



MISSION AND VALUES OF COUNCIL

"A Sustainable Community that is inclusive, attractive, healthy and pleasant to live in, that uses our land so as to preserve our history and environment, respects the rights and equality of our citizens and manages our future growth wisely."

AGENDA

FOR THE
ORDINARY MEETING OF COUNCIL

12 JULY 2012

OUR MISSION

"To provide a quality range of affordable and sustainable services to our community with a strong commitment to customer focus so that our citizens and visitors enjoy a quality lifestyle."

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

Integrity

Transparency

Courtesy

DISCLAIMER

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

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

SHIRE OF BROOME
ORDINARY COUNCIL MEETING

12 July 2012

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NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday 12 July 2012, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards



K R DONOHOE
Chief Executive Officer

4 July 2012

1. OFFICIAL OPENING

2. ATTENDANCE AND APOLOGIES

Attendance

Leave of Absence

Apologies

Officers

Public Gallery

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page No	Item	Nature of Interest

4. PUBLIC QUESTION TIME

5. CONFIRMATION OF MINUTES

Moved: *Seconded:*

That the Minutes of the Ordinary Meeting of Council held on 14 June 2012 be confirmed as a true and accurate record of that meeting; and

That the Minutes of the Special Meeting of Council, held on 28 June 2012 be confirmed as a true and accurate record of that meeting.

FOR:
AGAINST:

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

7. PETITIONS

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9.2.1 CONTRACT 12/07 WASTE AND RECYCLABLES KERBSIDE COLLECTION

12.1 APPOINTMENT OF DIRECTOR OF CORPORATE AND COMMUNITY SERVICES

9.

**REPORTS
OF
OFFICERS**

9.1

OUR PEOPLE



PRIORITY STATEMENT

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

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

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

9.1.1 RV SPORT PTY LTD - CABLE BEACH INVITATIONAL EVENT

LOCATION/ADDRESS:	Cable Beach Car Park Reserve (between Zander's Restaurant and the Cable Beach Club Resort and Spa), Cable Beach Road West
APPLICANT:	RV Sport Pty Ltd
FILE:	REE29
AUTHOR:	Event Co-ordinator
CONTRIBUTOR/S	N/A
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	22 June 2012

SUMMARY: Following the staging last year of the Cable Beach Invitational basketball event in Broome, RV Sport Pty Ltd has submitted an application seeking to stage the event again this year from Friday 21 September through to Sunday 23 September. RV Sport Pty Ltd is also seeking to stage the event for a further three years.

This report recommends the Shire of Broome approve the 2012 event and following this year's (2012) tournament evaluation enter into a one (1) year Memorandum of Understanding with RV Sport Pty Ltd, with a two (2) year option.

BACKGROUNDPrevious Considerations

SMC 13 July 2011

Item 9.3.4

At the Special Meeting of Council held on 13 July 2011, Council resolved:

That Council delegates authority to the Chief Executive Officer to approve the staging of RV Sport Pty Ltd's international basketball tournament (Cable Beach Invitational) to be held at Cable Beach on 30 September and 1 October, subject to:

1. *Satisfactory completion of a detailed event application, all regulatory compliances.*
2. *Adequate advertising of the closure to the Cable Beach access ramp as required by the Shire of Broome.*
3. *Certificate of Currency for Public liability \$20,000,000 minimum, listing the Shire of Broome as an interested party.*
4. *Adequate signage and appropriate community liaison and advice.*

Following this year's (2011) tournament evaluation, the Chief Executive Officer to consider the development of a four (4) year Memorandum of Understanding to support the future proposed schedule of this event.

The staging of the first Cable Beach Invitational event in 2011 at the Cable Beach car park reserve was an extraordinary achievement by the event organisers, RV Sport Pty Ltd. For the Shire of Broome, this event has significant potential to assist with the promotion of the

north-western region of Western Australia, as RV Sport Pty Ltd stated in its Final Event Report for 2011. (Attachment A)

Plus, in the lead-up to the event, it provided an opportunity for spectators to see international basketball players in action, local sporting coaches to learn from coaching clinics, and school-aged players were involved with the primary and secondary tournaments.

RV Sport Pty Ltd has submitted an event application to again hold the Cable Beach Invitational basketball event at the Cable Beach car park reserve at the northern end of Cable Beach West Road between the Cable Beach Resort and Zanders Restaurant.

This year's international basketball teams' event is proposed to be held from 21 to 23 September, adding one more playing day than for the 2011 event. The teams expected to play in the 2012 event include returning teams the Perth Wildcats, Shanghai Sharks, Singapore Slingers and new team, Beijing Ducks.

An outdoor arena, seating approximately 1500 persons, is proposed to be constructed again at the Cable Beach car park reserve ten (10) days prior (commencing 11 September) to the dates of the tournament's three (3) game days, 21 to 23 September. This will restrict parking and movement of traffic in the car park and also to the Cable Beach access ramp. All construction work will be performed between the hours of 0900 – 1700 to minimise the impact of noise and businesses in the area. RV Sport Pty Ltd is requesting that the Cable Beach access ramp be closed for the game days: 21, 22 and 23 September. The pack-down stages of the event will be completed by 26 September.

Comprehensive, updated Risk and Emergency Management and Traffic Management Plans will be requested by Shire officers to ensure the safety of the public and that adequate traffic flow is maintained in the set-up and pack-down stages of this event.

RV Sport Pty Ltd will be liaising with primary and secondary high schools and also the Broome Basketball Association, to conduct a children/youth lead-up tournament as well as player coaching clinics. These events are planned to occur at the Police and Citizens Youth Club (PCYC) and the Broome Recreation and Aquatic Centre (BRAC).

COMMENT

RV Sport Pty Ltd is seeking approval to stage an International basketball tournament on Friday 21 September, Saturday 22 September and Sunday 23 September. The proponent requests the event to be again staged at the Cable Beach car park reserve, specifically the northern end of Cable Beach West Road between the Cable Beach Club Resort and Spa and Zanders Restaurant.

The event organiser has provided an event application for the proposed 2012 event and will update the Risk and Emergency Plan, and the Traffic Management Plan, for Shire approval.

China's international basketball star, Yao Ming, will be returning to Broome again this year. His presence is a separate event in itself and increases the spotlight on this event significantly.

RV Sport will be televising the tournament through Shanghai Media Group in China, and Star Hub through Singapore and Southeast Asia. This region is identified as a growth

market for Western Australian Tourism and the Broome economy will benefit from promotion in this market.

Additionally, this event will bring elite sports performers to Broome, with the local community benefiting through watching high performance sport and children/youth being involved in player coaching clinics and a lead-up tournament.

This event had support from the state government last year through Tourism WA and support is in place to continue over the next four years.

Environment

Following the preparation and usage of the Cable Beach Car Park Reserve for the 2011 event, it's not envisaged there will be any environmental impact at this location for this year's event.

Resourcing and Costs

RV Sport Pty Ltd will be liaising with contractors in Broome to ensure the required works to the Cable Beach car park will be sourced locally where applicable. All onsite or offsite works carried out by the Shire of Broome will be charged to RV Sport Pty Ltd accordingly, as per the agreed contract.

Shire of Broome to seek a Director's Guarantee that all costs associated with the event will be honoured by RV Sport Pty Ltd.

Road Access / Ramp Closures

RV Sport Pty Ltd has requested the Cable Beach access ramp to be closed for a three (3) day period; inclusive Friday 21 September, Saturday 22 September and Sunday 23 September (game days). This would mean that the Cable Beach access ramp would be closed for four (4) days within a two (2) week period, due to the closing ceremony of Shinju Matsuri Festival.

Camel operators will still be able to lead their camel trains down the access ramp onto Cable Beach. An Off Road Permit will be required from the Minister for Local Government to gain vehicle access via the Surf Club ramp during these dates. Shire of Broome Events Coordinator will liaise and assist with this process.

RV Sport Pty Ltd will be responsible to ensure that adequate notification to the public is undertaken in relation to car park and ramp closures. The updated accredited Traffic Management Plan will need to be submitted and approved by internal staff according to Shire of Broome requirements.

Risk and Emergency Management Plans

The updated Risk and Emergency Management Plans will need to comply with Shire of Broome requirements.

CONSULTATION

RV Sport Pty Ltd
Tourism WA (Eventscorp)
Cable Beach Resort and Spa
Broome Basketball Association Inc
Zanders Restaurant
Red Sun Camels
Ships of the Desert
Broome Camel Safaris

STATUTORY ENVIRONMENT*Shire of Broome Local Government Property and Public Places Local Law 2003**Definitions and Interpretations*

- 1.6 (1) *In this local law, unless the context otherwise requires: "function" means an event or activity characterised by any or all of the following:*
- (a) formal organisation and preparation;*
 - (b) its occurrence is generally advertised or notified in writing to particular persons;*
 - (c) it is organised by or on behalf of a club;*
 - (d) payment of a fee is required for attendance; and*
 - (e) there is systematic recurrence in relation to the day, time and place;*
- 3.1 (1) *Where a person is required to obtain an approval from the local government under this local law, that person shall:*
- (a) not do the thing for which the approval is required without first obtaining the approval; and*
 - (b) apply for the approval in accordance with subclause (2).*
- (2) *An applicant shall make an application for an approval by completing the form provided for the purpose by the local government, paying the application fee to the local government and forwarding the application to the local government.*
- (3) *The signature of the applicant on the form under subclause (2) shall be deemed to be proof that the applicant has:*
- (a) read and understood any conditions printed on the application form; and*
 - (b) accepted and agreed to comply with any conditions printed on the application form.*

Determination of application

- 3.2 (1) *The local government may, in respect of an application for an approval:*
- (a) refuse the application; or*
 - (b) approve the application on such terms and conditions, if any, as it considers fit.*
- (2) *Without limiting the generality of subclause (1)(b), the local government may impose conditions requiring the payment of a fee for the issue of the form of approval referred to in subclause (3) and for the renewal of the approval, including the payment of a renewal fee.*
- (3) *If the local government approves an application under subclause (1)(b), then it is to issue to the applicant an approval in the form determined by the local government.*

Conditions of approval

- 3.3 (1) *Where an application for an approval has been approved subject to conditions, the approval holder shall comply with each of those conditions.*
- (2) *The local government may vary the conditions of an approval and the approval holder shall comply with those conditions as varied.*

Division 2 - Matters relating to approvals

Term and validity of approval

- 3.4 *An approval remains valid until:*
- (a) *the expiration date and time stated in the approval is reached;*
 - (b) *the activity or function for which the approval was issued is changed to the extent that it is no longer consistent with the original purpose or intent for which the approval was given;*
 - (c) *the approval is cancelled by the local government under clause 3.5; or*
 - (d) *the public liability or indemnity insurance required as a condition of an approval lapses, is cancelled or is no longer current. Cancellation of approval*
- 3.5 (1) *The local government may cancel an approval if:*
- (a) *anything purporting to be done in accordance with the approval is not done in conformity with the conditions of the approval;*
 - (b) *the approval holder is convicted of an offence against this local law; or*
 - (c) *the approval holder fails to comply with a notice given under clause 12.1 in relation to a breach of the approval or a condition of the approval.*
- (2) *Notwithstanding subclause (1), where an approval relates to the hiring of local government property, the local government may cancel the approval at any time.*
- (3) *Where the local government cancels an approval for the hire of local government property under subclause (2), then the local government shall not be liable to the approval holder for any loss or damage sustained by the approval holder arising from the cancellation.*

Fees

- 3.6 (1) *All fees applicable under this local law shall be as determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.*
- (2) *In the event of the cancellation of an approval, a refund of any fees paid by the approval holder may be made by the local government.*

*Part 4 - Activities Which Are Restricted Or Prohibited On Local Government Property and Public Places**Division 1 - Activities only permitted under an approval or by a sign**Activities requiring an approval*

- 4.1 (1) *A person shall not on any local government property or public place within the Broome town site area, without first having obtained an approval from the local government to do so:*
- (a) *consume any liquor;*
 - (b) *erect a structure for public amusement or for any performance for personal gain or otherwise;*
 - (c) *conduct any function;*
 - (d) *light or set off any fireworks or conduct a fireworks display;*
 - (e) *light any fire except in a facility provided for that purpose;*
 - (f) *erect any tent, camp, hut, building or other structure, other than a beach umbrella or other portable item used for*

- protection from the elements between sunrise and sunset on any day;
- (g) coach, teach, instruct or train any person for a fee;
 - (h) charge a person for entry to local government property;
 - (i) operate any broadcasting or public address system or apparatus, other than those used by a life saving club in the performance of its functions;
 - (j) erect any sign;
 - (k) walk, lead, ride, herd or drive any large animal;
 - (l) play or use any musical instrument or any other similar device;
 - (m) pursue a use on local government property set aside for that purpose under clause 5.1 where the local government has specified under clause 5.1(3)(g) that the use is to be pursued under an approval.

Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003

Definitions and Interpretations

1.6 In this local law unless the context requires otherwise:

"trading" includes:

- (a) the selling or hiring or, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of:
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for their sale or hire; or
 - (iv) carrying out any other transaction in relation to them; and
- (c) the going from place to place, whether or not public places, and:
 - (i) offering goods or services for sale or hire; or
 - (ii) inviting offers or soliciting orders for the sale or hire of goods or services,

but does not include:

- (d) the delivery of pre ordered goods or services to the purchaser of those goods or services, or to the person nominated by the purchaser of those goods or services to accept delivery, whether or not payment for those goods or services is made on delivery;

Environmental Protection Act 1986

50B *Causing material environmental harm*

- (1) A person who intentionally or with criminal negligence —
 - (a) causes material environmental harm; or
 - (b) allows material environmental harm to be caused, commits an offence.
- (2) A person who —
 - (a) causes material environmental harm; or
 - (b) allows material environmental harm to be cause, commits an offence.
- (3) A person charged with committing an offence against subsection (1) may be convicted of an offence against subsection (2) which is established by the evidence.

51B *Declaration of environmentally sensitive areas*

- (1) *The Minister may, by notice, declare —*
 - (a) *an area of the State specified in the notice; or*
 - (b) *an area of the State of a class specified in the notice, to be an environmentally sensitive area for the purposes of this Division.*

Liquor Control Act 1988

30A *Licensing authority may grant licences to sell liquor*

- (1) *The licensing authority may grant licences in accordance with this Act.*

59 *Occasional licences*

- (1) *An occasional licence authorises the licensee to sell, or the supply or consumption of, liquor —*
 - (a) *at such times, and on such occasion or during such period not exceeding 3 weeks, as may be specified;*
 - (b) *at such places, and within such designated area, as may be specified; and*
 - (c) *subject to such terms or conditions as may be specified.*

An occasional licence may be granted in relation to a festival or other event authorising the organiser and specified persons participating in or associated with that festival or event to sell liquor, or liquor of a specified description, during such period or on such occasions as may be specified.

POLICY IMPLICATIONS

There are two Shire of Broome policies which should be considered in reviewing this proposal.

2.3.4 – Parks and Reserves -Venue Hire Charges & Conditions

“Any exclusive use of the Cable Beach intertidal areas requires separate approval of the Shire under Local Government Property and Public Places Local Law and the Events on Local Government Property Policy”

The use of a licensed area will necessitate approval of an exclusive use under this policy.

5.1.7 – Events Held on Local Government Property and Public Places

‘Sporting Carnivals’ are approved for Cable Beach under the Draft Events Policy. The proposed activity would be considered to be a ‘sporting carnival’ under this policy

FINANCIAL IMPLICATIONS

RV Sports approached the Shire of Broome requesting financial assistance of \$25,000 towards marketing and promotion of the event. The Shire has recommended that RV Sports consults Australia’s North West Tourism for this support as it is their area of expertise and a Shire funded business.

STRATEGIC IMPLICATIONS

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

Encourage communication.

Identify affordable services and initiatives to satisfy community needs.

Create community spaces.

Encourage recreational activity.

Facilitate a safe environment.

Nurture and build social capital to increase community capacity.

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

Nurture and protect our unique natural environment for the benefit and enjoyment of current and future generations.

Retain and build on Broome’s iconic tourism assets and reputation.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Work with agencies and others to ensure affordable and equitable services and infrastructure.

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

Develop an organisational culture that strives for service excellence.

Encourage community engagement.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council;

- 1) Delegates authority to the Chief Executive Officer to approve the staging of the Cable Beach Invitational event to be held at Cable Beach car park reserve on 21, 22 and 23 September 2012, subject to:
 - a) Satisfactory completion by RV Sport Pty Ltd of the requirements of a full detailed event application including all regulatory compliances;
 - b) RV Sport Pty Ltd holding a Certificate of Currency for Public liability \$20,000,000 minimum, which indemnifies the Shire of Broome;
 - c) Works required for the construction and deconstruction of the court and grandstand are completed between the hours of 0900 – 1700 to minimise the aesthetic impact on the Cable Beach precinct;
 - d) RV Sport Pty Ltd providing a \$5,000 bond to be held in trust commencing from the duration of each annual event's set-up stage until the completion of the pack-down stage. Access to the bond by the Shire of Broome is to be outlined within the terms of the contract;
 - e) Adequate signage and appropriate community liaison and advice as required by the Shire of Broome;
 - f) Adequate advertising of the closure to the Cable Beach access ramp as required by the Shire of Broome;
 - g) Any utilities and consumption costs directly required for the event is the responsibility of RV Sport Pty Ltd;
 - h) RV Sport Pty Ltd sign a Directors Guarantee that all costs associated with the event will be honoured.

- 2). Following this year's (2012) tournament evaluation, delegates authority to the Chief Executive Officer to consider the development of a Memorandum of Understanding for one (1) year with a two (2) year option to support the future proposed schedule of this event from 2013.

Moved:

Seconded:

FOR:

AGAINST:

(Absolute Majority Required)

Attachments: [6 pages](#)

9.1.2 COMMUNITY ENGAGEMENT FRAMEWORK

LOCATION/ADDRESS:	Broome Shire
APPLICANT:	N/A
FILE:	COM08
AUTHOR:	Community Projects Officer
CONTRIBUTOR/S	Manager Community Development
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	25 June 2012

SUMMARY: Council has identified in its Strategic Plan the need to prepare a community engagement strategy. Officers have commenced research and recommend that a working group consisting of councillors and staff, be established to prepare a draft framework for Council's consideration.

BACKGROUND

The Shire's Strategic Plan identified the need to develop an external Community Consultation Framework. In addition, the Shire's Communication Strategy lists consultation as one of its main pillars and recommends that a separate community consultation strategy be developed.

COMMENT

In order to maximise successful engagement with the community, there needs to exist an objective and transparent method to determine the appropriate level of community engagement for the Shire's various projects, services and events. This requires adequate processes and resources to ensure that the correct engagement tools are used so that the community can contribute effectively.

"Community Engagement is about the processes through which the community and other interested parties are informed about and/or invited to contribute, through consultation or involvement, to proposals or policy changes relating to Council services, events, strategic plans, issues, projects and the like." (Adapted from the Mosman Council Community Engagement Strategy.)

Community engagement is increasingly acknowledged as a valuable process, not only for ensuring communities can participate in decisions that affect them and at a level that meets their expectations, but also to improve the relationship between communities and governments.

The International Association for Public Participation (IAP2) model identifies and defines various levels of community engagement and that terminology is proposed to be adopted by the Shire as follows:

Inform	One way communications providing balanced and objective information to assist understanding about something that is going to happen or has happened.
Consult	Two way communication designed to obtain public feedback about ideas on rationale, alternatives, and proposals to inform decision making.
Involve	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision making
Collaborate	Working together to develop understanding of all issues and interests to work out alternative and identify preferred solutions.

It should be noted that the IAP2 Spectrum continues to also include "empower" as a level of community engagement whereby final decision making is in the hands of the public.

However the terms "empower" and "empowering communities" are often used by local and other governments when referring to community development and community capacity building initiatives. That is, "empower" is at an operational level rather than a decision making level, as many councils engage with local communities in this way. Therefore the Shire could use the definition of "empower" as:

Empower	Providing opportunities and resources for communities to contribute to solutions by valuing local talents and skills and acknowledging their capacity to be decision makers in their own lives.
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Government agencies, practitioners and much of the literature are increasingly replacing the term 'community consultation' with 'community engagement'. Whilst consultation has been used as a general term to describe how Councils approach the community about decisions that affect them, the general use of "consultation" has sometimes created unrealistic expectations and confusion within communities. The intent of the "consultation" is quite often unclear and not well articulated.

As can be seen from the table above, 'engagement' does not replace the term 'consultation'; it identifies 'consultation' as only one of the levels of engagement.

There is general consensus on the various stages of engagement and the appropriate tools to use at each level, however there are significantly different approaches to deciding the appropriate level of engagement and the mechanisms for reaching such decisions.

Officers have done some initial work on establishing a framework for engagement and researched what is used in other local governments, as well as by State governments and the private sector.

Some Local Governments use a matrix similar to the risk analysis matrix, where projects are analysed in terms of likelihood and consequence to determine the appropriate level of engagement. Others use analysis of individual stakeholders to determine the level of engagement for a particular project.

There are also examples where a matrix is used to identify different levels of impact that would require certain types of engagement, and it is up to officers to determine the most appropriate engagement approaches. A selection of these frameworks has been attached for Council's reference.

As the elected members of the Shire of Broome community, Councillors have a role to be a conduit between the community and the Council. Therefore having councillors involved in the development of the framework is crucial to its success.

The risk of not developing an objective framework for community consultation is that the Shire will continue to consult the community on its projects in an ad hoc manner, with the level of engagement determined subjectively and often not at the commencement of a project.

This approach puts the Shire at increased risk of not gaining community support for key projects and having project outcomes with which the community is dissatisfied. It raises the possibility of Council not being aligned with the intentions of the community it serves.

Officers propose that a working group be formed to prepare a draft Community Engagement Framework for consideration by Council.

Once the endorsed framework and matrix is launched, commencing with key projects, by way of an initial trial and following evaluation of the initial launch, the Shire will look to roll it out to all Shire projects/ initiatives.

It is anticipated that the cost of community engagement activities will be factored into individual project costs.

STRATEGIC IMPLICATIONS

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

Encourage communication.

Identify affordable services and initiatives to satisfy community needs.

Create community spaces.

Encourage recreational activity.

Facilitate a safe environment.

Nurture and build social capital to increase community capacity.

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

Engage with local community by presenting realistic and sustainable land use strategies for the Shire within the state and national frameworks.

Ensure that our planning processes result in a built environment that reflects arid tropical climate design principles and historical built form.

Nurture and protect our unique natural environment for the benefit and enjoyment of current and future generations.

Preserve and promote the unique and significant historical and cultural heritage of Broome.

Retain and build on Broome's iconic tourism assets and reputation.

Implement best practice asset management plans to optimise Shires' infrastructure whilst minimising life cycle costs.

As required under the Commonwealth Government's Bi-lateral Agreement, Council is able to mobilise resources to deliver municipal services to Indigenous communities that are compliant, effective and within Council's capacity.

Our Prosperity Goal - Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Work with agencies and others to ensure affordable and equitable services and infrastructure.

Encourage the provision of affordable land for residential, industrial, commercial and community use.

Implement key economic development strategies for the Shire which are aligned to regional outcomes working through recognised planning and development groups/committees.

Our Organisation Goal - Continually enhance the Shire's organisational capacity to service the needs of a growing community:

Develop an organisational culture that strives for service excellence.

Review and analyse strategic and operational plans.

Manage resource allocation.

Encourage community engagement.

Manage staff attraction and retention.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council;

- 1). *Endorses the formation of a working group, comprising councillors and staff, to develop for Council's consideration a Community Engagement Framework that provides a structure for deciding the appropriate level of community engagement and the processes and resources required.*

- 2). *Appoints Cr..... and Cr, together with relevant Shire officers, as determined by the Chief Executive Officer, as members of the working group.*

Moved:

Seconded:

FOR:

AGAINST:

Attachment: [78 pages](#)

9.1.3 REQUEST TO ENDORSE THE PROPOSED PROGRAMME AND COSTS FOR THE OPENING OF THE BROOME MULTIPURPOSE ARTS AND COMMUNITY VENUE - OCTOBER 12 TO OCTOBER 27, 2012

LOCATION/ADDRESS:	Broome Multipurpose Arts and Community Venue
APPLICANT:	NA
FILE:	NA
AUTHOR:	Arts and Venue Coordinator
CONTRIBUTOR/S	Manager Community Development, Events Coordinator
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 June 2012

SUMMARY: The Broome Multipurpose Arts and Community Venue (BMACV), the Shire's second largest asset will be ready to open in October this year. This report requests Council consider the opening program for the event and associated financial implications. The report also recommends Council endorse undertaking a naming competition of the venue in the lead up to its opening.

BACKGROUND

Practical completion of the Broome Multi-Purpose, Arts and Community Venue (BMACV) is expected to occur mid-late September. To allow for enough lead time and minor building completion issues it is proposed that the opening period runs over 15 days from Friday 12 October to Friday 27 October.

Previous Considerations

Nil.

COMMENT

There are two issues for Council to consider in the lead up to the opening of the facility, namely what the opening event will comprise and how much Council wishes to provide for funding for the opening and secondly what the facility will be called.

In respect to the opening it is proposed the opening comprise the following elements:

- **Pre-testing Friday 12 October - Friday 19 October.** This would provide potential users with the ability to test lights, sound and stage systems and provide any feedback prior to the opening and use. It is anticipated that participating groups and individuals may include bands, singers, historical groups, dance groups, choirs, poets, visual and performing artists. It is proposed that participation by performers and audiences during this week would be free of charge.
- **Community Celebration Saturday 20 October 9am - 6pm** The Open Day Celebration is also proposed to be a free event. The aim is to showcase a range of local talents in a festive Open Day Programme presenting the diverse capacity and uses of the venue along with elements of Broome's and the venue's history.
- **Official Opening Sunday 21 October 3.30 - 6pm** An official opening attended by invited guests including funding participants, dignitaries and stakeholders is proposed for Sunday 21 October from 3.30 - 6pm. This event is anticipated to include a half hour dramatic performance introduction to the uses of the venue,

followed by theatre style seating of guests for appropriate speeches, finishing with Garden Theatre entertainment items, drinks and refreshments.

- **Inaugural performance season Tuesday – Saturday 23-26 October** The success of the launch programme could be further enhanced with a follow up performance to after the official community opening. This would provide an opportunity to showcase the venue hosting a production, concert or similar. The Theatre Kimberley production of “Staircase to the Moon” is a production that will be available within the programme time frame however, there may be other Broome presenters with an appropriate product. It is proposed that the working group investigate available options and that the fees for hire are waived during the opening programme.

The ‘Broome Multipurpose Arts and Community Venue’ title was adopted initially to ensure that the public understood the venue to be a multi-use venue and NOT a specific performing arts centre.

The title Broome Multi-Purpose, Arts & Community Venue (BMACV) is not as user friendly and easy to pronounce as other potential names. The name also needs to contribute to the ownership and use of the facility. The Department for Culture and the Arts has confirmed that it does NOT require the new venue to be named as such. Therefore it is proposed that a community competition be held in the lead up to the venue opening event to provide a more accessible name that reflects the Broome community and promotes community ownership. The name would then be announced as part of the opening programme.

CONSULTATION

Councillors
Community members
Department of Culture and Arts

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The table below outlines start up costs and ongoing costs involved in a service project:

Service:

BMACV Opening Event	Initial Cost	Lifecycle Cost (Annual)	Remarks
Start Up costs			
Budget Impact	\$ 7,000		
One-off costs for BMAC	\$ 8,000		Technician – 15 days
Venue opening	\$2,000		Catering – official opening
			Performance fees – official opening
			Interpretative
	\$5,000		material and displays
	\$6,000		Marketing and Promotions
	\$2,000		Contingency
Loan Interest			
Operational (Annual)			
Less Additional Revenue (Annual)			
TOTAL	\$30,000		

The table below outlines funding sources for the capital and lifecycle costs.

Funding Source: BMACV Opening Event

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant					
Reserve					
Budget		\$30,000			
TOTAL		\$30,000			

It is also proposed that the venue hire fees which would have been income received by Council during the 15 days of the opening program will be waived. This totals approximately \$18,000 of income which will not be received if the venue was being hired by an external organisation.

STRATEGIC IMPLICATIONS

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

Encourage communication.

Identify affordable services and initiatives to satisfy community needs.

Create community spaces.

Encourage recreational activity.

Facilitate a safe environment.

Nurture and build social capital to increase community capacity.

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

Preserve and promote the unique and significant historical and cultural heritage of Broome.

Retain and build on Broome’s iconic tourism assets and reputation.

Implement best practice asset management plans to optimise Shires’ infrastructure whilst minimising life cycle costs.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Work with agencies and others to ensure affordable and equitable services and infrastructure.

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

Encourage community engagement.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council:

- 1). Endorses the opening event structure comprising the following elements:
 - a). Pre-testing Friday 12 October - Friday 19 October;
 - b). Community Celebration Saturday 20 October;
 - c). Official Opening Sunday 21 October; and
 - d). Inaugural performance season Tuesday – Saturday 23-26 October.

- 2). Agrees to the formation of a Working Group to provide input to ensure community ownership of the BMAVC opening programme made up of;
 - a). Councillors _____, _____ and _____
 - b). Community Members
 Pearl Hamaguchi – local community member
 Elaine Rabbitt- Broome Historical Museum
 Kira Fong (Goolarri Media Enterprises, Kimberley Girl)
 Vicki Thompson (St Mary’s College – Dance)
 Rani Middleton (St Mary’s College – Theatre)
 Cauline Masuda – local community member
 Gwen Knox – local arts representative (Theatre Kimberley)
 Chris Maher (Kimberley Performing Arts Council)
 Jillian Philp (Shinju Matsuri Festival)
 Dalisa Pigram-Ross (Marrugeku)
 - c). Shire Officers as approved by the Chief Executive Officer.

- 3). Agrees to waive all venue hire fees applicable to presenters, displays and performances during the 15 day opening programme.

- 4). Considers an allocation of \$30,000 in the 2012/13 budget for the opening of the BMAVC.

- 5). Endorses implementing a community competition and associated media campaign to name the venue.

Moved:

Seconded:

FOR:

AGAINST:

Attachment: Nil.

9.1.4 REGIONAL MODEL CHANGES

LOCATION/ADDRESS:	Shire of Broome Library
APPLICANT:	N/A
FILE:	OGS70
AUTHOR:	Manager Library Services
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	1 June 2012

SUMMARY: A review of the Regional Library Model was undertaken in 2010. Implementation of the recommendations is underway and will have ramifications for the Shire and services to the community. This report outlines the implications of this model on Broome and the Kimberley and recommends Council endorse the Activity Plan to achieve ongoing funding for Library Services.

BACKGROUND

The Shire of Broome has been the regional library for the Kimberley since January 1990. A 2007 report on strategic reform of the West Australian Public Library system, recommended that the regional model be reviewed. During 2010 a consultant was appointed and feedback was sought from stakeholders. The final report was released in December 2010 with eleven recommendations.

Implementation requires that the host library prepare an activity plan. This is done in consultation with other Local Governments in the region and needs to be signed off by all parties before submission to the State Library as a funding application. As an exercise libraries submitted draft plans for assessment in 2011. Broome's assessment shows that there may be a seven thousand dollar short fall in the State Library grant for regional services next year.

Some of the other changes in the Regional Model have seen:-

- Responsibility for stock selection for Halls Creek taken over by the State Library;
- Regional visits to Halls Creek are reduced to every second year;
- The subsidy for visits to the State Library has been cut from 11 a year to 4. This will mean that Broome will only receive 4 used exchanges per year instead of 11 resulting a drop in turnover of stock and the existing collection becoming stale; and
- As Selecting Libraries the Shires of Derby and Wyndham have had their travel subsidies removed. This will result in a complete loss of exchange services unless their subsidy is accepted as a non-core service in the activity plan.

COMMENT

The Shire of Broome has been the Regional Library since 1990. The State Library provided a subsidy to support the work of the Regional Library and the Regional Librarian had a range of responsibilities (See attachment 1).

One of these responsibilities saw the Manager of Library Services or their representative visiting Perth eleven times each year. During these visits professional staff represented the Region in Library forums and working groups at a state level, selecting stock and attending professional development and training sessions. Within the region general support was

provided to Local Governments without professional staff. This included choosing used exchanges, visiting all libraries on an annual basis and conducting training and conducting an annual meeting.

Changes to the model have resulted in reduced responsibilities and possibly a reduced subsidy. This Subsidy is currently \$24,000 and the subsidy in the 2012/13 financial year will be approximately \$17,000. This will be determined by an Activity Plan that needs to be signed by all participating Local Governments prior to assessment.

- If the Shire of Broome accepts the premiss of the new regional model, as shown in the activity plan, that it is only necessary to have four visits to Perth each year and that these visits should only be of two days duration, then the following issues will impact the community:-
 1. Reduced turnover of stock: our current funding for new stock is based on a monthly exchange that in the past 12 months has seen 1676 items exchanged. This equates to over \$32,000 worth of resources. If we only chose an exchange on a quarterly basis we could expect to receive 609 items worth \$10,860. (These figures are broken down by the average cost of different types of stock)
 2. Some might argue that we could choose more on each visit but the choice is limited to what is on the distribution shelves at the time and the quality of the materials. If all selecting country libraries are visiting at the same time and all choosing exchanges the real number of available items will be very limited.
 3. Reduced involvement in and influence on state decision making.
 4. Reduced professional development and skill levels
 5. Reduction in ability to retain and recruit for professional positions
 6. Increased isolation

Alternatively the Shire can choose to accept the reduced subsidy and continue the practice of using the subsidy to cover travel costs for eleven visits per year. In this way since 1990 Broome has absorbed the cost of supporting other Local Governments in the region. Most years some part of the subsidy has been unspent and rolled into general revenue at the end of the financial year.

For the 2011/12 the subsidy was \$24,000 and the expenditure will be just under \$20,000.

The State Library has stated that "there is no compulsion for a regional LGA to commit to the model, but they would not be entitled to State Library funding for regional activities if they chose to opt out." There has been no financial direction given in the event that the Shire of Broome agrees to participate and other Kimberley Libraries opt out. The Shire of Derby West Kimberley has already signed the activity plan and the Shire of Halls Creek is expected to sign in the next weeks. The Shire of Wyndham East Kimberley has been kept abreast of developments and had input into the plan but has not commented on their timeline for commitment.

Some Local Governments are refusing to participate in the Activity Plan process. This may be because they are part of a region that has a lot of small Local Governments. Each of those Local Governments may have multiple libraries with unskilled staff. This would therefore create a much greater call on their regional Library for support. These libraries don't see a financial incentive to commit to the new Regional Model. Other libraries, particularly in the south west have professional staff and low costs for visits to Perth. These

libraries are proposing to opt out of the Activity Plan but continue their visits to Perth without the subsidy.

All Kimberley Libraries currently have professional staff. Halls Creek has an Archivist who has oversight of the library so the call on our day to day support is minimal this year. Some years there has been much more reliance on our professional support. It all depends on the ability to recruit and retain professional staff in the region.

My recommendation is that we commit to the plan this year and maintain our current work practices and review the situation in line with the production of the 2013/14 activity plan.

CONSULTATION

Library Manager for the Shire of Derby West Kimberley

Library Manager for the Shire of Wyndham East Kimberley

Records Manger for the Shire of Hall's Creek

West Australian Local Government Association: Policy Manager Community - Jodie Holbrook

State Library of Western Australia : Acting Director of Client Services - Sarah McQuade

State Library of Western Australia : Project Manager Structural Reform – Janet Deegan

State Library of Western Australia : Library Liaison – John Geijsman

STATUTORY ENVIRONMENT

Library Board Act

Framework Agreement

Local Level Agreement

Regional Agreement

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Additional cost to the Shire of Broome 2012/13 \$4,576

The table below outlines start up costs and ongoing costs involved in a service project:

Service:

<i>Regional Library</i>	Initial Cost	Lifecycle Cost (Annual)	Remarks
Start Up costs			
	\$4,576		Determined by activities planned on an annual basis
Budget Impact			
Loan Interest			
Operational (Annual)	\$22,216		
Less Additional Revenue (Annual)	\$17640		
TOTAL	\$4,576		
Operational Costs – Labour, IT requirements etc. Start Up costs – New position, Office space.			

The table below outlines funding sources for the capital and lifecycle costs.

Funding Source: *Regional Library*

Funding Type	Capital Start Expense or Up	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant		\$17,640		SLWA-Regional Library	115380
Reserve					
Budget		\$4,576			115286
TOTAL		\$22,216			
*Cost Type – Asset: New, Upgrade, Renewal, Maintenance, Operating. Service: Start up and Operating					

STRATEGIC IMPLICATIONS

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

Encourage communication.

Identify affordable services and initiatives to satisfy community needs.

Create community spaces.

Encourage recreational activity.

Facilitate a safe environment.

Nurture and build social capital to increase community capacity.

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

Preserve and promote the unique and significant historical and cultural heritage of Broome.

Retain and build on Broome’s iconic tourism assets and reputation.

Implement best practice asset management plans to optimise Shires’ infrastructure whilst minimising life cycle costs.

As required under the Commonwealth Government’s Bi-lateral Agreement, Council is able to mobilise resources to deliver municipal services to Indigenous communities that are compliant, effective and within Council’s capacity.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Work with agencies and others to ensure affordable and equitable services and infrastructure.

Implement key economic development strategies for the Shire which are aligned to regional outcomes working through recognised planning and development groups/committees.

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

Develop an organisational culture that strives for service excellence.

Review and analyse strategic and operational plans.

Manage resource allocation.

Encourage community engagement.

Manage staff attraction and retention.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council;

- 1). *Authorise the Chief Executive Officer to sign the Kimberley Activity Plan 2012/13;*
- 2). *Request the Chief Executive Officer to seek commitment from the other Kimberley Local Governments for this plan; and*
- 3). *Request the Chief Executive Officer to incorporate an additional \$4,576 into the 12/13 draft budget to ensure a high quality level of service is maintained for Broome residents and visitors as a result of the changes by the State Government to Regional Library funding model.*

Moved:

Seconded:

FOR:

AGAINST:

Attachment: [54 pages](#)

9.1.5 APPOINTMENT OF CHIEF BUSH FIRE CONTROL OFFICER

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	LAW003.2
AUTHOR:	Manager Emergency, Ranger & Beach Services
CONTRIBUTOR/S	N/A
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	30 May 2012

SUMMARY: A report to Council recommending the appointment of Mr Mark Golding as Chief Bush Fire Control Officer for the Shire of Broome.

BACKGROUNDPrevious Considerations

OMC 15 March 2007 -	Item 9.2.1
OMC 22 November 2007 -	Item 9.2.1
OMC 23 October 2008 -	Item 9.2.1

At the ordinary Council Meeting of 22 November 2007, the appointment of Bush Fire Control Officers was resolved. With the departure of some staff from the organisation it is timely to revisit the appointment of the Chief Bush Fire Control Officer (CBFCO) for the Shire of Broome.

The appointment of a replacement CBFCO will increase Council's capacity to better manage the threat of bush fire in the Shire of Broome and to ensure the strategy for Bush Fire Management as identified in the Fire Management Plan (currently under review), is progressed in a timely fashion.

This appointment will complement the current Deputy Chief Bush Fire Control Officer (DCBFCO) and four Bush Fire Control Officer's (BFCO), namely the Beach Inspector and the Rangers.

COMMENT

Section 38 (1) of the Bush Fires Act 1954 states that a local Government may from time to time appoint such persons as it thinks necessary to be its BFCO's and from these appoint the CBFCO and the DCBFCO.

The BFCO's main duties relate to fire prevention (Section 39 of the Bush Fires Act 1954). They are the officers whom through Local Government work to control the use of fire and certain machinery and operations, at such times of the year as could lead to bush fires.

The BFCO's have an advisory function on general fire safety and may have suppression duties that involve the direction of volunteers and brigades.

The BFCO's can impose limitation, conditions and restrictions on activities that are in breach of the Bush Fires Act, the Shire of Broome Bush Fire Management Plan and Local Laws.

The CBFCO and the DCBFCO's are the most senior Bush Fire Control Officers appointed by a Local Government Authority (LGA) and have powers and responsibilities conferred by the Bush Fires Act and Regulations.

As the senior officers of the Shire of Broome's Bush Fire Organisation, they may, under exceptional circumstances (absence of officers from the Broome Regional Bush Fire Brigade), take overall charge of fire fighting in the Shire of Broome area of responsibility. The role of the CBFCO (in his absence the next senior Deputy) includes, but is not limited to, the following functions:

- Providing leadership to the Shire of Broome BFCO's and Bush Fire Organisation;
- Monitoring the Shires' fire resourcing, equipment (including protective clothing) and training levels, and providing regular reports to Council via the Council's Bush Fire Advisory Committee;
- Liaising with Council concerning fire prevention/suppression matters generally, and any directions which it may be appropriate for Council to issue to BFCO's or brigades/brigade officers;
- Ensuring that any brigades and its officers are registered with the Shire of Broome and those lists of registered brigade members are maintained.

The CBFCO also provides coordination between the various parts of the organisation as well as an important link between the Shire of Broome and other fire protection agencies such as the Department of Environment and Conservation (DEC) and the Fire and Emergency Services Authority (FESA).

The DCBFCO will in the absence of the CBFCO assume all associated responsibilities conferred by the Bush Fires Act and Regulations.

Mr Mark Golding has experience in bush fire suppression and management in his capacity as a member of the Broome Regional Volunteer Bush Fire Brigade, as a previous employee of the Shire and has completed relevant training within the brigade.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Bush Fire Act 1954

Section 38 (1) states that a Local Government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to Section 38A (2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other Bush Fire Control Officers appointed by it.

Section 38 (2)(a) states that the Local Government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

In accordance with the Bush Fires Act 1954 Section 38 (2)(a), advertising in a local newspaper circulating the district will be undertaken.

STRATEGIC IMPLICATIONS

Our People

Facilitate a safe environment.

Our Place

Nurture and protect our unique natural environment for the benefit and enjoyment of current and future generations.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council, appoint Mr Mark Golding to the position of Chief Bush Fire Control Officer for the Shire of Broome.

Moved:

Seconded:

(Absolute Majority Required)

FOR:

AGAINST:

Attachment: Nil

9.2

OUR PLACE



PRIORITY STATEMENT

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

Our aim is for all communities and settled areas, including the Broom Township, to be a place where the natural environment, on which life depends, is maintained, whilst at the same time the built environment contributes to the economy and a quality lifestyle for all.

Preserving the Shire's natural environment is a critical community outcome. Council will put into place strategies that nurture and improve the Shire's unique environment and biodiversity.

The Shire will work in partnership with the community and other agencies to ensure responsible and accountable management of both the natural and build environments is achieved in the short term and for future generations.

Commercial-In-Confidence

9.2.1 CONTRACT 12/07 WASTE AND RECYCLABLES KERBSIDE COLLECTION

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: 12/07
AUTHOR: Manager Health Services
CONTRIBUTOR/S: Acting Waste Management Coordinator
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 14 June 2012

SUMMARY: This report considers tenders received for the Waste and Recyclables Kerbside Collection Contract for the Broome townsite and seeks adoption of the recommendation contained in the confidential tender evaluation report.

REPORT RECOMMENDATION:

That Council endorses the recommendations as contained in the confidential tender assessment report for Contract 12/07 Waste and Recyclables Kerbside Collection.

Moved:

Seconded:

(Absolute Majority Required)

FOR:

AGAINST:

Attachment (Confidential to Councillors and Directors only): 7 pages

9.2.2 LICENCE AGREEMENT FOR TELSTRA CORPORATION LIMITED

LOCATION/ADDRESS:	Communications Tower located at Shire Depot Lot 1816 Farrell Street, Broome
APPLICANT:	Telstra Corporation Limited
FILE:	LSS180
AUTHOR:	Property Management and Leasing Coordinator
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	27 June 2012

SUMMARY: The purpose of this item is to grant approval for a licence that Telstra have requested to install and operate three panel antenna's to the existing tower structure on the Depot site.

BACKGROUNDPrevious Considerations

Nil.

COMMENT

The Shire of Broome holds ownership of infrastructure in the form of a communications tower located at Lot 1816 Farrell Street, Broome at the Shire's Depot. This infrastructure is maintained by the Shire and licence agreements have been previously issued to Australian Customs. The tower is currently utilised by the following

6JJJ-FM community radio transmitter
 6ABC FM community radio transmitter
 Shire HF two way radio receiver and transmitter
 SBS Digital Radio
 Shire of Broome Wireless Equipment
 Australian Customs UHF Radio

Telstra Corporation Limited is looking for a short term licence of 12 months with an option for a further 12 months. This will immediately alleviate the current overloaded network which suffers in our peak tourist season due to an influx of visitors using the network. Telstra is in consultation with Regional Department of Lands currently for a permanent site in Blackman Street. In the interim, investigations have found that our communications tower at the Depot has more than enough capacity to furnish these panels. A full design has been prepared and approved through our IT Manager.

CONSULTATION

Design Manager, Telecommunications - Buildings, Aurecon.
 Manager for Planning

STATUTORY ENVIRONMENT

Local Government (Functions and General Regulations) 1996

30. *Dispositions of property to which section 3.58 of Act does not apply*

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth;
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence;
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;
 - (f) it is the leasing of land to a "medical practitioner" (as defined in section 3 of the Medical Act 1894) to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
 - (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned;
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.
- (3) A disposition of property other than land is an exempt disposition if —
 - (a) its market value is less than \$20 000; or
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6.]

POLICY IMPLICATIONS

The installations are In accordance with *The Telecommunications (Low-impact Facilities) Determination 1997* (The Determination) and as such do not require planning approval.

FINANCIAL IMPLICATIONS

The table below outlines start up costs and ongoing costs involved in a service project:

Service:

Telstra Licence Depot Tower	Initial Cost	Lifecycle Cost (Annual)	Remarks
Start Up costs			
Budget Impact			
Loan Interest			
Operational (Annual)	\$1000	\$5,300 plus gst	Rental Income and Licence preparation cost recouped
Less Additional Revenue (Annual)			
TOTAL	\$1,000	\$5,300	
Based on current market and licence fees with Shire facilities.			

STRATEGIC IMPLICATIONS

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

Encourage communication.

Identify affordable services and initiatives to satisfy community needs.

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

Engage with local community by presenting realistic and sustainable land use strategies for the Shire within the state and national frameworks.

Retain and build on Broome’s iconic tourism assets and reputation.

Implement best practice asset management plans to optimise Shires’ infrastructure whilst minimising life cycle costs.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Work with agencies and others to ensure affordable and equitable services and infrastructure.

Encourage the provision of affordable land for residential, industrial, commercial and community use.

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

Encourage community engagement.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council, notes and approves the issuing of a licence in relation to the proposed licence between the Shire of Broome and Telstra Corporation Limited:

- 1). *The initial licence term to be twelve (12) months, with one (1) option for twelve(12) months,*
- 2). *Annual rental of \$5300.00 per annum plus GST with annual increases of 3%*
- 3). *The licensee being responsible for all utility and consumption costs, and any additional outgoings in line with the Planned Maintenance Schedule for this facility which will arise during the term of the lease based on tenancy area to include but not limited to;*
 - a) *Council Rates or equivalent including Fire Service Levy*
 - b) *Water Rates and Consumption*
 - c) *Building Insurance*
 - d) *Gardening*
 - e) *Emergency Equipment Service*
 - f) *Telstra Lines*
 - g) *Pest Control*
 - h) *Electricity for Common Area*
 - i) *Pressure Cleaning Roof*
 - j) *Pressure Cleaning Building External*
 - k) *Cleaning of Common Foyer Area*
 - l) *Building Maintenance*
 - m) *Air Conditioning Maintenance, Service and Repairs*
4. *Delegated authority to the Chief Executive Officer to negotiate minor amendments to these terms and conditions of the licence*
5. *Advertising is not required in accordance with Section 3.58 of the Local Government Act, and*
6. *The Shire President and Chief Executive Officer be authorised to engross the final document.*

Moved:

Seconded:

FOR:

AGAINST:

Attachment: [2 pages](#)

9.2.3 PROPOSED AMENDMENT – TOWN PLANNING SCHEME NO 4 – TO REZONE 15 LOTS ON PALMER ROAD CABLE BEACH FROM ‘RESIDENTIAL’ ZONE WITH A R12.5 CODING, ‘DEVELOPMENT’ ZONE, ‘PUBLIC PURPOSE DRAINAGE’ RESERVE TO ‘RESIDENTIAL’ ZONE WITH AN R20, R25, AND R40 CODE, ‘PARKS AND RECREATION’ RESERVE AND ‘PUBLIC PURPOSE DRAINAGE’ RESERVE

LOCATION/ADDRESS: Lots 2608,2609,2610, 2611, 2612, 2613, 2615, 2616, 2617, 2619, 2620, 2621, 2622, 500 and 501 Palmer Road, Cable Beach

APPLICANT: Robertsdays on behalf of Nyamba Buru Yawuru Ltd

FILE: TPS4/65

AUTHOR: Neels Pretorius

CONTRIBUTOR/S: Manager Planning Services

RESPONSIBLE OFFICER: Director Development Services

DISCLOSURE OF INTEREST: Nil

DATE OF REPORT: 20 June 2012

SUMMARY: Council has been asked to initiate the rezoning of 15 lots located along Palmer Road Cable Beach. It is proposed to rezone the sites from ‘Residential’ zone with a R12.5 code, ‘Development’ zone and ‘Public Purpose Drainage’ reserve to ‘Residential’ with an R20, R25 and R40 code, ‘Parks and Recreation’ reserve and ‘Public Purpose Drainage’ reserve.

This report recommends that the Council amends the Shire of Broome Town Planning Scheme No 4.

BACKGROUND

Previous Considerations

Nil

History

The subject lots form part of the Indigenous Land Use Agreement (ILUA) which was formally registered on 6 August 2010. The ILUA constitutes a settlement of native title in Yawuru country in and around Broome. The ILUA is the first such Native Title settlement of its kind of Australia and part of this settlement includes the lots.

Site and surrounds

This site has an area of 5.9262 hectares and is located approximately 2.5 km southwest of the Broome Town centre and 4.5 km north of the Broome Port. On a more local level the site is approximately 450 m south-east of the Reid Road Local Centre. The Boulevard Shopping Centre is located approximately 1.5 km to the north east of the site.

The area surrounding the site to the north, north-west, south west is developed with single dwelling units. The properties are currently vacant and is within walking distance from the Cable Beach Primary School and the St Mary Schools.

See Attachment 1

Description of the proposal

It is proposed to

- Recode the area to the west of Palmer Road to 'Residential' R20 and R25. Similar to the zoning applicable to the abutting residential properties.
- Rezone the lots between Palmer Road and Port Drive to 'Residential' R40. This will allow for medium density residential development between Palmer Road and Port Drive.
- The 'Public Purposes Drainage reserve' will be reconfigured to cater local needs, and
- Provide a 'Parks and Recreation' reserve.

Rationale in support of the rezoning

The following statements have been made by the proponent in support of the rezoning to a higher residential density:

- The proposed amendment provides a range of densities that will facilitate the development of a variety of housing types to meet the needs of Broome's diverse population.
- The rezoning facilitates the diversification of housing choice for residents, improves road connectivity within the area for pedestrians and vehicles and provides a quality open space to address current deficiencies in this locality.
- The proposed amendment will remove the current zoning of 'Development' over the southern part of Lot 501, to be replaced by a reservation of 'Parks and Recreation' and 'Public Purpose - Drain' that facilitates the necessary drainage of the proposed and surrounding development.

See Attachment 2

COMMENT

It is widely recognised that there is a shortage of housing within Broome and that the relatively low density codings applied through Town Planning Scheme No. 4 has resulted in Broome's housing stock being dominated by single storey detached dwellings.

'Liveable Neighbourhoods' sets out the importance of providing a variety of lot sizes and housing types. It also highlights the need to facilitate greater diversity and choice in the housing market and the accommodation of people with different housing needs.

The Shire of Broome Local Housing Strategy (2009) identified there was a need to increase the availability of appropriate housing especially smaller dwellings suitable for households of one or two people. Objective 2 *"Provide for a diverse range of housing types"* Action 2A states *"Urge developers/subdividers to review the subdivision patterns and R-Codings of existing undeveloped subdivisions and where appropriate provide for additional medium density residential development"*

The following table gives a comparison on the different type of residential developments that may be developed on the property.

R-Code	Dwelling type	Min site area per dwelling Sq metre	Min lot area/ rear Battleaxe sq metre	Max plot ratio	Min frontage (m)	Open Space		Minimum setbacks (m)		
						Min total(% of site)	Min/ door living	Primary street	Secondary street	Other/Rear
R 20	Single house or grouped dwelling	Min 440 Av 500	540	-	10	50	30	6	1.5	*
R 25	Single house or grouped dwelling	Min 320 Av 350	445	-	10	50	30	6	1.5	*
R 40	Single house or grouped dwelling	Min 200 Av 220	400	-		45	20	4	1.0	*
R40	Multiple Dwelling	No max number of units. Number controlled through plot ratio		0.6	-	45	-	4	1.5	*

* Indicates that the building setback is based on wall length, wall height and major openings – further tables and charts provide clarification.

If developed within the 12.5 coding a total of 50 units could be developed. Using the R coding as proposed it is estimated the following yield could be realised

- Within the area to be Residential R20 - 20 dwellings with a minimum area 500sqm – 600sqm.
- Within the area to be Residential R25 - 5 dwellings with a minimum area of 420sqm.
- Within the 2 sites (total of 2.36 hectares) which are proposed to be Residential R40 - if designed in an integrated manner (the lots amalgamated) - approximately 88 Grouped Dwellings or approx 184 Multiple Dwellings (75sqm)

The proponent sets out in the accompanying report the concept for the development would be to provide 128 units preferring more of a Grouped Dwelling form than Multiple Dwellings. These plans while indicating the intention to create a variety of dwelling and building forms are conceptual only and not considered as part of the scheme amendment process. At this stage any application for Planning Approval will be assessed in accordance with the provisions of the Residential Design Codes.

The drainage reserve is proposed on the south-eastern part of the site to facilitate stormwater from the site and also from a large area of the existing subdivision to the west of the site. Into the Port Drive Drainage system. The hydrological impact assessment has determined that stormwater both from the development and also a large area of the existing subdivision is redirected into the Port Drive Drainage system heading north. The result of this extra stormwater is the flooding of Port Drive and Reid Road in extreme 1:100 year events. The Frederick Street Drainage was not designed to take the extra water from these flows. The proponent will be advised, prior to lodging subdivision or development applications to investigate the option of directing some of the flows into the Port Drive system flowing south to reduce these water levels.

A parks and recreation reserve is proposed in the south-western corner of the site. This park will have a dual purpose of providing active open space for the surrounding area as well

as taking stormwater from the surrounding area. The park will be designed in a way to also act as a retention basin to reduce peak hour stormwater run-off.

The proposed rezoning will allow for the provision of a greater diversity of housing forms, reconfigure the existing drain to a size that adequately deals with local stormwater needs and will provide a public open space located in accordance with Crime Prevention through Environmental Design (CEPTD) principles.

It is recommended that Council amends the Shire of Broome Town Planning Scheme No4.

CONSULTATION

In accordance with the Planning and Development Act 2005 a Scheme Amendment is required to be advertised for a period of 42 days.

Refer Attachment 3 – Scheme Amendment Process

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Regulations 1976

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nyamba Buru Yawuru will meet the costs of the amendment process.

STRATEGIC IMPLICATIONS

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

Encourage communication.

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

Engage with local community by presenting realistic and sustainable land use strategies for the Shire within the state and national frameworks.

Ensure that our planning processes result in a built environment that reflects arid tropical climate design principles and historical built form.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Encourage the provision of affordable land for residential, industrial, commercial and community use.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council pursuant to section 75 of the Planning and Development Act 2005, amends the Shire of Broome Town Planning Scheme No 4 by:

- a). Rezoning Parts of lots 501, 2608, 2609, 2610, 2611 and 2612 from 'Public Purpose – Drainage' and 'Residential' with an R12.5 Code to 'Residential' with a R20 Code.
- b). Rezoning Parts of lots 501, 2612 and 2613 from 'Public Purpose-Drainage' and 'Residential' with a R12.5 Code to 'Residential' with a R25 Code.
- c). Rezoning Parts of lots 501 and 2613 from 'Public Purpose-Drainage', 'Development' and 'Residential' with a R12.5 Code to 'Parks and Recreation'.
- d). Reserving Part of lot 501 previously zoned 'Development' as a 'Public Purpose – Drainage'.
- e). Rezoning Lots 2615, 2616, 2617, 2619, 2620, 2621 and 2622 from 'Residential' with a R12.5 Code to 'Residential' with a R40 Code.

Moved:

Seconded:

FOR:

AGAINST:

Attachment: [28 pages](#)

9.2.4 SHINJU MATSURI INCORPORATED – RENEWAL BANK OVERDRAFT GUARANTEE

LOCATION/ADDRESS:	N/A
APPLICANT:	Shinju Matsuri Incorporated
FILE:	ORL33/LEG249
AUTHOR:	Manager Financial Services
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	26 June 2012

SUMMARY: Shinju Matsuri Incorporated (Inc) seeks the continuation of the guarantee for a \$15,000 overdraft facility for one year.

BACKGROUNDPrevious Considerations

OMC 1 March 2005 -	Item 9.4.4
OMC 8 June 2006 -	Item 9.4.3
OMC 30 August 2007 –	Item 9.4.3
OMC 29 October 2009 –	Item 9.4.3
OMC 8 July 2010 –	Item 9.2.3

Since March 2005 Shinju Matsuri Inc has operated with an overdraft facility of \$15,000 guaranteed by the Shire of Broome.

COMMENT

The Shinju Matsuri board of management and project management team have recognised the operational importance of maintaining an overdraft facility. The overdraft is required to cover outgoing cash flow issues in the lead up to the Shinju Matsuri Festival.

The Shinju Matsuri committee has a good financial record, repaying a loan of \$55,000 during 2001-2004 then subsequently maintaining an overdraft facility since 2005 without having cause to affect Shire's deed of guarantee. Contained in the confidential attachment, Shinju have submitted a copy of financial results for the last two event years, with the 2011 event recording a net deficit of (\$15,159), compared to a net surplus of \$10,578 in 2010 and \$18,761 in 2009. Details of the current budget for 2012 are not available at the date of this report.

A comparison of the 2011 and 2010 event years indicates a significant increase in the scale of operations of the event in 2011. However, there is a downward trend in the event's profitability over the last three years. It is also noted that deficits were reported for the 2008 and 2007 event years. It is recommended to the board of Shinju Matsuri is that it maintains a strong focus on governance, financial prudence, and project planning for this and future years.

The Shinju Matsuri Festival represents the pinnacle cultural and tourism event for the Shire. The event cannot operate without an overdraft facility as the majority of expenditure occurs in the lead up to the festival. It is recommended that the Shire of Broome continues to support the overdraft facility for a further year, with the consideration of including this guarantee as part of the Memorandum of Understanding currently being developed by Community Development Services.

CONSULTATION

Jillian Philp – President Shinju Matsuri Inc

STATUTORY ENVIRONMENT

Bank guarantees are governed under the Australian Accounting Standards and disclosed in the annual financial report.

AASB 137 – Provisions, Contingent Liabilities and Contingent Assets

Disclosure

- 86 *Unless the possibility of any outflow in settlement is remote, an entity shall disclose for each class of contingent liability at the end of the reporting period a brief description of the nature of the contingent liability and, where practicable:*
- (a) an estimate of its financial effect, measured under paragraphs 36-52;*
 - (b) an indication of the uncertainties relating to the amount or timing of any outflow; and*
 - (c) the possibility of any reimbursement.*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Contingent liability of \$15,000 as guarantor to the overdraft, for a period of (2) two years.

STRATEGIC IMPLICATIONS

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

Identify affordable services and initiatives to satisfy community needs.

Encourage recreational 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:

Preserve and promote the unique and significant historical and cultural heritage of Broome.

Retain and build on Broome's iconic tourism assets and reputation.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Work with agencies and others to ensure affordable and equitable services and infrastructure.

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

Encourage community engagement.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council;

1. *Resolves to continue as the guarantor for the overdraft facility in favour of Shinju Matsuri Committee, limited to \$15,000 for a period of one (1) year from the date of this resolution.*
2. *Instructs the Chief Executive Officer to include the consideration of the guarantee of the overdraft facility in the Memorandum of Understanding currently under development by Community Development Services.*

Moved:

Seconded:

FOR:

AGAINST:

Attachment (6 pages Confidential to Councillors and Directors only): [7 pages](#)

9.3

OUR PROSPERITY



PRIORITY STATEMENT

Our region has grown significantly over the past years in terms of population, economy and industry – this will continue! Balancing ecological sustainability with economic growth and retaining the 'look and feel' of Broome and its environs are an ongoing challenge for the region. Encouraging appropriate investment and business development opportunities to ensure a strong, diverse economic base is essential for community prosperity and the success of our future generations.

Focusing on developing clear pathways linking education with employment for our youth and the community at large is essential as we aim to retain our local people and continue to build a skilled and highly motivated workforce.

Business and Industry partnerships must be fostered to ensure sustainable economic growth is achieved, along with the provision of affordable and equitable services and infrastructure. Ensuring development meets community needs and legislative requirements whilst creating close community relationships and enhancing our understanding of local heritage and cultural issues will continue to be a major focus. The built environment must contribute to the economy, long term viability of the region and provide a quality lifestyle for all.

There are no reports in this section.

9.4

OUR ORGANISATION



PRIORITY STATEMENT

Council will strive to create an environment where local governance is delivered in an open and accountable manner; where we provide leadership to the region in such areas as planning and financial management; where the community has the opportunity to contribute to the Council's decision making thereby fostering ownership of strategies and initiatives.

In delivering open, accountable and inclusive governance, we will be ever mindful that we operate within a highly regulated environment that requires a high level of compliance.

Council will strive to be the conduit between the other spheres of government and the community, translating State and Federal law, policy and practice into customer focussed, on ground service delivery that support's Broome's unique lifestyle.

The Region is experiencing significant change with Council dedicated to sound governance, effective leadership and innovation, and high quality services. Building organisational capacity is a priority with a commitment to delivering services to the community in a sustainable, effective and accountable way.

9.4.1 MAY 2012 MONTHLY FINANCIAL ACTIVITY REPORT

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: FRE 02
AUTHOR: Accountant
CONTRIBUTOR/S: Manager of Financial Services
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 27 June 2012

SUMMARY: This report recommends that Council adopts the Monthly Financial Activity Report of the Shire's operations for the period ended 31st May 2012, as required by Regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

BACKGROUNDPrevious Considerations

Nil except where associated with a previous ordinary council meeting as identified.

COMMENT

The following are the key indicators of the year to-date budget position:

Budget Year elapsed	92%
Total Operating Expenditure	86%
Total Operating Revenue	99%
Total Capital Expenditure	38%
Total Sale of Assets Revenue	29%
Total Capital Revenue	55%

Committed infrastructure expenditure as percentage of forecast budget:

Parks and Ovals Infrastructure	29%
Drainage Infrastructure	83%
Transport Infrastructure	31%

The forecast position of a \$175,900 surplus represents a 0.64% variance when viewed in proportion to operating revenue excluding grants and contributions for assets and profit on sale of assets.

More detailed explanations of variances are contained in the notes to the monthly statement of financial activity. The commentary will identify variations to year-to-date budget positions, or variations that may require consideration for amended forecast.

FORECASTS

All forecast figures are mentioned in \$'000's for ease of reference

No budget forecast changes were required this month.

CONSULTATION

Internal Staff.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

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

1A) *In this regulation —*

“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose.

- 1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - b) *budget estimates to the end of the month to which the statement relates;*
 - c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - e) *the net current assets at the end of the month to which the statement relates*
 - 2) *Each statement of financial activity is to be accompanied by documents containing —*
 - a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - c) *such other supporting information as is considered relevant by the local government.*
 - 3) *The information in a statement of financial activity may be shown —*
 - a) *according to nature and type classification;*
 - b) *by program; or*
 - c) *by business unit.*
 - 4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - b) *recorded in the minutes of the meeting at which it is presented.*
-

- 5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- 1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - b) *is authorised in advance by resolution*;* or
 - c) *is authorised in advance by the mayor or president in an emergency.*

(1a In subsection (1) —
"additional purpose" means a purpose for which no expenditure estimate is included in the local government's annual budget.
- 2) *Where expenditure has been incurred by a local government —*
 - c) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - d) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

** Absolute majority required.*

POLICY IMPLICATIONS

2.1.1 Materiality in Financial Reporting

FINANCIAL IMPLICATIONS

These are detailed above and in the attachment.

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

Manage resource allocation.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council;

- 1). *Adopts the Monthly Financial Activity Report for the period ended 31st May 2012;
and*
- 2). *Notes the year-end forecasts compared to the original budget.*

Moved:

Seconded:

Attachment: [48 pages](#)

9.4.2 ACCOUNTS FOR PAYMENTS – MAY 2012

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	FRE02
AUTHOR:	Finance Support Officer
CONTRIBUTOR/S	Manager of Financial Services
RESPONSIBLE OFFICER:	Director of Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 June 2012

SUMMARY: This report recommends that Council adopts the list payments made under delegated authority, as per the attachment to this report, for May 2012.

BACKGROUNDPrevious Considerations

Nil

COMMENT

The Chief Executive Officer (CEO) has delegated the power to make payments from the Municipal and Trust funds in accordance with budget allocations.

The Shire provides payments to suppliers by either Electronic Funds Transfer (EFT), cheque, or credit card.

Attached is a list of all payments processed under delegated authority during May 2012.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

13. Lists of accounts

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (3) *A list prepared under sub regulation (1) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

List of payments made in accordance with budget and delegated authority.

STRATEGIC IMPLICATIONS

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

Manage resource allocation.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council records the accounts as paid under delegated authority for May 2012, totalling \$4,017,628.99, as attached, covering:

- Trust Cheque Vouchers 3270 - 3271 totalling \$31,913.91;*
- EFT Vouchers 17401 - 17771 totalling \$3,735,728.41; and*
- Municipal Cheque Vouchers 55469 - 55558 totalling \$249,986.67*

Moved:

Seconded:

FOR:

AGAINST:

Attachment: [16pages](#)

10.

REPORTS

OF

COMMITTEES

10.1 BROOME CEMETERY ADVISORY COMMITTEE - MINUTES 19 JUNE 2012

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	CTE 39; RES 1647
AUTHOR:	Senior Customer Service Officer
CONTRIBUTOR/S:	Manager Governance
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	20 June 2012

SUMMARY: To advise Council of the matters discussed at the Broome Cemetery Advisory Committee meeting held 19 June 2012 and to seek Council support for the Committee's recommendation.

BACKGROUND

The Broome Cemetery Advisory Committee meets on a regular basis to discuss matters relating to the management and administration of the Shire of Broome Cemeteries.

A recent meeting was held on Tuesday 19 June 2012 and Minutes for this meeting are attached.

COMMENT

The Committee discussed a number of issues and dealt with operational and strategic matters including, but not limited to:

- Committee membership changes
- Cemetery Project Status update
- Cemeteries Local Law
- Discussions regarding correspondence received

Key outcomes include the Committee's recommendation regarding a request from the Jewish Historical and Genealogical Society of WA Inc (JHGSWA) to set aside a portion of the Broome Cemetery for future Jewish burials, and that this area be identified with a sign, similar to existing markers indicating 'Jewish Section'. The (JHGSWA) research indicates that outside of Perth, the Broome Cemetery has the third largest number of Jewish burials in Western Australia.

The area in question consists of 9 plots in the West Section of the Broome Cemetery, 4 of which are identified Jewish Burials with a further 5 vacant plots that may be utilised for future burials. Plot W110 is noted in the Register of Burials Book as 'Old Lot 1 Jewish Section', therefore W110 has been identified as the beginning of this section. The Ground Penetrating Radar conducted in 2009 did not indicate that there were any unmarked burials in this particular area. Drawing M12-003 attached to this report details the location of these plots.

The JHGSWA also noted that they wished to return to Broome in the future to undertake some restoration work on the graves in this area and place a memorial plaque with the names of the known burials of the Jewish Faith in the Broome Cemetery.

CONSULTATION

Broome Cemetery Advisory Committee

STATUTORY ENVIRONMENT

Cemeteries Act 1986

Shire of Broome Local Law (Cemeteries) 1998

Local Government Act 1995

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Funding has been proposed in the 2012/2013 budget for the management, maintenance and capital works at the Shire of Broome cemeteries.

Minimal funding for signage has been included in the proposed 2012/2013 Budget.

STRATEGIC IMPLICATIONS

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

Preserve and promote the unique and significant historical and cultural heritage of Broome.

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

- 1). *Receives the Broome Cemetery Advisory Committee Minutes of 19 June 2012 and endorses their recommendation that Council:*
 - a). *Designate Plots W110 to W118 inclusive to be set aside for Jewish burials and place a sign similar to the existing markers in the Broome Cemetery indicating this.*
 - b). *Permits the Jewish Historical and Genealogical Society of WA Inc (JHGSWA) to place a memorial plaque detailing the names of the known Burials of the Jewish Faith in the Broome Cemetery, subject to the approval of a written application detailing the proposed plaque's materials and specifications.*

Moved:

Seconded:

FOR:

AGAINST:

Attachment: [9 pages](#)

11. NOTICES OF MOTION

12. URGENT ITEMS

Commercial-in-Confidence

12.1 APPOINTMENT OF DIRECTOR OF CORPORATE AND COMMUNITY SERVICES

LOCATION/ ADDRESS: Shire of Broome
APPLICANT: N/A
FILE: PRA-10/16
AUTHOR: Chief Executive Officer
CONTRIBUTOR/S: Shire President
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 4 July 2012

SUMMARY: Pursuant to section 5.37 of the Local Government Act the Chief Executive Officer is to inform Council of each proposal to employ or dismiss a senior employee.

This report seeks to inform Council of the Chief Executive Officer's offer to employ a Director of Corporate and Community Services.

REPORT RECOMMENDATION:

That Council confirm the recommended applicant as attached to this report as the Director of Corporate and Community Services.

Moved: **Seconded:**

FOR:
AGAINST:

Attachment (Confidential to Councillors and Directors only): 3 pages

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

14. MATTERS BEHIND CLOSED DOORS

15. MEETING CLOSURE
