



# **UNCONFIRMED MINUTES**

**OF THE**

**ORDINARY COUNCIL MEETING**

**17 NOVEMBER 2022**

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

Signed:

**SHIRE OF BROOME**  
**ORDINARY COUNCIL MEETING**  
**THURSDAY 17 NOVEMBER 2022**

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF BROOME,  
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,  
ON THURSDAY 17 NOVEMBER 2022, COMMENCING AT 5:00PM.**

**1. OFFICIAL OPENING**

The Chairperson welcomed Councillors, officers and members of the public and declared the meeting open at 5:04pm.

**2. ATTENDANCE AND APOLOGIES**

**ATTENDANCE**

|                                   |  |   |
|-----------------------------------|--|---|
| <b>Councillors:</b>               | Cr D Male<br>Cr H Tracey   | Deputy Shire President (Chair)<br>Shire President (via Microsoft Teams in accordance with <i>Admin Regulation 14C</i> )                                     |
|                                   | Cr E Foy<br>Cr P Matsumoto<br>Cr C Mitchell<br>Cr P Taylor<br>Cr N Wevers                          |   |
| <b>Apologies:</b>                 | Cr B Rudeforth   |   |
| <b>Leave of Absence:</b>          | Nil  |   |
| <b>Officers:</b>                  | Mr S Mastrolembo<br>Mr J Hall<br>Mr J Watt<br>Mr K Williams<br>Mr D Kennedy                        | Chief Executive Officer<br>Director Infrastructure<br>Director Corporate Services<br>Director Development Services<br>Manager Governance, Strategy and Risk |
|                                   | Mr D Bonnici   | Marketing and Communications Coordinator  |
|                                   | Miss K Cookson   | Senior Administration and Governance Officer  |
|                                   | N Roukens  | Manager Community Engagement and Projects   |
|                                   | A Clark-Hale<br>H Taylor<br>E Pendlebury   | Special Projects Coordinator<br>Marketing and Communications Officer<br>Economic Development Coordinator  |
| <b>Media:<br/>Public Gallery:</b> | Jane Murphy<br>J Lewis<br>V Westwood<br>K Cooper<br>T Chapman<br>D Oliver<br>B Renkin<br>D Unicomb | Broome Advertiser<br><br>Broome Volleyball<br>Broome Volleyball   |

**3. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

Nil.

**4. DECLARATIONS OF INTEREST**

Nil.

**5. PUBLIC QUESTION TIME**

**The following questions were received from the Broome Volleyball Association prior to the meeting. Tom Chapman, the Chair of Broome Volleyball Association asked the questions on behalf of the association:**

**Question One (1)**

Has Council been provided information conveying the full extent of local community group support and anticipated year-round community activation of a multi-purpose beach sand arena within the Cable Beach Redevelopment? Event state tourism and competitions alike?

**Answer provided by Chief Executive Officer**

No, and further, as the CEO I am not aware of a formal submission on a proposed multi-purpose sand arena. I have however been advised of correspondence received from Broome Beach Volleyball on 31 August 2022 which proposes the inclusion of multiple beach volleyball courts through the Cable Beach Foreshore Redevelopment. I understand you have discussed this proposal with Shire officers and that you have been advised this proposal could not be accommodated within the Cable Beach Foreshore Redevelopment behind the Surf Club.

The Cable Beach Foreshore Redevelopment Project has been a long-held aspiration of the community and Council. Most recently, the Shire drafted a Cable Beach Development Strategy which was adopted by Council in 2016. The foreshore was highlighted as a focus area and subsequently Council progressed a master plan for this precinct. The masterplan was developed with significant community input and engagement and also included a formal public submission process. This masterplan was formally endorsed by Council in 2017 and is accessible on the Shire's website. A Business case was also prepared in 2020 for the purposes of seeking grant funding, whereby there was another touch point with key stakeholders.

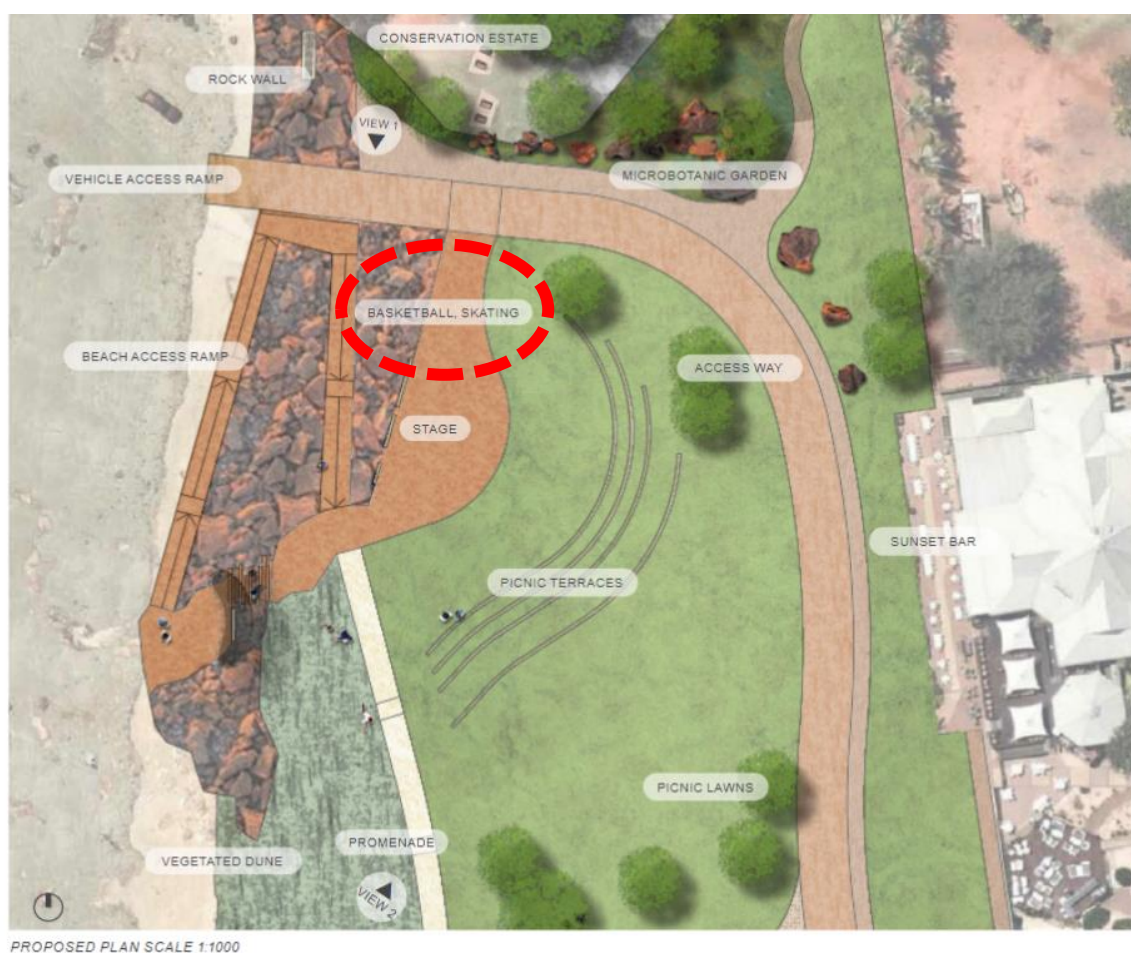
Following a tender process, a consultancy team (JBA) was appointed in September 2021 to progress detailed design documentation and a tender package for the project for the purposes of commencing construction. A Community Engagement Plan (CEP) was also developed and endorsed by Council in September 2021. This included the establishment of a Cable Beach Community and Stakeholder Reference Group and prescribed the engagement to be carried out through this detailed design phase.

Given the extensive community consultation previously carried out, the consultant team were required to use the 2017 master plan as the starting point for the development of concepts for the site. In the first instance, this master plan was reviewed and a site opportunities and constraints mapping exercise was completed.

Public engagement was undertaken during the 50% concept phase of the design process as required by the Council endorsed Community Engagement Plan.

Engagement occurred in March 2022 including a number of community and targeted interest group information sessions, market stalls and community picnics. Members of the community were encouraged to provide feedback on the design to help shape its evolution. At the time, the design presented an opportunity for a basketball half court/ skating in the amphitheatre stage (see image below).

The inclusion of these elements was broadly supported during the stakeholder and community engagement exercises with feedback requesting the need for provision of more youth space for older children. As a result, and in response to the community feedback, both skating and basketball were identified as key youth activities to be considered and incorporated into the next phase of the detailed design process.



In addition to the broad support during the community and stakeholder engagement sessions, the opportunity for youth and skate elements was also requested through a Council resolution at the Ordinary Meeting of Council on 31 March 2022. This was in response to a motion moved by an elector and passed at the Annual Elector's meeting in February 2022.

**COUNCIL RESOLUTION:**  
**(RECOMMENDATION)**  
**Moved: Cr P Taylor**

**Minute No. C/0322/048**  
**Seconded: Cr C Mitchell**

**That Council:**

- 1. Notes the Elector Motion; and**
- 2. Request the Chief Executive Officer to consider youth and skate elements in the concept designs for the Cable Beach Foreshore Redevelopment.**

As the design progressed into the next stage of detailed design, further investigations into the feasibility of skate/ basketball in the main Amphitheatre stage found that these uses were inappropriate in this location due to the incompatibility with the events space, proximity of the rock revetment, sloping gradients, and proximity to vehicle access. Consequently, a youth space was investigated to the east of the Surf Club, which includes the basketball and skate elements that were previously earmarked for the Amphitheatre stage. These designs were workshopped with the Youth Advisory Council who were supportive of these youth elements.

It is considered that these elements will not only provide opportunities for young people, but also help activate an area of the foreshore reserve that is currently under-utilised.

The consultant team have also developed an Art and Interpretation Plan and have aspirations for a significant youth art work in this area. The rear of the Surf Club is currently an unattractive space and the project team have been focused on realizing the opportunity to create an improved sense of arrival to the precinct.

It should be noted, that the area available for development of public spaces within the foreshore reserve is challenged. The Coastal Protection option that has been endorsed by Council will result in a significant loss of useable space along the foreshore. There has therefore been a strong emphasis on maximizing open community space and minimizing exclusive use areas.

We do note the Broome Surf Lifesaving Club (BSLC) have recently touted the idea of two volleyball courts in this area to the east of the BSLC building. The detailed design has progressed in accordance with the CEP and adjustments have been made in response to feedback received. The design elements are now fixed and construction drawings are due for finalization over the next few weeks. We will of course be continuing our consultation with key stakeholders in the precinct, including the Broome Surf Club. Council has secured approximately \$11M in external grants to progress stage 1 of the works in 2023.

A community consultation report was tabled at a recent Council workshop providing an overview of the consultation to date and will be formally tabled at the Dec Ordinary Meeting of Council (OMC) 2022 in accordance with the CEP.

There is an opportunity for volleyball to be played on Cable Beach and to utilise the beach asset for regular or one-off competitions. The Cable Beach detailed design is working to ensure activities can more easily take place on the beach. An event space on the beach was nominated within the masterplan between the BSLC and Zanders.

The Shire of Broome Sport and Recreation Plan 2021-2031 provides a blueprint for the future of sport and recreation to avoid ad hoc planning and guide decision making. This plan was endorsed by Council in April 2022, following extensive community engagement and a formal submission period. The Sport and Recreation Plan recommends the provision of three beach volleyball courts at Broome Recreation and Aquatic Centre (BRAC). These are listed in the plan as a low priority in 2028-2031. The development of volleyball courts on the site is based on the moving of other facilities at BRAC and in line with Parks Leisure Australia National Guidelines.

If the Broome Volleyball Association are keen to relocate, Council could consider reprioritising the development of volleyball courts at BRAC.

Finally, we would be happy to meet with the Broome Volleyball Association to better understand their needs and help to facilitate the club's future ambitions.

### **Question Two (2)**

On what basis would further investment in basketball and skateboarding facilities for the community be justified ahead of other popular local sports, given the recent purpose built \$1.5 million skate park and \$1.94 million basketball court facilities at BRAC?

#### **Answer provided by Chief Executive Officer**

Please refer to comments in response to Q1. The Shire has made a commitment to explore options to prioritise a youth space at Cable Beach Foreshore. The Shire has made a commitment to explore options to prioritise a youth space at Cable Beach Foreshore. The hardstand half basketball and skate elements will allow for a range of activities and usage. Designs across the Cable Beach Foreshore area allow for free and open usage by the whole community. Hard stand will allow for other activities that can't take place on Cable Beach. The popularity of the new skate park is to be celebrated and demonstrates the importance of providing free, accessible youth facilities.

The site has not been selected as a dedicated sporting precinct. The Sport and Recreation Plan 2021 – 2031 ensures multipurpose facilities and that a range of sporting activities are catered for based on local, state and national trends and benchmarks.

The Shire is keen to explore opportunities with all local sporting groups to activate Cable Beach for competitions and events.

***The following question was submitted by the Broome Volleyball Association prior to the Ordinary Meeting of Council 17 November 2022 but was unable to be answered during public question time. The Shire's administrative response is provided below:***

### **Question Three (3)**

Has Council considered the potential for stimulating commercial and tourism activation in Broome through beach-oriented event-based tourism such as state beach volleyball circuit tournaments, beach soccer and tennis, expanded Nets on the Beach and Touch on the Beach competitions showcasing Broome's iconic Cable Beach via a multi-purpose beach sand arena?

#### **Answer provided by Chief Executive Officer**

As per above, a key recommendation in the Cable Beach Master Plan (2017) is the creation of an events space to allow for large scale events on the beach between the BSLC and Zanders. Further, an amphitheatre in the northern section of the site to cater for large events has been a key component of the design.

Social and economic benefits of large events in the amphitheatre space and across the site have been explored within the Business Case.



A key aspect of the project is to facilitate place activation and events on Cable Beach. To build on the previous successes e.g., Beach Touch. An event space on the beach has been identified through the detailed design process (in front of Zanders) and beach power access planned for this area.

Cable Beach is a world class attraction and would attract people for all place activation and events including beach volleyball. The Shire is keen to work with sporting groups to discuss future opportunities on Cable Beach including the Beach Volleyball Association.

Sand courts at the back of the Surf Club are unlikely to have the same appeal as a tourist attraction to the site. Space across the Cable Beach site is very limited and there has needed to be a balance in design since the commencement of the Master Plan in 2017.

Council resolved earlier this year to proceed with a sand nourishment coastal protection option. Monsoonal Vine Thicket is also remaining on the site and now a key feature of the design. These two elements have further limited available space since the 2017 Master Plan.

The Shire has removed planned commercial opportunities from the design and public open space has been prioritised in the design.

### **The following questions were received from Jan Lewis prior to the meeting**

#### **Question One (1)**

Can the Shire provide details of any consultation with other organisations that occurred regarding the Kimberley Mineral Sands (KMS) application to the Environmental Protection Authority (EPA) for a variation to allow 100 truck trips per day through Broome, including:

- a) when this consultation occurred
- b) which organisations spoke to the Shire and who spoke on behalf of the Shire to each organisation
- c) did any organisation consult directly with the Shire Councillors in their councillor role, and if so which organisation(s)
- d) what advice was given by the Shire to the EPA, by whom and when?

#### **Answer provided by Director Development Services**

- a) The Shire of Broome has had numerous engagements with Kimberley Mineral Sands on a formal and informal basis, including face to face meetings, attendance at stakeholder meetings as well as phone calls and emails. This is normal practice for a developer or proponent to request meetings and provide updates to Shire staff.
- b) The CEO, Director Development Services, Economic Development Coordinator have all had interaction with various employees and representatives of KMS.
- c) Cr Male advised that a meeting will be held with KMS Tuesday 22 November 2022.
- d) The Shire of Broome sent a letter to the EPA on 7 April 2022 that included recommended conditions that the EPA should consider in any decision to support the variation to the S42 licence. The letter sent to the EPA by the Shire was also sent to KMS to ensure that KMS is aware of the Shire's recommended conditions.

#### **Question Two (2)**

In a letter from the Shire President to myself I was advised that the Shire had recommended that a comprehensive community consultation, a traffic impact assessment and establishment of a complaints management system be required as a condition of the approval. The EPA has ignored the Shire's recommendation and approved the variation to allow 100 truck trips per day through Broome at any time of the day or night.

Can the Shire inform residents what it will do to ensure that the Shire's recommendation of community consultation, a traffic assessment and a complaints management system will occur?

**Answer provided by Director Development Services**

Gubinge Road and Port Drive are managed by Main Roads WA and are already rated for triple road trains up to RAV 10 at 53.5 metres in length, and the Shire will have little say in any use of these roads by permitted vehicles.

While the EPA licence may not be conditional, the Shire has been advised by Main Roads WA that any permit to utilise the subject roads by larger vehicles such as Performance Based Solution Quad Road Trains to a maximum of 60 metres will be conditional on a community consultation process as well as engagement with the Local Government. During this engagement the Shire will reiterate the recommended conditions that were provided to the EPA.

**The following questions were received from Virginia Westwood prior to the meeting:**

**Question One (1)**

As a cyclist who regularly rides on Gubinge Road and Port Drive, is the Shire aware that Main Roads has never done a count of traffic on the busiest section of Gubinge Road between Cable Beach Rd East and Gantheaume Point Road?

Does the Shire agree with the Main Roads Regional Manager who describes traffic on this section of road as "low volume"?

**Answer provided by Director Development Services**

The Shire is not aware of any information related to traffic counts on Gubinge Road and is not the manager of the road.

The Shire cannot make any comment on volumes without traffic data, and has no responsibility for Main Roads WA roads.

**Question Two (2)**

What impact on Broome's tourism industry does the Shire think will occur once 50 heavy haulage trucks start travelling to and from Broome Port (100 movements) and mixing with tourist traffic heading for Cable Beach, Entrance Point or Gantheaume Point, thereby physically dividing tourists from iconic beaches and sites?

**Answer provided by Director Development Services**

The Shire has not done any assessment of the impact of an additional 50 heavy vehicles per day, and has no control over vehicle movements on the sections of road intended to be utilised by KMS as these roads fall under the management of Main Roads WA.

Our current understanding is that this will be a maximum of 26 vehicles per day in Stage 1 and 42 vehicles per day in Stage 2, though no confirmation has been received on actual vehicle movements proposed.

The Shire has sought conditions to ensure any impacts on local road users and residents are minimised.

**The following questions were received from Brendan Renkin prior to the meeting:**

**Question One (1)**

Does the Shire think that the addition of 100 truck movements a day at the Broome Port is likely to have any impact on access to the proposed new boat launching facility at Entrance Point? If so, what will the Shire recommend to mitigate these impacts?

**Answer provided by Director Development Services**

Gubinge Road and Port Drive are managed by Main Roads WA.

The Shire has not done any assessment of the impact of an additional 42 heavy vehicles per day, and has no control over vehicle movements on the sections of road intended to be utilised by KMS as these roads fall under the management of Main Roads WA.

The Shire will request conditions on any approval issued by Main Roads WA to use any category of vehicles currently not permitted to ensure that any impacts on local road users and residents are minimised.

The Chief Executive Officer also advised that the Shire is working closely with the Department of Transport and the Kimberley Port Authority to look at an alternative road around the outside of the industrial area for access to the Port land.

**Question Two (2)**

The 2021-2031 Strategic Community Plan (SCP) has an action "Advocate for Broome to be the logistics supply hub for mining, oil and gas, agriculture, cruise ship services, renewables and other emerging industries".

Can the Shire explain whether any assessment has taken place about the potential impact on both liveability and the tourism industry of Broome becoming a logistics supply hub, and specifically did that assessment include a projection on the increase of heavy haulage traffic and consideration of the impact of an additional 100 24 hours a day 4 trailer truck movements through the town, or future movements?

**Answer provided by Director of Development Services**

The Strategic Community Plan action is to advocate for this outcome related to logistics. This action covers broad outcomes that are not assessed until specific projects or development is proposed.

No specific assessment was undertaken on heavy haulage traffic, as this is dependant on specific proposals – for example some logistics outcomes relate to the airport rather than traffic or port activities.

It should be noted that the SCP was developed in collaboration with the community and has been widely advertised.

***The following question was submitted by Brendan Renkin prior to the Ordinary Meeting of Council 17 November 2022 but was unable to be answered during public question time. The Shire's administrative response is provided below:***

### **Question Three (3)**

If no formal assessment has occurred, does the Shire have a plan for how to consult the community and manage the potential impact on tourism and liveability of Broome becoming a logistics supply before it is too late and Broome becomes the metaphorical dead frog in a pot of boiling water?

### **Answer provided by Director Development Services**

Any logistics hub proposal, such as the Kimberley Marine Supply Base or Kimberley Mineral Sands export proposal, will be assessed by a range of authorities during the approvals process. In some cases these are assessed by the Shire, in others they are assessed by the Environmental Protection Authority or Main Roads WA, or other agencies.

The Shire will advocate for industries that benefit the community, including logistics, and will provide advice to assessment agencies to ensure any potential negative impacts on other industry sectors are minimised.

***The following questions were received from Mandy McInery prior to the meeting. Mandy McInery could not attend the meeting but the question was asked by Jan Lewis on her behalf:***

### **Question One (1)**

How can the Shire assist residents of old Cable Beach, especially those on Harman and Taylor Roads, Smirnoff Place and Wirl Buru Gardens whose lives are already disrupted by traffic noise on Gubinge Road, particularly at night, and who will bear the brunt both of additional disturbance and falling property values?

### **Answer provided by Director Development Services**

Gubinge Road and Port Drive are managed by Main Roads WA and are already rated for triple road trains up to RAV 10 at 53.5 metres in length, and the Shire will have little say in any use of these roads by permitted vehicles from any operator.

The Shire has been advised by Main Roads WA that any permit to utilise the subject roads for any larger vehicles, such as Performance Based Solution Quad Road Trains to a maximum of 60 metres, will be conditional on a community consultation process as well as engagement with the Local Government. During this engagement the Shire will reiterate the recommended conditions that were provided to the EPA.

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL RESOLUTION:**

**Minute No. C/1122/139**

**Moved: Cr C Mitchell**

**Seconded: Cr P Taylor**

**That Council grant Cr E Foy a Leave of Absence from Councillor duties inclusive of 1 December 2022 through to 20 February 2023.**

**CARRIED UNANIMOUSLY 7/0**

**7. CONFIRMATION OF MINUTES**

**COUNCIL RESOLUTION:**

**Minute No. C/1122/140**

**Moved: Cr C Mitchell**

**Seconded: Cr P Taylor**

**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.**

**CARRIED UNANIMOUSLY 7/0**

**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)

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

**Minute No. C/0822/103**

**Moved: Cr B Rudeforth**

**Seconded: Cr E Foy**

**That Council:**

- 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 is 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:

|   |  |
|---|--|
| <b>Capital Investment</b>                                     |  |
| Approximately \$64 million including GST over a 3-year period |  |
| <b>Rent / Lease Fees</b>                                      |  |
| 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**

| <b>Risk</b>   | <b>Type</b><br>(Health, Financial Impact, Service Interruption, Compliance, Reputational, Property Environment) | <b>Rank</b><br>(based on measures of consequence and likelihood) | <b>Mitigation</b>   |
|---|---|--|---|
| No suitable submission received during the tender and redevelopment phase.              | Financial<br>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<br>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*

**COUNCIL RESOLUTION:****(REPORT RECOMMENDATION)****Minute No. C/1122/141****Moved: Cr H Tracey****Seconded: Cr P Matsumoto****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.**

**CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 7/0****Attachments**

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



177 St Georges Terrace, Perth WA 6000  
T +61 8 9426 8888

enquiries@hawaiian.com.au  
hawaiian.com.au

Hawaiian Pty Ltd  
ABN 56 062 193 426 ACN 062 193 426

13<sup>th</sup> October 2022

Chief Executive Officer  
Shire of Broome  
via email: [shire@broome.wa.gov.au](mailto: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 Zone<sup>1</sup> 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.

---

<sup>1</sup> 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'<sup>2</sup> 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

---

<sup>2</sup> 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.



177 St Georges Terrace, Perth WA 6000  
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enquiries@hawaiian.com.au  
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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/<br>Address  | Summary of Submissions   | Officer Comment   |
|--------|---|--|---|
| 1      | Richard<br>Kilbane, Chief<br>Operating<br>Officer,<br>Hawaiian<br>Group | <p><b>Support for the project</b></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><b>Tourism Zone under Draft Local Planning Scheme No. 7</b></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> |



































|                       |
|-----------------------|
| <b>9.3 PROSPERITY</b> |
|-----------------------|

There are no reports in this section.

## 9.4 PERFORMANCE

### 9.4.1 COUNCIL POLICY REVIEWS - VARIOUS

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

**COUNCIL RESOLUTION:**

**(REPORT RECOMMENDATION)**

**Minute No. C/1122/142**

**Moved: Cr C Mitchell**

**Seconded: Cr P Taylor**

**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**

**CARRIED UNANIMOUSLY 7/0**

**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**

|                                |                                    |
|--------------------------------|------------------------------------|
| <b>LOCATION/ADDRESS:</b>       | Nil                                |
| <b>APPLICANT:</b>              | Nil                                |
| <b>FILE:</b>                   | FRE02                              |
| <b>AUTHOR:</b>                 | Finance Officers - Creditors       |
| <b>CONTRIBUTOR/S:</b>          | Manager Financial Services         |
| <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 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.**

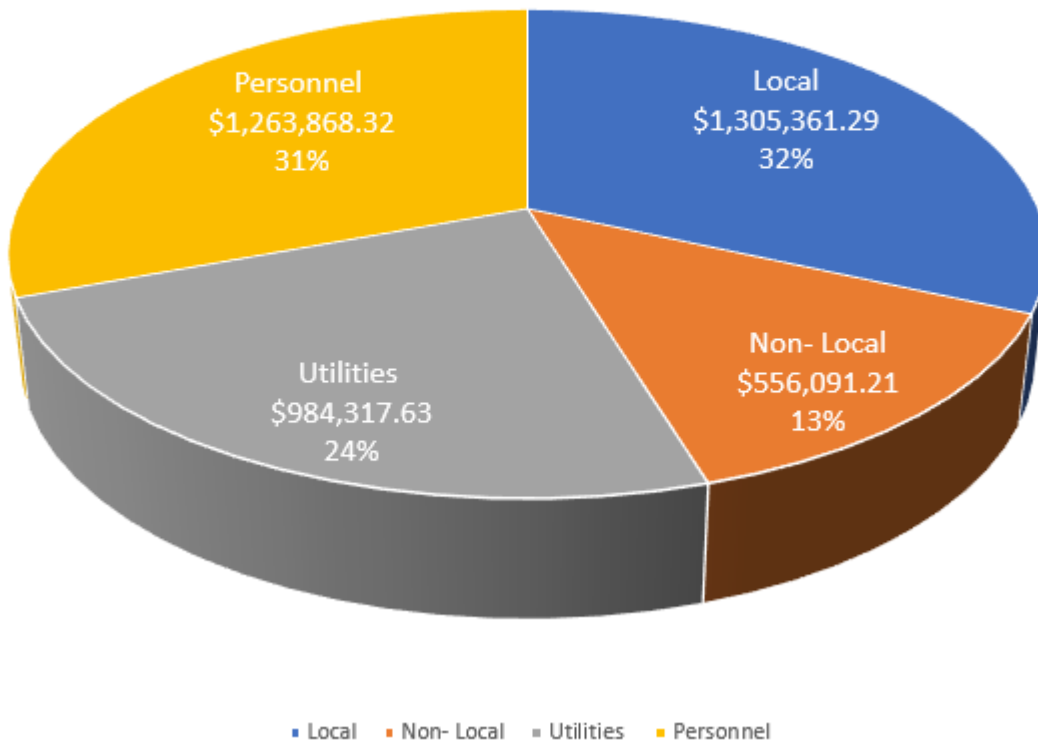
**POLICY IMPLICATIONS**

Nil.

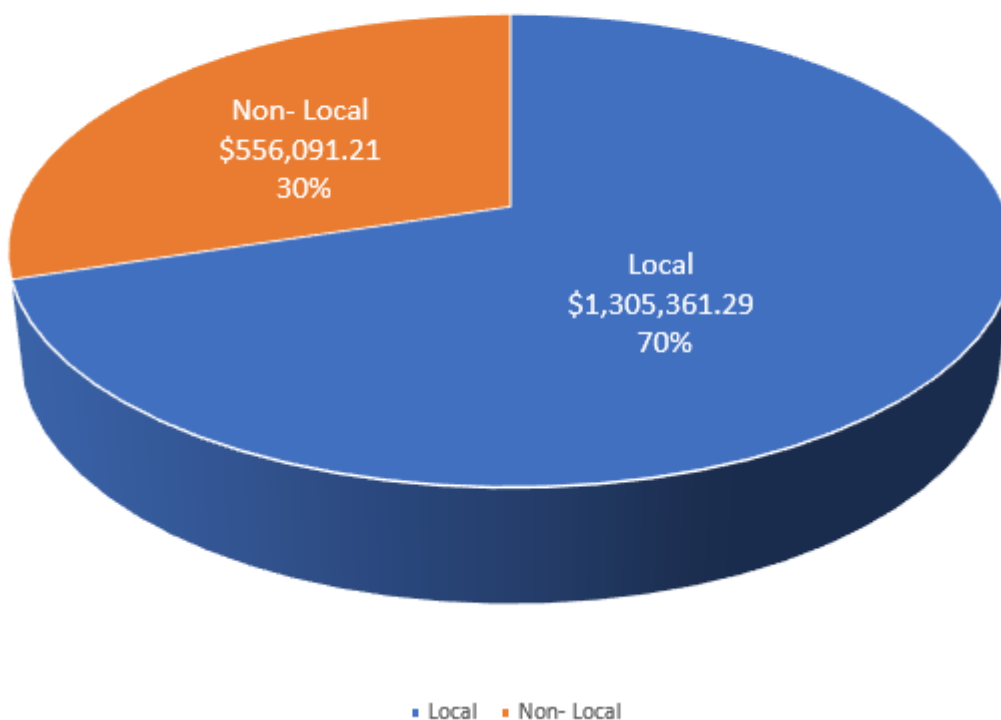
**FINANCIAL IMPLICATIONS**

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       |                     |                         |                      |                      |             |                       | \$ -                    |
| <b>TOTAL</b> | <b>\$ 54,015.49</b> | <b>\$ 11,746,161.87</b> | <b>\$ 690,837.74</b> | <b>\$ 118,676.58</b> | <b>\$ -</b> | <b>\$4,629,694.36</b> | <b>\$ 17,239,386.04</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*

**COUNCIL RESOLUTION:**

**(REPORT RECOMMENDATION)** **Minute No. C/1122/143**

**Moved: Cr C Mitchell** **Seconded: Cr P Matsumoto**

**That Council:**

- 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 Local Government (Financial Management) Regulations 1996 covering:**
  - 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**

**CARRIED UNANIMOUSLY 7/0**

**Attachments**

- 1. Monthly Payment Listing October 2022























**9.4.3 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - OCTOBER 2022**

|                                |                                    |
|--------------------------------|------------------------------------|
| <b>LOCATION/ADDRESS:</b>       | Nil                                |
| <b>APPLICANT:</b>              | Nil                                |
| <b>FILE:</b>                   | FRE02                              |
| <b>AUTHOR:</b>                 | Senior Finance Officer             |
| <b>CONTRIBUTOR/S:</b>          | Manager Financial Services         |
| <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 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*

**COUNCIL RESOLUTION:**

**(REPORT RECOMMENDATION)**

**Minute No. C/1122/144**

**Moved: Cr D Male**

**Seconded: Cr C Mitchell**

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

**CARRIED UNANIMOUSLY 7/0**

**Attachments**

1. Monthly Statement of Activity October 2022

































































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|                                       |
|---------------------------------------|
| <b>10.      REPORTS OF COMMITTEES</b> |
|---------------------------------------|

There are no reports in this section.



**11. NOTICES OF MOTION WITH NOTICE**

Nil.

**12. NOTICE OF MOTION WITHOUT NOTICE**

Nil.

**13. BUSINESS OF AN URGENT NATURE**

Nil.

**14. MEETING CLOSED TO PUBLIC**

**COUNCIL RESOLUTION:**

**Minute No. C/1122/145**

**Moved: Cr P Taylor**

**Seconded: Cr E Foy**

***That the meeting be closed to the public at 5:32pm.***

**CARRIED UNANIMOUSLY 7/0**

***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**

|                                |                                  |
|--------------------------------|----------------------------------|
| <b>LOCATION/ADDRESS:</b>       | Nil                              |
| <b>APPLICANT:</b>              | Nil                              |
| <b>FILE:</b>                   | EDP015                           |
| <b>AUTHOR:</b>                 | Economic Development Coordinator |
| <b>CONTRIBUTOR/S:</b>          | Nil                              |
| <b>RESPONSIBLE OFFICER:</b>    | Director Development Services    |
| <b>DISCLOSURE OF INTEREST:</b> | 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.

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**

**(REPORT RECOMMENDATION)**

**Minute No. C/1122/146**

**Moved: Cr C Mitchell**

**Seconded: Cr P Taylor**

***That Council authorise the Chief Executive Officer to apply the not-for-profit hire rate to Big Childcare for the hire of the Multi Purpose Room and other facilities at the Broome Recreation and Aquatic Centre in order to facilitate their use of the facilities for After Hours School and Vacation Care, for a period of up to 24 months.***

**CARRIED UNANIMOUSLY 7/0**

There are no attachments for this report.

***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**

|                                |                                  |
|--------------------------------|----------------------------------|
| <b>LOCATION/ADDRESS:</b>       | Nil                              |
| <b>APPLICANT:</b>              | Nil                              |
| <b>FILE:</b>                   | ECI05                            |
| <b>AUTHOR:</b>                 | Economic Development Coordinator |
| <b>CONTRIBUTOR/S:</b>          | Nil                              |
| <b>RESPONSIBLE OFFICER:</b>    | Director Development Services    |
| <b>DISCLOSURE OF INTEREST:</b> | 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 being considered by Council.

**COUNCIL RESOLUTION:**

***Minute No. C/1122/147***

***Moved: Cr C Mitchell***

***Seconded: Cr N Wevers***

***That the Meeting again be open to the public at 5:42pm.***

**CARRIED UNANIMOUSLY 7/0**

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

**15. MEETING CLOSURE**

There being no further business the Chairperson declared the meeting closed at 5:42pm.