



MISSION AND VALUES OF COUNCIL

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

CONFIRMED MINUTES

OF THE

SPECIAL MEETING OF COUNCIL

19 JANUARY 2016

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.

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SHIRE OF BROOME
SPECIAL MEETING OF COUNCIL
TUESDAY 19 JANUARY 2016
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NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome will be held on Tuesday, 19 January 2016 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00 for the purpose of considering:

- DRAFT YOUTH FRAMEWORK FOR THE SHIRE OF BROOME
- LEASE DISPOSAL FOR THE FORMER BROOME ENTERPRISE CENTRE
- BROOME REGIONAL RESOURCE RECOVERY PARK - DRAFT YAWURU PHASE 2 AGREEMENT
- TENDER 15/05 PROVISION OF SECURITY SERVICES
- BROOME AS A REGIONAL GROWTH CENTRE - FINAL PROJECT PLAN
- REVIEW OF LOCAL PLANNING POLICY 8.20 - PROVISION OF PUBLIC ART

Regards



K R DONOHOE
Chief Executive Officer

15/01/2016

Chairperson.....Date:.....

**MINUTES OF THE SPECIAL MEETING OF COUNCIL OF THE SHIRE OF BROOME,
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,
ON TUESDAY 19 JANUARY 2016, COMMENCING AT 5.00.**

1. OFFICIAL OPENING

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

2. ATTENDANCE AND APOLOGIES

Attendance: Cr R Johnston Shire President
 Cr H Tracey Deputy Shire President
 Cr E Foy
 Cr C Mitchell
 Cr P Matsumoto
 Cr B Rudeforth
 Cr M Croft

Leave of Absence: Nil

Apologies: Cr W Fryer
 Cr D Male

Officers: Kenn Donohoe Chief Executive Officer
 Paul Martin Deputy Chief Executive Officer
 Sam Mastrolembo Director Corporate Services
 Kirsten Wood Acting Director Development Services
 Michael Dale Director Infrastructure
 Mieke Wevers Senior Administration and Governance Officer
 Erin Harding Senior Administration and Governance Officer
 Rochelle Piggin Manager Governance

Public Gallery: Dave Dureau
 Jeremy Hall Shire of Broome
 Chris Maher
 David Galwey
 Louise Middleton
 John Spry
 Robert Doughterty Broome Advertiser
 Nathan Laird Laird Tran Studio
 Denis Ryan
 Danielle Dwyer Shire of Broome
 Tamara Cusack Shire of Broome
 Sally Eaton Shire of Broome
 Robyn Maher
 Gwen Knox Theatre Kimberley
 Kevin Smith
 Nat Jones ABC
 Wotherspoon SG
 Franny O'Connor
 Wade Freeman

Chairperson.....Date:.....

Karen Morgan	KTI
Shire of Broome	Shire of Broome
Eric Nelsen	Shire of Broome
Brendan Barwick	WA Police
Lily Chin	Theatre Kimberley
Nik Wevers	

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest
Cr H Tracey	6.2.3	Review of Local Planning Policy 8.20 – Provision of Public Art	Financial – My business has a Development Approval current.

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
Cr E Foy	6.1.3	Broome Regional Resource Recovery Park - Draft Yawuru Phase 2 Agreement	Impartiality – Yawuru as a Native Title member
Cr P Matsumoto	6.1.3	Broome Regional Resource Recovery Park - Draft Yawuru Phase 2 Agreement	Impartiality – Yawuru Native Title member

4. PUBLIC QUESTION TIME

The following questions were received prior to the meeting from Gwen Knox:

Question One: *Have the members of the Shire Council considered that while there is a perceived economic downturn being experienced in Broome currently, that the installation of significant public art is a way to revive economic interest in a community?*

Answer provided by Chair: *This item was included on the Agenda following a request from Councillors. These factors will be taken into account by Council when the item is being considered. Councillors were lobbied by members of the community on this issue early in the new year.*

Question Two: *Certain Councillors have a vested interest in abolishing the public art policy in order to save money and time in completing developments that they are managing in the community. Will these Councillors declare a conflict of interest and not be part of the decision making process regarding whether to keep or abolish Local Planning Policy 8.20 and how can we the rate payers be assured that this will happen?*

Answer provided by Chair : *Councillors have been informed and advised of the provisions of the Local Government Act 1995 and the Department’s operational guidelines on when a disclosure of interest is to be made. It is up to a Councillor to manage their disclosures of interest.*

Chairperson.....Date:.....

The following question was received prior to the meeting from Nathan Laird:

Question One: In understanding that the current 'Provision of Public Art Policy' may be perceived to be too onerous on developers within Broome's current economic climate, I ask if the Shire Council has considered how it could maintain the Public Art vision for the town of Broome by considering alternative funding for the policy? An example of an alternative funding avenue could be to reduce the actual development percentage for public art to a manageable level that is in alignment with the Shire's Table 1: Local Planning Charges or to a similar or lower rate than the Building and Construction Industry Training Fund (BCITF) Levy. In short, is the Shire Council willing to consider alternative funding arrangements for the provision of Public Art?

Answer provided by Chair: The Chairman provided an example of the financial impact the Public Art Policy could have on a development and felt the cost could be borne by the whole community rather than just a small segment. The BCITF levy is imposable on all building permits \$20,000 or more in value by the State Government for construction and training programs, levy is currently set at 0.2% and Council cannot alter that.

The following questions were received prior to the meeting from Chris Maher:

Question One: What has changed in the economic conditions of Broome, since 17 December 2015 when all 9 Councillors unanimously voted for no change to this policy, that would warrant dealing with this issue at a Special Meeting just 4 weeks later when some Councillors are away?

Answer provided by Chair: In regards to your comment on a change of economic conditions, things have changed, Dick Smith and Thingz have closed. At the December meeting, yes there were 300 pages of policies that were on the Agenda and they were passed. However since that period I was lobbied very heavily by quite a few people about the 1% levy. In accordance with Section 5.4 of the Local Government Act 1995, I requested it be included on the Special Meeting of Council agenda.

Question Two: The Context of the Review states "events such as the Kimberley Economic Forum and a series of breakfast seminars largely driven by the Chamber of Commerce pointing to a local economic climate whereby community support for policy placing additional financial requirements upon developers, is lacking". Was Public Art, or specifically LPP 8.20, discussed at any of these events?

Answer provided by Chair: I did not attend all of the events and not to my knowledge were they discussed.

Question Three: Is it the case under LPP 8.20 that a developer could choose not to contribute any money to the Shire's Public Art fund but instead invest the value of the 1% into art in their own development which they would legally own and would contribute to the overall value of their asset? At complete discretion of developer?

Answer provided by Chair: This question will be taken on notice.

Question Four: Given the Shire of Broome Code of Conduct defines the role of Councillors, would it be reasonable to expect that Councillors respond to questions emailed to them?

Answer provided by Chief Executive Officer: This is an individual decision for each Councillor, not necessarily a Code of Conduct issue. Councillors are busy individuals and I'm sure they would respond to the best of their ability.

The following questions were received prior to the meeting from Kevin Smith:

Question One: In Jan 2015 the Shire engaged an Economic Development Manager at significant cost to ratepayers. Why hasn't Council (as at the close of business yesterday) sought advice from this officer regarding a cost / benefit analysis of the policy and its effects on economic development within the Shire?

Answer provided by Chair: This is a Planning Policy and is being dealt with as a Planning matter. It is noted that this Policy would have implication across other areas of the Shire.

Question Two: Percent for art schemes are common in Shires across WA, why has Council not sought advice from Shires with existing schemes regarding the impacts to their developers versus the benefits to their local economies, their developers and their communities?

Answer provided by Chair: Consultation was undertaken with other Local Governments when the Policy was developed and is ongoing at all times.

Question Three: The agenda item details a number of developments that have been subject to this contribution. How many developments is Council aware of that have not proceeded, or are unlikely to proceed, because of this requirement, and what were/are they?

Answer provided by Chair: This is a matter for Councillors to consider when the matter is before Council, it is unknown.

A question was proposed by Louise Middleton in relation to a matter not on the Special Council Meeting Agenda. The question was not accepted.

A further question was proposed by Louise Middleton in relation to a matter not on the Special Council Meeting Agenda. The question was not accepted.

The following questions were received prior to the meeting from Louise Middleton:

Question One: Will the proposed review of Local Planning Policy 8.20 - Provision Of Public Art be open to public consultation in accordance with 5.1.10 Community Development Community Engagement Policy Local Planning Policy and the 8.23 Public Consultation – Planning Matters?

Answer provided by Acting Director Development Services: If Council wants to review or make changes/amend the policy, such as altering the thresholds or exemption criteria, then the community consultation policies may apply. However if Council choose to

Chairperson.....Date:.....

revoke the Policy, then in accordance with the Deemed Provisions all that is required is for notification to be given in a newspaper. This will be a matter for Council to consider when discussing the item.

Question Two: Can Council rescind a DAP decision? What would happen to these funds that have already been contributed if the policy was revoked?

Answer provided by Chief Executive Officer: Council has the Item before them, from an administrative perspective, staff are of the view if Council were to revoke, any funds received as a result of a planning condition prior to a future decision of Council, those funds received would remain in the Shire reserve. Where development hasn't taken place these contributions may be subject to a request for a future planning amendment.

The following question were received prior to the meeting from Dave Dureau:

Question One: I welcome and support the newly elected Council's unanimous support (9 votes to nil) to impose a 1% levy on developers to contribute to public art in Broome. A) What advice was given to the Chief Executive Officer/Councillors when they supported the proposal unanimously? B) What new evidence or changes have been tabled to support a motion to rescind?

Answer provided by Chair: Each individual policy was not discussed in individual detail.

Question Two: 9 Councillors deliberated on what was presented and voted unanimously to continue the proposal. What then was presented?

Answer provided by Chair: The policy was presented and passed along with Administration and Planning policies. Since then a lot of comments have been made and a decision was made to discuss this tonight and will be deliberated here later on.

Question Three: Do you intend to table the relevant documents?

Answer provided by Chief Executive Officer: All policies including Local Planning and Administration policies were presented before Council at the December meeting.

Question Four: What new evidence or changes have been tabled to support a motion to rescind?

Answer provided by Chief Executive Officer: Report recommendation is for Council's consideration.

A further question was proposed by Dave Dureau in relation to a matter not on the Special Council Meeting Agenda. The question was not accepted.

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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

Chairperson.....Date:.....

Recommendation

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

6.1.3 BROOME REGIONAL RESOURCE RECOVERY PARK - DRAFT YAWURU PHASE 2 AGREEMENT

Item 6.1.3 and any attachments are 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”, and section 5.23(2)(d) as it contains “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr P Matsumoto

That Item 6.2.3 Review Of Local Planning Policy 8.20 - Provision Of Public Art be brought forward and considered as the next item of business.

CARRIED UNANIMOUSLY 7/0

6.

**REPORTS
OF
OFFICERS**

and was amended by Council in July 2015. In December 2015 all Shire policies were reviewed in accordance with Shire Policy 1.2.1 with modifications to policy made with consideration for organisational objectives and priorities.

COMMENT

The 'Provision of Public Art' LPP was prepared in recognition of the capacity of art to connect people to place and to instil a sense of shared community. In general, it is understood that by fostering a sense of place and enhancing the character of an area, public art is able to play a role in contributing towards economic development. This is particularly the case with consideration for the economic context of Broome whereby the attractiveness of place is inextricably linked to tourism numbers and associated investment.

Policy Objective

Though Shire policy prepared in accordance with State Planning Policy 3.6 'Developer Contributions for Infrastructure' provide for contributions to be made towards 'hard' infrastructure; such policy does not allow for contributions towards other forms of 'soft' community infrastructure. Additionally, at the time that LPP 8.20 was prepared, it was considered that the guidance afforded by the Chinatown Development Strategy would largely ensure that development would be undertaken to maintain a public realm sympathetic to the cultural and heritage values of Broome. Such guidance did not exist for development outside of Chinatown Town Centre and on this basis LPP 8.20 was adopted with a key objective being to achieve development outcomes in the industrial, commercial, and residential areas of Broome complimentary to the character objectives of LPP 8.20 and adopted Community Development policy relating to public art.

The purpose of LPP 8.20 is to provide criteria for when development approval may be conditioned to require a percentage contribution (based on development cost) towards the provision of public art. Specifically, the policy requires a contribution equivalent to 1% of the estimated cost of development, for development projects with an estimated value greater than \$2,000,000. This requirement applies to all development within the LPS 6 area with the exception of:

- a) Any development within the 'General Agriculture', 'Rural Residential', 'Rural Small Holdings', 'Settlement', and 'Cultural and Natural Resources' zones;
- b) A development of a single house or less than 10 grouped or multiple dwellings;
- c) Any development with a gross lettable area of less than five hundred (500) square metres;
- d) Any other type of development with an estimated total construction cost of less than two million dollars.

Context of Review

It is widely acknowledged that in recent times Broome has experienced a considerable downturn in economic activity, with events such as the 'Kimberley Economic Forum' and a series of breakfast seminars largely driven by the Chamber of Commerce, pointing to a local economic climate whereby community support for policy placing additional financial requirements upon developers, is lacking.

CONSULTATION

Chairperson.....Date:.....

Nil.

STATUTORY ENVIRONMENT

Planning & Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 3, Clause 6 - Revocation of Local Planning Policy

A local planning policy may be revoked –

(a) by a notice of revocation –

- (i) prepared by the Local Government; and*
- (ii) published in a newspaper circulating in the Scheme area.*

POLICY IMPLICATIONS

Community Services Policy 5.1.6 – Public Art

FINANCIAL IMPLICATIONS

A review of Planning Approvals granted since the adoption of LPP 8.20 indicates that five development applications have been approved requiring the provision of a contribution towards public art, which are detailed in the table below:

Date of Approval	Application Reference	Applicant	Location
8 August 2013	2013/240	MI Australia	Lot 621 & Lot 698 Port Drive
24 April 2014	2014/33	H&M Tracey Construction	Lot 326 Gwendoline Crossing
25 June 2015	2010/170	Concept Building Designs	Lot 280 Hamersley Street
30 July 2015	2015/69	H&M Tracey Construction	Lot 11 Napier Terrace
4 November 2015	2015/110	Seaview WA	Lot 106 Robinson Street

To date, two Planning Approvals have made contributions totalling \$154,155. These funds remain within a reserve account and with interest accumulated the total amount within the reserve is \$155,046.75 (note \$5,000 is to be transferred from the reserve for the installation of public art in Cable Beach).

Three of the abovementioned Planning Approvals have not yet progressed to occupation and therefore the contributions for these approvals have not been received. If these developments progress to occupation, either a cash contribution of \$206,400 would be paid to the Shire or public art works of an equivalent amount would be installed by the developer.

There could be financial implications in association with revocation of LPP 8.20 should a successful appeal be made to the State Administrative Tribunal for a development

Chairperson.....Date:.....

1. Attachment 1 - LPP 8.20 - Provision of Public Art

6.1

OUR PEOPLE



PRIORITY STATEMENT

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

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

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

Chairperson.....Date:.....

6.1.1 DRAFT YOUTH FRAMEWORK FOR THE SHIRE OF BROOME

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	COS15
AUTHOR:	Manager Community Development
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 January 2016

SUMMARY: This report seeks Council's endorsement of a Draft Youth Framework for the Shire of Broome. This framework will be the foundation and provide direction/priorities for a Youth Action Plan to be developed by young people in Broome.

BACKGROUNDPrevious 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
OMC 15 October 2015	Item 9.1.1
OMC 26 November 2015	Item 9.4.5

At the OMC held 15 October 2015, Council considered an update on the development of a Youth Engagement Framework for the Shire of Broome and resolved the following:

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.*

At the OMC held on 26 November, Council endorsed the Terms of Reference for a Youth Advisory Council resolving;

That Council:

1. *Establishes the Youth Advisory Council in accordance with the attached Terms of Reference,*
2. *Nominates Cr M Croft to the Youth Advisory Council and Cr W Fryer be nominated as Deputy.*
3. *Requests the Chief Executive Officer to seek expressions of interest to fill the following vacancies:*
 - *10 x Young people*
 - *2 x Youth workers*

Chairperson.....Date:.....

The timeline noted by Council at the October 2015 OMC is outlined below along with comments on the progress of each stage.

PHASE	DATE	PROGRESS
Phase 1 – Review Document Review, Community Mapping	October 2015	Completed
Phase 2 - Consult Consultation with key stakeholders	October - November 2015	Completed
Phase 3 – Plan Develop a Youth Strategy	7 December 2015	Drafted for Council consideration
Phase 4 – Engage Establish YAC Regional Youth Forum	February – March 2016 April 2016	To be commenced once school resumes. Launch the Youth Framework at the same time. Regional planning meeting to be held in Derby 3 & 4 February
Phase 5 – Deliver Develop Youth Action Plan	May 2016	

It is proposed that the Shire launches the Draft Youth Framework and calls for Expressions of Interest from young people to join the Youth Advisory Council in February, once school resumes for the 2016 calendar year.

COMMENT

Following document review (see Appendix One of the attached Draft Framework), community mapping and stakeholder consultation, Officers have developed a Draft Youth Framework which will form the strategic basis of an Action Plan to be developed by the Youth Advisory Council.

The Draft Framework focuses on important issues and priorities for young people in Broome (grouped into key themes and topics) that were identified during the various consultations that have taken places with agency stakeholders, youth service providers and young people themselves. The Framework is intended to guide the Shire's involvement in youth services by providing a context for each area and identifying opportunities for the Shire to contribute to better outcomes for young people.

The 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 that address the strategic priorities contained in the Draft Youth Framework.

Ten key priorities for young people in Broome have been identified and form the basis of the Draft Framework as attached to this report:

1. Recreation and Leisure

2. Events and Entertainment
3. Education, Training and Employment
4. A Voice for Youth
5. Community Participation and Leadership
6. Health and Wellbeing
7. Alcohol and Other Drugs
8. Safety
9. Accommodation and Transport
10. Youth Service Coordination

This report seeks Council's adoption of the attached Draft Youth Framework which will be used to develop a Youth Action Plan. If Council adopts the Framework, Officers will engage a graphic designer to design and print the document so it can be launched and available for the community.

It is proposed to engage a specialist consultant to work with and mentor the YAC to develop the Action Plan. This will also help to establish the group, encourage participation and provide skills development not only for the young people involved but also for officers and other stakeholders.

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. A regional forum will provide the Minister and Councillors with the opportunity to hear firsthand the views of young people across the region. Officers will participate in a planning meeting with the other LGA's of the Kimberley Regional Collaborative Group in early February to progress the Regional Forum and to contribute to the development of an overarching regional Youth Strategy.

CONSULTATION

Development of the Draft Framework took into account previous consultations undertaken by the Shire of Broome, West Kimberley Youth Sector Conference (WKYSC) and Bluebottle Consulting (on behalf of the Kimberley Regional Collaborative Group) which are outlined in Appendix One of the Draft Framework. Appendix Two of the Framework provides a report on the more recent consultation undertaken with young people in Broome.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

Chairperson.....Date:.....

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.

While Officers propose to submit a project brief as part of the 2016/17 Budget process, it is noted that there is currently no budget allocation in the Long Term Financial Plan for the implementation of the Shire's Youth Framework or Action Plan. On this basis, it is recommended that the Shire commences advocating for funds for implementation of the Framework and Acton Plan over the coming months.

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 M Croft

That Council:

- 1. Adopts the Draft Youth Framework (as attached with any minor amendments, formatting and design) as the basis for a Youth Action Plan to be developed by the Youth Advisory Council;**
- 2. Notes the timeline for the establishment of the Youth Advisory Council and development of the Youth Action Plan; and**
- 3. Requests the Shire President and Chief Executive Officer to continue advocating for funding to implement the Youth Framework and Action Plan.**

CARRIED UNANIMOUSLY 7/0

Attachments

1. Draft Youth Framework 0116

6.1.2 LEASE DISPOSAL FOR THE FORMER BROOME ENTERPRISE CENTRE

LOCATION/ADDRESS:	PORTION RESERVE 42502
APPLICANT:	FOUNDATIONS CARE LTD.
FILE:	LSS043
AUTHOR:	Senior Property and Leasing Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	NIL
DATE OF REPORT:	9 December 2015

SUMMARY: The building formally known as “Broome Enterprise Centre” has been vacant since July 2015. Foundations Care Ltd is a non-for-profit organisation and has expressed interest to lease the building for a one year lease with a one + one year option.

BACKGROUND

Previous Considerations

OMC 21 March 2000	Item 7.7
OMC 9 February 2006	Item 9.4.5
OMC 19 February 2009	Item 9.4.7
OMC 12 May 2011	Item 9.2.4
OMC 27 October 2011	Item 9.2.1
OMC 22 May 2014	Item 9.3.1

Portion of reserve 42502 comprises of one single story detached office building with a net lettable area of 73sqm (**refer attachment 1**). The property is located within the Lotteries House site, which is primarily tenanted by non-for-profit and government organisations. The property was previously leased by Broome Enterprise Centre Inc. from May 2000 to July 2015 when they vacated. The property has remained vacant with no additional expressions of interest to date.

On 22 May 2014 it was resolved that Council:

1. *In accordance with the Local Government Regulations 1996 Regulation 30 (2) (b) agrees to Lease a portion of Reserve 42502 to Broome Enterprise Centre Inc trading as Small Business Centre West Kimberley and delegates authority for the Chief Executive Officer to negotiate the terms and conditions of the lease arrangement in line with the following:*
 - a) *Lease Term as follows:*
 - i. *Initial Term of 1 July 2014 expiring 31 December 2014;*
 - ii. *Further Term 1, 1 January 2015 – 30 June 2015; and*
 - iii. *Further Term 2, 1 July 2015 – 31 December 2015.*

- b) *CPI Rent review to occur on the commencement of the second Further Term, namely 1 July 2015 with no further reviews required*
- c) *Rental subsidy of (\$2,100 + GST per annum) to apply for the term of the lease, including any further terms payable in monthly instalments;*
- d) *Permitted Use is for Office Accommodation*
- e) *The Tenant be responsible for the costs incurred to obtain the market review to commence the lease*
- f) *Lease to be prepared by Landlord's solicitor with The Tenant to be responsible for all associated legal costs, including preparation, negotiation and registration of lease documentation*
- g) *The Tenant shall:*
 - i. *Have a right to hire out the Premises on a casual basis only PROVIDED that;*
 - A. *Such use is consistent at all times with the Permitted Purpose; and*
 - B. *The Tenant ensures any hirer complies strictly with the relevant terms of this Lease;*
 - ii. *Not transfer, assign, sublet or otherwise part with possession of any way dispose of any of its rights or obligations under the lease without the written consent of the Landlord, which consent may be withheld for any reason whatsoever in the Landlord's absolute discretion*
- h) *The Tenant shall at its cost be responsible for maintaining, replacing, repairing, cleaning and keeping clean the Premises*
- i) *The Landlord be responsible for structural, maintenance or repair except when such maintenance repair or replacement is necessary because of any action omission of or on the part of the Tenant (or its servants, agents, contractors or invitees) or by the Tenants particular use of the Premises and for the benefit of all doubt shall not include any structural items which are the result of the Tenants fit out of the Premises*
- j) *The Landlord shall be provided with the expressed right to undertake preventative maintenance at the cost of the Tenant throughout the term.*

In this regard the following shall apply:

- i. *Current preventative maintenance shall include:*
 - A. *Pest Inspection;*
 - B. *Emergency Service Equipment Inspection; and*
 - C. *RCD and Electrical Inspection.*
- ii. *Further preventative maintenance (eg Air Conditioning) may be undertaken by the Shire of Broome in the future upon negotiation with the Tenant*

- iii. *While the Tenant is maintaining it's own preventative maintenance the Tenant is obliged to provide evidence annually of the occurrence of such maintenance and any relevant reports issued by contractors*
 - k) *Utilities service and consumption charges including telephone, electricity, gas and water, covered by tenant;*
 - l) *Shire Rates covered by the Shire of Broome; and*
 - m) *Building Insurance to be effected by the Landlord at the cost of the Tenant, all other insurances to be effected by the Tenant, at the Tenants cost*
2. *Requests the Chief Executive Officer obtain approval from the Minister of Lands for the Lease in accordance with Section 18 of the Land Administration Act 1997*
 3. *Authorises the Chief Executive Officer and Shire President to engross the final lease documentation and the Deeds of Extension of Lease required throughout the term of the lease by virtue of the Tenant exercising its options for further terms provided for in this recommendation*

Advice Note

Notes that the financial implications as addressed in the Agenda Item did not note the rates impact and this will be noted in the lease negotiations.

COMMENT

On 7 December 2015 Foundations Care Ltd requested a one year lease with a one + one year option commencing from 1 February 2016 **(refer attachment 2)**.

Foundations Care Ltd would make an ideal tenant as they are a non-for-profit organisation; which fits in well with the other charitable / government organisations within the Lotteries House complex. Foundations Care Ltd also has the ability to commence a lease in early January, avoiding unnecessary vacancy. Their services are focused around the following community needs:

1. Out of home service;
2. Child Foster Care;
3. Respite care; and
4. Family mediation.

Foundations Care Ltd is funded by the State Government with additional corporate support. They have existing operations in Queensland, New South Wales, Victoria and Western Australia.

Officers recommend that Council:

1. *Lease a portion of Reserve 42502 to Foundations Care Ltd in accordance with the Local Government Regulations 1996 Section 30 (2)(b).*
2. *Seeks Ministerial approval from the Minister of Lands for the Lease in accordance with Section 18 of the Land Administration Act 1997.*

Chairperson.....Date:.....

3. Annual Rent \$18,796.50 + GST (Rent Free Period 1st February – 22nd of February 2016 for fit out purposes). Apply CPI rental increases at the commencement of each option period (Perth All Groups, December quarter)
4. Lease Term as follows:
 - a) Initial Term 12 months from 1st February 2016 – 31st of January 2017
 - b) Option 1 - Further Term of 12 months 1st February 2017 – 31st of January 2018 ;
and
 - c) Option 2 - Further Term of 12 months 1st February 2018 – 31st of January 2019.
5. Permitted Use is for Office Accommodation
6. Lease to be prepared by Council's solicitor with The Tenant to be responsible for all associated legal costs, including preparation and registration of lease documentation
7. The Landlord shall be provided with the expressed right to undertake preventative maintenance at the cost of the Tenant throughout the term current preventative maintenance shall include:
 - a) Pest Inspection;
 - b) Emergency Service Equipment Inspection; and
 - c) RCD and Electrical Inspection
8. Utilities service and consumption charges including telephone, electricity, gas and water, covered by tenant;
9. Building Insurance to be effected by the Landlord at the cost of the Tenant, all other insurances to be effected by the Tenant, at the Tenants cost
10. Authorises the Chief Executive Officer and Shire President to engross the final lease documentation and the Deeds of Extension of Lease required throughout the term of the lease by virtue of the Tenant exercising its options for further terms provided for in this recommendation

CONSULTATION

Opteon Property Group
Foundations Care Ltd.

STATUTORY ENVIRONMENT

Foundations Care Ltd is a not for profit organisation, this request has been considered under Local Government (Functions and General) Regulations 1996 Section 30.(2)(b)(ii) and a dispositions of property to which section 3.58 of Act does not apply.

Section 30 Local Government (Functions and General Regulations) 1996

30. Dispositions of property to which section 3.58 of Act does not apply

Chairperson.....Date:.....

- (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

(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

\$18,796.50 plus GST annual income, all outgoings recovered by the tenant – minimal expenditure.

RISK

Foundations Care Ltd is a well established national organisation with operations in NSW, QLD, WA and VIC. They represent a very low risk as a tenant and contribute significantly to the local community. Foundations Care Ltd is primarily funded by the State Government with additional charitable corporate support.

STRATEGIC IMPLICATIONS

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

Affordable services and initiatives to satisfy community needs

Accessible and safe community spaces

A healthy and safe environment

Chairperson.....Date:.....

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

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

Core asset management to optimise Shire's infrastructure whilst minimising life cycle costs.

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

Affordable and equitable services and infrastructure

Affordable land for residential, industrial, commercial and community use

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

Sustainable and integrated strategic and operational plans

Responsible resource allocation

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr C Mitchell

Seconded: Cr P Matsumoto

That Council:

- 1) **Lease a portion of Reserve 42502 to Foundations Care Ltd in accordance with the Local Government Regulations 1996 Section 30 (2)(b)**
- 2) **Seeks Ministerial approval from the Minister of Lands for the Lease in accordance with Section 18 of the Land Administration Act 1997**
- 3) **Annual Rent \$18,796.50 + GST (Rent Free Period 1st February – 22nd of February 2016 for fit out purposes). Apply CPI rental increases at the commencement of each option period (Perth All Groups, December quarter)**
- 4) **Lease Term as follows:**
 - a) **Initial Term 12 months from 1st February 2016 – 31st of January 2017**
 - b) **Option 1 - Further Term of 12 months 1st February 2017 – 31st of January 2018 ; and**
 - c) **Option 2 - Further Term of 12 months 1st February 2018 – 31st of January 2019.**

- 5) **Permitted Use is for Office Accommodation**
- 6) **Lease to be prepared by Council's solicitor with The Tenant to be responsible for all associated legal costs, including preparation and registration of lease documentation**
- 7) **The Landlord shall be provided with the expressed right to undertake preventative maintenance at the cost of the Tenant throughout the term. Current preventative maintenance shall include:
 - a) **Pest Inspection;**
 - b) **Emergency Service Equipment Inspection; and**
 - c) **RCD and Electrical Inspection.****
- 8) **Utilities service and consumption charges including telephone, electricity, gas and water, covered by tenant;**
- 9) **Building Insurance to be effected by the Landlord at the cost of the Tenant, all other insurances to be effected by the Tenant, at the Tenants cost;**
- 10) **Authorises the Chief Executive Officer and Shire President to engross the final lease documentation and the Deeds of Extension of Lease required throughout the term of the lease by virtue of the Tenant exercising its options in accordance with the lease for further terms provided for in this recommendation**

CARRIED UNANIMOUSLY 7/0

Attachments

- 1. Location Map
- 2. Offer To Lease
- 3. Rental 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".

6.1.3 BROOME REGIONAL RESOURCE RECOVERY PARK - DRAFT YAWURU PHASE 2 AGREEMENT

The Chairperson advised this item would be considered under Section 8, Matters To Be Discussed Behind Closed Doors.

6.2

OUR PLACE



PRIORITY STATEMENT

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

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

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

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

Chairperson.....Date:.....

6.2.1 TENDER 15/05 PROVISION OF SECURITY SERVICES

LOCATION/ADDRESS:	SHIRE OF BROOME
APPLICANT:	N/A
FILE:	15/05
AUTHOR:	Asset & Building Coordinator
CONTRIBUTOR/S:	Manager Engineering Operations
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 November 2015

SUMMARY: This report considers options for provision of Security Services for the Shire of Broome. Tenders were received for Security Services and officers seek Council adoption of *the recommendations as contained in the confidential tender assessment report for Contract 15/05 Provision of Security Services for the period 1 February 2016 to 31 January 2018*

The Shire of Broome has historically contracted Security Services to ensure staff welfare, business continuity and the retention and expansion of Broome's iconic tourism assets and reputation is sustained. Mobile security patrols effectively monitor and identify unlocked doors, windows, signs of forced entry, vandalism and trespassing. The presence of patrol vehicles in the area can be a deterrent of crime and unwanted behaviour.

In July 2013 the Shire of Broome awarded contract 13/01 for the Provision of Security services to Lycan Pty Ltd Trading as Northwest Security for the following Shire assets and buildings:

Administration Building
 Barker Street Office
 Library
 Civic Centre
 BRAC
 Depot
 Waste Management Facility
 Kimberley Regional Office 1
 Kimberley regional Office 2
 Broome Visitor Centre
 Magabala Books
 Town Beach Cafe
 Cable Beach Ablutions
 Town beach Ablutions
 Male Oval Ablutions
 Japanese Cemetery
 Cable beach Car park
 Town beach Car park
 Gantheaume Point Car park
 Surf Club Carpark
 Skate Park
 Medland Pavilion, Haynes Oval
 Town beach Water Spray park

Chairperson.....Date:.....

Through contract 13/01 reactive security officer site attendance, crowd control and Personnel Management and Fire Warden Duties are included.

The provision of security services involves uniformed security officers undertaking 'foot patrols' and 'mobile patrols' to monitor security and provide a physical presence around the Shire's major building assets and destinations to reduce incidents of attempted break in or malicious damage. In addition the security patrols also attend to locking and unlocking of toilet blocks, cemetery gates and beach access, and provide an Escort service to staff at BRAC and the Library on the scheduled late closing days.

The provision of Security Services can essentially be seen as a contract for supply of labour carried on out with standard working hours, with the higher the level of service sought the greater the cost. Although there are a multitude of options available based on level of service, for simplicity three main options are presented below based on high, medium and low levels of service. Due to the hours of operation and the 7 day roster internal resourcing of this service is uneconomical and not in line with conditions set out in the Shire of Broome Enterprise bargaining agreements.

The following levels of service were assessed as part of the decision to invite tenders:

Option 1 – High Service

This approach sees Security being engaged for multiple nightly patrols, response to alarm callouts, escort duties for late finishing staff, locking and unlocking of toilets and cemeteries.

This provides the highest likelihood of reduction in crime and vandalism but is also the most expensive. The services operate seven days a week 365 days a year and deals with a number of minor incidents.

Even with two or more random patrols a night there is no guarantee of Security preventing a major theft however security guards discovering evidence of illegal activity secure sites until a response from law enforcement officers.

This level of service provides the greatest visibility across assets and the random nature of patrol times would deliver the greatest deterrent of crime and antisocial behaviour of the three options. This level of service delivers excellent response times to alarm callouts and incidental cost savings for a number of locations and alarm callouts due to the scope of works.

Option 2 – Medium Service

This approach sees Security being engaged for single nightly patrols, response to alarm callouts, escort duties for late finishing staff, locking and unlocking of toilets and cemeteries.

This provides significant cost savings over Option 1 – High service with a lower likelihood of reduction in crime and vandalism while maintaining a security presence seven days a week.

Option 3 – Low Service.

This approach sees Security being engaged to provide response to alarm callouts, escort duties for late finishing staff and targeted reactive security patrols in response to areas of concern.

This provides significant cost savings over Options 1 and 2 but has a significantly lower likelihood of reducing crime and vandalism due to reduced Security presence overall. The service still operates 365 days a year.

This approach would utilise Security to check the Shires most important or vulnerable assets, however it assumes that the Shires existing Ranger Service could be utilised within their standard working hours to lock and unlock facilities, which would also provide an increased presence of Rangers at the key trouble spots of unauthorised camping and antisocial behaviour.

Security would be engaged to provide a response to out of hours alarm calls, as well as to conduct occasional night patrols of the Shires Assets. If there was evidence of an increase in problems at particular sites then Security could be engaged to 'blitz' particular sites or areas to remove the problem. Cost of Escort services would be directly attributed to individual facilities.

Conclusion

All three approaches rely on Shire Staff increasing their vigilance and awareness of security issues, with increased benefits flowing to the Shire particularly under Option 3 if unnecessary alarm callouts are minimised.

Provision of Security services has been identified and budgeted for in the Long Term Financial Plan and recoupable costs for security at KRO 1, KRO 2, BVC and Magabala Books are budgeted for in 15/16 financial year.

Officers invited tenders with a scope of works based upon Option 1 – High level of service due to current levels of antisocial behaviour, theft and itinerant population within proximity of major assets.

The tender was undertaken by the West Australian Local Government Association (WALGA) with a closing date of 13 October 2015, full details are contained in the attached Confidential Tender Assessment Report (WALGA Assessment Report). The Scope of Works is attached to show the extent of services to be carried out (scope of works). The contract will be for an initial period of two years with two Principal extension options consisting of one year each.

Officers recommend Council Endorse the recommendations as contained in the confidential tender assessment report for Contract 15/05 Provision of Security Services for the period 1 February 2016 to 31 January 2018.

STATUTORY ENVIRONMENT*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

Chairperson.....Date:.....

Local Government (Functions and General) Regulations 1996
Section 5 R14 Requirements for publicly inviting tenders

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

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

Section 5 R15 Minimum time to be allowed for submitting tenders

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

POLICY IMPLICATIONS

2.3.7 - Purchasing Policy

1.2.9 - Local Regional Price Preference

FINANCIAL IMPLICATIONS

Chairperson.....Date:.....

Although the proposed contract rates represent a 5% increase on rates from 2.5 years ago, they are within the budgeted expenditure for the 15/16 financial year.

	Initial cost	Annual cost \$	Remarks
Start up costs		Nil	
Loan Interest		Nil	
Operational		\$207,464	GST inclusive
Income		\$22,386	GST inclusive
TOTAL		\$185,078	GST inclusive

RISK

Option 1 – High Service.

This provides the highest likelihood of reduction in crime and vandalism but is also the most expensive. The service operates seven days a week 365 days a year and deals with a number of minor incidents.

Option 2 – Medium Service

This provides significant cost savings over Option 1 with a lower likelihood of reduction in crime and vandalism while maintaining a security presence seven days a week.

As the estimated cost would likely be in excess of \$120,000 pa the package would have to be retendered leading to a delay in commencing the contract and additional costs of retendering through WALGA of around \$7,000. There could be a potential damage to the Shire's reputation through rejecting Tender submissions with a potential reluctance for tenderers to engage in future tenders.

Option 3 –Low Service

This provides significant cost savings over Options 1 and 2 but has a significantly lower likelihood of reducing crime and vandalism due to reduced Security presence overall. The service still operates 365 days a year.

If Option 1 is not entered into there is a greater likelihood that more break ins or acts of vandalism will occur to Shire Assets leading to financial loss, reduced business continuity and possible loss of service. No firm data is available but anecdotal evidence points to the significant deterrent impact on petty crime of night time security patrols to buildings, particularly when the patrols are carried out on foot.

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 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

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

VOTING REQUIREMENTS

Simple Majority

<u>COUNCIL RESOLUTION:</u>	
(REPORT RECOMMENDATION)	
Moved: Cr E Foy	Seconded: Cr C Mitchell
That Council:	
<ol style="list-style-type: none"> 1. Endorses the recommendations as contained in the confidential tender assessment report for Contract 15/05 Provision of Security Services for the period 1 February 2016 to 31 January 2018; 2. Notes details of the successful tenderer will be available for public information in the Tender Register in accordance with regulation 17 of the Local Government (Functions and General) Regulations 1996; and 3. Authorises the Shire President and Chief Executive Officer to engross the Contract Document. 	
CARRIED UNANIMOUSLY 7/0	

Attachments

1. WALGA Assesment 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”, and section 5.23(2)(c) as it contains “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.
2. Scope of Works

6.2.2 BROOME AS A REGIONAL GROWTH CENTRE - FINAL PROJECT PLAN

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:	8 January 2016

SUMMARY: *This report presents Council with the Final Project Plan that has been developed and submitted to the State Government by the Shire of Broome and Growth Plan Partnership for the Broome Regional Growth Centre Plan.*

BACKGROUND

Previous Considerations

OMC 30 July 2015	Item 12.1
OMC 26 November 2015	Item 9.3.2

At the OMC 26 November 2015, Council considered the high level project scope and consideration of an MOU with the State Government in relation to the Regional growth Centre Plan which Broome has been successful in gaining funding for. The resolution at this OMC was as follows:

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr M Croff

That Council:

1. **Requests the Shire President write to the Premier thanking the government for selecting the Shire of Broome to be a Regional Growth Centre and funding associated with the preparation of the plan.**
2. **Agrees to enter the Memorandum of Understanding with the State Government as Attached at Appendix 3 (with any minor amendments as determined by the Chief Executive Officer) and authorise the Shire President and Chief Executive Officer to engross the documentation.**
3. **Notes a detailed project plan will be prepared for the project and submitted to the State Government for approval by mid December and authorises the Shire President and Chief Executive Officer to submit this on behalf of the Shire.**
4. **Notes the establishment of a Growth Plan Partnership Group and appoints the Shire President and Chief Executive Officer (or his delegate) to represent the Shire on this group.**

CARRIED UNANIMOUSLY 6/0

COMMENT

As a result of this previous Council resolution and further work undertaken by the Regional Growth Centre Planning team as per the milestones identified in the initial program, the MOU has since been signed by the parties involved. The detailed project plan has been prepared and approved by the Growth Plan Partnership which has the Shire President and Chief Executive Officer as the Shire representatives.

This Regional Growth Centre Project Plan was submitted to the State Government (The Department of Regional Development) by the due date of December 15 for consideration. This detailed project plan can be seen at attachment 1 and includes details such as the scope, key objectives, opportunities and constraints, gap analysis, planning timeframes and budget.

Once approved by DRD, it was agreed that a detailed briefing with the lead consultants would be convened to discuss implementation of the scope and ongoing development of the plan prior to the October 2016 deadline for the Final Growth Centre Plan.

This project plan will now be considered by the Regional Centre Development Plan Steering Group which comprises the following people:

- Stuart Hicks (Chairperson)
- Eric Lumsden (Chairperson WAPC)
- Gail McGowan (Director General Dept of Planning)
- Ralph Addis (Director General Dept of Regional Development)
- Frank Marra (CEO of Landcorp)
- And is supported by staff at the Department of Regional Development

To ensure early engagement and success of the plan, the Steering Group are organising a visit to Broome on 16 February 2016 to approve (or otherwise make amends) to the plan.

Once the Project Plan is approved, consultants will be appointed in each required discipline to develop the plan prior to October 2016. Procurement of these consultants will be undertaken by Landcorp in accordance with their procurement processes on behalf of the Growth Plan Partnership. This is consistent with the roles of each organisation contained in the MOU for this project.

CONSULTATION

Growth Plan Partnership team

STATUTORY ENVIRONMENT

The State Government have allocated all funds to Landcorp who are, and will, continue to undertake the procurement and management of consultants. The Shires procurement processes and policies are not applied to this project.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The table below outlines start up costs and ongoing costs involved in the project.

Chairperson.....Date:.....

Funding Source: Regional Growth Centre Plan Grant with State Government

Funding Type	Capital or Start Up Expense	Funding Details	Account Number
Grant	\$1,296,000	Grant allocated to the Regional Growth Centre Planning Project to complete the plan.	Funding will be provided to Landcorp to procure and manage consultants required for this project.
Reserve	Nil		
Budget	Nil		
TOTAL	\$1,296,000		
*Cost Type – Service: Start up and Operating costs to complete the Growth Centre Plan by October 2016 as per the grant arrangement with State Government			

The Shire is only required to commit in-kind resources to the development of the Growth Plan at this point in time.

RISK

As the Regional Growth Centre Plan is funded by the State Government there is a low likelihood of financial risk to the Shire of Broome. Primary risk factors will relate to coordination of the Growth Centre Planning process and the possible impact on Shire resources in the plans development. There may also be some impact on the existing actions proposed within the Shires Strategic Plan which were developed prior to the Shire being successful in attaining Regional Growth Centre Planning funding. The request of the Growth Centre Planning team to engage key stakeholders early is considered by officers to represent effective mitigation of these possible impacts by assisting in coordination and communication of the actions and initiatives associated with the Regional Growth Centre Plan.

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

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

Chairperson.....Date:.....

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

Council is able to mobilise resources to deliver municipal service 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:

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 B Rudeforth

Seconded: Cr P Matsumoto

That Council:

1. **Notes the final Project Plan for the Broome Regional Growth Centre has been submitted and will now be considered by the State Government; and**
2. **Notes the Growth Plan Partnership may make amendments to the project plan (if required) when feedback is received from the State Government prior to implementation.**

CARRIED UNANIMOUSLY 7/0

Attachments

1. REGIONAL GROWTH CENTRE FINAL PROJECT PLAN

6.2.3 REVIEW OF LOCAL PLANNING POLICY 8.20 – PROVISION OF PUBLIC ART

This item was changed in the order of business and is located in these Minutes as the first item to be discussed.

6.3

OUR PROSPERITY



PRIORITY STATEMENT

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

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

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

Chairperson.....Date:.....

There are no reports in this section.

6.4

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.

Chairperson.....Date:.....

There are no reports in this section.

7.

**REPORTS
OF
COMMITTEES**

Chairperson.....Date:.....

There are no reports in this section.

Chairperson.....Date:.....

8. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr E Foy

That the meeting be closed to the public at 5.56pm for Council to consider agenda item 6.1.3 Broome Regional Resource Recovery Park - Draft Yawuru Phase 2 Agreement.

CARRIED UNANIMOUSLY 7/0

Members of the Public departed the Chambers at 5.56pm.

This item and any attachments are 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”, and section 5.23(2)(d) as it contains “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.

With regard to Item 6.1.3 Cr Foy disclosed that “I have an association with Yawuru as a Native Title member. As a consequence there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

With regard to Item 6.1.3 Cr Matsumoto disclosed that “I have an association with Yawuru Native Title 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.”

6.1.3 BROOME REGIONAL RESOURCE RECOVERY PARK - DRAFT YAWURU PHASE 2 AGREEMENT

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	RRP01
AUTHOR:	Director of Engineering Services
CONTRIBUTOR/S:	Waste Coordinator
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 January 2016

SUMMARY: A Site Selection Study has been completed for the proposed Regional Resource Recovery Park. At the SMC on 10 September 2015, Council resolved to undertake detailed site investigations on Sites G1 and H1 on Roebuck Plains Pastoral Station.

On 24 November 2015 Yawuru advised that on Roebuck Plains Pastoral Station only Site G1 is potentially suitable for a Regional Resource Recovery Park. Officers believe that undertaking detailed site investigations on a single site, Site G1, is 'high' risk as it may be

Chairperson.....Date:.....

determined that Site G1 is flawed and can not be progressed as a RRRP. Should detailed site investigations not be underway on a second preferred site the RRRP project would be delayed for twelve months.

To mitigate the 'high' risk resulting from the detailed site investigation of only one preferred site officers recommend that detailed site investigations be undertaken on a second preferred site.

Prior to the detailed site investigations being allowed to be undertaken on Site G1, Yawuru have requested the Shire enter into a Phase 2 Agreement. The Phase 2 Agreement sets out the requirement to complete a heritage survey and would allow the Shire to conduct detailed site investigations on Site G1 in accordance with the conditions set out in the heritage survey report.

Officers have been negotiating the contents of the Phase 2 Agreement with Yawuru and a draft Phase 2 Agreement is presented for Council's endorsement.

REPORT RECOMMENDATION:

That Council:

1. Note that;
 - (a) Yawuru have advised that on Roebuck Plains Pastoral Station only Site G1 is considered to be potentially suitable as a Regional Resource Recovery Park site;
 - (b) Detailed site investigations on two potential Regional Resource Recovery Park Sites is recommended to reduce the Shire of Broome's risk;
2. Requests the Chief Executive Officer to;
 - (a) revisit the outcomes of the site selection study document as a result of Yawuru's advice in relation to site selection and investigate options for a second preferred site to Site G1; and
 - (b) report back to Council to seek endorsement to investigate a second site.
3. Endorse, as Council's position, the draft Regional Resource Recovery Park Phase 2 Agreement for Site G1;
4. Authorise the Chief Executive Officer and Shire President to execute the final Regional Resource Recovery Park Phase 2 Agreement for Site G1 with Yawuru;
5. Requests the Chief Executive Officer to;
 - (a) report back to Council if the Regional Resource Recovery Park Phase 2 Agreement for Site G1 is unable to be executed within 42 days;
 - (b) report back to Council on the results of the detailed site investigations for Site G1;
 - (c) obtain Council endorsement of the Preferred Site prior to proceeding to the approvals phase of the Regional Resource Recovery Park project.

COUNCIL RESOLUTION:

Moved: Cr B Rudeforth

Seconded: Cr C Mitchell

That Council:

1. **Note that;**
 - (a) **Yawuru have advised that on Roebuck Plains Pastoral Station only Site G1 is considered to be potentially suitable as a Regional Resource Recovery Park site;**
 - (b) **Detailed site investigations on two potential Regional Resource Recovery Park Sites is recommended to reduce the Shire of Broome's risk;**
2. **Requests the Chief Executive Officer to;**
 - (a) **revisit the outcomes of the site selection study document as a result of Yawuru's advice in relation to site selection and investigate options for a second preferred site to Site G1; and**
 - (b) **report back to Council to seek endorsement to investigate a second site.**
3. **Endorse, as Council's position, the draft Regional Resource Recovery Park Phase 2 Agreement for Site G1 with the following amendments;**
 - (i) **Clause 8.3 (c) an anthropologist, to be jointly agreed upon by the Shire and Yawuru RNTBC.**
 - (ii) **Clause 8.6 Within 14 days of the date of the Survey, Yawuru RNTBC must prepare a report ("the Survey Report") setting out the results of the Survey. The Survey Report must state whether the Preferred Site is cleared or not cleared, including "no go" areas and any conditions which are recommended if a particular Preferred Site is selected. The Survey Report may also indicate which, if any, Preferred Site is preferred by the Yawuru Cultural Advisors. The Survey Report must include maps marked up accordingly and be provided to the Shire of Broome by the Yawuru RNTBC within 7 days of the Commencement Date.**
 - (iii) **new Clause 8.7 Should the Survey Report not be provided within 14 days the Shire may assume there are no heritage issues.**
 - (iv) **Clause 10.1 (c) the Monitored Activity involves disturbance of previously undisturbed ground and/or the initial clearing of native vegetation.**
 - (v) **Schedule 2.1 The following rates are current as at 1 January 2014 and costs may only be increased by CPI.**
 - (vi) **Schedule 2.3 (f) A 15% administrative surcharge will be applied to all disbursements, capped at \$1,000 (excluding GST).**
4. **Authorise the Chief Executive Officer and Shire President to execute the final Regional Resource Recovery Park Phase 2 Agreement for Site G1 with Yawuru;**
5. **Requests the Chief Executive Officer to;**
 - (a) **report back to Council if the Regional Resource Recovery Park Phase 2**

Agreement for Site G1 is unable to be executed within 42 days;

- (b) report back to Council on the results of the detailed site investigations for Site G1;**
- (c) obtain Council endorsement of the Preferred Site prior to proceeding to the approvals phase of the Regional Resource Recovery Park project.**

CARRIED UNANIMOUSLY 7/0

Reason: There has been a lot of uncertainty in the process and Council has spent thousands of dollars with a fairly uncertain outcome. The proposed amendments to the Agreement will reduce the financial risk and burden to the Shire e.g. capping the 15% administrative surcharge to \$1000.

Attachments

- 1. Site Selection Study – Sites of Interest Plan
- 2. Regional Resource Recovery Park draft Phase 2 Agreement for Site G1
- 3. Timeline - Stakeholder engagement with Yawuru

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: Cr M Croff

That the Meeting be reopened to the public at 6.13pm.

CARRIED UNANIMOUSLY 7/0

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

9. MEETING CLOSURE

There being no further business the Chairman declared the meeting closed at 6.14pm.