

STATUTORY ENVIRONMENT

It is proposed this group is not a formal committee of Council therefore no details on the establishment of Committee's section of the Local Government Act is included.

POLICY IMPLICATIONS

Community Engagement Policy 5.1.10

FINANCIAL IMPLICATIONS

The costs of undertaking this Reference Group will be covered through existing operations and the funds available for the Chinatown Revitalisation.

RISK

It is important with a project of this nature to have strong engagement with stakeholders and the community. Failure to do so may result in misalignment between project expectations and project outcomes. This group will play a role in ensuring relevant and appropriate engagement occurs during this project.

It could be considered a risk to establish this group at this point prior to the State Government approval of the Business Case. However Officers consider that the group can play a role in assisting with existing projects and project development during this time. Furthermore, if funding is announced there will be a requirement to commence delivery of projects immediately. Having this group appointed and in place will assist in meeting this timeline.

The worst case scenario is that the State Government doesn't allocate the funds for revitalisation of Chinatown and the group has to be disbanded.

STRATEGIC IMPLICATIONS

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

Effective communication

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

A healthy and safe environment

High level social capital that increases community capacity

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

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

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

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

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

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

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

Affordable land for residential, industrial, commercial and community use

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

Effective community engagement

Retention and attraction of staff

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

1. *Agrees to establish the Chinatown Stakeholder and Community Reference Group and endorses the Terms of Reference as per Attachment 1.*
2. *Appoints Cr _____ to the group and Cr _____ as their Deputy.*
3. *Requests the Chief Executive Officer to:*
 - (a) Write to Yawuru inviting them to nominate a representative on the group.*
 - (b) Write to the Broome Chamber of Commerce and Industry inviting them to nominate a representative on the group.*
 - (c) Advertise the following positions in the local newspaper seeking nominations*
 - (i) 1 x Chinatown Trader*
 - (ii) 2 x Chinatown Landowners*
 - (iii) 4 x Community Representatives**and report the outcomes to Council for consideration.*
4. *Requests the Chief Executive Officer seek feedback from the Stakeholder and*

Chairperson Date.....

Community Reference Group on the proposed governance model as it is developed and prior to presentation to Council.

(ABSOLUTE MAJORITY REQUIRED)

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Council:

- 1. Agrees to establish the Chinatown Stakeholder and Community Reference Group and endorses the Terms of Reference as per Attachment 1.**
- 2. Appoints Cr Campbell to the group and Cr Male as their Deputy.**
- 3. Requests the Chief Executive Officer to:**
 - (a) Write to Yawuru inviting them to nominate a representative on the group.**
 - (b) Write to the Broome Chamber of Commerce and Industry inviting them to nominate a representative on the group.**
 - (c) Advertise the following positions in the local newspaper seeking nominations**
 - (i) 1 x Chinatown Trader**
 - (ii) 2 x Chinatown Landowners**
 - (iii) 4 x Community Representatives**

and report the outcomes to Council for consideration.
- 4. Requests the Chief Executive Officer seek feedback from the Stakeholder and Community Reference Group on the proposed governance model as it is developed and prior to presentation to Council.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7/0

Attachments

- 1. DRAFT TERMS OF REFERENCE CHINATOWN STAKEHOLDER AND COMMUNITY REFERENCE GROUP**

With regard to Item 9.3.2 Cr G Campbell declared a Financial Interest as “director of company that operates Roebuck Bay Caravan Park” and departed the Chambers at 5.13pm.

Cr H Tracey assumed the Chair.

The Chairperson advised that there was an error in the Agenda on page 5 of Attachment 1 under ‘Tertiary Stakeholders’, “Caravan and Camping Institute of Australia” should be “Caravan Industry Association of Australia”. This has been corrected for the purpose of the Minutes.

9.3.2 ROEBUCK BAY CARAVAN PARK - CONSIDERATION OF COMMUNITY ENGAGEMENT PLAN

LOCATION/ADDRESS:	Portion Reserve 17132
APPLICANT:	Nil
FILE:	LSS028
AUTHOR:	Deputy Chief Executive Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 August 2015

SUMMARY: This report presents Council with the draft Community Engagement Plan for consideration over the 8 week public consultation process which Council has resolved to undertake prior to calling tenders for the future lease and redevelopment.

BACKGROUND

Previous Considerations

OMC 25 June 2015 Item 9.3.1

At its meeting of 25 June 2015, Council resolved the following:

That Council:

1. Adopt the recommendation contained in the confidential Evaluation Report as outlined below:
 - a. Thanks Ralston Bay Holdings for its submission to lease the Roebuck Bay Caravan Park into the future but informs them that it will not be progressing with the submission any further and will be undertaking a public tender process for disposal of the park beyond the expiration of the current lease.
 - b. Request the Chief Executive Officer to work with the evaluation panel to advertise community and industry consultation for a period of 8 weeks to inform Council of the types of planning and development options regarding the Tender of the Roebuck Bay Caravan Park to incorporate:

The Brighthouse Redevelopment Master Plan as a Guide only.

Chairperson Date.....

*The Old Broome Development Strategy.
The Vision and Core Values of the Shire of Broome*

- c. *Request the Chief Executive Officer to work with the evaluation panel and Council to prepare a package for the tender brief of the Roebuck Bay Caravan Park for consideration by Council prior to advertising.*
 - d. *Thanks the panel members for their assistance in this matter.*
2. *Agrees to release the Redevelopment Master Plan prepared by Brighthouse (without Appendix 2 - Financial projections and with typographical error corrected) as attached in the Confidential Attachment 3.*
 3. *Notes the revised timeline for the process to develop a new lease for the Roebuck Bay Caravan Park.*

Since this resolution, the following has occurred:

- Ralston Bay Holdings formally advised of Councils decision
- Officers have responded to media enquiries
- The Brighthouse Report has been placed on the Shire website and made available at the Administration Building.
- The community engagement for the caravan park was discussed at the Concept Forum on 7th July with Councillors present.
- The Evaluation Panel has had input and comment into the consultation process proposed to be undertaken.

COMMENT

To guide the 8 week community engagement as per Councils resolution, a Community Engagement Plan has been prepared for Councils consideration prior to implementation. A copy of this plan is available at Attachment 1.

The plan is Councils standard engagement plan and identifies primary, secondary and tertiary stakeholders who are proposed to be engaged during the 8 week period.

The following is a summary of the activities planned to occur:

- Website information including background reports and submission form which can be completed.
- Briefings (1x key tourism stakeholders and operators, 1x long term residents of the park with Department of Commerce, 1x government agencies, 1x general community).
- Submission form to be available and mailed to adjoining land owners and lessee's.
- Information available at the front counter of the Administration Building.

Officers have made contact with the Department of Commerce who administer the legislations relating to people residing in Caravan Parks for longer than three months. The Department has agreed to participate in a briefing session with these residents to outline to them their rights and responsibilities in line with the legislation.

Chairperson Date.....

In addition to this, a series of briefing sessions are proposed to be undertaken with key stakeholder groups to explain the process and to answer any questions.

A submission form will be prepared to assist people making a submission, although all types of written submissions will be accepted and considered.

Officers propose, after the engagement process, to collate the submissions into themes and present these to Council for consideration prior to the tender for the future lease and redevelopment of the park being called.

Council will note the 8 week community engagement was planned for when Officers prepared the timeline for the last Council report and therefore is not reflected. To address this, and in accordance with the outcomes of the probity audit, Officers have prepared a new timeline and attached this for Councillors reference at Appendix 2 to this report.

CONSULTATION

As detailed to be undertaken in the Community Engagement Plan.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Community Engagement Policy

FINANCIAL IMPLICATIONS

The costs of undertaking the engagement as outlined in the Engagement Plan can be accommodated within existing resources. Council could, if it wanted to, add further consultation however additional resources may need to be identified to facilitate this occurring.

RISK

The risk is that the Shire does the engagement poorly or not comprehensively enough. Officers, with the assistance of the Evaluation Panel, have designed engagement which is considered reasonable and not overly resource intensive.

STRATEGIC IMPLICATIONS

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

Effective communication

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

A healthy and safe environment

Chairperson Date.....

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

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

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

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

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

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

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

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:

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr DM Male

Seconded: Cr C Mitchell

That Council:

1. ***Endorses the Community Engagement Plan as attached at attachment 1 to be used during the 8 week community engagement for this project commencing on 1 September 2015.***
2. ***Notes the revised timeline at Appendix 2 which incorporates the 8 week community engagement process.***

CARRIED UNANIMOUSLY 6/0

Cr G Campbell returned to the Chambers at 5.15pm and the Chief Executive Officer read aloud the resolution.

Attachments

Chairperson Date.....

- 1. Community Engagement Plan - Roebuck Bay Caravan Park
- 2. Roebuck Redevelopment Plan Consultation Timeline June 2015

9.3.3 CAMEL LICENCE RENEWALS

This item is located in these Minutes under Section 14, Matters To Be Discussed Behind Closed Doors.

9.3.4 TENDER 15/04 - PROJECT MANAGEMENT CONSULTANCY SERVICES

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	15/04
AUTHOR:	Special Projects Coordinator
CONTRIBUTOR/S:	Manager Economic Development
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 August 2015

SUMMARY: *This report considers Tenders received for Project Management Consultancy Services and seeks adoption of the recommendation contained in the attached confidential tender evaluation report.*

BACKGROUNDPrevious Considerations

Nil

COMMENT

The Shire of Broome is moving into a development phase over the next two years across a range of approved capital projects including the BRAC Aquatic Centre Upgrade and the Kimberley Regional Office Redevelopment, both with budgeted funding. This tender is to appoint a project manager to manage and deliver these projects. A further project has been included within this tender process which is the Town Beach Revetment; this however is subject to the Shire of Broome's discretion and Grant funding being received. Extensive legal advice was sought from Herbert Smith Freehills to ensure the tender RFT documentation and Contract Documentation was within legislative and regulatory local government requirements.

Tenders were called on the 1 July 2015 with a closing date of 22 July 2015. Thirty three (33) organisations registered their interest and received copies of the tender. Thirteen (13) submissions were received. The duration of the proposed Contract is for a two (2) year period with no extension options.

CONSULTATION

Herbert Freehills Smith

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 1.8 Statewide public notice.

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

Section 3.57 Tenders for providing goods or services

Chairperson Date.....

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply good or services.

(2) Regulations may make provision about tenders

Local Government (Functions and General) Regulations 1996

Section 5 R14 Requirements for publicly inviting tenders

(1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.

(2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.

(2a) If a local government —

(a) is required to invite a tender; or

(b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

(3) The notice, whether under subregulation (1) or (2), is required to include —

(a) a brief description of the goods or services required;

(b) particulars identifying a person from whom more detailed information as to may be obtained;

(c) information as to where and how tenders may be submitted; and

(d) the date and time after which tenders cannot be submitted.

(4) In subregulation (3)(b) a reference to detailed information includes a reference to

(a) such information as the local government decides should be disclosed to those interested in submitting a tender;

(b) detailed specifications of the goods or services required;

(c) the criteria for deciding which tender should be accepted;

(d) whether or not the local government has decided to submit a tender; and

(e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

(5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

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

Section 5 R15 Minimum time to be allowed for submitting tenders

(1) If the notice is published in the newspaper as part of giving Statewide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.

(2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

Local Government Act 1996

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

	Capital Expense 15/16 FY	Capital Expense 16/17 FY	Remarks
BRAC Aquatic Upgrade	\$3,318,326		As per Long Term Financial Plan
Kimberley Regional Offices	\$4,280,000	\$1,880,000	As per Long Term Financial Plan
Town Beach Revetment		\$4,200,000	As per Long Term Financial Plan
TOTAL	\$7,598,326	\$6,080,000	
* <i>The recommended tender is within the budget allocation for project management of the relevant work packages.</i>			

RISK

Risks associated with the evaluation report and tender:

A decision to not award has critical program implications to the BRAC Aquatic and KRO projects. This is considered possible but is for council to determine at its absolute discretion. The process undertaken and legal advice sought is considered appropriate mitigation to this risk. Considered unlikely, but could occur at some stage, resulting in a medium risk, however appropriate mitigation in the form of legal advice and a transparent and robust decision making process results in this being considered a Low risk. Alternative mitigation to not awarding the Tender could be to hire additional resources internal to the organisation. This option does not address the risk to time delays however.

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

Chairperson Date.....

A healthy and safe environment

High level social capital that increases community capacity

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

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

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

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

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

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

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr H Tracey

Seconded: Cr A Poelina

That Council:

1. **Adopts the recommendation as contained in the confidential tender assessment report for Tender 15/04 – Project Management Consultancy Services.**
2. **Notes details of the successful tenderer will be available for public information in the Tender Register in accordance with Regulation 17 of the Local Government (Functions and General) Regulations 1996.**
3. **Authorises the Shire President and Chief Executive Officer to engross the Contract Document.**

CARRIED UNANIMOUSLY 7/0

Attachments

1. Evaluation Report (*Confidential to Councillors and Directors Only*)

Chairperson Date.....

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, and section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”, and section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

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 - JULY 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:	7 August 2015

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

BACKGROUNDPrevious Considerations**COMMENT**

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

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

Attached is a list of all payments processed under delegated authority during the month of July, 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

Payments made this month relate to projects and operations for 2014/15 budget. Any payments relating to 2015/16 draft budget are only operational until adoption.

RISK

This monthly report is a summary of all payments made by the Shire of Broome. There is minimal risk of Council not receiving this report as it is retrospective in nature. The Chief Executive Officer's implementation of Procurement & Purchasing policies ensures these payments are made in accordance with budget and delegated authority and comply with *Local Government (Financial Management) Regulations 1996*.

STRATEGIC IMPLICATIONS

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

An organisational culture that strives for service excellence

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Retention and attraction of staff

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr D Male

That Council records the accounts as paid under delegated authority for July 2015, totalling \$4,278,786.11, as attached, covering:

- ***EFT Vouchers 31395-31767 totalling \$4,029,001.45;***
- ***Municipal Cheque Vouchers 57328-57343 totalling \$26,751.84;***
- ***Trust Cheque Voucher 3400-3401 totalling \$44,650.28; and***
- ***Municipal Direct Debits 18749.1-18844.7 totalling \$178,382.54***

CARRIED UNANIMOUSLY 7/0

Attachments

Chairperson Date.....

1. PAYMENTS - JULY 2015

9.4.2 MINUTES OF THE JOINT MEETING OF THE KIMBERLEY ZONE OF WALGA AND REGIONAL COLLABORATIVE GROUP HELD 3 AUGUST 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	OGS03 & RCG01
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 August 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 August 2015.

BACKGROUND

Previous Considerations

A copy of the minutes from the meeting held 3 August 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 STATE COUNCIL MEETING AGENDA AND PRESIDENT'S REPORT

The State Council Agenda and President's Report had not been included in the Agenda for member Council's consideration.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Zone of WALGA notes the State Council Meeting Agenda and Presidents Report has not been included in the Zone Agenda for member's consideration.

Chairperson Date.....

Moved: Cr Moulden**Seconded: Cr Archer****CARRIED UNANIMOUSLY 5/0****7.2 APPLICATION FOR TRANSFERAL OF ZONE MEMBERSHIP – SHIRE OF COCOS (KEELING) ISLANDS**

The Shire of Cocos (Keeling) Islands are seeking support from the Kimberley Zone of WALGA to transfer from the Pilbara Country Zone to the Kimberley Country Zone.

(REPORT RECOMMENDATION)**RESOLUTION:*****That the Kimberley Zone of WALGA:***

- 1. Refers the matter to the Western Australian Local Government Association seeking State Council approval, and***
- 2. Supports the Shire of Cocos (Keeling) Islands application and provide a letter of support to WALGA.***

Moved: Cr Archer**Seconded: Cr Moulden****CARRIED UNANIMOUSLY 5/0****8.1 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 June 2014. The status report was received and noted for finalisation under the authorisation of the Secretariat.

(REPORT RECOMMENDATION)**RESOLUTION:*****That the Kimberley Regional 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 Archer****CARRIED UNANIMOUSLY 4/0****8.2 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	100%
Total Operating Income	101%
Total Operating Expenditure	98%

Committed Kimberley Regional Group project expenditure as percentage of forecast budget;

Project	Grant Received	Total Expenditure	% Complete
2012-13 DLGC – Records Management	\$107,000- 13/14 FY	\$97,000	100%
2013-14 DLGC – Capacity Audit of Synergy	\$107,000- 14/15 FY \$1,602 – 14/15 RCG Seed Fund	\$108,602.16	100%
2014-15 DLGC – Corporate Performance Management	\$158,000 – 14/15 FY	-	-
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 \$10,635 – 14/15 RCG Seed Fund	\$50,635.18	100%
2015 DLGC – Kimberley Youth Strategy Stage 2	\$80,000- 14/15 FY \$7,000- 14/15 FY -RDAK	-	-
2015 DLGC – Kimberley Volunteering Strategy Stage 1	\$55,000- 14/15 FY	-	-

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Group adopts the Financial Activity Report for the period ended 30 June 2015.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

8.3 DECEMBER 2015 KIMBERLEY REGIONAL GROUP MEETING LOCATION

At the 9 December 2014 Zone/RCG Meeting in Halls Creek, it was resolved to schedule four face to face Zone/RCG meetings in 2015, in addition to holding video conference meetings as required for consideration of the WALGA State Council Agenda, with meetings scheduled for;

- 27 February 2015 - Derby
- 2-5 May 2015 - Darwin - Joint Kimberley/ Pilbara/ Northern Territory Forum
- 3-4 August 2015 - Perth - Local Government Week
- 3-5 December 2015 – Christmas Island (subject to member Council approval)

This item was then put to each member Council for endorsement. The outcomes of these deliberations follow;

Chairperson Date.....

- Shire of Broome - Ordinary Meeting of Council 26 March 2015. The item was endorsed subject to the December meeting being held within the Kimberley.
- Shire of Halls Creek - Ordinary Council Meeting 19 February 2015. The item was endorsed.
- Shire of Wyndham East Kimberley – Ordinary Council Meeting 27 January 2015. The meeting schedule was endorsed and notes that the December 2015 meeting will be held at Christmas Island and that the Shire of Wyndham East Kimberley will not participate in the Christmas Island meeting.

It was proposed that the December 2015 Kimberley Regional Group Meeting be held in the Kimberley on Friday 4 December 2015 at a location to be selected by members. The Kimberley Regional Group resolved to hold the meeting in Kununurra.

From a Shire of Broome perspective, the financial implications of attending the meeting based on the attendance of two Councillors and two members of staff for two nights is estimated to be approximately \$4,000 towards travel, meals and accommodation expenses. The Shire of Broome has sufficient budget to cover these expenses.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Group endorses the 4 December 2015 Meeting is held in Kununurra.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

8.4 SAVANNAH WAY MEMBERSHIP

The Savannah Way Limited is seeking the Kimberley Councils joint platinum membership. Savannah Way Limited is a non-profit company formed to market quality visitor experiences along the drive route for the economic and social well-being of communities in the region. They work to assist small businesses and communities along the route through sustainable tourism and network support including tourism promotion, road signage, brochure and merchandise distribution, agent and media contact. Savannah Way Limited also links stakeholders with the market (and each other), as well as assisting regional development through research, projects, training and consultation.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Group;

- 1. Authorises the four Kimberley Shires to jointly obtain platinum membership of the Savannah Way Limited subject to each member Councils endorsement, and***
- 2. Adopt a budget amendment for 2015/16 for income of \$5,000-Transfer from reserve, Expenditure \$5,000.***

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

8.5 TAKEAWAY ALCOHOL MANAGEMENT SYSTEM REQUEST FOR ADDITIONAL FINANCIAL ASSISTANCE

This report requests additional financial support for the monitoring and evaluation of the 12 month trial of a Takeaway Alcohol Management System (TAMS) for the Shire of Wyndham East Kimberley.

The Shire does not have the available funding to engage additional resources or to utilise existing resources to gather statistical and anecdotal information from a range of key human service providers and local businesses to identify and document any changes in alcohol-related indicators as a result of the TAMS trial. As this is a critical component of the TAMS trial the Shire is seeking additional funding from the Kimberley Zone to assist the Shire in undertaking this function.

RESOLUTION:

That the Kimberley Regional Group;

- 1. Authorises the additional funding of \$15,000.00 be provided to the Shire of Wyndham East Kimberley for the engagement of a resource to monitor and prepare an evaluation report on the Takeaway Alcohol Management System Trial,***
- 2. Seek individual member Council endorsement for the funding, and***
- 3. Authorise the Zone Secretariat to write to Regional Development Australia to provide an update on the TAMS Trial.***

Moved: Cr Archer

Seconded: Cr Moulden

CARRIED UNANIMOUSLY 4/0

8.6 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 has recently awarded a tender for a house and land package to build a single dwelling with reallocated grant funds.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional 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 Archer

Seconded: Cr Moulden

CARRIED UNANIMOUSLY 4/0

8.7 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 final stage of the project involves the training role out of the system to all user groups, which is intended to be arranged for the coming month.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Group notes the finalisation of the Department of Local Government and Communities 2012-13 Grant Funded Records Management Project.

Moved: Cr Moulden

Seconded: Cr Edwards

CARRIED UNANIMOUSLY 4/0

8.8 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. Onsite training for officers was held at each member Council.

A Final Grant Acquittal for the Regional Business Plan – 2013/2014 Business Intelligence System Grant funding for the Capacity Audit of Synergy has been submitted to the Department of Local Government and Communities.

(REPORT RECOMMENDATION)

RESOLUTION:

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

Moved: Cr Moulden

Seconded: Cr Edwards

CARRIED UNANIMOUSLY 4/0

8.9 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.

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;

Chairperson Date.....

- 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 Group notes the progress of the Department of Local Government and Communities 2014-15 Grant Funded Corporate Performance Management project.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

8.10 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 were 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 Final Stage 1 - Consultation Report has been provided.

A meeting of the Executive Group was conducted on 15 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.

A Final Grant Acquittal for the 2014 Grant funding for the Kimberley Youth Strategy Stage 1 – Consultation Report has also been submitted to the Department of Local Government and Communities.

RESOLUTION:

That the Kimberley Regional Group;

- 1. Receives the final Kimberley Youth Strategy Stage 1 – Consultation report, and***
- 2. Notes the finalisation of the Department of Local Government and Communities 2014 Grant Funding for the development of the Kimberley Youth Strategy Stage 1 - Consultation.***
- 3. The Consultants work closely with service agencies to ensure no duplication of findings.***

Moved: Cr Archer

Seconded: Cr Edwards

CARRIED UNANIMOUSLY 4/0

8.11 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 6 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 Regional Group 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;

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- 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 Local Governments that is informed by the work undertaken during Stage 1 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.

Phase 6 – Convene and establish a youth engagement group for each Shire to discuss the action plan and develop activities for implementation of Stage 3.

- 6.1 Establish a youth engagement group at Broome, Derby, Fitzroy Crossing, Halls Creek and Kununurra to workshop with relevant staff representatives the activities from the action plan that will be prepared for implementation in Stage 3.

The Kimberley Youth Strategy Stage 2 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 were agreed.
- An environmental scan was commenced.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Group notes the progress of the Department of Local Government and Communities 2015 Grant Funding for the development of the Kimberley Youth Strategy Stage 2.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY 4/0

8.12 DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES 2015 GRANT FUND EXPENDITURE – KIMBERLEY VOLUNTEERING 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 the development of the Kimberley Volunteering Strategy Stage 1 – Consultation for the Kimberley Regional Group

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The objective of this project is to undertake consultation with volunteers, volunteer service agencies and local governments across the Kimberley to inform the development of the Kimberley Volunteering Strategy.

The Kimberley Volunteering Strategy – Stage 1 – Consultation, will take on 5 project phases;

Phase 1 – Mapping of volunteer services agencies

1.1 Develop a database of currently available volunteer services, groups and programs within the Kimberley region. The database will include the following details for each service:

- Name
- Category of service
- Service location and reach
- Purpose
- Who the service is targeted at
- What programs or services are offered
- What the benefits are
- Who funds the agencies

1.2 Analysis and identification of the Volunteering Service Agency Database, duplication of, or gaps in volunteering service provision.

Phase 2 – Consultation

2.1 Develop a consultation strategy with the Kimberley Zone and Kimberley Local Governments, for a consultant to deliver. Ensuring the views of volunteers, service agencies and local governments are captured. The strategy will identify the best methods for communicating and engaging with each stakeholder group. These methods will include designing and conducting:

- surveys
- telephone interviews
- face to face interviews
- workshops
- other engagement methods as identified in discussion with stakeholders.

2.2 Contract a consultant to undertake the consultation process with key volunteer service agencies and volunteers to inform the Kimberley Volunteering Strategy, in the following towns:

- Broome
- Derby
- Fitzroy Crossing
- Halls Creek
- Kununurra
- Wyndham

Phase 3 – Reports on consultation findings

3.1 Development of three reports based on the consultation findings.

3.1.1 Report 1 – Volunteers

This report will outline the demographic profile of volunteers, data on the volunteers consulted and feedback about engagement strategies used. The report will also include descriptions of key consultation findings on what is important for a volunteer friendly community and what needs to be done to make the community volunteer friendly under the following themes;

- Capacity building (Skills, Education and Training)
- Agency support, leadership and services for strategic and operational matters
- Promotion and Recognition
- Paid administrative staff to allow volunteers to focus on the goals of the group
- Communication and information
- Succession Planning (Recruitment, retention, reward for civic participation)

The report will identify contemporary volunteering trends and issues. It will also detail how the outcomes of the consultation can inform the broader Volunteering Strategy.

3.1.2 Report 2 – Service providers

This report will include details of volunteer engagement strategies used by volunteer service agencies, as well as analyse the effectiveness of these strategies. The report will encapsulate the needs of volunteer service agencies.

3.1.3 Report 3 – Local Government

This report will provide an overview of consultation with local government including;

- Key issues in their region
- Feedback about Volunteer engagement strategies used
- Any funding of volunteering service agencies
- Details of memorandums of understanding in place with relevant volunteer service agencies

Phase 4 – Analysis

4.1 Analysis of information obtained during phases 1 and 2 of consultation, and inclusion of relevant policy or strategy documents identified to inform the final report.

Phase 5 – Final report

5.1 Development of the final report to incorporate the findings from the mapping and consultation process included with the overall analysis of the issues identified and outcomes achieved by volunteer service agencies and their volunteers.

8.13 COLLABORATIVE GRANT APPLICATION FOR ORGANISATIONAL DEVELOPMENT

This report proposed a collaborative grant submission be made to Lotterywest to assist with organisational development through the holding of training in the Kimberley. The Shire of Halls Creek proposed to bring training opportunities to the Kimberley in order to limit the expenditure on travel and accommodation and increase the number of employee development opportunities. In order to achieve this within tight budget constraints, it was proposed for a collaborative grant application to be submitted to Lotterywest for Organisational Development for \$120,000 to be spilt evenly among the four Shires.

(REPORT RECOMMENDATION)

RESOLUTION:

That the Kimberley Regional Group authorise the Secretariat to establish a collaborative grant application to Lotterywest for the purpose of organisational development.

Moved: Cr Moulden

Seconded: Cr Edwards

CARRIED UNANIMOUSLY 4/0

8.14 KIMBERLEY REGIONAL GROUP SEED FUND PROJECTS This report provided a list of recommended projects for the Regional Group surplus Seed Funding.

RESOLUTION:

That consideration of this item be deferred.

Moved: Cr Archer

Seconded: Cr Moulden

CARRIED UNANIMOUSLY 4/0

8.15 JOINT KIMBERLEY, PILBARA AND NORTHERN TERRITORY FORUM OUTCOMES REPORT

The 'Next Port of Call Forum' Outcomes Report was attached for member consideration.

The aim of the forum was to bring together strategic perspectives on a range of issues and collaborations relevant to Local Governments across Northern Australia. Shared initiatives sessions were held after each group of speakers and a Roundtable session was held at the end of each day to identify and clarify key initiatives. A final Roundtable was held at the conclusion of the forum to identify a smaller number of high priority initiatives to be progressed.

RESOLUTION:

That the Kimberley Regional Group ;

- 1. Receives the 'Next Port of Call Forum 2015 Outcomes Report', and***
- 2. That the CEO group be delegated authority to prioritise and circulated the project list to member Councils.***

Moved: Cr Archer

Seconded: Cr Edwards

CARRIED UNANIMOUSLY 4/0

11.1 CHANGE OF SECRETARIAT

During general business the Secretariat raised the matter of the potential change in the member Council whom held the responsibility for Secretariat of the Kimberley Zone/RCG. It was advised that this matter could be discussed with Mr Tony Brown of WALGA in October and that the Shire of Derby West Kimberley had requested the role.

RESOLUTION:

That Member Councils consider the change of Secretariat from the Shire of Broome to the Shire of Derby West Kimberley.

Moved: Cr Archer

Seconded: Cr Edwards

CARRIED UNANIMOUSLY 4/0

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

From a Shire of Broome perspective, the financial implications of attending the meeting based on the attendance of two Councillors and two members of staff for two nights is estimated to be approximately \$4,000 towards travel, meals and accommodation expenses. The Shire of Broome has sufficient budget to cover these expenses.

Members have been requested to consider the allocation of further surplus Kimberley Zone of WALGA/RCG funds of \$15,000 being allocated toward the Shire of Wyndham East Kimberley Takeaway Alcohol Management System Upgrade. In addition, \$5,000 of surplus funds is also sought for the four Kimberley Shires to jointly obtain platinum membership of the Savannah Way Limited subject to each member Council's endorsement.

It is proposed to seek a formal budget amendment to the Kimberley Zone accounts in due course, should support for the aforementioned allocations be forthcoming from the other member Councils.

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

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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

Retention and attraction of staff

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr DM Male

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 August 2015 enbloc;***
2. ***Requests the Chief Executive Officer to provide the following feedback to the Kimberley Zone of WALGA:***
 - a. ***Supports the utilisation of \$15,000 of Kimberley Zone of WALGA surplus funds towards the Takeaway Alcohol Management System trial within the Shire of Wyndham East Kimberley, subject to endorsement of all four member Councils; and***
 - b. ***Supports the utilisation of \$5,000 of Kimberley Zone of WALGA surplus funds towards membership of Savannah Way Limited, subject to endorsement of all four member Councils.***
3. ***Approves and endorses the transfer of Secretariat responsibilities from the Shire of Broome to the Shire of Derby West Kimberley.***

CARRIED UNANIMOUSLY 7/0

The Chairperson thanked the Chief Executive Officer, Director Corporate Services and other staff involved for the efficient running of the Zone after taking over from Shire of Wyndham East Kimberley.

Cr C Mitchell also expressed his appreciation to the Chief Executive Officer and secretariat staff.

Attachments

1. Minutes 3 August 2015
2. Attachments

10.

**REPORTS
OF
COMMITTEES**

10.1 ARTS, CULTURE & HERITAGE ADVISORY COMMITTEE MEETING MINUTES 16 JULY 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	RCS12
AUTHOR:	Youth and Community Development Officer
CONTRIBUTOR/S:	Manager Community Development
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 August 2015

SUMMARY:

This report presents the Minutes and associated recommendations of the Arts Culture and Heritage Advisory Committee meeting held 16 July 2015 for Council's consideration.

BACKGROUND

The Arts, Culture and Heritage Advisory Committee (ACHAC) meets quarterly to provide advice to Council on matters relating to arts, culture and heritage.

Previous Considerations

As outlined in the attached Minutes and;

OMC 30 July 2015 Item 9.2.3

COMMENT

The Minutes of the ACHAC meeting held 16 July 2015 are attached. At this meeting two items were considered:

6.1 Civic Centre Programming

6.2 Public Art - Amended Policies and Guidelines, Delegation of Authority

6.1 Civic Centre Programming

The Committee was presented with an overview and feedback regarding shows presented at the Civic Centre since February 2014. The Committee was pleased with the variety of shows presented and attendance rates and commended officers on the success of the 2014 production season. An amendment was made to the Officer recommendation to acknowledge the success of the 2014 program of live shows.

The proposed 2015-16 production schedule was also presented to and endorsed by the Committee for Council's consideration.

6.2 Public Art - Amended Policies and Guidelines, Delegation of Authority

The Committee also considered proposed amendments to Council policies relating to public art and recommends the proposed policies and guidelines to Council along with a recommendation that delegation be given to the ACHAC for decision making regarding the selection of artist(s) and design approval for public artworks.

As outlined in the attached minutes, the ACHAC was asked to consider the following documents which were developed with consideration for feedback provided during the

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public consultation for the Public Art Master Plan and from members of the ACHAC and officers;

1. Business Operating Procedure 3.2.0 – Public Art
2. Appendix A - Public Art Guidelines
3. Appendix B – Guidelines for Developers – Provision of Public Art – LPP 8.20
4. Instrument of Delegation – Delegation of powers and duties of Council to the Arts, Culture and Heritage Advisory Committee – Approval acquisition and disposal of Public Art;
5. Amended Terms of Reference for the Arts, Culture and Heritage Advisory Committee;
6. Amended Local Planning Policy 8.20 – Provision of Public Art
7. Amended Policy 5.1.6 – Public Art

These documents are attached for Council's consideration. It should be noted that Local Planning Policy 8.20 – Provision of Public Art was considered and endorsed by Council at the OMC held on 30 July 2015 as part of a Local Planning Policy Review. The endorsed amendments to this policy are reflected in the amended policy presented to the ACHAC.

It is proposed that Council delegates authority to the ACHAC to make decisions relating to public art on behalf of the Shire regarding the;

- a) commissioning model to be used
- b) selection of artist(s)
- c) approval of concepts and design

The ACHAC will continue to be required to make a recommendation to Council seeking approval for the location of an artwork where it is located on public land as well as budget allocations and the use of funds held in the Public Art Reserve.

The Committee has requested that a workshop be held with Council to determine short term priorities for the location and type of public artworks in Broome.

CONSULTATION

As outlined in the attached Minutes. While Local Planning Policy 8.20 – Provision of Public Art has been advertised for public comment, it is not proposed to advertise Policy 5.1.6 – Public Art as a) this is an operational policy and b) the amendments to this policy reflect the feedback provided during the consultation process for the Public Art Master Plan.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.17 Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and

- (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

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

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;

POLICY IMPLICATIONS

As outlined in the attached Minutes.

FINANCIAL IMPLICATIONS

As outlined in the attached Minutes.

RISK

As outlined in the attached Minutes.

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

Participation in recreational activity

High level social capital that increases community capacity

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

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

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

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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

Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

COMMITTEE RECOMMENDATION:

The Committee recommends that Council;

1. *Acknowledges the success of the 2014 program of live shows presented by the Shire as attached to this report.*
2. *Endorses the proposed Broome Civic Centre programming for 2015-2016 subject to the outcomes of the 2015-16 Budget process.*
3. *Amends Local Planning Policy 8.20 and Policy 5.1.6 as attached to this report;*
4. *Endorses Appendices A and B as attached to this report to the Business Operating Procedure for Public Art as guidelines for the implementation of public art projects;*
5. *Delegates authority to the Arts, Culture and Heritage Advisory Committee to make decisions relating to public art on behalf of the Shire regarding:*
 - (a) commissioning process to be used;*
 - (b) selection of artist(s);*
 - (c) approval of concepts and design;*
6. *Notes that the Delegation of Authority includes a condition that decisions made under delegation require an absolute majority vote and where this cannot be achieved, the decision will be referred to Council;*
7. *Adopts the amended Terms of Reference for the Arts, Culture and Heritage Advisory Committee as attached to this report.*
8. *Requests the Chief Executive Officer to hold a workshop with Council and the Committee to determine short-term priorities for the location and type of public artworks in Broome.*

(ABSOLUTE MAJORITY REQUIRED)

REPORT RECOMMENDATION:

That Council;

1. Receives the Minutes of the Arts Culture and Heritage Advisory Committee meeting held 16 July 2015 and endorses the recommendations of the Committee as below;
2. Acknowledges the success of the 2014 program of live shows at the Broome Civic Centre presented by the Shire.
3. Endorses the proposed Broome Civic Centre programming for 2015-2016 subject to the outcomes of the 2015-16 Budget process.
4. Notes amendments to Local Planning Policy 8.20 were adopted by Council at the 30 July 2015 OMC and amends Policy 5.1.6 as attached to this report;
5. Endorses Appendices A and B as attached to this report to the Business Operating Procedure for Public Art as guidelines for the implementation of public art projects;
6. Delegates authority to the Arts, Culture and Heritage Advisory Committee to make decisions relating to public art on behalf of the Shire regarding:
 - (a) commissioning process to be used;
 - (b) selection of artist(s);
 - (c) approval of concepts and design;
7. Notes that the Delegation of Authority includes a condition that decisions made under delegation require an absolute majority vote and where this cannot be achieved, the decision will be referred to Council;
8. Adopts the amended Terms of Reference for the Arts, Culture and Heritage Advisory Committee as attached to this report.
9. Requests the Chief Executive Officer to hold a workshop with Council and the Committee to determine short-term priorities for the location and type of public artworks in Broome.

(ABSOLUTE MAJORITY REQUIRED)

COUNCIL RESOLUTION:

Moved: Cr DM Male

Seconded: Cr A Poelina

That Council receives the Minutes of the Arts Culture and Heritage Advisory Committee meeting held 16 July 2015 and;

1. **Endorses the Items 2, 3, and 9 as recommended by the Committee;**
2. **Notes amendments to Local Planning Policy 8.20 were adopted by Council at the 30 July 2015 Ordinary Meeting of Council;**
3. **In relation to Items 5 and 8 as recommended by the Committee, adopts the documents as attached with the removal of any delegation of authority to the Arts, Culture and Heritage Advisory Committee.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7/0

Reason: Council wishes to retain authority for decisions relating to public art works to be installed within the Shire.

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Attachments

- 1. MINUTES - ACHAC 160715
- 2. BUSINESS OPERATING PROCEDURE 3.20
- 3. APPENDIX A - PUBLIC ART GUIDELINES
- 4. APPENDIX B - GUIDELINES FOR DEVELOPERS
- 5. DRAFT DELEGATION OF AUTHORITY
- 6. AMENDED TERMS OF REFERENCE - ACHAC
- 7. AMENDED POLICY 5.16

10.2 MINUTES OF THE BROOME CEMETERY ADVISORY COMMITTEE 5 AUGUST 2015

LOCATION/ADDRESS: Nil
APPLICANT: Nil
FILE: CTE39
AUTHOR: Manager Governance
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 11 August 2015

SUMMARY: This report presents the minutes of the Broome Cemetery Advisory Committee (BCAC) held 5 August 2015 and advises Council of the matters discussed at the meeting.

BACKGROUND*Previous Considerations*

The Broome Cemetery Advisory Committee (BCAC) meets bi-monthly to discuss matters relating to the management and administration of the Shire of Broome Cemeteries.

A meeting was held on Wednesday 5 August 2015 and the Minutes from this meeting are attached (attachment 1).

COMMENT

The Committee noted the Burial Statistics Report for burials that occurred in all Cemeteries within the Shire of Broome for the period 4 June to 5 August 2015 and made the following recommendation to Council:

COMMITTEE RECOMMENDATION:
(REPORT RECOMMENDATION)

Moved: Ms E Yu

Seconded: Ms J Bin Omar

That the Broome Cemetery Advisory Committee notes the Burial Status Report for the period 4 June to 5 August 2015 inclusive.

CARRIED UNANIMOUSLY 5/0

The Committee also noted the Cemeteries Financial Report as at 30 June 2015 and made the following recommendation to Council:

COMMITTEE RECOMMENDATION:
(REPORT RECOMMENDATION)

Moved: Ms J Bin Omar

Seconded: Ms C Masuda

That the Broome Cemetery Advisory Committee notes the Cemeteries Financial Report as at 30 June 2015 as attached.

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CARRIED UNANIMOUSLY 5/0

A report was presented advising the Committee that Fr Matt Digges had resigned from his position of Chairperson and member of the Broome Cemetery Advisory Committee (BCAC) as he had relocated from Broome to continue his studies.

The Committee were advised of correspondence dated 5 August 2015 received from Fr Paul Boyers to replace Fr Matt Digges as a representative of the Broome Catholic Church.

The Committee made the following recommendation to Council:

COMMITTEE RECOMMENDATION:

Moved: Ms J Bin Omar

Seconded: Ms C Masuda

That the Committee:

- 1. Notes the resignation of Father Matt Digges as representative of the Broome Catholic Church and Broome Ministers Fraternal.**
- 2. Notes an election for the position of Chairperson and Deputy Chairperson will be held once the term expires following Local Government Elections in October 2015.**
- 3. Recommends appointment of Fr Paul Boyers as a member of the Broome Cemetery Advisory Committee representing the Broome Catholic Church.**

CARRIED UNANIMOUSLY 5/0

A report was presented to the Committee providing details of the Community Engagement Plan that has been developed to obtain public comment on the draft Cemetery Masterplan. Submissions will be accepted until 1 October 2015.

The Committee noted the Community Engagement Plan and Submissions Form and made the following recommendation to Council.

COMMITTEE RECOMMENDATION:
(REPORT RECOMMENDATION)

Moved: Ms J Bin Omar

Seconded: M C Masuda

That the Committee notes the Community Engagement Plan and Submission Form for the Broome Cemetery Draft Master Plan.

CARRIED UNANIMOUSLY 5/0

General Business:

Ms C Masuda provided the Committee with an update on the progress of the Japanese Cemetery Project currently being undertaken by Hayato Sakurai, and were advised that a comprehensive database should be completed by the end of this year.

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The relocation of the Japanese headstones from the Museum was discussed. The headstones will be relocated to a temporary location with a view that they eventually be returned to the Japanese Cemetery.

Ms E Yu queried whether the Heritage Council had been approached to provide funding for the Masterplan. Officers advised that the Heritage Council would be consulted as a Primary Stakeholder. Funding opportunities would be investigated in due course.

Ms E Yu queried whether the Pioneer Cemetery or any of the community cemeteries had been considered as part of the Masterplan. Officers advised that the Masterplan is only focussing on the Broome Cemetery at this point and that the Pioneer Cemetery had been given consideration in the Old Broome Development Strategy.

The Committee made the following recommendation to Council:

COMMITTEE RECOMMENDATION:

Moved: Ms E Yu

Seconded: Ms C Masuda

That the Broome Cemetery Advisory Committee be provided with a copy of the Old Broome Development Strategy in regard to the Pioneer Cemetery.

CARRIED 5/0

The Committee have been provided with a website link to the Old Broome Development Strategy.

The Committee requested that a letter be sent to Fr Matt Digges to thank him for his service on the Committee.

COMMITTEE RECOMMENDATION:

Moved: Ms E Yu

Seconded: Ms J Bin Omar

That a letter be sent to Fr Matt Digges to thank him for his service on the Broome Cemetery Advisory Committee.

CARRIED 5/0

CONSULTATION

Broome Cemetery Advisory Committee (BCAC)

STATUTORY ENVIRONMENT

5.9. Committees, types of

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only; or

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- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

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.
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
 - (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
 - (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
 - (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,
 the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost to undertake the advertising for the Broome Cemetery Draft Master Plan Community Engagement is within budget. The available budget for the Cemetery Master Plan is \$850 in the draft 2015/16 Annual Budget.

RISK

The risks associated with the recommendations contained in this report are considered minimal.

STRATEGIC IMPLICATIONS

Chairperson Date.....

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

Effective communication

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

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:

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

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Council:

- 1. *Receives the Broome Cemetery Advisory Committee Minutes of 5 August 2015, and endorses the recommendations contained in the attached Minutes document.***
- 2. *Notes the resignation of Fr Matt Digges as Chairperson and representative of the Broome Catholic Church and Ministers Fraternal.***
- 3. *Notes an election for the position of Chairperson and Deputy Chairperson will be held following the Local Government Elections in October 2015.***
- 4. *Appoints Father Paul Boyers as a member of the Broome Cemetery Advisory Committee representing the Broome Catholic Church.***
- 5. *Request the Chief Executive Officer to update the Terms of Reference accordingly.***

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7/0

Attachments

1. Unconfirmed Minutes of the Broome Cemetery Advisory Committee held 5 August 2015.

Chairperson Date.....

2. Attachments to the BCAC 5 August 2015

11. NOTICES OF MOTION

Nil

12. BUSINESS OF AN URGENT NATURE

In accordance with 3.12 of the Shire of Broome Standing Orders Local Law 2003, the Chairman advised of Business of an urgent nature which he had approved for consideration.

12.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 25 AUGUST 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ADM03
AUTHOR:	Manager Financial Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	25 August 2015

SUMMARY: This report presents to Council the outcomes of the Audit Committee's meeting held 25 August 2015, and seeks consideration of adoption of the recommendations pertaining to the appointment of an auditor due to the resignation of the current auditor at RSM Bird Cameron assigned to the Shire of Broome and the Kimberley Council Audit Tender procurement process for the three financial years commencing 1 July 2015 to 30 June 2018 for the Shire of Broome, Shire of Derby West Kimberley and Shire of Halls Creek.

BACKGROUND

Previous Considerations

OMC 28 August 2014	Item 10.2
OMC 2 June 2015	Item 9.4.3

AUDITOR APPOINTMENT & KIMBERLEY COUNCIL AUDIT TENDER PROCUREMENT PROCESS

Council previously considered the Audit Committee's recommendation regarding Tender 14/11 at the Ordinary Meetings of Council held 24 April 2014 and 28 August 2014. The Audit Committee recommended to Council to award the current two year audit engagement to RSM Bird Cameron and appoint Mr Simon Cubitt as the registered company auditor at each respective meeting. The tender was conducted jointly with the Shire of Derby. The current engagement expires on completion of the final audit for the financial year ending 30 June 2015.

Council previously considered the recommendation of the Kimberley Zone of WALGA and Regional Collaborative Group at the Ordinary Meeting of Council held 2 June 2015 where it was resolved to jointly seek tenders for external audit services to achieve efficiencies and cost savings through a competitive regional tender process. At the meeting of the Zone held 3 May 2015, the Shire of Wyndham East Kimberley advised that they had already commenced procurement processes for external audit services and will continue separately from the other three Shires.

The concept of a regional audit tender was conceived at the Kimberley Zone Chief Executive Officer (CEO) Group Meeting on the 25 November 2013. Members discussed the

Chairperson Date.....

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 Shire of Wyndham East Kimberley had contracts with UHY Haines Norton expiring 30 June 2015. The Shire of Derby, Shire of Broome and Shire of Halls Creek are collaborating on the joint tender process. Each respective Audit Committee is required to present the proposed procurement plan and specifications to their respective Councils for recommendation.

The functions of Audit Committees are prescribed as per Regulation 16 of the *Local Government (Audit) Regulations 1996* (AR). Specifically, one of the functions is to provide guidance and assistance to the local government as to the development of a process to be used to select and appoint a person to be an auditor. This report presents to Council the Audit Committee's recommendation of the proposed procurement plan and audit specifications for consideration.

COMMENT

AUDITOR APPOINTMENT

RSM Bird Cameron provided notice of the retirement of Mr Simon Cubitt, the appointed auditor for the Shire of Broome. Mr David Wall has assumed responsibility for Mr Cubitt's client base. As per Section 7.3 of the LGA, a local government is required to appoint a person who is either a registered company auditor or an approved auditor.

The Audit Committee is required to recommend to Council the appointment of Mr David Wall as the Shire of Broome's auditor for the remainder of the contract with RSM Bird Cameron until the finalisation of the 2014/2015 external audit.

KIMBERLEY COUNCIL AUDIT TENDER PROCUREMENT PROCESS

A teleconference meeting was held 12 August 2015 to consult with the Shire of Derby West Kimberley and Shire of Halls Creek in the drafting of the procurement plan and audit specifications. The meeting was attended by:

Sam Mastrolembro	Director Corporate Services Shire of Broome
Theresa Bengtson	Manager Financial Services Shire of Broome
Rebecca Herbert	Project Manager Kimberley Regional Group Shire of Broome
Teresa Foster	Financial Services Manager Shire of Halls Creek
Paul Bates	Manager of Finance Shire of Derby West Kimberley

The final proposed procurement plan and audit specifications were presented to the Audit Committee for consideration and are subsequently presented for recommendation to Council. The tender will be referred to as the '*Kimberley Councils Audit Tender 2015*'. Specific points regarding the procurement plan and audit specification for the Audit Committee to consider are detailed as follows.

The Audit Specification is based on the template supplied by the Department of Local Government and Communities (DLGC) as per the Model Minimum Standard Audit Specification as part of the DLGC's *Local Government Operational Guidelines Number 09 – Audit in Local Government The appointment, function and responsibilities of Audit Committees Revised September 2013*. The template was originally used for the 2013 audit tender. The Finance Managers of each participating Council have reviewed the 2015 version and made minor changes.

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The changes include the requirement to supply estimations for turn around times and fees for separate audits such as grant acquittals. These additional audits are required to acquit funding from various areas such as Roads to Recovery, Department of Regional Development Country Local Government Fund, the Kimberley Zone Secretariat, and for property outgoings for leased properties charged on an estimated basis, rather than on a basis of immediate recoup. Depending on the scope these can cost Councils between \$500 to \$2,000 per acquittal, which can make up a material amount of a Council's audit budget.

Another requirement was inserted to request that the timing of the interim audits occur no later than the last week of February and final audit visits to occur no later than the third week of September each year. This allows adequate time for each Council to address any issues identified in the interim audit prior to June each year and to prepare the Annual Financial statements with the view to holding the Annual Electors Meetings prior to Christmas. This provides the Audit Committee certainty as to the timing of any informal briefing meetings post-audit visit should this be a practice at each Council. Further to this, an additional Sub-clause 5(f) has been inserted to ensure the onus of responsibility is on each member Council to adhere to the proposed scheduling and should this timing not be achievable for whatever reason; the other Councils are not to be adversely impacted through timing delays or additional auditor costs should a delay result in a separate audit visit.

Section 7.6 of the LGA prescribes the maximum term of office of an auditor at not more than five financial years. It should be noted that the proposed engagement term in the specifications will be for the 3 financial years commencing 1 July 2015 and ending 30 June 2018. However, this does not exclude any currently engaged auditor from being eligible for re-appointment. The procurement plan and specifications outline the performance criteria which each tenderer will be assessed against.

The specifications require each tenderer to submit details of an audit plan, quotation of fees and hourly rates, estimation of hours and resources required to fulfil the audit engagement and specific examples of similar sized engagements. It is a requirement that tenders be submitted for the provision of external audit services either jointly for all Councils or severally. This provides flexibility for each Council to choose from the available tenders submitted.

The total combined audit budget for the three Councils amounts to between \$90K to \$120K per annum. The significance of this value has resulted in the need to undertake a tender process pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996* (FGR) which sets out the process that must be complied with in regard to tenders for the provision of goods and services where the consideration is, or is expected to be worth more than \$100,000. A tender process provides a high level of probity in the procurement process and mitigates any potential risks through the clear articulation of the evaluation process, specifications and requirements as detailed in the attachments.

The plan identifies the membership of the Evaluation Panel which will be comprised of the Finance Managers from each participating Shire and the Evaluation Meeting will be conducted via teleconference. The membership was determined on the basis that each Finance manager would be the direct relationship manager for the audit engagement over the term of appointment and would be best placed to make an objective assessment as the respective representative for each participating Council. The combined finance industry experience of the evaluation panel members is in excess of 49 years. All members possess relevant tertiary qualifications and are full members of the Institute of Certified Practising Accountants Australia (CPA Australia).

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The participants of the teleconference held 12 August 2015 agreed on the tender evaluation methodology and weighting. These have remained unchanged since the 2013 Specification document. The evaluation methodology outlines the criteria and associated weighting which will be applied to the assessment of each tender submitted and detailed as follows:

EVALUATION METHODOLOGY	
Criteria	Weighting
Lead Partners/Audit Managers experience and performance	25%
Depth of understanding of Local Government and the region	20%
Audit resources allocated	25%
Detailed and well-articulated audit plan	15%
Fees and control of fees	15%

To ensure the tender process attracts a sizable and quality pool of tenderers, the procurement plan identifies a possible list of candidates obtained from the WALGA Preferred Supplier panel list under Audit Services that could be invited to tender. The procurement plan outlines the timeframes which aim to complete the tender process by the end of October 2015. These documents are now presented by each Council's Audit Committees for recommendation to each full Council respectively.

CONSULTATION

Shire Derby West Kimberley
Shire Halls Creek

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 1.8 Statewide public notice

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

Section 3.57 Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply good or services.
- (2) Regulations may make provision about tenders

Division 2 — Appointment of auditors

7.2. Audit

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

7.3. Appointment of auditors

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- (1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.

* Absolute majority required.

- (2) The local government may appoint one or more persons as its auditor.

- (3) The local government's auditor is to be a person who is —

- (a) a registered company auditor; or
- (b) an approved auditor.

[Section 7.3 amended by No. 49 of 2004 s. 6.]

7.4. Disqualified person not to be auditor

- (1) A person may not be appointed as a local government's auditor if that person is a disqualified person.

- (2) In this section —

disqualified person means a person who —

- (a) is a councillor or an employee of the local government; or
- (b) is a person who is in debt for more than the prescribed amount to the local government for a period of more than 35 days after —
 - (i) in the case of that part of the debt which is for a rate or service charge under Part 6, the date the rate notice was issued; or
 - (ii) in the case of that part of the debt which is not for a rate or service charge, the date an account was rendered to the person by the local government;
- or
- (c) is an employee of, or a member of the governing body of, an entity of a kind prescribed for the purposes of this paragraph; or
- (d) is a member of a class of persons prescribed for the purposes of this subsection.

7.6. Term of office of auditor

- (1) The appointment of a local government's auditor is to have effect in respect of the audit of the accounts and annual financial report of the local government for a term of not more than 5 financial years, but an auditor is eligible for re-appointment.

- (2) The appointment of an auditor of a local government ceases to have effect if —

- (a) his or her registration as a registered company auditor is cancelled; or
- (b) his or her approval as an approved auditor is withdrawn; or
- (c) he or she dies; or
- (d) the auditor ceases to be qualified to hold office as auditor or becomes a disqualified person; or
- (e) the auditor resigns by notice in writing addressed to the local government; or
- (f) the appointment is terminated by the local government by notice in writing.

- (3) Where —

- (a) the registration of a local government's auditor as a registered company auditor is suspended; or
- (b) a local government's auditor becomes unable or unwilling to carry out all or part of his or her duties,

the local government is to appoint* a person to conduct the audit or to complete that part of the audit which remains to be conducted, as the case requires.

* Absolute majority required.

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.

Local Government (Functions and General) Regulations 1996

Section 5 R14 Requirements for publicly inviting tenders

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

- (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

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

Section 5 R15 Minimum time to be allowed for submitting tenders

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

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

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

POLICY IMPLICATIONS

Policy 2.3.7 Purchasing

Policy 1.2.9 Local Regional Price Reference

FINANCIAL IMPLICATIONS

The Council's combined budgeted expenditure proposed for the 2015/2016 financial year for external audit services ranges between \$90K to \$120K per annum. The Shire of Broome has a total expenditure budget for all audit related expenses including external audit services and separate audits allocated to general ledger account code 22200 Audit Fees Op Exp - Other Governance of \$45K for 2015/2016.

RISK

The *Kimberley Councils Audit Tender 2015* is a strategic outcome identified by the Kimberley Zone of WALGA Regional Collaborative Group. Its aim is to facilitate an increased level of collaboration between the member Councils of the Zone and achieve resource efficiencies. Should the recommendation of this report not be adopted, the risk of not achieving the above objective has been assessed at a high level, resulting in the Kimberley Zone and each member Council experiencing a possible likelihood of significant delays in achieving the deliverables. Additionally it is a matter of legislative compliance for the Audit Committee to review the process of appointment of an auditor and to guide Council in this process in providing a recommendation.

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To mitigate this risk officers of the three Councils have ensured the specifications meet all the requirements for each Council which have been sourced from the model audit specifications from the DLGC Guidelines. Additionally, the procurement plan is based on the WALGA procurement templates. Officers have collaborated to ensure all views from each Council are represented in a fair and equitable manner. Council should be aware that any changes to the procurement process will have to be done in consultation with the other Councils.

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

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

Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION: **(REPORT RECOMMENDATION)**

Moved: Cr C Mitchell

Seconded: Cr DM Male

That Council:

- 1. Appoints Mr David Wall (Registered Company Auditor Number: 16200) as the Shire of Broome's auditor in accordance with Section 7.3 of the Local Government Act 1995;**
- 2. Thanks Mr Simon Cubitt for his service to the Shire of Broome and congratulates him on 40 years of service at RSM Bird Cameron; and**
- 3. In accordance with regulation 16(a)(ii) of the Local Government (Audit) Regulations 1996 accepts the Audit Specifications and the Procurement Plan as attached in the**

Chairperson Date.....

Audit Committee minutes, as the tender process to be used to select and appoint a person to be an auditor for the Kimberley Councils jointly and/or severally with the Shires of Derby West Kimberley and Halls Creek for the financial years commencing 1 July 2015 to 30 June 2018.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7/0

Attachments

- 1. MINUTES AUDIT COMMITTEE MEETING HELD 25 AUGUST 2015
- 2. ATTACHMENTS TO MINUTES

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

Nil

14. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr PM Matsumoto

That the meeting be closed to the public at 5.32pm

CARRIED UNANIMOUSLY 7/0

Members of the Public departed the Chambers at 5.33pm.

With regard to Item 9.2.2 Cr C Mitchell disclosed that “I have an association with Broome Mens Shed as an unpaid member of committee (all volunteer) and member of men’s shed. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

9.2.2 4 JONES PLACE (OLD ST JOHNS BUILDING)

LOCATION/ADDRESS:	4 JONES PLACE
APPLICANT:	Nil
FILE:	Reserve 38845
AUTHOR:	Asset & Building Coordinator
CONTRIBUTOR/S:	Property Administration Officer Manager Engineering Operations
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	27 August 2015

SUMMARY: *This report considers Expressions of Interest received for the disposal of 4 Jones Place (Reserve 38845) and seeks Council's consideration of the recommendation contained within the Confidential Assessment Report.*

BACKGROUND

Previous 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
OMC 2 June 2015	Item 9.1.2

At the Ordinary Meeting of Council held on 2 June 2015 it was resolved:

That Council:

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;*

- *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*

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.*

COMMENT

Expressions of Interest (EOI) were advertised in the Broome Advertiser on 2 July 2015 and closed on 30 July 2015. Submissions were received from Broome Men's Shed and Feed The Little Children Inc. Brief summaries of the two organisations follow.

Broome Men's Shed

Broome Men's Shed plays an important role in the community by providing meeting places where men can find social support and camaraderie. Their main objective is to advance the health and well being of the members by providing a safe and happy environment where skilled and unskilled men can pursue a hobby or interest.

Broome Men's Shed is currently located at Broome Community Recovery Centre (BCRC) and has found the floor space to be inadequate and lacking in storage space. This space is a shared space with other organisations which limits Broome Men's sheds opening hours which impacts on the growing membership of the community group. Other alternative locations have been explored.

See Confidential Attachment 1 – Broome Men's Shed EOI

Feed The Little Children

Feed The Little Children is a charity group established to help counteract juvenile crime by targeting the link between crime rates and household/food insecurities. Feed The Little Children provides an emergency respite food service which is directed at 300 children who are at risk from household food insecurity. The secondary objective of this group is to be able to support households who wish to increase household food security. Research has shown that household food insecurity is linked to a range of social issues including, but not limited to health, general wellbeing, mental health and crime. Research has also shown that providing extra nutrition to growing children results in important positive effects on the child's mind, body and behaviour.

Feed The Little Children currently accesses the St Marys College industrial kitchen; however it does not guarantee future requirements for up to 300 meals per day. Other alternative locations have been explored.

See Confidential Attachment 2 - Feed The Little Children EOI

Assessment and Evaluation

The assessment and evaluation of the two EOI's is contained in the attached confidential 'Assessment Report'. In accordance with Council's eligibility criteria only grassroots community organisations were considered for this lease.

The qualitative evaluation demonstrated that both groups provided significant but widely different benefits to the community, and both had very strong arguments in their favour.

See Attachment 3 – Confidential Assessment Report

Leasing Issues

Chairperson Date.....

It is recommended that a 15 year lease be offered at a peppercorn rent of \$1 per annum. The lessee is to take the property on an 'as is basis' and is to be responsible for all costs of maintaining the building and required insurance. The lessee is responsible for legal costs associated with the negotiation and preparation of the lease.

As both groups who submitted an expression of interest comply with Regulation 30, Council is exempt from the disposal provision in Section 3.58 of the *Local Government Act 1995*.

Building issues

Electrical modifications to the building have been completed to ensure the building is safe to occupy.

An engineering consultants report on the condition of the radio mast has been obtained, it recommends removal of the mast. Quotes are currently being sought for complete removal. These works would not impact on the occupancy of the building.

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

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

Accessible and safe community spaces

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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

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

Absolute Majority

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr DM Male

That Standing Orders be suspended at 5.33pm

CARRIED UNANIMOUSLY 7/0

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr PM Matsumoto

That Standing Orders be reinstated at 5.58pm.

CARRIED UNANIMOUSLY 7/0

REPORT RECOMMENDATION:

That Council:

1. *Receives the recommendation as contained in the Confidential Assessment Report for 02/15 Expression of Interest – Lease of Reserve 38845 – Lot 729 (4) Jones Place*
2. *In accordance with Regulation 30 (Functions and General Regulations) agrees to lease Reserve 38845 – Lot 729 (4) Jones Place to _____*
3. *Delegates authority to the Chief Executive Officer to negotiate the terms and conditions of the lease arrangement subject to:-*
 - (a). A peppercorn rent lease of \$1 per annum;*
 - (b). 15 year lease term;*

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- (c). The Tenant take Reserve 38845 on an 'as is basis';
 - (d). The Tenant be responsible for all operational, maintenance and capital renewal costs associated with the Reserve; and.
 - (e) The Tenant be responsible for legal costs associated with the negotiation and preparation of the lease.
4. Authorises the Chief Executive Officer and the Shire President to engross the final document

(ABSOLUTE MAJORITY REQUIRED)

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr A Poelina

Seconded: Cr ML Lewis

That Council:

1. **Receives the recommendation as contained in the Confidential Assessment Report for 02/15 Expression of Interest – Lease of Reserve 38845 – Lot 729 (4) Jones Place**
2. **In accordance with Regulation 30 (Functions and General Regulations) agrees to lease Reserve 38845 – Lot 729 (4) Jones Place to Men's Shed.**
3. **Delegates authority to the Chief Executive Officer to negotiate the terms and conditions of the lease arrangement subject to:-**
 - (a). **A peppercorn rent lease of \$1 per annum;**
 - (b). **15 year lease term;**
 - (c). **The Tenant take Reserve 38845 on an 'as is basis';**
 - (d). **The Tenant be responsible for all operational, maintenance and capital renewal costs associated with the Reserve; and.**
 - (e) **The Tenant be responsible for legal costs associated with the negotiation and preparation of the lease.**
4. **Authorises the Chief Executive Officer and the Shire President to engross the final document**
5. **Request the Chief Executive Officer to engage with the Recovery Centre and request mental health services to investigate what opportunities exist to support the fundamentally critical service provided by Feed the Little Children.**
6. **Request the Chief Executive Officer to lobby the State Government to develop facilities for Feed the Little Children through meeting with DLGC and associated agencies.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7/0

Reason: While the Men's Shed was the successful applicant, Council requested the Chief Executive Officer to do all in his power to lobby for, and investigate opportunities to support the Feed the Little Children Programme.

Attachments

1. Attachment1 Broome Mens Shed EOI (Confidential to Councillors and Directors Only)
This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(iii)) as it contains "a matter that if disclosed,

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would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”, and section 5.23(2)(b) as it contains “the personal affairs of any person”.

2. Feed the Little Children (a) (Confidential to Councillors and Directors Only)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”.

3. Confidential Assessment Report (Confidential to Councillors and Directors Only)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”.

This item and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, and section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”, and section 5.23(2)(b) as it contains “the personal affairs of any person”, and section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”, and section 5.23(2)(d) as it contains “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.

9.3.3 CAMEL LICENCE RENEWALS

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	COS-11
AUTHOR:	Director of Development Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 August 2015

SUMMARY: The licences for Red Sun Camels and Broome Camel Safaris are due to expire at the end of September 2015. Both operators have requested renewals be granted for their respective licences. This report presents Council with the applications and requests Council's consideration towards relevant land tenure issues associated with the renewal of the licences.

The report recommends that Council agrees to extend the licences and to work with the Department of Lands to resolve land tenure issues.

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Council:

- 1. Request the Chief Executive Officer to write to the Department of Lands with regards to the following:**
 - a. Raising concern and objecting to the freehold disposal of Lease J513741 Lot 302 Fairway Drive on the basis that this will create a scenario whereby the land available for keeping/grazing of camels is reduced and that this may compromise future operations of this iconic tourism product;**
 - b. Requesting the Department of Lands to grant the Shire the responsibility for the land via a Reservation with a Management Order including power to lease at its earliest convenience;**
 - c. Requesting that the Department provide short term lease extensions for Lease Lots 302 and 303; to ensure all leases expire at the same date;**

2. **Delegates authority to the Chief Executive Officer to agree to licence renewals in line with the short term lease extensions considered in 1.c. above, and to invite applications in line with Policy 4.5.1 Commercial Camel Activities on Cable Beach.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7/0

Attachments

1. Attachment No 1 - Red Sun Camels Renewal Application (*Confidential to Councillors and Directors Only*)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government", and section 5.23(2)((e)(iii)) as it contains "a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government", and section 5.23(2)(b) as it contains "the personal affairs of any person", and section 5.23(2)(c) as it contains "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting".

2. Attachment No 2 - Broome Camel Safari's Renewal Application (*Confidential to Councillors and Directors Only*)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government", and section 5.23(2)((e)(iii)) as it contains "a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government", and section 5.23(2)(b) as it contains "the personal affairs of any person", and section 5.23(2)(c) as it contains "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting".

This item and any attachments are confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(a) as it contains "a matter affecting an employee or employees", and section 5.23(2)(b) as it contains "the personal affairs of any person".

With regard to Item 9.1.1 Mr S Mastrolembo declared a Financial Interest as "Partner is an employee of the Shire of Broome who is employed under the terms and conditions of the Indoor Staff Enterprise Agreement."

The staff members not under contract departed the Chambers at 6.05pm.

9.1.1 SHIRE OF BROOME INDOOR STAFF ENTERPRISE AGREEMENT 2014

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	EBA15
AUTHOR:	Manager Human Resources
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 August 2015

SUMMARY: This report presents Council with the outcomes of the negotiations for the Indoor Staff Enterprise Agreement.

It is proposed this agreement be effective from 1 July 2015 for a period of three years.

The draft agreement is presented to Council for formal consideration of endorsement prior to voting by staff.

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr H Tracey

Seconded: Cr P Matsumoto

That Council;

- 1. Notes the outcomes of the negotiations for the 'Inside Staff Enterprise Agreement 2014' as included in this report and in the attached confidential document.**
- 2. Endorses the proposed salary and other increases in staff entitlements for the three (3) year term of the Agreement in accordance with the attached confidential document (Shire of Broome Inside Staff Enterprise Agreement 2014).**
- 3. Notes that the Staff will now vote on the agreement and authorises the Chief Executive Officer to finalise the Inside Staff Workplace Agreement in accordance with the provisions contained within the attached confidential document with minor amendments if required (Shire of Broome Inside Staff Enterprise Agreement 2014).**
- 4. Authorises the Chief Executive Officer to engross the final Shire of Broome Inside Staff Enterprise Agreement 2014 document and lodge the document with Fairwork Australia.**

CARRIED UNANIMOUSLY 7/0

Attachments

1. Shire of Broome Inside Staff Enterprise Agreement (Confidential to Councillors and Directors Only)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(a) as it contains "a matter affecting an employee or employees", and as it contains "a decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting", and section 5.23(2)(b) as it contains "the personal affairs of any person".

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That the Meeting again be open to the public at 6.16pm.

CARRIED UNANIMOUSLY 7/0

The Council chambers were opened and staff and members of the gallery returned to the Chambers and the Chairperson read aloud the resolutions for Items 9.1.1, 9.2.2 and 9.3.3.

15. MEETING CLOSURE

There being no further business the Chairman declared the meeting closed at 6.17pm.