



CONFIRMED MINUTES

OF THE

SPECIAL MEETING OF COUNCIL

27 OCTOBER 2020

NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome will be held on Tuesday, 27 October 2020 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00PM for the purpose of considering:

- REHOMING FACILITY NAME - PHILIP MATSUMOTO SPORTS COURTS

Regards,

A GRAFFEN
Acting Chief Executive Officer

27/10/2020

OUR MISSION

"To deliver affordable and quality Local Government services."

CORE VALUES OF THE SHIRE

The core values that underpin the achievement of the mission will be based on a strong customer service focus and a positive attitude:

**Communication
Respect
Transparency**

**Integrity
Innovation
Courtesy**

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions 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.

SHIRE OF BROOME
SPECIAL MEETING OF COUNCIL
TUESDAY 27 OCTOBER 2020
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**MINUTES OF THE SPECIAL MEETING OF COUNCIL OF THE SHIRE OF BROOME,
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,
ON TUESDAY 27 OCTOBER 2020, COMMENCING AT 5.00PM.**

1. OFFICIAL OPENING

COUNCIL RESOLUTION:

Minute No. C/1020/001

Moved: Cr E Foy

Seconded: Cr F West

That Cr Nik Wevers assume the position of chair.

CARRIED UNANIMOUSLY 6/0

The Chairperson welcomed Councillors, Officers and members of the public and declared the meeting open at 5.01PM.

2. ATTENDANCE AND APOLOGIES

ATTENDANCE

Councillors:

Cr E Foy
Cr C Mitchell
Cr B Rudeforth
Cr P Taylor
Cr F West
Cr N Wevers

Apologies:

Cr H Tracey
Cr D Male
Cr P Matsumoto
Mr S Mastrolembro Chief Executive Officer

Leave of Absence:

Nil

Officers:

Mr A Graffen	Acting Chief Executive Officer
Mr J Watt	Director Corporate Services
Mr N Cain	Director Development and Community
Mr D Kennedy	Manager Governance, Strategy and Risk
Mr G McKnight	Marketing & Communications Coordinator
Mr C Zepnick	Manager Sport & Recreation

Public Gallery:

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

Nil

4. PUBLIC QUESTION TIME

Nil

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Under section 5.23 (2)(d) of the *Local Government Act 1995* Council may resolve to move the meeting behind closed doors.

6. REPORTS FROM OFFICERS**6.1 OUR PEOPLE****6.1.1 REHOMING FACILITY NAME - PHILIP MATSUMOTO SPORTS COURTS**

LOCATION/ADDRESS:	Broome Recreation Aquatic Centre, 20 Cable Beach Road East, Djugun, Broome WA 6725
APPLICANT:	Nil
FILE:	RES 42502
AUTHOR:	Manager Sport and Recreation
CONTRIBUTOR/S:	Manager Governance, Strategy and Risk Club Development Officer
RESPONSIBLE OFFICER:	Director Development and Community
DISCLOSURE OF INTEREST:	Nil

SUMMARY:

Shire officers are in the process of renegotiating the current Department of Education user agreement for the Peter Haynes Reserve with one of the intended outcomes being to dispose of the current Philip Matsumoto Sports Courts (located on this Reserve) to the Department of Education.

This intention aligns with the current Shire of Broome Sport and Recreation Plan, which notes these courts are surplus to current, and foreseeable future, requirements.

Concurrently, the Shire commenced and completed the covering and refurbishment of the Broome Recreation and Aquatic Centre Outdoor Sports Courts.

This Agenda Item recommends Council “rehome” the *Philip Matsumoto Sports Courts* name from the current location on Peter Haynes Reserve to the recently covered and refurbished Outdoor Sports Courts at the Broome Recreation and Aquatic Centre.

BACKGROUND

Previous Considerations

Item 9.2.4 OMC 9 June 2011

The sports courts located on Peter Haynes Reserve, directly adjacent to Broome Senior High School, were upgraded in 2010 - 2011.

Upon completion of the upgrade, the Shire undertook a significant consultation process to determine a name for the courts.

As a result, at the Ordinary Meeting of Council in June 2011, the courts were named the Philip Matsumoto Sports Courts (**Matsumoto Courts**) as below:

COUNCIL RESOLUTION (REPORT RECOMMENDATION)

Moved: Cr J Bloom Seconded: Cr D M Male

That Council:

- 1. Considers the recommendations of the Names Working Groups in order to name the new pavilion at the BRAC Sports Fields and also to name the outdoor sports courts at the Peter Haynes Reserve.**
- 2. Determines that the new pavilion at the BRAC Sports Fields be named Glen Glenn and Pat Midland Medland Pavilion.**
- 3. Determines that the outdoor sports courts at the Peter Haynes Reserve be named Phillip Matsumoto Sports Courts.**
- 4. Informs Landgate of the names that Council has determined for the pavilion and the outdoor sports courts, so that these names can be placed on maps.**
- 5. Requests that names submitted during the seeking of written public nominations for the pavilion and the outdoor sports courts be retained for future use by Council and the Names Working Group.**

CARRIED UNANIMOUSLY

The name of the sports courts was selected following a robust consultation process and was coordinated by a Names Working Group consisting of:

- Three Councillors
- Director and Manager nominated by the Chief Executive Officer
- Yawuru representative
- Stakeholder representative

A public naming competition was launched with a 28-day nomination period.

The nomination form was advertised across several media types, including the Broome Advertiser, the Shire of Broome website and at the Shire's public facilities.

From the submissions received, Philip Matsumoto was chosen as a suitable candidate and was endorsed as the most deserving following a process which included consideration of:

- 1) Whether the person has been instrumental in the development of the Shire asset or contributed in a significant way to the Shire asset or Shire.
- 2) The views of the community with respect to honouring the person or event after which the Shire asset is proposed to be named.
- 3) The length of residency of the person proposed.

For the purposes of guidance, residency of ten years or more in a relevant location and / or area is likely to be favourably looked upon.

- 4) The contribution made by the person to the local community through education, representation of Council / State Government, voluntary input, association with a local group, sporting or service club or through business development or similar.

A significant contribution could include:

- a) Two or four terms of office on Council.
- b) 20 or more years associated with a local community or sporting group such as Scouts, Lions, Chamber of Commerce, School P & C etc.
- c) Actions by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community or area.
- d) Evidence of works undertaken being a pioneering nature for the benefit of the community.

In recent years, most basketball and netball competitions have occurred at the Broome Recreation and Aquatic Centre (**BRAC**) using both indoor and outside facilities.

The Matsumoto Courts have been accessed primarily for Broome Senior High School use and some general public use outside of school hours.

With financial assistance from a State Government Election Commitment in 2017, the BRAC Outdoor Sports Courts have recently had a significant upgrade undertaken, which includes a weatherproof cover, spectator seating, sporting fixtures and improved lighting.

Towards project completion, Shire officers received suggestions from the community regarding the naming of the upgraded sports courts.

The Matsumoto Courts are subject to a user agreement with the Department of Education given the proximity to Broome Senior High School.

During the development of the Shire of Broome's Sport and Recreation Plan 2019 – 2029 it was identified, recommended and supported for the Matsumoto Courts to be transferred to the Department of Education, thus removing them, and the land, from being a Council asset.

The Sport and Recreation Plan notes these courts are in a poor state and surplus to requirements and may be better utilised as car parking or at least for use as the Department of Education sees fit.

Shire officers have received confirmation from the Department of Education regarding their willingness to accept the transfer of land and asset of the Matsumoto Courts to them, from the Shire, the details of which will be subject to a separate consideration by Council.

This Agenda Item recommends Council “rehome” the *Philip Matsumoto Sports Courts* name from the current location on Peter Haynes Reserve to the recently covered and refurbished Outdoor Sports Courts at BRAC.

COMMENT

The Shire of Broome's Sport and Recreation Plan 2019 – 2029 was prepared following significant consultation and adopted by Council, as the primary informing document for Broome Sport and Recreation infrastructure, in February 2019.

The Sport and Recreation Plan provided the following commentary regarding the Philip Matsumoto Sports Courts:

The Philip Matsumoto Courts are adjacent to the Broome Senior High School and are in a poor state of repair. The Education department currently have a lease for use for school hours.

No bookings are taken for these courts and as can be seen by the participation rates and benchmarks are surplus to requirements.

Further discussions should be undertaken with the education department with a view to passing them over to them for their use as they see fit.

The final recommendations from the Shire's Sport and Recreation Plan included the transfer of the Matsumoto Courts to the Department of Education as a high priority item (2019 – 2022).

Negotiations regarding the transfer of the land and the asset of the Matsumoto Courts to the Department of Education have been undertaken and support for this arrangement received.

As the upgrades to the BRAC outdoor courts neared completion in mid-2020, a request was submitted from Broome Basketball Association Incorporated (**BBAI**) regarding the naming of the BRAC courts (refer **Attachment 1**).

The commentary in the submission from BBAI requested consideration be given to transferring the *Philip Matsumoto Sports Courts* name to the newly renovated and covered facilities at BRAC due to the Shire's intention to hand the Matsumoto Courts over to Broome Senior High School, essentially “rehome” the title for the sports courts.

Shire officers have conferred with Landgate (the State Government agency responsible for geographical naming in Western Australia) and notes the advice received from Landgate, as below –

Aligning with the Policies and standards for Geographical Naming in Western Australia Version 02:2017 under section 5.3.2 - Naming of pavilions and other structures, formal approval is not required from the Minister when the recreational reserve / location is named as a whole.

As these courts are a part of the existing location at the Broome Recreation Aquatic Centre, the higher-level approval is not required.

If Council is supportive of "rehoming" the Philip Matsumoto Sports Courts name from the current location on Peter Haynes Reserve to the recently covered and refurbished Outdoor Sports Courts at BRAC, Shire officers are required to inform Landgate of the change to ensure the name, origin and position are recorded and available for inclusion on maps to ensure the unhindered provision of emergency service responders and essential services.

In addition to the previous consultation (from 2011) leading to the choice of name for the Matsumoto Courts, and lending further support to the retention of the name for a significant sports infrastructure facility in Broome, Philip Matsumoto was recently recognised for his commitment to community by the WA Local Government Association.

As a Councillor of the Shire of Broome Council, Philip Matsumoto, was recognised for 26 years of long and loyal service to local government and community.

Councillor Matsumoto's tenure as a Broome Shire Councillor has been made up of three stints, having been first elected in 1974 and serving until 1989.

He also fulfilled the role from 1991 to 1994, before being re-elected in 2011 and continuing to represent the constituents still today.

Councillor Matsumoto has been recognised for being heavily involved in a wide range of community groups, forums and Aboriginal organisations in Broome for most of his adult life.

Shire officers have recently been advised the Minister for Sport and Recreation, Hon Mick Murray MLA, would like to formally open the newly upgraded facility on Wednesday 28 October 2020, hence the need to consider this Agenda Item at a Special Meeting of Council.

CONSULTATION

The significant amount of consultation involved in the initial choice of Philip Matsumoto as the preferred name of Shire sports courts is considered enough by Shire officers to warrant support for the continued honouring of his commitment to Broome and Broome sport.

As this is a transfer of name from one facility to another, public consultation has not been undertaken as part of this naming request.

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 3, Division 3

Section 3.54 Reserves under control of local government

- 1) *If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a board appointed under that Act to manage and control the land and for and for that purpose a reference in that section to a by-law is to be read to a local law.*
- 2) *Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.*

Policies and standards for Geographical Naming in Western Australia Version 02:2017

5.3.2 Naming of pavilions and other structures

Components of local parks or recreational reserves, for example pavilions, and other structures etc may be named in honour of living community members who have contributed towards the establishment of the particular feature or towards the community in general.

The formal approval of such components is not required when the local park or recreational reserve has already been named as a whole. However, the names shall conform to these naming policies and standards to ensure there is no duplication of names elsewhere within Western Australia. This assists in the provision of early responses from emergency service responders if the need should arise.

Landgate shall be informed of the names of such structures and facilities to ensure that the name, origin and position are recorded and available for inclusion on maps and for the unhindered provision of emergency service responders and essential services.

POLICY IMPLICATIONS

Council currently has no policy regarding the naming of Shire facilities / reserves / noteworthy assets.

It is recommended, as a component of the Report Recommendation to this Agenda Item, a Policy be prepared regarding the formal naming of Shire facilities / reserves / noteworthy assets for future Council consideration.

FINANCIAL IMPLICATIONS

Financial implications of the rehoming the name is considered minor (less than \$5,000).

A plaque to commemorate the rehoming of the *Philip Matsumoto Sports Courts* name, and signage in a prominent position adjacent to the undercover Outdoor Sports Courts, are the only foreseeable expenses resulting from the Report Recommendation.

RISK

Risk	Risk mitigation
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If the proposed rehoming of the name is approved, members of the public and / or other sporting organisations in Broome may feel significant contributors to the community / sport have been overlooked.	Shire officers believe reference to the extensive consultation process previously undertaken to name the existing Matsumoto Courts, adjacent to Broome Senior High School, is enough to mitigate this risk.
If the proposed name is approved, emergency services systems and road mapping may show incorrect naming on locations.	Shire officers are required to update Landgate with the required information following a decision made by Council.
If the proposed rehoming of the name is not approved, and the transfer of the land and asset to the Broome Senior High School occurs, there will likely be members of the public upset about the loss of a facility honouring a deserving contributor to Broome and Broome sport.	<p>Approve the rehoming of the name to the BRAC Outdoor Sports Courts, as recommended, will mitigate this.</p> <p>If not approved, Shire officers could seek Broome Senior High School support the retention of the name (although the land and asset may not continue as sport courts).</p>

STRATEGIC IMPLICATIONS

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

Accessible and safe community spaces

Participation in recreational and leisure activity

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

A preserved, historical and cultural heritage of Broome

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:

(REPORT RECOMMENDATION)

Minute No. C/1020/002

Moved: Cr C Mitchell

Seconded: Cr E Foy

That Council:

- 1. Rehome the name of Philip Matsumoto Sports Courts from the current location (located on Peter Haynes Reserve, 93 Frederick Street, Broome) to the Broome Recreation and Aquatic Centre Outdoor Sports Courts (located on 20 Cable Beach Road East, Djugun) due to:**
 - a. the proposed relinquishment of the land and assets at the current location to the Department of Education;**
 - b. the desire of Council to continue to honour Philip Matsumoto, and the decision of Council in 2011, to name significant sporting infrastructure in his name; and**

c. the Broome Recreation and Aquatic Centre Outdoor Sports Courts having been recently significantly upgraded and currently without a recognised name; and

- 2. Request the Chief Executive Officer prepare a Policy for future Council consideration regarding the formal naming of Shire facilities / reserves / noteworthy assets.***

CARRIED UNANIMOUSLY 6/0

Attachments

1. Submission from Broome Basketball Association Incorporated - Naming and official opening of facility

Casey Zepnick

From: President Broome Basketball <President@bbai.org.au>
Sent: Thursday, 6 August 2020 11:38 AM
To: Shire
Cc: Vice President Broome Basketball; Secretary Broome Basketball; Treasurer Broome Basketball; Casey Zepnick
Subject: I200806-174411 - Broome Basketball

For CEO Sam Mastrolembro

Dear Sam,

Casey has advised BBAI the outdoor courts will be handed over to the Shire on Wed 26 August, and to that end we have pushed our junior comp back to start Thursday 27 August. This will make us the first sporting group to make use of the new facility and we would like to do some media around that and also promote for parents (and Seniors) to come down to the courts that night.

Further to the excitement of the new facility, I understand that the current Phillip Matsumoto Courts are to be handed over to the High School. I would like to suggest that the new outdoor stadium be name after Uncle Phillip and that we incorporate the official opening of the facility with the BBAI Carnival in October. Krissie has been doing some work on the program schedule and we will propose to Shire with endorsement from the committee a final program, but in the meantime if you can consider this draft proposal and provide any feedback:

Draft Program

- Monday 5 October – Bump In
- Tuesday 6 October – Junior Program
- Wednesday 7 October – Junior Program
- Thursday 8 October – Rest Day
- Friday 9 October – 2.30pm Captains Meeting
 - Welcome to Country – Yawuru
 - First Round Basketball Games
- Saturday 10 October – 7.30am – 5.30pm - Basketball continues
 - Official Opening and naming of Phillip Matsumoto Stadium
 - Legends Documentary on the Big Screen
 - Pigram Brothers – band and food vans
- Sunday 11 October - Finals

Look forward to your response.

Kind regards

Eunice
President BBAI

6.2 OUR PLACE

There are no reports in this section.

6.3 OUR PROSPERITY

There are no reports in this section.

6.4 OUR ORGANISATION

There are no reports in this section.

7. REPORTS OF COMMITTEES

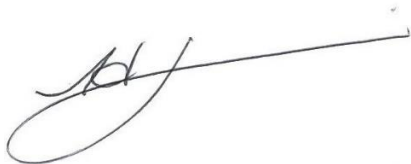
There are no reports in this section.

8. MATTERS BEHIND CLOSED DOORS**9. MEETING CLOSURE**

There being no further business the Chairperson declared the meeting closed at 5.15pm.

These minutes were confirmed at a meeting held Thursday 29 October 2020,
and signed below by the Presiding Person, at the meeting in which these minutes were
confirmed.

Signed:

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a long horizontal stroke.