



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

5 FEBRUARY 2019

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.

Should you require this document in an alternative format please contact us.

SHIRE OF BROOME
SPECIAL MEETING OF COUNCIL
TUESDAY 5 FEBRUARY 2019
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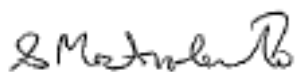
NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome will be held on Tuesday, 5 February 2019 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5:00pm for the purpose of considering:

- CREATION OF NEW RESERVE & ACCESS EASEMENT WITH MANAGEMENT ORDER TO WA POLICE
- RFQ19/03 CHINATOWN WATER MAIN RELOCATION - CARNARVON STREET, EASTERN AND WESTERN ALIGNMENT

Regards



S MASTROLEMBO
Chief Executive Officer

01/02/2019

1.	OFFICIAL OPENING
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2. ATTENDANCE AND APOLOGIES

Public Gallery:

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest
NIL			

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
NIL			

4. PUBLIC QUESTION TIME

NIL

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*.

6.

**REPORTS
OF
OFFICERS**

6.1

OUR PEOPLE



PRIORITY STATEMENT

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

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

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

There are no reports in this section.

6.2

OUR PLACE



PRIORITY STATEMENT

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

Our aim is for all communities and settled areas, including the Broome 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 built environments is achieved in the short term and for future generations.

6.2.1 CREATION OF NEW RESERVE & ACCESS EASEMENT WITH MANAGEMENT ORDER TO WA POLICE

LOCATION/ADDRESS:	Part of Lot 365 on DP 92236 Adjacent Broome – Cape Leveque Road
APPLICANT:	Department of Planning, Lands and Heritage
FILE:	BRO-3/GEN
AUTHOR:	Land Tenure Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development & Community
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 January 2019

SUMMARY: The Shire of Broome has received a request for comment from the Department of Planning, Lands and Heritage regarding the creation of a new Reserve for the purpose of 'communication' with Management Orders in favour of the West Australian Police and an easement for 'access' to the new Reserve from the Broome – Cape Leveque Road.

This report recommends that the Shire supports this proposal.

BACKGROUND

Previous Considerations

Nil.

The Shire has received correspondence from the Department of Planning, Lands and Heritage (**DPLH**), seeking the Shire's comments in relation to the proposed creation of a new Reserve over a portion of Unallocated Crown Land (**UCL**) Lot 365 on Deposited Plan (**DP**) 92236 for the purpose of 'communication' with Management Orders in favour of the West Australian Police. An easement for 'access' linking the new reserve to the Broome – Cape Leveque Road is also proposed (**Attachment 1 and 2**).

COMMENT

UCL Lot 365 currently contains a Telstra Communications tower which Telstra accesses using powers under the *Telecommunications Act 1997* (Cth). The Police propose to build a communication tower on the southern portion of Lot 365 as indicated in **Attachment 2**. Areas are indicative only and subject to slight variation on completion of a survey.

The portion of Lot 365 proposed for the new Reserve is zoned 'Public Purpose', under the Shire's Local Planning Scheme No.6.

This report recommends that Council support the creation of a new Reserve over a portion of UCL Lot 365 on DP 92236 for the purpose of 'communication' with Management Orders in favour of the Western Australian Police and an easement for 'access' linking the new Reserve to the Broome – Cape Leveque Road as indicated on **Attachment 1 and 2**.

CONSULTATION

Department of Planning, Lands and Heritage

STATUTORY ENVIRONMENT

Land Administration Act 1997

41. Reserving Crown land, Minister's powers as to

Subject to section 45(6), the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.

46. Care, control and management of reserves

- (1) *The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) *The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*
- (3) *The Minister may —*
 - (a) *by order confer on a management body power, subject to section 18, to grant a lease or sublease or licence over the whole or any part of the Crown land within the reserve in question for the purposes referred to in subsection (1); and*
 - (b) *approve a mortgage of any such lease.*
- (3a) *The Minister may by order —*
 - (a) *without the consent of the management body of a reserve, vary —*
 - (i) *an order made under subsection (3)(a); or*
 - (ii) *an order made under section 33 of the repealed Act or section 42 or 43 of the Land Act 1898 ⁷ that subsists as an order made under subsection (3)(a),*
in relation to whether or not prior approval in writing of the Minister is required to a grant of a lease, sublease, or licence; or
 - (b) *with the consent of the management body of a reserve, vary any other condition to which —*
 - (i) *an order made under subsection (3)(a); or*
 - (ii) *an order made under section 33 of the repealed Act or section 42 or 43 of the Land Act 1898 ⁷ that subsists as an order made under subsection (3)(a),*
is subject.
- (3b) *The Minister's approval under section 18 is not required for the exercise of a power conferred under subsection (3)(a) unless —*
 - (a) *the person on whom the power is conferred is —*
 - (i) *a body corporate that is constituted for a public purpose under an enactment and is an agency of the Crown in right of the State; or*
 - (ii) *a person referred to in subsection (10)(b),*
and the order provides that the Minister's approval under section 18 is required; or
 - (b) *the person on whom the power is conferred is a person other than a person referred to in paragraph (a).*
- (4) *If an unmanaged reserve is the subject of —*

- (a) a lease granted under section 47; or
 - (b) a licence, or a lease or profit à prendre, granted under section 48,
 or of any other interest in the unmanaged reserve, the Minister may under subsection (1) place the care, control and management of that reserve with a management body subject to that licence, lease or profit à prendre or other interest, the term of which continues unbroken by that placing.
 - (5) An order made under subsection (1), (2), (3) or (3a) does not create any interest in Crown land in the relevant reserve in favour of the management body of that reserve.
 - (6) If Crown land reserved under section 41 for the purpose of recreation is leased or subleased under a power conferred under subsection (3), the lessee or sublessee may, unless the terms of the management order or the lease or sublease otherwise provide, restrict public access to the area leased.
 - (7) A person with whom the care, control and management of a reserve is placed by order under subsection (1) has, by virtue of this subsection, the capacity, functions and powers to hold and deal with the reserve in a manner consistent with the order, any order conferring power on that person under subsection (3)(a) and this Act to the extent that the person does not already have that capacity or those functions and powers.
 - (8) Subsection (7) does not authorise a management body to perform a function or exercise a power if another enactment expressly prevents the person from performing that function or exercising that power, or expressly authorises another person to perform that function or exercise that power.
 - (9) Any instrument in relation to the care, control and management of a reserve entered into or given by a person holding an office referred to in subsection (10)(b)(i) or (iii) is taken to have been entered into or given by the person for the time being holding that office.
 - (10) In subsection (1), a reference to a person is a reference to —
 - (a) a person having perpetual succession;
 - (b) a person not having perpetual succession who is —
 - (i) a Minister to whom the Act specified in the relevant order is for the time being committed by the Governor; or
 - [(ii) deleted]
 - (iii) a person holding a prescribed office.
 - (11) If an order made under section 33 of the repealed Act subsists under clause 16(1) of Schedule 2 as if it were a management order under section 46(1), the Minister may by order vary that order to place the care, control and management of the reserve the subject of the order with a person referred to in subsection (10).
 - (12) An order made under section 46(1) before the coming into operation of section 12 of the Land Administration Amendment Act 2000 may be varied by the Minister by order to place the care, control and management of the reserve the subject of the order with a person referred to in subsection (10).
- [Section 46 amended by No. 59 of 2000 s. 12(1)-(3) ⁸: No. 28 of 2015 s. 76.]

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

RISK

Nil.

STRATEGIC IMPLICATIONS

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

Effective communication

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

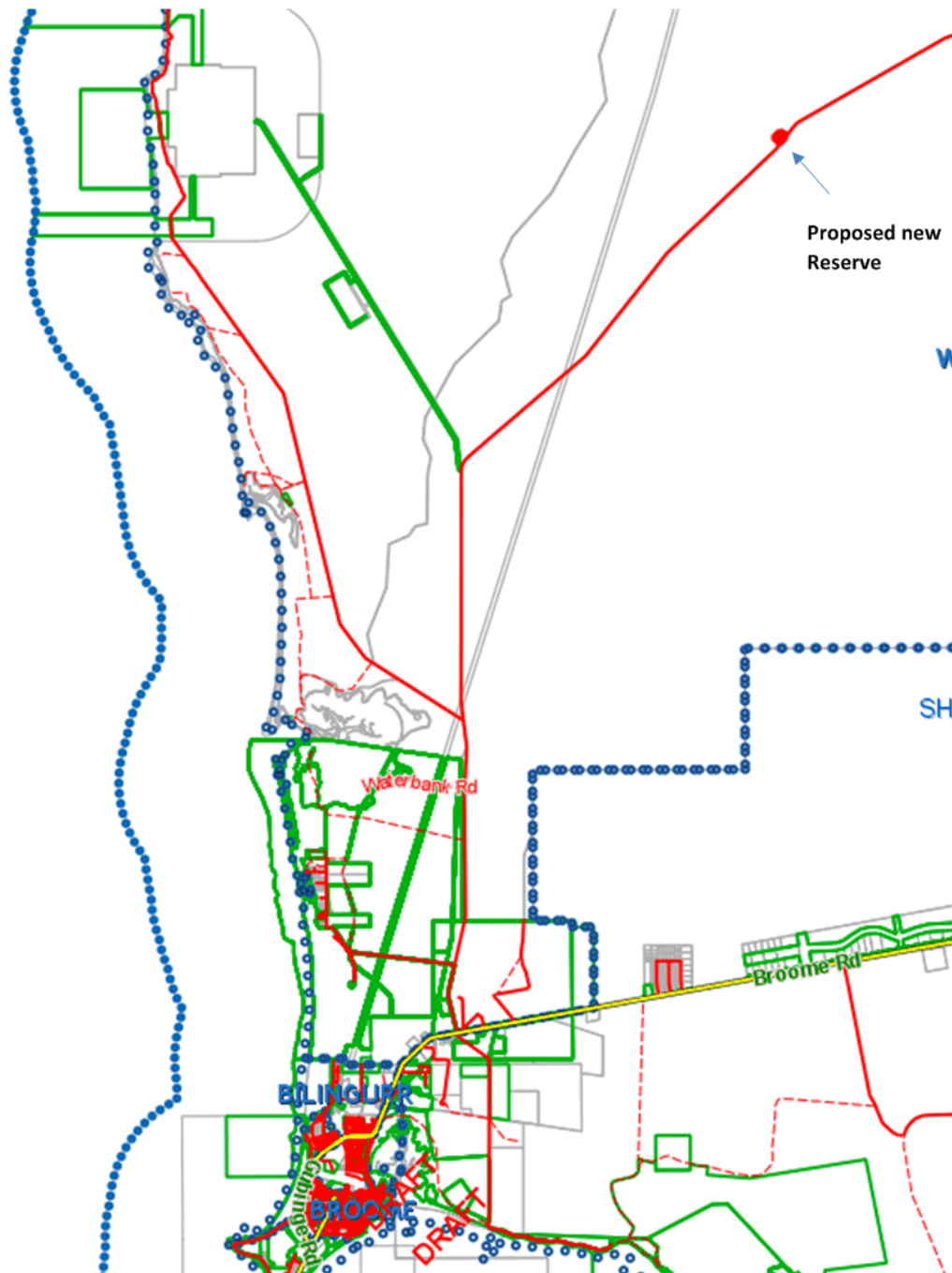
Seconded: Cr C Marriott

That Council requests that the Chief Executive Officer advise the Department of Planning, Lands and Heritage that it supports the creation of a new Reserve over a portion of Unallocated Crown Land Lot 365 on Deposited Plan 92236 for the purpose of 'communication' with Management Orders in favour of the West Australian Police and an easement for 'access' linking the new reserve to the Broome – Cape Leveque Road as shown on Attachments 1 and 2.

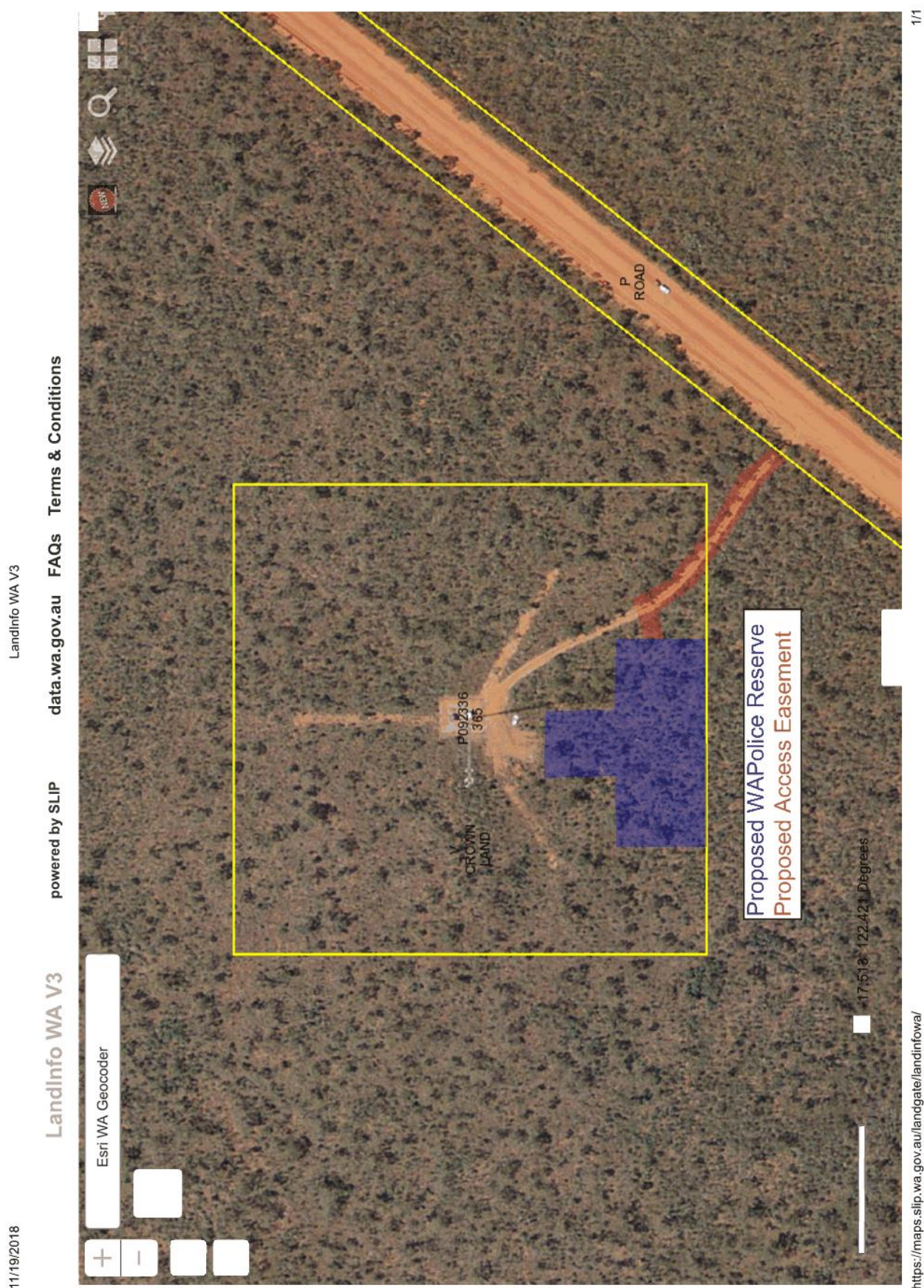
CARRIED UNANIMOUSLY 7/0

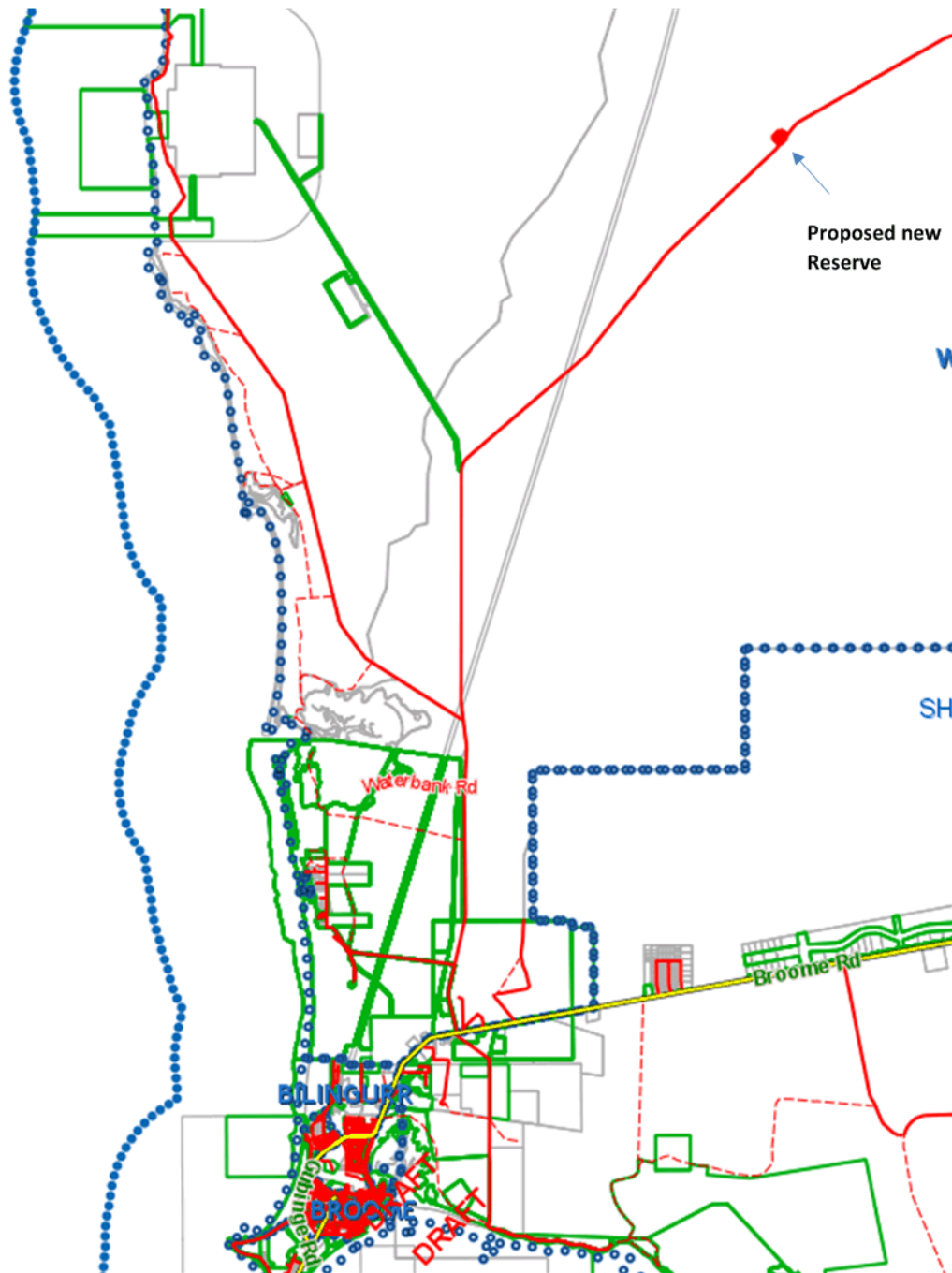
Attachments

1. Approximate location of new Reserve and easement for access
2. Aerial Plan - approximate location of new Reserve and easement for access
3. Proposed new Reserve in relation to Broome



Map 3 – Proposed new Reserve in relation to Broome





Map 3 – Proposed new Reserve in relation to Broome

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.

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”.

6.3.1 RFQ19/03 CHINATOWN WATER MAIN RELOCATION - CARNARVON STREET, EASTERN AND WESTERN ALIGNMENT

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	RFQ19-03
AUTHOR:	Director Infrastructure
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Infrastructure
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	28 January 2019

SUMMARY: The Shire of Broome has undertaken a request for quote (RFQ) process to appoint a suitable contractor for the Chinatown Water Main Relocation – Carnarvon St Eastern and Western Alignment.

This report considers the received quote and seeks Council's adoption of the recommendation contained within the attached evaluation report.

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr M Fairborn

Seconded: Cr C Mitchell

That Council:

- 1. Notes that Request for Quote 19/03 was undertaken through a Tender Exempt WALGA Preferred Supplier Arrangement for the Chinatown Water Main Western Alignment;**
- 2. Notes that the Chief Executive Officer awarded the Western Alignment at a value of \$95,000 exc GST under delegation LGA37 Tenders for Goods and Services; and**
- 3. Awards the Eastern Alignment to Roadline Civil Contractors to the value of \$85,000 exc GST.**

CARRIED UNANIMOUSLY 7/0

Attachments

1. Carnarvon Street Water Main Re-alignment Design
2. Evaluation Report - Carnarvon Street Water Main Re-alignment

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.

There are no reports in this section.

7.

**REPORTS
OF
COMMITTEES**

There are no reports in this section.

8. MATTERS BEHIND CLOSED DOORS

NIL

9. MEETING CLOSURE

There being no further business the Chairman declared the meeting closed at 5:04PM.

These minutes were confirmed at a meeting held
and signed below by the Presiding Person at the meeting, at which these minutes were confirmed.

Signed:

Date: