



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

15 OCTOBER 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 (adjourned)						LOA	LOA		
	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.

Chairperson..... Date.....

- (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 15 OCTOBER 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, 15 October 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

08/10/2015

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 15 OCTOBER 2015, COMMENCING AT 5.00PM.**

1. OFFICIAL OPENING

The Chairman welcomed Councillors, Officers and members of the public and declared the meeting open at 5.01 pm.

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 M Manado	
	Cr D Male	
	Cr C Mitchell	

Leave of Absence:

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Leave of Absence be granted for Cr P Matsumoto for the period 13 – 30 November 2015 inclusive.

CARRIED UNANIMOUSLY 8/0

Apologies: Nil

Officers:	Mr K Donohoe	Chief Executive Officer
	Mr P Martin	Deputy Chief Executive Officer
	Mr S Mastrolembo	Director Corporate Services
	Mr A Schonfeldt	Director Development Services
	Mr M Dale	Director Engineering Services
	Ms R Piggin	Manager Governance
	Mr S Penn	Media and Promotions Officer
	Ms E Harding	Senior Administration and Governance Officer

Public Gallery:	Ty Matson	Shire of Broome
	Carol Howe	Broome Golf Club
	Kevin Smith	Community
	Peter Taylor	BOFB
	Brendon Barwick	WAPOL
	Trudi Ridge	Shire of Broome

Chairperson..... Date.....

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest
Cr D Male	9.2.4	RFF Australia (Old Broome Lock Up)	Financial – An associated company trading from the address is a client of my business.
Cr G Campbell	9.2.6	Town Beach Lease	Proximity – Director of company that leases property immediately adjacent to subject property.
Cr G Campbell	11.1	Move to change Council resolution relating to Item 6.4.5 – Adoption of 2015/2016 Annual Budget – the Special Meeting of Council held 13 August 2015	Financial – Director of company that leases shire property subject to the line item in financial budget.
Cr G Campbell	13	Question by Cr Poelina (6 September 2015) of which due notice has been given	Financial – Director of company that leases shire property subject to the line item in financial budget.

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
Cr M Manado	9.2.1	Update on Woods Drive Laneway Closure	Impartiality – owner of home in the area.
Cr M Manado	9.2.5	Yawuru Park Council - Draft 2015/16 Yawuru Conservation Estate Budget	Impartiality – Yawuru PBC ordinary member
Cr C Mitchell	12.2	Broome Golf Club – Business Case Proposal for Redevelopment Feasibility Study	Impartiality – Broome Golf Club as a member (no financial benefit)

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION:****Moved: Cr C Mitchell****Seconded: Cr D Male**

That the Minutes of the Ordinary Meeting of Council held on 27 August 2015 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY 8/0

Chairperson..... Date.....

COUNCIL RESOLUTION:**Moved: Cr P Matsumoto****Seconded: Cr D Male*****That the Minutes of the Special Meeting of Council of Council held on 10 September 2015 be confirmed as a true and accurate record of that meeting.*****CARRIED UNANIMOUSLY 8/0****6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

As this is my last meeting as Chair I take this opportunity to thank all Councillors and Staff I have worked with over the past twelve years.

On the 2nd October a send off function was organised for me by the Shire.

Invitations were sent to all current and past Councillors and I thank those who attended or sent apologies. For those who were there, they heard me say how respectful the community has been and that the Councillors I worked with were an extremely good bunch of people who contributed in their own ways to what I believe has been a cohesive and strong Council which has put in place strong opportunities for the future. For those who have chosen not to re-stand, namely Crs Manado, Lewis and Poelina, can I thank you on behalf not only of your fellow Councillors and staff but the whole of the community.

To Cr Mitchell who is seeking re-election, good luck on Saturday. To Crs Tracey, Male and Matsumoto I wish you well into the future with the Council.

Can I personally thank all staff for their cooperation and help over the years and in particular I wish to thank Kenn Donohoe for the truly professional way our relationship as President and CEO was conducted. I hope that whomever is appointed in my place enjoys the same relationship that I have.

Finally to all of those community members who have attended the 125 Ordinary Meetings of Council, 55 Special Meetings of Council, 10 Annual Electors Meetings and 6 Special Electors Meetings that I have chaired over the years, I thank you for the courtesy and respect you have shown not only myself but the Councillors and Staff as a whole.

Cr H Tracey presented Cr G Campbell with the gavel from the Council Chambers and thanked Cr G Campbell on behalf of fellow Councillors, Staff and Community of Broome for the time, effort and number of hours Cr G Campbell has put in over the years and his vigour and positivity for the Broome Community as a whole.

7. PETITIONS

Nil

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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

Chairperson..... Date.....

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 UPDATE ON THE DEVELOPMENT OF A YOUTH ENGAGEMENT FRAMEWORK FOR THE SHIRE OF BROOME

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	COS15
AUTHOR:	Youth and Community Development Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 September 2015

SUMMARY: This report provides an update on the progress of the development of a Youth Engagement Framework for the Shire of Broome.

The report recommends that a Broome Youth Engagement Framework is developed to guide the Shire's involvement in youth services. It is proposed the framework is supported by a Youth Action Plan which will be an operational document to guide allocation of resources and give direction on how the Shire can provide for and engage with its young people. It is recommended a Youth Advisory Council is established to oversee the development and ongoing implementation of the action plan.

BACKGROUND

Previous Considerations

OMC 20 June 2013	Item 9.1.1
OMC 27 February 2014	Item 9.1.2
OMC 27 August 2015	Item 9.4.2

At the OMC held 20 June 2013 Council considered a report outlining a framework to establish partnerships with youth services providers and agencies to engage with young people in Broome. Council resolved the following:

That Council:

1. *Notes the development of a youth engagement strategy for the Shire of Broome; and*
2. *Requests the Foundation for Young Australians to lodge application for the delivery of its Change It Up Program, to the Shire of Broome Community Sponsorship Program.*

An allocation of \$25,000 was included in the 2014/15 budget for the development of a youth strategy for the Shire of Broome. In June 2014, The Department of Local Government and Communities (DLGC) awarded \$40,000 from the Youth Friendly Communities Grants Program to the Regional Collaborative Group (the Zone) to develop a Kimberley Youth Strategy Stage 1 - Consultation. Plans to develop the Shire of Broome youth strategy were deferred to 2015/16 while officers contributed to the Kimberley Regional Youth Strategy project and awaited the outcomes of the consultation to guide development of a local Broome strategy.

At the 27 August OMC Council received and endorsed the Minutes from the Joint meeting of the Kimberley Zone of WALGA and Regional Collaborative Group held on 3 August

Chairperson..... Date.....

2015. At this meeting the Zone was provided with an update on the Kimberley Youth Strategy project, and resolved the following:

8.10 Department of Local Government & Communities 2014 Grant Fund Expenditure – Kimberley Youth Strategy – Stage 1 Consultation

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.*

8.11 Department of Local Government & Communities 2014 Grant Fund Expenditure – Kimberley Youth Strategy – Stage 2 Strategy and Action Plan

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.

The consultation phase of the Kimberley Regional Youth Strategy project is now complete and funding for the implementation of the Kimberley Youth Strategy Stage 2 – Strategy and Action Plan was approved by DLGC. Each Shire within the Zone has been allocated a portion of the DLGC funding to develop a local youth strategy. The local strategies will inform the development of a Kimberley Regional Youth Strategy and Action Plan.

In December 2014, the Shire of Broome entered into a three year funding agreement with Rio Tinto for a 0.6 Youth Officer Position. This funding enables the Shire to make an increased contribution to youth services and programs in Broome and provides the human resource necessary for the establishment of a Youth Advisory Council (YAC) and development of a youth engagement framework and action plan for the Shire of Broome.

The development of a Broome youth engagement framework and action plan should also be considered in the context of other strategies recently developed and in progress within the region, including:

- West Kimberley Youth Sector Conference (WKYSC) Youth Strategy 2014 - 2016 (WKYSC Working Party 2014) and;
- West Kimberley Youth Strategy (Jawun Advisory Group – In progress)

It is the intent of Shire officers to collaborate with key stakeholders to maximise the use of data and findings from the work that has already been completed to avoid overlap and duplication of work completed to date.

COMMENT

The development of a youth engagement framework and action plan for the Shire of Broome will achieve the following objectives and outcomes:

Objectives

- Engage with young people in Broome and the youth sector
- Identify the priorities for young people in Broome
- Provide a clear strategic direction to inform and guide allocation of Shire resources
- Enable young people's input into future development through active participation and involvement

Outcomes

- Encourage a collaborative approach to youth services in the region to increase efficiency and avoid service overlap
- Ensure Council's strategic direction and resource allocation is aligned with community expectation and need
- Foster community engagement, particularly with young people

The project will result in several key outputs as detailed below:

Outputs

- Shire of Broome Youth Engagement Framework
- Youth Services Directory
- Shire of Broome Youth Action Plan
- Youth Advisory Council (YAC)

Youth Engagement Framework

Rather than creating a lengthy strategy document officers recommend the Shire of Broome develops a Youth Engagement Framework which will be a concise, strategic, outcomes based document. Much of the background, context and analysis that could be included in a strategy document will be contained in the Kimberley Regional Youth Strategy and therefore does not need to be duplicated. A succinct and direct document will also be more appealing and accessible to young people.

The framework will guide the Shire's involvement in youth services by identifying important issues and priorities for young people in Broome based around key themes and topics. The framework will outline what is already happening in each area and explore opportunities for the Shire to contribute to better outcomes for young people.

Youth Services Directory

A community mapping exercise will document existing services for young people in Broome. The information collected will be used to compile a Youth Services Directory.

Youth Action Plan

Young people from the Broome community will be engaged to guide the development of a Youth Action Plan to support the priorities outlined in the Youth Engagement Framework. The action plan will be an operational document for the Shire of Broome to guide allocation of resources and give direction on how the Shire can provide for and engage with their young people. The action plan will also guide the activities and projects undertaken by the YAC.

Youth Advisory Council (YAC) and Youth Engagement

A Youth Advisory Council (YAC) will be established to direct the development and ongoing implementation of the Youth Action plan. The YAC will not be a formal Committee of Council, but rather an informal reference group. It is anticipated that the group will participate in some decision making as well as working with Shire officers to plan and implement youth projects, events and activities.

It is also proposed that a Regional Youth Forum is held in Broome as part of National Youth Week in April 2016. Broome has been selected by the Department of Local Government and Communities as the location for the WA regional launch of National Youth Week 2016. This is an exciting opportunity for young people in Broome and the Kimberley region to have their voices heard at the State level. A regional forum will facilitate knowledge sharing, networking and collaboration across the Kimberley region.

Outcomes from the regional forum will inform the development of the Broome Youth Action Plan and will be considered in the development of the Kimberley Regional Collaborative Group Youth Strategy and Action Plan.

Implementation Timetable

The Youth Engagement Framework is to be completed by 7 of December 2015, in line with the Kimberley Regional Collaborative Group's timeframe for the development of a Kimberley Regional Youth Strategy and Action Plan.

It is proposed a YAC is established in February-March 2016 as this is a good time to engage with young people, particularly students, as they begin the school year and make their commitments for the year ahead.

The Kimberley Regional Youth Forum will be held as part of National Youth Week which will be held from 8 - 17 April 2016.

PHASE	DATE
Phase 1 – Review Document Review, Community Mapping	October 2015
Phase 2 – Consult Consultation with key stakeholders	October - November 2015
Phase 3 – Plan Develop a Youth Strategy	7 December 2015
Phase 4 – Engage Establish YAC Regional Youth Forum	February – March 2016 April 2016
Phase 5 – Deliver Develop Youth Action Plan	May 2016

CONSULTATION

Officers have consulted key stakeholders including Broome Senior High School, St Mary's Secondary College and youth service providers to determine the timeline for the project. The overwhelming response is that young people are most likely to be successfully engaged during the early part of the year, before school balls, exams and Christmas holidays interfere with participation. This also allows teachers time to incorporate YAC activities within the school timetable.

Consultation for the development of a Broome Youth Engagement Framework will be carried out in line with the Shire of Broome's Community Engagement Framework;

Complexity of the Issue: 3 Risk: 3

Level of engagement: Inform and Consult

Engagement Goals: To provide the public with balanced and objective information
To assist them in understanding the problems, alternatives solutions
To obtain public feedback on analysis, alternatives and/or decisions.

The data and findings from the following existing consultations will be considered in the development of a Youth Engagement Framework:

- Kimberley Regional Collaborative Group Youth Strategy
- WKYSC Youth Strategy 2014-2016 (WKYSC Working Party 2014)
- WKYS Community Mapping Exercise
- Shire of Broome Community Perceptions Survey 2015
- Broome 2040 visioning process

Chairperson..... Date.....

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A total of \$38,500 is budgeted for the development of a youth engagement framework and action plan for the Shire of Broome.

An allocation of \$25,000 has been included in the 2015-16 budget and a further \$13,500 per Shire has been secured by the Kimberley Regional Collaborative Group from the Department of Local Government and Communities for the development of local youth strategies for each of the Shires within the Kimberley Zone of WALGA.

RISK

Youth services are currently a high profile issue for the Shire of Broome. According to the Community Perceptions Survey completed this year, youth services are a high priority for the Broome community.

The development of a youth engagement framework and implementation of a youth action plan as outlined above will assist the Shire to address community expectations for youth services.

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

Effective communication

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

High level social capital that increases community capacity

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

Affordable and equitable services and infrastructure

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

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Chairperson..... Date.....

VOTING REQUIREMENTS*Simple Majority***COUNCIL RESOLUTION:**
(REPORT RECOMMENDATION)**Moved: Cr C Mitchell****Seconded: Cr H Tracey****That Council:**

- 1. Notes the Shire of Broome's contribution to the development of the Kimberley Regional Collaborative Group Youth Strategy.**
- 2. Endorses the development of a Broome Youth Engagement Framework and Broome Youth Action Plan.**
- 3. Requests the Chief Executive Officer to develop Terms of Reference for the establishment of a Youth Advisory Council for the Shire of Broome and report back to Council.**

CARRIED UNANIMOUSLY 8/0**Attachments**

Nil

9.1.2 DELIVERY MODEL FOR CABLE BEACH LIFEGUARD SERVICE

LOCATION/ADDRESS:	Cable Beach Reserve
APPLICANT:	Nil
FILE:	PER502.1
AUTHOR:	Manager BRAC
CONTRIBUTOR/S:	Manager Community Development
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 September 2015

SUMMARY: The Shire of Broome provides beach supervision at Cable Beach between the months of April and October (inclusive) through the employment of fixed term beach lifeguards.

Officers have been approached by an external provider of similar services in WA and this report seeks direction from Council regarding the possibility of contracting these services out to the private market in an attempt to reduce costs to the Shire.

BACKGROUNDPrevious Considerations

OMC 17 June 1997 Item 4.6
 OMC 9 September 1999 Item 7.3
 OMC 28 September 2006 Item 9.2.1

In September 1999, Council resolved to cease the seasonal contract with Surf Life Saving WA (SLSWA) and internally manage the supervision of Cable Beach through the employment of beach lifeguards. Since this time, the Shire of Broome has managed a team of lifeguards that conduct beach patrols during the dry season between the months of April and October (inclusive).

Up until 2013, the Shire employed a full-time Beach Inspector year round who was responsible for monitoring the safety of beach areas within the whole of the Broome town site which included stinger and crocodile monitoring, collecting and reporting on beach usage and lifesaving statistics, recruiting and training beach lifeguards for the tourist season and maintaining beach lifeguard equipment.

In 2013, the Beach Inspector position was made redundant and beach lifeguard services were transferred to the Broome Recreation and Aquatic Centre under the supervision of the BRAC Manager. As a result, the Shire provides beach lifeguard services at Cable Beach in front of the Surf Lifesaving Club from April – October only. Beach areas outside of this area are therefore monitored only minimally by the Shire's Rangers.

Each dry season the Shire Lifeguards work in partnership with the Broome Surf Lifesaving Club (BSLSC) to monitor the flagged area in front of the surf club building under the terms of a negotiated service level agreement that is also ratified by SLSWA (attached). The agreement has remained consistent over previous years, with a slight change seen in the current season resulting in Shire lifeguards now patrolling all day on Saturdays (BSLSC was previously responsible for Saturday afternoon patrols). An overview of the responsibilities for the 2015 season are outlined below:

Shire of Broome

- Provide a minimum supervision of 2 x lifeguards for seven days per week (0900 – 1630 hrs) for the period 3 April - 2 May and 12 October – 1 November;
- Provide a minimum supervision of 2 x lifeguards for Monday to Saturday patrols 0900 – 1630 hrs, 5 April - 10 October;

Broome Surf Lifesaving Club

- Provide a minimum supervision of 3 x lifesavers for Sunday patrols 0900 – 1630 hrs, Saturday 3 May - 11 October.

The Shire's beach lifeguard service currently operates with the following staffing structure:

- 1 x Senior beach lifeguard (full time, fixed term)
- 1 x Beach lifeguard (full time, fixed term)
- 3 x Beach lifeguards (casual, fixed term)

While this is a minimalist staffing structure, it has proven adequate to facilitate the supervision required for the beach season.

COMMENT

In previous years, there has been a limited amount of investigation into the possibility of outsourcing the beach lifeguard service to an appropriate external service provider. Recently, Shire management has expressed a desire to explore this option as a means of managing the costs of service delivery. Furthermore, an approach has been received from an operator indicating they can provide the service for a similar cost.

Section 3.57 of the *Local Government Act 1995*, Regulation 11 of the *Local Government (Functions and General) Regulations 1996*, and the Shire of Broome's Purchasing Policy stipulate that a public tender process must be undertaken for the provision of a service in excess of \$100,000. Given the current cost to the Shire is in excess of this amount, should Council choose to consider outsourcing the Shire's beach lifeguard services, a tender process will be required to be undertaken.

The purpose of this report is to seek direction from Council regarding the continued provision of beach lifeguard services at Cable Beach and to determine the most preferred service delivery model.

Options for Consideration

The following options are proposed for Council's consideration;

1. Council could decide not to advertise for public tender and continue to operate the beach lifeguard service in its current form;
2. Council could choose to request tenders from the open market for the provision of beach lifeguard services at Cable Beach for Council's consideration; or
3. Council could choose not to provide this service into the future.

Officers have outlined, in the Risk section of this report, the risks associated with the options provided above. These risks should be considered in the following context.

Cable Beach is Broome's primary tourist icon, attracting over 70,000 visitors each year. Up until 31 August, the 2015 beach season has recorded the following statistics:

- 72,650 people on the beach

- 24,459 swimmers
- 3,099 surf craft
- 1,032 swimmers advised
- 24 rescues
- 118 minor first aids
- 7 major first aids
- 7 beach closures

The Shire has previously been committed to maintaining beach lifeguard services at this beach as a matter of public safety and in recognition of the important role Cable Beach has in bringing tourism and economic benefits to the town.

Therefore, Officers recommend option 2, to determine whether the service can be operated at a lesser cost to the Shire while maintaining the desired level of service. It is recommended that tenders are called to operate beach lifeguard services at Cable Beach for a three year period commencing in April 2016. This term is recommended due to the significant amount of equipment and set up required to operate such a service and gives tenderers the opportunity to consider the development of their workforce and processes over a prolonged period.

It is proposed that tenders are assessed by an external body to ensure there is no real or perceived conflict of interest with assessment based on the following criteria:

- a) Price
- b) Level of service
- c) Relevant experience
- d) Tenderer's resources

Officers recommend that the successful tenderer will be expected to operate the same hours of service as is currently provided by the Shire of Broome, and enter into a service level agreement with the Broome Surf Lifesaving Club that stipulates responsibility of personnel and days/hours of service.

Officers do not propose that an internal tender be submitted for this service. However, if an appropriate service level or a favourable financial position cannot be achieved from tenders received, Council could, if it chose, decide not to award the contract and continue to operate the service in its current form.

CONSULTATION

The Broome Surf Lifesaving Club has been consulted in this process throughout and is actively promoting the outsourcing of the service.

Surf Life Saving WA has been consulted and provided with details regarding the current staffing structure of beach lifeguard services.

The incumbent beach lifeguards have been consulted to determine best practice and the optimum staffing structure to enable the service to operate efficiently.

STATUTORY ENVIRONMENT

Local Government Act 1995

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 goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

Division 1 — Purchasing policies

11A. Purchasing policies for local governments

- (1) A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.
- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
 - (a) the form of quotations acceptable; and
 - (b) the minimum number of oral quotations and written quotations that must be obtained; and
 - (c) the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

[(4) deleted]

[Regulation 11A inserted in Gazette 2 Feb 2007 p. 245; amended in Gazette 18 Sep 2015 p. 3804.]

Division 2 — Tenders for providing goods or services (s. 3.57)11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.
 - (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
- [(ba) deleted]
- (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

- (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea)(sic) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
- or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;
- or
- (h) the following apply —
 - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;
- or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and

(iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;

or

(k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6.]

POLICY IMPLICATIONS

2.3.7 – Purchasing

Corporate Services - Administration

FINANCIAL IMPLICATIONS

Service: The table in the confidential attachment outlines the expenditure incurred to operate the Cable Beach Lifeguard Service for the 2014/2015 financial year. This table does not include the replacement cost of plant and equipment but captures the annual depreciation of each of the larger plant items.

RISK

The following risks have been identified in relation to the options provided for Council's consideration;

Option	Risk	Type	Rank	Mitigation
1. Continue to provide beach lifeguard services at Cable Beach	Cost of service delivery increases	Financial	High	Officers continue to monitor and report on cost of service delivery
2. Request tenders from the open market to provide beach lifeguard services	No tender is awarded	Reputational – waste of resources	Medium	Process to be endorsed by Council. Specifications developed to reflect current service agreement and appropriate controls.
	Cost is prohibitive	Financial	Medium	Officers have sought ball-park figures from potential service providers and prepared a detailed review of the current cost to the Shire
	Significant incident occurs (stinger, death)	Reputational – Shire brand	High	Ensure tender is awarded to a reputable supplier with appropriate controls in place to facilitate a safe and qualified service at all times.
3. Choose to cease beach lifeguard services at Cable Beach	Significant incident occurs (stinger, death)	Health	Extreme	Ensure public signage is adequate and up to date Support BSLSC to provide more frequent patrols.

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		Reputational – Shire brand	High	Keep public informed via print and broadcast media that beach is unsupervised. Ensure public signage is adequate and up to date
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STRATEGIC IMPLICATIONS

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

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

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

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

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

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

Affordable and equitable services and infrastructure

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

An organisational culture that strives for service excellence

Responsible resource allocation

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**Moved: Cr H Tracey****Seconded: Cr C Mitchell****That Council:**

- 1. Requests the Chief Executive Officer to call for public tenders for provision of Beach Lifeguard Services at Cable Beach in accordance with the service specifications identified for a 3 year period commencing April 2016.**
- 2. Notes that the Shire will not be submitting an internal tender for provision of this service.**

CARRIED UNANIMOUSLY 8/0**Attachments**

1. 2015 - Beach Lifeguard Service Level Agreement
2. Confidential attachment - Cost of lifeguard service delivery 14_15 (*Confidential to Councillors and Directors Only*)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting".

9.1.3 PROCESS FOR THE DEVELOPMENT OF THE SHIRE'S COMMUNITY SAFETY PLAN

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	COS19
AUTHOR:	Manager Community Development
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	25 September 2015

SUMMARY: This report provides information regarding the development of a Community Safety Plan for the Shire of Broome and seeks Council's endorsement of the proposed process and timeline.

BACKGROUNDPrevious Considerations

OMC 20 January 2004	Item 9.1.3
OMC 23 March 2004	Item 9.1.2
OMC 17 August 2004	Item 9.1.5
OMC 30 November 2004	Item 9.1.5
OMC 16 April 2004	Item 9.2.1
OMC 7 July 2011	Item 9.3.6
OMC 27 February 2014	Item 9.1.2

In 2004, the State Government initiated Community Safety and Crime Prevention Partnerships which sought engagement between the Office of Crime Prevention and local government authorities to develop crime prevention strategies and improve community safety. At this time, Council resolved not to enter into a partnership agreement based on the view that this was seen as a cost-shifting exercise on the part of the State and that the amount of funding offered as part of the partnership agreement (\$10,000) to develop a Community Safety and Crime Prevention Plan (CSCPP) was not sufficient for a local government with a geographical area the size of Broome to develop a comprehensive plan.

Officers subsequently met with State Government representatives to communicate Council's concerns and later in that same year, a further motion to enter into a Community Safety and Crime Prevention Partnership Agreement was again lost with the issue deferred due to concerns relating to perceived absolving of responsibilities in this area by State Government agencies.

In November 2004, Council adopted the *Shire of Broome's Strategic Action Plan 2004 – 2009* which contained the following Action:

Develop a Community Safety Strategy and partner with the Office of Crime Prevention to support existing programs such as HYPE and the reduction of vagrancy.

In 2009, the Shire was again invited to enter into a partnership with the Office of Crime Prevention to develop a CSCPP. At the OMC 16 April 2009, a motion recommending a

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partnership agreement for a CSCPP to be developed “targeting safety and prevention as it relates to children and youth, transience and litter in the townsite of Broome” was considered by Council. This motion was also lost due to the view that further funding should be sought to ensure the plan was expanded to include areas beyond the Broome townsite.

In 2010, the Office of Crime Prevention agreed that the Shire's *Plan for the Future 2007 – 2012* contained enough evidence of planning for community crime prevention and agreed to combine the \$10,000 planning grant with a grant of \$20,000 for the “*Lighting Up Anne Street Project*” proposed by the Shire. This project was a partnership between the Shire of Broome, Mamabulanjin Aboriginal Corporation, WA Police and Horizon Power which saw the upgrading of 10 x light poles on Anne Street and was completed in December 2011. Below is an excerpt from the evaluation report submitted to acquit the funding.

Anecdotal feedback from Mamabulanjin, Kullarri Patrol and HYPE staff indicate that while at first the extra lighting made young people congregate under them, this did eventually dissipate and there has been a reduction of the incidents of crime and antisocial behaviour in the area. The additional lighting and work done through a complementary project to clean up the Anne Street precinct has resulted in cleaner streetscapes, more user friendly access ways and more pride in the neighbourhood.

Feedback from the Officer In Charge of Broome Police is:

“We won’t be able to provide meaningful statistics as the area with improved lighting is relatively small and it would be impossible to provide accurate or relevant statistics. Anecdotally – the improved lighting is beneficial however as stated above it is unfortunately only a small area considering the scale of the issues in the area – ie we need to replicate the same lighting along the length of Anne Street, Matsumoto St and surrounding streets, Tang St and surrounding streets, D’Antoine St and surrounding streets.

The lighting discourages anti-social behaviour but if people walk 20 meters away from the lights or down one of the side roads they continue their behaviour.”

In February 2014, the Council agreed to support the Juvenile Crime Working Group to hold a community forum to discuss issues relating to a perceived spike in juvenile crime in Broome. The Group was formed as a result of a wave of social media discourse and gained some community support. The forum was held on 29 March 2014 at the Broome Civic Centre and attracted approximately 20 members of the general public. Key stakeholders were asked to present to the forum including;

- WA Police – Broome
- WA Department of Corrective Services – Regional Youth Justice Services
- Department for Child Protection and Family Services
- Shire of Broome
- Broome Youth Support Group

Presenters outlined the purpose and programs of each of their relevant organisation/agency and talked about what is currently being done to address issues relating to juvenile crime. The general view of the meeting was that more needs to be done to promote the services and programs that are available.

Due to resource limitations, a Community Safety Plan for the Shire of Broome has not previously been developed. However, the Shire's Corporate Business Plan 2015 - 2019 contains the following action;

1.5.1.2 *Develop a Community Safety Plan in partnership with relevant organisations subject to funding.*

An allocation has been made in the 2015/16 Budget for this purpose and this report seeks Council's endorsement of the proposed direction for the development of a Community Safety Plan.

COMMENT

Definition of Community Safety

The World Health Organisation (WHO) cites community safety as a basic human right that is an aspect of the quality of life of a community and is not just crime prevention.

The WHO provides the following definition of community safety;

A Safe Community is one in which all sectors of the community work together in a coordinated and collaborative way, forming partnerships to promote safety, manage risk, increase the overall safety of all its members and reduce the fear of harm.

Simply put, community safety can be defined as “the ability to live and work without fear of harm or injury”.

Therefore, community safety in its broadest form can include a range of issues and involve a variety of agencies with varying levels of responsibility. Issues can include;



While the Shire is actively engaged in providing services and support for a range of programs across the spectrum of community safety, there is some debate over the role and responsibility of local government versus that of other agencies and stakeholders.

Current Approach

The Shire of Broome currently provides services related to public health by employing environmental health officers who ensure food safety and hygiene and compliance with the 2008 Food Act, mosquito control and public pool safety and hygiene. The Shire's rangers are responsible for law enforcement including animal control, litter, illegal parking and camping, and bushfire and fire control. The Manager of Health and Rangers is also responsible for working with the Department of Fire and Emergency Services to convene

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Broome's Local Emergency Management Committee and the Broome Bush Fire Advisory Committee.

The Shire currently provides Beach Lifeguard services at Cable Beach during the peak season to ensure beach safety in coordination with the Broome Surf Lifesaving Club, Department of Parks and Wildlife and the Shire's Rangers. The Shire's Infrastructure directorate maintains and upgrades the town's roads, footpaths, accessways and public barriers, keeping public spaces clean and safe and overseeing traffic management and control.

The Shire of Broome also partners with a range of agencies to engage collaboratively to address specific issues. These partnerships currently involve the Shire's participation either at elected member or officer level in the following;

- Heads of Department Meetings
- Local Emergency Management Committee
- Bush Fire Advisory Committee
- Broome Alcohol Management Group
- Liquor Accord
- Homelessness Action Group
- Broome Youth Coordination Network

In addition, the Shire of Broome supports a range of initiatives that contribute to community safety and crime prevention. An example is the 3 year Memorandum of Understanding with Kullarri Patrol and the Shire's support of the HYPE Program. These programs target vulnerable adults and young people respectively with the aim of reducing crime and increasing personal safety. Other strategies include the Shire's community sponsorship program, support for events and festivals, and the various Shire facilities provided to improve community connectedness such as Broome Recreation and Aquatic Centre, the Broome Civic Centre and Broome Public Library along with a variety of well-maintained public open spaces throughout the town.

Finally, the Shire responds to community need as it arises. Examples include the consideration of thoroughfares and accessways, clearing of illegal camps, discussion regarding an itinerant camping facility and a potential partnership with the Department of Housing to undertake urban renewal in Old Broome.

National Context

In recognition of the importance of this issue to the Council and the community the Manager Community Development recently attended the National Holistic Community Safety Summit which was attended by regional and metropolitan police, service providers, government agencies and local government authority (LGA) representatives including officers and elected members, from across Australia. This was an opportunity to gain firsthand information about existing and emerging issues related to community safety, what other LGAs are doing to address safety issues and what the role of local government is in this area. Interestingly, it seems Australian LGAs have been recognised internationally for best practice methodologies in community safety and practical examples are being provided to other countries (eg Palestine).

While it was identified that a range of approaches and strategies are being implemented by LGAs to address community safety and that resources vary greatly between LGAs, a number of key principles emerged from the discussions held over three days. These are outlined below.

- Improving community safety is a slow process that requires a shared vision and managed expectations by all stakeholders including all tiers of government and the community.
- Community safety is a complex issue that often involves a number of contributing elements that are the responsibility of a range of agencies.
- Community safety needs to be a shared and agreed ambition across departments, not just driven by one person or business unit.
- Managing community safety requires a structure that includes detailed analysis, monitoring and evaluation, robust engagement and strong leadership.
- Community engagement and buy-in is an essential element of addressing real and/or perceived community safety issues.

Proposed Approach

Arguably, the Shire of Broome already participates significantly in the maintenance of community safety in broad terms. However, both the Broome 2040 community consultation and the 2015 Community Perceptions Survey identified issues relating to community safety including:

- Antisocial behaviour including street drinking, drunkenness and violence
- Drugs and related crime
- Itinerants and rough camping
- Stealing
- Lighting
- Policing
- Young people and juvenile crime

Hotspots for these issues included Chinatown, Male Oval, Town Beach and Old Broome.

The aforementioned conference included thought-provoking and inspiring speakers who provided excellent examples of thinking 'outside the square' to achieve community safety outcomes and these should be considered in developing a Plan for Broome. However, the key factor is that any strategy must be developed in consultation with the community and key stakeholders to ensure shared responsibility for the process and for the Plan.

Therefore, the process for the development of the Plan may evolve depending on consultation and the feedback provided. Consequently, officers propose setting up a working group in the first instance consisting of representatives from the following key stakeholders to guide the process for the development of the Plan;

- Shire of Broome (officers and elected members)
- WA Police
- Nyamba Buru Yawuru
- Taxi services
- Chamber of Commerce
- Liquor Accord
- Service providers (eg Department of Justice, Kullarri Patrol, Broome Youth and Families Hub)

While it is recognised that there are other stakeholders with an interest, it is proposed that in the first instance a small group is charged with developing some key principles for engaging both internally and with the wider community to;

- map existing services and programs
- identify stakeholders and their roles and responsibilities (ie Shire, Police, State etc)
- formulate key strategies and actions for inclusion in the draft plan.

This group will be the conduit to the wider community and will be expected to use their networks to gain feedback to inform the development of the Plan. In preparation of the

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plan it is expected that the Working Group will undertake engagement with the broader community (eg via Community Forum). The details of how this occurs will be determined by the group once established and incorporated into a Community Engagement Plan for this project.

Given the limited budget to prepare this plan Officers are proposing that the plan largely be prepared by Officers and the above mentioned working group. This group would be assisted by the engagement of consultants for specific tasks during the development of the plan as required (ie youth engagement). This approach is considered feasible given Officers are envisaging that plan will be succinct and action focused.

Proposed Timeline

17 October 2015	Council endorsement
November 2015	Establish working group including Council representation
Dec 2015 – April 2016	Internal and external consultation with identified stakeholders
	Development of Draft Plan
May 2016	Draft Plan to Council for endorsement for advertising
June 2016 - July 2016	Community engagement
August 2016	Final Plan presented for Council consideration

CONSULTATION

Broome 2040 community consultation
 2015 Community Perceptions Survey
 City of Mandurah - *Community Safety Plan*
 City of Rockingham – *Community Safety Strategy 2015-2020*
 City of Melville - *2012-2016 Safer Melville*
 City of Fremantle – *Community Safety & Crime Prevention Plan 2011-2015*
 Indigo Shire Council – *Community Safety Plan 2012-2017*
 Knox Council - *Knox Community Safety Plan 2013-2017*
 Randwick City Council – *Community Safety Plan 2015-2025*
National Community Safety Summit 2015 – 29 Sept – 1 Oct 2015

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil at present although a policy may be drafted for Council's consideration based on the recommendations of the Working Group

FINANCIAL IMPLICATIONS

This project is focused on the development of a Plan and therefore expenditure is limited to planning and development. It is envisaged that the Community Safety Plan, if adopted, will have on-going financial implications for the Shire (eg. capital expenditure maintenance, potential program support) and will need to be considered both on an annual basis and in medium and long term financial planning.

Funding Source: Community Safety Plan

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant		15,000	Operating	Office of Crime Prevention	TBC
Reserve					
Budget		15,000	Operating	2015/16 Budget	TBC
TOTAL		30,000			

RISK

The following table outlines the key risks identified with this project and the mitigation strategies proposed to address these risks in accordance with the Shire's Risk Management Policy.

Risk	Type	Rank	Mitigation
Funding application is not successful	Financial	Medium	Officers have spoken to OCP to determine 'best fit' for funding
Council does not adopt plan	Operational	High	Process to be endorsed by Council Community engagement plan developed Plan to include identification of prioritised actions for staged implementation
Negative community feedback to plan	Reputational	High	Working group established Community engagement plan developed

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:

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

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

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr M Manado

Seconded: Cr P Matsumoto

That Council:

- 1. *Endorses the proposed process and timeline for the development of the Shire of Broome Community Safety Plan as outlined in this report;***
- 2. *Requests the Chief Executive Officer to include the Community Safety Working Group in Council's consideration of membership of Committees and Working Groups following the Local Government elections.***

CARRIED UNANIMOUSLY 8/0

Attachments

There are no attachments for this report.

9.1.4 BRAC MULTISPORT HARDCOURTS OPTIONS FOR RESURFACING

LOCATION/ADDRESS:	Broome Recreation and Aquatic Centre, Cable Beach Road East, Reserve 42502
APPLICANT:	Nil
FILE:	RES42502, GPC08
AUTHOR:	Manager BRAC
CONTRIBUTOR/S:	Manager Community Development
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	30 September 2015

SUMMARY: In 2014, the Shire of Broome was awarded funding of \$47,426 to resurface the Multisport Hard Courts at the Broome Recreation Aquatic Centre (BRAC) from the WA Department of Sport and Recreation (DSR)'s Community Sport and Recreation Facility Fund (CSRFF). Testing on the court base has determined that the original intended method of resurface would not be entirely suitable for this project. Following approval from DSR to defer the project, further investigation was undertaken. This report seeks Council's direction regarding the options provided.

BACKGROUNDPrevious Considerations

OMC 7 July 2011 Item 9.3.4
 OMC 1 September 2011 Item 9.3.4
 OMC 6 September 2012 Item 9.1.1
 OMC 15 August 2013 Item 9.1.2
 OMC 28 August 2014 Item 9.1.2

In the August 2014 Small Grants funding round of the DSR's CSRFF, the Shire of Broome applied for funds to resurface the BRAC hardcourts and replace the court lighting with an energy efficient LED system.

The application was successful in receiving \$47,626 for 50% of the resurfacing costs but was unsuccessful in receiving funds for the court lighting. DSR research indicated that the LED system proposed and quoted may not comply with relevant Australian Standards.

Therefore, this project is to resurface the four existing multisport courts at the BRAC. The hard courts were installed when the dry component of the Centre was constructed in 2002. While there have been minor improvements/repairs made to the courts over the years, the surface of the courts remains largely the same as that initially laid.

The Shire of Broome committed funds towards the completion of the resurfacing project in the 2014/15 budget to complement the funding approved by DSR.

At the inception, the project was planned to be a relatively basic resurface with the method being to clean the existing surface, lay a fibreglass membrane over the courts and then install the new acrylic and line marking. It was suggested that this was an appropriate method of resurfacing by the company that had completed the resurface of the nearby tennis courts.

Upon further investigation it was determined that due to the extent of the cracking in the basketball/netball courts (some approximately 20mm in width), there may need to be additional work required at the base level to ensure that cracking does not reoccur once

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the project is completed. To ensure that the job is completed properly it was decided that more exploratory works were required.

Due to this decision, an extension was sought and granted from DSR, and a recommended court specialist was engaged to carry out appropriate testing. A condition of the project deferral was that a report stipulating project scheduling and direction be submitted to DSR by 30 September 2015. Officers have informed DSR that the report would need to be considered by Council and will therefore be submitted after the October Ordinary Meeting of Council.

This report presents the finding of the exploratory work undertaken and seeks direction from Council regarding the progression of the project.

COMMENT

After consulting local government officers across the Kimberley and in other regions, the decision was made to engage John Cramer from Sports Surfaces, to undertake testing and provide a recommendation regarding what would be the most effective method of ensuring a quality and sustainable finish to the court surface.

The consultant visited the BRAC site in August 2015 and with assistance from Shire of Broome machine operators, investigated the court profile and took samples for testing by the Kimberley Soils Laboratory. Testing for particle distribution and plasticity index were undertaken with the results showing no particular reason for the cracking to have occurred.

Extensive discussion with industry professionals, local engineers and colleagues that have spent many years building roads and laying asphalt in Broome gave an insight into the effects that local weather conditions have on asphalt installations and ways that methods have changed over the years.

Following this research and consultation, the consultant provided three options for consideration by the Shire:

- 1) Grinding of surface lipping, filling of cracks and resurface with three coat acrylic surface (medium term solution);
- 2) Installation of geo fabric membrane, overlay 30mm of AC7 hotmix, three coat acrylic surface and appropriate line marking (long term solution);
- 3) Choose not to proceed at this time and notify DSR of the decision. Officers could then submit a project brief for additional funds as part of the 2016/17 budget process and apply to the next round of CSRFF small grants for an increased project scope (not preferred).

Due to the cost prohibitive nature of option 2 and the need for, at a minimum, medium term improvements, officers recommend that option 1 is the most preferred way to progress this project. Furthermore, recent cuts to the CSRFF program mean that if commitment of the grant funds already approved is not forthcoming then the funding will be relinquished and lost to the Shire of Broome.

DSR has indicated that in light of significant reduction to the CSRFF funding pool, court resurfacing will not be a priority and the likelihood of attracting this funding again is minimal.

It should be noted that option 1 will only address the issue for approximately 4 to 5 years at which stage more significant works will be required on the courts. If Council wanted to achieve a longer term solution (ie 10-15 years) then a scope of works along the lines of

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option 2 would need to be undertaken. Officers consider that option 2 would provide the best long term outcome. However, given DSR has advised that funding for court resurfacing will not be a priority into the future, and potentially Council would need to fund 100% of these costs, this is not considered a viable option at this stage.

CONSULTATION

Significant consultation was undertaken with industry professionals, WA local government representatives, local engineers and soil specialists to determine the best options for progression with this project.

STATUTORY ENVIRONMENT

Local Government Act 1995

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

- (1) A local government may receive revenue or income —
- (a) from —
 - (i) rates; or
 - (ii) service charges; or
 - (iii) fees and charges; or
 - (iv) borrowings; or
 - (v) investments; or
 - (vi) any other source,
 authorised by or under this Act or another written law; or
 - (b) from —
 - (i) dealings in property; or
 - (ii) grants or gifts.
- (2) Nothing in subsection (1)(a) authorises the making by a local government of a local law providing for the receipt of revenue or income by the local government from a source not contemplated by or under this Act.

POLICY IMPLICATIONS

2.3.7 – Purchasing

Corporate Services - Administration

FINANCIAL IMPLICATIONS

While option 2 is the most long term solution it is cost prohibitive in the current environment. The cost comparison of the three options provided is as follows:

Option	Detail	Expenditure	Grant funding	Shire Contribution
1	Fill and patch cracking of current court surface and resurface with three coat acrylic surface.	\$72,737	\$36,369	\$36,369
2	Installation of geo fabric membrane, overlay 30mm of AC7 hotmix, three coat acrylic surface and appropriate line	\$260,725	\$47,626	\$213,099

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	marking			
3	Choose not to proceed at this time and notify DSR of the decision. Officers could then submit a project brief for additional funds as part of the 2016/17 budget process and apply to the next round of CSRFF small grants for an increased project scope.	Nil in 2015/16 \$260,725 in 2016/17	Unlikely	\$260,725

The total allocation included in the 2015/16 budget for this project is \$95,500. The Shire has committed 50% of the project cost which has been approved with matched funding to the value of \$47,626. The budget implications for recommended option (1) are outlined below.

Expenditure		Income	
Item	Cost	Source	Amount
Investigation/exploratory works	\$4,655	Shire of Broome	\$36,369
Resurfacing works	\$60,000	DSR CSRFF Small Grants	\$36,368
Contingency (12.5%)	\$8,082		
Total project cost (exc GST)	\$72,737	Total project cost (exc GST)	\$72,737

RISK

The following risks have been identified in relation to the options provided for Council's consideration;

Option	Risk	Type	Rank	Mitigation
1. Grinding of surface lipping, filling of cracks and resurface with three coat acrylic surface	Cracking re-occurs	Reputational – waste of resources	Medium	Officers continue to monitor and maintain
2. Installation of geo fabric membrane, overlay 30mm of AC7 hotmix, three coat acrylic surface and appropriate line marking	CSRFF funding is not approved	Financial	High	Officers have kept DSR informed and been advised that confirmation of commitment to the project is required to ensure approved funding is retained.
3. Choose not to proceed and submit a project brief to the 2015/16 budget process for an increased scope of works.	Courts become unplayable.	Financial – loss of income	High	Undertake 'band-aid' repairs to maintain usability. Liaise with users. Continue to liaise with DSR to explain rationale for decision making.
	CSRFF funding is not approved	Reputational – Shire brand	High	
	CSRFF funding is not approved	Financial – cost to Shire	Extreme	Seek contributions from users (will not fully mitigate this risk as capacity will be limited).

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

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

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

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

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

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

Affordable and equitable services and infrastructure

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

An organisational culture that strives for service excellence

Responsible resource allocation

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**Moved: Cr D Male****Seconded: Cr P Matsumoto****That Council:**

- 1. Notes the exploratory work undertaken to determine the most appropriate method of resurfacing the multisport hard courts at BRAC and the options provided;**
- 2. Requests the Chief Executive Officer to proceed with Option 1 to fill and patch cracking of the current court surface and resurface with a three coat acrylic surface using approved budget and grant allocations; and**
- 3. Requests the Chief Executive Officer to advise the WA Department of Sport and Recreation accordingly.**

CARRIED UNANIMOUSLY 8/0**Attachments**

Nil

9.2

OUR PLACE



PRIORITY STATEMENT

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

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

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

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

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With regard to Item 9.2.1 Cr M Manado disclosed that “ I have an association with owner of home in the area. 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.”

9.2.1 UPDATE ON WOODS DRIVE LANEWAY CLOSURE

LOCATION/ADDRESS:	Woods Drive
APPLICANT:	Nil
FILE:	COM12
AUTHOR:	Development and Subdivision Engineer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 September 2015

SUMMARY: At the Ordinary Meeting of Council on 27 November 2014, Council resolved to close the Woods Drive laneway, in response to a petition and submissions received during the preceding community engagement period.

Council resolved to close the laneway subject to the sale and amalgamation of Lot 641 of Reserve 50253 into the adjacent private properties.

Water Corporation will not consent to the sale of the public reserve due to reticulated water assets being located within the reserve. Based on the previous public submissions to close the laneway, this report recommends fencing both ends of the laneway, without the formal closure and sale of the reserve.

BACKGROUND

Previous Considerations

OMC 27 February 2014	Item 7.2
OMC 27 March 2014	Item 9.2.4
OMC 27 November 2014	Item 9.2.1

At the OMC on 27 February 2014, a petition provided by Sharon Triplett and was presented by Cr Bloom on behalf of residents around the Woods Drive area.

The Petition read as follows:

We, Residents request the Shire of Broome to close off the lane between 31 and 33 Woods Drive at both ends for the following reasons:

- *Public Safety - used only by motor bikes, dirt bikes and scooters*
- *Easy escape route for gangs after numerous ongoing house breaks ins*
- *Loitering Gangs*

An item was subsequently presented to Council at the OMC on 27 March 2014 to seek Council's determination in relation to whether the petition should be investigated.

Council resolved;

Chairperson..... Date.....

1. That Council considers an allocation of funds in its 2014/2015 budget deliberations for the preparation of an action plan to consider closure of Woods Drive public access way inclusive of public consultation.
2. That the signatories of the petition be contacted to be advised of Council's determination.

At the OMC on 27 November 2014, Council considered the submissions received during the advertising period, which demonstrated support for the laneway to be closed.

Council resolved;

That Council:

1. Note all submissions received from the public regarding the proposed laneway closure.
2. Resolve to permanently close the Laneway between 31 and 33 Woods Drive (Lot 641 of Reserve 50253), subject to the purchase by adjacent landholder/s within twelve months.
3. Resolve that if adjacent landowners have not purchased Lot 641 of Reserve 50253 within 12 months, the Laneway shall remain open.
4. In accordance with Local Government Act 1995 Functions and General Regulations 30 (2) (a) authorise the Chief Executive Officer to negotiate the purchase of the Laneway Reserve with adjacent landholders at 31 and 33 Woods Drive; and pending confirmation of their interest in the purchase of Lot 641 of Reserve 50253, liaise with service authorities, and coordinate with Department of Lands to facilitate the permanent closure and purchase of the land by adjacent landholder/s at the landholder/s cost.

COMMENT

Following the OMC on 27 November 2014, Shire officers wrote to the adjacent residents at 31 and 33 Woods Drive to request formal confirmation of their intent to purchase the laneway reserve. The residents responded in writing to the Shire, and confirmed that they would purchase the adjacent reserve if it was formally closed by the Shire and sold by Department of Lands. The residents also submitted copies of relevant police reports to demonstrating that there was a pattern of antisocial and criminal behaviour in the laneway.

Service authorities were contacted to obtain comments on the proposal, as consent is required from all service authorities prior to a closure being enacted by Department of Lands.

No objections were received from Horizon Power, Telstra or NBN Co, however, Water Corporation objected to the proposal as reticulated water and sewerage infrastructure is located within the laneway reserve.

Discussions were held between the Water Corporations Building Services Unit and Shire officers, with Shire officers suggesting a services easement be created over Water Corporation infrastructure if the reserve was closed and sold.

Water Corporation does not agree that an easement over the water main would provide adequate tenure. It is Water Corporation policy that reticulated water infrastructure shall

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not be located within private property due to potential for a burst water main to cause damage to property.

The discussions culminated in an on-site meeting being held at the Woods Drive laneway with Shire officers, residents and Water Corporation representatives on 5 May 2015.

At the meeting, Water Corporation representatives reiterated their objection to the reserve being closed, sold and amalgamated into private property. However representatives did not object to the public reserve being fenced, as long as keys to locks were provided to the Water Corporation to allow access to their assets for repairs and maintenance.

Due to Water Corporations requirements that the laneway remain a public reserve to protect their infrastructure, Shire officers further consulted with Department of Lands about a solution to the issue. Department of Lands suggested that Lot 641 of Reserve 50253, which is reserved for 'Public Access' and managed by the Shire of Broome, could be transferred to the Water Corporation and reserved for 'Water and Sewerage Infrastructure'.

The proposed transfer of the management order of Lot 641 of Reserve 50253 from the Shire of Broome to the Water Corporation would transfer the responsibility for the management of the reserve, and would therefore require Water Corporation consent to the transfer.

Water Corporation were formally consulted regarding the proposed transfer of the reserve, and did not support the proposal.

Attachment 1: Letter from Water Corporation

OPTIONS

As the reserve is unable to be formally closed and amalgamated into the adjacent resident's properties, two options were considered and are detailed below.

OPTION 1 – No Laneway Closure and a Focus on a Future Community Safety Plan

Do not close the laneway and instead focus on holistic strategies for crime prevention.

A Community Safety Plan will be developed in partnership with relevant organisations in the 2015/16 financial year. This will provide a coordinated response from the Shire of Broome and other relevant organisations. Whilst this option may provide a longer term approach, it will do little to resolve the issues associated with the laneway in the short term.

The submissions previously received during the community consultation period showed majority support for the laneway to be closed, and the residents at 31 and 33 Woods Drive report ongoing antisocial/criminal behaviour being experienced in the laneway.

The existing regular maintenance activities (spraying of weeds and mowing of grass) undertaken on the laneway would still need to occur.

Based on the submissions received during the community consultation period, Officers recommend that the laneway not be kept open.

OPTION 2 – Close the Laneway with a Gate and Fence

Chairperson..... Date.....

Close the Laneway on Lot 641 of Reserve 50253 between 31 and 33 Woods Drive and install a gate and fence at each end.

This option would require the Shire to fund the installation of gates and associated fences. The existing regular maintenance activities (spraying of weeds and mowing of grass) undertaken on the laneway would still need to occur, however at a reduced frequency.

It is anticipated that the new gates and fences may be a target of vandalism from members of the community who did not agree with the laneway closure. However, the extent of the vandalism will need to be monitored.

Whilst the fencing of the laneway will create a 'dead' space for the Shire to maintain, the requirement for fencing could be reviewed in future if the antisocial/criminal behaviour is addressed over time, as the management order for the reserve would remain vested with the Shire of Broome.

Based on the submissions received during the community consultation period, Officers recommend that the laneway be closed with a gate and fence at each end.

Attachment 2: Indicative Sketch of Proposed Woods Drive Laneway Fencing

CONSULTATION

Horizon Power
Telstra
NBN Co
Water Corporation
Department of Lands

STATUTORY ENVIRONMENT

Land Administration Act 1997

POLICY IMPLICATIONS

5.1.10 Community Engagement Policy

FINANCIAL IMPLICATIONS

OPTION 1 – No Laneway Closure and a Focus on a Future Community Safety Plan

No additional costs would be incurred in excess of the planned inclusion in future budgets for the preparation and implementation of a Community Safety Plan. The development of a Community Safety Plan has been included in the 2015/2016 budget.

The existing regular maintenance activities (spraying of weeds and mowing of grass) undertaken on the laneway incur an annual cost of \$1,640) and is covered under an existing operational budget.

OPTION 2 – Close the Laneway with a Gate and Fence

Permanently close the Laneway on Lot 641 of Reserve 50253 between 31 and 33 Woods Drive and install a gate and fence at each end.

The cost to fence and gate both ends of the laneway reserve is estimated at \$5,500. This expenditure can be funded from Account 121025 (Urban Road Maintenance - Op Exp).

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The regular maintenance activities (spraying of weeds and mowing of grass) required on the gated and fenced laneway would incur an annual cost of approximately \$984 (i.e. 60% of \$1,640), however, this is an existing expense incurred by the Shire and would be covered out of the existing operational budget.

It is also anticipated that vandalism of the gates and fences may occur, which will result in funds being expended for repair. The cost to undertake these repairs will depend on the frequency and extent of damage and would need to be monitored.

RISK

The consequence of not closing the laneway, would result in a low impact to the Shire's reputation, however as this is likely to occur, the resulting overall risk is "High".

To mitigate the risk, it is recommended that the laneway be closed by gating and fencing either end. The management order would remain vested with the Shire of Broome, and the fencing of both ends of the reserve could be reviewed if antisocial/criminal behaviour in the area is reduced in the future.

STRATEGIC IMPLICATIONS

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

Effective communication

Accessible and safe community spaces

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

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

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

Affordable and equitable services and infrastructure

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

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**Moved: Cr H Tracey****Seconded: Cr C Mitchell****That Council:**

- 1. Note that the laneway between 31 and 33 Woods Drive can not be closed permanently and the land sold to adjoining landowners.**
- 2. Authorise the Chief Executive Officer to;**
 - (a) Gate and fence the laneway at either end of Lot 641 of Reserve 50253 to prevent the laneway being used as a thoroughfare.**
 - (b) Advise Water Corporation, the adjacent residents and community members who made a submission of the outcome.**

CARRIED UNANIMOUSLY 8/0**Attachments**

1. Indicative Sketch of Proposed Woods Drive Laneway Fencing

9.2.2 APPLICATION FOR A TRADING LICENCE IN A PUBLIC PLACE - QUAD BIKE TOURS

LOCATION/ADDRESS:	Cable Beach Road West Road Reserve, Reserve 36477, Lot 555 on DP 406039, Reserve 50994, Reserve 51162
APPLICANT:	Dave Evans
FILE:	HEA001
AUTHOR:	Strategic Planning Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	28 August 2015

SUMMARY: The Shire has received an Application for a Trading Licence in a Public Place to conduct quad bike tours in the intertidal zone from north of the rocks at Cable Beach to Willie Creek. This report recommends that Council authorise the Chief Executive Officer to issue the trading licence subject to conditions and approval from the Yawuru Park Council and Kimberley Port Authority.

BACKGROUNDPrevious Considerations

Nil

COMMENT

An Application for a Trading Licence was received on 5 June 2015 from Broome Quad Tours / Kimberley Quad Tours to conduct guided quad bike tours along Cable Beach.

Tours will comprise a maximum of 20 quad bikes and will be run daily on suitable tides throughout the year. When not in use, quad bikes will be stored on the former Crocodile Park site (Lots 1640 and 2212 Cable Beach Road West). Tours will commence from the Cable Beach Road West road reserve adjacent to the former Crocodile Park. It is proposed that the quad bikes be licenced by the Department of Transport and as such will travel via Cable Beach Road West to access the beach via the public access ramp on Reserve 36477.

The tour will run along the beach between the high and low water marks. The Applicant has proposed two tour routes – a short tour between Cable Beach and Coconut Well (maximum 2 per day), and a long tour between Cable Beach and Willie Creek (maximum 1 per day). The Applicant has expressed the intention to engage Aboriginal tour operators so the tour participants will learn about the cultural and environmental significance of the area.

In support of the Application the Applicant has submitted:

- Risk Management Plan
- Occupational Health and Safety Plan
- Business Plan
- Details of key staff and personnel

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- Details of previous experience
- Quotation for \$10 million public liability insurance

Location of Activity

The Application was originally submitted as an Application to conduct a commercial activity on Cable Beach. Additional quad tours were proposed along Cable Beach and between Cable Beach and Gantheaume Point.

The area bound by the Cable Beach public vehicle access ramp to the north and the prolongation of Lot 1848 Kavite Road to the south is designation an 'Off Road Vehicle Prohibited Area' under the *Control of Vehicles (Off-Road Areas) Act 1978*. The prohibited area encompasses Reserve 51106 with is jointly managed by the Shire and Yawuru Native Title Holders Aboriginal Corporation (RNTBC) ('Yawuru RNTBC') and extends to the Low Water Mark.

A 'vehicle' is defined under the *Control of Vehicles (Off-Road Areas) Act 1978* as 'a vehicle that is propelled by an engine or other mechanical source of power'. A quad bike is considered a 'vehicle' under this definition and hence quad bike tours in the 'Off Road Vehicle Access Prohibited Area' cannot be supported.

The area to the north of the Cable Beach public vehicle access ramp is also designated as an 'Off Road Vehicle Prohibited Area', however the prohibited area extends to the High Water Mark only. This means that quad bike tours could be supported in the Intertidal zone. **Attachment 1** shows the off-road vehicle prohibited areas.

The Shire's Policy 4.5.3 – Commercial Activities on Cable Beach (Policy 4.5.3) is explicit in its description of the geographic area in which the policy applies. It states:

Area of Application of the Policy

This policy applies to that portion of Cable Beach between a point formed by the westerly prolongation of Murray Road to the low water mark and a point located 500m north of the vehicle entry ramp adjacent to the Broome Surf Club. Commercial activities are to be conducted in this area of Cable Beach between the high and low water mark as indicated on the approved map.

Attachment 2 shows the area to which the policy applies.

The proposed tours will enter the policy area for approximately 130m as they disembark from the access ramp and proceed north to Reserve 28650 and 50994. Bookings, collection of payment, participant drop off and safety inductions, and stopping points will all occur outside the policy area. For this reason, officers consider that Policy 4.5.3 does not apply to proposed activity. As a result, the proposed activity should be assessed under Policy 4.2.12 – Trading in Public Places (Policy 4.2.12).

Land Tenure

The base for the proposed quad tours will be the Cable Beach Road West Road Reserve outside the former Crocodile Park. However in the course of operation the tours will traverse a number of reserves under the care and control of the Shire of Broome, including 36477, 50994 and 51162 and the Kimberley Port Authority reserve 28650. The Management Orders for the relevant reserves list the purposes of the reserves as follows:

Reserve 28650 – Harbour Purposes

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Reserve 36477 – Recreation, Parking and Drainage

Reserve 50994 – Conservation, Recreation, Use and Benefit of Aboriginal Inhabitants

Reserve 51162 – Conservation, Culture, Recreation

Reserves 50944 and 51162 form part of the Yawuru Conservation Estate (YCE) and have joint management orders favouring the Shire of Broome and Yawuru RNTBC. Reserve 28650 has a management order favouring the Kimberley Port Authority. Policy 4.2.12 states that 'applications for trading are to be accompanied by a supporting statement of the land owner and occupier on which the trading activity is to occur.' To date no support from Yawuru Park Council or the Kimberley Port Authority has been provided. Officers consider that support should be obtained from the Yawuru Park Council and Kimberley Port Authority prior to the issuance of a trading licence.

Should Council support the application, it will be forwarded to the Yawuru Park Council and Kimberley Port Authority for consideration, and if considered favourably, a trading licence will be issued under Delegated Authority.

Statutory Planning Considerations

Local Planning Scheme No. 6

Clause 8.2 – Permitted Development of Local Planning Scheme No. 6 states:

Except as otherwise provided in the Scheme, for the purposes of the Scheme, the following development does not require the planning approval of the local government:

- (i) any minor development in as defined in an adopted Local Planning Policy.*

The Shire of Broome adopted a 'Minor Development' Local Planning Policy in July 2015. Under this policy, 'trading or events' are considered minor development and hence are exempted from requiring planning approval, on the condition that:

- *The activity does not involve alterations to the land or construction of permanent structure(s); and*
- *The activity is not an exclusive use or it is temporary use.*

It is considered that the proposed tours conform to the above conditions and as such planning approval is not required.

Legal and Policy Considerations

The Application has been assessed against the Shire's *Trading, Outdoor Dining and Street Entertainment Local Law 2003* ('the Local Law') and *Policy 4.2.12 – Trading in Public Places*.

Local Law

Clause 5.5 of the Local Law contains a list of application requirements. The Applicant has provided the necessary information, as required under the Local Law. Clause 5.8 outlines the responsibilities of the licensee. It is considered that the activity, if conducted as described, will not conflict with these responsibilities.

Policy 4.2.12 – Trading in Public Places

The Objectives of Policy 4.2.12 include:

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1. *To facilitate approval of Trading Licences using public places, as defined below, and therefore reducing administrative matters being placed on Council.*
2. *To protect existing levels of public amenity and safety from the impact of trading activities by adequately addressing potential risk management issues.*
3. *Maintain equity in the regulation of trading in public places by promoting fairness and certainty to traders and the community.*
4. *Protect the financial interest of ratepayers through the appropriate management of traders in public places and support development of local small business within the Shire of Broome.*

The Application is considered to comply with the objectives of the Policy, although as discussed below some conditions are required to ensure the objectives can be satisfied during operations. Variation to the policy provisions will also be required and are outlined below.

The Policy provides guidance as to matters to be considered by officers in undertaking assessment of an Application:

Before a licence can be considered, it is necessary to assess the proposed location and the impact it may have on other traders, traffic flow, pedestrians, the community and also if the proposal is likely to have a detrimental effect on established businesses close by.

Impact on Other Traders

With respect to impact on other traders, there are two locations where impact may be possible. The first is at the quad bike tour base on Cable Beach Road West Road Reserve, and the second is on the beach itself. Policy 4.2.12 states:

3. *Except in the case of an event approved in accordance with the Shire of Broome Policy Events Held on Local Government Property and Public Places, only one trading licence will be approved for trading per location at any one time.*

Broome Cycles currently operates a bike hire rental from the Cable Beach Road West Road Reserve. Allowing the quad bikes to trade in the same road reserve requires a variation of the above policy provision.

It is considered that in this case, a variation to this Policy provision could be supported for the following reasons:

- The road verge in this location is wide (approximately 37m between the property boundary and the road carriageway) and informal car parking facilities are already present in this location. This location is suitable in area to accommodate the second mobile trader (note as mentioned above, the quad bike will not be stored in this location, this area would be used for the collection of payment, participant drop off and safety inductions).
- The quad bike operation is not considered to conflict with the Broome Cycles operation as it is offering a different type of trading activity and visitor experience.

With respect to Cable Beach itself, as the quad bikes will be accessing the beach via the public vehicle access ramp, which potentially would be in proximity to the camel tours. If the quad bike tours were to commence adjacent to the camels, there would be the potential for an undesirable conflict, however this is not proposed.

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It is noted that as the access ramp is open to the public and is continually utilised by vehicles, which travel in proximity to the camels. This has long been considered an acceptable outcome and it is considered that the quad bikes will have a similar impact to vehicles. Notwithstanding this, it is recommended that should Council support the application, a condition be applied that the quad bikes are not able to stop within 30m of the camels. This is the same separation distance conditioned between the different camel operators.

Traffic Flow

The Application proposes that the quad bikes will be licenced as vehicles and will access the beach via Cable Beach Road West. This may lead to a temporary slow of traffic for approximately 250m, from the roundabout at the corner of Sanctuary Road to the Zanders car park. Temporary delays in accessing the vehicle ramp may also be experienced. It is considered that these delays are minor and can be accommodated as the tours will operate at limited times.

Amenity Considerations

Policy 4.2.12 contains a number of considerations for the issuance of trading licences. These include 'operators of mobile trading vehicles shall not create any noise or disturbance that is likely to cause a nuisance to any person in the vicinity of the mobile trader.'

Quad bikes have the potential to generate noise, however this is likely to be similar to that which would be experienced from a normal vehicle and once licensed by the Department of Transport would be permitted to utilise the road and portion of beach north of the rocks in any case. Further, the proposed tours will be guided by experienced tour guides and in this way speed of the vehicles can be limited. Further, it is recommended that if supported the trading licence is conditioned so that the quad bikes can only travel at 15km/hr while on the beach, this would limit noise and is consistent with the speed limit prescribed in the Local Law.

There may also be concern about the environmental impact of the tours. As discussed above, the tours will be restricted to between the high and low water mark so the dune environment will not be adversely affected.

Conclusion

It is considered that the proposed activity is capable of being supported and will lead to a new tourist experience in Broome. Suitable conditions are required to address potential concerns about noise, traffic and user conflict.

As discussed above, under the Shire's Policy 1.5.1 any licences within the Yawuru Conservation Estate require approval from the Shire of Broome and the Yawuru Park Council. Further as required under Policy 4.2.12 as portion of the tours will traverse land under the management of the Kimberley Port Authority, their consent must also be sought. As a result, this report recommends Council authorise the Chief Executive Officer to grant the trading licence, subject to approval from the YPC and the Kimberley Port Authority.

CONSULTATION

Nil. As set out above, should Council support the application in- principle, it is recommended the proposal be forwarded to the Yawuru Park Council for consideration.

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STATUTORY ENVIRONMENT**Local Government Act 1995****9.7. Review**

- (1) An affected person may apply to the State Administrative Tribunal for a review of a decision if the person —
- (a) has not lodged an objection to the decision; or
 - (b) has lodged an objection but, at the expiration of 35 days after it was lodged, has not been given notice in writing of how it has been decided to dispose of the objection.
- (2) If the person lodged an objection and has been given notice in writing of how it has been decided to dispose of the objection, the person may apply to the State Administrative Tribunal for a review of the decision on the objection.

8.2 Permitted Development

Except as otherwise provided in the Scheme, for the purposes of the Scheme, the following development does not require the planning approval of the local government:

- (i) any minor development in as defined in an adopted Local Planning Policy.

Trading, Outdoor Dining and Street Entertainment Local Law 2003

- 5.5 An applicant for a trading licence shall comply with subclause 2.2.2 and shall forward the application to the local government together with:
- (a) details of the number of assistants to be employed in the trading at any one time;
 - (b) a plan of the proposed location or, where the applicant proposes to go from place to place, a description of the route or area along or in which the applicant proposes to trade;
 - (c) details of the days and hours of operation;
 - (d) details of the proposed goods or services to be traded under the trading licence;
 - (e) if any stall is to be used for trading, a detailed and accurate plan and description, including dimensions, of the stall; and
 - (f) name and address of the person responsible for complying with any terms and conditions of the licence, where the applicant is a corporation.

Trading licence**5.6 A trading licence shall:**

- (a) include a licence number;
- (b) include the location, days and hours of operation and approved trading area;
- (c) detail the goods or services which can be traded under the trading licence;
- (d) limit the number of persons that may carry on trading at any time under the trading licence; and
- (e) detail any other terms and conditions imposed on the licence.

*Term and validity of licence**5.7.1 A trading licence remains valid until:*

- (a) the expiry date stated in the licence is reached;
- (b) variations are made to an existing licence, including an increase, reduction or change in the approved trading area;
- (c) the public liability insurance policy, where required as a condition of the licence, lapses, is cancelled or is no longer in operation; or
- (d) the licence is cancelled by the local government.

*5.7.2 If any of the events specified in subclause 5.7.1 occur, then an application must be made and a new trading licence issued before any trading can be carried out.**5.8.2 The licensee shall not:*

- (a) engage in or permit any trading in any goods or services other than those specified in the trading licence;
- (b) cause, permit or suffer any nuisance to exist, arise or continue on or from the approved trading area;
- (c) deposit, place or store any goods on any public place, other than on the location to which the licence applies;
- (d) obstruct the free passage of pedestrians on any footpath or pedestrian accessway;
- (e) use or display or permit to be used or displayed any advertisement, placard, poster, streamer, sign or signboard on or about the approved trading area other than price tickets or labels on that area not exceeding a total area of 0.5 square metres;
- (f) erect and maintain any signs in accordance with paragraph (e) so as to obscure any other signage on or adjacent to the approved trading area;
- (g) cry out or shout about or permit any other person to cry out or shout about any goods or services in any public place or in the approved trading area; to the detriment or nuisance to nearby traders/ stallholders.
- (h) use or permit to be used any loud hailer, microphone, amplifier or other apparatus for making or transmitting sound, on or from the approved trading area, unless approved by the local government;
- (i) use or permit to be used any record, tape, radio, bell, musical instrument or other instrument or device capable of being heard beyond the boundaries of the approved trading area unless approved by the local government;
- (j) use or permit to be used any flashing or intermittent lighting apparatus

POLICY IMPLICATIONS**Policy 4.2.12 – Trading in Public Places***Objective:*

1. To facilitate approval of Trading Licences using public places, as defined below, and therefore reducing administrative matters being placed on Council.
2. To protect existing levels of public amenity and safety from the impact of trading activities by adequately addressing potential risk management issues.
3. Maintain equity in the regulation of trading in public places by promoting fairness and certainty to traders and the community.
4. Protect the financial interest of ratepayers through appropriate management of traders in public places and support development of local small business within the Shire of Broome.

Policy:

Trading in public places allows for a variety of activities to either sell, offering for sale or hire goods and wares to the public. Before a licence can be considered, it is necessary to assess the proposed location and the impact it may have on other traders, traffic flow, pedestrians, the community and also if the proposal is likely to have a detrimental effect on established businesses close by.

Given the many unique forms and locations of products for trade proposed to the Shire of Broome, all applications for a Trading Licence are to be lodged and will be assessed in conjunction with the Trading, Outdoor Dining and Street Entertainment Local Law 2003. In addition to this, the application will be assessed on their individual merits and the information supplied in the application, in line with but not limited to the following:

1. Applications for trading are to be accompanied by a supporting statement of the land owner and/or occupier on which the trading activity is to occur.
2. The Shire of Broome will assess suitability of proposed Trading activities utilising local government owned or management land, including Broome Cemetery, Reserve 1647. This assessment will consider the consistency of the proposed activity with the land use and vesting of the parcel of land or any management order that is attached to a parcel of land.
3. Except in the case of an event approved in accordance with the Shire of Broome Policy Events Held on Local Government Property and Public Places, only one Trading Licence will be approved for trading per location at any one time.
6. Where a time restriction will be specified, the Trader must be removed from the prescribed locations within 15mins of closure and the area surrounding the Trader must be left in a clean and litter free condition.
7. Traders must comply with any lawful direction given by a Shire of Broome Authorised Officer.
9. All Trading Licence applications and renewals will be considered by the Shire of Broome in accordance with, but not limited to, the following –
 - Except in the case of mobile traders, for example, ice cream vans, the use of Shire of Broome road reserves will not be permitted for trading unless it can be shown not to adversely impact on traffic movement.
 - Trading must not impede traffic flow or cause a traffic hazard or pose a danger to the safety of the general public;
 - Trading must not prevent access to pedestrian foot paths.
 - Operators of mobile trading vehicles shall not create any noise or disturbance that is likely to cause a nuisance to any person in the vicinity of the mobile trader.
 - Trading must not conflict with existing Shire of Broome lease agreements for Shire owned premises. All trading licence applications will be referred to the Shire's Leasing Officer for cross reference;
 - Traders must obtain their own public liability insurance to the value of \$10,000,000 as they will not be covered by the Shire of Broome's insurance policy.

Local Planning Policy 8.30 – Minor Development

Table 1 - Minor Development that is exempt from planning approval

Chairperson..... Date.....

Development Type Description	Example Image	Conditions that apply These are in addition to the Prerequisites listed above
Trading or Events The use of any land which is approved through a license or permit issued under a local law		<ul style="list-style-type: none"> • The activity does not involve alterations to the land or construction of permanent structure(s); and • The activity is not an exclusive use or it is temporary use

Policy 1.5.1 – Yawuru Park Council Representation

Shire Representation

Following Local Government elections every two years the Shire of Broome appoints three representatives and three proxy representatives to the Yawuru Park Council.

The management orders for the In Town Conservation Estate are not made in favour of the Park Council, but jointly in favour of the Yawuru RNTBC and the Shire. The Yawuru Park Council is the governance structure within which the joint management is manifested. Council members appointed to the Yawuru Park Council, are appointed to represent the position and the interests of the Shire of Broome.

5. Licences, Leases

Decisions which affect the legal rights of third parties in relation to the land, such as whether to grant a lease or licence to someone for the use of jointly managed land within the Conservation Estate requires a resolution of the Council of the Shire of Broome and the Park Council.

FINANCIAL IMPLICATIONS

Under Council's adopted fees and charges a licence fee is applied to trading in a public place. The annual fee is \$1,540.00 which must be paid prior to the licence being issued.

The *Local Government Act 1995* allows an Applicant to appeal a decision of Council, either in writing to the local government or by application for review by the State Administrative Tribunal. Should Council refuse to support the Application, the Applicant may seek review and the Shire will likely incur costs in responding to such a review.

RISK

There are a few risks associated with this application.

1. Injury to tour participants and / or members of the public

As required under the Shire's Policy 4.2.12 the Applicant must supply evidence of public liability insurance to the amount on \$10 million prior to the issuance of the licence. The Applicant has supplied a Risk Management Plan and Occupational Health and Safety Plan detailing measures to be implemented to reduce risk and address issues should they occur. It is considered that these measures reduce the risk to a tolerable level.

Chairperson..... Date.....

2. Conflicts with Camel Operators

A condition recommending that quads are separated from the camels by a distance of 30 m is proposed. Vehicles routinely share the beach with the camel operators and the risk posed by quad bikes is considered similar to that of vehicles.

3. Environmental Impact

There is a risk that the tours may have an impact on the environment. However, as discussed above, as with all off-road vehicles, the tours will only be permitted between the high and low water mark. The dune environment will not be affected.

STRATEGIC IMPLICATIONS

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

Accessible and safe community spaces

Participation in recreational activity

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:

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

1. *Requests the Chief Executive Officer to forward the Application and this resolution to Yawuru Park Council and Kimberley Port Authority for their consideration.*
2. *Subject to the consent of Yawuru Park Council and Kimberley Port Authority being obtained, the Chief Executive Officer is authorised to issue the trading licence to Dave Evans of Broome Quad Tours on Part Cable Beach Road West road reserve, Part Reserve 28650, Part Reserve 36477, Part Reserve 50994 and Part Reserve 51162 to conduct quad bike tours daily, subject to the following special conditions:*
 - (a) *Quad bike tours are permitted between the high and low water mark north of the vehicle access ramp on Reserve 36477 to Willie Creek and must remain at all times a distance of 10m from the base of the sand dunes.*
 - (b) *Licensee shall comply with all relevant legislation and Shire laws.*
 - (c) *Quad bike tours are restricted to a maximum speed of 15 km/hr while travelling along Cable Beach.*
 - (d) *The applicant must at all times take out and maintain public liability insurance cover which indemnifies the Shire of Broome against any claim of*

Chairperson..... Date.....

compensation to the value of \$10 million at all times.

- (e) The Shire of Broome reserves the right to vary licence conditions as required, or to revoke this licence at any stage in accordance with the Trading, Outdoor Dining and Street Entertainment Local Law 2003.
- (f) A maximum of 18 quad bikes are to be used in conjunction with the activity.
- (g) A maximum of 3 tours to be conducted per day.
- (h) Quad bike tours are to remain a minimum of 30m at all times from the camel tours operating on Cable Beach.
- (i) The trading licence is valid from a period of 12 months from the date of this approval.
- (j) The licensee must immediately comply with any lawful direction given at anytime by the Chief Executive Officer of the Shire of Broome or his or her delegate, or an Authorised Officer, including the Shire of Broome Rangers.
- (k) The licensee must maintain and adhere to, during the period of the licence, all procedures, policies, licenses and accreditation outlined in its licence application and allow the Shire officers, at any time, to inspect and verify that the use and currency of those procedures, policies, licences and accreditation are current and in place.

Cr C Mitchell moved the following motion:

That Council defer consideration of this item in order to workshop issues of risk with Council regarding the application.

Cr G Campbell foreshadowed he would speak against should this motion be seconded.

Cr P Matsumoto seconded the motion

COUNCIL MOTION:

Moved: Cr C Mitchell

Seconded: Cr P Matsumoto

That Council defer consideration of this item in order to workshop issues of risk with Council regarding the application.

**FOR: 3
AGAINST: 5
MOTION LOST**

COUNCIL RESOLUTION:

Moved: Cr G Campbell

Seconded: Cr A Poelina

That Council:

- 1. Write to the proponent and apologise for the delay.***
- 2. Advise the proponent of the process that is required to progress this application.***

3. ***Advise all agencies and partners as to the application and seek their views.***
4. ***Request the Chief Executive Officer to present a report back to Council for consideration of the matter.***
5. ***Request the Chief Executive Officer to arrange for a Special meeting of the Yawuru Park Council be held within the statutory timeframe for this item to be considered.***

CARRIED UNANIMOUSLY 8/0

Reason: *consideration of risk and to allow consultation with Yawuru*

Attachments

1. Attachment 1 - Off Road Vehicles Prohibited Areas Map
2. Attachment 2 - Policy 5.4.3 Extents

9.2.3 PROPOSED RESTAURANT AND RECEPTION CENTRE

LOCATION/ADDRESS:	Lot 154 Willie Creek Road, Waterbank
APPLICANT:	Willie Creek Pearl Farm Pty Ltd
FILE:	WIL-2/LT154
AUTHOR:	Planning Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil.
DATE OF REPORT:	28 August 2015

SUMMARY: An application for Planning Approval has been received for a 'Restaurant' and 'Reception Centre' land-use at Willie Creek Pearl Farm. Planning Approval is required as the Special Use provisions applicable to the lot under Local Planning Scheme No.6 (LPS 6) do not specifically identify a 'Restaurant' or 'Reception Centre' as permitted uses. Additionally, the application proposes to vary the parking provision requirements of Schedule 16 of LPS 6 and is therefore presented to Council for consideration.

This report recommends that Council approve the application subject to conditions.

BACKGROUNDPrevious Considerations

Nil.

Site and Surrounds

The subject site, Lot 154 Willie Creek Road, is located 2 kms south of Manari Road, approximately 38kms by road north of Broome. The site adjoins Unallocated Crown Land and land designated as 'Coastal Reserve' under Local Planning Scheme 6 (LPS 6). Vehicular access to the site is obtained via an unsealed, non-gazetted, road connection to Manari Road. Potable water is available for the existing land-use via a desalination system on-site.

Background – Land Use & Tenure

Lot 154 was formerly subject to a lease agreement granted by Department of Lands Administration in 1999 for 'Pearl Farm' and associated 'Interpretive Tourism' activities. The site was designated as 'Special Purpose – Pearl Farm' under Town Planning Scheme No.3 and under Town Planning Scheme No.4, the Use designation was amended to 'Special Use – Pearl Farm' with permitted uses specified as 'Pearl Farm', 'Tourist Display', 'Office', 'Shop', 'Caretaker Accommodation', and 'Associated Uses'.

Under the current Local Planning Scheme No.6, the site is designated as 'Special Use – Pearl Farm', with land-use permissibility and development requirements at the discretion of Council. Willie Creek Pearl Farm currently operates tourism activities on-site, with an existing 'kiosk' granted relevant Planning and Health approvals in 2005/2006.

Department of Lands (DoL) granted a ten year lease to Willie Creek Pearl Farm on 1st January 2006 for the use of Lot 154. Correspondence on file from State Land Services dated 30 November 2009 indicates that a 1.536 hectare portion of reserve land adjacent

Chairperson..... Date.....

to Lot 154 is currently utilised by Willie Creek Pearls for parking and is the subject of a lease agreement with DoL.

Vehicular Access

Vehicular access to Lot 154 Willie Creek Road is obtained via a non-gazetted and unsealed 2km road connection to Manari Road. The subject road is designated as unallocated crown land and, as such, is non-vested Crown land. Accordingly, the Shire bears no responsibility for maintenance of this portion of road.

The Proposal

The Shire on 3 August 2015 received an application for planning approval for a 'Restaurant' and 'Reception Centre' as summarised below:

- The 'Restaurant' activity will comprise approximately 120sqm of existing floor-space;
- It is envisaged that the 'Reception Centre' activity will utilise the restaurant area, in addition to landscaped outdoor areas appurtenant to the restaurant;
- The 'Reception Centre' use could cater up to a maximum of 225 persons in accordance with limitations applicable under the Building Code of Australia;
- Parking will be available within the existing adjacent car park, with sufficient space for 31 car bays and 2 bus parking bays in accordance with relevant Australian Standards of vehicle manoeuvrability;
- The applicant has detailed that a shuttle bus service currently operates for visitors to the site, with additional services proposed to be available for functions associated with the reception centre;
- The proposed hours of trade for the 'Restaurant' and 'Reception Centre' will be 6am to 12am Monday to Thursday, 6am to 1am Friday and Saturday, and 6am to 10pm on Sundays;
- No new structures or additional floor-space are proposed to facilitate the use of the site for a 'Restaurant' and 'Reception Centre'.

The application seeks approval for a variation to the parking requirements of Schedule 16 of LPS 6. A determination of the proposed variation to parking provision requires consideration for the suitability of the land-use with reference to objectives of the Local Planning Strategy (LPS), Local Planning Scheme 6 (LPS 6) and in particular, matters to be considered under Clause 10.2 of LPS 6. A discussion of proposed parking arrangements are presented below.

COMMENT

Land-Use - Local Planning Strategy & LPS 6

With reference to the permissibility of 'Tourist Development' and 'Associated Uses' historically ascribed to the site under former Town Planning Scheme No.4, and the 'tourist node' objectives for the subject location as set out under the Local Planning Strategy (LPS); it is considered that a 'Restaurant' and 'Reception Centre' land-use activity will be consistent with the land-use and strategic tourism development goals for the location.

In view of this, the application is consistent with the provisions of LPS 6 clauses 10.2 (b) and (i) insofar as the proposal will provide for orderly and proper planning as the proposed development is considered compatible with its setting.

Parking Availability & Vehicular Traffic

The application seeks a variation to the provision of car parking as required under Schedule 16 of LPS 6 and LPP 8.16. An assessment of these requirements is set out in the table below:

Schedule 16 of LPS 6 – Parking Requirements	Required / Proposed
Restaurant – 1 bay per 4sqm of dining area	120sqm dining area proposed therefore 30 bays required The application proposes 31 bays
Reception Centre (Public Assembly) – 1 bay per 4 persons	A maximum of 225 persons may be accommodated on-site under the BCA. An assessment of parking requirements for the 'Public Assembly/Reception Centre' use, less the restaurant seating capacity of 80 persons, is based on 145 persons. Therefore an additional 37 parking bays are required to service the 'Reception Centre' over and above the restaurant use at a rate of 1 bay per 4 persons. The application proposes 2 Bus bays.
Total Parking Bays required	67 Parking bays required The application proposes 31 car bays plus 2 Bus bays proposed.

As noted from the table above the proposed 'Restaurant' use requires the provision of 30 parking bays whilst the 'Reception Centre' use requires an additional 37 parking bays. Therefore based on the maximum capacity of the site under the BCA, the proposed land uses would require a total of 67 bays.

Though the use of the site for a 'Restaurant' and 'Reception Centre' will inevitably involve additional visitation and vehicular traffic to the property, an assessment of the submitted plans demonstrates that there is sufficient space within the existing car parking area to accommodate 31 car bays plus 2-3 bus parking bays. The applicant has detailed that a shuttle service operated by Willie Creek Pearls provides transport to and from the site at four different times each day to cater for visitors. To address the shortfall in parking provision, the shuttle service would also be extended to cater for functions associated with the 'Reception Centre' use.

On this basis it is considered that the proposed parking arrangements will be sufficient to meet the expected needs of the proposed land uses, and to this extent it is recommended that a condition be placed on the planning approval to require a Parking

Management Plan and for the shuttle service to be operated to cater for the 'Reception Centre' use.

Road Access

The availability of a shuttle transport service for visitors will also go some way towards limiting the expected increase in vehicular traffic along Manari Road. This is considered to effectively mitigate the need for upgrades to the existing road network and will satisfy clause 10.2 (r) of LPS 6 in relation to traffic generated by the development.

Though no additional upgrades are recommended to the existing road network, it is recommended that a condition of approval be included setting out that the applicant accepts responsibility for all maintenance and any upgrades to the 2km section of road providing access to the site from Manari Road.

Conclusion

Further to the above rationale, and with reference to matters to be considered under Clause 10.2 of LPS6, the development as proposed:

- will not generate visual impacts upon the amenity of the locality associated with built form, and is considered compatible with the existing land-use on-site and with its settings, satisfying clause 10.2 (o);
- will not impact upon the natural environment or upon the cultural significance of the locality, satisfying clause 10.2 (k), (l) and (y); and
- complements land-use, and particularly tourism objectives for the location as set out under the Local Planning Strategy, and is therefore considered to be in keeping with orderly and proper planning further to clause 10.2 (b) and (i).

Accordingly, this report recommends that Council approve the application subject to conditions.

CONSULTATION

Local Planning Policy 8.23 – Public Consultation Planning Matters

Level A – No Consultation

1.5 No consultation will occur where the proposal:

- i. is determined as having no predictable detrimental impact on the character or amenity of the immediate or general locality likely; and*
- ii. is not required under Clause 9.4.1 of LPS6; or*
- iii. has previously occurred and only minor modifications or modifications that address previous concerns raised are proposed.*

With reference to the above provisions of LPP 8.23, on the basis that the current application relates to an existing land-use activity for which no physical construction is proposed, the land use activity can be entertained under the sites Special Use zoning; and as Clause 9.4.1 of LPS 6 does not require consultation; it was considered that consultation with adjoining land-owners is not required. The closest residence to the site is approximately 1.2km away and there are no other sensitive land uses within immediate proximity to the site that are considered likely to be impacted by the proposal from an amenity perspective.

Chairperson..... Date.....

STATUTORY ENVIRONMENT*Planning & Development Act 2005**Local Planning Strategy**Local Planning Scheme No.6*

- 4.21 Special Use Zones
 - 4.21.1 Special Use Zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.
 - 4.21.2 A person must not use any land, or any structure or buildings on land in a Special Use Zone, except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.
- 5.7 Car parking
 - 5.7.1 Land within the Scheme area shall not be used or developed for any purposes unless car parking bays, bicycle racks and motorcycle bays are provided on site in accordance with Schedule 16.
- 10.2 Matters to be considered by local government
 - 10.2.1 The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application –
 - (a) the aims and provisions of the Scheme and any other relevant local planning schemes operating within the Scheme area;
 - (b) the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
 - (f) any Local Planning Policy adopted by the local government under clause 2.4;
 - (i) the compatibility of a use or development with its setting;
 - (j) any social issues that have an effect on the amenity of the locality;
 - (k) the cultural significance of any place or area affected by the development;
 - (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
 - (m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire, Acid Sulphate Soils or any other risk.
 - (n) the preservation of the amenity of the locality;
 - (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely

- effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) whether the proposed means of access to and egress
 - (q) from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
 - (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
 - (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
 - (t) whether public utility services are available and adequate for the proposal;
 - (u) whether adequate provision is made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
 - (v) whether adequate provision has been made for access by disabled persons;
 - (y) whether the proposal is likely to cause soil erosion or land degradation, or adversely impact on water quality;
 - (bb) the comments or submissions received from any authority consulted under clause 10.1.1;
 - (ee) any other planning consideration the local government considers relevant.

POLICY IMPLICATIONS

Local Planning Policy 8.16 – Parking

FINANCIAL IMPLICATIONS

Nil.

RISK

It is noted that should a determination of the application not be made within required statutory timeframes, the application may be deemed to be refused. In the event that the application is deemed to be refused, the applicant may apply to the State Administrative Tribunal for a review of the application.

As noted in the 'Background' section of this report, the subject site utilises a non-gazetted and unvested road for vehicular access. With a view to mitigating any risk of liability on the part of the Shire, it is recommended that a condition of Planning Approval be included clearly setting out the applicant's responsibility for maintenance of this portion of road.

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

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

VOTING REQUIREMENTS

Chairperson..... Date.....

Simple Majority

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

That Council approves the application for Planning Approval for a 'Restaurant' and 'Reception Centre' Use at Lot 154 Willie Creek Road, Waterbank, subject to compliance with the following conditions:

- 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 and Specifications –

P1 (Site Plan), & P2 (Floor Plan) as received by the Shire 3 August 2015.

- 2. Prior to the commencement of the use on-site, the car parking area must be upgraded to a cracker dust finish and therein maintained at the applicants cost to the satisfaction of the Shire of Broome.**
- 3. A maximum of 225 persons can be in attendance on-site at any one time.**
- 4. Prior to the commencement of the use on-site, the applicant must submit for approval by the Shire of Broome a Parking Management Plan. The Parking Management Plan is to detail provision of shuttle bus service (s) for any activity catering to more than 80 persons on-site. Any actions within the Parking Management Plan must be complied with at all times.**
- 5. It is the applicant's responsibility to maintain the access track between the site and Manari Road.**

ADVICE NOTES

- a. This approval does not permit the use of the land and or any building or undertaking of development unless all conditions have been and continue to be complied with. You are advised of the need to comply with the requirements of the following other legislation:**

- The Western Australian Building Act 2011 requires a Building Permit being obtained from the Shire before any work commences on site; and**
- Health Act 1911 and Department requirements in respect to the development and use of the premises.**

Please note the above is not an exhaustive list of legislation and you may be required to comply with other relevant legislation.

- b. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)**
- c. The granting of this Planning Approval is not a clearance that there are no Aboriginal Heritage Sites on the land nor is it an approval under Section 18 of the Aboriginal Heritage Act, in the event that there is an Aboriginal Heritage Site on the land. The land owner will need to make enquiry and application to the Department of Aboriginal Affairs in this regard.**

CARRIED UNANIMOUSLY 8/0

Attachments

- 1. Attachment 1 - Site and Floor Plan
- 2. Site Plan 1

With regard to Item 9.2.4 Cr D Male declared a Financial Interest as “An associated company trading from the address is a client of my business” and departed the Chambers at 5.46pm.

9.2.4 RFF AUSTRALIA PTY LTD (OLD BROOME LOCK UP)

LOCATION/ADDRESS:	LOT 1, 22 CARNARVON STREET BROOME
APPLICANT:	RFF AUSTRALIA PTY LTD
FILE:	LSS062
AUTHOR:	Property Administration Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	24 September 2015

SUMMARY: The LOT 1 No.22 Carnarvon Street 'The Old Broome Lock-up' lease expired on 1 September 2015. RFF Australia Pty Ltd has indicated that they wish to exercise the option to renew the lease for a further term of 3 years with a consideration of Council to enter into an additional 10 year term.

This report recommends approving the option to renew the lease for a further term of 3 years.

BACKGROUND

Previous Considerations

OMC 16 December 1997	Item 8.9
OMC 15 June 1999	Item 9.1.2
OMC 1 November 2002	Item 9.5.2
OMC 15 June 2004	Item 9.1.7
OMC 3 November 2005	Item 9.5.2
OMC 30 September 2010	Item 9.3.4
OMC 16 May 2013	Item 9.4.4
OMC 25 June 2015	Item 9.2.2

The building commonly referred to as the Old Broome Lockup at LOT 1 NO.22 Carnarvon Street, Broome is on a freehold parcel of land owned by the Shire of Broome. It is currently leased by RFF Australia Pty Ltd as a management consultancy business.

LOT 1 NO.22 Carnarvon Street is a 318sqm site located on the western side of Carnarvon Street within the 'Town Centre' zone. This site falls under the Chinatown Development Strategy area and features the State Heritage Listed 'Old Broome Lock Up' and "Boab Tree" and is also classified on the National Trust list.

This building was constructed in 1895 in association with the original Broome Police Station, which stood on the corner of Napier Terrace and Carnarvon Street. While other buildings were demolished, The Old Broome Lock Up has remained. This site is now operated as an office space and restaurant. Council resolved to grant planning approval at OMC on 25 June 2015 to allow for additional usage as a restaurant which has allowed for improved public access to these heritage sites. RFF Australia's Old Broome Lock Up Cafe has

improved activation of the southern end of Carnarvon Street and reactivated the historical site through a low impact development.

RFF Australia plan to continue to contribute to the activation of Chinatown whilst enhancing opportunities for historical tourism in Broome. To achieve these goals they wish to secure long term tenure over this site.

COMMENT

RFF Australia Pty Ltd has indicated that they wish to exercise the option to renew the lease for a further term of 3 years with a consideration of Council to enter into an additional 10 year term.

The following options are presented for the consideration of Council:

OPTION 1 - Exercise option to renew lease for a further term of 3 years.

The current lease on LOT 1 NO.22 Carnarvon Street expired on 1 September 2015 with an option to renew for a further term of 3 years. Email correspondence dated 16 March 2015 was received from the lessee who indicated that they wished to exercise the option of a further 3 year term. A market valuation as per Clause 5 of the lease allows a market valuation to be carried out in August 2016 within the existing lease.

OPTION 2 - Private disposition to negotiate new lease for a 10 year term.

RFF Australia has requested via email correspondence on the 23 June and 26 August 2015 a consideration of Council to enter into an additional 10 year lease term. This could be achieved through a private disposition as per Local Government Act 1995 Section 3.58, to allow a new lease for a 10 year term.

For Council to consider the option of a new lease, the existing lease would need to be surrendered by RFF Australia Pty Ltd. To enter into a private disposition with RFF Australia, a market valuation would be carried out prior to public advertisement. Council would advertise the disposition of the demised area and seek public comment for a period no less than 2 weeks.

Any submissions received would be assessed, evaluated and a report submitted to Council. If no submissions are received, then Officers request Council give authority for the Chief Executive Officer and the Shire President to negotiate a new lease with RFF Australia Pty Ltd for a term of 10 years.

SUMMARY

RFF Australia has invested capital into the established offices and now a restaurant at the site. RFF have met all planning requirements and have to date fulfilled all obligations under the current lease. Officers recommend that Council exercise the option to renew the existing lease for a further term of 3 years.

Officers recommend that Council consider developing a policy to guide consideration of property disposal under private disposition as per Local Government Act 1995 Section 3.58.

CONSULTATION

Heritage

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

China Town Redevelopment Plan

Chairperson..... Date.....

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

STATUTORY ENVIRONMENT

Local Government Act 1995

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.*

Chairperson..... Date.....

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

OPTION 1 - Exercise Option to renew lease for a further term of 3 years.

Current net rental based on an approximate lease site of 318m² with a NLA of 65 m² is \$10,400 p.a. plus outgoings. These figures are exclusive of GST.

A market valuation as per Clause 5 of the lease allows a market valuation to be carried out in August 2016 with the existing lease.

RFF Australia Pty Ltd being responsible for all associated costs for the preparation of lease documents.

OPTION 2 - Private disposition to negotiate new lease for a 10 year term.

If Council resolve to enter into a private disposition with RFF Australia, then a market valuation will be carried out prior to public advertisement as detailed in Local Government Act 1995, Section 3.58.

RFF Australia Pty Ltd being responsible for all associated costs, including valuation and preparation of lease documents.

RISK

OPTION 1 - Exercise Option to renew lease for a further term of 3 years.

Low risk to the Shire of Broome as this is a continuation of the lease and rental income is maintained.

OPTION 2 - Private disposition to negotiate new lease for a 10 year term.

Members of the community could criticise the Shire if they perceive the process has not been conducted in a transparent manner providing opportunities for other local business's to utilise this site. This poses a medium risk to the Shire as a private disposition policy has not been adopted by council to guide this process. The development of a Policy would reduce this to a low risk.

STRATEGIC IMPLICATIONS

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

Affordable services and initiatives to satisfy community need

Participation in recreational activity

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 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:

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

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr H Tracey

Seconded: Cr M Manado

That Council,

- 1. Agrees to the request from RFF Pty Ltd to exercise the option to renew the lease for a further term of 3 years for LOT 1. 22 Carnarvon Street and authorise the Chief Executive Officer and Shire President to engross the extension to lease documents.**
- 2. Request the Chief Executive Officer to develop a policy to guide consideration of property disposal under private disposition as per Local Government Act 1995 Section 3.58.**

CARRIED UNANIMOUSLY 7/0

Cr D Male returned to the Chambers at 5.48pm and the Chairperson read aloud the resolution for the benefit of Cr D Male.

Attachments

Nil

With regard to Item 9.2.5 Cr M Manado disclosed that “ I have an association with Yawuru PBC ordinary member. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

9.2.5 YAWURU PARK COUNCIL - DRAFT 2015/16 YAWURU CONSERVATION ESTATE BUDGET

LOCATION/ADDRESS: Yawuru Conservation Estate
APPLICANT: Yawuru Park Council
FILE: NAT55; NAT55.1
AUTHOR: Coastal Park Governance Officer
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director of Engineering Services
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 16 September 2015

SUMMARY: The Department of Parks and Wildlife presented the draft 2015/16 Yawuru Conservation Estate Budget, the July 2015 Yawuru Trust Account and the Yawuru Park Council 2014/15 Statement of Income and Expense to the Yawuru Park Council Senior Officers Group for review on 4 September 2015.

This report recommends that Council notes the July 2015 Yawuru Trust Account and the Yawuru Park Council 2014/15 Statement of Income and Expense.

The report also recommends that Council endorse the draft 2015/16 Yawuru Conservation Estate Budget with a reduced scope of work for the Gurlbanwila (Dog Rocks) Project and request the Yawuru Park Council to develop a 5 year Yawuru Conservation Estate Capital Works Program.

BACKGROUND

Previous Considerations

Yawuru Conservation Estate	OMC	27 November 2014	Item 10.2
	OMC	29 October 2009	Item 9.1.1
Yawuru Park Council Representation	OMC	22 May 2014	Item 10.2
	OMC	21 November 2013	Item 9.4.6
	OMC	30 September 2010	Item 9.1.1
Yawuru Park Council Budget	SMC	12 May 2015	Item 7.1
In Town Management Plan	OMC	21 February 2013	Item 9.2.13
	OMC	19 April 2012	Item 9.2.4
	OMC	15 March 2011	Item 9.4.8
Out of Town Management Plan	OMC	29 May 2013	Item 9.2.1
	OMC	4 October 2012	Item 9.2.1

In 2010, the Indigenous Land Use Agreements (ILUA) between the State and Yawuru were registered and executed. Included in the Agreements were new areas of Conservation

Chairperson..... Date.....

Estate to be jointly managed in a variety of management regimes by Yawuru NBY, the Department of Parks and Wildlife (DPaW) and the Shire of Broome (SoB). Areas included the proposed Roebuck Bay Marine Park, intertidal and land based areas outside of the Broome Townsite, as well as areas within the Broome Townsite. Management of the new areas of the Yawuru Conservation Estate (YCE) is overseen by the Yawuru Park Council (YPC) which comprises three representatives each from Yawuru NBY, DPaW and the SoB. The State Government provided a budget for the YCE of \$11,500,000 over a 4 year period from 2010/11 to 2013/14.

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

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

COMMENT

At 31 July 2015, there was \$4,515,444 remaining in the Yawuru Trust Account. These current Yawuru ILUA funds are anticipated to extend past the funding timeframe by approximately three financial years to 2016/17. After this time it is unknown how the joint management arrangement will continue to be funded. Further external funding opportunities will need to be sought to boost the Yawuru ILUA funds, particularly for capital works which includes access and facility improvements.

Attachment A: Yawuru Trust Account Summary (at July 2015)

- At the end of July 2015, there was \$4,515,444 remaining in the Yawuru Trust Account for the management of the whole of the Yawuru Conservation Estate.

Attachment B: Yawuru Trust Account - Financial Report (at July 2015 by Activity/Project)

- The Department of Parks and Wildlife have reformatted the Chart of Accounts to provide an overview of each Expense by Activity/Project.

Attachment C: Yawuru Park Council - Statement of Income & Expenditure (For Year ended 30 June 2015)

Chairperson..... Date.....

- This attachment provides the Yawuru Park Council – Statement of Income & Expenditure for the Year ended 30 June 2015, with revenue of \$127,739 and expenditure of \$1,214,817 resulting in a net expense of \$1,087,078.

The draft 2015/16 YCE Budget has been prepared by DPaW and provided to Yawuru Park Council members for consideration. It also separates the existing Joint YCE Management Funds into budget areas such as Yawuru, In Town Reserves, Out of Town Reserves, Park Council and Marine.

The draft 2015/16 YCE Budget was presented to and endorsed by the Yawuru NBY Board in August 2015.

DPaW presented the draft 2015/16 YCE Budget to the Yawuru Park Council Senior Officers Group (YPC SOG) for information on 4 September 2015.

Attachment D: Draft Yawuru Conservation Estate Budget – Financial Year 2015/16 (Condensed)

- This attachment has been developed to provide a condensed overview of proposed budget spend for each Budget Area and associated Activity/Project (i.e. Yawuru, In Town Reserves, Out of Town Reserves, Park Council and Marine).

Attachment E: Draft Yawuru Conservation Estate Budget– Financial Year 2015/16

- This attachment provides a detailed overview and description of the draft 2015/16 Budget and a comparison with budgets from previous financial years.

The proposed draft Budget total expenditure for the 2015/16 financial year is \$ 2,940,787.

Proposed Capital Works in draft YCE 2015/16 Budget

Proposed Capital Works projects noted in the draft YCE 2015/16 budget are as follows:-

- Minyirr Park Staircase and Lookout

Proposed Budget: \$231,682 (carry over project from 2014/15)

This project was funded by \$100,000 Lotteries West Grant and \$50,000 of developer contributions from the Six Season Subdivision. \$81,682 was funded by Yawuru ILUA funds.

- Simpson Beach Carpark and Access

Proposed Budget: \$203,304

This project was given a very high priority by the YPC as the existing access to Simpson Beach has been blocked by development undertaken by the Kimberley Port Authority on the eastern side of Port Drive.

- Site Improvements – Gurlbanwila (Dog Rocks)

Proposed Budget: \$971,775

The boat launching track is badly eroded and the parking capacity above beach is limited. The proposed site improvement works will stabilising the boat launching track and provide additional parking.

It should be noted that Gurlbanwila (Dog Rocks) is also known as Sabu Rocks/ Blackberry Tree and is located on the Man-Gulagun Rd to the southwest of the Broome Bird Observatory.

All three projects are in line with the Draft Recreation Master Plan which DPaW has developed for the YCE. However, Officers recommend that as there are other high priority YCE capital works projects that requiring funding, a reduced scope of work be undertaken at Gurlbanwila (Dog Rocks).

Other Potential Capital Works Projects not included in Draft YCE 2015/16 Budget

The draft YCE Recreation Master Plan identifies improvements to the various recreation nodes located both within the In Town and Out of Town Management areas. Due to very high visitor numbers, two locations at Gantheaume Pt (detailed below) have been identified by Shire Officers for YCE capital works funding.

- Gantheaume Point Beach Access

There is no definition to the parking area above the beach. Pedestrian and horse accesses are eroded, in poor condition and do not cater for current capacity. The vehicle access track to the beach is prone to erosion during wet season and is narrow with poor sight distance at the northern end immediate prior to beach.

The proposed scope of capital work includes:-

- formalise car parking above beach,
- parking area for boat trailers,
- formalise/improve vehicle access track to beach,
- replace management and interpretative signage, and
- provide dedicated pedestrian/horse access to beach.

- Minyirr (Gantheaume Point)

Site presentation is tired including interpretation signage, risk signage and toilet facility. Parking capacity is limited. Visitor risk management issues with cliff and coast. No defined end point or dedicated lookout opportunity.

The proposed scope of capital works includes:-

- increase capacity of parking area,
- replace interpretative signage and install additional signage,
- remove toilet facility and replace with increased capacity toilet facility,
- provide universal access path to lookout at Gantheaume Pt, and
- address cliff risk through fencing and signage.

YCE 5 Year Capital Works Program

The Draft YCE Recreation Master Plan has identified 10 recreation nodes and extensive walking trails within the In town Conservation Estate Area and 16 recreation nodes within the Out of Town Conservation Estate Area. With such a large number of recreation nodes requiring fund for upgrading, a 5 Year YCE Capital Works Program needs to be developed. To prioritise the development of the various recreation nodes, a project

Chairperson..... Date.....

prioritisation assessment should be undertaken. A cost benefit analysis should also be undertaken on each recreation node to confirm the scope of development and appropriate allocation of YCE capital works funds.

Officers recommend that a 5 Year YCE Capital Works Program be developed using a project prioritisation assessment and a cost benefit analysis by DPaW and this Program be budgeted accordingly.

CONSULTATION

Department of Parks and Wildlife
Nyama Buru Yawuru
Yawuru Park Council (YPC)
YPC Senior Officers Group
YPC Working Group

STATUTORY ENVIRONMENT

Local Government Act 1995

Land Administration Act 1997 - Section 49

"49. Management plan for managed reserve

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

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

CALM Act (Executive Body)

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

Chairperson..... Date.....

“33. CEO, functions of

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

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

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

Dog Act 1976

Cat Act 2011

Control of Vehicles (Off-road Areas) Act 1978

Control of Vehicles (Off-road Areas) Regulations 1979

POLICY IMPLICATIONS

Shire of Broome Yawuru Park Council Policy 1.5.1.

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

ASSOCIATED DOCUMENTS

- Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015;
- Yawuru Birragun Conservation Park draft management plan 2015;
- Yawuru Prescribed Body Corporate Indigenous Land Use Agreement – Broome (Yawuru PBC ILUA), and the
- Yawuru Area Agreement Indigenous Land Use Agreement – Broome (Yawuru AA ILUA)
 - Joint Management Agreement (JMA)
 - Assistance Agreement (AA)

FINANCIAL IMPLICATIONS

The adoption of the draft 2015/16 YCE Budget with the associated capital works projects will have a significant impact on the balance remaining in the Yawuru Trust Account.

Yawuru Trust Account Balance (at 31 July 2015)	\$4,515,444
Proposed Draft 2015/16 YCE Budget	\$2,940,787

Estimate Yawuru Trust Account Balance at 30 June 2016	\$1,574,657
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The Statement of Income & Expenditure for the Year ended 30 June 2015 resulted in a net expense of \$1,087,078. As no significant capital works were undertaken in 2014/15, this expenditure primarily covered operational expenses.

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

A healthy and safe environment

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

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

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

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

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

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

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

Affordable and equitable services and infrastructure

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

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

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

Chairperson..... Date.....

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr A Poelina

That Council:

1. ***Notes the July 2015 Yawuru Trust Account Balance and the Yawuru Park Council 2014/15 Statement of Income and Expense;***
2. ***Endorses the draft 2015/16 Yawuru Conservation Estate Budget with a reduced scope for the Site Improvement Works at Gurlbanwila (Dog Rocks)***
3. ***Requests the Yawuru Park Council to develop a 5 year Yawuru Conservation Estate Capital Works Program using a project prioritisation assessment and a cost benefit analysis, and that this Program be budgeted accordingly.***
4. ***Authorises its Yawuru Park Council delegates to inform the Yawuru Park Council of this resolution.***

CARRIED UNANIMOUSLY 8/0

Attachments

1. Attachment A_Yawuru Trust Account (as at July 2015)
2. Attachment B_Yawuru - YWU - Financial Report - July 2015 by Project xls
3. Attachment C_Proposed YPC Chart of Accounts_Statement of Income and Expenditure (Year ended 30 June 2015)
4. Attachment D_Yawuru Budget FY15_16_(Condensed)
5. Attachment E_Yawuru Expenditure at 31 July 2015 with 15-16 budget

With regard to Item 9.2.6 Cr G Campbell declared a Proximity Interest as “director of company that leases property immediately adjacent to subject property” and departed the Chambers at 5.55pm.

Cr H Tracey assumed the Chair.

9.2.6 TOWN BEACH LEASE

LOCATION/ADDRESS:	PORTION RESERVE 17132 - TOWN BEACH CAFE
APPLICANT:	BRUCE AND ANNE CHAMBERLAIN
FILE:	LSS.034 AND RES 17132
AUTHOR:	Property Administration Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	NIL
DATE OF REPORT:	15 October 2015

SUMMARY:

The existing lease agreement for Town Beach Café - Portion of Reserve 17132 expires on 28 February 2016. The current tenants Bruce and Anne Chamberlain have requested to enter into a new lease arrangement.

This report recommends Council consider a new lease with Bruce and Anne Chamberlain for a period of 2 years with a 1 year option.

BACKGROUND

Previous Considerations

OMC 16 October 1990	Item 3.2
SCM 11 December 1990	Only item
OMC 16 October 1990	Item 3.2
SCM 8 May 1997	Item 4
OMC 23 March 2004	Item 9.1.5
OMC 21 December 2004	Item 9.17
OMC 25 August 2005	Item 9.4.1
OMC 18 September 2005	Changes to SCM 25 August 2005
OMC 3 November 2005	Item 9.4.3
OMC 17 December 2008	Item 9.4.7
OMC 28 October 2010	Item 9.2.6
OMC 17 February 2011	Item 9.2.5

On March 1, 2011, Council entered into a lease for the Town Beach Cafe with Bruce and Anne Chamberlain for a term of 3 years with a further 2 year term. This lease is due to expire on February 28, 2016.

Council's Old Broome Development Strategy identifies the Town Beach area as Public Open Space, and the Concept Plan provides guidance on how this area in the precinct can be enhanced. The Concept Plan identifies the following improvements for the immediate area surrounding the Town Beach Cafe:

Chairperson..... Date.....

- Jetty to Jetty foreshore path;
- Demco Beach Foreshore Path
- Improvements to Town Beach vehicle and boat trailer parking;
- Town Beach boat ramp upgrade;
- Relocation of the Town Beach cafe;
- Water Park Extension;
- Preservation of Pioneer cemetery; and
- Development of safe swimming area.

Town Beach is part of Broome's coast, forming part of the cultural, spiritual and economic lifestyle in Broome. With its constant change in look due to its tidal variations, Town Beach is the gateway to Roebuck Bay. It is also readily accessible to local residents and within safe walking distance for both children and old people, and would form part of the jetty to jetty development plan.

The Town Beach Cafe property comprises a single level detached purpose built cafe/restaurant and is situated within the Town Beach reserve and foreshore adjoining parkland/lawn area, which includes a children's playground and water park as well as public ablutions. The alfresco dining area has uninterrupted water views over Roebuck Bay.

The Town Beach Cafe is located on the Northern portion of Reserve 31340 which has an area of 8.7ha. The area is developed for recreational purposes; it contains the caravan park and also the Town Beach Cafe with a lease area of 178m².

The Reserve has a Management Order with the Shire of Broome for the purpose of "Drainage, Recreation (Bathing) and Tourist /Historical Display". The Shire is able to lease under the Management Order subject to approval being obtained in writing from the Minister for Lands to each lease or assignment of lease for a period not exceeding 21 years.

The original lease for Town Beach Cafe was undertaken under an open tender process and commenced on 5 December 2005 for an initial term of 3 years with a further 2 year option. The lease was assigned to Greisner Enterprises who exercised the 3 year term and 2 year option in accordance with the lease. The business was subsequently sold and assigned to the current lessee (Bruce and Anne Chamberlain) effective 19 January 2009.

Council considered a submission from Bruce and Anne Chamberlain for the proposed cafe on Reserve 17132 at its meeting on 17 February 2011 and resolved:

That Council having complied with Section 3.58 (3) and (4) of the Local Government Act and having received no submissions:

1. *Agrees to renew the lease of the Town Beach Kiosk/Café with Bruce and Anne Chamberlain for an initial period of three (3) years with a further two (2) year option and delegates authority to the Chief Executive Officer to negotiate the terms and conditions of the lease subject to:*
 - a) *Consent of the Minister of Lands being obtained.*
 - b) *The lease area being in accordance with the current lease agreement (café and paved shaded area and in accordance with Annexure A).*
 - c) *The initial rental being \$59,000.00 per annum plus outgoings and GST.*
 - d) *Rental increases being based on annual CPI increases, with a market rental review being carried out after three (3) years to coincide with the commencement of the two (2) year option period if exercised.*

Chairperson..... Date.....

- e) The lessee reimbursing the Shire of Broome for all legal and associated costs in preparing the lease and during the lease term.
- f) The lessee reimbursing the Shire of Broome for any market rental reviews undertaken during the term of the lease.
- g) The lessee ensuring that all relevant bylaws and regulations (Federal, State and Local Government) are complied with.
- h) The lease commencing on 1 March 2011.

2. Authorises the Shire President and Chief Executive Officer to engross the final lease documentation.

COMMENT

The existing lease agreement for Town Beach Café - Portion of Reserve 17132 expires on 28 February 2016. Officers recommend the term of a new lease be offered with a 2 year term and a 1 year option to allow Council to:-

- Investigate other development opportunities in the Town Beach Precinct as identified in the Old Broome Development Strategy
- Allow the lease to run concurrent with the Roebuck Bay Caravan Park
- Liaise with the Department of Lands regarding other potential active uses and land tenure matters within Reserve 31340.
- Maintain rental income from the existing Town Beach Cafe.

The current tenants Bruce and Anne Chamberlain have requested to enter into a new lease arrangement with the following initiatives, noted within their letter:

- 1) The Chamberlains will paint the roof at their expense.
- 2) The Chamberlains will replace the floor brickwork of the alfresco area at their expense.
- 3) In return for the capital works the Chamberlains have requested a reduction in the annual rental rate.

The following options are presented for consideration of Council:

OPTION 1 – Call Public Tenders for a new lease agreement (2 +1 year term)

The existing lease agreement for Town Beach Café - Portion of Reserve 17132 expires on 28 February 2016. Council could consider disposing of the property by calling for a public tender. This process would allow Council to consider the most appropriate submission as per Local Government Act 1995 section 3.58. It should be noted that Bruce and Anne Chamberlain can provide a submission through this process.

OPTION 2 - Private disposition to negotiate new lease (2 + 1 year term)

Council could consider disposing of the property to Bruce and Anne Chamberlain through a private disposition as per Local Government Act 1995 Section 3.58, and allow a new lease for 2 years with a 1 year option.

To enter into a private disposition with Bruce and Anne Chamberlain, a market valuation would be carried out prior to public advertisement. Council would advertise the disposition of the demised area and seek public comment for a period of no less than 2 weeks.

Any submissions received would be assessed, evaluated and a report submitted to Council. If no submissions are received, then Officers request Council give authority for the Chief Executive Officer to negotiate final terms of the new lease with Bruce and Anne Chamberlain for a period of 2 years with a 1 year option, in addition to the Chief Executive Officer and Shire President being authorised to engross the lease document.

Chairperson..... Date.....

SUMMARY

Officers recommend Council consider entering into a private disposition with Bruce and Anne Chamberlain for a term of 2 years with a 1 year option and delegate's authority to the Chief Executive Officer to negotiate the terms and conditions of the lease.

Officers consider that this option provides the best value to the Shire of Broome whilst supporting an existing local business and allowing Council time to further develop concepts contained within the Old Broome Development Strategy.

CONSULTATION

Bruce and Anne Chamberlain

STATUTORY ENVIRONMENT

Local Government Act 1995

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.]

Land Administration Act 1997

18. Various transactions relating to Crown land to be approved by Minister

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.
- (2) A person must not without authorisation under subsection (7) —
 - (a) grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a managed reserve; or
 - (b) being the holder of such a lease or licence, grant a sublease or sublicense in respect of the whole or any part of that Crown land.
- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.
- (5) The Minister may, before giving approval under this section, in writing require —
 - (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and
 - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —
 - (a) with the prior approval in writing of the Minister; or
 - (b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.
- (8) This section does not apply to a transaction relating to an interest in Crown land if —
 - (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act;
 - (b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than —
 - (i) this Act; or
 - (ii) a prescribed Act;
 - (c) an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or
 - (d) the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).

[Section 18 amended by No. 59 of 2000 s. 8(1) -(5) 5.]

Local Government Act 1995 - Shire of Broome Standing Orders Local Law 2003

Part 19 - Common Seal

19.1 The Council's Common Seal

- (2) The common seal of the Shire may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Café is an established business with an estimated income of \$62,104.68 ex GST per annum.

OPTION 1 – Call Public Tenders for a new lease agreement

The cost for WALGA to undertake a tender process is estimated at \$7,000. However, this amount has not been budgeted for in the 2015/16 annual budget. The tender process could be undertaken in house, however would result in reprioritizing other budgeted projects and may impact on deliverables, deadlines and service.

The lessee will reimburse the Shire of Broome for all costs associated with the new lease, including legal fees and a market rental review.

OPTION 2 - Private disposition to negotiate new lease

Approximate cost to undertake the public notice of the proposed disposition is estimated at \$300. This amount has been budgeted for within the 2015/16 annual budget.

The lessee will reimburse the Shire of Broome for all costs associated with the new lease, including legal fees and all market valuation costs.

RISK

OPTION 1 – Call Public Tenders for a new lease agreement

This option poses a medium risk with the possibility that no submissions are received due to the relatively short length of tenure offered, which could limit the ability of a new businesses to establish.

There is a low financial risk by engaging WALGA to undertake the tender process as this has not been budgeted for in the 2015/16 annual budget and funds would need to be found through savings in the first Quarter Financial and Cost Review.

OPTION 2 - Private disposition to negotiate new lease

Members of the community could criticise the Shire if they perceive that a tender process has not been conducted which provides opportunities for other local businesses to utilise this site.

This poses a low risk to the Shire as a private disposition is allowed under the *Local Government Act 1995*. However, the development of a Private Disposition Policy would reduce this risk to very low.

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:

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

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

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

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

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

Affordable 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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr D Male

Seconded: Cr C Mitchell

That Council in accordance with the provisions of Section 3.58(3) of the Local Government Act 1995, provides Local Public Notice of its intention of entering into a disposition for the Town Beach Café - Portion of Reserve 17132 for a term of 3 years (2 years plus an option for a further 1 year term) with Bruce and Anne Chamberlain from 28 February 2016 in accordance with option 2 subject to:

- a) Consent of the Minister of Lands being obtained.***
- b) Rental amount to be reflective of the current market valuation***
- c) Rental increases to be based on annual CPI increases***
- d) Chief Executive Officer to negotiate the rental terms with the lessee taking into consideration the market valuation of the property and the maintenance request from the tenant***
- e) The lessee reimbursing the Shire of Broome for all legal and associated costs in preparing the lease and during the lease term.***
- f) The lessee reimbursing the Shire of Broome for the market rental review undertaken during the term of the lease.***
- g) The lessee to ensure that all relevant bylaws and regulations (Federal, State or Local Government) are complied with.***

CARRIED UNANIMOUSLY 7/0

Cr G Campbell returned to the Chambers at 6.01pm and Cr H Tracey read aloud the resolution for the benefit of Cr G Campbell.

Attachments

1. Renewal of Property Lease, Town Beach Cafe Broome - dated 28 April 2015
(Confidential to Councillors and Directors Only)

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

2. Old Broome Development Strategy

3. Opteon Valuation 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)(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".

9.2.7 ADMINISTRATION OF REMOTE ACCESS ROAD FUNDS FOR BIDYADANGA COMMUNITY ACCESS

LOCATION/ADDRESS:	Bidyadanga Community Access
APPLICANT:	Nil
FILE:	BID-1/GEN
AUTHOR:	Development and Subdivision Engineer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	30 September 2015

SUMMARY: The Shire of Broome has been requested by Main Roads Western Australia to administer Remote Access Road funds for grading of the unsealed portion of the Bidyadanga Community Access.

Council has previously resolved to withdraw from any further work on Bidyadanga Community Access until such time as it is dedicated as a road.

This report recommends that the Shire administer the funds on this occasion, however, not administer any further funds until the road is formally dedicated.

BACKGROUND

Previous Considerations

OMC 19 March 2009	Item 9.5.3
OMC 28 October 2010	Item 9.4.1
OMC 17 May 2012	Item 9.4.3

Previous to 17 May 2012, the Shire of Broome accepted responsibility for both maintenance and capital roadworks on the Bidyadanga Community Access. Council initiated, paid for and constructed approximately 7.45km of sealed community access and maintained the remaining 5.45km gravel unsealed section using Remote Access Road funds, even though the Bidyadanga Community Access was not a dedicated public road.

Council resolved at the OMC 19 March 2009 to correct this anomaly by requesting the Minister to dedicate the Bidyadanga Community Access as a road.

The excision of land for a road reserve required consent from the lessees, as the access is located within the Frazier Downs pastoral leasehold. Land for the road reserve was required to be excised from the lease before the Minister could dedicate it as a "Road". The lease is held by the Karajarri Traditional Lands Association (KTLA).

The Lessees were consulted regarding the proposed dedication in 2011, and did not consent to the surrender or excision part of their pastoral lease for the purpose of the dedication of Bidyadanga Road for no financial compensation. The grading, upgrading and future maintenance of Bidyadanga Road by the Shire of Broome was not regarded by the KTLA to be valid consideration.

Whilst negotiations continued regarding the dedication of the road, the Shire continued to undertake maintenance using gravel from the gravel pit on Frazier Downs for the sole purpose of making improvements to the Bidyadanga Community Access.

In September 2010, KTLA advised the Shire that the access fee for the gravel pit had increased to \$4/m³, however no evidence to support the calculation of the new rate was provided and it was considered excessive.

Given the above, it was not considered appropriate for the Shire to continue to take an active role in the construction and maintenance of the Community Access as it was;

- not a dedicated road under the Shire's care and control;
- not a Shire asset;
- public liability risk was high, and
- it was likely to be funded under a future Bilateral Agreement for municipal services for Aboriginal communities.

In April 2012, the CEO of the Shire of Broome also consulted with the Department of the Premier and Cabinet about the matter. The Department of the Premier and Cabinet's Native Title Unit advised that the State Government did not have the authority to require the KTLA to vest the road.

Attachment 1: Correspondence between the CEO of Shire of Broome and Department of the Premier and Cabinet Native Title Unit.

At the OMC 17 May 2012, Council resolved;

That Council;

- 1) *Authorises the Chief Executive Officer to undertake further discussions with the Lessees of the Frazier Downs Pastoral Lease in relation to reaching agreement on this;*
- 2) *Withdraws from any further work on Bidyadanga Road until such time as the road is dedicated and adequate funding is made available for construction and maintenance;*
- 3) *Advises the Karijarri Traditional Lands Association, Bidyadanga Community and Funding Bodies that Council will not accept responsibility for the road as it is not a dedicated road.*

Since that time, no agreement has been reached with the Lessees regarding access to the gravel pit and the formal dedication of the road. As such, the Shire has not undertaken any maintenance or improvement works on Bidyadanga Community Access since the resolution of Council on 17 May 2012.

COMMENT

Main Road Western Australia (MRWA) was requested by the Bidyadanga Aboriginal Community to provide financial assistance for maintenance grading of the unsealed section of Bidyadanga Community Access. MRWA agreed to provide \$5000 of Remote Access Road funds to assist with the works, however are unable to pay the grant directly to Bidyadanga Aboriginal Community under their administration procedures.

As the grant can only be paid by MRWA directly to a Local Government, MRWA have requested that the Shire of Broome receive the funds from MRWA and administer the payment to the Bidyadanga Aboriginal Community.

Chairperson..... Date.....

Officers recommend that the Shire administer the 2015/2016 Remote Access Road funding for Bidyadanga Community Access on behalf of Main Roads WA on a once-off basis, and on the condition that the Shire of Broome accepts no responsibility for the work undertaken by the Bidyadanga Aboriginal Community and their contractors.

Officers also recommend Main Roads WA and the Bidyadanga Aboriginal Community are advised that no further Main Roads WA Remote Access Road funds will be administered through the Shire of Broome for Bidyadanga Community Access as it is not a dedicated road.

CONSULTATION

Main Roads WA

STATUTORY ENVIRONMENT

Land Administration Act 1997

Local Government Act 1995 - Schedule 3.2 – Particular things local governments can do on land even though it is not local government property

Section 3.27 (1)

1. *Carry out works for the drainage of land.*
2. *Do earthworks or other works on land for preventing or reducing flooding.*
3. *Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.*

Section 3.36 applies.

Section 3.27(3) applies.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire of Broome will administer the MRWA Remote Access Road funds for Bidyadanga Community Access on behalf of MRWA, and no additional funding from the Shire of Broome will be allocated.

Shire of Broome staff time to administer the funds would be covered under existing operational budgets.

RISK

The risk of not administering the funds from MRWA to Bidyadanga Aboriginal Community is considered be a "High" risk, as it would be considered "Likely" that there would be "Moderate" impact to the Shire's reputation for not providing assistance. This risk would be mitigated if the Shire agrees to administer the funds on a once-off basis to the Bidyadanga Aboriginal Community.

Chairperson..... Date.....

STRATEGIC IMPLICATIONS

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

Affordable services and initiatives to satisfy community need

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

Affordable and equitable services and infrastructure

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr A Poelina

That Council:

- 1. Notes that Bidyadanga Community Access is not a dedicated road under the care, control or management of the Shire of Broome;***
- 2. Authorises the Chief Executive Officer to administer 2015/2016 Remote Access Road funding for the Bidyadanga Community Access on behalf of Main Roads WA on a once-off basis to the Bidyadanga Aboriginal Community; on the condition that the Shire of Broome accepts no responsibility for the work undertaken by the Bidyadanga Aboriginal Community and their contractors;***
- 3. Advises Main Roads WA and the Bidyadanga Aboriginal Community that no further Main Roads WA Remote Access Road funds will be administered through the Shire of Broome for Bidyadanga Community Access as it is not a dedicated road.***

CARRIED UNANIMOUSLY 8/0

Attachments

1. Correspondence between the CEO of Shire of Broome and Department of the Premier and Cabinet Native Title Unit

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.

Chairperson..... Date.....

9.3.1 KEY WORKER HOUSING, APPLICATION OF COMMON SEAL

LOCATION/ADDRESS:	Lot 1002 Shelduck Way, Djugun
APPLICANT:	Nil
FILE:	CPR008
AUTHOR:	Special Projects Coordinator
CONTRIBUTOR/S:	Manager Economic Development
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 September 2015

SUMMARY: The Shire has recently awarded a tender for the construction of a house as part of the Key Worker Accommodation program using funds from the Country Local Government Fund. To enable the transfer of the land as part of this tender the Common Seal is required to be applied. This report seeks Councils approval for the Shire President and Chief Executive Officer to affix the Common Seal and engross all associated documentation as required.

BACKGROUNDPrevious Considerations

OMC 26 February 2015

Item 9.3.1

At the February 2015 OMC, Council authorised the calling of tenders for this project and delegated authority to the Chief Executive Officer to award tenders within a certain budget.

Tenders were called and assessed with a report provided to the Chief Executive Officer; who in turn awarded a tender to Broome Builders for the purchase of land and construction of a house within the budget allocated by Council.

COMMENT

To allow the transfer of the Deed of Title for Lot 1002 Shelduck Way, Djugun and therefore the construction of the residential dwelling to commence, the Common Seal of the Shire of Broome is required to be affixed to the transfer documentation. The affixation of the common seal and purchase of the land is consistent with previous Council decisions. Although Council delegated authority to the Chief Executive Officer to award the tender when the matter went to Council, the provision for the authorisation of the engrossment of the document was not included in the report.

The Chief Executive Officer has accepted the tender as per Council's resolution and therefore the contract to build has been entered into, however the Chief Executive Officer and Shire President require the authorisation of Council in accordance with Standing Orders to affix the seal.

CONSULTATION

Nil

Chairperson..... Date.....

STATUTORY ENVIRONMENT**9.49A. Execution of documents**

- (1) A document is duly executed by a local government if —
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
- (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A contract has now been entered into through the acceptance of the tender within the budget determined by Council.

RISK

The terms of settlement are 28 days, if an approval by Council for affixation of the common seal is not granted this may cause frustration with the contract execution.

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.

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

Retention and attraction of staff

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Council authorises the Chief Executive Officer and Shire President to affix the Common Seal to the transfer documentation for Lot 1002 Shelduck Way, Djugun and engross all documentation as required.

CARRIED UNANIMOUSLY 8/0

Attachments

Nil

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 - AUGUST 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 September 2015

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

CONSULTATION**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**FINANCIAL IMPLICATIONS**

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

RISK

This monthly report is a summary of all payments made by the Shire of Broome.
The risk of Council not adopting this report is extreme as the financial impact on the Shire is more than \$150,000.00.

The likelihood of this ever occurring is rare due to the CEO's implementation of Procurement & Purchasing policies which ensure 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 A Poelina

That Council records the accounts as paid under delegated authority for August 2015, totalling \$2,836,767.69, as attached, covering:

- ***EFT Vouchers 31768-32048 totalling \$2,658,215.85;***
- ***Municipal Cheque Vouchers 57344-57350 totalling \$1,282.80;***
- ***Trust Cheque Voucher 3402-3402 totalling \$9,732.01 and***
- ***Municipal Direct Debits 18855.1-18908.18 totalling \$167,537.03***

CARRIED UNANIMOUSLY 8/0

Attachments

1. PAYMENTS - AUGUST 2015

Chairperson..... Date.....

9.4.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - JULY 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Senior Finance Officer
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 August 2015

SUMMARY: Council is required by legislation to consider and adopt the Monthly Statement of Financial Activity Report for the period ended 31 July 2015, as required by Regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

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

BACKGROUNDPrevious Considerations

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

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

COMMENT

It is noted that at the time of preparation of the July Financial Activity Report that the Annual Budget for 2015/16 had not been adopted. The draft consolidated budget was prepared and presented to Council at briefings and numerous workshops held during April and May. This draft document was utilised for the purpose of reporting for the month.

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

Budget Year elapsed	8%
Total Rates Raised Revenue	0%
Total Other Operating Revenue	4%
Total Operating Expenditure	6%
Total Capital Revenue	0%
Total Capital Expenditure	2%
Total Sale of Assets Revenue	0%

Chairperson..... Date.....

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

End of year adjustments are yet to be processed and the full Annual Financial Report will be presented to Council by October.

Based on the Draft Annual Budget 2015/2016 which was presented and adopted by Council on 13 August 2015, the end of year position at 30 June 2016 is predicted to be a deficit of \$58,452.

CONSULTATION

Department of Local Government and Communities

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

1A) In this regulation —

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

1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- b) budget estimates to the end of the month to which the statement relates;*
- c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- e) the net current assets at the end of the month to which the statement relates*

2) Each statement of financial activity is to be accompanied by documents containing —

- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
- c) such other supporting information as is considered relevant by the local government.*

3) The information in a statement of financial activity may be shown —

- a) according to nature and type classification;*
- b) by program; or*
- c) by business unit.*

4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

Chairperson..... Date.....

- a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b) recorded in the minutes of the meeting at which it is presented.
- 5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

* Absolute majority required.

POLICY IMPLICATIONS

2.1.1 Materiality in Financial Reporting

FINANCIAL IMPLICATIONS

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

Accordingly, the financial implications associated with adoption are Nil.

RISK

The Financial Activity report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and the Quarterly Finance and Costing Review to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$5,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is a possibility of a misrepresentation of the financials through either human error or potential fraudulent activity. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the Local Government Financial Management Regulation 1996 regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

STRATEGIC IMPLICATIONS

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

Affordable and equitable services and infrastructure

Affordable land for residential, industrial, commercial and community use

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

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

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr D Male

Seconded: Cr C Mitchell

That Council:

- 1. Adopts the Monthly Financial Activity Report for the period ended 31 July 2015 and;**
- 2. Receives the General Fund Summary of Financial Activity (Schedules 2-14) for the period ended 31 July 2015.**

CARRIED UNANIMOUSLY 8/0

Attachments

1. July 2015 - Monthly Financial Activity Report

9.4.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - AUGUST 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Senior Finance Officer
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 September 2015

SUMMARY: Council is required by legislation to consider and adopt the Monthly Statement of Financial Activity Report for the period ended 31 August 2015, as required by Regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

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

Additionally, Council is notified of material variances that have occurred since the adoption of the 2015/2016 annual budget, arising from fees associated with Legal Counsel on a State Administrative Tribunal matter regarding rate exemptions and unbudgeted income received for reimbursement of legal expenses incurred in 2014/2015.

BACKGROUNDPrevious Considerations

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

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

Disclosure and supply of appropriate explanations for variances presented in the Statement of Financial Activity, is mandatory under FMR 34(2)(b) as stated in Policy 2.1.1 Materiality in Financial Reporting.

FMR 34(5) requires a local government to adopt a percentage or value, calculated in accordance with the Australian Accounting Standards (AAS) and Council's adopted risk management matrix thresholds, to be used in statements of financial activity for reporting material variances

This report identifies two material variances that have occurred this financial year so far and are subsequently reported to Council in this report.

COMMENT

The 2015/2016 Annual Budget was adopted at the Special Meeting of Council on 13 August 2015.

Chairperson..... Date.....

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

Budget Year elapsed	17%
Total Rates Raised Revenue	100% (of which 1% has been paid)
Total Other Operating Revenue	31%
Total Operating Expenditure	13%
Total Capital Revenue	7%
Total Capital Expenditure	2%
Total Sale of Assets Revenue	26%

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

End of year adjustments are yet to be processed and the full Annual Financial Report is intended to be presented to Council in October.

Based on the 2015/2016 Annual Budget which was presented and adopted by Council on 13 August 2015, the end of year position at 30 June 2016 is predicted to be a deficit of \$58,452.

Further to this, Council is notified of two material budget variances. These differences represent permanent budget variances and will require budget amendments to be submitted as part of the first quarter Finance and Costing Review (FACR) process to the Audit Committee and then to Council.

Post Budget adoption, the Shire of Broome was required to seek Legal Counsel to attend a State Administrative Tribunal on Rate Exemptions. This is expected to be a lengthy proceeding due to the complexity of the issue, with estimates of legal costs reaching as high as \$70,000. This will require an increase of the budget in general ledger (GL) code 30149 *Legal & Rates Consulting Exp - Op Exp - Rates* by \$50,000 for legal expenses relating to the rates function. Secondly, on 13 August 2015, Council insurers advised of a successful reimbursement claim for legal expenses incurred in another SAT process in 2014/2015. Approximately \$50,000 of unbudgeted income is to be received in GL code 106390 *Reimbursements Received - Development Services* for reimbursement revenue received relating to the Development Services function.

CONSULTATION

Department of Local Government and Communities

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. *Financial activity statement report — s. 6.4*

1A) *In this regulation —*

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

Chairperson..... Date.....

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

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

- c) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- d) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

* Absolute majority required.

POLICY IMPLICATIONS

2.1.1 Materiality in Financial Reporting

FINANCIAL IMPLICATIONS

The adoption of the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Monthly Report are Nil.

The identified budget variances are summarised below:

INCOME	Account	Amendment
REIMBURSEMENT OF LEGAL EXPENSES FROM THE PREVIOUS YEAR IN THIS FINANCIAL YEAR	106390	ADDITIONAL \$50,000
EXPENSE		
LEGAL COUNSEL IN REGARDS TO RATES EXEMPTIONS	30149	ADDITIONAL \$50,000
NET IMPACT		NIL

The net affect of these two variances will be a nil impact on the forecast budget position to 30 June 2016. These will be reported in the first quarter FACR which will include reporting of any other material variances from other functions in the organisation.

RISK

The Financial Activity report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and the Quarterly Finance and Costing Review to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$5,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is a possibility of a misrepresentation of the financials through either human error or potential fraudulent activity. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the Local Government Financial Management Regulation 1996 regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

There are financial implications should the State Administrative Tribunal (SAT) provide an unfavourable outcome for the Shire of Broome. There is a high potential for further legal expenses should this legal matter continue beyond the SAT. This could have the dual effect of costing the Shire at least \$156,583 in lost annual income, and setting a significant precedent by which other corporations could apply for exemption.

STRATEGIC IMPLICATIONS

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

Affordable and equitable services and infrastructure

Affordable land for residential, industrial, commercial and community use

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

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

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr D Male

Seconded: Cr A Poelina

That Council:

- 1. Adopts the Monthly Financial Activity Report for the period ended 31 August 2015 and;***
- 2. Receives the General Fund Summary of Financial Activity (Schedules 2-14) for the period ended 31 August 2015.***
- 3. Notes the budget variance of \$50,000 additional expense in GL code 30149 for legal counsel expenses relating to a current State Administrative Tribunal matter.***
- 4. Notes the budget variance of \$50,000 additional income in GL code 106390 to recognise the reimbursement of legal expenses incurred in the previous year.***
- 5. Notes that formal budget amendments for these variances will be presented for consideration as part of the first quarter Finance and Costing Review, through the Audit Committee.***

CARRIED UNANIMOUSLY 8/0

Attachments

1. AUGUST 2015 - FINANCIAL ACTIVITY REPORT

Chairperson..... Date.....

9.4.4 COMMUNITY PERCEPTIONS SURVEY 2015 FINAL REPORT

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	COM09
AUTHOR:	Media and Promotions Officer
CONTRIBUTOR/S:	Chief Executive Officer Deputy Chief Executive Officer Director Corporate Services Director of Engineering Services Director of Development Services
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 September 2015

SUMMARY: The findings of the Shire of Broome Community Perceptions Survey 2015 are presented for Council's consideration, along with a report compiled by officers informing Council of work being undertaken currently and into the future that addresses the key community priorities identified in the survey results.

BACKGROUNDPrevious Considerations

OMC 17 October 2013	Item 9.4.4
OMC 25 September 2014	Item 9.1.1

The Shire of Broome Corporate Business Plan adopted by Council in October 2013 earmarked \$50,000 in the 2014/15 financial year to facilitate a survey of the community to encourage interaction and input between the community and Council, with funding approved by Council in its 2014/15 budget.

Community Perceptions Surveys are an effective tool for obtaining information about the views of the community and building a co-operative and responsive relationship between the Shire and stakeholders, which ultimately allows the Shire to deliver more effective and appropriate services.

The outcomes of these surveys will facilitate the updating of a range of Council plans and strategies in light of the expressed needs of the Broome community.

Following a Request for Quote process, consultants Catalyse were appointed to undertake the work. The consultant facilitated workshops with Councillors and Executive Staff in March 2015 to develop the survey methodology, questionnaire and distribution methods.

Questions covered the range of areas over which the Shire of Broome has direct responsibility, and also those in which the Shire has joint responsibility with other levels of government, private organisations and the community.

Community Perceptions Survey forms were distributed from 27 May 2015 through Australia Post to PO boxes in Broome, posted directly to non-resident ratepayers, and were available from the Shire Administration and the Shire display at LoveBroome Expo. The survey was available online through the Shire website.

Chairperson..... Date.....

Surveys were conducted face-to-face with residents in the Bidyadanga, Beagle Bay, Lombadina and Ardyaloon (One Arm Pt) remote communities by Aboriginal community engagement specialist Community Development Services Australia.

The survey was promoted widely in local media, by direct email, on the Shire of Broome website and Facebook page. A prize of an iPad was offered as an incentive to encourage participation.

COMMENT

At the conclusion of the survey period on 15 April 2015 the consultant had received 787 responses from Broome residents; 94 responses from non-resident ratepayers; and 90 responses from residents of remote Aboriginal communities.

Following the compilation of responses, the results of the Community Perceptions Survey were presented by the consultant to Council and executive staff at workshops in Broome on 29 June 2015. The report on the results of the survey can be found at Attachment 1.

The discussion at the workshop with executive staff was collated by the consultant and presented as an Action Plan (Attachment 2) received by the Shire on 7 July 2015. This Action Plan was presented to the Shire's Strategic Initiatives Coordination Group comprising executive staff and key managers on 22 July 2015 for discussion and consideration.

Overview of Results

The results of the Community Perceptions Survey 2015 provide Council with valuable information on the community's priorities that can be utilised in reviewing a range of existing plans and strategies and developing new ones.

The majority of the priorities identified are joint responsibilities of the Shire, State and Federal Governments, and other organisations. The Perceptions Survey findings provide a valuable lobbying tool for Council when approaching other levels of government and agencies for funding and support to address these issues.

The results also provide benchmarking information which compares Broome with a range of Councils, predominantly in the metropolitan area, so Broome can monitor its performance against some of the leading performers in Local Government.

The results of the Community Perceptions Survey identify the following as the areas of highest satisfaction among the community:

- Weekly Rubbish Collection (90% satisfied);
- Fortnightly Recycling Service (84% satisfied);
- Broome Public Library (86% satisfied);
- Broome Civic Centre (83% satisfied);
- Broome Recreation and Aquatic Centre and sporting grounds (77% satisfied);
- Parks, Gardens and Reserves (73% satisfied);
- Festivals, Events and Cultural Activities (73% satisfied);
- Cyclone Clean-Up (73% satisfied);
- Tourism (65% satisfied);
- Preservation and Promotion of Local History (65% satisfied);
- Management of Coastal and Foreshore Areas (64% satisfied);

- Conservation and Environmental Management (62% satisfied);
- Preservation and promotion of cultural heritage (62% satisfied);
- Maintenance of Sealed Roads (61% satisfied).

From the results of the Community Perceptions Survey the consultant has identified nine key priorities among the community:

- Visioning (24% satisfied);
- Anti-Social Behaviour (19% satisfied);
- Economic Development (35% satisfied);
- Town Centre Appearance (no specific question);
- Marine Facilities (no specific question);
- Youth Services (39% satisfied);
- Footpaths and Cycleways (55% satisfied);
- Sealed Roads into Aboriginal Communities (55% satisfied);
- Dog Control (35% satisfied).

Moving Forward

Each of the nine identified priorities has been given consideration by the Shire's Strategic Initiatives Coordination Group (staff) and is addressed in the tables below. These tables present current action addressing these priorities; planned/budgeted action; and potential action for Council's consideration moving forward. It is proposed that Council consider this at a future workshop.

1. Visioning

The vision for the Shire of Broome is to be "a thriving and friendly community that recognises our history and embraces cultural diversity and economic opportunity, while nurturing our unique natural and built environment" (Shire of Broome Strategic Community Plan 2015-2025).

However, the Shire is at a crossroads with the community needing to decide whether it wishes to push ahead as a vibrant regional centre with high economic and population growth and an emphasis on industry, or whether it prefers more moderate growth that preserves more of the traditional character of the town.

The Community Perceptions Survey indicates the community is now looking to Council to assume a leadership role in this decision. In a Shire of unrivalled diversity, the challenge for Council is to balance these extremes through leadership, facilitation and engagement.

This process has begun with projects such as Broome2040 in which the community identified a range of projects now incorporated into the Shire's organisational planning documents. The recognition by the State in recent months of Broome as a Regional Growth Centre will now provide further resources to plan the economic and social future of the Shire.

In addition, Council in the past year has adopted a new Local Planning Scheme and Local Planning Strategy to guide development for the next 10-15 years.

These are complemented by Development Strategies for Chinatown and Old Broome, while a Cable Beach Development Strategy is in progress. These documents have been

developed with extensive community consultation and education, and provide a blueprint for development in the Shire.

Current/Recent Activities	Planned/Items in Corporate Business Plan/Budget	Potential actions for consideration
<ul style="list-style-type: none"> Local Planning Strategy adopted by WA Planning Commission in July 2014 and final document published May 2015. While it is a land use planning document, the Strategy contains objectives, strategies and actions for the Shire for the next 10-15 years in a range of areas such as housing, tourism, retail and commercial, cultural heritage, natural environment and transport. Old Broome Development Strategy adopted by Council in 2014. It contains a vision for Old Broome, Town Beach and the Conti Foreshore. The Strategy also contains a Concept Plan with aspirational ideas to enhance the public realm which will be implemented over time. Officers developing Cable Beach Development Strategy that will contain a vision and Concept Plan. The content of the Strategy has been informed by a preliminary community engagement program that sought the community's vision for the Cable Beach precinct through a survey, photo contest, interactive public display and one-on-one meetings. 	<p>Short term (next 12 months)</p> <ul style="list-style-type: none"> Completion of Cable Beach Development Strategy. <p>Medium Term (12-36 months)</p> <ul style="list-style-type: none"> Review of Chinatown and Old Broome Development Strategies. Development of a Tourism Planning Strategy for the Shire. <p>Long Term (36 months +)</p> <ul style="list-style-type: none"> Review of the Local Commercial Strategy and Local Housing Strategy. 	<ul style="list-style-type: none"> Publicity and community education about the Local Planning Strategy and Development Strategies and how they influence the Shire's vision for the future.

2. Anti-Social Behaviour

Decisions of Government and conditions across the wider Kimberley region, including alcohol restrictions and community closures, have led to a significant influx of itinerant visitors to Broome in recent years with attendant social problems. Indications are that this trend will continue, and efforts by the Shire of Broome to manage and solve these issues have been considerable.

In November 2014 Council endorsed a new proposal for a Short-Stay Accommodation Facility at a site on Dickson Dve identified by Yawuru Native Title Holders, and for a Short-Stay Campsite on Broome Rd. Lobbying of the State and Commonwealth for the required funding continues, with the State Opposition also supporting the Shire of Broome proposal.

The previous attempt to build a short-stay hostel for itinerant visitors fell through after the site on Dora St insisted on by the State Government was deemed unsuitable, primarily due to a lack of community support.

Additionally, the Shire is now in the process of developing a Community Safety Plan, and continues to be active in the Broome Liquor Accord, Homelessness Action Group, and Broome Alcohol Management Group with other agencies to work on solutions to issues of antisocial behaviour.

Current/Recent Activities	Planned/Items in Corporate Business Plan/Budget	Potential actions for consideration
<ul style="list-style-type: none"> Council adopted proposal for Short-Stay Camping and Accommodation for itinerant visitors in November 2014. Funding requests to Federal and State Government unsuccessful to date. Continued involvement with Broome Liquor Accord. Inclusion of Crime Prevention through Environmental Design Principles in the Structure Plan and Subdivision Standards Local Planning Policy to ensure the design of Public Open Space maximises safety. Officer liaison with Homelessness Action Group. 	<p>Short term (next 12 months)</p> <ul style="list-style-type: none"> Develop a Community Safety Plan in collaboration with key stakeholders and service providers. Develop a discussion paper in collaboration with key stakeholders to address itinerant camping and associated issues in Broome. <p>Medium Term (12-36 months)</p> <ul style="list-style-type: none"> Seek funding opportunities to implement outcomes of Community Safety Plan. Lobby for remote Aboriginal communities to remain on country. 	<ul style="list-style-type: none"> Ensure Plan addresses policing, lighting, parenting workshops and anti-social behaviour. Seek funding to provide itinerant accommodation. Identify and liaise with potential wrap-around service providers.

<ul style="list-style-type: none"> • Officer liaison with the Broome Alcohol Management Group. 	<ul style="list-style-type: none"> • Urban renewal projects in Old Broome. • Continued involvement with Broome Liquor Accord. <p>Long Term (36 months +)</p> <ul style="list-style-type: none"> • Upgrade event infrastructure at Male Oval. 	<ul style="list-style-type: none"> • Work with Department of Housing on New Living Programs. • As part of the Community Safety Plan, identify strategies for implementation by the Broome Liquor Accord. • Encourage and facilitate attraction of events as part of Chinatown revitalisation strategy.
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3. Economic Development and Job Creation

The Shire provides significant funding and in-kind support to organisations to contribute to the economic development of the Shire including:

- Australia's North West Tourism \$175,000 per annum;
- Broome Visitor Centre \$110,000 pa;
- Broome Tourism Leadership Group \$20,000;
- Cash and in-kind support for events including Shinju Matsuri, NW Expo, Christmas street celebrations, Staircase to the Moon markets, Australia Day fireworks total \$278,450;
- Broome Chamber of Commerce and Industry together with the Broome Visitor Centre to support Cruise Ships into Broome \$25,000. The BCCI receives a further \$30,000 pa from the Shire of Broome Directory contractor.

As a response to issues in the community, Council for the first time in 2014/15 funded a new Shire of Broome Manager of Economic Development position. A minor internal restructure created an Economic Development Team to focus on areas such as tourism, major projects and events to enhance their contribution to the Broome economy and stimulate additional investment streams.

This team brings together initiatives either provided directly by the Shire, or funded by the Shire for delivery by other organisations. In the past eight months the Shire has delivered initiatives including: a successful Business Breakfast Series attended by about 100 people each event; development of an Inward Investment Prospectus in partnership with key stakeholders; and the creation of a formal Economic Development Advisory Committee of Council.

Funding has also been sought to reduce reliance on Shire funds to achieve major projects including:

- Tourism WA funds (\$600,000) for the Dampier-Frederick Connection and Lookout;
- Finalisation of the Business Case to release \$10 million for Chinatown Revitalisation;
- Application to National Stronger Regions funding for \$1.94 million towards the Redevelopment of the Kimberley Regional Offices;
- Key Worker Housing \$558,000;
- Funding to implement Stage 1 of the Jetty to Jetty Project with Yawuru \$107,000.

In a review of its Strategic Community Plan the Shire identified three priority areas as a focus for economic development: agriculture, logistics and tourism. Significant initiatives in these areas are now underway that will result in long-term benefits to the community. The Economic Development Strategy planned to be undertaken this year will provide a means to identify and agree upon further initiatives the Shire can implement to address this community priority.

Current/Recent Activities	Planned/Items in Corporate Business Plan/Budget	Potential actions for consideration
<ul style="list-style-type: none"> • Detailed Economic profile commissioned and delivered at start of 2014/15 in partnership with LandCorp and KDC. • Shire Economic Development Manager appointed Jan 2015. • Chinatown business case received Council approval - \$10 million in State funding for consideration. • Business Breakfast series approaches first year – three held with large and growing attendances, better communication between government and business, better information sharing of initiatives and opportunities from different industries. • Investment delegation from Vietnam hosted with key stakeholders – Port, LandCorp, NBY, KTI and BCCI. 	<p>Short term (next 12 months)</p> <ul style="list-style-type: none"> • Finalise next round industry inserts for prospectus. • Seek funding to deliver online prospectus with economic portal. • Casino concept/discussion paper. • Economic Development Strategy with LandCorp, KDC. • Continue Business Breakfast Series (positive feedback received). • Progress KRO redevelopment (18.5 jobs in construction and 115 in total for new building). 	<ul style="list-style-type: none"> • Progress negotiations with Department of Housing to realise significant housing and construction employment and benefit in Broome. • Additional engagement with Broome Future – membership or otherwise to progress economic activity related to logistics hub. • Resourcing of Regional Growth Centre planning (not in business plan) – may require 0.5 FTE. • Aquaculture development consultancy engagement. • Northern Australia White paper – targeting of relevant

Chairperson..... Date.....

<ul style="list-style-type: none"> • Economic Development Advisory Group transitioned to formal committee of council – agendas and meetings held to progress game-changing concepts and enhance stakeholder alignment across industry and Shire initiatives. • Broome Inward Investment Prospectus completed to complement Economic Profile. Including four key industry inserts for prospectus completed with four more in production. • Many business concepts advised on doing business in Broome including local policies, local law, interaction with planning – Tourism, Yoga retreat, labour hire, RTO for Indigenous employment, Kimberley small business support. • Economic advocacy and support for innovative concepts such as approval for pallet recycling trial on Shire waste site, environmental approvals for pastoral users and BCCI initiatives. • Successful Regional Growth Centres submission. • Submission for Regional Development Australia funding - \$1.94 million for KRO redevelopment. • Submission made to Senate Joint Select Committee for Northern 	<ul style="list-style-type: none"> • Lobby and advocacy for aquaculture – formation of working group to progress achievable opportunities with KDC, KTI, tourism and industry. • Lobby and advocacy for simpler pastoral diversification and leasing process with State and Federal Government. • Complete Tourism Differential Rates allocation review and update policy for Council adoption. • Participate in master plan site investigations for relocation of motocross facility. • Form Chinatown Reference Group and implement development strategy. • Design and complete consultation on road connection and lookout – Frederick St/Dampier Tce. • Liaise with RTOs for provision of pathways for education and training. • Economic Development Advisory Committee meetings 	<p>Federal initiatives and lobbying.</p> <p>Medium Term</p> <ul style="list-style-type: none"> • Aquaculture feasibility or infrastructure audit (incorporate into Regional Growth Centre planning). • Tourism-based signage audit across Shire (including Peninsula) and caravan/campervan routes and amenity areas. • Consideration of an energy forum or key stakeholder Broome familiarisation for logistics/oil and gas. • Development or support for a Broome Destination Brand based on brand research undertaken by BTLG. • Develop Place Activation Strategy post completion of Chinatown works. • Implement Place Activation Strategy.
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<p>Australia investigation into aquaculture, follow up industry pathways for aquaculture with key Broome stakeholders.</p> <ul style="list-style-type: none"> • Project Manager tender for large projects such as BRAC renewal, KRO and potentially revetment at Town Beach. • Progress on event strategy and Broome Tourism Leadership Group strategy. • Review of Tourism Differential rate allocation and policy. • Support and advocacy for Broome as logistical hub with key stakeholders and within EDAC. • Presentation at Department of Agriculture and Food La Grange workshop. • Support and alignment with Department of Mines and Petroleum for hydraulic fracturing workshops and resource project mapping. 	<p>quarterly.</p> <ul style="list-style-type: none"> • Liaise with stakeholders to promote Broome as a supply base for Browse Basin. • Construct Key Worker Housing. • Finalise events policy review and adoption. • Liaise with stakeholders to promote development of agriculture and aquaculture industries. <p>Medium Term (12-36 months)</p> <ul style="list-style-type: none"> • Deliver Regional Growth Plan Strategy. • Complete KRO Redevelopment. • Working with industry bodies and government to encourage business to establish in Broome. • Implement an Economic Development Strategy. <p>Long Term (36 months +)</p> <ul style="list-style-type: none"> • Review Economic Development Strategy. 	
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4. Town Centre Appearance

The Community Perceptions Survey highlights issues in Chinatown, Town Beach and with the appearance of some WA Department of Housing areas.

The Chinatown CBD is set to undergo major upgrades with the Chinatown Revitalisation Project. The Shire has committed \$2 million and the State a further \$10 million, with the business case to access this funding now under consideration by the State.

Progressive improvements have been made in recent years in line with Council's Chinatown Development Strategy including the new Jetty to Jetty Project with Yawuru, undergrounding of power with Horizon Power at no cost to local businesses, installation of street trees and shade structures, Christmas decorations and more.

Further, Council has approved the connection of Dampier Tce and Frederick St to activate an underutilised section of the town centre, with further approvals now being sought. All of these strategies will see a dramatic improvement to Chinatown's appearance and amenity in the next two years.

To address issues associated with some Department of Housing areas in town, Shire staff have worked with the State to scope an Urban Renewal Program targeted at three precincts - Anne St, Dora St and Woods Dve. It is hoped the Department of Housing will make improvements in these precincts in the next two years. This should create significant improvements to the appearance and safety of these areas as well as provide economic opportunities in the construction industry.

Current/Recent Activities	Planned/Items in Corporate Business Plan/Budget	Potential actions for consideration
<ul style="list-style-type: none"> Continuing staged implementation of Chinatown Development Strategy. Jetty to Jetty Project: Accord signed with Yawuru Native Title Holders in May 2015, interpretive signage installed in July 2015. Council approved Frederick St/Dampier Tce Connection in May 2015. Local Planning Strategy confirmed Chinatown is to continue as the primary commercial activity centre of the Shire. Manual litter collection with bin servicing through tourist 	<p>Short term (next 12 months)</p> <ul style="list-style-type: none"> Public art to be included Frederick St/Dampier Tce connection. Street upgrades in Dampier Tce/Carnarvon St included in Chinatown Revitalisation Strategy. Lighting and CCTV to be considered as part of Community Safety Plan. Adoption of a Weed Management Strategy. 	<ul style="list-style-type: none"> Increased level of litter collection service through tourist precincts including Chinatown, Male Oval, Town Beach. Additional signage to allow Rangers to educate and enforce local laws. Engage with Indigenous corporations to develop and implement educational support programs for visitors. Review Verge Management Policy to include weed management by ratepayers/residents.

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precincts.		
<ul style="list-style-type: none"> Weed Management activity across Broome town site. 	<p>Medium Term (12-36 months)</p> <ul style="list-style-type: none"> Review of the Chinatown Development Strategy. Implement the Weed Management Strategy. <p>Long Term (36 months +)</p> <ul style="list-style-type: none"> Education – review and update the Weeds Information Brochure. 	<ul style="list-style-type: none"> Weed mapping across Broome town site.

5. Footpaths and Cycleways

The Community Perceptions Survey showed general satisfaction with the town's network of foot and cycle paths, with 55 per cent of respondents highly or partially satisfied.

The Shire already has an extensive foot and cycle path network linking residential areas with prime recreational nodes, the town centre and tourism precinct, and is committed to maintaining and improving this infrastructure. In 2014/15, the Shire's capital expenditure on footpaths and cycleways more than doubled from the previous two years to \$493,644.

Council has adopted a revised Long Term Financial Plan, which includes provision for future footpath construction in line with Council's Transport Asset Management Plan. Priority footpath upgrades include finishing main connections such as Guy St Stage 3 and improving access to sites such as schools and recreation facilities.

In Broome North, issues posed by continued construction of new homes and resultant damage to footpaths means that networks are incomplete at present but are progressively being filled as construction continues in this thriving new subdivision. At the time of subdivision, Council receives developer contributions to construct footpaths and these will be utilised as areas continue to be built out.

Current/Recent Activities	Planned/Items in Corporate Business Plan/Budget	Potential actions for consideration
<ul style="list-style-type: none"> Extensive construction of footpaths in Broome North valued \$400,000. Guy St Cycleway Stage 2 	<p>Short term (next 12 months)</p> <ul style="list-style-type: none"> Broome North to Sunset Rise footpath 	<ul style="list-style-type: none"> Promote successes with the Jetty to Jetty project. Promote works request

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<p>– Pembroke St to Hunter St.</p> <ul style="list-style-type: none"> Renewed cycleway from Sandpiper St to Short St on Old Broome Rd. Subdivisional footpaths in Roebuck Estate, Old Broome, Sunset Park, Six Seasons. New footpath construction on Nightingall Dve. Undertaken footpath maintenance and renewal to agreed levels of service. Old Broome Development Strategy recommended improvements to the footpaths and cycleways in Old Broome, such as ensuring a connected, illuminated and shaded path is provided down one side of each street and along both sides of 'priority active frontages'. Council supported a Voluntary Agreement with LandCorp where they will pay development contributions for the completed stages of Broome North. Part of the contributions will be used to construct dual-use paths, including: <ul style="list-style-type: none"> Old Broome Rd from Sanderling Dve to One Mile; and Gubinge Rd from 	<p>construction.</p> <ul style="list-style-type: none"> Review and update Footpath and Cycleway Implementation Plan. Undertake footpath maintenance and renewal to agreed levels of service. Footpath construction on Dickson Dve. Subdivisional footpaths in Broome North, Roebuck Estate, Sunset Park, and Six Seasons. Cable Beach Development Strategy will consider movement network improvements in Cable Beach Precinct. <p>Medium Term (12-36 months)</p> <ul style="list-style-type: none"> Old Broome Rd footpath construction. Footpath improvements in Chinatown as part of the Chinatown Revitalisation. Hard Infrastructure Development Contribution Plan will enable Shire to identify key footpaths and cycleways and collect contributions to develop and/or upgrade them. 	<p>process and encourage the community to report issues.</p> <ul style="list-style-type: none"> Promote existing footpath/cycleway network via website. Lighting audit on footpath/cycleways to identify areas that require upgrades.
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Magabala Rd to Jigal Dve.	Long Term (36 months +) <ul style="list-style-type: none"> Cycleway path connection along Port Dve to Port. Cycleway along Gantheaume Pt Rd to lighthouse. 	
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6. Sealed Roads into Aboriginal Communities

Council's priority has been to work towards the full sealing of Cape Leveque Rd. Continued lobbying by the Shire of Broome has contributed to progress toward this aim by Main Roads WA, with environmental approval granted in July 2015. This is a Regional Road Group priority and is identified in the Roads 2030 – Regional Strategies for Significant Local Government Roads.

In the interim maintenance grading will continue to be carried out by the Shire, along with \$670,000 of road shoulder repairs funded under the WA Natural Disaster Relief and Recovery Arrangements. The Shire also receives \$132,000 annually in Aboriginal Road Access Grants that is utilised for maintenance grading along Cape Leveque Road.

Aboriginal community access roads were considered as part of the Shire-commissioned Cardno report on infrastructure needs in Indigenous communities and this will now form part of the informing strategies for the State Government's Aboriginal Communities Reform Group. Senior State Government officer Graham Searle is now based in Kununurra with a view to developing a long-term reform process to engage directly with Aboriginal communities and stakeholders including local government.

The Perceptions Survey showed 55 per cent satisfaction with roads into Aboriginal communities.

Current/Recent Activities	Planned/Items in Corporate Business Plan/Budget	Potential actions for consideration
<ul style="list-style-type: none"> Dept of Environment approval for upgrading and sealing of Cape Leveque Rd granted in July 2015 following ongoing lobbying from Shire of Broome and other parties. 	<p>Short term (next 12 months)</p> <ul style="list-style-type: none"> Cape Leveque Road Upgrade and sealing by Main Roads. <p>Medium Term (12-36 months)</p> <ul style="list-style-type: none"> Cape Leveque Rd upgrade and sealing by Main Roads. 	<ul style="list-style-type: none"> Advocate to State Government and Main Roads to fund the upgrade and sealing of Cape Leveque Rd. Seek contributions from DAA and other Indigenous organisations to construct and maintain non-gazetted roads to

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<ul style="list-style-type: none"> • WA Natural Disaster Relief and Recovery Arrangements funding secured in 2013/14 and 2014/15 for repairs to Cape Leveque Rd shoulders damaged during wet seasons. • Maintenance grading of unsealed roads, shoulder maintenance and reseals • Local Planning Strategy identifies Ardyaloon, Beagle Bay, Bidyadanga, Djarindjin and Lombadina as 'Secondary Centres' to provide services to smaller settlements. This designation can be used to lobby for infrastructure improvements. • Local Planning Strategy 	<p>Long Term (36 months +)</p> <ul style="list-style-type: none"> • Ongoing maintenance of Cape Leveque Rd. <p>Short term (next 12 months)</p> <ul style="list-style-type: none"> • Investigate options post future events. <p>Short term (next 12 months)</p> <ul style="list-style-type: none"> • Maintenance grading of unsealed roads, shoulder maintenance, reseals on Cape Leveque Rd. <p>Medium Term (12-36 months)</p> <ul style="list-style-type: none"> • Continue the Rural Reseal Program. 	<p>remote Aboriginal communities.</p> <ul style="list-style-type: none"> • Lobby Main Roads to ensure suitable standard of road construction to minimise ongoing maintenance costs. • Stabilisation and sealing road shoulders in flood-prone areas. • Increase level of service through frequency of maintenance activity. • Develop remote Shire Depot Facility on Dampier Peninsula (Lombadina). • Review the rural roads register with considerations of appropriate inclusions/exclusions. • Electronic road status signage on Cape Leveque Rd south of Beagle Bay.
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identifies the possibility of constructing two loop roads around Beagle Bay, which would improve access to 34 smaller communities and outstations.		
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7. Marine Facilities

Funding for the new Broome Boating Facility was withdrawn by the WA Government as part of budget cuts in December 2013, following a range of delays to the project including receiving heritage clearances.

The Shire has lobbied since that time in conjunction with stakeholders including the Broome Fishing Club and Port of Broome to have funding reinstated without success.

Within budgetary constraints the Shire has made incremental improvements to the town's existing facilities including a \$487,890 rejuvenation of the Town Beach boat ramp in the past year.

Current/Recent Activities	Planned/Items in Corporate Business Plan/Budget	Potential actions for consideration
<ul style="list-style-type: none"> Continued lobbying for funds for safe boat harbour following State Government withdrawal of funding in Dec 2013. In the absence of funding for safe boat harbour, carried out ongoing maintenance of boat ramps where funding allows, including \$500,000 Town Beach Boat Ramp rejuvenation in Nov 2014. Old Broome Development Strategy Concept Plan identified upgrades to Town Beach Boat Ramp (now complete) and additional parking at Catalinas boat ramp. 	<p>Short term (next 12 months)</p> <ul style="list-style-type: none"> Continue ongoing maintenance of existing boat ramps to ensure serviceability 	<ul style="list-style-type: none"> Work with key stakeholders to develop a joint Marine Plan to activate the waterfront and provide a safe boat harbour, dry dock and fisheries sanctuary. Develop an Investment Attraction Strategy to support the adoption and implementation of the Marine Plan.

8. Dog Control

In the 2014/15 year Shire of Broome Rangers impounded 511 dogs and 214 cats, with 101 dogs euthanised and more than 220 handed to Saving Dogs From Euthanasia. Rangers also responded to 92 dog attacks.

The Shire considers dog registration as fundamental to breaking the cycle of issues such as roaming and abandoned animals, numbers of dogs breeding and illegal breeding.

To this end a dog registration crackdown implemented in early 2015 included Shire of Broome Rangers going door-to-door in key areas to check on registration as well as residences with more than the permitted two dogs, keeping of dangerous dogs and animal welfare issues.

A further registration drive will start in October 2015 and is scheduled to be performed annually. The Shire also offers a 50 per cent discount on dog and cat registration fees for pension card holders.

The Shire of Broome also promotes desexing of dogs by providing a 60 per cent discount on annual registration fees for desexed dogs, and subsidises 50 per cent of the cost of desexing dogs and cats for those eligible.

Current/Recent Activities	Planned/Items in Corporate Business Plan/Budget	Potential actions for consideration
<ul style="list-style-type: none"> In Feb and Mar 2015 Shire Rangers undertook an initial dog registration program. The program identified areas where unregistered dogs are prevalent and saw Rangers going from door to door to educate people regarding the requirements to register their dogs and also to encourage people to do so. The program considered to be successful in that it significantly increased the number of dogs registered within the area and has greatly assisted in identifying the owners of dogs found wandering. 	<p>Short term (next 12 months)</p> <ul style="list-style-type: none"> Dog Registration Drive planned for Oct/Nov 2015. Aim will be to educate people around the requirements for registration and control of dogs both at homes and when in public. The drive will be undertaken across the whole town site to reduce the number of unregistered dogs wandering and to ensure owners are aware of obligation to keep their dogs confined to their properties. <p>Medium Term (12-36 months)</p> <ul style="list-style-type: none"> The Registration Drive is likely to be 	<ul style="list-style-type: none"> Target 100 per cent of all dogs to be registered in the townsite. Support a sterilisation program. Improve signage. Review local laws.

	<p>conducted annually to ensure the importance of the matter is reinforced with the community.</p> <p>Long Term (36 months +)</p> <ul style="list-style-type: none"> The Registration Drive is likely to be conducted annually to ensure the importance of the matter is reinforced with the community. 	
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9. Youth Services

The Shire's commitment to youth in Broome has increased in the past two years, with the Shire successful in attracting three years of funding from Rio Tinto to create a Youth and Community Development Officer position.

This is in addition to support already provided through the Club Development Officer (with the Department of Sport and Recreation), successful Shire-driven programs including KidSport, Fair Game, and school holiday programs at BRAC and Broome Public Library.

The Shire's focus has been to support capacity building in the youth sector through facilitating events ad hoc, co-ordinating the Broome Youth Coordinators Network to bring together the various agencies charged with providing youth services in the town, and supporting the Broome Youth and Families Hub with volunteer staff at the Drop-In Centre and HYPE Committee.

Council has funded a Youth Strategy to be undertaken this year at both a Kimberley Zone level and a Shire level which will outline the role and services the Shire will provide to meet the needs of young people in coming years. Work is also underway to establish a Youth Advisory Council to assist in this process. These initiatives are the subject of another item in this agenda for Council's consideration.

Current/Recent Activities	Planned/Items in Corporate Business Plan/Budget	Potential actions for consideration
<ul style="list-style-type: none"> Entered into agreement with Rio Tinto to support a part-time Youth Officer position. Undertaken community consultation with young people regarding Broome Skate Park. 	<p>Short term (next 12 months)</p> <ul style="list-style-type: none"> Provide input to the finalisation of a Youth Strategy for the Kimberley Zone. Develop a Youth Action Plan in 	<ul style="list-style-type: none"> Establish a Youth Advisory Group. Seek funding for the renewal and expansion of the Broome Skate Park and/or youth precinct at BRAC.

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<ul style="list-style-type: none"> Supported the restructure of youth service providers following funding realignment by State and Federal Government. Facilitation of Broome Youth Coordinators Network (event coordination, networking and information sharing, email database and identify opportunities for collaboration) Officer support for Broome Youth and Families Hub (volunteering at Drop-In Centre, HYPE steering committee). Council adopted the Framework for Sport and Recreation Facilities 2015-2025. Officer support for and involvement in the launch of the Broome Talent Development Program to provide talent and coaching pathways for young sports stars. Entered into a new funding agreement with Department of Sport and Recreation to continue the Club Development Program until June 2016. Administered the Kidsport Program on behalf of the Department of Sport and Recreation providing 	<p>collaboration with the Kimberley Zone and local key stakeholders.</p> <ul style="list-style-type: none"> Continue to provide support for sporting and other community organisations that deliver activities for young people. <p>Medium Term (12-36 months)</p> <ul style="list-style-type: none"> Implement Youth Action Plan. Establish a youth precinct at BRAC. Lobby for the continuation of the Club Development Program in Broome. <p>Long Term (36 months+)</p> <ul style="list-style-type: none"> Establish sport and recreation facilities in Broome North. Undertake upgrades to the Town Beach playground. Upgrade event infrastructure at Male Oval. 	<ul style="list-style-type: none"> Encourage and facilitate attraction of youth focused events to Broome (ie. music events).
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<p>sporting club fee subsidy to disadvantaged young people.</p> <ul style="list-style-type: none"> Administered the Fair Game Program to collect and provide used sporting equipment for disadvantaged young people. Offered a range of school holiday activities and programs at the Broome Public Library and Broome Recreation and Aquatic Centre. 		
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CONSULTATION

Catalyse market research consultants.

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

Media Policy 1.3.1

FINANCIAL IMPLICATIONS

Budget allocation in 2014/15 of \$50,000.

STRATEGIC IMPLICATIONS

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

Effective communication

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

An organisational culture that strives for service excellence

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

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COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**Moved: Cr H Tracey****Seconded: Cr D Male****That Council:**

- 1. *Receives the Shire of Broome Community Perceptions Survey 2015 Final Report; and the Shire of Broome Community Perceptions Survey 2015 “Responding to community priorities identified in the 2015 Community Perceptions Survey” Action Plan.***
- 2. *Consider the reports at a future Council Workshop with a view to integrating the findings into organisational planning.***

CARRIED UNANIMOUSLY 8/0**Attachments**

1. Community Perceptions Survey 2015 - Final Report
2. Community Perceptions Survey 2015 - Shire of Broome Action Plan

9.4.5 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - SEPTEMBER 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Senior Finance Officer
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 October 2015

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

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

BACKGROUND*Previous Considerations*

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

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

Disclosure and supply of appropriate explanations for variances presented in the Statement of Financial Activity, is mandatory under FMR 34(2)(b) as stated in Policy 2.1.1 Materiality in Financial Reporting.

FMR 34(5) requires a local government to adopt a percentage or value, calculated in accordance with the Australian Accounting Standards (AAS) and Council's adopted risk management matrix thresholds, to be used in statements of financial activity for reporting material variances.

COMMENT

The 2015/2016 Annual Budget was adopted at the Special Meeting of Council on 13 August 2015.

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

Budget Year elapsed	25%
Total Rates Raised Revenue	100% (of which 24% has been paid)

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Total Other Operating Revenue	36%
Total Operating Expenditure	20%
Total Capital Revenue	9%
Total Capital Expenditure	4%
Total Sale of Assets Revenue	26%

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

End of year adjustments have been processed and the full Annual Financial Report will be presented to Council in October.

Based on the 2015/2016 Annual Budget which was presented and adopted by Council on 13 August 2015, the end of year position at 30 June 2016 is predicted to be a deficit of \$58,452.

CONSULTATION

Department of Local Government and Communities

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

1A) In this regulation —

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

1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- b) *budget estimates to the end of the month to which the statement relates;*
- c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- e) *the net current assets at the end of the month to which the statement relates*

2) Each statement of financial activity is to be accompanied by documents containing —

- a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
- c) *such other supporting information as is considered relevant by the local government.*

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- 3) The information in a statement of financial activity may be shown —
 - a) according to nature and type classification;
 - b) by program; or
 - c) by business unit.
- 4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b) recorded in the minutes of the meeting at which it is presented.
- 5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

* Absolute majority required.

POLICY IMPLICATIONS

2.1.1 Materiality in Financial Reporting

FINANCIAL IMPLICATIONS

The adoption of the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Monthly Report are Nil.

RISK

The Financial Activity report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and the Quarterly Finance and Costing Review to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$5,000 for operating

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budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is a possibility of a misrepresentation of the financials through either human error or potential fraudulent activity. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the Local Government Financial Management Regulation 1996 regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

STRATEGIC IMPLICATIONS

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

Affordable and equitable services and infrastructure

Affordable land for residential, industrial, commercial and community use

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

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

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr D Male

That Council:

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

CARRIED UNANIMOUSLY 8/0

Attachments

1. SEPTEMBER 2015 - FINANCIAL ACTIVITY REPORT

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9.4.6 PAYMENTS - SEPTEMBER 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Finance Officer
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 October 2015

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

CONSULTATION**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.*

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POLICY IMPLICATIONS**FINANCIAL IMPLICATIONS**

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

RISK

The risk of Council not adopting this report is extreme as this will result in non-compliance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*. The likelihood of this ever occurring is rare due to the CEO's implementation of procedures to ensure payment details are disclosed to Council in a timely manner, as well as Procurement & Purchasing policies which ensure 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

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr P Matsumoto

That Council records the accounts as paid under delegated authority for September 2015, totalling \$2,293,112.03 as attached, covering:

- ***EFT Vouchers 32049-32261 totalling \$2,104,779.42;***
- ***Municipal Cheque Vouchers 57351-57353 totalling \$5,782.45;***
- ***Trust Cheque Voucher 3403-3403 totalling \$15,372.21 and***
- ***Municipal Direct Debits 18943.1-18982.17 totalling \$167,178.95***

CARRIED UNANIMOUSLY 8/0

Attachments

1. PAYMENTS - SEPTEMBER 2015

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COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr D Male

That item 12.2 Minutes of the Audit Committee Meeting Held 13 October 2015 be brought forward and considered as the next item of business.

CARRIED UNANIMOUSLY 8/0

12. BUSINESS OF AN URGENT NATURE**12.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 13 OCTOBER 2015**

LOCATION/ADDRESS: Nil
APPLICANT: Nil
FILE: FRE02
AUTHOR: Manager Financial Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 30 September 2015

SUMMARY: This report presents to Council, the minutes of the Audit Committee Meeting held 13 October 2015 for receipt and endorsement of the Audit Committee's recommendation for the following items:

1. Appointment of Council's auditor following expiry of the current Audit Agreement on 30 June 2015. Council is required to appoint an Auditor from 1 July 2015. The Request for Tender (RFT) 15/06 - Kimberley Councils Audit Tender 2015 closed on 23 September 2015 and the recommendation of the evaluation panel was endorsed by the Audit Committee and is now presented to Council to appoint a new auditor.
2. Adoption of the 2014/2015 Annual Financial Report, the Auditor and Management reports, and the report prepared by the Chief Executive Officer for the financial year ended 30 June 2015. Council is also requested to endorse the proposed allocation of the operating surplus from 2014/2015.

BACKGROUND**REQUEST FOR TENDER 15/06 - KIMBERLEY COUNCILS AUDIT TENDER 2015**Previous Considerations

OMC 28 August 2014	Item 10.2
OMC 2 June 2015	Item 9.4.3
OMC 25 August 2015	Item 12.1

At the Ordinary Meeting of Council held 25 August 2015 Council resolved:

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 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.*

(ABSOLUTE MAJORITY REQUIRED)

The adopted audit tender procurement plan was adopted by Council via recommendation from the Audit Committee which contained the evaluation

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methodology. 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%

The procurement plan outlined the timeframes which aim to complete the tender process by the end of October 2015. The evaluation report is attached to this report and a recommendation is made for consideration by Council.

ANNUAL FINANCIAL REPORT & AUDIT REPORT 2014/2015

Previous Considerations

Nil

Pursuant to Section 7.9 of the *Local Government Act 1995* (the 'Act'), an Auditor is required to examine the accounts and annual financial report submitted by a local government for audit. The Auditor is also required, by 31 December following the financial year to which the accounts and report relate, prepare a report thereon and forward a copy of that report to:

- (a) Mayor or President; and
- (b) The Chief Executive Officer; and
- (c) The Minister

Furthermore, in accordance with Regulation 10(4) of the *Local Government (Audit) Regulations 1996*, where it is considered appropriate to do so, the Auditor may prepare a Management Report to accompany the Auditor's Report, which is also to be forwarded to the persons specified in Section 7.9 of the Act.

On finalisation of the Shire's 2014/2015 final audit, the Auditors presented their initial findings to the Audit Committee for consideration at an informal briefing session held Wednesday 16 September 2015 which was attended by Councillors Graeme Campbell and Desiree Male.

The Audit Committee examined the reports of the auditor after receiving a report from the Chief Executive Officer (CEO) on the matters reported and:

- Determine if any matters raised require action to be taken by the local government; and
- Ensure that appropriate action is taken in respect of those matters.

The Audit Committee was also required to review a report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presents the

Chairperson..... Date.....

report to Council for adoption. A copy of the report is to be forwarded to the Minister prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time.

2014/2015 Operating Result

An analysis of the 2014/2015 operating result is provided in this report and how it compares to the forecasted outcomes of the Shire's adopted Integrated Planning and Reporting Framework. As a background, the 2014/2015 Annual Financial Report discloses the results of the second year of implementation of the newly legislated Integrated Planning and Reporting Framework. The plans contained in the framework provide funding strategies to ensure Council can meet its adopted strategic objectives, while maintaining and forecasting impacts on the Shire's future financial sustainability.

As reported to Council in the two preceding years in regards to the 2012/2013 and 2013/2014 Annual Financial Reports, the Shire's 2014/2015 Annual Budget process continued to place significant focus on a number of 'informing strategies'. As part of the budget finalisation it was still evident in the second year since the introduction of the integrated planning framework, that the desired allocations toward capital renewal outlined within the prepared Asset Management Plans are not being achieved.

Effectively, the intended annual allocations to Capital Reserves were either not provided for in the 2014/2015 Annual Budget or; in some cases Capital Reserves drawn to enable Capital Works programs to be sufficiently funded. This is not sustainable over the longer term, triggering a review of the 2013-2028 Long Term Financial Plan (LTFP) previously adopted by Council at the Ordinary Meeting of Council held 27 October 2013.

The draft 2015-2030 Shire of Broome Long Term Financial Plan was presented to Councillors at a workshop held on 6 February 2015, as a follow on from a two day workshop held on 14 and 15 November 2014. At these workshops, the draft Strategic Community Plan 2015-2025 and Corporate Business Plan 2015-2019 were presented, containing the results of the interim desktop review.

The Shire's LTFP was reviewed with consideration for these revised documents. As part of this process a review was conducted to prioritise projects within the organisation's financial capacity. The objective of the revised LTFP was to reduce the overall reliance on reserve funding and to prioritise the funding capacity for the forecasted expenditure detailed in the Shire's proposed Capital Renewal program. Funding of renewal expenditure through municipal funds, provides for long term financial viability and there has been a focus on achieving an improved operating surplus.

The draft LTFP contained some key assumptions which included organisational savings of \$1.4M and a dividend from Waste operations of approximately \$1M to offset operations. The SCP and CBP were adopted at the SMC held 19 February 2015, including the organisational restructure which resulted in \$1.8M savings in employee costs per annum. The savings identified in 2014/2015 have been carried through to the 2015/2016 financial year and are a one off event as a result of the management decisions implemented to ensure the long term financial sustainability of the Shire. The revised 2015-2030 LTFP was adopted by Council at the Special Meeting of Council (SMC) held 13 August 2015.

After consideration and endorsement by the Audit Committee at its meeting held 13 October 2015, Council is requested to consider and adopt the annual financial report.

COMMENT

Chairperson..... Date.....

REQUEST FOR TENDER 15/06 - KIMBERLEY COUNCILS AUDIT TENDER 2015

RFT 15/06 was advertised in the West Australian newspaper to invite submissions from 5 September 2015 and closed 4pm 23 September 2015. The tender submissions were opened in the presence of the Manager Financial Services and Manager Governance (Shire of Broome). A total of 10 submissions were received prior to the deadline and opened in the following order:

- Byfields Pty Ltd
- Butler Settineri (Audit) Pty Ltd
- RSM Bird Cameron
- Moore Stephens
- Anderson Munro & Wyllie
- William Buck
- KPMG
- MACLEOD Corporation Pty Ltd
- Grant Thornton
- AMD Chartered Accountants

An Evaluation Panel review meeting was held at the Shire of Broome on 25 September 2015 to review the submissions. This was attended by panel members:

- Manager Financial Services (Shire of Broome)
- Financial Services Manager (Shire of Halls Creek)
- Manager Finance (Shire of Derby West Kimberley)

Additionally the meeting was attended by the Executive Manager Corporate Services (Shire of Derby/West Kimberley) to provide as a handover due to the pending departure of their Manager of Finance.

The attached confidential report discloses the individual evaluation scoring matrix of all submissions and provides a recommendation to Council as to the proposed tender submitter based on performance against the Audit Specifications and weighted criteria as was adopted in the tender procurement plan. Council is requested to consider the evaluation outcome as recommended by the Audit Committee to appoint the successful tenderer as Council's auditor from 1 July 2015 to 30 June 2018 (3 years).

ANNUAL FINANCIAL REPORT & AUDIT REPORT 2014/2015**Chief Executive Officer's Report to the Audit Committee**

Following is the CEO's report to the Audit Committee on matters arising from the audit and management reports. Extracts from the audit and management reports are indented in italics.

Audit Report

There were no matters of statutory non-compliance reported.

Management Report

The Auditor's Management Report provides an overview of the approach undertaken in respect of the annual audit process and the associated outcomes of the audit. The Management Report also identifies any findings that, whilst generally not material in

Chairperson..... Date.....

relation to the overall audit of the financial report, are considered relevant to the day to day operations of the Shire.

1. Matters Identified

As part of the 2014/2015 final audit, the Auditor identified five areas in which further improvements to the Shire's current processes and procedures could be considered for implementation. These areas have also been assigned a finding rating, as detailed in the following table:

INDEX OF FINDINGS New issues identified from 2015 Interim audit:	RATING		
	Significant	Moderate	Minor
1. High annual leave accrual at year end		✓	
2. Monthly Reconciliation		✓	
3. Overhead allocation		✓	
4. Issued Credit Notes for incorrect GST treatment		✓	
5. AARB Condition Based Valuation		✓	

Key To Ratings

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Significant - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating could indicate the need for a modified audit opinion in the current year, or in a subsequent reporting period if not addressed. However even if the issue is not likely to impact the audit opinion, it should be addressed promptly.

Moderate - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

Minor - Those findings that are not of primary concern but still warrant action being taken.

Each item is specifically discussed within the Management Report, as appended to the 2014/2015 Annual Financial Report as attached to this report, along with the Shire's management response. In terms of the management responses, appropriate actions are proposed to be implemented where required to address each of the findings.

2. Internal Financial Controls

During the audit, the Auditor examined the design and implementation of the internal controls surrounding the accounting and financial control systems. The matters that relate to internal control have been identified and discussed in the matters identified in section 1 of the aforementioned Management Report (none identified).

3. Audit Adjustments

Following the presentation of the Draft 2014/2015 Financial Report to the Auditor, officers actioned the following amendments that needed to be made:

- Adjustment for the current and non-current annual leave and long service leave provision. The schedule had been updated and the provision calculated and the timing of processing the journal occurred post on-site audit.
- Adjustment for the provision for doubtful rates debtors. The increase represented an immaterial value however, as officers are now basing the calculation of the provision on actual rates debts, rather than an arbitrary percentage, the journal was processed post on-site audit after due consideration was made to the list of outstanding rates debtors.
- Adjustment for the revaluation of infrastructure and furniture and fittings. The delay of receipt of the final, signed valuation report from AARB resulted in the journal being processed post on-site audit to recognise the change in valuation.

These adjustments have no material affect on the Shire of Broome's financial situation.

4. Other Matters

There were no identified matters of fraud to report and there were no disagreements with management about significant accounting matters.

2014/2015 Operating Result

The year end operating surplus result for 2014/2015 occurred through a number of factors. This included initiating a number of management directives and reviews to realise organisational savings across the Shire. These include unspent materials and contracts across operating and capital activities/projects, leased staff housing and other expenses of \$413K. Savings in utilities of \$346K include anticipated increases in electricity utilities which did not occur as previously estimated and implementation of public open space strategies to reduce water usage. The organisational restructure and subsequent freeze on recruitment for the rest of the financial year resulted in additional savings of \$248K. Interim rates have sourced additional rates revenue of \$448K as developments have finalised, plus a review of non-rateable properties in the Shire's database has resulted in additional \$162K of back rates being raised for properties such as telecommunication towers, exempt properties with an expired exempt land use and new parcels not previously advised from Landgate.

However, these savings were offset by a number of shortfalls in some areas. These include user charges from fees and charges revenue including BRAC Ovals due to North West Expo being relocated and overall BRAC visitor usage being down, Civic Centre venue user charges, rent concession for the Magabala Books tenancy as granted by Council, subdivision engineering supervision charges, and sanitation general refuse. Statutory and regulatory fees, licences and fines revenue was down \$62,000.

The year end result was also impacted by the recognition of the revaluation of the Shire's infrastructure and furniture and fittings assets at fair value in accordance with regulation 17A of the *Local Government (Financial Management) Regulations 1996*. This is the third

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and final stage of fair value revaluations with the cycle recommencing in the 2015/2016 financial year for the recognition of plant and equipment assets to be recognised at fair value.

The financial year ended 30 June 2015 resulted in the following carried forward operating surplus:

\$2,305,519	2015/2016 Budgeted brought forward operating surplus
<u>\$1,133,125</u>	2014/2015 Net Actual operating surplus
\$3,438,644	Total 2015/2016 Carried forward operating surplus

The 2015/2016 Annual Budget that was adopted at the Special Meeting of Council (SMC) held 13 August 2015, adopted an estimated brought forward operating surplus of \$2,305,519. This was comprised of the following projects estimated to be carried forward for inclusion in the 2015/2016 Annual Budget:

Project/Activity Description	Allocation
Sanctuary Caravan Park Op Exp - Tourism & Area Promotion	10,000
Project - Heritage Style Guide - Op Exp - Other Culture	30,000
Youth Development Program ((Net Grant Funding of \$15K)	10,000
Consultant – Trails Master Plan (Net Grant Funding of \$25K)	15,000
BRAC Building Renewal – Dry – Hard Court (Net Grant Funding of \$47,626)	47,874
Cable Beach Road East (south side) – At TAFE in existing Bus Bay	16,900
Amphitheatre Project Outlet Structure Renewal (Stage 1 & 2) Muni Funded	20,000
Rates Review	13,000
BRAC Website Development	12,000
Intranet Upgrade	95,000
Payroll System Upgrade	66,000
Town Beach Boat Ramp	8,500
Catalyse Research and Strategy	27,900
Lorikeet Drive Extension	23,000
Archer Street Design	15,000
Infrastructure Fair Value	68,500
Morgan Road upgrade – final invoices	19,500
St John Ambulance – repairs from 14/15	17,000
Vehicle Renewal – Water truck – Hino	180,000
Vehicle Renewal – D-MAX Tilt Tray	12,066
Vehicle Renewal - - Squirrel	70,000
Prepaid 15/16 Financial Assistance Grants and Roads Grants	1,486,197
Unallocated Estimated Surplus	42,082
TOTAL	\$2,305,519

The unallocated balance of \$42,082 represents a provision for the estimated operating surplus pending end of year adjustments and audit were finalised after the adoption of the budget. The total carried forward operating surplus is \$3,438,644, resulting in an actual unallocated net operating surplus of \$1,175,207.

This report contains recommendations for Council's consideration of the allocation of the \$1,175,207 net actual operating surplus. It is proposed for this to be fully allocated against significant initiatives in the 2015/2016 Adopted Annual Budget identified to require loan funding by transferring the funds to the respective Reserve account.

The initiatives identified include:

Project/Activity Description	15/16 Total Expenditure	15/16 Loan Funding	Proposed Allocation
Chinatown Revitalisation - Cap Exp GL Code 1367402	11,700,000	1,700,000	388,000
Economic Development - KRO3 Building Upgrade GL Code 1482446	4,280,000	2,880,000	670,000
Plant & Equip Renewal/Replacement - Cap Exp - BRAC – Aquatic GL Code 117132	3,320,000	496,722	117,207
TOTAL	\$19,300,000	\$5,076,722	\$1,175,207

A letter from the Department of Local Government and Communities dated 9 October 2015 was received via email on 13 October 2015, as advised and forwarded by the Shire of Broome's auditor RSM Bird Cameron. The letter was tabled at the Audit Committee meeting held 13 October 2015 (as attached) which identified a matter regarding the disclosure of the fair value revaluation increments and decrements which is required to be disclosed separately for each asset class in accordance with Australian Accounting Standard 116 Property, Plant and Equipment. As the 2014/2015 report had already been audited, further advice from the Department confirmed that the amendments were required to be disclosed in the 2014/2015 comparative year within next year's 2015/2016 Annual Financial Report.

Additionally, the Audit Committee requested that the Chief Executive Officer, as part of Council's rates debt recovery process, table a report to the next meeting of the Audit Committee regarding details of outstanding property rates assessments greater than 2 years to ensure Council has been informed and to have assurance that Council's adopted policy 2.1.3 Rates Debt Recovery has been properly applied.

CONSULTATION

Shire Derby West Kimberley
Shire Halls Creek
Department Local Government and Communities

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.

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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

- (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

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- (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.

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —

- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
- (b) the annual financial report of the local government for the preceding financial year.

7.9. Audit to be conducted

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
 - (a) the mayor or president; and
 - (b) the CEO of the local government; and
 - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that —
 - (a) there is any error or deficiency in an account or financial report submitted for audit; or
 - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
 - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —
 - (a) prepare a report thereon; and
 - (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.
- (4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under

section 7.9 is received by the local government, whichever is the latest in time.

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

POLICY IMPLICATIONS

Policy 2.3.7 Purchasing

Policy 1.2.9 Local Regional Price Reference

2.1.1 - Materiality in Financial Reporting

2.1.4 - Significant Accounting Policies

FINANCIAL IMPLICATIONS

The three Councils 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.

The proposed allocation of the surplus is based on the principle of reducing Council's borrowings. The \$1,175,207 unallocated 2014/2015 operating surplus is to be transferred to the respective reserve account to offset any significant loan funded initiatives budgeted for the 2015/2016 financial year.

In terms of materiality, the unallocated surplus amount represents a variance of 3% compared to budgeted operating revenue for 2014/2015 of \$36,801,700 (excluding grants and contributions for assets and profit on sale of assets). This is 2% over the adopted threshold of 1% (\$368,017) as per policy 2.1.1 Materiality in Financial Reporting.

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 appointing an auditor within the procurement deadlines to meet the February 2016 interim audit deadline. Additionally, it is a matter of legislative compliance for the Audit Committee to provide guidance and advice to Council on the appointment of Council's auditors.

To mitigate this risk officers of the three Councils have ensured the evaluation process was conducted in a fair and transparent manner in full consultation with each participating Council. The evaluation report and templates were obtained from the Western Australia

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Local Government Association procurement handbook and resources which meet the minimum tender compliance requirements.

The audited Annual Financial Report is a key control measure used to report to Council and its stakeholders to provide assurance that all systems, processes and controls have been established by the CEO to minimise the risk of any material misstatement or loss caused by fraud or error. The audit findings indicate areas requiring improvement and management have implemented measures to review processes. The report measures Council's financial capacity to achieve its adopted strategic and operational objectives. A material variance indicates areas requiring investigation such as budget estimation/formulation, workforce management and Council's overall resource capacity to achieve its strategic objectives.

The recommendation by the Audit Committee to Council for the adoption of the Annual Financial Report, Audit and Management Report and CEO's report is a key statutory compliance matter. Should this not be recommended for adoption, this will cause a delay in Council's adoption of the 2014/2015 Annual Report to be presented at the October Ordinary Meeting of Council (OMC), which will flow on to delaying the Annual Electors Meeting (AEM). This poses a high risk due to the possible likelihood of occurring and the impact of a significant delay to major deliverables.

In regards to the proposed allocation of the 2014/2015 surplus, should Council make alternative recommendations, the long term financial impacts of such should be analysed to ensure there are no adverse impacts to Council's future financial sustainability and should be in line with the adopted LTFP. Surplus funds are not recommended to be committed to ongoing operational programs and activities which will further reduce Council's future ability to maintain optimal operating surpluses to fund capital renewal priorities as per the LTFP. This risk is assessed as extreme where the financial impact is greater than \$150,000 and the likelihood of this occurring is possible. To mitigate these risks, the report recommendations are required to be adopted.

STRATEGIC IMPLICATIONS

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

Effective communication

Affordable services and initiatives to satisfy community need

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

Affordable and equitable services and infrastructure

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

An organisational culture that strives for service excellence

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

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Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION: **(REPORT RECOMMENDATION)**

Moved: Cr G Campbell

Seconded: Cr H Tracey

That Council, on recommendation from the Audit Committee:

1. **Endorses the recommendation as contained in the confidential tender evaluation report RFT 15/06 for the Provision of External Audit Services for a period of 3 years (1 July 2015 – 30 June 2018) to appoint the nominated person(s) as the Shire's registered company auditor in accordance with Section 7.3(1) of the Local Government Act.**
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 Act (Functions and General) Regulations 1996.**
3. **Authorises the Chief Executive Officer to sign the letter of engagement.**
4. **Receives the Chief Executive Officer's report relating to the audit.**
5. **Receives the Audit Report and Audit Management Report dated 5 October 2015.**
6. **Adopts the Annual Financial Report for the year ended 30 June 2015 subject to the amendments relating to the separate disclosure of infrastructure revaluation increments and decrements for each asset class as identified by the Department of Local Government and Communities, to be reflected in the 2015/2016 Annual Financial Report for the 2014/2015 comparative figures.**
7. **Allocates the net operating surplus from the 2014/2015 financial year to the following initiatives:**

Project/Activity Description	GL Code	Allocation
Chinatown Revitalisation - Cap Exp GL Code 1367402	1367403 - Transfer to Road Reserve - Cap Exp - Other Economic Services	\$388,000
Economic Development - KRO3 Building Upgrade GL Code 1482446	147950 - Transfer to Building Reserve - Cap Exp - Office Properties Leased	\$670,000
Plant & Equip Renewal/Replacement - Cap Exp - BRAC – Aquatic GL Code 117132	117131 - Transfer to Building Reserve - Cap Exp - BRAC Aquatic	\$117,207
TOTAL		\$1,175,207

8. **Requests the Chief Executive Officer to provide a report to then next Audit Committee meeting on property rates assessments that are outstanding for over 2 years.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 8/0

Attachments

1. MINUTES OF THE AUDIT COMMITTEE MEETING HELD 13 OCTOBER 2015
2. 5.1 CONFIDENTIAL ATTACHMENT TO AUDIT COMMITTEE MEETING 13 OCTOBER 2015

Chairperson..... Date.....

(Confidential to Councillors and Directors Only)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(c) as it contains "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting".

3. 5.2 ATTACHMENT TO AUDIT COMMITTEE MEETING 13 OCTOBER 2015
4. LETTER DEPARTMENT LOCAL GOVERNMENT COMMUNITIES - AASB 116 DISCLOSURE
INFRASTRUCTURE REVALUATIONS

9. REPORTS OF OFFICERS (CONTINUED)

9.4.7 ANNUAL REPORT 2014/2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ADM42
AUTHOR:	Manager Governance
CONTRIBUTOR/S:	Media and Promotions Officer
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 September 2015

SUMMARY: This report recommends that Council accepts the Draft 2014/2015 Annual Report and considers a date for convening the Annual Electors Meeting.

BACKGROUND

Previous Considerations

SMC 18 December 2006	Item 9.1.2
OMC 14 February 2008	Item 9.1.3
OMC 17 December 2008	Item 9.1.6
OMC 16 December 2009	Item 9.1.4
OMC 15 December 2010	Item 9.1.2
OMC 14 December 2011	Item 9.4.4
OMC 18 December 2012	Item 9.4.6
OMC 19 December 2013	Item 9.4.11
OMC 23 October 2014	Item 9.4.6

COMMENT

Section 5.53(1) of the *Local Government Act 1995* requires local governments to prepare an Annual Report for each financial year. The content of the Annual Report is specified in s5.53(2). This report summarises the year's highlights and achievements, as well as includes specific statutory information.

In addition to this, the *Disability Services Act 1993* and *State Records Commission Standard 2* have a requirement for certain information to be included in the Annual Report.

Section 5.54(1) of the *Local Government Act 1995* requires the Annual Report for a financial year to be accepted by absolute majority no later than 31 December after the reported financial year.

Section 5.27 (2) of the *Local Government Act 1995* requires the Annual Electors meeting to be held within 56 days of the Annual Report for the previous financial year being accepted by Council. Should Council accept the Draft Annual Report an Annual Electors Meeting is required to be held no later than 9 December 2015.

The attached Annual Report 2014/2015 is in draft format. Following acceptance by Council, arrangements will be made for the final production of the report for availability prior to the Annual Electors Meeting. A copy will also be available on the Shire's website.

The Financial Report is being considered by the Audit Committee and the outcome will be advised in a separate item to Council.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Division 5 – Annual reports and planning

5.53 Annual Reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain –
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - (c) and (d) deleted
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor's report for the financial year;
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including –
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
 - (i) such other information as may be prescribed.

5.54 Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

*Absolute majority required.

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.56 Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Division 2 – Council meetings, committees and their meetings and electors' meetings**Subdivision 4 – Electors' meetings****5.27 Electors' general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving -
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

Disability Services Act 1993**29. Report about disability access and inclusion plan**

- (2) A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Local Government Act 1995 a report about the implementation of the plan.

State Records Commission Standard 2 – Record keeping Plans**Principle 6 – Compliance**

Government organisations ensure their employees comply with the recordkeeping plan.

Rationale

An organisation and its employees must comply with the organisations recordkeeping plan.

Organisations should develop and implement strategies for ensuring that each employee is aware of the compliance responsibilities.

Minimum Compliance Requirements

The recordkeeping plan is to provide evidence to adduce that:

1. The efficiency and effectiveness of the organisation's recordkeeping systems is evaluated not less than once every 5 years.
2. The organisation conducts a recordkeeping training program.
3. The efficiency and effectiveness of the recordkeeping training program is reviewed from time to time.
4. The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's recordkeeping plan.

Chairperson..... Date.....

5. *The organisation includes within its annual report an appropriate section that addresses points 1-4.*

POLICY IMPLICATIONS

Policy 1.1.9 – Public Participation at Council and Electors Meetings.

FINANCIAL IMPLICATIONS

The Annual Report has largely been prepared in-house, however the final design and layout has been undertaken by Market Creations – estimated cost \$1,430 – GL 14233.

The estimated cost for advertising in the Broome Advertiser is \$350 - GL 142100.

STRATEGIC IMPLICATIONS

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

Effective communication.

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

Effective community engagement.

Improved systems, processes and compliance.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

1. *Accepts the Shire of Broome Annual Report for the 2014/2015 financial year as contained in the Attachment.*
2. *In accordance with Section 5.55 of the Local Government Act 1995 provides local public notice of the availability of the Shire of Broome's Annual Report for 2014/2015.*
3. *Convenes an Annual Electors Meeting on 3 December 2015 commencing at 5.00pm to be held in the Council Chambers.*
4. *In accordance with Section 5.29 of the Local Government Act 1995 provides local public notice of this meeting.*

(ABSOLUTE MAJORITY REQUIRED)

COUNCIL RESOLUTION:**Moved: Cr C Mitchell****Seconded: Cr P Matsumoto****That Council:**

- 1. Accepts the Shire of Broome Annual Report for the 2014/2015 financial year as contained in the Attachment.**
- 2. In accordance with Section 5.55 of the Local Government Act 1995 provides local public notice of the availability of the Shire of Broome's Annual Report for 2014/2015.**
- 3. Convenes an Annual Electors Meeting on 8 December 2015 commencing at 5.00pm to be held in the Council Chambers.**
- 4. In accordance with Section 5.29 of the Local Government Act 1995 provides local public notice of this meeting.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 8/0

Reason: change of date for the Annual Electors Meeting from the 3 December 2015 to 8 December 2015.

Attachments

1. ANNUAL REPORT 2014/2015

10.

**REPORTS
OF
COMMITTEES**

Chairperson..... Date.....

10.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES 17 JUNE 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	EMS02
AUTHOR:	Executive Support Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 July 2015

SUMMARY: The Local Emergency Management Committee (LEMC) met on the 17 June 2015, where the resignation of Colin Kenworthy - Indigenous Coordination Centre was noted, and the Broome Boulevard Shopping Centre Fire Alarm Procedures Report, LEMC Annual Draft Business Plan 2015/16, and the LEMC Draft Annual Report were all endorsed. This report requests that Council receive the minutes and adopt the recommendations of the meeting.

BACKGROUNDPrevious Considerations

OMC 23 October 2014	Item 10.2
OMC 26 February 2015	Item 10.2
OMC 30 April 2015	Item 10.4

The Local Emergency Management Committee (LEMC) is established under the Emergency Management Act 2005 as a function for Councils. Its purpose is to assist the Broome Local Emergency Coordinator (Officer in Charge of Police sub-district) to develop and maintain effective emergency management arrangements for the local area. Its objectives include;

1. Liaise with participating agencies in the development, review and testing of emergency management arrangements.
2. Assist with the preparation of emergency management operating procedures for application in the local area.
3. Prepare an annual report on Committee activities for submission to the District Emergency Management Committee.
4. Participate in the emergency risk management process.
5. Carry out other emergency management functions as directed by the District Emergency Management Committee.

COMMENT

The meeting held 17 June 2015 Agenda included:

1. Resignation of Colin Kenworthy, from the Indigenous Coordination Centre, as a LEMC member.

That the Local Emergency Management Committee (LEMC):

- 1. Request the Shire of Broome to write to Colin Kenworthy, from the Indigenous Coordination Centre (ICC), and thank him for his years of service and membership to LEMC.***
- 2. Write to ICC expressing gratitude for Colin Kenworthy's service and membership to LEMC, and ask if they could provide another nomination.***

Moved: John Kennedy**Seconded: Rob Aristei*****Carried unanimously***

2. Correspondence In/Out

3. Broome Boulevard Shopping Centre Fire Alarm Procedures Report

REPORT RECOMMENDATION:

- 1. Request Shire to request a copy of the evacuation/emergency plan from the Boulevard Shopping Centre.***
- 2. Request Shire & DFES to provide advice back to LEMC with regards to the procedures and associated requirements for exercise.***

Moved: Ivan Davie**Seconded: Steve Longo*****Carried unanimously*****OFFICER Comment**

Shire of Broome Officers met with the Boulevard Shopping Centre Management on Friday 28 August 2015. During the meeting officers was provided with a copy of the centre's certificate of compliance in relation to the Emergency evacuation management plans and related matters including training. The Centre Manager explained that Emergency Control Organisation Training are held twice annually with the next training scheduled for October 2015. The management also indicated that the EWIS system was tested by the incumbent fire maintenance contractor, Fire and Safety Services on Friday 28 August and the system operated correctly with alarms audible throughout the shopping centre.

Officers received a copy of the evacuation / emergency plan which is confidential and will remain an internal document only.

4. Shire of Broome LEMC Annual Draft Business Plan 2015/16

REPORT RECOMMENDATION:

- 1. The Local Emergency Management Committee receives and endorses the Draft***

Chairperson..... Date.....

Business Plan for 2015/16, and that it be forwarded to Council for endorsement.

- 2. That members review the Draft Business Plan in further detail against relevant Business Plans to feed back to LEMC, including potential sponsorship of exercises.***

Moved: Mat Morrissy

Seconded: Ben Bexley

Carried unanimously

5. LEMC Annual Report

REPORT RECOMMENDATION:

That Local Emergency Management Committee (LEMC):

- 1. receives and endorses the Draft LEMC Annual Report for the financial year 2014/15 and it be submitted to the District Emergency Management Committee directly in order to meet the required legislative timeframes; and***
- 2. forwards the Draft LEMC Annual Report 2014/15 to Council for endorsement.***

Moved: John Kennedy

Seconded: Alan Byrne

Carried unanimously

OFFICER COMMENT:

Phil Kuhne, SEMC Secretariat, confirmed that the Annual Report component of LEMC does not need to be endorsed by Council, and can be signed by the LEMC Chair.

6. Discussion on upcoming Inpex Presentation, on 14 July 2015, by Phil Thelwell, Inpex Senior Emergency Management Advisor.
7. Discussion on upcoming Oil Spill Response Operator Course
8. Late Items –
 - a. Broome Surf Life Saving Club Emergency Contact List
 - b. Broome Volunteer Sea Rescue Group update

CONSULTATION

As per the membership of the LEMC

STATUTORY ENVIRONMENT

Emergency Management Act 2005

Section 36 Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
- (b) to manage recovery following an emergency affecting the community in its district; and*

Chairperson..... Date.....

- (c) to perform other functions given to the local government under this Act.

Section 41 Emergency management arrangements in local government district

- (1) A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.
- (2) The local emergency management arrangements are to set out —
 - (a) the local government's policies for emergency management;
 - (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;
 - (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);
 - (d) a description of emergencies that are likely to occur in the local government district;
 - (e) strategies and priorities for emergency management in the local government district;
 - (f) other matters about emergency management in the local government district prescribed by the regulations; and
 - (g) other matters about emergency management in the local government district the local government considers appropriate.
- (3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.
- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.**
- (5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.

Section 42 Reviewing and renewing local emergency management arrangements

- (1) local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.
- (2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.

Section 43 Local emergency management arrangements to be available for inspection

- (1) A local government is to keep a copy of its local emergency management arrangements at the offices of the local government.
- (2) The arrangements are to be available for inspection, free of charge, by members of the public during office hours.
- (3) The arrangements may be made available in written or electronic form.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Chairperson..... Date.....

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

Affordable services and initiatives to satisfy community need

A healthy and safe environment

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

Absolute Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Council receives and endorses the minutes of the Local Emergency Management Committee of 17 June 2015.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 8/0

Attachments

1. Local Emergency Management Committee Meeting Minutes 17 June 2015

10.2 ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING MINUTES 18 AUGUST 2015

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	COS09
AUTHOR:	Youth and Community Development Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 September 2015

SUMMARY: This report presents the Minutes of the Access and Inclusion Advisory Committee Meeting held 18 August 2015 for Council's consideration.

BACKGROUND

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

Previous Considerations

As outlined in the attached minutes.

COMMENT

The AIAC discussed one item at the meeting held 18 August 2015:

5.1 Standard Footpath Alignment for Future Subdivisions

The Shire is in the process of developing a Local Planning Policy – Structure Plan and Subdivision Standards. The draft Local Planning Policy is proposed to establish a framework for the preparation and assessment of structure plans and applications for subdivisions within the Shire of Broome. At the 18 August AIAC meeting the Committee's input was sought regarding standard provisions for footpaths for inclusion in the Local Planning Policy.

No standard footpath alignment exists, and the alignment of footpaths within Broome varies between different areas. The Local Planning Policy seeks to establish consistent standards for the location and widths of footpaths. During the consultation period it was identified that the proposed alignment (against the property boundary) was not preferred as it conflicts with service locations.

This report presented two alternate options for footpath alignment for the Committee's consideration:

- Option 1 – Footpath offset from kerb
- Option 2 – Footpath against kerb

The Shire of Broome Access and Inclusion Advisory Committee have on several occasions raised concerns with problems with the accessibility of footpaths across Broome, particularly where the footpath is set against the kerb.

Chairperson..... Date.....

The committee noted that the specifications for footpaths for future developments and subdivisions are dependent on a number of factors and technical considerations and recommend that Option 1 – Footpaths Offset from Kerb is adopted as part of the Broome Structure Plan and Subdivision Guidelines.

Committee membership

This report also requests that Council considers the matter of committee membership. At the 19 May 2015 AIAC meeting the committee discussed membership and recommended that membership of the AIAC was reviewed to identify current vacancies to be advertised publicly for expressions of interest to fill identified vacancies for Council's consideration.

A review of the AIAC membership revealed the following vacancies currently exist on the AIAC:

- Heath services representative
- Education and employment representative
- Community organisation representative

At the 25 June OMC Council resolved the following:

Requests the Chief Executive Officer to;

- (a) seek Expressions of Interest from the community for the following positions on the Access and Inclusion Advisory Committee;*
 - (i) Heath services representative*
 - (ii) Education and employment representative*
 - (iii) Community organisation representative*
- (b) make a recommendation to Council to appoint members in the above categories*

In accordance with Council's resolution above, expressions of interest were called via the Shire website, advertised in the Broome Advertiser and promoted via email networks. One expressions of interest was received for the position of education and employment representative. A copy of the nomination received and recommendation for appointment is included as a confidential attachment to this report.

Expressions of interest were not received for the following vacancies:

- Health services representative
- Community organisation representative

It is recommended that these positions remain open until such time as a suitable expression of interest is received and presented for Council's consideration and appointment.

CONSULTATION

Information regarding the available positions on the AIAC and an expression of interest form were available on the Shire of Broome website and in hard copy at the Administration Office, Broome Public Library and Broome Civic Centre. A public notice calling for expressions of interest appeared in the 16 July edition of the Broome Advertiser. Emails were sent to relevant networks and officers approached potential candidates directly to encourage them to apply.

STATUTORY ENVIRONMENT

Local Government Act 1995

WA Disability Services Act 1993 (as amended 2004)

Equal Opportunity Amendment Act Western Australia (1988)

Disability Discrimination Act (1992)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Officers have determined that any costs associated with the proposed change of alignment will be minimal.

RISK

Nil

STRATEGIC IMPLICATIONS

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

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:

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

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

Effective community engagement

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr H Tracey

Seconded: Cr A Poelina

That Council:

- 1. Receives the Minutes of the Access and Inclusion Advisory Committee (AIAC) meeting held on 18 August 2015 and endorses the recommendations of the Committee (as contained in the Minutes attached) enbloc.**
- 2. Appoints a community representative to the Access and Inclusion Advisory Committee as per the recommendation contained in the confidential attachment to this report.**

- 3. Notes that the following positions on the Access and Inclusion Advisory Committee will remain vacant until such time as a suitable expression of interest is received and presented for Council's consideration and appointment:**
- (a) Health services representative**
 - (b) Community organisation representative.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 8/0

Attachments

1. Minutes of the Access and Inclusion Advisory Committee Meeting 18 August 2015
2. Expression of Interest and Recommendation for Appointment (*Confidential to Councillors and Directors Only*)

This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)(b) as it contains "the personal affairs of any person".

10.3 MINUTES OF THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE SEPTEMBER 17, 2015

LOCATION/ADDRESS: Nil
APPLICANT: Nil
FILE: EPD002
AUTHOR: Manager Economic Development
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Deputy Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 25 September 2015

SUMMARY: This report presents the minutes of the Economic Development Advisory Committee September 17, 2015 and associated recommendations for Council's consideration.

BACKGROUNDPrevious Considerations

As outlined in the attached minutes.

COMMENT

Two presentations were made to the EDAC within the September 17 meeting including;

- Chris Ham – Project Manager, Department of Agriculture and Food
La Grange Agricultural Project
- Jacqui Farmer – Manager of Operations North, Department of Lands
Land Tenure Pathway for Irrigated Infrastructure

At the meeting the EDAC considered the following items;

Item 5.1 – White paper on Developing Northern Australia

This paper presented the EDAC with an overview of the initiatives proposed in the Federal Governments White paper on Developing Northern Australia including

- Simpler land arrangements to support investment;
- Developing the north's water resources;
- Growing the north as a business, trade and investment gateway;
- Investing in infrastructure to lower business and household costs;
- Reducing barriers to employing people; and
- Improving governance.

The Officer recommendation and final resolution of the EDAC are depicted in the following table

Officer Recommendation	Committee Recommendation
<i>That the Economic Development Advisory Committee</i>	<i>That the Economic Development Advisory</i>

Chairperson..... Date.....

<p>recommends that Council:</p> <ol style="list-style-type: none"> 1. Note the Federal Government White Paper on Developing Northern Australia. 2. Authorise the Chief Executive Officer, key stakeholders and Shire President to lobby, monitor, participate and advocate for Broome to be considered within the context of the following funding initiatives; <ol style="list-style-type: none"> (a) Lobby for, and monitor, pilot programs relating to supporting economic activity on land in the North and in Native Title - particularly those that provide land tenure reform, long term, tradeable Native Title rights, support investment on indigenous land and allow more economic activity on pastoral land. (b) Lobby for development of West Kimberley and North Kimberley water and water infrastructure to support increased agricultural production (Fitzroy River, La grange and Ord) – ensuring this is aligned with work already undertaken by the State through the Department of Agriculture and Food and Department for Water. (c) Participation and attendance within existing budget parameters in the major investment forum proposed for Darwin in late 2015 and alignment with work undertaken by the Department of Agriculture in regards to their Trade and Investment teams and Northern Beef Futures team as well as the Department of State and Regional Development. (d) Seeking details and promoting the \$664m Industry Skills Fund to businesses seeking to expand into the North. (e) Lobby the Federal government for inclusion of Broome aquaculture studies in the \$75m CRC program which supports industry led collaborations between industry and research organisations – in particular pearling and fin fish farming in consultation with the Department of Fisheries and local Broome pearling and aquaculture industry. (f) Support and monitor the White Paper actions relating to insurance affordability and the one stop shop / streamlined approach for environmental approvals. (g) Lobbying for improved communications infrastructure investments, in particular the Mobile Black Spots Programme for areas like the Dampier Peninsula. (h) Lobbying for improvements to the Great Northern Highway to support resources and gas industries. (i) Participation and advocacy for Broome in relation to actions aimed at improving aviation access and coastal shipping reforms, in particular the Beef Roads fund aimed at improving cattle supply chains. 	<p>Committee recommends that Council:</p> <ol style="list-style-type: none"> 1. Note the Federal Government White Paper on Developing Northern Australia. 2. Seek all constructive measures to engage with the Commonwealth and the State governments on development initiatives that advance Broome and the west Kimberley's social and economic future. 3. Request the Chief Executive Officer identify to Council the initiatives which can be progressed by the Shire.
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(j) Supporting the expansion of the working holiday maker VISA program and expanding and streamlining the seasonal worker program to support Broome's agriculture, horticulture, tourism, mining, construction and hospitality industries.	
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Reason: To ensure alignment with State and Federal actions that relate to the White paper the EDAC amended the resolution to allow flexibility details of the initiatives that may arise.

The EDAC also raised the specific element of the White paper that related to Tourism and Hospitality of \$13.6 million to extend management advice and other business support services to businesses in the northern tourism industry (under the Entrepreneurs' Infrastructure Programme). This along with the initiatives within the officer recommendation was determined to be the initiatives that the Chief Executive Officer was requested to identify in recommendation number 3 as being progressed by the Shire.

Item 5.2 – Review of Tourism Administration Policy Allocations

This paper provided an overview of the consultation and process, feedback from stakeholders with officer comment and previous Council papers form the basis of a review of the Shire of Broome Tourism administration Policy.

It included the new policy, report and process, relevant strategies and tourism industry information reports to provide the EDAC with relevant background into the review.

Officer Recommendation	Committee Recommendation
<p><u>REPORT RECOMMENDATION:</u></p> <p>The Economic Development Advisory Committee recommends that Council:</p> <ol style="list-style-type: none"> 1. Adopts the revised Tourism Administration Policy 2.1.6 as attached which incorporates feedback received as part of the consultation process outlined in the Officer Recommendation section of this report. 2. Considers entering into 2 year funding agreements with organisations receiving funding from this policy. 	<p>The Economic Development Advisory Committee recommends that Council:</p> <ol style="list-style-type: none"> 1. Adopts the revised Tourism Administration Policy 2.1.6 as attached which incorporates feedback received as part of the consultation process outlined in the Officer Recommendation section of this report. 2. Considers entering into funding agreements with organisations receiving funding from this policy.

Reason: The EDAC resolved a minor amendment to the second officer recommendation to provide flexibility for funding terms within the policy.

CONSULTATION

Details of consultation undertaken for each item is included within the relevant report

STATUTORY ENVIRONMENT

Local Government Act 1997

Chairperson..... Date.....

POLICY IMPLICATIONS

Details of the Policy implications are included within the relevant report with the most salient being that on the Tourism Administration Policy review in item 5.2

FINANCIAL IMPLICATIONS

Financial implications relative to the reports will be presented for consideration in due course

RISK

N/A – risks relative to each item are included within the relevant report

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 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 preserved, unique and significant historical and cultural heritage of Broome

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

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

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

Affordable 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:

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr H Tracey

Seconded: Cr C Mitchell

That Council receives the minutes of the Economic Development Advisory Committee held on the 17 September 2015 and endorses the recommendations put forward by the Economic Development Advisory Committee in the minutes attached enbloc.

CARRIED UNANIMOUSLY 8/0

Attachments

1. Minutes of the Economic Development Advisory Committee September 17, 2015
2. Tourism Administration Policy Clean version
3. Tourism Administration Policy - Marked up Ammendments

11. NOTICES OF MOTION

Cr A Poelina advised this motion has been formally withdrawn.

Cr G Campbell as presiding member ruled that the reason for withdrawal may be included in the Minutes in accordance with Section 5.22 of the Local Government Act 1995.

With regard to Item 11.1 Cr G Campbell declared a Financial Interest as "Director of company that leases Shire property subject to the line item in the financial budget" and departed the Chambers at 6.20pm.

Cr H Tracey assumed the Chair.

The Chief Executive Officer read aloud Cr Poelina's reason for withdrawal of the motion as follows:

I wish to withdraw my Notice of Motion contained within the Agenda for the Ordinary Meeting of Council for the 15th October 2015.

The reason for withdrawing the Notice of Motion is because I have been prevented from submitting a revised Notice of Motion. The revised Notice of Motion was at the Shire Office prior to start of business on Monday and the Meeting wasn't until after the close of business on the Thursday giving 4 clear working days for the matter to be dealt with by Staff. The revised Notice of Motion has been deemed to not meet the submission timeframe requirement. The Shire legal advice of 13 October is open to question because it means that Councillors have had no capacity to submit a Notice of Motion to a Council Meeting in response to the agenda;

"In calculating the days, the day the Notice of Motion is provided and the date of the meeting are not included in the calculation of 4 clear days; see section 61(1) of the Interpretation Act 1984 which provides that where the concept of "at least" a number of "clear Days" is between two events the day of each event is excluded. This means that for a Council meeting to be held on a Thursday, the Notice of Motion would have to be given on the preceding Thursday.

This is relevant because I did not received the Agenda which contained the Officers Comments and the legal advice until after the close of business, 6pm on Thursday 8th October. It was impossible to include the Officers Comments in any response that could meet the time frame identified by the legal advice.

I have made no comment about Councillor Campbell regarding this matter and I confirm the position I have consistently maintained acknowledging Councillor Campbell's probity and due diligence by declaring his conflict of interest throughout all matters before Council.

11.1 MOVE TO CHANGE COUNCIL RESOLUTION RELATING TO ITEM 6.4.5 - ADOPTION OF 2015/2016 ANNUAL BUDGET - THE SPECIAL MEETING OF COUNCIL HELD 13 AUGUST 2015

The following Notice of Motion was submitted by Cr A Poelina with Officer comment by the Deputy Chief Executive Officer.

Chairperson..... Date.....

COUNCILLOR COMMENT / BACKGROUND

Summary

In keeping with good governance it is important to note no scope was identified in the budgeted line item when the matter was voted on. Council must ensure budget adjustments show due diligence in the financial management of rate payers funds and Shire assets.

Background

At the Special Meeting of Council on 13th August 2015 a decision was made by Councillors to give the Roebuck Bay Caravan Park \$250,000 dollars for an unspecified purpose (line item 132111). I acknowledge I voted for the Motion however I have reflected on this decision. The advice from the Director of Corporate Services is that Councillors decision **"would likely provide a financial benefit (advantage) to its lessees"**. Given a Councillor is a lessee of the Roebuck Bay Caravan Park this item requires further consideration.

I request support to develop a new motion to amend the above motion because there may be statutory and code of conduct considerations that require further justification in order to maintain probity and the perception that all matters of Council have been maintained to a high order.

Comment

The following Resolution regarding this matter was moved by Cr D. Male and seconded by Cr A. Poelina. It demonstrates the serious nature of the decision.

That Council does not consider the matter trivial and consider Line Item 132111 independently, and the request for Cr Campbell to participate is denied by Council.

This Line Item of the Budget was adopted separate to the full motion 6.4.5 ADOPTION OF 2015/2016 ANNUAL BUDGET.

To this end this motion can be amended and or rescinded because the Item has been voted on separately and not dependent on any other motion, and the funds have not be expended which means the item has not been actioned.

Statutory Environment

Given the extraordinary nature of the large financial impact on the Council budget and the need to demonstrate probity with the allocation of ratepayer funds I advise the need to be aware of potential implication from Councillors decision to grant a large amount of funds without justification to benefit another Councillor in relation to the following statutory regulations.

WA Local Government Act (1995)

Improper use of information

5.93. A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

Code of Conduct (2007)

7. Securing personal advantage or disadvantaging others

- (1) A person who is a council member must not make improper use of the person's office as a council member —

Chairperson..... Date.....

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

8. Misuse of local government resources

A person who is a council member must not either directly or indirectly use the resources of a local government —

- (a) for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*; or
 - (b) for any other purpose,
- unless authorised under the Act, or authorised by the council or the CEO, to use the resources for that purpose.

Policy and Financial Implications

In keeping with good governance Council '*does not consider the matter trivial*'. Council must ensure budget adjustments show due diligence in the financial management of rate payers funds and Shire assets.

It is important to note in the Motion on this line item, no scope was identified in the budgeted line item when the matter was voted on.

Cr Poelina put the following Question on Notice to the CEO:

Has the Council provided a direct advantage; financial or otherwise to a Councillor who is a lessee of the Roebuck Bay Caravan Park by committing \$250 000 of the 2015/2016 Annual Budget to the Roebuck Bay Caravan Park?

The Director of Corporate Services responded to the question:

Cr. Campbell is one of the lessees. Any capital renewal to Council's asset would likely provide a financial benefit (advantage) to its lessees.

Therefore Councillors must demonstrate compliance and probity in decision making and consideration must be given to the Local Government Act (1995) and the Code of Conduct (2007) as the "likely financial benefit (advantage) to a lessees" is a fellow Councillor.

VOTING REQUIREMENTS:

The motion to change must be supported by at least 3 Councillors in the first instance and the voting requirement is an Absolute Majority.

COUNCILLOR RECOMMENDATION:

That Council in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 changes the following Council decision made at the Special Meeting of Council held 13 August 2015, with regard to Agenda Item 6.4.5 Annual Budget Adoption (Line Item 132111 Roebuck Bay Caravan Park) to read as follows:

"That Council adopts line item 132111 Roebuck Bay Caravan Park for the amount of up to \$250,000 as part of the 2015/2016 Annual Budget. The financial commitment must not include any capital renewal. Any expenditure on repairs and maintenance of Council assets will be subject to further details of these works being presented to Council for consideration prior to commitment of any expenditure."

(ABSOLUTE MAJORITY REQUIRED)

Reason:

Chairperson..... Date.....

Council must demonstrate compliance and probity to ensure Council is not providing a direct advantage; financial or otherwise to another Councillor. In this situation Councillors are considering committing up to \$250, 000 of the 2015/2016 Annual Budget to the Roebuck Bay Caravan Park where a Councillor is a lessee of the Roebuck Bay Caravan Park. Furthermore; the Lessee did not request these funds.

At the time of considering this item no scope of works was identified for the justification and expenditure of \$250, 000 towards the Roebuck Bay Caravan Park. Staff have carried out an inspection of the Caravan Park to identify priority works that Council may consider undertaking in accordance with the lease prior to the expiry of the lease in December 2017. Justification of budget items should be identified by Council Officers prior to the allocation of funds by Council.

OFFICER COMMENT

The Roebuck Bay Caravan Park is a commercial lease of the Shire's. Broadly the lessee is responsible for wear and tear and maintenance of the site and buildings with the Shire responsible for everything else by default. This includes capital upgrades and renewal of infrastructure. This similar to the approach taken for the Shire's other commercially leased properties including the Kimberley Regional Offices. Inline with this responsibility Council has previously undertaken capital upgrade and renewal of infrastructure at the caravan park such as the renewal of the sewer pump station. These work where funded by Council and undertaken by the Shire. Further to this Council has also allocated \$185,000 in this years budget to renew capital aspects of KRO 2.

Council indicated it wished to allocate some funds towards the redevelopment of the caravan park during workshops in November 2014 and February 2015 associated with review of the Strategic Community Plan, Corporate Business Plan and the long term financial plan. Funds were therefore included in the draft long term financial plan which was presented to Council at the February 2015 OMC where it was noted by Council. Following this some amendments were made and the final Long Term Financial Plan 2015-2030 was then received by Council as part of the 2015/16 budget adoption meeting in August 2015 which included an allocation for the upgrade of the Roebuck Bay Caravan Park.

When the preparation of the 2015/16 FY budget was being undertaken Council had invited Ralston Bay Holdings to make a submission to lease and redevelop the park into the future. Therefore it was unclear at that time whether these funds allocated in the draft budget would be used to potentially offset rent in accordance with the essential lease terms agreed by Council or be used to undertake any capital improvements. Therefore the budget text for this line item was as follows:

As per LTFP – Upgrade scope to be determined in coming months \$250k.

Council resolved in June 2015 not to progress with the submission from the current lessee but undertake a public tender process.

On 2 July 2015 the Shire received correspondence from the current lessee identifying capital works required to be undertaken prior to the expiry of the current lease and requesting a meeting with Shire staff to discuss. A copy of this correspondence is attached at appendix 1. Officers responded to this correspondence by email on 23 July 2015. A copy of this response is attached at appendix 2.

Since this time Officers have conducted an inspection of the site and are obtaining costings for works to maintain the Shire's asset that are considered to be a priority and needing to be undertaken prior to the end of the lease. As indicated in the email response, it was always the intention to present the proposed scope of works to Council for consideration prior to any expenditure occurring.

If there had been more time between Council resolving to undertake a public tender process for the future lease of the caravan park in June and the adoption of the budget in August, more detail on the works proposed to be undertaken associated with this allocation could have been provided to Council.

On this basis if Council wished to support the Notice of Motion by Cr Poelina to change the wording of the Council resolution Officers would recommend the removal of the words "*The financial commitment must not include any capital renewal*". The reason for the removal of these words is some of these funds may be used for capital renewal in line with the Shire's obligations in accordance with the lease.

Legal advice has also been obtained for this matter and is attached for Councillors reference (Confidential Appendix 3).



Attachments

1. Correspondence from Ralston Bay Holdings
2. Email response to Ralston Bay Holdings
3. Legal Advice (*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".

Cr G Campbell returned to the Chambers at 6.24pm.

12. BUSINESS OF AN URGENT NATURE

The Chairperson advised that there was an error in the numbering of items in the Supplementary Agenda issued for Business of an Urgent Nature and that this has been corrected for the purpose of the Minutes.

12.2 Broome Golf Club – Business Case Proposal for Redevelopment Feasibility Study has been renumbered to 12.1

12.3 Minutes of the Audit Committee Meeting Held 13 October 2015 has been renumbered to 12.2

12.4 Shire of Broome Final Response to the Proposed Yawuru Nagulagun / Roebuck Bay Marine Park Indicative Joint Management Plan 2015 and the Yawuru Birragun Conservation Draft Management Plan 2015 has been renumbered to 12.3

12.6 Yawuru Conservation Estate – Draft Recreation Master Plan has been renumbered to 12.4

With regard to Item 12.1 Cr C Mitchell disclosed that “ I have an association with Broome Golf Club as a member (no financial benefit). 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.”

12.1 BROOME GOLF CLUB - BUSINESS CASE PROPOSAL FOR REDEVELOPMENT FEASIBILITY STUDY

LOCATION/ADDRESS:	Reserve 29300 and Reserve 33592
APPLICANT:	BROOME GOLF CLUB
FILE:	LSS022
AUTHOR:	Property Administration Officer
CONTRIBUTOR/S:	Asset & Building Coordinator Manager Engineering Operations
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 November 2015

SUMMARY:

At the Ordinary Meeting of Council on 21 March 2013, Council resolved to enter into a lease agreement with The Broome Golf Club to lease a portion of Reserves 29300 and 33592 for the purpose of Recreation Golf Links, Club and Club Premises, for a length of term not exceeding 15 years with certain conditions to be met within the first 5 years relating to the development of the clubhouse.

The Broome Golf Club has submitted a 'Business Case Proposal for Broome Golf Club – Club house redevelopment feasibility study and detailed design' and requested a six year extension to their existing 15 year lease.

Although a lot of work has gone into preparing the Business Case, Officers consider the submitted business case is the first step towards meeting the lease conditions and recommend that Council advise the Broome Golf Club that more information is required to comply with current milestone lease conditions.

BACKGROUND

Previous Considerations

OMC May 2004 item 9.5.1

OMC March 2013 item 9.2.2

OMC April 2014 item 9.1.3

The Broome Golf Club Reserves (Reserve 33592 "Club and Club Premises", Reserve 29300 "Recreational-Golf Links") are vested with the Shire of Broome and the Management Orders permit the Shire; subject to Ministerial approval to lease the reserves for a period up to a maximum of 21 years.

The initial lease was enacted 11 September 1992 and renewed on 12 September 2013; rent has remained constant through the duration of both leases at the peppercorn rate of \$1.00 per annum. All outgoings for the lease are recouped from the Broome Golf Club and the Planned Maintenance Schedule is being followed.

At OMC 21 March 2013, Council resolved to enter into a lease agreement with The Broome Golf Club to lease a portion of Reserves 29300 and 33592 for the purpose of Recreation Golf Links, Club and Club Premises, for a length of term not exceeding 15 years. At this time Council resolved that as a condition of the lease the Broome Golf Club achieve the following milestones within the first 5 years:

- a) Development of detailed plans for the construction of new clubhouse, these plans to be independently costed
- b) Development of a funding strategy for construction of the new clubhouse. This would also need to include demonstrating attempting to secure funding or approaching financial institutions to secure loan facilities
- c) A detailed financial business plan outlining how loan commitments to support the construction of the facility will be achieved

These milestones would ensure that the Golf Club made reasonable efforts to redevelop the current Club House within an agreed timeframe. These conditions were accepted as part of the lease agreement by the Golf Club.

In addition to the above, on 24 April 2014, Council consented to a License Agreement between the Broome Golf Club Incorporated as Licensor and Serenbear Pty Ltd as Licensee for a term of 15 years.

COMMENT

On 8 July 2015, the Broome Golf Club provided the Shire with a Business Case Proposal for Broome Golf Club – Club house redevelopment feasibility study and detailed design. The Golf Club submitted the Business Case proposal to satisfy the milestone conditions of the lease.

The Business Case (attached at Appendix 1), is an application to seek funding to enable the Golf Club to meet the lease conditions resolved by Council. The Business Case can be seen at the first step in attempting to meet the lease conditions. However it is the view of Officers that the Business Case in itself does not meet the conditions imposed by Council, as detailed in the table below:-

Lease condition	Comment and further requirements of next stage
Development of detailed plans for the construction of new clubhouse, these plans to be independently costed	The plans provided at this stage are conceptual and provide an overview of how the site could be redeveloped.

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	Further detailed plans will be required to be obtained and these would then be independently costed in order to meet the lease conditions.
Development of a funding strategy for construction of the new clubhouse. This would also need to include demonstrating attempting to secure funding or approaching financial institutions to secure loan facilities	A funding strategy has been provided for the works required to undertake the next stage of the project development however no funding strategy has been provided to meet the capital and operational requirements of the clubhouse redevelopment. It is presumed this will be achieved at the next stage of project development including approaching financial institutions.
A detailed financial business plan outlining how loan commitments to support the construction of the facility will be achieved	This information is not part of the Business Case and it is presumed will be achieved during the next stage of the project development.

Officers also consider that the provided business case proposal does not appear to have effectively engaged with all stakeholders and section 2.9 lists stakeholder identification as 'To Be Confirmed'. Officers would like to see further stakeholder consultation be undertaken to identify opportunities and alternate concepts in relation to this redevelopment. This may include plans for the development of more substantial options for the site including a convention centre.

Options

In considering the request from the Golf Club for the implementation of a 21 year lease agreement, Council has the following options:

Option 1 – Advise the Broome Golf Club that the Business Case is considered to be a good first step in meeting the lease conditions regarding the redevelopment of the Clubhouse. However Council would need to see further detail provided prior to determining that the current lease conditions are being met and before considering any new lease with a longer tenure. In doing this Council would encourage the Broome Golf Club to continue to pursue the business case for the redevelopment of the Clubhouse within the remaining 3 years prior to the first 5 year milestone being achieved.

In doing this Council could further encourage the Golf Club to investigate more significant redevelopment options on the site beyond what is currently being considered if it wanted to achieve this outcome.

Option 2 – Determine that the Business Case meets the obligations of the 5 year milestone and the remaining 13 years of the lease continue.

Option 3 – Determine that the Business Case meets the obligations of the 5 year milestone and enter into a new 21 year with the Broome Golf Club. This is the option requested by the Broome Golf Club. If Council wanted to pursue this option it would also need to consider if it would consent to the sublease to Serenbear Pty Ltd for this similar period.

Summary and Conclusion

Officers consider the Business Case supplied by the Broome Golf Club is a good first step towards meeting the milestones in the lease within the first 5 years however recommend Council choose Option 1 above. Whilst the Business Case is sound it is only seeking funding to undertake the body of work Council wanted to see to meet the milestones of the lease. The Broome Golf Club has a further 3 years to undertake this work to meet the

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milestone in the lease and given the work already undertaken Officers are confident this can be met.

In addition to this Officers recommend that the Broome Golf Club undertake consultation with stakeholders to identify and determine the feasibility of any further scope for redevelopment on the site.

CONSULTATION

Manager, Broome Golf Club,

STATUTORY ENVIRONMENT

Local Government (Functions and General Regulations) 1996

30. Dispositions of property to which section 3.58 of Act does not apply
- (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 —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and —
- (i) its market value is less than \$5 000; and
- (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
- (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;
- (c) the land is disposed of to —
- (i) the Crown in right of the State or the Commonwealth;
- (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
- (iii) another local government or a regional local government;
- (d) it is the leasing of land to an employee of the local government for use as the employee's residence;
- (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;
- (f) it is the leasing of land to a "medical practitioner" (as defined in section 3 of the Medical Act 1894) to be used for carrying on his or her medical practice; or
- (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;
- (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; or

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- (c) *the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned;*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) *Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*
- (3) *A disposition of property other than land is an exempt disposition if —*
 - (a) *its market value is less than \$20 000; or*
 - (b) *it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.*

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Officer's support of the Club's funding application regarding the proposed Clubhouse redevelopment feasibility study and detailed design.

When considering the further funding options for the Broome Golf Club redevelopment, Council need to recognise that funding from the Shire of Broome is not readily available in this financial year.

If following further stakeholder consultation, the Golf Club identifies opportunities and alternate concepts for more substantial options for the site including a convention centre, the Shire may be requested to provide funding towards the project.

RISK

If Council agree that the Business Case meets the obligations of the 5 year milestone, there is a risk to the Shire that the Golf Club will not proceed with any significant redevelopment of the clubhouse. The consequence of this is assessed as 'Major' and the likelihood is assessed as 'Possible', which results in a 'High' risk to the Shire.

The Golf Course site has been classified by the Department of Environment Regulation as 'Possibly contaminated – investigations required'. The Shire is currently investigating the extent of possible contamination on the Golf Course site. These results of this investigation are not yet known, and as such this risk can not be assessed at this time.

If the Golf Club identify more substantial options for redevelopment on the site, then additional funding may be required from the Shire of Broome. This risk is difficult to assess at this time.

STRATEGIC IMPLICATIONS

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

Effective communication

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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:

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

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

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

Affordable and equitable services and infrastructure

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council;

1. *Acknowledges that considerable effort has gone into the development of the Business Case provided by the Broome Golf Club.*
2. *Considers the Business Case represents a first step towards meeting the milestones identified in the lease, however Council would like to see further details which address the issues below prior to considering whether the milestone has been achieved or entertaining any new lease being entered into:*
 - a) *Development of the concept plans into detailed design plans and these to be independently costed*
 - b) *Development of a funding strategy for the new Clubhouse and demonstration of attempts to secure funding for the construction.*
 - c) *A detailed financial business plan for the construction and operation of the facility.*
3. *Requests the Chief Executive Officer to notify the Broome Golf Club of Council's recommendation to undertake consultation with stakeholders to identify and determine the feasibility of any further scope for redevelopment on the site.*

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr P Matsumoto

That Carol Howe be permitted to address Council and be available to answer questions.

CARRIED UNANIMOUSLY 8/0

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr H Tracey

That Council;

- 1. Acknowledges the business case provided by the Broome Golf club meets the obligation of the 5 year milestone relating to development of the clubhouse and enters into a new 21 year lease with Broome Golf Club.**
- 2. Consent to the sub lease to Serenbear Pty Ltd Pty Ltd for the similar period.**
- 3. Delegate authority to the Chief Executive Officer to determine the final lease terms and conditions and present such back to Council for approval.**

CARRIED UNANIMOUSLY 8/0

Reason: Council considered the submitted Business Case met the 5 year lease obligation.

Attachments

- 1. Business Proposal - Broome Golf Club (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".

12.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 13 OCTOBER 2015

This item was moved in the order of business and is following Item 9.4.6

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12.3 SHIRE OF BROOME FINAL RESPONSE TO THE PROPOSED YAWURU NAGULAGUN / ROEBUCK BAY MARINE PARK INDICATIVE JOINT MANAGEMENT PLAN 2015 AND THE YAWURU BIRRAGUN CONSERVATION PARK DRAFT MANAGEMENT PLAN 2015.

LOCATION/ADDRESS:	Shire of Broome Out of Town Areas and Roebuck Bay
APPLICANT:	Nil
FILE:	NAT55.3;NAT55.4
AUTHOR:	Coastal Park Governance Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 October 2015

SUMMARY: At the Special Council meeting held 10 September 2015 Council considered the draft Marine Park Management Plan and Conservation Park Management Plan, and resolved to make a formal submission to the Department of Parks and Wildlife. This report presents Council with a draft final supplementary submission and seeks Council's endorsement.

BACKGROUND

Previous Considerations

Yawuru Conservation Estate - The Proposed Yawuru Nagulagun / Roebuck Bay Marine Park Indicative Joint Management Plan 2015 And The Yawuru Birragun Conservation Park Draft Management Plan 2015	OMC	10 September 2015	Item 6.2.1
Marine Park and Broome Port Authority Waters	OMC	09 August 2012	Item 9.2.1
	OMC	18 July 2013	Item 9.2.1
	OMC	17 October 2013	Item 9.2.1
In Town Management Plan	SMC	12 May 2015	Item 6.4.2
	OMC	21 February 2013	Item 9.2.13
	OMC	19 April 2012	Item 9.2.4
	OMC	15 March 2012	Item 9.2.5
	OMC	1 August 2011	Item 9.4.8
Out of Town Management Plan	SMC	10 September 2015	Item 6.2.1
	SMC	29 May 2013	Item 9.2.1
	OMC	4 October 2012	Item 9.2.1
Yawuru Conservation Estate	OMC	29 October 2009	Item 9.1.1

On 25 February 2010 the Yawuru People, the Western Australian Government, the Shire of Broome and others entered into the Yawuru Indigenous Land Use Area Agreement and the Yawuru Prescribed Body Corporate Indigenous Land Use Agreement (the Yawuru Agreements). These agreements cover an area of approximately 5,300 sq kms in and around Broome.

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Clause 10 of the Yawuru Indigenous Land Use Area Agreement provides as follows:

As soon as reasonably practicable after the Registration Date, the Parties shall incorporate the following areas into the Conservation Estate:

- (a) marine park areas, as described in Part 1 of Schedule 7 (**Marine Park Areas**);*
- (b) townsite areas, as described in Part 2 of Schedule 7 (**Townsite Areas**) and*
- (c) out of town areas, as described in Part 3 of Schedule 7 (**Out of Town Areas**)."*

The areas included in the Conservation Estate outlined above are further defined in the Yawuru Agreements. The following Table outlines the Voting and Tenure Responsibility associated with the relevant Conservation Estate Areas:

Conservation Estate Area	Voting and Tenure Responsibility
Nagulagun (Marine Park Areas) (Also referred to in this report as the Marine Park the subject of the Marine Park Management Plan)	Yawuru NBY and DPaW Reserved as an A- Class Reserve.
Minyirr Buru (Townsite Areas)	Yawuru NBY and the Shire of Broome Draft Management Plan not yet finalised.
Cable Beach Intertidal Zone (currently within the Out of Town Areas). Located approximately 600 metres north of the rocks.	Yawuru NBY, Shire of Broome and DPaW. Draft Management Plan / tri-partite arrangements yet to be developed and is referenced as Area 25 Portion 1 & 2 ITZ Tri-partite Management Area (Yawuru PBC ILUA).
Birragun (Out-of-Town Areas) (Also referred to in this report as the Conservation Park the subject of the Conservation Park Management Plan)	Yawuru NBY and DPaW Held by Yawuru in Fee simple and leased to State on 99 year lease.

Since the registration of the agreements, draft management plans were developed and the Shire of Broome were presented with an overview of the two draft plans and potential impacts at the Special Meeting Of Council - 10 September 2015 (Agenda Item 6.2.1).

Attachment A: Yawuru Birragun Conservation Park draft management plan 2015

Attachment B: Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015) Areas.

At this SMC (10 September 2015 - Agenda Item 6.2.1) the following Resolution was provided by Council:

Moved: Cr D Male Seconded: Cr A Poelina

That Council:

1. Notes the 19 June 2015 release of the Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015; and the Yawuru Birragun Conservation Park draft management plan 2015.

2. Endorse a media release to further advise the Broome Community of the draft

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management plans and potential impacts associated with these plans.

- 3. Notes that the Shire of Broome has been granted an extension of 30 days to provide a submission to the Department of Parks and Wildlife (9 November 2015) and requests the Chief Executive Officer to make an initial submission on behalf of the Shire of Broome in accordance with the body of this report by 25 September 2015;**
- 4. Requests Department of Parks and Wildlife Planning Staff to present the draft Management Plans to Councillors at a workshop during October 2015.**
- 5. Requests the Chief Executive Officer to present the final supplementary submission to the October Ordinary Council meeting for endorsement prior to submitting this to the Department of Parks and Wildlife.**
- 6. Requests the Chief Executive Officer to write to the Minister of Environment requesting that the Minister grant an extension of time for public submission until 9 November 2015.**

In response to the above resolution, Officers progressed the following:

- i. The development and publication of a media release
Attachment C: Copy of Advertorial - Broome Advertiser (17 September 2015).
- ii. The Chief Executive Officer wrote to the Hon Albert Jacob, Minister for the Environment and Heritage on 21 September 2015 to request an extension for public submissions.
Attachment D: Copy of letter to the Minister for the Environment and Heritage
- iii. An initial submission was provided by the Shire of Broome Chief Executive Officer to the Department of Parks and Wildlife Director General on 25 September 2015
Attachment E: Shire of Broome Chief Executive Officer cover letter to the Director General of the Department of Parks and Wildlife.
Attachment F: Initial Shire of Broome submission to the Department of Parks and Wildlife.
- iv. The Department of Parks and Wildlife will be providing a presentation to Councillors at a Workshop on 12 November 2015.

This Agenda Item provides the draft final supplementary submission for endorsement by Council prior to submitting to the Department of Parks and Wildlife by 9 November 2015 (as noted at Resolution 3 of SMC (10 September 2015)).

COMMENT

An external consultant (Strategen Environmental) was engaged to undertake a review of the initial Shire of Broome submission to the Department of Parks and Wildlife and other relevant documentation pertaining to the *Yawuru Birragun Conservation Park draft management plan 2015* and the *Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015*.

The consultants were provided with the following documentation to assist in the review of the potential impacts that the draft plans may have on the Shire:

- *Yawuru Birragun Conservation Park draft management plan 2015.*
- *Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015.*
- DPaW Public Comment Submission Form.
- Copy of Media Release: (MEDIA RELEASE - Council concerns with marine conservation park plans. 14 Sept 2015).

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- Copy of Special meeting of Council Minutes (10 September 2015).
- Broome Advertiser advertorial (as published 17 September 2015).
- Shire of Broome's initial submissions to DPaW (25 September 2015).

The consultants noted the issues raised by the draft management plans are complex and the following key issues were identified:

- lack of clarity on the assessment framework for development, which could result in numerous piecemeal assessments and advice on individual developments
- lack of baseline data and impact assessment on ecological and cultural values, which presents a high degree of uncertainty in the actual management to be implemented
- lack of clarity in the actual access restrictions that will occur in Culturally Sensitive Areas and the lack of definition of tourism and amenity values that could be present in these areas and thus considered when planning access restrictions
- potential for the currently undefined management strategies and access restrictions to be developed without input from the Shire or other relevant stakeholders.

Officers have incorporated the consultant's response into **Attachment G** as the draft final supplementary submission to be presented to the Department of Parks and Wildlife.

Attachment G: Shire of Broome Draft Final Supplementary Submission.

If endorsed by Council, the Chief Executive Officer will forward the Shire of Broome endorsed response (Attachment G) to the Director General of the Department of Parks and Wildlife on behalf of the Shire of Broome before 6 November 2015.

STATUTORY ENVIRONMENT

Terrestrial Statutory Environment – Public Notices And Submissions

[Conservation and Land Management Act 1984 \(WA\) \(Conservation Commission\)](#)

59. Plans to be referred to other bodies

- (1) *The responsible body may submit the proposed management plan, modified if it thinks fit after considering submissions made under section 58, to any organization or body it thinks appropriate, together with a summary of those submissions.*
- (2) *The responsible body shall submit the proposed management plan to the local government of each district within which the land in question is situated and any such local government shall, notwithstanding section 58, be given a reasonable time in which to prepare written submissions on the proposed plan.*

Marine Park Statutory Environment

[Conservation and Land Management Act 1984 \(WA\) \(Conservation Commission\)](#)

Division 3 — Marine reserves:

13. Marine reserves, reservation of

- (4) *Subject to subsection (4a), the Governor may by the order under subsection (1) which constitutes a marine nature reserve, a marine park or a marine management area, or by a subsequent order published in the Gazette, classify the reserve, park or management area as of Class A and, in that case, the purpose of the reserve, park or management area shall not be amended or cancelled, nor shall the boundary thereof be altered otherwise than by an addition thereto, except by Act or pursuant to subsection (6).*

- (6) If either House of Parliament passes a resolution, of which notice has been given within the first 14 sitting days of the House after a copy of an order has been laid before the House under subsection (5), that the order be disallowed the order thereupon ceases to have effect.
- (7) The disallowance of the order does not affect or invalidate any act done in good faith by the Minister, or any officer performing any functions under this Act relating to the waters referred to in the order, before the passing of the resolution.
- (8) In subsection (1) Western Australian waters means all waters —
 - (a) that are within the limits of the State; or
 - (b) that are coastal waters of the State as defined in the Off-shore (Application Of Laws) Act 1982.
- (9) Without limiting section 6(6), the reservation of waters under this section as a marine nature reserve, marine park or marine management area extends to the airspace, sea-bed, land and subsoil referred to in section 6(6)(a) and (b).
- (10) A reference in this Act to the reservation of, or the reservation of waters as, a marine nature reserve, marine park or marine management area includes a reference to the alteration of any boundary of the reserve, park or management area to include additional waters.

13A. Marine nature reserves, purpose of and prohibited acts in

- (1) The reservation of a marine nature reserve shall be for —
 - (a) the conservation and restoration of the natural environment; and
 - (b) the protection, care and study of indigenous flora and fauna; and
 - (c) the preservation of any feature of archaeological, historic or scientific interest.
- (2) Subject to section 13D, aquaculture, commercial fishing, recreational fishing and pearling activity shall not be carried out in a marine nature reserve.
- (3) Despite section 4(1) but subject to section 13E, exploratory drilling for, or production of, petroleum, geothermal energy resources or geothermal energy under the Petroleum and Geothermal Energy Resources Act 1967 or petroleum under the Petroleum (Submerged Lands) Act 1982 shall not be carried out in a marine nature reserve.

13B. Marine parks, purpose of and prohibited acts in

- (1) The reservation of a marine park shall be for the purpose of allowing only that level of recreational and commercial activity which is consistent with the proper conservation and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historic or scientific interest.
- (2) As soon as practicable after the reservation of a marine park the Minister shall classify the park under section 62, or divide the park into areas and classify each area under section 62, as —
 - (a) a general use area; or
 - (b) a sanctuary area; or
 - (c) a recreation area; or
 - (d) a special purpose area,
 in accordance with a proposal for the classification publicly notified in accordance with section 14, modified as the Minister thinks fit to give effect to submissions made under section 14.
- (3) Subsections (5), (6) and (7) have effect despite anything in the Fish Resources Management Act 1994, but in the event of any other conflict or inconsistency

between the purpose referred to in subsection (1) and a provision of, or an activity authorised by, the Fish Resources Management Act 1994 that relates to aquaculture or to commercial or recreational fishing, the latter prevails.

- (4) Subsection (8) has effect despite anything in the Pearling Act 1990, but in the event of any other conflict or inconsistency between the purpose referred to in subsection (1) and a provision of, or an activity authorised by, the Pearling Act 1990 that relates to pearling activity, the latter prevails.
- (5) Subject to section 13D, aquaculture shall not be carried out in any area of a marine park which is classified under section 62 as —
 - (a) a sanctuary area; or
 - (b) a recreation area; or
 - (c) a special purpose area which, or that part of such an area which, the Minister has declared in the classification notice to be an area where aquaculture would be incompatible with a conservation purpose specified in the classification notice, but aquaculture may be carried out, in accordance with an authorisation issued under the Fish Resources Management Act 1994, in any other area of the marine park.
- (6) Subject to section 13D, commercial fishing shall not be carried out in any area of a marine park which is classified under section 62 as —
 - (a) a sanctuary area; or
 - (b) a recreation area; or
 - (c) a special purpose area which, or that part of such an area which, the Minister has declared in the classification notice to be an area where commercial fishing would be incompatible with a conservation purpose specified in the classification notice, but commercial fishing may be carried out, in accordance with an authorisation issued under the Fish Resources Management Act 1994, in any other area of the marine park.
- (7) Subject to section 13D, recreational fishing shall not be carried out in any area of a marine park which is classified under section 62 as —
 - (a) a sanctuary area; or
 - (b) a recreation area which, or that part of such an area which, the Minister has declared in the classification notice to be an area where recreational fishing would be incompatible with another recreational purpose specified in the classification notice; or Conservation and Land Management Act 1984.
 - (c) a special purpose area which, or that part of such an area which, the Minister has declared in the classification notice to be an area where recreational fishing would be incompatible with a conservation purpose specified in the classification notice, but recreational fishing may be carried out, in accordance with the requirements of the Fish Resources Management Act 1994, in any other area of the marine park.
- (9) Despite section 4(1) but subject to section 13E, exploratory drilling for, or production of, petroleum, geothermal energy resources or geothermal energy under the Petroleum and Geothermal Energy Resources Act 1967 or petroleum under the Petroleum (Submerged Lands) Act 1982 shall not be carried out in any area of a marine park which is classified under section 62 as —
 - (a) a sanctuary area; or
 - (b) a recreation area; or

- (c) a special purpose area which, or that part of such an area which, the Minister has declared in the classification notice to be an area where those activities would be Conservation and Land Management Act 1984 incompatible with a conservation purpose specified in the classification notice, but those activities may be carried out, in accordance with those Acts, in any other area of the marine park.

(10) The term classification notice used in this section refers to the relevant notice under section 62(1a).

13C. Marine management areas, purpose of and permitted acts in (1aa)

In this section —

geothermal energy and geothermal energy resources have the same meanings as they have in the Petroleum and Geothermal Energy Resources Act 1967.

- (1) The reservation of a marine management area shall be for the purpose of managing and protecting the marine environment so that it may be used for conservation, recreational, scientific and commercial purposes.
- (2) In subsection (1) —
 - commercial purposes includes —
 - (a) aquaculture, commercial fishing and pearling activity; and
 - (b) mining, within the meaning of the Mining Act 1978; and
 - (ba) exploration for and recovery of minerals under the Offshore Minerals Act 2003; and
 - (c) seismic surveys and exploratory drilling for petroleum or geothermal energy resources; and
 - (d) production of petroleum or geothermal energy, and associated activities.
- (2) Aquaculture, commercial fishing and recreational fishing may be carried out, in accordance with the Fish Resources Management Act 1994, in a marine management area.

Fish Resources Management Act 1994

4.3 CALM and FRM Act Regulations

- (a) The CALM Regulations apply to those parts of the Conservation Estate comprising the Freehold Areas and the CALM Regulations and the FRM Act Regulations apply to those parts of the Conservation Reserve comprising the Intertidal Zone Reserves.

Marine Park Statutory Environment – Public Notices And Submissions

14. Proposal for marine reserve, public notice of and submissions on

- (1) Public notification of a proposal to make an order under section 13(1) shall be given in accordance with subsection (2).
- (1a) Public notification of a proposal shall not be given unless —
 - (a) the Minister has received a report from the Marine Authority in relation to the proposal; and
 - (b) the Minister for Fisheries and the Minister for Mines have approved the notification of the proposal.
- (3B) Notwithstanding subsection (4) each local government notified pursuant to subsection (3A) shall be given a reasonable time in which to prepare written submissions on the proposal.

POLICY IMPLICATIONS

SoB Yawuru Park Council Policy 1.5.1 [OMC 29 November 2012 Item 9.4.4].

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There is no delegation to the Yawuru Park Council representatives.

Associated documents include:

- *Yawuru Prescribed Body Corporate Indigenous Land Use Agreement – Broome (Yawuru PBC ILUA)*
- *Yawuru Area Agreement Indigenous Land Use Agreement – Broome (Yawuru Area Agreement ILUA)*
- *Joint Management Agreement (JMA)*
- *Assistance Agreement (AA)*

RISK

As previously noted (SMC 10 September 2015), a further risk to this proposal is that due to the nature of the CALM ACT, any comments provided to DPAW on behalf of the Broome Community or from the Shire of Broome may not be considered in the final plan as presented (by DPaW) to Parliament for consideration and endorsement.

STRATEGIC IMPLICATIONS

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

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

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

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

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

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

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

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:

Sustainable and integrated strategic and operational plans

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Simple Majority

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COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**Moved: Cr H Tracey****Seconded: Cr C Mitchell****That Council:**

- 1. Endorses the attached Final Supplementary Submission as per Attachment G and request the Chief Executive Officer to forward the submission to the Department of Parks and Wildlife; and**
- 2. Request the Chief Executive Officer to write to the Kimberley Port Authority and reiterates Council's previous Council resolution of 19 December 2013 in relation to the extent of the Proposed Marine Park in the Port Waters.**

CARRIED UNANIMOUSLY 8/0**Attachments**

1. Attachment A - Yawuru_outoftown_management_plan_print_web
2. Attachment B - Yawuru_nagulagun_marine_park_web_mike-edit
3. Attachment C - Broome Advertiser_17 September 2015_copy advert
4. Attachment D - SoB CEO to Minister 21 September 2015
5. Attachment E - SoB CEO Cover to DG DPaW 25 September 2015
6. Attachment F - Shire of Broome Initial Submission 25 September 2015
7. Attachment G - Draft Shire of Broome Supplementary Submission

12.4 YAWURU CONSERVATION ESTATE - DRAFT RECREATION MASTER PLAN

LOCATION/ADDRESS:	In Town Conservation Estate and Out of Town Conservation estate
APPLICANT:	Nil
FILE:	NAT 55; NAT55.1;NAT55.2,NAT55.4,NAT55.5
AUTHOR:	Coastal Park Governance Officer
CONTRIBUTOR/S:	Strategic Planning Coordinator
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 July 2015

SUMMARY:

A *Draft Recreation Master Plan* has been developed by the Department of Parks and Wildlife for the Yawuru Conservation Estates. This draft Plan provides broad direction for recreation activities and facilities within the Yawuru Conservation Estate, both in, and adjacent to Broome.

This plan generally aligns with the *Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015*; and the *Yawuru Birragun Conservation Park draft management plan 2015*.

The *Draft Recreation Master Plan* is being presented to Council for endorsement of the proposed recreational nodes and activities.

BACKGROUNDPrevious Considerations

Annual Electors Meeting	OMC	26 FEBRUARY 2015	Item 9.4.8
Broome Dinosaur Coast			
In Town Management Plan	SMC	12 May 2015	Item 6.4.2
	OMC	21 February 2013	Item 9.2.13
	OMC	19 April 2012	Item 9.2.4
	OMC	15 March 2012	Item 9.2.5
	OMC	1 August 2011	Item 9.4.8
Drainage	OMC	30 April 2015	Item 9.2.4
	OMC	25 September 2014	Item 9.2.3
Out of Town Management Plan	SMC	10 September 2015	Item 6.2.1
	SMC	29 May 2013	Item 9.2.1
	OMC	4 October 2012	Item 9.2.1
Yawuru Conservation Estate	OMC	29 October 2009	Item 9.1.1
Marine Park and Broome Port Authority Waters	OMC	09 August 2012	Item 9.2.1
	OMC	18 July 2013	Item 9.2.1
	OMC	17 October 2013	Item 9.2.1

BACKGROUND

In total there will be four management plans developed to inform the development of the Yawuru Park Council Budgets and to inform the management principles for the following areas.

Conservation Estate Area	Voting and Tenure Responsibility
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Nagulagun (Marine Park Areas) (Also referred to in this report as the Marine Park the subject of the Marine Park Management Plan)	Yawuru NBY and DPaW Reserved as an A- Class Reserve.
Minyirr Buru (Townsite Areas)	Yawuru NBY and the Shire of Broome Draft Management Plan not yet finalised.
Cable Beach Intertidal Zone (currently within the Out of Town Areas). Located approximately 600 metres north of the rocks.	Yawuru NBY, Shire of Broome and DPaW. Draft Management Plan / tri-partite arrangements yet to be developed and is referenced as Area 25 Portion 1 & 2 ITZ Tri-partite Management Area (Yawuru PBC ILUA).
Birragun (Out-of-Town Areas) (Also referred to in this report as the Conservation Park the subject of the Conservation Park Management Plan)	Yawuru NBY and DPaW Held by Yawuru in Fee simple and leased to State on 99 year lease.

As detailed at SMC 10 September 2015 (Item 6.2.1), the Department of Parks and Wildlife (DPaW) has released the *Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015* and the *Yawuru Birragun Conservation Park draft management plan 2015* for public comment.

The draft Recreation Master Plan provides direction for redeveloping recreation sites across all of the Yawuru Conservation Estate (YCE). All development works will consider the broader landscape and cultural values, visitor experience and perception of the place. This draft recreation plan provides for development of sites while remaining acutely aware of the existing character of the parks and the potential impacts of easier access and additional facilities. A careful balance is required to provide an appropriate experience for a diverse range of visitors in a predominantly natural setting.

The Shire of Broome is responsible for the Town site of Broome and is the joint Vesting

Authority with Yawuru RNTBC for the ILUA reserves located within the town site. It has powers and responsibilities to provide for the good governance of the district in accordance with the provisions of the *Local Government Act 1995* and associated regulations and other legislation.

The Shire is also the responsible authority for the implementation and enforcement of the Broome Town Planning Scheme in accordance with the *Planning and Development Act 2005*. The Shire of Broome is also responsible for management of public assets including Sporting and Recreation spaces.

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

Integration of the draft recreation master plan into Shire of Broome recreation planning and the release of two further draft conservation plans (Minyirr Buru and the Cable Beach

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Intertidal Zone) will be required to ensure that duplication of facilities and operational activities are avoided.

This *Draft Recreation Master Plan* is to be utilised as the operational and planning document to be aligned with the terrestrial draft management plans (draft Minyirr Buru/In-Town Conservation Estate Management Plan, and the draft Intertidal Zone draft Management Plan). The progress of the draft In Town Conservation Estate Management Plan has been protracted with the engagement of a new consultant by the Yawuru Park Council to progress the draft plan occurring in mid July 2015. An expected completion date of December 2015 is anticipated.

The Shire of Broome has consistently considered recreational and environmental impacts as a significant consideration in planning and progressing strategic activities when considering development of sustainable initiatives for the lasting growth of the community.

Previous considerations by the Shire of Broome inform this Officers report, and impact on the progress of the draft Recreation Master Plan, include (but are not limited) to the following Council Resolutions:

9.2.13 YAWURU CONSERVATION ESTATE – MANAGEMENT PLAN FOR IN-TOWN ESTATE (21 February 2013)

COUNCIL RESOLUTION: (REPORT RECOMMENDATION)

Moved: Cr J Bloom Seconded: Cr M Manado

That Council:

- 1. Notes the CCS Strategic report Broome Coastal Reserves Master Plan February 2013;*
- 2. Requires the Chief Executive Officer to have the CCS Strategic report Broome Coastal Reserves Master Plan February 2013 incorporated into a detailed Shire of Broome submission on the draft Yawuru In Town Reserves Management Plan.*

9.4.8 ANNUAL ELECTORS MEETING HELD 11 DECEMBER 2014.

Extract (1 & 3 only).

COUNCIL ENBLOC RESOLUTION: (REPORT RECOMMENDATION 2):

THAT COUNCIL:

- 1. Notes that the significance of the Broome Dinosaur Coast has been recognised and addressed in the local planning strategy and provisions are contained within the local planning scheme no 6 coastal reserve which aim to ensure that development within a coastal reserve does not have an adverse impact on the ecology, areas of aboriginal cultural or heritage significance or public use of the reserve.*
- 3. Requests the Yawuru Park Council to ensure dinosaur footprints are considered within the relevant management plans being prepared for the yawuru conservation park.*

Shire officers have provided the above recommendations to the Yawuru Park Council for consideration and inclusion during the drafting of the Draft Recreation Management Plan. The above two recommendations will be further considered in the drafting of the Minyirr Buru (In-Town) Conservation Estate Management Plan

9.2.1 YAWURU OUT-OF-TOWN CONSERVATION ESTATE MANAGEMENT PLAN Special Meeting of Council 29 May 2013

REPORT RECOMMENDATION:

Chairperson..... Date.....

That Council advises the Yawuru Park Council it supports the draft Yawuru Out-of-Town Conservation Estate Management Plan 2013 and requests further consideration be given to the following matters:

- 1. the provision for at least two beach-side recreation nodes south of Coconut Wells;*
- 2. Shire of Broome involvement in the delineation and review of dog and horse areas in the intertidal reserve;*
- 3. addressing public access through the Shire reserves;*
- 4. investigation of including additional intertidal land in the conservation estate;*
- 5. provision of appropriate vehicular access to Cable Beach;*
- 6. consideration of low key boat launching access.*

This resolution of the SMC on 29 May 2013 has resulted in the intent for the northern intertidal zone which is a tri-vested management order (Shire of Broome, DPaW and Yawuru NBY) to be developed as a separate management plan. The intent is that this draft plan will be developed by the Yawuru Park Council and will address some of the recommendations as provided by Council. It is anticipated that a draft Plan will be available in 2016.

COMMENT

DPaW planning staff presented the draft Recreation Master Plan to Shire Officers at a workshop on 20 March 2015.

Shire Officers noted that the draft Recreation Master Plan will be a critical document to guide the future development of recreation facilities in the Yawuru Conservation Estate and are generally supportive of the recommendations made in the Plan.

The YCE recreation assets are vitally important to the Broome community. Their effective management is crucial to meeting community needs and aspirations. To assist in the management of the infrastructure with the YCE, Shire Officers recommend that an Asset Management Plan be developed through a 'whole of life' approach, which includes preventative maintenance and asset renewal. Any new structures should be constructed of durable materials and have low maintenance requirements; and landscaping should comprise of native plants with low water requirements.

Officers note that under Local Planning Scheme No. 6 the majority of the nodes proposed are located within the 'Coastal' Reserve, which extends seaward to the Low Water Mark. The purpose of the 'Coastal' Reserve in Clause 3.4.1 is:

To recognise and protect the environmental integrity, Aboriginal culture and landscape significance of the coastal foreshore and immediate hinterland.

The activities and facilities proposed at the various nodes are consistent with the purpose, aims and objectives of the 'Coastal' reserve. The nodes that are not located within the 'Coastal' reserve include:

- Demco Beach – 'Local Road' reserve
- Morgan's Camp – 'Town Centre' zone
- Waterbank Homestead – 'Culture and Natural Resource Use' zone

Even though the above nodes are not within the 'Coastal' reserve, the proposed activities are considered appropriate.

Capital Works Schedule

This draft Recreation Master Plan has identified 10 recreation nodes and extensive walking trails within the Minyirr Buru (In-Town) Conservation Area and 16 recreation nodes within the Birrugun (Out of Town) Conservation Area. With such a large number of recreation nodes requiring fund for upgrading, a long term Capital Works Program should be developed. To prioritise the development of the various recreation nodes, a project prioritisation assessment should be undertaken. A cost benefit analysis should also be undertaken on each recreation node to confirm the scope of development and appropriate allocation of the joint managed capital works funds.

Officers recommend that a 5 Year YCE Capital Works Program be developed using a project prioritisation assessment and a cost benefit analysis and this Program be budgeted accordingly.

The draft YCE Recreation Master Plan identifies improvements to the various recreation nodes located both within the In Town and Out of Town Conservation Areas. Due to very high visitor numbers, the two recreation nodes at Gantheaume Point have been identified by Shire Officers and are recommended as a very high priority for YPC Capital Works Funding. The two recreation nodes are:-

- Gantheaume Point Beach Access
- Minyirr (Gantheaume Point)

Site Specific Comments

Officers have reviewed the DPaW recommendations and provided the following Officer recommendations:

Location	DPaW Recommendation	Shire Recommendation
IN TOWN		
Simpson Beach	Minor Day Use Area <ul style="list-style-type: none"> • Consider possible inclusion of adjacent reserve to provide sufficient space for recreation facilities • Liaise with Broome Port Authority on site design • Remove parking area from pindan cliff and relocate between Port Drive and beach • Provide small shelters and formalised beach access • Rehabilitate and stabilise old parking area and dunes system 	Officers support Minor Day Use Area. Currently car park and access track being designed. Construction scheduled for 2015/16
Demco Beach	Medium Day Use Area <ul style="list-style-type: none"> • Redefine parking area to increase capacity • Review incompatible uses of area and determine management approach • Redefine parking area to increase capacity • Provide additional small shelters • Interpret history of Demco meatworks and connection to broader Kimberley region • Consider revegetation program including 'gardgu trees' Provide toilet facilities 	Officers support Medium Day Use Area The proposed improvements to the parking area and surrounds are consistent with the Old Broome Development Strategy, and are supported. The area of Reserve 50978 which includes the parking area and access track is not located within the Yawuru Conservation Estate, but consider that the Shire can work together with Yawuru Park Council to improve the amenity of this area.
Burrungun Morgans Camp	<ul style="list-style-type: none"> • Consider possible inclusion of adjacent UCL, reserve and/or road reserve to provide sufficient space for Yawuru recreation facilities • Commercial cultural activities managed by Yawuru • Consider designated parking area • Consider mangrove boardwalk into Dampier Creek to fishing platform lookout • Create interpretation hub using existing buildings (Hunters House) • Locate trailhead for walk trail to Minyirr - Gantheaume 	Officers support Medium Day Use Area, fishing platform and trailhead for Minyirr Walk. The retention and interpretation of Morgan's Camp is consistent with the Chinatown Development Strategy. However, modelling this area is likely to be subject to coastal inundation over the next 100 years due to rising sea levels and any permanent infrastructure installation will need to consider this.

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Location	DPaW Recommendation	Shire Recommendation
	Point <ul style="list-style-type: none"> Recover artefacts including building materials and relics and undertake mapping of building footprints and previous site layout Remove rubbish throughout 	
Reddell Beach		
North	Medium Day Use Area <ul style="list-style-type: none"> Remove broken or unsafe structures including old fencing Relocate parking area back from beach and increase capacity Provide small shelters and formalised beach access Provide toilet facilities 	Officers support Medium Day Use Area - If a further 'major day use area' is desired along this stretch of coast, Officers recommend that it be located at this site rather than at Reddell Beach (South). This area is less likely to be subject to erosion. This site is also included within Precinct 7 – Minyirr/ Gantheaume in the Local Planning Strategy, the objective of which is to "establish Precinct 7 as tourism and recreational precinct including interpretation of the dinosaur footprints and ecotourism at the race course".
Yilagon	Minor Day Use Area <ul style="list-style-type: none"> Relocate parking area back from pindan cliff Provide small shelters and formalised beach access Rehabilitate and stabilise old parking area and dunes system 	Officers support Minor Day Use Area.
South	Major Day Use Area <ul style="list-style-type: none"> Provide small shelters and formalised beach access Provide toilet facilities Rehabilitate and stabilise old parking area and dunes system where not utilised in site design 	The designation of this site as a 'major day use area' is not supported. This area has historically suffered substantial erosion which may jeopardise any permanent infrastructure that is installed. Additionally the site is in proximity to industrial development. Officers recommended that this site is classified as a 'minor day use area.'
Minyirr Park		
Base Camp	Major Day Use Area <ul style="list-style-type: none"> Investigate potential lease arrangement with Yawuru including commercial cultural activities Provide designated parking area between Gantheaume Point Road and Base camp. 	To clarify that the land is in a jointly managed area, it is recommended that 'Potential lease arrangement with Yawuru including commercial cultural activities' be amended to 'Potential lease arrangement with Yawuru Park Council including commercial cultural activities.' Officers support Major Day Use Area.
Youth Camp	Medium Use Camping Area <ul style="list-style-type: none"> Provide additional toilet facilities as required Provide flexible spaces and structures to facilitate variety of activities Formalise Nagula Trail to beach Define unsealed two way track to Base Camp and Youth Camp Consider cultural education opportunities for tour operators Address both vehicular and walk trail approaches from Gubinge Road into Park Capture existing interpretive artwork and restore or replicate 	The proposed Medium use camping areas and improvements to this area are supported. It is recommended that 'Potential lease arrangement with Yawuru including commercial cultural activities' be amended to 'Potential lease arrangement with Yawuru Park Council including commercial cultural activities.' It is further recommended that the Yawuru Park Council enter into discussions with the Department of Education to investigate whether it may be feasible to relocate components of the Camp School to this site.
Lurujarri Trail	<ul style="list-style-type: none"> Maintain trails as typically natural surface 'Class 3' and construct stair structures and trail surface modification where required over steep dune crossings. Install trail markers along length of trail Construct bough shed shelters at each beach terminus of Nagula Trails Continue slashing trails following positive community feedback Address visitor risk Provide safe trailheads for Nagula Trails at Gubinge Road entries into Park 	Officers support Primary Walk Trail/ Lurujarri/Minyirr Trail - Primary Walk Trail. This trail to Minyirr/Gantheaume is supported to provide additional recreational opportunities for Broome residents and visitors.

Location	DPaW Recommendation	Shire Recommendation
Nagula Trails		Officers support Primary Beach Access via Nagula Trails. Lookout and stairs have been constructed at 2 locations (July 2015).
Gantheaume Point		
	<p>Major Day Use Area</p> <ul style="list-style-type: none"> • In cooperation with the Shire, determine extent of parking, interpretation and toilet facilities given current tenure boundaries • Relocate parking area and increase capacity including overflow parking up Gantheaume Point Road • Provide parking south west of Broome Turf Club for fishing along sandstone cliffs • Consider location for Yawuru commercial operation • Remove and replace existing interpretive structure and include additional interpretation • Remove and replace toilet facilities and increase capacity • Consider alternatives to accessing Gantheaume Point allowing some areas to revegetate and rehabilitate • Provide universal access path to lookout at Gantheaume Point • Provide defined safe access to lookout in proximity to cliff edge (Class 1 or 2 wheelchair accessible) • Provide defined route to Anastasia's Pool and dinosaur footprints (Class 5) • Rehabilitate and stabilise eroded areas and address drainage • Address cliff risks through relocating access, fencing and signage and consider possible designated lookouts or viewing areas along Broome sandstone cliffs • Undertake geotechnical assessment and DEC VRM inspection of the area • Remove broken or unsafe structures including old fencing • Interpret other interpretive elements including Anastasia's Pool, lighthouse, old fireplace in parking area 	<p>Officers support Major Day Use Area and recommend Major Improvements to Area.</p> <p>Officers recommend a review of Gantheaume Point road alignment (north of turf club) – to relocate the road into the road reserve.</p>
Beach Access	<p>Major Day Use Area</p> <ul style="list-style-type: none"> • Formalise parking area above beach • Provide shade shelters and toilet facilities • Formalise beach access • Replace management and interpretation signage • Provide dedicated formalised horse access if required • Potential major parking area for boat trailers and additional vehicles if required • Provide designated crossing points from proposed RAC Wilderness Retreat 	<p>Officers support Major Day Use Area and formalised beach access for vehicles.</p> <p>Officers recommend major improvements to the area including formalised beach access for vehicles, pedestrians and horses.</p> <p>Officers recommend a land area of 7500m2 (approximately) be set aside for the Fishing Club and car/trailer parking.</p>
Walk Trails	<p>Maintain trails as typically natural surface 'Class 3' and construct stair structures and trail surface modification where required over steep dune crossings.</p>	<p>Officers support walk trail from Jetties to Gantheaume Pt</p> <p>Future Dual Use Path Along Gantheaume Pt Rd – Officers Support as included in Shire Pathways Plan</p> <p>The walk trail between the jetties is consistent with the Chinatown Development Strategy and Old Broome Development Strategy, and the extension of this trail to Minyirr/Gantheaume is supported to provide additional recreational opportunities for Broome residents and visitors.</p>
<ul style="list-style-type: none"> • Kavite Rd (South) 	<ul style="list-style-type: none"> • Create larger parking area back from beach and increase capacity • Provide small shelters and formalised beach access • Provide toilet facilities • Rehabilitate and stabilise old parking area and dunes system where not utilised • in site design • Consider possible inclusion of adjacent road reserve to provide sufficient space for recreation facilities 	<p>Realignment of Kavite Rd from Port Drive to north of Redell Beach South node is not supported.</p> <p>The realignment of the southern portion of Kavite Road, whilst in the draft Local Planning Strategy, was not included in the final Local Planning Strategy as the proposed intersection with Port Drive was not supported by Main Roads WA.</p> <p>Officers recommend the notation to 'remove or relocate'</p>

Location	DPaW Recommendation	Shire Recommendation
	<ul style="list-style-type: none"> New access road from realigned Kavite Road Track multiplication due to wet season flooding on Kavite Road 	this section of road should be removed from the Master Plan.
Kavite Rd (North)	<ul style="list-style-type: none"> Track multiplication due to wet season flooding on Kavite Road. Beach access is dangerous and requires a scramble down pindan cliffs. 	<p>Officers support the closure of Kavite Road between Gantheaum Point Road and Redell Beach North Node.</p> <p>Also support realignment of Kavite road to east of turf club from Gantheaume Pt Rd to Reddell Beach North Node.</p>

OUT OF TOWN

Wirrjinmirr (Willie Creek)

Wirrjinmirr	<p>Medium Day Use Area</p> <ul style="list-style-type: none"> Define parking area behind fore dune on flat ground Remove and rehabilitate tracks at eastern end Define one sustainable vehicle access to beach Provide multiple pedestrian access tracks from parking area to beach Consider shade shelters and toilet Consider providing low key interpretation Prevent vehicle access on limestone rock areas 	Officers support Medium Day Use Area and vehicle access to beach.
Flat Rock	<p>Minor Day Use Area</p> <ul style="list-style-type: none"> Define parking area above north rock shelf Close north rock shelf to vehicles and provide designated pedestrian access track Maintain vehicle access to south rock shelf (interim measure) Upgrade track, address drainage and stabilise banks south of Flat Rock 	Officers support <i>Minor Day Use Area</i> .
Gidi Gidi/ Sand Bank	<p>Minor Day Use Area</p> <ul style="list-style-type: none"> Define parking area back from foredune Provide suitable barriers to define vehicle access Provide designated vehicle access track to beach Prevent vehicle access on limestone rock areas 	Officers support <i>Minor Day Use Area</i> and vehicle access to beach.
Warnangarri /Limestone	<p>Minor Day Use Area</p> <ul style="list-style-type: none"> Define parking area back from limestone ledge Consider providing low key interpretation Provide designated access track Prevent vehicle access on limestone rock areas 	Officers support <i>Minor Day Use Area</i> .
Nimilarragan	<p>Minor Day Use Area</p> <ul style="list-style-type: none"> Define parking area at southern end of dam wall Undertake remedial works to dam wall to address erosion and trampling (horses) Close dam wall to vehicles and define walk trail Install gate access to track from Cape Leveque Road Access through cultural eco tours only. Site closed to general public 	<p>Officers support <i>Minor Day Use Area</i>.</p> <p>Officers recommend keep site open to public.</p>
Waterbank Homestead	<p>Major Day Use Area</p> <ul style="list-style-type: none"> Consider need for heritage assessment and survey Restore and maintain structures including buildings, stockyards and other elements Define parking areas and access throughout Homestead precinct Provide adequate toilet facilities Provide interpretation hub within precinct including static signage Provide facilities for cultural tourism activities such as 	<p>Officers support <i>Major Day Use Area</i> and over night camping.</p> <p>Officers recommend to keep open to public (not a Yawuru only area).</p>

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Location	DPAW Recommendation	Shire Recommendation
	performance spaces and cooking facilities • This site may be used for overnight camping associated with cultural eco tourism activities • This site may be a Yawuru only area for cultural use	
General	The Shire's Local Planning Strategy identifies Willie Creek as a 'Major Tourism Node' which may ultimately have the potential to accommodate up to 500 people. The creation of recreation nodes in this area will complement this designation and is supported. Officers recommend that access to the Willie Creek Recreation Nodes is maintained. This will require access through a Shire Gravel Reserve and access through a Yawuru Cultural Protection Prohibited Access Zone(s)	

Coconut Well

Ngunun-gurrukun	Major Day Use Area • Provide 2WD access from Lawrence Road (possibly sealed) • Provide parking area on flat, stable country • Provide multiple shade shelters • Provide toilet facilities • Install interpretation signage • Provide pedestrian access tracks to beach and walk trail to Denham Road	Officers support <i>Major Day Use Area</i> and beach access for vehicles Officers support access to site to be upgraded to a sealed road standard (2WD) Officers support interim temporary beach access via Denham Rd until Major Day Use Area constructed. Denham Rd scheduled to be sealed by Shire in Oct 2015. Support walk trail to beach from Denham Rd and to Ngunungurrukun from Denham Rd.
Niyamarri	Medium Day Use Area • Provide spur road from McGuigan Road • Provide shade shelters and toilets • Create defined parking area behind foredune • Provide beach access track and lookout • Install interpretation signage.	Officers support this site as <i>Medium Day Use</i> and recommend beach vehicle access. The inclusion of a node at this site is supported. It is recommended that consideration be given to allowing vehicle access to the beach in this location, if clear signage is posted to deter driving on the boggy beach to the north. Signage should also clearly state that vehicle access is to be setback from the base of the dunes so not to impact on turtle nesting sites. The removal of tracks to the north of this site is supported.
Niyamarri (alternative sites)		Access to site looks reasonable as along southern side of rural block with existing track to beach. Also suitable for vehicles to use to access beach. Officers support this site as <i>Medium Day Use</i> and recommend vehicle access to beach.

General: Council has resolved to have 2 recreation nodes south of Coconut Wells. Vehicle access to the beach on the southern side of Coconut Wells (either Niyamarri North or Niyamarri South) shall be provided. The draft Birrugun (Out of Town) Management Plan advises that investigation will be required to determine best location for recreation site.

Crab Creek

Man-galagun Road Entry	• Create designated information bay parallel with Man-galagun Road • Install shelter with orientation, management and interpretation signage • Manage access west into Kunin and east to Gubanyunya	Officers support this site as an <i>Information Bay</i> .
Buga Wamba	Medium Day Use Area • Spur road from new Man-galagun Road alignment • Define parking area back from pindan cliff • Provide defined access tracks from parking area to beach • Provide shade shelters and toilet	Officers support this site as <i>Medium Day Use Area</i> . NOTE: This site is not included in Birrugun (Out of Town) Management Plan.
Kadji Rock	Medium Day Use Area • Spur road from new Man-galagun Road alignment • Define parking area back from pindan cliff • Provide defined access tracks from parking area to beach • Provide shade shelters and toilet	Officers support this site as <i>Medium Day Use Area</i> .

Location	DPaW Recommendation	Shire Recommendation
Black Rock	Medium Day Use Area <ul style="list-style-type: none"> • Define parking area back from pindan cliff • Provide defined access tracks from parking area to beach • Provide lookout area • Spur road from new Man-galagun Road alignment • Provide interpretation signage 	Officers support this site as <i>Medium Day Use Area</i> .
Fall Point	Major Day Use Area <ul style="list-style-type: none"> • Spur road from new Crab Creek Road alignment • Define parking area back from pindan cliff • Provide defined access tracks from parking area to beach • Provide boat launching facility if practicable • Provide shade shelters, toilet and interpretive signage • Consider relocating Broome Bird Observatory lookout deck 	Officers support this site as <i>Major Day Use Area</i> and for boat launching/vehicle beach access.
Sabu Rock/ Blackberry Tree	Minor Day Use Area <ul style="list-style-type: none"> • Define parking area back from pindan cliff • Provide defined access track from parking area to beach 	Officers support this site as <i>Minor Day Use Area</i> .
Bandurr Bandurr	Medium Day Use Area <ul style="list-style-type: none"> • Define parking area and terminus to Man-galagun Road • Provide defined pedestrian access tracks to Little Crab Creek • Provide interpretation and trailhead to Northern Shore Walk Trail • Provide shade shelters and toilet • Close Little Crab Creek to boat launching 	Officers support this site as <i>Medium Day Use Area</i> . NOTE: This site is not included in Birrugun (Out of Town) Management Plan.
Man-galagun/ Mirda	Medium Day Use Area <ul style="list-style-type: none"> • Define parking area and terminus to Man-galagun Road • Provide defined pedestrian access tracks to Little Crab Creek • Provide interpretation and trailhead to Northern Shore Walk Trail • Provide shade shelters and toilet • Close Little Crab Creek to boat launching 	Officers support this site as <i>Medium Day Use Area</i> .
General: Shire Officers support the Man-galagun Road realignment away from the pindan cliffs and the northern shore walking trail.		

CONSULTATION

Yawuru Registered Native Title Body Corporate
Department of Parks and Wildlife WA

STATUTORY ENVIRONMENT

Shire of Broome Local Planning Scheme No. 6

3.4 Coastal Reserve. 3.4.1 Purpose:

To recognise and protect the environmental integrity, Aboriginal culture and landscape significance of the coastal foreshore and immediate hinterland. Notwithstanding anything in the Scheme or on the maps, the Coastal Reserve extends seaward to the Low Water Mark and includes the offshore islands.

[Conservation and Land Management Act 1984 \(WA\) \(Conservation Commission\)](#)

Division 3 — Marine reserves:

13A. Marine nature reserves, purpose of and prohibited acts in

(1) The reservation of a marine nature reserve shall be for —

(a) the conservation and restoration of the natural environment; and

(b) the protection, care and study of indigenous flora and fauna; and

(c) the preservation of any feature of archaeological, historic or scientific

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interest.

13B. Marine parks, purpose of and prohibited acts in

- (1) The reservation of a marine park shall be for the purpose of allowing only that level of recreational and commercial activity which is consistent with the proper conservation and restoration of the natural environment, the protection of indigenous flora and fauna and the preservation of any feature of archaeological, historic or scientific interest.
- (2) As soon as practicable after the reservation of a marine park the Minister shall classify the park under section 62, or divide the park into areas and classify each area under section 62, as —
 - (a) a general use area; or
 - (b) a sanctuary area; or
 - (c) a recreation area; or
 - (d) a special purpose area,

in accordance with a proposal for the classification publicly notified in accordance with section 14, modified as the Minister thinks fit to give effect to submissions made under section 14.

Local Government Act 1995

Land Administration Act 1997 - Section 49

"49: Management plan for managed reserve

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

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

CALM Act (Executive Body)

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

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"33. CEO, functions of

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

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

Dog Act 1976

Cat Act 2011

Control of Vehicles (Off-road Areas) Act 1978

Local Government Grants Act 1978

Dog Regulations 1976

Cat Regulations 2012

Control of Vehicles (Off-road Areas) Regulations 1979

ASSOCIATED DOCUMENTS

- Proposed Yawuru Nagulagun / Roebuck Bay Marine Park indicative joint management plan 2015;
- Yawuru Birragun Conservation Park draft management plan 2015;
- Yawuru Prescribed Body Corporate Indigenous Land Use Agreement – Broome (Yawuru PBC ILUA), and the
- Yawuru Area Agreement Indigenous Land Use Agreement – Broome (Yawuru AA ILUA)
 - Joint Management Agreement (JMA)
 - Assistance Agreement (AA)

POLICY IMPLICATIONS

SoB Yawuru Park Council Policy 1.5.1 [OMC 29 November 2012 Item 9.4.4].

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

FINANCIAL IMPLICATIONS

Funding for the preparation of the draft Recreational Management Plan and capital works is sourced from the Yawuru Trust Account. There are no Shire budget allocations to progress the draft recreation master plan and YCE capital works projects.

DPaW has proposed the following site specific capital works projects in the draft 2015/16 YCE Budget. It should be noted that the YPC has yet to adopt the draft 2015/16 YCE Budget.

In Town – approximately \$ 450,561.00

Tenure	Description	Cost
In Town	Site Improvement - Simpson Beach	200,000
In Town	Park Track / Trail Maintenance - Minyirr Trail 'Jack Matting' etc	12,125
In Town	Management Signage - standard management signage across parks	9,256
In Town	Capital Works - Minyirr Park Stairs & Lookout (carry over from 14/15)	229,180

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Out of Town - approximately \$ 971,376

Tenure	Description	Cost
Out of Town	Vehicle Access - Man-galagun Track maintenance / repairs	13,500
Out of Town	Site Improvement - Gurlbanwila (Dog Rocks)	971,376
Out of Town	Management Signage - standard management signage across parks	9,254

The capital works projects as noted above will require the development of project plans prior for approval by the Yawuru Park Council.

RISK

The draft Recreation Master Plan is a critical document to guide the future development of recreation facilities in the Yawuru Conservation Estate. If the draft Plan is not endorsed by Council, it is 'Likely' that there will be a 'Major' consequence to the development of recreation sites within the YCE (i.e. sites developed in an uncoordinated manner) resulting in a 'High Risk' to the Shire. This risk to the Shire can be reduced to 'Low', if the draft Recreation Master Plan is endorsed by Council.

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

Affordable services and initiatives to satisfy community need

Accessible and safe community spaces

Participation in recreational activity

A healthy and safe environment

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

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:

Sustainable and integrated strategic and operational plans

Responsible resource allocation

VOTING REQUIREMENTS

Simple Majority

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REPORT RECOMMENDATION:*That Council:*

1. Endorses the Yawuru Conservation Estate Draft Recreation Master Plan subject to the following site specific amendments:
 - a. Gantheaume Point Beach Access Site shall include formalised beach access for vehicles, pedestrians and horses;
 - b. Kavite Rd Realignment (south) is not supported and should be removed;
 - c. Two recreation nodes with at least one vehicle access point to the beach shall be provided at the Niyamarri (south of Coconut Well);
 - d. Access to the Willie Creek Recreation Sites shall be allowed through the Yawuru Cultural Protection Prohibited Access Zone as shown in the Draft Yawuru Birragun Conservation Park draft management plan 2015;
 - e. Confirmation that the Buga Wamba and Bandurr Bandurr Sites are not included in the Yawuru Birragun Conservation Park draft management plan 2015 and should be removed;
 - f. The Nimilarragan Site is kept open to the public;
 - g. The Waterbank Homestead Site is to be kept open to the public;
 - h. The Redell Beach (south) site is a 'minor day use' area;
 - i. For Base Camp and Youth Camp, 'Potential lease arrangement with Yawuru including commercial cultural activities' should be replaced with 'Potential lease arrangements with Yawuru Park Council including commercial cultural activities'.
2. Requests the Yawuru Park Council to:-
 - a. Set aside an area of 7500 sq.m at Gantheaume Point Beach Access Site for the Fishing Club and Car/Trailer Parking;
 - b. Enter into discussions with Department of Education regarding the possible relocation of the Camp School to Youth Camp;
 - c. Undertake a review of the location of the section of Gantheaume Point Road to the north west of the Turf Club, as the road is currently not located within the road reserve;
 - d. Develop an Asset Management Plan for the Yawuru Conservation Estate through a 'whole of life' approach;
 - e. Develop a 5 year Yawuru Conservation Estate Capital Works Program using a project prioritisation assessment and a cost benefit analysis, and that this Program be budgeted accordingly;
 - f. Give a high priority to the improvement of recreation facilities at Gantheaume Point and Gantheaume Point Beach Access Sites.
3. Authorises its delegates to inform the Yawuru Park Council of this resolution.

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**Moved: Cr G Campbell****Seconded: Cr C Mitchell*****That the Item be deferred for consideration by the new Council.******CARRIED UNANIMOUSLY 8/0*****Reason:** *Council were not given enough time to read the required documents***Attachments**

1. Attachment A_DRAFT_DEC_YAWURU PARKS REC Plan_April_2013
2. Attachment B_YAWURU PARKS REC MAPS _Eight Maps

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

With regard to Item 13 Cr G Campbell declared a Financial Interest as "Director of company that leases Shire property subject to the line item in the financial budget"

QUESTION BY CR POELINA (6 SEPTEMBER 2015) OF WHICH DUE NOTICE HAS BEEN GIVEN

Cr A Poelina submitted the following question of which due notice has been given to the Chief Executive Officer on 6 September 2015:

"Context: *Shire President, Cr G. Campbell is not implicated in this process and declared a financial conflict in this matter.*

Item: 6.4.5 ADOPTION OF 2015/2016 ANNUAL BUDGET

The following Resolution was moved by Cr D. Male and seconded by Cr A. Poelina.

That Council does not consider the matter trivial and consider Line Item 132111 independently, and the request for Cr Campbell to participate is denied by Council.

The subsequent Council Resolution moved by Cr C. Mitchell and seconded by Cr D. Male.

*That Council adopts the line item 132111 Roebuck Bay Caravan Park for the amount of \$250 000 as part of the 2015/2016 Budget.
Carried Unanimously By Absolute Majority 5/0.*

Question:

I have reflected on the decision made by Council at the Special Meeting of Council 13 August 2015 to commit \$250 000 of the 2015/2016 Budget to the Roebuck Bay Caravan Park in relation to demonstrating due diligence given the serious financial constraints and risks from increasing budget impositions. My question to the CEO is:

Has the Council provided a direct advantage; financial or otherwise to a Councillor who is a lessee of the Roebuck Bay Caravan Park by committing \$250,000 of the 2015/2016 Annual Budget to the Roebuck Bay Caravan Park?"

In follow up communications with the Chief Executive Officer, Cr Poelina has also requested that any Council resolutions relative to this matter be tabled in a response.

Answer provided by Director Corporate Services

The matter of allocating capital funds towards the Roebuck Bay Caravan Park is consistent with allocations within Council's Long Term Financial Plan over a 5 year period. The Caravan Park is the Council's asset. However, Cr Campbell is one of

the lessees. Any capital renewal to Council's asset would likely provide a financial benefit to its lessees.

Broadly under the terms of the lease, the lessee is responsible for fair, wear and tear but not for capital renewal which by default reverts to the Shire to consider on a case by case basis which Council is advised by its Building Asset Management Plan and Long Term Financial Plan and Annual Budget. This is in line with the recent renewal of the sewerage pump station undertaken in the 2014/15 financial year and renewal of some roads in 2013/14.

Staff have carried out an inspection of the Caravan Park to identify priority works that Council may consider undertaking in accordance with the lease prior to the expiry of the current lease in December 2017. Officers will present a report back to Council for consideration prior to expenditure of any of these funds in 2015/16.

In accordance with Cr Poelina's request, all Council resolutions relative to this matter follow:

At the Special Meeting of Council held 13 August 2015, Council considered a number of items relative to the adoption of the Annual Budget for 2015/16. The first matter presented was in regards to the Shire of Broome's Long Term Financial Plan, where Council resolved the following:

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr H Tracey

Seconded: Cr C Mitchell

That Council:

- 1. Receives the Long Term Financial Plan 2015-2030 as attached,; and**
- 2. Requests the Chief Executive Officer to review the Long Term Financial Plan 2015-2030 after the adoption of the 2015/2016 Annual Budget to reset the baseline for future financial forecasting in the 2016/2017 budget process and to incorporate the actual results of the savings achieved through the organisational restructure and other operational savings as identified during the budget formulation.**

CARRIED UNANIMOUSLY 6/0

The adoption of the 2015/16 Annual Budget was considered in a subsequent agenda item, with Council resolving the following:

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr D Male

That the Council adopts line item 132111 Roebuck Bay Caravan Park for the amount of \$250,000 as part of the 2015/2016 Annual Budget.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 5/0

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr A Poelina

That Council adopts line item 1367402 Chinatown Revitalisation capex for the amount of \$11,700,000 as part of the 2015/2016 Annual Budget.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 5/0

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr A Poelina

That Council:

- 1. Adopts the 2015/2016 Annual Budget and structure consisting of;
Part A – Staff Budget Version (by programme) with the exclusion of Line Item 132111 Roebuck Bay Caravan Park for the amount of \$250,000, and Line Item 1367402 Chinatown Revitalisation capex for the amount of \$11,700,000,
Part B – Statutory Budget Version as attached; and**
- 2. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure, including a total allocation of \$2.9 million for the 2015/2016 financial year for general purpose funding, untied road grants and indigenous access roads; and**
- 3. Requests the Chief Executive Officer to ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in Council publications, including annual reports.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 6/0

14. MATTERS BEHIND CLOSED DOORS

Nil

15. MEETING CLOSURE

There being no further business the Chairman declared the meeting closed at 6.50pm.

Chairperson..... Date.....