



# AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

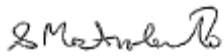
**29 SEPTEMBER 2022**

# NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of Council will be held on Thursday, 29 September 2022 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5:00PM.

Regards,



S MASTROLEMBO  
**Chief Executive Officer**

21/09/2022

## Our Mission

*"To deliver affordable and quality Local Government services."*

### 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 in section 5.25 of the *Local Government Act 1995* 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.*

		<b>Councillor Attendance Register</b>								
Councillor		Cr H Tracey	Cr D Male	Cr E Foy	Cr P Matsumoto	Cr C Mitchell	Cr B Rudeforth	Cr P Taylor	Cr N Wevers	Vacant Seat
2021	30 September									
2021	14 October				A					
2021	18 November			LOA						
2021	16 December			A						
2022	24 February			LOA	A					
2022	31 March						LOA			
2022	28 April			A						
2022	26 May			LOA	A					
2022	30 June 2022		A	A						
2022	28 July 2022									
2022	25 August 2022									

- LOA (Leave of Absence)
- NA (Non-Attendance)
- A (Apologies)
- R (Resignation)

**2.25. Disqualification for failure to attend meetings**

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
  - (a) a meeting that has concluded; or
  - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2-month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2-month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.

**SHIRE OF BROOME**  
**ORDINARY MEETING OF COUNCIL**  
**THURSDAY 29 SEPTEMBER 2022**

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**1. OFFICIAL OPENING**

**2. ATTENDANCE AND APOLOGIES**

**3. ANNOUNCEMENTS BY PRESIDENT**

**4. DECLARATIONS OF INTEREST**

**5. PUBLIC QUESTION TIME**

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. CONFIRMATION OF MINUTES**

RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 25 August 2022, as published and circulated, be confirmed as a true and accurate record of that meeting.

**8. PRESENTATIONS / PETITIONS / DEPUTATIONS**

There are no reports in this section.

**9. REPORTS FROM OFFICERS**

**9.1 PEOPLE**

There are no reports in this section.

## 9.2 PLACE

### 9.2.1 PROPOSED LOCAL PLANNING POLICY - DESIGN REVIEW PANEL

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	PLA22
<b>AUTHOR:</b>	Acting Manager Planning & Building Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

#### SUMMARY:

The Department of Planning, Lands and Heritage and the Office of the Government Architect recently reviewed its Design of the Built Environment policy framework through the DesignWA process. Through this process, the Western Australian Planning Commission adopted the Design Review Guide and State Planning Policy 7.0 – Design of the Built Environment (SPP7.0) (Attachments 2 and 3 respectively). The Design Review Guide recommends local governments establish a Design Review Panel (DRP).

This report recommends that Council adopts a draft Local Planning Policy – Design Review Panel, for the purpose of public advertising.

## BACKGROUND

### Previous Considerations

N/A

### Background

DesignWA is a State Government initiative to ensure good design is at the centre of all development in Western Australia. It is made up of a suite of policies that aims to create built environments that reflects the distinctive characteristics of local areas. The foundation of the DesignWA suite of policies is State Planning Policy 7.0 – Design of the Built Environment (SPP7.0) (<https://www.wa.gov.au/government/publications/state-planning-policy-70-design-of-the-built-environment>), which became operational following its gazettal in May 2019. As part of the introduction of SPP7.0, the Design Review Guide (the Guide) (<https://www.wa.gov.au/government/document-collections/design-review-guide>) was released to assist local governments with the establishment and operation of Design Review Panels (DRP).

Design review is the process of independently evaluating the design quality of a built environment proposal. It is carried out by a panel of appropriately trained, multi-disciplinary built environment professionals, who are experienced in offering objective and constructive design advice. Design review provides independent expert advice and informed assessment of proposals, guided by a set of 10 design principles as outlined within SPP7.0. It offers feedback and observations that will lead to the improvement of proposals but does not redesign them.



With a recent uplift in pre-application queries relating to development proposals of strategic importance and the commencement of the Cable Beach and Chinatown/Old Broome Precinct Structure Plans, there is an opportunity for Officers to facilitate the improvement of built form outcomes within the Shire.

## **COMMENT**

In the preparation of the draft Local Planning Policy (LPP), officers reviewed several other local planning policies for design review adopted by other local governments and has tailored the policy to suit the Shire's requirements. The review included Local Planning Policies from metropolitan and regional Local Government Authorities across Western Australia.

The draft LPP will include the following guidance to assist with the establishment and operation of the DRP:

### Membership

The draft LPP establishes that the panel shall be made up of five (5) design professional who should be appointed in accordance with Section 5 of the Guide. It outlines those appointments to the Panel should be for a maximum period of three (3) years and gives powers to the Director of Development Services to terminate the appointment of a DRP member where necessary. Membership shall include the appointment of a Chairperson of the Panel to manage and facilitate the interactive design review process.

If the draft LPP is adopted by Council following the formal consultation period, the Shire will seek expressions of interest from professionals to join the Panel. The Panel will ideally be made up of a mix of professionals within the following fields:

- Architecture (essential);
- Landscape Architecture (essential);
- Urban Design (essential);
- Heritage;
- Sustainability and Environmental Design;
- Accessibility;
- Services Engineering;
- Civil and/or Structural Engineering;
- Transport Planning; and
- Public Art.

Professionals who are based within Broome will be encouraged to apply for a position on the Panel. However, it should be noted that those professionals would be expected to excuse themselves from the design review process where there is a potential conflict of interest. As such, the Panel is also likely to include professionals who are based outside of the Shire of Broome. Notwithstanding this, the selection criteria will include relevant Broome/regional experience.

The Panel will provide independent expert and technical advice to proponents, Officers and Council in relation to the design of development and other related matters. The Panel will only make recommendations and will not have any decision-making powers.

### Items to be referred to the Panel

The draft LPP will require the following to be referred to the DRP for consideration:

- Development applications and pre-application development submissions for Major Development;
- Non-major development proposals may be referred to the Panel for review at the discretion of the Director of Development Services, with the prior agreement of the proponent; and
- Strategies, policies, master plans, local development plans, structure plans, precinct structure plans, local planning schemes and amendments or other matters relating to the strategic and statutory local planning frameworks that have the ability to inform the future built form within the Shire.

Major Development is currently defined within the draft LPP as:

- 10 or more grouped or multiple dwellings;
- Mixed use developments incorporating a residential component with an estimated construction cost of more than two million dollars (\$3,000,000); and
- Commercial Developments within all zoned and reserved land except for the Service Commercial, Industry and Light & Service Industry zones with an estimated construction cost of more than two million dollars (\$3,000,000).

### Operation of DRP Meetings

DRP meetings will follow the advice contained within the Guide and the recommendations of the appointed members will be made in accordance with the design principles set out in SPP7.0. Meetings will require a quorum comprising a minimum of two panel members, with the desired number of members for each meeting being determined by the scale and significance of a proposal.

Proponents will be encouraged to request officers to refer proposals to the Panel for consideration early in the design stage, prior to the submission of a formal development application. Meetings will be held at the Shire Administration Centre and will be coordinated when required either as a pre-application referral at the concept design stage, or post lodgement of development as part of the development application process.

### Fees

A fee is payable to each member of the panel who attends a meeting. The fee will be borne by the Shire and the proponent will not be charged to engage with the process. It is noted that development application fees are based on the cost of development. Major developments would incur a higher application fee which is expected to cover the costs associated with an officer's assessment, including referral to the DRP.

Fees will be determined through the expression of interest process, but other Local Government Authorities have advised that fees are currently set at \$200 per hour for

standard DRP members and \$250 per hour for the designated Chairperson. DRP meetings are typically made up of three members (including the Chairperson) and are expected to run for one hour with additional time (approximately 30 mins) charged for review of documentation prior to the meeting.

Ideally, each item should be referred to the DRP on once occasion. It will be at the discretion of the assessing officer to determine whether or not the comments made by the DRP have been adequately addressed through the submission of amended plans and/or additional supporting information. In certain circumstances, an item may be referred back to the panel if the assessing officer is not satisfied that the amended plans and/or additional information addresses the comments made.

## **CONSULTATION**

Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, upon resolution to prepare a Local Planning Policy, the local government must publish a notice and provide a 21-day period for making submissions.

A workshop was held outlining the purpose and objective of Design Review Panels with Council in August 2022. The following Councillors were in attendance at this meeting:

- Cr C Mitchell
- Cr B Rudeforth
- Cr P Taylor
- Cr N Wevers

## **STATUTORY ENVIRONMENT**

### *Planning and Development (Local Planning Schemes) Regulations 2015*

The Planning and Development (Local Planning Schemes) Regulations 2015 sets out the procedure for preparing local planning policies. This includes setting minimum requirements for advertising of the draft LPP and the process for considering submissions during the public advertising period.

## **POLICY IMPLICATIONS**

Adoption of a new Policy.

## **FINANCIAL IMPLICATIONS**

As discussed above, the fee to refer proposals to a DRP meeting will be borne by the Shire. Notwithstanding this, Major developments would incur a higher application fee which is expected to cover the costs associated with an officer's assessment, including referral to the DRP.

Additionally, savings, both financially and in processing times, in the formal assessment process may be achieved by a robust Design Review process.

## **RISK**

The process of design review is now standard practice amongst most Local Government Authorities within Western Australia. If Council resolved to not adopt the draft LPP, the Shire is exposing itself to reputational risk by falling behind other Local Government Authorities which are implementing processes in accordance with LPP7.0 and the Guide.

## STRATEGIC ASPIRATIONS

**People – We will continue to enjoy Broome-time, our special way of life. It's laid-back but bursting with energy, inclusive, safe and healthy, for everyone.**

### **Outcome One - A safe community:**

1.2 Modify the physical environment to improve community safety.

### **Outcome Two - Everyone has a place to call home:**

2.1 Promote access to safe, affordable accommodation to meet all needs, including itinerants, homeless people, those at risk, youth and the elderly. **Place – We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.**

### **Outcome Six - Responsible growth and development with respect for Broome's natural and built heritage:**

6.1 Promote sensible and sustainable growth and development.

**Prosperity – Together, we will build a strong, diversified and growing economy with work opportunities for everyone.**

### **Outcome Nine – A strong, diverse and inclusive economy where all can participate:**

9.2 Activate the precincts of Broome.

## VOTING REQUIREMENTS

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

- 1. pursuant to Clause 4 (1) of the Deemed Provisions in the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to prepare Local Planning Policy – Design Review Panel as included in Attachment No 1, for public comment for a minimum of 21 days; and*
- 2. directs officers to prepare a report to Council following the conclusion of the public comment period seeking a resolution from Council to adopt the draft Local Planning Policy – Design Review Panel, in the light of any submissions made.*

## Attachments

1. Draft Local Planning Policy - Design Review Panel

## LOCAL PLANNING POLICY

5.24

**TITLE:** DESIGN REVIEW PANEL

**ADOPTED:**

**REVIEWED:**

**ASSOCIATED LEGISLATION:** *Planning and Development Act 2005*  
Shire of Broome Local Planning Scheme No 6 (LPS6)

**ASSOCIATED DOCUMENTS:**

**REVIEW** Director Development & Community Services

**RESPONSIBILITY:** Delegations are exercised in accordance with  
**DELEGATION:** delegation granted in terms of Section 5.42 of the  
Local Government Act 1995 as amended or other  
statutes as applicable to specified officers.

**APPLICATION** This policy applies to the LPS6/7 area.

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### Objectives:

1. To ensure the administration of the Shire of Broome is consistent with the process outlined by the State Government Design Review Guide.
2. To provide an independent evaluation process for proposals and processes that impact the design quality of the built environment.
3. To facilitate an improvement in urban design and the quality of the built environment within the Shire of Broome.
4. To assist in the formulation of recommendations to the Council and the Joint Development Assessment Panel, or in the determining of applications under delegated authority.

### Definitions:

**“Design Review”** means an independent and impartial evaluation process in which experts on the built environment assess the design of a proposal.

**“Design Review Guide”** means the Department of Planning, Lands and Heritage's *Design Review Guide – Guidance for local governments to set up and operate design review processes*.

**“Major Development”** is defined as:

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- 10 or more grouped or multiple dwellings;
- Mixed use developments incorporating a residential component with an estimated construction cost of more than two million dollars (\$3,000,000); and
- Commercial Developments within all zoned and reserved land except for the Service Commercial, Industry and Light & Service Industry zones with an estimated construction cost of more than two million dollars (\$3,000,000).

**“Panel”** means a selected panel of experts who undertake a design review of a development proposal or the implementation of a new or amended document which forms part of the local planning framework.

**“Scheme”** means the Shire of Broome Local Planning Scheme No. 6.

**Policy:**

1.0 Membership

- 1.1. The Panel is to comprise a pool of up to five (5) design professionals, appointed by the Director of Development Services to fulfill the requirements outlined in this Policy.
  - 1.2. The Panel shall be appointed as per the recommendations contained within Section 5 of the Department of Planning, Lands and Heritage's Design Review Guide.
  - 1.3. The term of appointment of a Panel Member will be for a maximum of three (3) years. Appointment for additional terms may be approved by the Director of Development Services.
  - 1.4. The Director of Development Services may terminate the appointment of a Panel member prior to expiry of their term if it is considered that the member is not providing a positive contribution to the intended function of the Panel or if the member has not demonstrated a satisfactory level of attendance at Panel meetings.
  - 1.5. One member of the Panel shall be the Chairperson of the Panel for the purpose of managing and facilitating interactive design review, discussions, identifying key recommendations for reporting. The Chairperson will also be responsible for minute taking of each meeting.
  - 1.6. Where a vacancy in the Panel occurs, eligible persons shall be drawn from previous nominations, and shall be presented to the Director of Development Services for selection and approval. Failing this, the Shire shall seek additional expressions of interest in accordance with clause 1.2 above.
- 2.0 Items to be Referred to the Panel
- 2.1 Development applications and pre-application development submissions for Major Development.

- 2.2 Non-major development proposals may be referred to the Panel for review at the discretion of the Director of Development Services, with the prior agreement of the proponent
- 2.3 Strategies, policies, master plans, local development plans, structure plans, precinct structure plans, local planning schemes and amendments or other matters relating to the strategic and statutory local planning frameworks that have the ability to inform the future built form within the Shire.
- 3.0 Operational requirements
- 3.1 Panel meetings will follow the meeting procedures, roles and responsibilities recommended by the *Design Review Guide*.
- 3.2 The Panel will take into consideration the design principles set out in State Planning Policy 7.0 Design of the Built Environment
- 3.3 A Panel meeting cannot proceed unless a quorum comprising a minimum of two panel members is in attendance.
- 3.4 Notes of the Panel meeting should be maintained and reported in accordance with Clause 6.6 of the *Design Review Guide*.
- 3.5 Proponents are encouraged to request the Shire to refer proposals to the Panel early in the design concept stage, prior to the submission of a development application. Several referrals to the Panel may be required depending on the complexity of the proposal.
- 3.6 Panel meetings are to be held at the Shire of Broome Administration Centre. Where proponents and Panel Members are unable to attend in person or are not locally based, the meeting shall be undertaken by video teleconference.
- 4.0 Fees
- 4.1 A fee is payable to each member of the Panel for preparation and attendance at a Panel meeting.
- 4.2 If the Director of Development Services requests a Panel member to appear on the Shire's behalf as an expert witness at the State Administrative Tribunal, the member is to be paid at a mutually agreed hourly rate between the member and the Shire.
- 5.0 Conflict of Interest
- 5.1 Where a member of the DRP has a financial interest (as defined by the Local Government Act 1995) in a matter to be considered by the Panel, the member must disclose the interest to the convenor of the meeting (in

writing) and must not participate in or be present during any discussion on the matter.

5.2 Where a member of the Panel has an impartiality interest in a matter to be considered by the Panel (an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest arising from kinship, friendship or membership of an association), the member must disclose the nature of the interest to the convenor of the meeting, prior to any discussion on the matter.

5.3 A person who is currently employed by, or who is an Elected Member of the Shire, is not eligible for appointment as a member.

6.0 Confidentiality

6.1 Proceedings of a meeting, supporting information, agendas and minutes of any proposal presented to the Panel are to remain confidential unless such details are disclosed in an authorised manner by an officer to the proponent or applicant, or presented in a report which is available to the public.

7.0 Code of Conduct

7.1 All Panel members are required to review and agree to the Shire's Code of Conduct.

**SHIRE OF BROOME LOCAL PLANNING SCHEME No. 6 (LPS6) – LOCAL PLANNING POLICIES**

This Policy is a Local Planning Policy adopted pursuant to Part 2, clause 4 of the deemed provisions of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.

Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Part 2 clause 5 & 6 of the deemed provisions of LPS6 have been completed.



**9.2.2 RFT22/07 - FREDERICK STREET BSHS CARPARK AND ROADWORKS**

<b>LOCATION/ADDRESS:</b>	NIL
<b>APPLICANT:</b>	NIL
<b>FILE:</b>	RFT22/07
<b>AUTHOR:</b>	<i>Director Infrastructure</i>
<b>CONTRIBUTOR/S:</b>	<i>Nil</i>
<b>RESPONSIBLE OFFICER:</b>	<i>Director Infrastructure</i>
<b>DISCLOSURE OF INTEREST:</b>	NIL

**SUMMARY:**

This report seeks to inform Council that there were no submissions received for RFT22/07 Frederick Street BSHS Carpark and Roadworks and recommends Council request the Chief Executive Officer review the Capital Works schedule for 2022/23.

**BACKGROUND***Previous Considerations*

OMC 24 Feb 2022 Item 14.1

The drop off/pick up for Broome Senior High School (BSHS) on Frederick Street occurs in what is currently a Shire car park that was designed for medium term parking at the Peter Haynes Reserve cricket nets and basketball courts. The carpark does not work efficiently as a drop off / pick up zone and is causing several traffic issues along Frederick Street, with associated safety risk to pedestrians.

Following a road safety audit and subsequent state blackspot application the project was funded by via a Western Australian Government election promise plus a further contribution from the Department of Education. The Shire also made a contribution of \$50,000 in Municipal funds for the construction works and an in kind contribution for Officers time to manage the design and construction.

The Shire engaged ACOR Consultants Pty Ltd to prepare the detailed design for the carpark which was issued to the market for quotation in January 2022. At its ordinary meeting of Council held 24 February 2022 the Chief Executive Officer was authorised to enter into a Contract with McCorry Brown Earthmoving Pty Ltd for the construction of the carpark only and subject to additional funding being secured for the slip lane and roadworks.

Unfortunately, due to labour resourcing issues McCorry Brown were unable to commit to the Contract and therefore no Contract was ever entered into. Shire officers communicated this to Main Roads, who were administering the State Government funds, and the Department of Education who were a project partner. Both agencies confirmed that the project funds were able to be transferred from the 2021/22 financial year into the 2022/23 financial year.

Following the adoption of the 2022/23 budget and in discussion with Shire Executive the decision was made to re-package the project works and again go out to market to see if an alternate Contractor was available or if the market and/or labour resourcing issues had changed.

## COMMENT

### Scope of Works

The scope of works for the tender included a new slip lane off Frederick St; the removal and replacement of the existing crossover; the removal of the existing carpark and the installation of a new dual lane drop off and carpark plus associated kerbs, paths and line marking.

The request for tender included two options for tenderers;

1. Entire scope of works; and
2. The removal of the slip lane

The options were provided so as not to limit interest from Contractors not interested in completing the slip lane and associated traffic management responsibilities. The two options would also allow the Shire to ascertain the additional pricing for the slip lane in the event the tendered pricing exceeded the project budget and the Shire needed to value manage the project scope.

A procurement plan was developed and approved by the Director Infrastructure in July 2022.

The procurement was managed internally by officers through VendorPanel as an open tender process. The open tender process allows any Contractors to tender the project rather than a select number of Contractors identified by the Shire.

As required by legislation, an advertisement was placed in the West Australian on 3 August 2022, the Broome Advertiser on 4 August 2022, the Shire of Broome Website and on the Administration Office and Library noticeboards. The submission period was open 21 days and closed at 4:00pm AWST Wednesday 31 August 2022.

No submissions were received by the closing date and therefore no submissions were evaluated against the compliance or qualitative criteria.

Unfortunately for the Shire this is the second time we have unsuccessfully attempted to engage a Contractor for the delivery of this project. On the first occasion we were able to generate interest from two Contractors however the pricing was significantly higher than the project budget. Ultimately it turned out that neither Contractor had the capacity to complete the works, even at the significantly higher rates.

On this second occasion we were unable to generate a single response to the request for tender.

Shire officers have maintained a continued dialogue with potential Contractors in Broome and the feedback received is that the current workload and resourcing of those Contractors does not permit them to tender further works at this stage. Anecdotally the Contractors are stating that they are not in a position to undertake other projects until the second half of 2023, at the earliest.

In some instances, the Shire has delivered capital works under direct management using our internal workforce and project management capacity. The scope of work for this project allows us to consider that option however it would require the reallocation of resources from other capital projects and/or operations and maintenance. The Shire could also negotiate directly with Contractors under purchasing exemptions if that approach was considered appropriate.

In accordance with Council's adopted budget for 2022/23 the Shire was intending to deliver the following Engineering capital projects through Contractors;

- Cable Beach Foreshore Redevelopment Upgrade (noting some in-house staff time has also been allocated to this project)
- Regional Resource Recovery Park
- Broome Surf Lifesaving Club Redevelopment
- Stewart Street Upgrade
- Port Drive / Guy Street Intersection Upgrade
- Frederick Street BSHS Carpark and Roadworks
- Pump Track
- Skate Park
- BRAC Solar upgrade
- Subdivisional Footpath installation
- Road Reseals

In addition, the Shire's operational resources have been allocated to complete:

- Rural Road maintenance
- Urban Road maintenance
- Carpark maintenance
- Drainage maintenance
- Footpath, kerb, sign maintenance
- Operational cleaning and maintenance to Shire assets

Given the number of capital and operational tasks planned for 2022/23 versus the capacity of the Contractor resources and the Shire's internal resources there is a significant risk that the Shire may be unable to deliver all works listed above.

Shire officers therefore recommend that Council request the Chief Executive Officer to undertake a full review of the 2022/23 Capital and Operational Programs with a view to consider external and internal resources, project funding, project priorities and operational levels of service. Given the current economic climate and market conditions there is also concern that this may be impacting on value for money, and it is therefore recommended the review includes consideration of deferring projects where possible that may not be critical or that do not have associated grant funding conditions on delivery.

## CONSULTATION

Main Roads Western Australia  
Department of Education  
ACOR Consultants Pty Ltd

## STATUTORY ENVIRONMENT

The tender process was administered in accordance with the **Local Government Act 1995, 3.57 Tenders for providing goods or services** and in accordance with the **Local Government (Functions and General) Regulations 1996, 11. When tenders have to be publicly invited.**

As indicated the Shire could choose to negotiate directly with a contractor or contractors to complete the works under the following tender exemption;

## LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996

**11 . When tenders have to be publicly invited**

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
- (c) *within the last 6 months —*
- (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment*

## POLICY IMPLICATIONS

As no submissions were received there is no Policy Impact.

## FINANCIAL IMPLICATIONS

The table below provides a summary of the budget position for this project. Further In-kind contributions will be made towards the project for project management activities.

Item	Amount (Excl. GST)
<b>Funding</b>	
Municipal funds	\$50,000
State Government Election Commitment	\$780,000
Department of Education Contribution (includes additional contribution from February 2022)	\$509,881
<b>Budget</b>	<b>\$1,339,881</b>
<b>Committed Expenditure</b>	
Topographical Survey, design fees, Electrical Service Decommissioning, Miscellaneous items	\$53,566
<b>Construction Budget</b>	<b>\$1,286,315</b>

There are no financial implications as a result of no tender submissions being received.

## RISK

As referred to above there is a significant risk that the Shire may be unable to deliver all works listed above and that the projects may not represent value for money. Shire officers therefore recommend that Council request the Chief Executive Officer to undertake a full review of the 2022/23 Capital and Operational Programs.

## STRATEGIC CORPORATE PLAN OBJECTIVES

**Place – We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.**

**Outcome Seven – Safe, well connected, affordable transport options:**

7.1 Provide safe and efficient roads and parking

## VOTING REQUIREMENTS

*Simple Majority*

**REPORT RECOMMENDATION:**

*That Council:*

- 1. Note that no tender submissions were received for RFT22/07 Frederick Street BSHS Carpark and Roadworks;*
- 2. Requests the Chief Executive Officer advise Main Roads Western Australia and the Department of Education of the project status; and*
- 3. In recognition of concerns in contractor availability in the foreseeable future, requests the Chief Executive Officer undertakes a full review of the 2022/23 Capital and Operational Programs and considers both external and internal resources, project funding and project priorities and presents a report and recommendation to Council at the 2022 October Ordinary Meeting of Council.*

**Attachments**

Nil

**9.3 PROSPERITY**

There are no reports in this section.

## 9.4 PERFORMANCE

### 9.4.1 WARD AND REPRESENTATION REVIEW

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	GOB03
<b>AUTHOR:</b>	Acting Director Corporate Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

#### SUMMARY:

This report seeks Council endorsement to undertake a Ward and Representation Review pursuant to Schedule 2.2. of the *Local Government Act 1995*.

## BACKGROUND

### Previous Considerations

OMC 28 July 2016	Item 9.4.4
OMC 24 November 2016	Item 9.4.3
SMC 6 October 2020	Item 6.4.1
OMC 10 December 2020	Item 9.4.3

Schedule 2.2 of the *Local Government Act 1995* (the Act) requires Local Governments with a Ward system to carry out a review of the ward boundaries and the number of offices of Councillor for each ward at least every eight years.

The Council last conducted a review in 2020, where it was resolved to maintain the existing ward structure and the number of Elected Members. This recommendation was reported to the Local Government Advisory Board (LGAB) whose major function is to assess proposals to change local government boundaries and their systems of representations.

Following the review, the LGAB provided the following advice to Council:

***“The Board considers that the ratio of councillors to electors is particularly significant. It is expected that each local government will have similar ratios of electors to councillors across its wards, generally falling within a deviation of plus or minus 10%.*”**

***While the Board acknowledges the particular characteristics of the Shire of Broome’s geography, population, and representation profile, they would like to recommend that the Shire undertakes a further ward review ahead of the 2023 local government elections to encourage further consideration of either:***

- ***a revised ward structure (to return to a plus or minus 10% councillor to elector ratio),***  
***or***
- ***to potentially consider the discontinuance of the two-ward system.”***

## COMMENT

### Councillor to Elector Ratio

The Councillor to Elector Ratio is the local government measure for ensuring that where a ward structure is in place that representation between wards is similar. The LGAB have a targeted variance range of +/- 10% between wards

As the below table indicates, the Councillor to Elector Ratio in the Shire of Broome has progressively declined between the Broome Ward and the Dampier Ward over the last decade.

Essentially the Dampier Ward is significantly overrepresented compared to the Broome Ward. To address this, the LGAB expectation is that ward boundaries are adjusted, representation in wards is changed or the ward structure is disbanded.

Shire of Broome Councillor to Elector Ratio 2009 - 2021								
Election	Broome Ward				Dampier Ward			
	No. Electors	No. Councillors	Councillor: Elector Ratio	% Ratio Deviation	No. Electors	No. Councillors	Councillor: Elector Ratio	% Ratio Deviation
<b>2021</b>	7,073	7	1:1010	<b>-11%</b>	1,117	2	1:558	<b>+39%</b>
<b>2019</b>	7,191	7	1:1027	<b>-10%</b>	1,189	2	1:594	<b>+36%</b>
<b>2017</b>	7,401	7	1:1057	<b>-10%</b>	1,270	2	1:635	<b>+34%</b>
<b>2015</b>	7,057	7	1:1008	<b>-8%</b>	1,369	2	1:684	<b>+27%</b>
<b>2013</b>	7,248	7	1:1035	<b>-8%</b>	1,355	2	1:677	<b>+29%</b>
<b>2011</b>	6,400	7	1:914	<b>-6%</b>	1,351	2	1:675	<b>+22%</b>
<b>2009</b>	6,309	7	1:901	<b>-6%</b>	1,308	2	1:654	<b>+22%</b>

### Local Government Reforms – No Wards for Small Councils

The Local Government Minister, John Carey has announced that he intends to legislate to abolish wards for small councils (Band 3 and 4), prior to the October 2023 ordinary local government elections. The Shire of Broome is a Band 2 Council. This enables Council to retain a ward structure however local governments have been encouraged to review their need.

The rationale provided for the decision to abolish wards in smaller councils was:

- Wards increase the complexity and cost of elections;
- In smaller local governments, the population of wards can be very small;
- These wards often have councillors elected unopposed or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes; and
- There has been a trend in smaller local governments to reduce the use of wards.

Currently 70% of Councils in Western Australia operate with no wards and this will increase to over 80% when the above legislation comes into effect.



Examples of Councils, which have chosen to do away with wards in the last 2 years include the City of Greater Geraldton, City of Rockingham, Shire of Narrogin, Shire of Bridgetown and the Town of Mosman Park.

The below table provides the Shire of Broome elector participation by ward history over the last decade. This shows an improving participation rate in the Broome Ward and a declining level of engagement from the Dampier Ward. There is also a large variance between the number of votes required to be elected in each ward which aligns with the rationale provided by the Minister.

Shire of Broome Elector Participation by Ward 2009 - 2021						
Election	Broome Ward			Dampier Ward		
	Votes Cast	Turnout Rate	Minimum Votes to be elected	Votes Cast	Turnout Rate	Minimum Votes to be elected
2021	2,157	30.57%	999	167	15.04%	109
2019	1,954	27.28%	776	Elected unopposed		
2017	1,809	24.48%	784	Elected unopposed		
2015	1,853	26.29%	1,048	293	21.62%	125
2013	2,490	34.44%	1,382	689	27.38%	216
2011	2,601	40.64%	1,246	326	24.92%	123
2009	2,099	33.44%	821	286	22.17%	155

### Local Government Reforms – Public Vote to Elect the Mayor or Shire President

The Local Government Minister, John Carey has also announced that he intends to legislate to require a public vote to elect the Mayor or Shire President in Band 1 and 2 local governments at the October 2023 local government elections.

The transition to a popularly elected Shire President will apply to the Shire of Broome and add further complexity to addressing the Councillor to Elector ratio should a ward structure be retained.

Under the reforms the Shire President will not be aligned to a ward as this position will be elected by the entire electors of the district. Therefore the number of ward councillors will reduce to 8. Currently the Broome Ward has 7 Councillors and the Dampier Ward 2. If the Broome Ward was reduced to 6 Councillors the Councillor to Elector Ratio will deteriorate further. If the Dampier Ward is reduced to 1 Councillor, the Councillor to Elector Ratio will fall within the LGAB's desired target range of +/- 10%. This is outlined in the table below based on 2021 electoral roll details.

Shire of Broome Councillor to Elector Ratio Public Vote – Shire President 8 Ward Councillors								
Ward Reduced	Broome Ward				Dampier Ward			
	No. Electors	No. Councillors	Councillor : Elector Ratio	% Ratio Deviation	No. Electors	No. Councillors	Councillor : Elector Ratio	% Ratio Deviation
<b>Broome</b>	7,073	6	1:1178	+15%	1,117	2	1:558	-45%
<b>Dampier</b>	7,073	7	1:1010	-1%	1,117	1	1:1117	+9%

The Minister for Local Government has outlined the Election Transition arrangements for public election of the Shire President in a letter dated 20 September 2022 (Attachment 2).

There are two options:

### **Voluntary Pathway**

Under this arrangement the Shire is being encouraged to use existing legislative provisions to voluntarily resolve to change the method of electing the Shire President to a vote by electors of the district under section 2.11(2) of the Act; and then complete a Ward and Representation Review.

### **Reform Election Pathway**

If the Shire opposes the voluntarily pathway to publicly elect the Shire President, the Minister intends to make amendments to the Act which will result in the October 2023 elections being referred to as a once off reform election that will effectively force the change.

For the Shire because wards are currently in place, this pathway would see all current Councillor positions being declared vacant, and all wards abolished. The October 2023 election would then involve a public vote to elect the Shire President and to fill all vacant Councillor positions, with a split between two- and four-year terms to re-establish an ordinary election cycle.

The newly-elected Council would then be able to consider whether to establish new wards, through a future Ward and Representation Review.

### **Advice to Department of Local Government, Sport and Cultural Industries (DLGSC)**

The Minister has requested that all local governments advise the DLGSC which pathway they intend to take by the 28 October 2022.

### **Officer Comment**

On the basis that the Shire was already intending to conduct a Ward and Representation Review, the voluntary pathway is the recommended approach.

It should be noted however that the Shire and the Western Australian Local Government Association (WALGA) remain opposed to the mandatory requirement to have a public vote for the Shire President believing that the existing provisions should have been retained which provide discretion to each local government.

The move to a public vote for Shire President was not a recommendation that was contained in the [Local Government Review Panel Final Report - May 2020](#),

## **The Ward and Representation Review Process**

The review process involves the following steps:

1. Council resolves to undertake the review;
2. Public submission period opens for 6 weeks;
3. Information provided to the community for discussion;
4. Public submission period closes;
5. Council considers all submissions and relevant factors and decides on any changes;
6. Council submits a report to the LGAB for its consideration; and
7. If a change is proposed, the LGAB submits a recommendation to the Minister for Local Government (the Minister).

The LGAB has advised local governments to submit reports no later than 14 February 2023 to allow enough time for the LGAB and Minister to consider changes and for them to be in place for the next ordinary election due in October 2023.

When considering changes to wards and representation, Schedule 2.2 of the Act specifies the factors that must be considered:

- Community of interest;
- Physical and topographic features;
- Demographic trends;
- Economic factors; and
- Ratio of Councillors to Electors in the various wards.

The LGAB offers the following interpretation of these factors:

### **Community of interest**

The term community of interest has several elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

### **Physical and topographic features**

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man-made features such as railway lines and freeways.

### **Demographic trends**

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

### **Economic factors**

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries

that occur in a Local Government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

### **Discussion Paper**

It is expected that each Local Government will have similar ratios of Electors to Councillors across the wards of its district.

Officers have prepared a draft discussion paper titled "Shire of Broome Review of Wards and Representation" (Attachment 1), which is based on the template provided by the LGAB. The discussion paper outlines 5 options for Council's consideration and recognises that alternative recommendations may be put forward by the public.

Council is requested to approve the release of the discussion paper and give local public notice of its intention to carry out a review process and seek public submissions over a minimum 6-week period.

On conclusion of the public consultation period, and following consideration of any submissions received, Council will then be asked to select one option to be put forward in a report to the LGAB.

### **CONSULTATION**

The Ward review was discussed at the Councillor Workshop on 6 September 2022 with Councillors Male, Taylor, Tracey, and Wevers present.

An advertisement will be placed in the Broome Advertiser and promoted on the Shire's Facebook page inviting the community to participate in the Shire of Broome Review of Wards and inviting written submissions for six weeks.

An email notification will be sent to those residents that have provided one, the review will be heavily promoted through regular shire radio advertisements during the consultation phase and each of the major aboriginal communities will be contacted through their respective CEO's advising of the review and availability to make comment.

### **STATUTORY ENVIRONMENT**

#### **Local Government Act 1995**

##### **Section 2.11 Alternative methods of filling office of mayor or president**

(2) A local government may change \* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.

\* *Absolute majority required*

#### **Schedule 2.2 — Provisions about names, wards and representation**

- 6. Local government with wards to review periodically**
- 7. Reviews**
- 8. Matters to be considered in respect of wards**
- 9. Proposal by local government**
- 10. Recommendation by Advisory Board**

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The Review of Wards and Representation Discussion Paper has been prepared in-house and is based on the template provide by the LGAB.

The estimated cost for advertising in the Broome Advertiser is \$350.

Further financial implications may be presented to Council when public submissions are presented following the community consultation period. These will primarily relate to Elected Members fees and allowances if there is a change in the number of Councillors, and if Landgate are required to undertake any boundary changes.

## **RISK**

The *Local Government Act 1995* (the Act) requires that each Local Government with a Ward system carry out a review of the ward boundaries and the number of offices of Councillor for each ward at least every eight years.

The review poses minimal risk, maintains compliance with the Act and addresses the recommendation from the Local Government Advisory Board following the 2020 Ward and Representation Review.

## **STRATEGIC ASPIRATIONS**

**Performance – We will deliver excellent governance, service and value, for everyone.**

**Outcome Eleven – Effective leadership, advocacy and governance:**

11.1 Strengthen leadership, advocacy and governance capabilities.

## **VOTING REQUIREMENTS**

*Absolute Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. *In accordance with Section 2.11(2) of the Local Government Act 1995, resolve to change the method of filling the office of Shire President from election by council method to the election by electors method;*
2. *Request the Chief Executive Officer to advise the Department of Local Government, Sport and Cultural Industries that the Shire of Broome will undertake the voluntary pathway to complete the required electoral reforms prior to the October 2023 ordinary local government elections;*
3. *Endorse the 'Shire of Broome Review of Wards and Representation Discussion Paper' as attached;*
4. *Commence the review of its ward boundaries and representation in accordance with Schedule 2.2 of the Local Government Act 1995;*
5. *Endorse the following community consultation activities during the review:*
  - (a) Public Notice in the Broome Advertiser;*
  - (b) Promotion via the Shire's Facebook Page and Website;*
  - (c) Promotion on local radio;*
  - (d) Email to residents who have provided an address; and*
  - (e) Personal contact with each of the major aboriginal communities.*

6. *Authorise the Chief Executive Officer to undertake the steps required to facilitate the review.*

**Attachments**

1. LGAB - 2020 Ward and Representation Review Response Letter
2. Public Election of Shire President - Advice from Minister for Local Government 20 September 2022
3. 2022 Ward and Representation Review Discussion Paper



Department of  
**Local Government, Sport  
and Cultural Industries**

Our ref E2106499  
Enquiries Julie Craig  
Phone 9492 9830  
Email Julie.craig@dlgsc.wa.gov.au

Mr Sam Mastrolembo  
Chief Executive Officer  
Shire of Broome  
PO Box 44  
BROOME WA 6725

Dear Sam

#### **SHIRE OF BROOME – WARD AND REPRESENTATION REVIEW**

Thank you for your recent report to the Local Government Advisory Board on the ward and representation review conducted by the Shire of Broome.

The Board considered the report out-of-session on 9 February 2021 and noted the Shire's resolution to retain its current ward and representation structure of two wards and nine elected members.

However, the Board also noted that this is the second consecutive review where the Shire has resolved to maintain the current situation, and that the imbalance in the councillor to elector ratio is increasing.

The Board considers that the ratio of councillors to electors is particularly significant. It is expected that each local government will have similar ratios of electors to councillors across its wards, generally falling within a deviation of plus or minus 10%.

It is considered that uniform distribution of the numbers of electors in council wards supports councils in meeting the principles of one vote one value, or an equal ratio of electors to representatives. It is also regarded as desirable for the ratio between the number of electors per representative in a ward to be close to the average ratio of electors per representative for the council.

While the Board acknowledges the particular characteristics of the Shire of Broome's geography, population and representation profile, they would like to recommend that the Shire undertakes a further ward and representation review ahead of the 2023 local government elections to encourage your further consideration of either a revised ward structure (to return to a plus or minus 10% councillor to elector ratio), or to potentially consider the discontinuance of the two ward system.

However, for the current review, as no changes were proposed, there is no further action to be taken by the Board at this stage, and therefore no recommendations are required to be made to the Minister for Local Government.

The Board would like to sincerely thank the Shire and its staff, particularly Darren Kennedy, for their efforts in undertaking and completing the review.

Finally, if you need any assistance in conducting a further review, you are welcome to contact Julie Craig at the department as per the details noted in the address block at the top of the page. It would also be appreciated if you could acknowledge receipt of this correspondence.

Yours sincerely

*Marion Blair OAM*

Marion Blair OAM  
Chair  
Local Government Advisory Board  
9 February 2021

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**9.4.2 2022 - 2023 CHRISTMAS CLOSURE AND NEW CHRISTMAS CLOSURE POLICY**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ADM01
<b>AUTHOR:</b>	Acting Director Corporate Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report recommends Council supports the closure of the Shire's operations over the 2022 - 2023 Christmas period as detailed and adopts a new Christmas Closure Policy to allow future closures to be handled administratively.

**BACKGROUND***Previous Considerations*

The Christmas closure arrangements have been custom and practice annually since first considered by Council in September 2010. The arrangement allows staff to travel to spend the festive season with loved ones, assists with the ongoing management of staff leave liability and has been well accepted by the community.

**COMMENT**

Given the success of previous Christmas closures, it is recommended that the Shire close non-essential operations and reduce opening hours for facilities over the 2022/23 Christmas period.

The Shire will provide suitable notice to the public regarding the closure period to minimise any inconvenience. Advertising will be placed in the local newspaper, through the Shire's social media channels, and on the Shire's Website.

The Executive Management Group will develop a contingency plan to ensure essential services are still adequately delivered to the community. The Shire also has Business Operating Procedures which are enacted when a Bureau of Meteorology 'Cyclone Watch' or 'Cyclone Alert' is in place. The Procedure is reviewed annually prior to the cyclone season and ensures that officers are available to provide essential services and assist emergency services personnel in case of an extreme weather event.

**Broome Recreation and Aquatic Centre**

BRAC is proposed to be closed on Christmas Day, Boxing Day and New Year's Day only.

Due to lower patronage over the Christmas period BRAC operates on reduce hours in the week leading up to Christmas and Public Holiday Hours for the period between Christmas and New Years Day.

<b>Date</b>		<b>Opening Hours</b>
Monday	19 December 2022	7:00AM – 5:00PM
Tuesday	20 December 2022	7:00AM – 5:00PM
Wednesday	21 December 2022	7:00AM – 5:00PM
Thursday	22 December 2022	7:00AM – 5:00PM
Friday	23 December 2022	7:00AM – 5:00PM
Saturday	24 December 2022	9:00AM – 5:00PM
<b>Sunday</b>	<b>25 December 2022 – Christmas Day</b>	<b>CLOSED</b>
<b>Monday</b>	<b>26 December 2022 – Boxing Day</b>	<b>CLOSED</b>
Tuesday	27 December 2022 – Public Holiday	10:00AM – 5:00PM
Wednesday	28 December 2022	10:00AM – 5:00PM
Thursday	29 December 2022	10:00AM – 5:00PM
Friday	30 December 2022	10:00AM – 5:00PM
Saturday	31 December 2022	10:00AM – 5:00PM
<b>Sunday</b>	<b>1 January 2023 – New Years Day</b>	<b>CLOSED</b>
Monday	2 January 2023 – Public Holiday	10:00AM – 5:00PM
Tuesday	3 January 2023	5.45PM – 9:00PM

### **Administration Office, Broome Civic Centre, Library and Depot**

#### **Administration Building**

The Shire of Broome Administration Building suggested closure period is from the close of business on Friday 23 December 2022 to Friday 30 December 2022 with the Administration Office re-opening on Tuesday 3 January 2023, following the New Years Day public holiday on Monday 2 January 2023.

The closure period incorporates two weekends and three public holidays. Staff will be required to utilise a minimum of three days of annual leave over the closure period.

#### **Civic Centre**

Due to the limited number of staff available during this period, it is proposed that the Civic Centre is not available for hire during the Christmas closure period.

#### **Library**

The Library will be shut for the same period as the Administration Building. As in previous years the Library will be doubling their loan period to 4 weeks, so members are not disadvantaged by the closure period.

#### **Depot**

A 'skeleton crew' will be rostered and will work all weekdays except for the Christmas Day, Boxing Day and New Year's Day public holidays. In case of emergency customers will be given the option to speak with an officer from the Depot when they call the Shire. There will be a skeleton crew available over the weekends to do emergency works and the emptying of rubbish bins in public open spaces including Chinatown, parks and reserves and the Cape Leveque Road.

## **Waste Management Facility**

The Waste Management Facility is proposed to close on Christmas Day, Boxing Day and New Years Day.

The Shire's Commercial Waste Contractor will continue to be provided with access for kerbside and commercial bin collection drop off as kerbside and commercial bin collection will operate as normal over the period.

As in previous years, the Waste management Facility will operate with a "skeleton crew" for the Christmas closure period.

## **Christmas Closure Policy**

The draft Christmas Closure policy presented for Council consideration outlines the boundaries for restricting Shire services over the Christmas/New Year period. This provides clarity to staff and the community and streamlines the administration of future Christmas Closures.

This adoption of the policy will remove the need for an agenda item each year where Christmas closure arrangements are in accordance with the Policy.

## **CONSULTATION**

The closures will be advertised in the Broome Advertiser, on the Shire of Broome website and social media. Notices will be placed on the Administration Office, Library and BRAC noticeboards.

## **STATUTORY ENVIRONMENT**

### ***Local Government Act 1995***

Section 2.7 – Role of council  
(2)(b) determine the local government's policies.

Section 5.41 – Functions of CEO  
(d) manage the day-to-day operations of the local government.

## **POLICY IMPLICATIONS**

The new policy if adopted will establish parameters for future Christmas Closures.

## **FINANCIAL IMPLICATIONS**

Reduced opening hours at both BRAC and the Waste Management Facility provide a small positive impact on the operating budget principally due to reduced wage expenses.

The use of 3 accrued leave days will reduce the accrual of leave across the organisation which has previously been raised as a risk by our Auditors.

## **RISK**

Minimal. Staff will be rostered on to ensure essential services continue to be provided to the public during this time.



Review of Cyclone Procedures will occur before cyclone season commences and relevant staff will be on call should a cyclone hit during the closure period.

## **STRATEGIC ASPIRATIONS**

**Performance – We will deliver excellent governance, service and value, for everyone.**

**Outcome Fourteen – Excellence in organisational performance and service delivery:**

14.3 Monitor and continuously improve performance levels.

## **VOTING REQUIREMENTS**

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. *Supports the closure of the Administration Office, Broome Civic Centre, Broome Library and Shire Depot from the close of business Friday 23 December 2022 to Tuesday 3 January 2023 (inclusive) as detailed in this report;*
2. *Supports the closure of the Broome Recreation and Aquatic Centre on Sunday 25 December 2022 (Christmas Day), Monday 26 December 2022 (Boxing Day) and Sunday 1 January 2023 (New Year's Day) and supports the reduced operating hours as detailed in this report for the period commencing Monday 19 December 2022 to Monday 2 January 2023 inclusive;*
3. *Supports the closure of the Broome Waste Management Facility on Sunday 25 December 2022 (Christmas Day), Monday 26 December 2022 (Boxing Day) and Sunday 1 January 2023 (New Year's Day);*
4. *Acknowledges that employees will utilise accrued leave for the above periods which are not public holidays;*
5. *Notes the above closures are subject to a contingency plan detailing staff required to ensure essential services continue to be provided to the public; and*
6. *Adopts the Christmas Closure Policy as per attachment 1.*

## **Attachments**

1. Christmas Closure Policy





**9.4.3 MONTHLY PAYMENT LISTING AUGUST 2022**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	
<b>AUTHOR:</b>	Finance Officers - Creditors
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report recommends that Council receives the list of payments made under delegated authority, as per the attachment to this report, for August 2022.

**BACKGROUND**

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

**COMMENT**

The Shire provides payments to suppliers by either Electronic Funds Transfer (EFT & BPAY), cheque, credit card or direct debit. Attached is a list of all payments processed under delegated authority during August 2022.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT*****Local Government (Financial Management) Regulations 1996***

**Reg 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.**

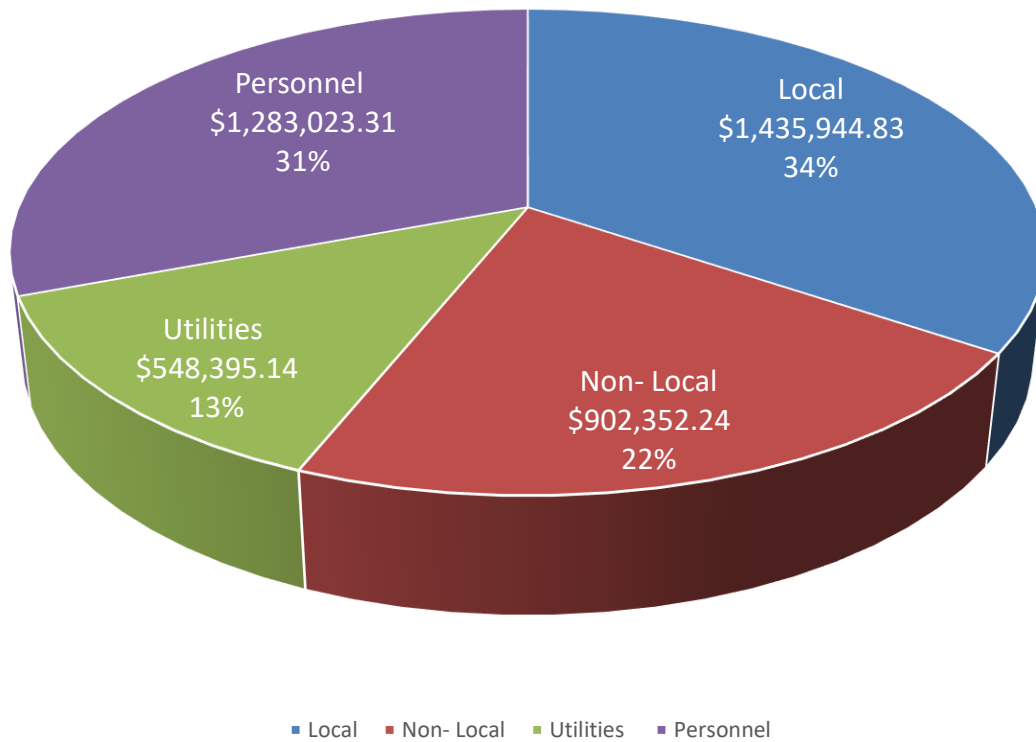
**POLICY IMPLICATIONS**

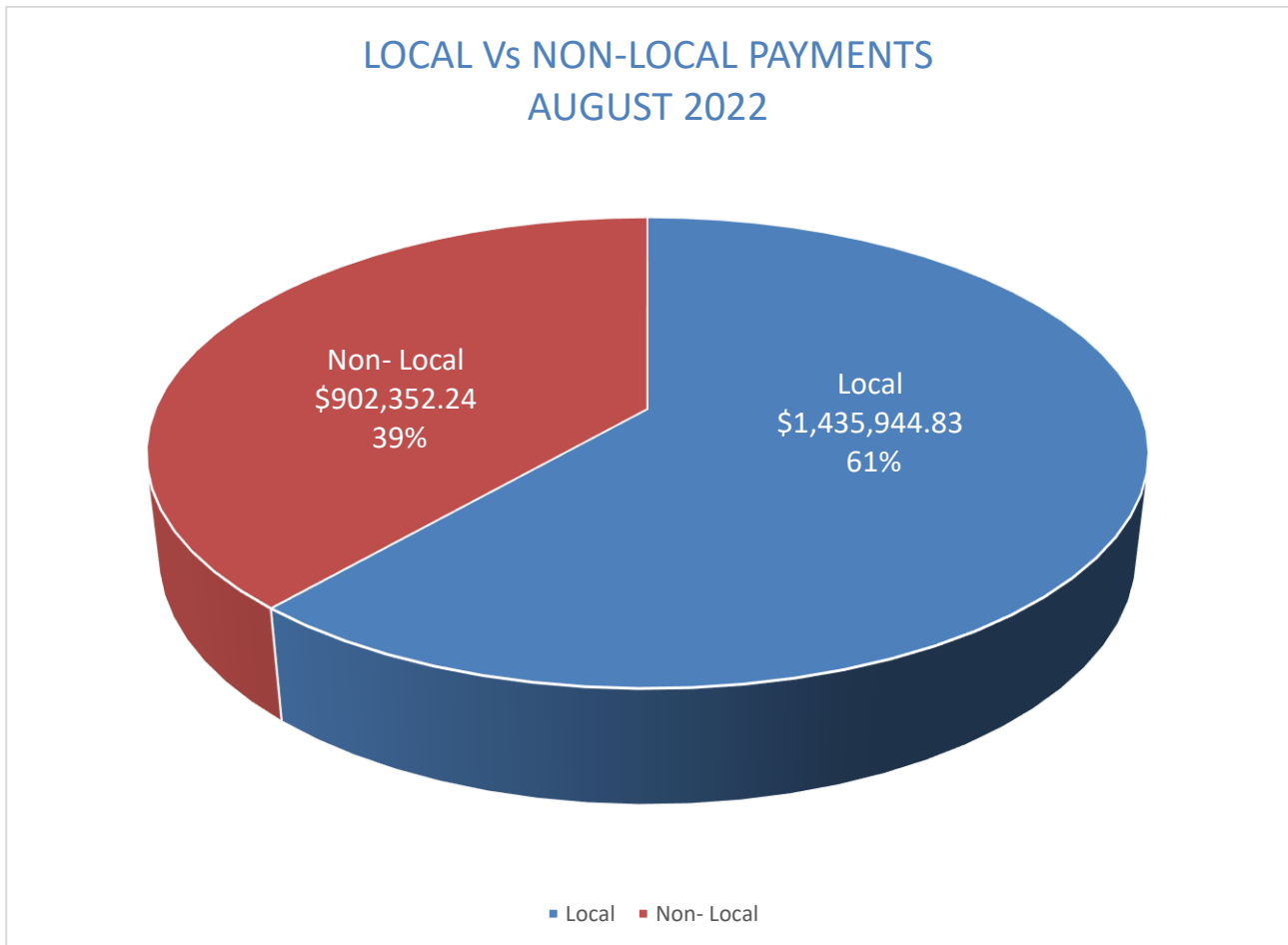
Nil.

**FINANCIAL IMPLICATIONS**

List of payments made in accordance with budget and delegated authority. Payments can also be analysed as follows:

### SHIRE OF BROOME PAYMENTS AUGUST 2022





The above graph shows the percentage of local spend in comparison to non-local and recoupable spend for August 2022 after \$524,061.06 in personnel payments, \$548,395.14 in utilities and other non-local sole suppliers were excluded.

#### YEAR TO DATE CREDITOR PAYMENTS

The below table summarises the total payments made to creditors year to date:

Month	Cheques	EFT Payments	Direct Debit	Credit Card	Trust	Payroll	Total Creditors
Jul-22	\$ 5,314.00	\$3,047,351.62	\$ 171,200.46	\$ 15,398.08	\$ -	\$1,364,058.69	\$4,603,322.85
Aug-22	\$ 25,568.89	\$2,848,898.04	\$ 174,797.34	\$ 27,115.77	\$ -	\$1,093,335.48	\$4,169,715.52
Sep-22							\$ -
Oct-22							\$ -
Nov-22							\$ -
Dec-22							\$ -
Jan-23							\$ -
Feb-23							\$ -
Mar-23							\$ -
Apr-23							\$ -
May-23							\$ -
Jun-23							\$ -
<b>TOTAL</b>	<b>\$ 30,882.89</b>	<b>\$5,896,249.66</b>	<b>\$ 345,997.80</b>	<b>\$ 42,513.85</b>	<b>\$ -</b>	<b>\$2,457,394.17</b>	<b>\$8,773,038.37</b>

#### RISK

There is a minor risk on non-compliance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* as there are well established procedures in place

to ensure that payment details are disclosed to Council in a timely manner, as well as Procurement and Purchasing policies which ensure these payments are made in accordance with budget and delegated authority and comply with *Local Government (Financial Management) Regulations 1996*.

## **STRATEGIC ASPIRATIONS**

**Performance – We will deliver excellent governance, service and value, for everyone.**

**Outcome Thirteen - Value for money from rates and long term financial sustainability.**

*13.2 Improve real and perceived value for money from rates.*

## **VOTING REQUIREMENTS**

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

- 1. Receives the list of payments made from the Municipal and Trust Accounts in August 2022 totalling in \$3,410,753.73 (Attachment 1) per the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996 covering:
  - a) EFT Vouchers 66719-67117 totalling \$3,210,387.04;*
  - b) Municipal Cheque Vouchers 57770-57776 totalling 25,568.89;*
  - c) Trust Cheque Vouchers 0000 - 0000 totalling \$0.00 and;*
  - d) Municipal Direct Debits DD31239.1 - DD31284.28 including payroll totalling \$933,759.59.**
- 2. Notes the local spend of \$1,435,944.83 included in the amount above, equating to 61% of total payments excluding personnel, utility and other external sole supplier costs.*

## **Attachments**

- 1. Monthly Payment Listing August 2022*



















**9.4.4 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - AUGUST 2022**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	FRE02
<b>AUTHOR:</b>	Coordinator Financial Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report recommends that Council receives the Monthly Statement of Financial Activity Report for the period ended 31 August 2022, as required by Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996 (FMR)*.

**BACKGROUND**

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

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

**COMMENT**

The 2022/23 Annual Budget was adopted at the Special Meeting on 5 July 2022. The following are key indicators supporting the year to-date budget position with respect to the Annual Forecast Budget:

Budget Year elapsed	16.99%
Total Rates Raised Revenue	100% (of which 62.90% has been collected)
Total Other Operating Revenue	37%
Total Operating Expenditure	10%
Total Capital Revenue	7%
Total Capital Expenditure	8%
Total Sale of Assets Revenue	0%

More detailed explanations of variances are contained in Note 2 of the Monthly Statement of Financial Activity. The commentary identifies material variations between the expected year-to-date budget position and the position at the reporting date.

Based on the 2022/23 Annual Budget presented at the Special Meeting on 5 July 2022, Council adopted a balanced budget to 30 June 2023.

It should be noted that the Office of the Auditor General will be onsite during October to commence the audit of the 2021/22 Annual Financial Statements.



The opening budget position for 2022/23 is subject to change which will be presented to Council in due course.

## **CONSULTATION**

Nil.

## **STATUTORY ENVIRONMENT**

### ***Local Government Act 1995***

#### **Section 6.4 – Financial report**

#### **Section 6.8 – Expenditure from municipal fund not included in the budget**

### ***Local Government (Financial Management) Regulations 1996***

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

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **RISK**

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

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

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

## **STRATEGIC ASPIRATIONS**

**Performance – We will deliver excellent governance, service and value, for everyone.**

***Outcome Eleven – Effective leadership, advocacy and governance:***

11.2 Deliver best practice governance and risk management

***Outcome Twelve – A well informed and engaged community:***

12.1 Provide the community with relevant, timely information and effective engagement

***Outcome Thirteen - Value for money from rates and long term financial sustainability:***

13.1 Plan effectively for short and long term financial sustainability

13.2 Improve real and perceived value for money from rates

**Outcome Fourteen – Excellence in organisational performance and service delivery:**

14.3 Monitor and continuously improve performance levels.

#### **VOTING REQUIREMENTS**

*Simple Majority*

**REPORT RECOMMENDATION:**

*That Council receives the Monthly Financial Activity Statement Report for the period ended 31 August 2022 as attached.*

#### **Attachments**

1. Monthly Statement of Activity August 2022

































































<b>10.      REPORTS OF COMMITTEES</b>
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There are no reports in this section.



**11. NOTICES OF MOTION WITH NOTICE**

**12. NOTICES OF MOTION WITHOUT NOTICE**

**13. BUSINESS OF AN URGENT NATURE**

**14. MEETING CLOSED TO PUBLIC**

*This item and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)(b) as it contains “the personal affairs of any person”.*

**14.1 WRITE OFF INTEREST & WASTE CHARGES**

<b>LOCATION/ADDRESS:</b>	1 FREDERICK STREET BROOME 6725
<b>APPLICANT:</b>	Department of Planning, Lands and Heritage
<b>FILE:</b>	A103751
<b>AUTHOR:</b>	Finance Officer - Rates
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Acting Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report recommends that Council write off \$6,670 of outstanding waste and accrued interest charges on assessment A103751. This debt relates to the former properties located at Kennedy Hill and sub leased to Mallingbarr Aboriginal Corporation (MAC) that has ceased to operate.

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

**14.2 RFT 22/05 CONCRETE CRUSHING**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	RFT 22/05
<b>AUTHOR:</b>	Manager Waste
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Infrastructure
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report considers the submissions received for Tender RFT 22/05 Concrete Crushing/ Recycling Services Broome Waste Management Facility and seeks Council's adoption of the recommendation contained within the attached confidential Evaluation Report.

**15. MEETING CLOSURE**