



AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

17 NOVEMBER 2022

NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of Council will be held on Thursday, 17 November 2022 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5:00PM.

Regards,



S MASTROLEMBO
Chief Executive Officer

11/11/2022

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.

Councillor Attendance Register										
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	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		A	A						
2022	28 July									
2022	25 August									
2022	29 September									
2022	27 October							LOA		

- 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 17 NOVEMBER 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 27 October 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 MAJOR LAND TRANSACTION - BUSINESS PLAN (SANCTUARY ROAD CARAVAN PARK, KEY WORKER AND OVER 55'S VILLAGE)

LOCATION/ADDRESS:	Lot 3130 Sanctuary Road, Cable Beach
APPLICANT:	Nil
FILE:	RES 50128
AUTHOR:	Manager Community Engagement & Projects
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

Section 3.59 of the *Local Government Act 1995* requires local governments to prepare a Business Plan before entering into a Major Land Transaction.

The Draft Business Plan for the Sanctuary Road Caravan Park, Key Worker and Over 55's Village was advertised for public comment for a 6-week period. During this time one submission was received.

This report seeks Council approval to proceed with the Business Plan for Sanctuary Road Caravan Park as advertised (**Attachment 1**).

It is proposed for the Chief Executive Officer to commence preparation of tender documentation and to continue to lobby for funding from the State Government for detailed designs, headworks and site preparation.

BACKGROUND

Previous Considerations

OMC 11 April 2007 Item 9.3.2

SMC 22 June 2011 Item 9.2.1

OMC 6 September 2012 Item 9.3.1

OMC 18 April 2013 Item 9.2.7

OMC 16 May 2013 Item 9.2.2

OMC 22 May 2014 Item 9.3.3

SMC 26 May 2014 Item 9.3.3

OMC 27 October 2016 Item 9.2.2

OMC 28 July 2022 Item 9.2.3

OMC 25 August 2022 Item 9.2.3

The Shire of Broome has held a Management Order over Lot 3130 on Deposited Plan 32082 Sanctuary Road since 13 October 2011. The Management Order lists the purpose of the Reserve as 'Caravan Park', and consequently the Reserve is to be used for the designated purpose of 'Caravan Park' and for purposes ancillary or beneficial to that designated purpose only.

The site has an area of 13.5 ha and is bounded by Sanctuary Road to the south, Fairway Drive to the east (unconstructed nature corridor) and Oryx Road (north-south portion known as Lullfitz drive and east west portion unconstructed). The land is zoned 'Special Use: Caravan Park' under the Shire's Local Planning Scheme No.6. The Management Order allows the Shire of Broome to lease for 50 years.

Sanctuary Road Caravan Park Business Case – Brighthouse Consulting

In November 2021, the Shire issued Request for Quote (RFQ 21/36) for the development of a Business Case for Sanctuary Road Caravan Park. Key deliverables for this project included:

- Financial viability of the project.
- Recommendations for length of tenure and lease rental terms.
- Opportunity for a staged development at the site.
- Costs associated with servicing the site e.g., electrical, water, sewerage, drainage etc.
- Ability of the development to address the current housing crisis, particularly for key workers.
- Opportunity to cater for over 55's retirement housing.

The Business Case provides the Shire with an understanding of the commercial development viability of the site, and the potential financial return. To ensure that the Tender process is not compromised, the Business Case has been classified as a confidential document under Section 5.23(2)(e)(ii) of the *Local Government Act 1995* (Act) until the Shire is in a position to invite responses from the open market.

Major Land Transaction – Business Plan

Section 3.59 of the Act details the process governing 'Commercial Enterprises' by local governments, including 'Major Land Transactions'.

A 'Major Land Transaction' is defined by the Act to be a land transaction where the total value of:

- a) The consideration under the transaction; and
- b) Anything done by the local government for achieving the purposes of the transaction, is more, or is worth more, than \$2 million.

Before entering into a 'Major Land Transaction', the Shire is required to prepare a Business Plan that includes an overall assessment of the land transactions including:

- Expected effect on the provision of services and facilities by the Shire;
- Expected effect on other persons providing services and facilities in the region;
- Expected financial effect on the Shire;
- Expected effect on the Shire's Plan for the future;
- The ability of the Shire to manage the performance of the transaction; and
- Any other matter prescribed for the purposes of the subsection.

The Business Plan is designed to:

- a) Inform the public with respect to the Shire of Broome's proposal to undertake a 'Major Land Transaction' of the above site;
- b) Provide the opportunity for the public to make submissions regarding the Business Plan and the proposed disposal of the property; and
- c) Satisfy the requirements of Section 3.59 of the Act.

At the OMC on the 25 August 2022 Council resolved the following:

COUNCIL RESOLUTION:

(REPORT RECOMMENDATION)

Moved: Cr B Rudeforth

That Council:

Minute No. C/0822/103

Seconded: Cr E Foy

- 1. Endorse the draft Business Plan for Sanctuary Road Caravan Park, Key Worker and Over 55's Village (Attachment 2) as attached;**
- 2. Requests the Chief Executive Officer, in accordance with section 3.59 of the Local Government Act 1995, to publicly advertise the Business Plan for Sanctuary Road Caravan Park, Key Worker and Over 55's Village for a period of six weeks; and**
- 3. Requests the Chief Executive Officer to present all submissions received following the consultation period to Council for consideration and determination as to whether the major land transaction will proceed.**

CARRIED UNANIMOUSLY 8/0

COMMENT

Following the August Ordinary Meeting of Council, the Business Plan was advertised for the statutory six week period from 1 September - 13 October 2022.

One public submission was received during the six week submission period from Hawaiian Group (**Attachment 1**).

Please refer to the Schedule of Submissions (**Attachment 2**) for a summary of the submission received and officer comments.

Based on the submission received shire officers do not recommend any changes to the Major Land Transaction Business Plan (**Attachment 3**).

This report requests Council resolve to proceed with the Sanctuary Road Caravan Park, Key Worker and Over 55s Village Business Plan as advertised.

Next Steps

The Chief Executive Officer is proposed to continue to lobby the State Government for funding to complete detailed designs, headworks and site preparation. A RED Grant was submitted by Shire officers in August 2022 to commence detailed designs for headworks and site preparation.

Shire officers will continue to prepare tender documentation to allow for advertising a Request for Tender in 2023.

CONSULTATION

The Business Plan was advertised for the statutory six week period from 1 September - 13 October 2022.

STATUTORY ENVIRONMENT

Local Government Act (1995)

Section 3.58 – Disposing of property

Section 3.59(5) – Commercial enterprises by local governments (including major land transactions)

Requires that Council consider any submissions made and determines by Absolute majority whether to proceed with the major land transaction and provide local public notice of this decision.

POLICY IMPLICATIONS

Caravan Parks and Camping Grounds – Maximum number of sites of a particular type that may be used at a facility

The maximum number of sites at caravan parks within the Broome townsite that can be used at a caravan park for long stay site and / or on-site caravan sites is to be limited to forty percent.

FINANCIAL IMPLICATIONS

The Business Case indicated a capital investment of \$64 million will be required for the site, including forward works, headworks, site preparation, connections, road works and other preliminaries.

To ensure the financial viability of the project the Shire is currently lobbying for \$15 million from the State Government to complete detailed designs, headworks and site preparation.

Shire officers submitted a RED Grant with the Kimberley Development Commission in August 2022 to cover the detailed designs for the headworks and site preparation.

Rental for the site it yet to be determined, however Industry analysis confirms the range of lease rental for similar large caravan parks is 7 - 10% of park revenue. This is supported by IBISWorld, Caravan Parks and Camping Grounds in Australia 2017-2018 report, which indicates average lease rentals at 7.7%.

The Business Case estimates the following financial effect on the Shire:

Capital Investment	
Approximately \$64 million including GST over a 3-year period	
Rent / Lease Fees	
One-time opportunity fee	\$500,000 excluding GST at the commencement of the lease
Fixed component	\$10,000 per month plus CPI
Variable component	7.0% of quarterly revenue

This rental income stream is in addition to the forecasted \$79.8M financial benefit to the Broome community (and beyond) which is generated by the existence of the Caravan Park (over a 15 year period).

RISK

Risk	Type (Health, Financial Impact, Service Interruption, Compliance, Reputational, Property Environment)	Rank (based on measures of consequence and likelihood)	Mitigation
No suitable submission received during the tender and redevelopment phase.	Financial Reputational	Medium	Industry experts engaged to assist and provide advice during the tender phase.
Funding is not received from the State or Federal Government to complete the headworks.	Financial Reputational	Medium	Shire of Broome officers and Elected members are actively seeking funding opportunities for this project.
Relevant legislation and regulations are not adhered to.	Compliance	Medium	Industry experts and Shire Technical Officers have investigated and referenced relevant Shire policies and legislation throughout the development of the Business Plan.

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 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 Ten – Appropriate infrastructure to support sustainable, economic growth:

10.1 Invest strategically in property to stimulate economic growth.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

- 1. Proceed with the Sanctuary Road Caravan Park, Key Worker and Over 55s Village Business Plan as advertised (**Attachment 3**) and request the Chief Executive Officer to provide state-wide public notice in accordance with Section 3.59(5a) of the Local Government Act 1995;*
- 2. Request the Chief Executive Officer to prepare tender documentation for the redevelopment and long-term lease of the Sanctuary Road Caravan Park, Key Worker and Over 55s Village; and*
- 3. Request the Chief Executive Officer continue to lobby the State Government for funding to complete the detailed designs, headworks and site preparation.*

Attachments

1. Attachment 1 - Letter Hawaiian Group
2. Attachment 2 - Schedule of Submissions
3. Attachment 3 - Business Plan - Major Land Transaction



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13th October 2022

Chief Executive Officer
Shire of Broome
via email: shire@broome.wa.gov.au

Dear Sir,

HAWAIIAN GROUP SUBMISSION ON SHIRE OF BROOME BUSINESS PLAN – MAJOR LAND TRANSACTION SANCTUARY ROAD CARAVAN PARK

As the Shire is aware, Hawaiian is a major tourism operator and landowner in the Shire of Broome (the Shire), being the longstanding owner of:

- The Cable Beach Club Resort and a number of surrounding lots in Cable Beach, comprising:
 - Lots 981, 1005, 2245 and 2246 Millington Road; and
 - Lots 6, 1216 and 1217 Sanctuary Road.
- The Town Beach Village Club and a number of surrounding lots in Old Broome, comprising:
 - Lots 3 and 360 Hopton Street; and
 - Lots 361 and 362 Walcott Street.

Hawaiian is therefore both interested and invested in major developments undertaken in the Shire, including those undertaken by the Shire. We have welcomed the opportunity to review and provide comment on the Shire's Business Plan for the Major Land Transaction for the Sanctuary Road Caravan Park that is currently out for public consultation.

Hawaiian would like to commend the Shire for proactively seeking to address housing supply issues facing Broome in relation to accommodation for both key workers and over 55s on the site. Hawaiian experiences first-hand the impact that a lack of accommodation suitable for our employees has on our business operations within the Shire and we also understand the supply issues facing over 55s in the Shire (and those that rent more generally).

Hawaiian would like to take the opportunity to suggest to the Shire that owners of land in the Tourism Zone¹ throughout the Shire should be afforded the same opportunity to develop accommodation to house key workers on their land, as is being explored by the Shire in this Business Case.

¹ Referred to as the 'Tourist Zone' in Local Planning Scheme No.6 or 'Tourism Zone' in Draft Local Planning Scheme No.7.



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In this respect it is noted that Workforce Accommodation is only proposed to be allowed as an incidental land use on land in the Tourism Zone under Draft Local Planning Scheme No.7 (draft LPS). Under the draft LPS any such land use would also be subject to the Site and Development Standards of Schedule 4, Item 17, which would limit the site area and number of units of any Workforce Accommodation to a maximum of 40% and would require these to be integrated with a tourism use on the site.

Hawaiian notes that these provisions are not practical or achievable with respect to the requirements for Workforce Accommodation and inhibit our ability to use land we own to provide contemporary Workforce Accommodation for our workers to support the ongoing operation of the Cable Beach Club. We note that the Shire of Carnarvon has recently supported RAC's development of a standalone worker's accommodation development to support the tourism industry in Coral Bay which will directly support RAC's proposed redevelopment of the Ningaloo Reef Resort.

Hawaiian would welcome such an opportunity; however it will not be possible under the draft LPS, due to the proposed restrictions associated with it being an incidental land use and given the site and development requirements for land in the Tourism Zone.

Hawaiian would also welcome the opportunity to explore other alternative land uses on our under-developed land in the Tourism Zone to meet needs within the Shire. Opportunities for Build to Rent or Over 55s housing. These are opportunities that are afforded to the Shire in relation to the Sanctuary Road site as a result of the proposed 'Park Home Park'² use (which is a prohibited use in all zones under draft LPS7). Land use flexibility that we are not afforded on our land within the Tourism Zone.

Hawaiian also notes that the Business Case sets out a demand for overflow caravan and camping facilities, rather than a long term sustained demand for permanent additional caravan and camping facilities of the quantum proposed. As the Shire is aware, Broome has very seasonal accommodation demand and the introduction of an additional permanent 300 caravan and camping sites is a notable additional supply into the market.

Alternatively, where the proposed caravan park is to meet current overflow demand to alleviate the need to utilise the temporary overflow facilities at the Broome Pistol Club and the Seventh Day Adventist Church, it is suggested that the spaces are only made available when the existing commercially operated caravan parks reach a maximum occupancy rate. We understand that the current benchmark used in this scenario is above 90% across all parks. We suggest that the same benchmark should be applied for any new overflow facility so as to not impact on current or future commercial operators in the Shire.

The Business Case suggests that it is intended to operate a new year-round caravan park on the Sanctuary Road site rather than an overflow facility. Hawaiian is concerned if, as a result of the Council and State funding that is proposed to support this Sanctuary Road proposal, that it creates an inequitable advantage for the future caravan park operator over the existing commercial caravan park operators in the Shire or, if it cuts across the feasibility of proposed

² Park Home Park use is defined in draft LPS7 as premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8.



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future new caravan park developers and operators entering the market in the Shire.

Any proposal for a new caravan park in this locality should be on the basis of the full costs for the development being borne by the developer/operator so as to maintain a level playing field with the existing (or future) commercial providers in the Shire.

We also note that it is unclear:

- How the net benefit value of \$79.8M has been derived for the Business Case;
- what the Shire's proposed total investment is;
- what the assumed State contribution is; and/or
- what the third party developer's contribution is to site establishment works etc.

In order to assess the direct benefit to the Shire and to understand the potential impact on existing or proposed future commercial operators, the above information should be made clear as part of the advertised material. Hawaiian would appreciate the additional information that supports the business case (i.e. the BDO EconSearch analysis), which presumably clarifies the above items, being made available for review.

In conclusion, Hawaiian reiterates its strong support for the Shire's investment in the Cable Beach area generally and particularly in addressing supply issues with worker accommodation and over 55s housing in the Shire. As outlined herein we respectfully request that the Shire:

- Consider the need for flexibility in the land use controls affecting the Tourism Zone so that other landowners in the Shire can also assist in addressing the demand for worker's accommodation and alternative forms of housing (noting that this is not directly related to the Business Case);
- Carefully consider the impact of rate payer and/or State Government investment into this project on other existing (or proposed new entrants) into the commercial caravan / camping market of Broome; and
- Consider releasing the additional economic analysis which supports the Business Case being released for review, given the significant ratepayer investment contemplated by the project and the potential impact on existing or new entrants into the commercial caravan and camping market.



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We look forward to the opportunity to continue working with the Shire in relation to ongoing investment in, and revitalisation of, Broome generally and Cable Beach more specifically. Should you have any queries or require any additional clarification in relation to the contents of our submission, then please do not hesitate to contact the undersigned on (08) 9426 8888.

Yours sincerely,

A handwritten signature in black ink, appearing to read "R. Kilbane".

Richard Kilbane
Chief Operating Officer
Hawaiian Group

SCHEDULE OF SUBMISSIONS

Major Land Transaction – Sanctuary Road Caravan Park

Number	Name/ Address	Summary of Submissions	Officer Comment
1	Richard Kilbane, Chief Operating Officer, Hawaiian Group	<p>Support for the project</p> <p>Hawaiian is a major tourism operator and landowner in the Shire of Broome.</p> <p>Hawaiian would like to commend the Shire for proactively seeking to address housing supply issues facing Broome in relation to accommodation for both key workers and over 55s on the site.</p>	Noted
		<p>Tourism Zone under Draft Local Planning Scheme No. 7</p> <p>Hawaiian would like to suggest that owners of land in the Tourism Zone 1 throughout the Shire should be afforded the same opportunity to develop accommodation to house key workers on their land, as is being explored by the Shire in this Business Case.</p> <p>In this respect it is noted that Workforce Accommodation is only proposed to be allowed as an incidental land use on land in the Tourism Zone under Draft Local Planning Scheme No.7 (draft LPS).</p>	<p>In relation to the existing land use controls, the Shire of Broome has commenced work on preparing a Precinct Structure Plan for Cable Beach.</p> <p>The Precinct Structure Plans will look at detailed design and land-use controls for the Cable Beach Precinct and will likely amend certain provisions contained within Local Planning Scheme No. 6 and draft Local Planning Scheme No. 7.</p> <p>We have received several responses in relation to the flexibility in land use controls within the Tourism zone and it is something we are working to address as part of the project.</p> <p>Hawaiian Groups submission was forwarded to consultants, Hames Sharley and Shape + Urban, who have acknowledged receipt.</p>

		<p>Under the draft LPS any such land use would also be subject to the Site and Development Standards of Schedule 4, Item 17, which would limit the site area and number of units of any Workforce Accommodation to a maximum of 40% and would require these to be integrated with a tourism use on the site.</p> <p>Hawaiian notes that these provisions are not practical or achievable with respect to the requirements for Workforce Accommodation and inhibit our ability to use land we own to provide contemporary Workforce Accommodation for our workers to support the ongoing operation of the Cable Beach Club.</p> <p>Hawaiian would also welcome the opportunity to explore other alternative land uses on our under-developed land in the Tourism Zone to meet needs within the Shire.</p> <p>Opportunities for Build to Rent or Over 55s housing. These are opportunities that are afforded to the Shire in relation to the Sanctuary Road site as a result of the proposed 'Park Home Park'2 use (which is a prohibited use in all zones under draft LPS7). Land use flexibility that we are not afforded on our land within the Tourism Zone.</p>	<p>The project team will now be reviewing all submissions made through the initial round of consultation which will inform the preparation of concept plans for the precinct. These draft concepts will then go out for further consultation in February 2023.</p> <p>Notwithstanding this, the project will be required to be consistent with the provisions of the current planning framework, until such time as the framework has been modified, amended, or revoked. Other landowners/proponents will be offered the same development opportunities as the Shire does, which will be guided by the current requirements of Local Planning Scheme No. 6 and draft Local Planning Scheme No. 7. The current requirements require development to maintain a 60/40 split between tourism and residential development, which has been met by the concept plan.</p> <p>The Caravan Parks and Camping Grounds Regulations 1997 defines a Park Home Park as a caravan park at which park homes, but not any other caravans or camps, are situated for habitation. The concept plan does not currently identify a 'Park Home Park' use under draft Local Planning Scheme No. 7.</p>
		<p>Business Case for demand for caravan, overflow and camping facilities</p>	<p>The Shire of Broome engaged Brighthouse Consulting to complete the Business Case. The Business Case assessed the demand and</p>

9.3 PROSPERITY

There are no reports in this section.

9.4 PERFORMANCE

9.4.1 COUNCIL POLICY REVIEWS - VARIOUS

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ADM28
AUTHOR:	Senior Governance & Administration Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Acting Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

A range of Council Policies are presented to Council for endorsement following a review in accordance with Councils' adopted Policy Framework. Recommended changes are summarised in the body of the report.

BACKGROUND

Previous Considerations

OMC 12 December 2019	Item 9.4.5
OMC 18 November 2021	Item 9.4.4

Council adopted a Policy Framework to transition the Council Policy review process in 2019. The key element of the Policy Framework was a move to a risk-based rolling review approach. Previously all Council Policies were reviewed biennially following an ordinary election, but it was recognised that this was creating an arduous task for staff and elected members and therefore Council adopted a 4 yearly review for the majority of policies.

The Policy Framework has ensured that Council Policies are developed consistently and are reviewed regularly whilst at the same time reducing the administration overhead involved.

COMMENT

Policies with Recommended Changes

Work Health & Safety (Attachment 1)

The policy currently refers to the *Occupational Safety and Health Act 1984*. This Act was repealed and has been replaced by the *Work Health & Safety Act 2020 (WA)* which came into effect on 31 March 2022.

Minor amendments have been made throughout to refer to 'work health and safety' instead of 'occupational safety and health' to ensure consistency in language used.

Policies with No Recommended Changes

Honorary Freedom of the Shire of Broome (Attachment 2)

No changes recommended. The review frequency has been extended to 4 yearly from triennial.

Sister City Policy (Attachment 3)

No changes recommended. The review frequency has been extended to 4 yearly from triennial.

Rating Policy (Attachment 4)

No changes recommended.

Policies Recommended for Retirement

Environmental Weed Management Strategy Policy (Attachment 5)

Council endorsed a Weed Management Strategy at the Ordinary Meeting of Council on 31 March 2022. As a result, this policy is no longer required and is recommended for retirement.

Community Engagement (Attachment 6)

Council endorsed a Corporate Communication and Engagement Strategy 2022-2027 at the Ordinary Meeting of Council on 26 May 2022. As a result, this policy is no longer required and is recommended for retirement.

CONSULTATION

Policies have been reviewed by the Responsible Officer and the accountable Director.

STATUTORY ENVIRONMENT

Local Government Act 1995

Role of council

(1) The council –

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to –

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

POLICY IMPLICATIONS

As contained in the body of the report.

FINANCIAL IMPLICATIONS

Not applicable

RISK

Having clear, concise, current and consistent policies reduces the risk of interpretation errors that could have negative impacts on the Shire.

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.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

1. Approves the following Council Policies inclusive of recommended improvements as detailed in Attachments 1 – 4:
 - a) Work Health & Safety
 - b) Honorary Freedom of the Shire of Broome
 - c) Sister City
 - d) Rating
2. To retire the following policies:
 - a) Environmental Weed Management Strategy
 - b) Community Engagement

Attachments

1. Work Health & Safety Policy
2. Honorary Freedom of the Shire of Broome Policy
3. Sister City Policy
4. Rating Policy
5. Environmental Weed Management Strategy Policy
6. Community Engagement Policy

9.4.2 MONTHLY PAYMENT LISTING OCTOBER 2022

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	FRE02
AUTHOR:	Finance Officers - Creditors
CONTRIBUTOR/S:	Manager Financial Services
RESPONSIBLE OFFICER:	Acting Director Corporate Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

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

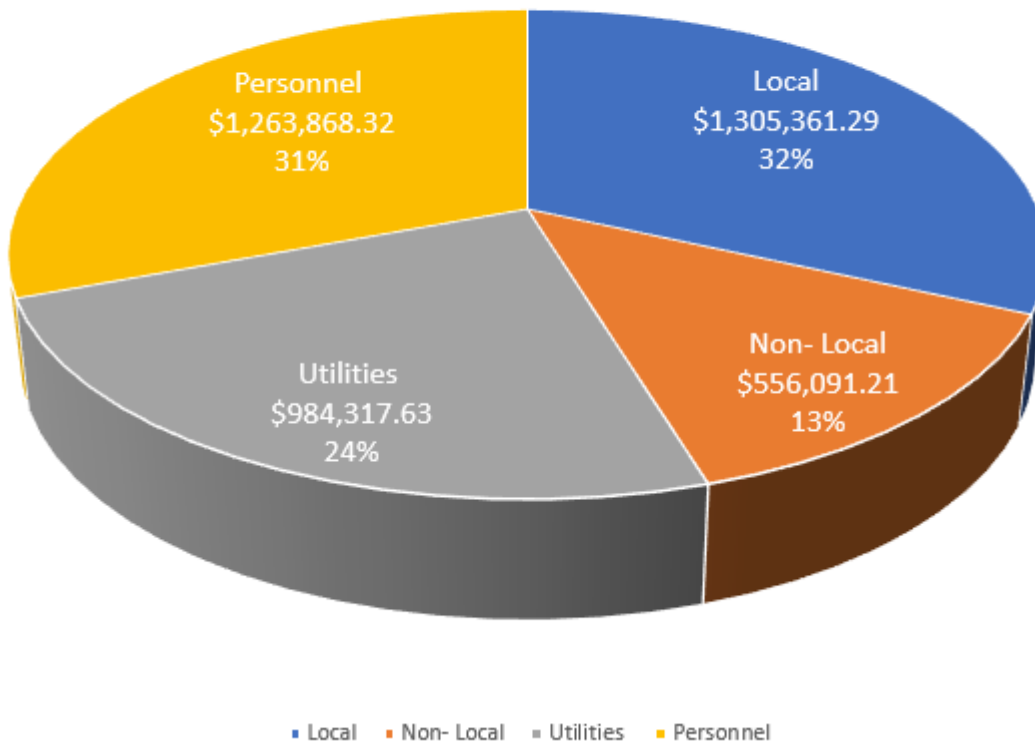
POLICY IMPLICATIONS

Nil.

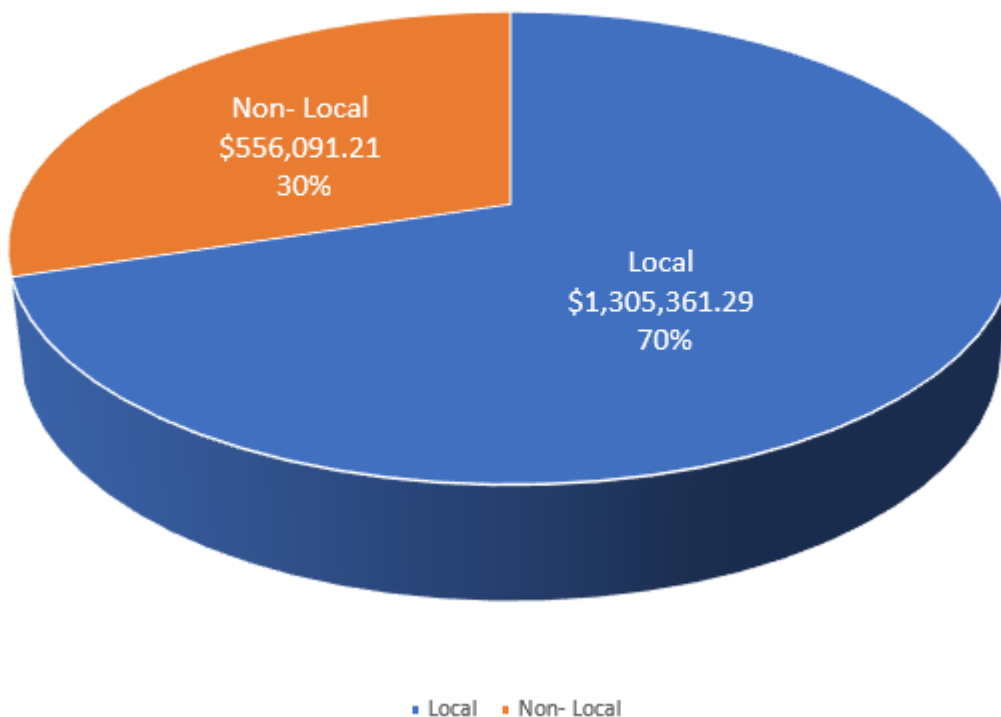
FINANCIAL IMPLICATIONS

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

SHIRE OF BROOME PAYMENTS OCTOBER 2022



LOCAL Vs NON-LOCAL PAYMENTS OCTOBER 2022



The above graph shows the percentage of local spend in comparison to non-local and recoupable spend for October 2022 after \$1,263,868.32 in personnel payments, \$984,317.63 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	\$ 9,920.50	\$ 3,056,121.57	\$ 173,868.29	\$ 37,681.34	\$ -	\$1,079,117.52	\$ 4,356,709.22
Oct-22	\$ 13,212.10	\$ 2,793,790.64	\$ 170,971.65	\$ 38,481.39	\$ -	\$1,093,182.67	\$ 4,109,638.45
Nov-22							\$ -
Dec-22							\$ -
Jan-23							\$ -
Feb-23							\$ -
Mar-23							\$ -
Apr-23							\$ -
May-23							\$ -
Jun-23							\$ -
TOTAL	\$ 54,015.49	\$ 11,746,161.87	\$ 690,837.74	\$ 118,676.58	\$ -	\$4,629,694.36	\$ 17,239,386.04

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

<p><u>REPORT RECOMMENDATION:</u></p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Receives the list of payments made from the Municipal and Trust Accounts in October 2022 totalling in \$4,109,638.45 (Attachment 1) per the requirements of Regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i> covering: <ol style="list-style-type: none"> a) EFT Vouchers EFT67408 – EFT67801 totalling \$3,168,414.16; b) Municipal Cheque Vouchers 57785 - 57789 totalling \$13,212.10 c) Trust Cheque Vouchers 0000 – 0000 totalling \$0.00 and d) Municipal Direct Debits DD31412.1 – DD31459.30 including payroll totalling \$928,012.19

2. *Notes the local spend of \$1,305,361.29 included in the amount above, equating to 70% of total payments excluding personnel, utility and other external sole supplier costs*

Attachments

1. Monthly Payment Listing October 2022

9.4.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - OCTOBER 2022

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

SUMMARY:

This report recommends that Council receives the Monthly Statement of Financial Activity Report for the period ended 31 October 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	33.70%
Total Rates Raised Revenue	100% (of which 76.25% has been collected)
Total Other Operating Revenue	48%
Total Operating Expenditure	19%
Total Capital Revenue	22%
Total Capital Expenditure	12%
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 October 2022 as attached.

Attachments

1. Monthly Statement of Activity October 2022

10. REPORTS OF COMMITTEES

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)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, and section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”.

14.1	EXPRESSION OF INTEREST INTO CHILDCARE FACILITY AT BROOME AQUATIC AND RECREATION CENTRE
LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	EDP015
AUTHOR:	Economic Development Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:
 For Council to consider reduced hire fees for facilities at the Broome Recreation and Aquatic Centre (BRAC) to facilitate their use for Out of Hours School and Vacation Care.

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

14.2 INTER-REGIONAL FLIGHT NETWORK EXPANSION	
LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ECI05
AUTHOR:	Economic Development Coordinator
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil

SUMMARY:
 Council is requested to consider a proposal from Aviair seeking financial support for their inter-regional flight network expansion.

NOTE

Item withdrawn from the Agenda by the Chief Executive Officer prior to the meeting.

15. MEETING CLOSURE