



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."

CONFIRMED MINUTES

FOR THE
ORDINARY MEETING OF COUNCIL

15 AUGUST 2013

OUR VISION

"A thriving and friendly community that recognises our history and embraces cultural diversity and economic opportunity, whilst nurturing our unique natural and built environment."

OUR MISSION

"To deliver affordable and quality Local Government services."

CORE VALUES OF THE SHIRE

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

Communication

Integrity

Respect

Innovation

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.

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Chairman: Date:

NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on 15 August 2013, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards



K R DONOHOE
Chief Executive Officer

6 August 2013

Chairman: Date:

1. OFFICIAL OPENING

The Chairman declared the meeting open at 5.00pm.

2. ATTENDANCE AND APOLOGIES

Attendance:	Cr G Campbell	Shire President
	Cr A Poelina	Deputy Shire President
	Cr C Mitchell	
	Cr D Male	
	Cr J Bloom	
	Cr E Yu	
	Cr M Manado	
Leave of Absence:	Cr Peter Matsumoto (as approved OMC 21 March 2013)	
Apologies:	Nil	
Officers:	Mr K Donohoe	Chief Executive Officer
	Mr P Martin	Deputy Chief Executive Officer
	Mr S Mastrolembo	Director Corporate Services
	Mr A Schonfeldt	Director Development Services
	Mr M Dale	Director Engineering Services
	Ms E Harding	Senior Customer Services Officer
	Ms J Moloney	Council Secretary
	Ms R Piggin	Manager Governance
	Mr S Penn	Media and Promotions Officer
	Ms S Haslehurst	Shire of Broome
Public Gallery:	Brendon Barwick	WA Police
	Bob Menzies	BIA

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest
NIL			
IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
Cr E Yu	9.2.1	BRAC AQUATIC AMENITIES BUILDING RENEWAL	<i>Impartiality – "I have an association with Broome Basketball association as secretary in that hires BRAC premises".</i>
Cr E Yu	9.2.2	SELECTION OF CONCEPT DESIGN FOR SHADE STRUCTURES IN CHINATOWN	<i>Impartiality – "I have an association with Broome Chinese Community as ordinary member that owns property in Chinatown".</i>

Chairman: Date:

Cr E Yu	11.1	NOTICE OF MOTION – JEBSENS SHIPPING	<i>Impartiality – “I have an association with Kimberley Development Commission as a Board Member who has provided information regarding this item”.</i>
Cr G Campbell	11.1	NOTICE OF MOTION – JEBSENS SHIPPING	<i>Impartiality – “I have an association with Kimberley Development Commission as a Board Member”.</i>

4. PUBLIC QUESTION TIME

The following question was submitted by Lyndsay Matthews at the Special Meeting of Council held on 24 July 2013 and was taken on notice:

My GRV is set at \$100,000 imposing \$10,000 in rates on top of 10% GST, \$10,000 insurance 33% tax all on GRV. Rates need to go down. With the loss of income for 8 months on one of my two commercial sheds. Why am I still paying \$10,000 on full GRV, when even my taxable income and GST adjust to loss of income?

Answer provided by Director, Corporate Services:

The GRV is supplied by the Landgate Valuation Services (Valuer General’s Office) and is the gross annual rental the property might reasonably earn in a year.

The Valuer General’s Office provides Gross Rental Values for every property in each local authority. For the Shire of Broome, the 2013/2014 rating year is not a revaluation year. A revaluation occurs once every 3 years and the last full revaluation was 01/07/2012. Our next full revaluation of GRV properties will be 1/7/2015.

If a ratepayer believes their property has been incorrectly valued they may lodge an objection with the Valuer General’s Office.

5. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held on 18 July 2013 be confirmed as a true and accurate record of that meeting.

Moved: Cr E Yu Seconded: Cr C Mitchell

CARRIED UNANIMOUSLY 7/0

That the Minutes of the Special Meeting of Council held 24 July 2013 be confirmed as a true and accurate record of that meeting.

Moved: Cr C Mitchell Seconded: Cr A Poelina

CARRIED UNANIMOUSLY 7/0

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil.

7. PETITIONS

Nil.

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

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 DELEGATIONS TO KIMBERLEY REGIONAL ROAD GROUP

LOCATION/ADDRESS: Nil
APPLICANT: Nil
FILE: ARE01
AUTHOR: Director Engineering Services
CONTRIBUTOR/S Nil
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 29 July 2013

SUMMARY: Following the outcome of the Local Government Elections on 15 October 2011, Council considered and nominated representatives on various Council Committees, Working Groups and representation on external Committees.

An alternate Deputy needs to be nominated for the Kimberley Regional Road Group meeting on 24 September 2013 due to the unavailability of the nominated representative and deputy.

BACKGROUND

Previous Considerations

OMC 27 October 2011 Item 9.1.3

COMMENT

On 27 October 2011, Cr G T Campbell was nominated to the Kimberley Regional Road Group and Cr C R Mitchell was nominated as deputy. Both are unavailable for the Kimberley Regional Road Group meeting on the 24 September 2013, and an alternate Deputy needs to be nominated for the meeting.

CONSULTATION/STAKEHOLDERS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Subdivision 2 – Committees and their meetings

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

(1) *In this section —*

Chairman: Date:

other person means a person who is not a council member or an employee.

- (2) A committee is to comprise —
 - (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

* Absolute majority required.

- (2) A person who is appointed as a deputy of a member of a committee is to be —

- (a) *if the member of the committee is a council member — a council member; or*
 - (b) *if the member of the committee is an employee — an employee; or*
 - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
 - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*

[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
- whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
- whichever happens first.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Chairman: Date:

Encourage communication.

Identify affordable services and initiatives to satisfy community needs.

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:

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:

Review and analyse strategic and operational plans.

Manage resource allocation.

VOTING REQUIREMENTS

Absolute Majority

<u>COUNCIL RESOLUTION:</u> (REPORT RECOMMENDATION)	
<i>Moved: Cr C Mitchell</i>	<i>Seconded: Cr M Manado</i>
<i>That Councillor Jenny Bloom be appointed as a Deputy for the Kimberley Regional Road Group meeting on 24 September 2013.</i>	
<i>CARRIED UNANIMOUSLY 7/0</i>	

Attachment: NIL

9.1.2 2014-2015 CSRFF SMALL GRANTS ROUND

LOCATION/ADDRESS: Various
APPLICANT: Nil
FILE: GPC08
AUTHOR: Coordinator Special Projects
CONTRIBUTOR/S Manager Community Development
RESPONSIBLE OFFICER: Deputy Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 31 July 2013

SUMMARY: The Western Australian Department of Sport and Recreation (DSR)'s Community Sporting and Recreational Facilities Fund (CSRFF) Small Grants 2014-2015 is currently open.

DSR's CSRFF grant process seeks to have all applications submitted for priority assessment and endorsement through the local government authority (LGA) in which the project is located. One application, Shire of Broome Sport & Recreation Plan, is proposed to be submitted on behalf of the Shire of Broome and is presented for Council's endorsement before being forwarded to DSR.

Officers recommend this project as "well planned and needed by the municipality".

BACKGROUND

Previous Considerations

OCM 7 July 2011 Item 9.3.4
 OCM 1 September 2011 Item 9.3.4

The WA Department of Sport and Recreation (DSR) calls for applications for financial assistance through the Community Sporting and Recreation Facilities Fund (CSRFF) via three categories:

- Small Grants
- Annual Grants
- Forward Planning Grants

DSR's CSRFF grants program provides financial assistance to community groups and local government authorities to develop basic infrastructure and support planning studies for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well-designed and well-utilised facilities.

Grant applicants must be a local government authority or a not-for-profit sport, recreation or community organisation incorporated under the WA Associations Act 1987. The land on which the facility is to be developed must be one of the following:

- Crown reserve;
- Land owned by a public authority;
- Municipal property; and

Chairman: Date:

- Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.

DSR's CSRFF grant process seeks to have all applications submitted for endorsement through the local government authority (LGA) in which the project is located.

The CSRFF Small Grants Funding Program

The CSRFF Small Grants funding program is made available twice a year by DSR with application rounds closing in March and August. Small grants are awarded to projects involving a basic level of planning. The total project cost for Small Grants must not exceed \$150,000. Grants given in this category must be claimed by 15 June in the next financial year. A maximum of \$25,000 is available for planning studies.

DSR CSRFF Project Assessment Sheet for LGAs

The CSRFF Project Assessment process requires the LGA to rank, in order of priority, all applications received. All projects need to be considered in the context of their local, regional and state sport and recreation facilities plans to ensure the project meets the needs of the community.

In addition, the Assessment requires LGAs to rate all applications received as either:

- A Well planned and needed by municipality;
- B Well planned and needed by applicant;
- C Needed by municipality, more planning required;
- D Needed by applicant, more planning required;
- E Idea has merit, more planning work needed; and
- F Not recommended.

This rating should reflect how worthwhile the project is and indicate importance on actual need and benefit to the community.

DSR seeks to have all LGA rankings and ratings endorsed by Councils and a copy of Council Minutes confirming financial contributions or intention to include in discussions in the forthcoming budget process (if applicable) to be included within the application form.

Two draft community plans have been drafted for the Shire of Broome in recent years which for various reasons, have not been presented to Council for approval. However, Shire Officers have used the research contained in these draft documents to inform the development of the Shire's ten year financial plan and community strategic plan.

In 2011, the Shire successfully applied for funds under the CSRFF Small Grants Funding Program to review the Sports Facilities Masterplan for the Broome Recreation and Aquatic Centre and the four active reserves in the Broome townsite. Due to operational challenges at the time, the grant was unable to be utilised within the timeframe required by DSR and was rescinded.

COMMENT

Officers recommend that the Shire submits an application for the Community Sport and Recreation Facilities Fund (CSRFF) Small Grants Round: 2014-2015 to engage a consultant

Chairman: Date:

to review existing Shire documentation and to develop a consolidated sport and recreation plan (Plan) for the Shire of Broome.

It is envisaged that there will be two components to the Plan:

1. An overarching Sport and Recreation Plan
2. An updated Masterplan for the Broome Recreation and Aquatic Centre

The Plan will identify major gaps in the provision of facilities and services and prioritise the areas of greatest need and demand for sport and recreation facilities within the Shire of Broome in relation to population growth, trends, capacity and usage. It is proposed that the Plan encompasses organised/structured sport, unstructured recreation, as well as activities at the Broome Recreation and Aquatic Centre.

It is envisaged the Plan will inform the Shire's future strategic planning including but not limited to;

- Developer Contribution Scheme
- Future CSRFF funding applications and other funding opportunities
- Asset Management – new, renewal and upgrade (20 year community facilities plan)
- Land use and development
- Potential financial and strategic partnerships

CONSULTATION

A significant amount of community consultation was undertaken in the preparation of the reports by previous consultants as well as during the process for developing a vision for Broome 2040 and the ten year Community Strategic Plan.

It is envisaged that the Sport and Recreation Plan will include a Community Engagement Plan in line with the Shire's Community Engagement Framework that takes into account previous community consultation undertaken and the risk of disenfranchising Sport and Recreation clubs in Broome as well as identifying any gaps in the consultation previously undertaken.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funding Source: *Sport and Recreation Plan*

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant		\$25,000	Service	CSRFF	113390
Reserve					
Budget		\$55,000	Service		113703 (in the draft 13/14)

Chairman: Date:

					budget)
TOTAL		\$80,000			
*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 recreational activity.

Facilitate a safe environment.

Nurture and build social capital to increase community 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.

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

Manage resource allocation.

Encourage community engagement.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr A Poelina

That Council;

- 1. Recommends the following application to the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund Small Grants 2013/2014 for funding and be prioritised as follows:*

<i>Applicant</i>	<i>Project Funding</i>	<i>Priority</i>
<i>Shire of Broome</i>	<i>A (Well planned and needed by applicant)</i>	<i>One</i>

- 2. Requests the CEO to inform the Department of Sport and Recreation (DSR) accordingly.*

CARRIED UNANIMOUSLY 7/0

[Attachments: 11 pages](#)

9.1.3 COMMUNITY SPONSORSHIP PROGRAM REVIEW

LOCATION/ADDRESS: Nil
APPLICANT: Nil
FILE: FIS06
AUTHOR: Community Development Officer
CONTRIBUTOR/S Manager Community Development
RESPONSIBLE OFFICER: Deputy Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 18 July 2013

SUMMARY: This report outlines proposed changes to the Community Sponsorship Program after a review of the policy, guidelines, forms and associated documents conducted by the Community Sponsorship Assessment Working Group.

The report recommends that Council endorses the draft Community Sponsorship Program policy, associated guidelines and forms (as attached) to be advertised for public comment.

BACKGROUND

Previous Considerations

OMC 13 April 2006	Item 9.4.9	
OMC 22 November 2007	Item 9.4.6	
OMC 14 February 2008	Item 9.2.3	
OMC 5 June 2008	Item 9.2.1	
OMC 26 August 2008	Item 9.2.2	
OMC October 2008	Item 9.2.2	
OMC August 2009	Item 9.2.1	Deferred due to lack of quorum
OMC 2 September 2009	Item 9.2.4	
OMC 28 October 2010	Item 9.2.12	
OMC 27 October 2011	Item 9.3.6	
OMC 15 March 2012	Item 9.1.1	

In line with the Community Sponsorship Program Policy, the following documents and forms are reviewed annually:

- Sponsorship Guidelines
- Annual Community Sponsorship Application Form
- Ad Hoc Community Sponsorship Application Form
- Acceptance of Funding Form
- Acquittal Report Form
- Assessment Guidelines

The Community Sponsorship Program Policy is reviewed periodically as required. The Policy was adopted at the OMC 5 June 2008. It was reviewed as part of an overall review of the Policy Manual at the OMC19 March 2009 and no changes were made. The Policy was reviewed at the OMC 27 October 2011 and changes were made to the program to bring the timing in line with a calendar year to better support the Broome "Dry" operational season.

Chairman: Date:

In the course of processing and assessing submissions to the 2012/13 Annual Sponsorship Round and Ad Hoc Sponsorship Round, the Community Sponsorship Assessment Working Group (CSAWG) identified some issues with the policy, guidelines and forms. The CSAWG recommended a review of the policy and associated documentation to clarify the internal processes and to make the guidelines and forms more user friendly for applicants.

A preliminary review of the sponsorship documentation was undertaken by Shire Officers and was work-shopped with the CSAWG at a meeting on 11 July 2013.

The Shire of Broome currently has Memorandums of Understanding (MOU) in place with Energy Developments Limited (EDL) and LandCorp to administer sponsorship funding on behalf of those organisations. The EDL funds are distributed through the Annual funding round and LandCorp funds are distributed through the Ad Hoc funding program. These arrangements were considered in the review.

COMMENT

As a result of the review undertaken by the CSAWG, Officers recommend the following for Council’s consideration;

1. That the sponsorship guidelines are separated into two documents; Annual Sponsorship Guidelines and Ad Hoc Sponsorship Guidelines which outline four discrete sponsorship programs as follows:

Ad Hoc funding program (maximum \$1,000 available with applications accepted throughout the year):	1. Shire of Broome Community Sponsorship Program
	2. Broome North Community Building Grants (LandCorp)
Annual funding round (maximum \$10,000 available once per year)	3. Shire Broome Community Sponsorship Program
	4. Energy Developments Limited West Kimberley Community Donations

A separate application form has been created for each program (see attached).

2. That a portion of the annual sponsorship budget allocation is set aside to fund requests for venue hire sponsorship.

Council has previously indicated that it is unwilling to provide venue hire as in-kind sponsorship. However, the Shire of Broome regularly receives requests for assistance with the cost of hiring Shire-owned facilities. Processing these requests through the Community Sponsorship Program will allow the Shire of Broome to support community groups and not-for-profit organisations to use Shire-owned facilities in a fair and equitable manner and to recognize this cost within the budget through the Community Sponsorship allocation. To ensure this allocation remain realistic it is recommended that this is capped at a maximum of 10% of the annual budget allocation for community sponsorship.

This would provide a process to review and consider support for venue hire made by organizations in light of the Councils other community allocations and ensure that any assistance provided is appropriately recognized.

The purpose of the review and the resulting recommendations are to:

- Simplify the process for applicants
- Provide clear and sound guidelines upon which the CSAWG may base its assessment
- Give greater transparency and accountability within the program
- Strengthen the alignment of funded projects with the Shire of Broome Strategic Goals
- Refine the essential eligibility and assessment criteria
- Ensure application forms are aligned with the eligibility and assessment criteria
- Standardise the required budget information across all application forms
- Clearly differentiate sponsorship provided by the Shire of Broome, Energy Developments Limited and LandCorp, allowing the Shire to better fulfil its commitments outlined in the MOU's with EDL and LandCorp
- Clarify and formalise how requests for venue hire sponsorship are managed.

CONSULTATION/STAKEHOLDERS

Community Sponsorship Assessment Working Group – review of policy, guidelines and forms.

Energy Developments Limited – input and feedback regarding guidelines for the EDL West Kimberley Community Donations program.

LandCorp – input and feedback regarding the Broome North Community Building Grants.

A Community Engagement Plan has been developed to ensure the community is consulted regarding changes to the sponsorship program. In line with the plan it is recommended that the proposed policy and guidelines are advertised for public comment, to be advertised via the Shire website and in the Broome Advertiser. The documents will be available to be viewed on the Shire website and in hard copy at the Shire of Broome Administration Office, with submissions open until 30 August 2013.

The final documents will then be presented to Council for approval.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 5.1.5 Community Sponsorship Program

FINANCIAL IMPLICATIONS

Sponsorship Category	Budget Allocation	GL Account
Annual Community Sponsorship Program	At least 80% of annual budget allocation	22172 - Community Sponsorship Program
Ad Hoc Community Sponsorship Program	Up to 10% of annual budget allocation	22172 - Community Sponsorship Program
Venue Hire Sponsorship	Up to 10% of annual budget allocation	22172 - Community Sponsorship Program
Energy Developments Limited (EDL) West Kimberley Community Donations	\$400,000 to be distributed within 15 years to a maximum of \$80,000 per annum	22173 – EDL Sponsorship Program Reserve
Broome North Community Building Grants	\$25,000 to be distributed over 5 years to a maximum of \$5,000 per annum	22172 - Community Sponsorship Program (from LandCorp funds held in trust)

STRATEGIC IMPLICATIONS

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

Encourage communication.

Create community spaces.

Encourage recreational activity.

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.

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:

Develop an organisational culture that strives for service excellence.

Encourage community engagement.

Improve systems, processes and compliance.

Chairman: Date:

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr D Male

Seconded: Cr C Mitchell

That Council:

1. *Endorses the following draft documents (as attached) to be advertised for public comment for a period of two weeks:*
 - a) *Draft Community Sponsorship Program Policy 5.1.5*
 - b) *Draft associated guidelines and forms as presented to Council*
2. *Requests the CEO to submit the revised documents to Council for final approval following community feedback.*

CARRIED UNANIMOUSLY 7/0

[Attachment: 47 pages](#)

The Shire President advised that a Revised Report Recommendation had been circulated.

9.1.4 MASTER BUILDERS ASSOCIATION AWARDS DINNER EVENT APPROVAL

LOCATION/ADDRESS:	Zanders Restaurant, Cable Beach Reserve
APPLICANT:	Master Builders Association
FILE:	REP004
AUTHOR:	Events & Venue Coordinator
CONTRIBUTOR/S	Manager Community Development
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	29 July 2013

SUMMARY: The Master Builders Association (MBA) is holding its annual Northwest Building Awards on Saturday 3 May 2014, coinciding with the North West Expo. The MBA is seeking Council approval to hold the awards on the grassed area immediately to the west of Zanders Restaurant.

BACKGROUND

Previous Considerations

At OCM 21 March 2013 Council delegated authority to the Chief Executive Officer to approve MBA's application for its 2013 Awards evening on the grassed area immediately to the west of Zanders Restaurant.

The proponent was so pleased with the outcome of that event that it seeks to use the same location in 2014.

The Shire of Broome's policy *2.3.4 Parks and Reserves Venue Hire Charges and Conditions*, stipulates that only one event per year is approved to be held within this location. This event is the Billfish Tournament Annual Awards (BTAA).

This report seeks Council approval for another event to be held in this area.

COMMENT

The MBA has applied to hold its awards dinner on Saturday 3 May 2014 on the grassed area immediately to the west of Zanders Restaurant in Cable Beach Reserve.

The MBA event will comprise a dinner for 250 - 300 people from all over Western Australia and will showcase Cable Beach to a captured audience. This event provides an opportunity to raise the profile of Broome through a memorable and positive tourism experience.

Site construction would begin at 09:00 on Saturday 3 May 2014 and be deconstructed by 10:00 on Sunday 4 May 2014. The evening event will cease at midnight with pack down immediately following.

All public thoroughfares will remain open to the public at all times.

Chairman: Date:

It is recommended that Council approves the MBA Northwest Building Awards application under the conditions listed in Council Policy 2.3.4. They are;

- All applicable fees & charges are paid;
- No vehicles are located in this area; and
- All public use paths are kept clear at all times.

CONSULTATION

Zanders Restaurant
Master Builders Association

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

2.3.4 Parks & Reserves, Venue Hire Charges & Conditions
5.1.7 Events Held on Local Government Property & Public Places

FINANCIAL IMPLICATIONS

Fees applicable to this application are;
Public Building Approval - \$200
Event Application Fee - \$55
There is currently no adopted fee for venue hire of this area.

STRATEGIC IMPLICATIONS

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

Encourage communication.

Create community spaces.

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

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

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

Manage resource allocation.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council delegates authority to the Chief Executive Officer to approve MBA's application to hold its function from 9am 3 May 2014 – 10am 4 May 2014 on the grassed area immediately to the west of Zanders Restaurant under the conditions that;

- *All applicable Council fees & charges are paid;*
- *No vehicles are located in this area; and*
- *All public use paths are kept clear at all times.*
- *All regulatory requirements being met.*

COUNCIL RESOLUTION:
(REVISED REPORT RECOMMENDATION)

Moved: Cr J Bloom

Seconded: Cr C Mitchell

That Council delegates authority to the Chief Executive Officer to approve MBA's application to hold its function from 9am 3 May 2014 – 10am 4 May 2014 on the grassed area immediately to the west of Zanders Restaurant under the conditions that;

- *All applicable Council fees & charges are paid;*
- *No vehicles are located in this area; and*
- *The main use path along the ocean (on the western side of the grassed area) is kept clear at all times*
- *All regulatory requirements being met.*

CARRIED UNANIMOUSLY 7/0

[Attachments: 1 page](#)

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 Broome 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.

With regard to Item 9.2.1 Cr E Yu disclosed that "I have an association with Broome Basketball Association as secretary that hires BRAC premises. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

The Shire President advised that a Revised Report Recommendation had been circulated.

9.2.1 BROOME RECREATION AND AQUATIC CENTRE - AQUATIC AMENITIES BUILDING RENEWAL	
LOCATION/ADDRESS:	20 (Lot 2827) Cable Beach Road East, Cable Beach
APPLICANT:	Nil
FILE:	12/12; RES 42502
AUTHOR:	Asset Coordinator
CONTRIBUTOR/S	Manager Health Services
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	29 July 2013
SUMMARY: Commencement of internal fitout refurbishments at the Broome Recreation and Aquatic Centre (BRAC) Aquatic Amenities Building uncovered significant structural failures. Investigations were made into other funding sources and were unsuccessful. Therefore the options for rectification are limited. Shire officers are seeking authority to tender for structural rectification and refit to make the facility operational.	

BACKGROUND

Previous Considerations

OCM 01 November 2012 Item 9.4.6 Amenities Upgrades
 OCM 16 May 2013 Item 12.1 Aquatic Ablution Block Repairs

Through the 12/13 budget process Council approved renewal works to the BRAC aquatic ablution block. This work was awarded for the amount of \$170,000 which was funded through the Country Local Government Fund and is currently held in the Restricted Cash account.

Included in the scope of Contract 12/12 – Minor Works to Amenities was a refurbishment of the BRAC Aquatic Amenities building, specifically the toilets and change room areas. This work commenced in early April 2013. As the contractors, BMT Constructions removed the internal linings from the male and female change rooms they discovered severe corrosion to the wall studs and bottom plates from water and possibly chlorine ingress. In addition, they found previous rectification works to studs on the east side of the building of poor quality impacting further on the structural integrity of the building.

As advised at the OCM 16 May 2013 in Item 12.1, the internal wall and ceiling sheeting were removed and the appropriate structural supports installed. In addition, a structural report by a Pritchard Francis Civil & Structural Engineering Consultants was attached to Item 12.1 as an independent verification of the structural status of the building. The recommendation from Pritchard Francis is for the building not to be used until repairs are made to the building structure.

Chairman: Date:

As a result of the above it was resolved at the OCM 16 May 2013:

"That Council requests the Chief Executive Officer to liaise with the Department of Sport and Recreation to explore options for funding the emergency repairs to the ablutions and the opportunity to incorporate other community needs as part of a rebuilt facility."

COMMENT

In response to the above resolution of Council, the Shire President and Chief Executive Officer met with and subsequently wrote to the Minister of Sport and Recreation seeking urgent funding assistance for renewal work at the aquatic building to rectify structural failures. Officers have been advised the Shire of Broome's request has not been supported by the Department of Sport of Recreation.

Officers have investigated a number of alternatives including the purchase of attractive modular units as a semi-permanent option. The indicative costing only for these units was \$200,000 with a reduced pool user loading to 150pax from 250pax. This cost estimate *excludes* demolition, local cost factor, requirements for any variations to the basic design and quality of fitout.

Officers have determined that the ongoing use of port-a-loos at BRAC is not suitable under Code of Practice - For the design, construction, operation, management and maintenance of Aquatic facilities 2.20 Sanitary Amenities. A more permanent sewer connected option is required within the short term. In addition, the weekly cost to hire, maintain & remove waste in the 6 existing port-a-loos is \$900, with a total expenditure to date of approximately \$15,000.

Further, it is imperative that the works are completed prior to the onset of the wet season when the use of the pool increases significantly and this, combined with environmental conditions, increases the risk of water contamination.

As a result of no foreseeable additional funding, the ongoing operational costs involved and the Shire's health compliance issues, it is recommended that:

1. Authority is delegated to the CEO to call for and award the tender to structurally renew and refit the existing amenities building within the budget allocated by Council. This will enable works to be undertaken as a matter of priority before the onset of the wet season.
2. Country Local Government Funds of \$170,000 held in restricted cash be transferred to Building Renewal - Cap Exp - BRAC Aquatic 117127 in the 13/14 year.
3. \$110,000 already quarantined in the building reserve and an additional \$20,000 (total \$130,000) for these emergency capital works be transferred to Building Renewal - Cap Exp - BRAC Aquatic 117127 in the 13/14 year. The additional funds have been included to facilitate the re-sheeting of the entire building to ensure visual and renewal consistency.
4. As part of the preparation of tender documents the project manager shall consult with the Development Control Unit on matters relating to Health and Building compliance.

Chairman: Date:

CONSULTATION/STAKEHOLDERS

Apart from correspondence with the WA Department of Sport and Recreation as described previously, consultation has been limited to internal stakeholders.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.57. *Tenders for providing goods or services*

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

5.42 *Delegation of some powers to CEO*

- (1) *A local government may delegate to the CEO the exercise of any of its power or the discharge of its duties.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

Health Act 1911

Building Act 2011

POLICY IMPLICATIONS

2.3.7 Purchasing Policy

2.4.1 Asset Management Policy

FINANCIAL IMPLICATIONS

The table below outlines start up costs and ongoing costs involved in an asset project. It should be noted that the current balance of the Building Reserve is \$650,000. This is an indicative amount only and will be finalised with the completion of the 2013/14 budget process.

Asset:

<i>BRAC Aquatic Amenities Renewal</i>	Capital Expense	Lifecycle Cost (annually)	Remarks
Capital Expense			
Renewal – Structure, Fitout & temporary ablutions	300,000		As per scope above
New/Upgrade	Nil		
Budget Impact			
Loan interest			
Renewal			
*Operations			
*Maintenance			
Less Additional Revenue			
TOTAL	\$300,000		

Chairman: Date:

<i>BRAC Aquatic Amenities Renewal</i>	Capital Expense	Lifecycle Cost (annually)	Remarks
* <i>Operation and Maintenance costs - calculated as an increase to existing costs for upgrade and new assets.</i>			

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

Funding Source: *BRAC Aquatic Amenities Renewal*

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant	\$170,000		Renewal	CLGF	To 117127
Reserve	\$130,000 (\$110,000 already restricted for this project)		Renewal	Building Reserve	To 117127
Budget					
TOTAL	\$300,000				
*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:

Create community spaces.

Encourage recreational activity.

Facilitate a safe environment.

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

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:

Manage resource allocation.

VOTING REQUIREMENTS

Absolute Majority

Chairman: Date:

REPORT RECOMMENDATION:

That Council:

1. Approves the structural renewal and fitout of the Broome Recreation and Aquatic Centre aquatic amenities building and delegates authority to the Chief Executive Officer to call for and award the tender for this project within a budget of \$300,000 to allow the works to be completed prior to the onset of the wet season;
2. In order to facilitate the works commencing prior to the adoption of the 2013/14 Budget;
 - a) Approves the transfer of CLGF funding of \$170,000 to Building Renewal - Cap Exp - BRAC Aquatic GL account117127and;
 - b) Approves the transfer of \$130,000 from the Building Reserve to Building Renewal - Cap Exp - BRAC Aquatic GL account117127.

COUNCIL RESOLUTION:
(REVISED REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr E Yu

That Council:

1. Approves the structural renewal and fit out of the Broome Recreation and Aquatic Centre aquatic amenities building and delegates authority to the Chief Executive Officer to call for and award the tender for this project within a budget of \$250,000 (noting that \$50,000 has been paid to date to cover works undertaken and materials purchased) to allow the works to be completed prior to the onset of the wet season;
2. In order to facilitate the works commencing prior to the adoption of the 2013/14 Budget;
 - a) Approves the transfer of CLGF funding of \$170,000 to Building Renewal - Cap Exp - BRAC Aquatic GL account117127and;
 - b) Approves the transfer of \$130,000 from the Building Reserve to Building Renewal - Cap Exp - BRAC Aquatic GL account117127.

CARRIED UNANIMOUSLY 7/0

Attachment: NIL

With regard to Item 9.2.2 Cr E Yu disclosed that "I have an association with Broome Chinese Community as an ordinary member, that owns property in Chinatown. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

9.2.2 SELECTION OF CONCEPT DESIGN FOR SHADE STRUCTURES IN CHINATOWN	
LOCATION/ADDRESS:	Chinatown
APPLICANT:	Nil
FILE:	RFQ13-13
AUTHOR:	Manager Community Development
CONTRIBUTOR/S	Manager Planning Services
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	31 July 2013
SUMMARY: This report recommends the selection of a design concept for shade structures in Chinatown utilising a grant from the State Government.	

BACKGROUND

Previous Considerations

OMC 21 February 2013 Item 9.2.1
 OMC 18 April 2013 Item 12.1

At the OMC 18 April, it was resolved:

That Council:

1. *Authorises the Shire President and the Chief Executive Officer to engross the grant agreement with the Department of Local Government for the amount of \$210,000 to be used for the design, construction and installation of shade structures in Chinatown.*
2. *Delegates authority to the Chief Executive Officer to implement a process to undertake the project that includes;*
 - a) *Expressions of interest to be sought from suitably qualified artists.*
 - b) *Development of a short-list of artists invited to submit design concepts.*
 - c) *Council approval of the preferred concept prior to tenders being called.*
 - d) *Production of detailed design documentation (including structural engineering and building approval) and financial costings.*
 - e) *A tender process for the construction and installation of the structures.*
3. *Notes the preliminary locations of the shade structures as outlined on the attachment (2 located within Carnarvon Street and 2 in Dampier Terrace) and acknowledges this may change subject to further input from Chinatown Action Group, the artist selected to prepare the design and budget available.*
4. *Requests the Chief Executive Officer to engage with the Chinatown Action Group regarding the short-listing and selection of artists.*
5. *Authorises the Chief Executive Officer to amend the 2012/13 budget as a result of the grant received accordingly.*

Expressions of interest were sought and five submissions received. Officers from across the organisation and two members of the Chinatown Action Group (CAG) developed a short-

Chairman: Date:

list and three proponents were consequently invited to submit preliminary design concepts. These have now been received and are attached as Confidential Attachments 1, 2 and 3 for Council's consideration.

COMMENT

Proponents were asked to submit;

1. A written description of the concept design that responds to the selection criteria
2. A design concept drawing or set of sketches or images showing preliminary ideas indicating form, colours, materials etc
3. A budget for the construction and installation of the concept design

The submissions received were considered against the following criteria and weighting;

1. Functionality (40%)
 - extent of shade provided
 - size of structure* (it is envisaged that structures will be approximately 5m x 5m)
 - inclusion of seating or other functional elements
 - accessibility
2. Materials (15%)
 - materials and structure response to climatic conditions* (cyclone, sun, heavy rainfall, water inundation)
 - resistance to vandalism
 - proposed locations
3. Cost (20%)
 - proposed materials*
 - installation requirements*
 - maintenance and on-going operational costs*
 - potential for local fabrication
4. Design (25%)
 - interpretation of the heritage of the Chinatown precinct
 - existing aesthetic elements
 - visual amenity

** Note: any structure must be designed to cyclonic requirements applicable to Region C as per Australian Standard AS 1170.2*

Shire Officers and members of the CAG met on 30 July 2013 and a preferred concept was agreed based on the above criteria and in consideration of the Chinatown Town Centre Design Guidelines (DGs) which are part of the Chinatown Development Strategy adopted by Council 21 February 2013.

These DGs seek to provide direction on how future development that responds sensitively to Chinatown's unique heritage and promotes a vibrant and attractive town centre, in which walking and street activity is encouraged. The DGs set out design objectives, development control and design guidance. Elements from the DGs that warrant consideration when considering new structures in the public realm include;

Chairman: Date:

- 4.2 Crime Prevention Through Environmental Design - clear sightlines should be provided that allow for surveillance from the public space and adjoining private spaces and vice versa
- 5.2 Built Form Design
 - Ensuring that new developments do not mimic or create a 'fake' heritage
 - Maintain the human scale of development in Chinatown
 - Provide interesting well portioned facades especially at ground level
 - Provide attractive elevations to all public areas and minimise perceived bulk of buildings

Based on the above, an assessment of each submission was undertaken (see Confidential Attachment 4) and it is the recommendation of Officers that the proponent of Confidential Attachment 2 be invited to enter into an agreement to develop detailed design documentation for shade structures in Chinatown. It was agreed that this concept met the selection criteria to the greatest degree and addressed the notion of cultural interpretation within an urban design functionality.

Officers further recommend that the proponent of Confidential Attachment 1 be asked to provide more detailed information, including costings and engineering detail, with a view to installing one of these structures at Streeter's Jetty and to be considered as part of the Roebuck Bay Coastal Jetty to Jetty Project. It was agreed that the concept was appropriate for a coastal open space and reflected another historical aspect of Broome. It is proposed that the development of this concept would be undertaken using Jetty To Jetty Project funds.

In consultation with representatives of the Chinatown Action Group, seven indicative locations for the shade structures have been identified (see Attachment 5), including Streeter's Jetty. It is proposed to ask the selected proponent to provide visual representations of the design concept in each of the identified locations which will assist in the selection of the three to four initial locations in order to work within budget constraints.

Once approved by Council, the successful proponent will be provided with feedback then invited to enter into an agreement to develop detailed design documentation and financial costings (including engineering). The creative design process will take place over a period of 9 weeks and the final designs will be presented for Council's consideration.

A tender process will then be implemented for the construction and installation of the structures.

CONSULTATION

Chinatown Action Group (involvement in short-listing and recommended concept design)

Using the Framework adopted by Council, the project requires community engagement at the *Consult* level. It is proposed that the chosen design concept be promoted in the media with an opportunity for the community provide feedback.

STATUTORY ENVIRONMENT

Local Government Act 1995

Chairman: Date:

5.23. Meetings generally open to public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
- (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government

POLICY IMPLICATIONS

- 4.1.12 Chinatown Planning Policy
- 5.1.6 Public Art
- 5.1.10 Community Engagement Policy
- 8.6 Municipal Heritage Inventory

FINANCIAL IMPLICATIONS

Asset:

Chinatown Shade Structures	Capital Expense	Lifecycle Cost (annually)	Remarks
Capital Expense			
Renewal		\$21,932	\$5,483 per structure
New	\$210,000		Artist Commission Fee \$25,000, Engineering, Construction and installation \$185,000
TOTAL	\$210,000		

Chairman: Date:

Funding Source: Chinatown Shade Structures

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant	\$210,000			DLG	
Budget		\$21,932	Renewal		
TOTAL	\$210,000	\$21,932			
*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.

Create community spaces.

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

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

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

Chairman: Date:

REPORT RECOMMENDATION:

That Council:

1. Selects the design which is the subject of Confidential Attachment 2 for the design of shade structures for use throughout Chinatown and requests the CEO to:
 - a) Engage the proponent to work up the initial to provide detailed design documentation that can be used as the basis for a tender, and visually represent this final concept in 4 locations (excluding Streeter’s Jetty) to be finalised in consultation with the Chinatown Action Group;
 - b) Finalise budget for the structures to achieve a pre tender estimate and;
 - c) Seek feedback from the community on the final design concept and if no significant objections are received, call tenders for the construction of the structures within budget limitations in Chinatown at the agreed locations.
2. Requests the CEO consult with the Jetty to Jetty Working Group and engage the proponent of Confidential Attachment 1 (using funds from the Jetty to Jetty Project account) to work up the initial design into a final concept (not construction) that can be used as part of the Jetty to Jetty Project including at Streeter’s Jetty.

COUNCIL RESOLUTION:

Moved: Cr C Mitchell

Seconded: C E Yu

That Council:

1. Selects the design which is the subject of Confidential Attachment 2 for the design of shade structures for use throughout Chinatown and requests the CEO to:
 - a) Engage the proponent to work up the initial to provide detailed design documentation that can be used as the basis for a tender, and visually represent this final concept in 4 locations (excluding Streeter’s Jetty) to be finalised in consultation with the Chinatown Action Group;
 - b) Finalise budget for the structures to achieve a pre tender estimate and;
 - c) Seek feedback from the community within a 21 day period on the final design concept and if no significant objections are received, call tenders for the construction of the structures within budget limitations in Chinatown at the agreed locations.
2. Requests the CEO consult with the Jetty to Jetty Working Group and engage the proponent of Confidential Attachment 1 (using funds from the Jetty to Jetty Project account) to work up the initial design into a final concept (not construction) that

can be used as part of the Jetty to Jetty Project including at Streeter's Jetty.

CARRIED UNANIMOUSLY 7/0

[Attachment 5: 1 page](#)

Attachments 1 – 4 (Confidential to Councillors and Directors only): 32 pages

Reason: Additional wording at point 1. (c) to include a 21 day community feedback process.

These attachments are confidential in accordance with Section 5.23 (1) and 2 (c) as they pertain to "a contract entered into or that may be entered into by the local government and which relates to a matter to be discussed at the meeting".

**9.2.3 APPLICATION FOR PLANNING APPROVAL FOR ADDITIONS TO SERVICE STATION AND
PYLON SIGN – LOT 22 (NO. 19) NAPIER TERRACE, BROOME**

The Chief Executive Officer advised that this item was withdrawn.

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 ACCOUNTS FOR PAYMENTS – JULY 2013

LOCATION/ADDRESS: Nil
APPLICANT: Nil
FILE: FRE02
AUTHOR: Creditors Officer
CONTRIBUTOR/S: Accountant
RESPONSIBLE OFFICER: Director of Corporate Services
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 05 August 2013

SUMMARY: This report recommends that Council adopts the list of payments made under delegated authority, as per the attachment to this report, July 2013.

BACKGROUND

Previous Considerations

Nil

COMMENT

The Chief Executive Officer (CEO) has delegated authority 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 July 2013.

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.*

Chairman: Date:

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

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr D Male

Seconded: Cr A Poelina

That Council records the accounts as paid under delegated authority for July 2013, totalling \$2,227,145.83, as attached, covering:

- ***Trust Cheque Vouchers 3330-3322 totalling \$20,794.24;***
- ***EFT Vouchers 22373-22803 totalling \$1,967,928.84; and***
- ***Municipal Cheque Vouchers 56477-56534 totalling \$238,422.75***

CARRIED UNANIMOUSLY 7/0

[Attachment: 17 pages](#)

9.4.2 JUNE 2013 MONTHLY FINANCIAL ACTIVITY REPORT

LOCATION/ ADDRESS: Nil
APPLICANT: Nil
FILE: FRE 02
AUTHOR: Accountant
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 2 August 2013

SUMMARY: This report recommends that Council adopts the Monthly Financial Activity Report of the Shire's operations for the period ended 30 June 2013, 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	100%
Total Operating Expenditure	93%
Total Operating Revenue	105%
Total Capital Expenditure	90%
Total Sale of Assets Revenue	92%
Total Capital Revenue	99%

Committed infrastructure expenditure as percentage of forecast budget:

Parks and Ovals Infrastructure	79%
Drainage Infrastructure	93%
Transport Infrastructure	95%

More detailed explanations of variances are contained in the notes to the monthly statement of financial activity. The commentary identifies significant variations between the expected year-to-date budget position and the position at the reporting date.

It must be noted that this report is not a true representation of Council's financial position as at 30th June 2012. End of year adjustments are yet to be processed. The full annual financial report will be presented to Council in December.

Chairman: Date:

FORECASTS

Budget forecast changes were required this month representing changes to original budget estimates adopted by Council on the recommendation of the Audit Committee from the third quarter budget review at the Special Council Meeting held 27 June 2013. Details of these changes are included in the Forecast Budget Detail section of this report.

Budget forecast changes made in previous months resulted in a net predicted budget surplus of \$23K. The net amount of all budget forecast changes made this month is an \$18K surplus, resulting in a net predicted budget surplus as at 30 June 2013 of \$5K.

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

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr J Bloom

That Council:

- 1. Adopts the Monthly Financial Activity Report for the period ended 30th June 2013 and*
- 2. Notes the year-end forecasts compared to the original Budget as detailed in the attachment in the notes to the June 2013 Monthly Financial Activity Report.*

CARRIED UNANIMOUSLY 7/0

[Attachment: 75 pages](#)

9.4.3 CENTRALISED EMERGENCY MANAGEMENT AGENCY

LOCATION/ADDRESS: Kimberley Region
APPLICANT: Department of Emergency Services
FILE: EMS03
AUTHOR: KR Donohoe – Secretary, Kimberley Zone
CONTRIBUTOR/S: NIL
RESPONSIBLE OFFICER: As above
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 22 July 2013

SUMMARY: This report responds to correspondence from the Department of Fire and Emergency Services who have responded to Councils request for a Centralized Emergency Management Agency on a trial basis for a period of three (3) years. This report recommends support for the trial.

BACKGROUND

Council has considered over a number of years the development of a Centralized Emergency Management Agency for the Kimberley.

Council has resolved its support for this project previously:

At the Kimberley Zone of WALGA/RCG meeting held on 24 November 2012, the following resolution was carried:

RESOLUTION:

1. *That the Kimberley Zone Fire Management Committee organise a face to face meeting to prepare a clearly defined strategy to progress the issue.*
2. *That the committee be increased to 8 members with at least one elected member from each LG and representation from WALGA.*
3. *That the Zone identifies the options to present our case directly to the relevant ministers.*
4. *That this process be completed and ready to be voted on at the next Zone meeting (prepared and allowing each LG to vote on the recommendations)*
5. *The fire management committee discuss options for other Kimberley fire management options*

Moved: Cr Archer

Seconded: Cr Browne

CARRIED UNANIMOUSLY

REPORT RECOMMENDATION/RESOLUTION:

That the Kimberley Zone of WALGA:

Authorise the Secretariat to prepare a submission to the DFES legislative team clarifying the prospective trial of a Local Government Rural Fire Service in the Kimberley (excepting Local Emergency Management Committee functions and Firebreak inspections) for the proposed Kimberley Rural Fire Service Authority.

Moved: Cr Moulden

Seconded: Cr Archer

CARRIED UNANIMOUSLY

REPORT RECOMMENDATION:

That Council endorse the position paper’s resolution as prepared by the Kimberley Zone/Regional Collaborative Group in relation to Kimberley Fire Management as follows:

COUNCIL RESOLUTION:

That Council endorse the position paper’s resolution as prepared by the Kimberley Zone/Regional Collaborative Group in relation to Kimberley Fire Management as follows:

“It is the strong recommendation of the Kimberley Zone that there needs to be one well-resourced and mandated agency to act as the Fire Management Authority for the Kimberley and that this needs to be actioned as a matter of urgency”.

Moved: Cr C R Mitchell

Seconded: Cr Peter D Matsumoto

CARRIED UNANIMOUSLY 5/0

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr G T Campbell

Seconded: Cr A Poelina

That Council:

1. ***Receives the resolution of the Kimberley Zone of WALGA/Regional Collaborative Group enbloc with the exception of Resolutions "F" and "L" as identified in this report.***
2. ***Adopts the Governance Agreement as attached to the Agenda, "In-Principle" and delegates authority to the Chief Executive Officer to consult with and finalise the Governance Agreement in relation to determining a common regional agreement between member Councils of the Kimberley Zone and Regional Collaborative Group.***
3. ***Considers additional funding support in relation to the Project Manager position for the Kimberley Zone of WALGA and the Regional Collaborative Group in its 2013/2014 budget considerations.***

CARRIED UNANIMOUSLY 6/0

COMMENT

The Department of Fire and Emergency Services has written to Council advising that it is prepared to undertake a three (3) year trial in considering a Centralized Emergency Management Agency after receiving Council's request for this opportunity.

The trial will see additional resources allocated to the Kimberley Region and particularly Broome so as the agency can gauge the full impact of the transition over the trial period. These additional resources will significantly assist in the protection of people and communities in Broome and the Kimberley Region as the assets become regional assets available for deployment to emergencies within the Kimberley.

As identified in the letter (attached) from the Assistant Commissioner, the local governments will continue to administer some of the provisions of the Bushfires Act as legislative change will not be able to be implemented during the trial period. That it to say that the Shire will continue to undertake inspections of property for fire mitigation and issue burn permits as required.

The Shire will be required to retain and maintain the Emergency Services Levy (ESL) as per legislation; however DFES will undertake oversight and management of the ESL funds to manage the volunteer Bushfire Brigades and State Emergency Services units.

Transitional Arrangements

This trial will be the first of this kind in Western Australia and will see the development of a central agency of dedicated professional emergency management staff to oversee and coordinate emergencies as they occur in the Kimberley.

Chairman: Date:

This process has been supported by each of the four (4) local governments in the Kimberley jointly and independently. The Department of Fire of Emergency Services are to be congratulated for working with the local governments and volunteers on the development of this programme.

As abovementioned there will be a mirroring of some processes with Council's Rangers department remaining involved with Bushfire Management. This is as much a requirement of the legislation currently in place requiring the local government and this process will be reviewed and new processes implemented over the trial period.

In implementing a transition process through the trial period it has been agreed that a Memorandum of Understanding will be prepared over the forthcoming months outlining and detailing operational requirements so that there is a seamless transition where possible.

A significant portion of additional resources will be employed into the region as a result of this trial process. This will mean a greater level of emergency management response to the community, far greater than what the district or region has ever had allocated for emergencies.

The transition requirements are primarily aimed at response and combat operations. It is however the Chief Executive Officer's professional opinion that the role of recovery of a community should remain with the local government. While recognising that this role may change in the future the resources and local knowledge held by the local government of its community will be fundamental in working with a myriad of agencies should a significant emergency such as a cyclonic impact occur.

Statutory Roles

The Department of Fire and Emergency Services have advised in correspondence (attached) that there will be a requirement for a rescission of all statutory roles gazetted in accordance with the Bushfires Act and Emergency Management Act. While this is a transitional process, it is recommended that the power be given to the Commissioner so as to rescind and appoint a new Chief Bushfire Control Officer simultaneously. Council will note the Commissioner already has the power to appoint appropriate persons.

Commencement Date

It has been agreed with local Department of Fire and Emergency Services that the best operational date to commence the transition will be 1 September 2013 prior to the fire season and Wet Season cyclonic activity period.

CONSULTATION

Significant consultation has occurred with local governments in the region over a number of years. The Kimberley Councils and collective Kimberley Zone have worked with and requested this level of implementation. There are several decisions of Councils requesting this assistance.

This enactment will provide a new level of emergency service arrangements for the Kimberley that will provide more resources and a greater level of preparedness for communities.

Chairman: Date:

It is understood that there are some local governments in the south of the State that are now requesting this level of support and future transition so it is expected that the lessons learnt in the Kimberley transition trial will be utilized in the development of a future centralised body that is responsible for emergency management across the State.

Conversely there are a number of local government districts that are not supportive of this process at this time.

STATUTORY ENVIRONMENT

BUSHFIRE ACT

12. *Bush fire liaison officers*

- (1) *In this section —*
departmental officer means a person employed in the Department;
designation means a designation under subsection (2).
- (2) *The FES Commissioner may designate a departmental officer to be a bush fire liaison officer.*
- (3) *There are to be as many bush fire liaison officers as are necessary to perform the functions conferred on bush fire liaison officers by this Act or any other written law.*
- (4) *A person ceases to be a bush fire liaison officer if the designation of the person is revoked or ceases to have effect.*
- (5) *The power to make a designation includes —*
 - (a) *the power to revoke a designation previously made; and*
 - (b) *the power to designate a person to perform functions of another person who has that designation when it is impractical for that other person to perform the functions.*
- (6) *A designation ceases to have effect if the person designated ceases to be a departmental officer.*
- (7) *These are to be in writing —*
 - (a) *a designation;*
 - (b) *a revocation of a designation.*

[Section 12 inserted by No. 22 of 2012 s. 48.]

13. *Duties and powers of bush fire liaison officers*

- (1) *A bush fire liaison officer shall exercise such powers and perform such duties as the FES Commissioner may direct and may, in addition, exercise all the powers that may be exercised by a bush fire control officer under this Act.*
- (2) *A bush fire liaison officer shall exercise his powers and perform his duties —*
 - (a) *subject to such directions as may be given by the FES Commissioner;*
 - (b) *in such part or parts of the State as the FES Commissioner may direct.*
- (3) *Subject to subsection (6), in the exercise or performance of any of the powers or duties conferred or imposed on a bush fire liaison officer he shall*

Chairman: Date:

co-operate with, and act in an advisory capacity to a bush fire control officer.

- (4) *If a bush fire is burning in the district of a local government on land other than conservation land, the FES Commissioner may, in writing, authorise a bush fire liaison officer or another person to take control of all operations in relation to that fire —*
- (a) *at the request of the local government; or*
- (b) *if, because of the nature or extent of the bush fire, the FES Commissioner considers that it is appropriate to do so.*
- (5) *If a bush fire is burning on conservation land, the FES Commissioner may, in writing, authorise a bush fire liaison officer or another person to take control of all operations in relation to that fire —*
- (a) *at the request of the CALM Act CEO; or*
- (b) *if, because of the nature or extent of the bush fire, the FES Commissioner considers that it is appropriate to do so.*
- (6) *If, under subsection (4) or (5), a bush fire liaison officer or another person (an **authorised person**) is authorised to take control of all operations in relation to a fire, all —*
- (a) *bush fire control officers; and*
- (b) *bush fire liaison officers; and*
- (c) *authorised CALM Act officers; and*
- (d) *officers and members of a bush fire brigade,*
- who are present at the fire are in all respects subject to, and are to act under, the authorised person's orders and directions.*
- (7) *If a person other than a bush fire liaison officer is authorised under subsection (4) or (5), the person is to be taken to be a bush fire liaison officer during the period that the authorisation has effect.*

EMERGENCY MANAGMENT ACT

36. Functions of local government

It is a function of a local government —

- (a) *subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
- (b) *to manage recovery following an emergency affecting the community in its district; and*
- (c) *to perform other functions given to the local government under this Act.*

37. Local emergency coordinators

- (1) *The State Emergency Coordinator is to appoint a local emergency coordinator for each local government district.*
- (2) *Before appointing a local emergency coordinator for a local government district the State Emergency Coordinator is to consult the relevant local government.*

- (3) *In making an appointment the State Emergency Coordinator is to have regard to any submissions of the local government.*
- (4) *The local emergency coordinator for a local government district has the following functions —*
 - (a) *to provide advice and support to the local emergency management committee for the district in the development and maintenance of emergency management arrangements for the district;*
 - (b) *to assist hazard management agencies in the provision of a coordinated response during an emergency in the district;*
 - (c) *to carry out other emergency management activities in accordance with the directions of the State Emergency Coordinator.*

38. Local emergency management committees

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
 - (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) *to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;*
- (b) *to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) *to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Additional resources put in place to administer and management the trial period will be funded through the State.

STRATEGIC IMPLICATIONS

Chairman: Date:

Significant additional resources being allocated to the protection of Kimberley communities.

VOTING REQUIREMENTS

Simple Majority

<u>COUNCIL RESOLUTION:</u> (REPORT RECOMMENDATION)	
<i>Moved: Cr C Mitchell</i>	<i>Seconded: Cr A Poelina</i>
<i>That Council requests the Chief Executive Officer to write to the Commissioner of the Department of Fire and Emergency Services to;</i>	
<ol style="list-style-type: none"> <i>1. Express Council's appreciation at the level of support and professionalism demonstrated by his Department in supporting the Department and Council's collective position;</i> <i>2. Request the Commissioner to rescind all previous Statutory positions and reappoint and Gazette new persons as determined by the Commissioner for Statutory roles as required during the trial of the Centralized Emergency Management Agency;</i> <i>3. Work in consultation with the Shire of Broome Chief Executive Officer/Secretary of the Kimberley Zone of WALGA to develop a Memorandum of Understanding with all parties to implement the Centralized Emergency Management Agency in the Kimberley.</i> 	
CARRIED UNANIMOUSLY 7/0	

[Attachment: 2 pages](#)

The Shire President on behalf of the Community thanked the Chief Executive Officer for his efforts on this matter and noted the significance of what this will achieve into the future.

9.4.4 LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES AMENDMENT LOCAL LAW 2013

LOCATION/ADDRESS: Nil
APPLICANT: Nil
FILE: BYL11
AUTHOR: Consultant – John Giffellon
CONTRIBUTOR/S Manager Governance
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 29 July 2013

SUMMARY: The purpose of this report is for Council to consider the submissions made during the submission period for the proposed Shire of Broome Local Government Property and Public Places Amendment Local Law 2013 and under the provisions of Section 3.12(4) of the Local Government Act 1995 make the Shire of Broome Local Government Property and Public Places Amendment Local Law 2013 that is not significantly different from the proposed local law.

BACKGROUND

Previous Considerations

OMC 27 October 2011	Item 9.1.2
OMC 9 August 2012	Item 9.4.3
OMC 18 December 2012	Item 9.4.3
OMC 18 April 2013	Item 9.4.3

At the Ordinary Meeting of Council held 9 August 2012 Council resolved to make the Local Government Property and Public Places Local Law 2012. In accordance with the Council resolution all required documentation was supplied to the Joint Standing Committee on Delegated Legislation (JSCDL).

In a letter dated 13 November 2012 the JSCDL requested the Shire to provide an undertaking to amend clause 6.1 of the Local Government Property and Public Places Local Law 2012 to remove the discretionary power given to Pool Managers and Attendants.

Council resolved the following at its Ordinary Meeting held 18 December 2012:

That Council request the Chief Executive Officer to:

1. *Provide an undertaking to the Joint Standing Committee on Delegated Legislation to amend Clause 6.1 to remove the discretionary power given to pool managers and attendants as indicated in their letter dated 13 November 2012.*
2. *Commence the preparation of a Shire of Broome Amendment Property and Public Places Local Law in accordance with section 3.12 of the Local Government Act 1995.*

COMMENT

Chairman: Date:

An undertaking was provided to the Joint Standing Committee on 4 January 2013 as required by the Council resolution of 18 December 2012.

A proposed amendment local law was prepared and presented to Council at its meeting of 18 April 2013. Council at that meeting resolved -

1. *To make the Shire of Broome Local Government Property and Public Places Amendment Local Law 2013 as attached to this report.*
2. *Advertises in accordance with section 3.12(3)(a) of the Local Government Act 1995 the proposed Shire of Broome Local Government Property and Public Places Amendment Local law 2013 for a period of 42 days.*
3. *In accordance with section 3.12(3)(b) of the Local Government Act 1995 forwards a copy of the advertisement and the proposed Shire of Broome Local Government Property and Public Places Amendment Local Law 2013 to the Minister for Local Government.*

The Amendment Local Law was advertised and a copy forwarded to the Minister for Local Government as required by legislation. A copy was also sent to the Department of Local Government for their comment. The Department provided the following comment by email on 12 June 2013. -

1. That the Citation be reworded as follows;

This local law may be cited as the Shire of Broome Local Government Property and Public Places Amendment Local Law 2013.

Recommendation – This suggestion has been incorporated into the local law presented to Council. (Original wording ‘is the’ has been replaced with ‘may be cited’.

2. Clause 4

Clause 4 inserts several new clauses into the principal local law. It is suggested that these clauses should be indented to the right, so that the inserted text is clearly set apart from the rest of clause 4.

Eg

4. Clause 6.1 amended

Delete clause 6.1 and insert the following:

6.1 Use of all or part of a pool premises

The manager or attendant of a pool premises may-

- (a) set aside all or part of the pool premises for the use of certain persons to the exclusion of others; and
- (b) direct a person as to that person’s use of the pool premises.

Recommendation – This suggestion has been incorporated into the local law presented to Council.

The Department also suggested that in clause 6.1A, the term “shall” should be replaced with “must”.

Chairman: Date:

Recommendation - This suggestion was not incorporated into the local law presented to Council as the word "shall" is used in the WALGA model local law and is defined in the Interpretations Act where the word "must" is not. Staff of the Joint Standing Committee on Delegated Legislation have confirmed by email that the word "shall" is acceptable.

3 Clause 5

That Clause 5 be reworded as follows:

Clause 6.4 is amended as follows —

(a) In subclause 6.4(1) delete "6.1(c)" and substitute with "6.1B(b)"; and

(b) In subclause 6.4(2) delete "6.1(d)" and substitute with "6.1B(c)".

Recommendation - This suggestion was not incorporated into the local law presented to Council as when a clause is deleted a replacement clause is inserted not substituted. Staff of the Joint Standing Committee on Delegated Legislation have confirmed by email that the wording as recommended is acceptable.

A proposed amendment local law has been prepared and is presented to Council for consideration and forms Attachment 1.

CONSULTATION

The amendment local law was advertised for public submissions in accordance with section 3.12(3) of the *Local Government Act 1995*. It appeared in the West Australian and Broome Advertiser on 11 and 16 May 2013 respectively, as well as on the Shire's website and notice boards at the Administration Building and Library. No public submissions were received.

Any submissions received must be considered by Council before making the local law.

A copy of the proposed local law was provided to the Department of Local Government for comment.

Comments were also sought from the JSCDL's Advisory Officer (Legal).

STATUTORY ENVIRONMENT

The *Local Government Act 1995* provides the head of power for local governments to make local laws.

The process for the making of local laws is prescribed in section 3.12 of the *Local Government Act 1995*. This section states:

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to -*
 - (a) *give Statewide public notice stating that -*

Chairman: Date:

- (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
- and*
- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) *stating the title of the local law; and*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

After the last day for submissions, the local government is to consider any submissions made, and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

The local law is then published in the Government Gazette and a copy sent to the relevant Minister and the State Parliament Joint Standing Committee on Delegated Legislation.

The local law comes into effect 14 days after publication in the Government Gazette.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Chairman: Date:

A budget allocation has been made in the 2013/14 draft budget for estimated costs associated with printing the amendment local law in the Government Gazette and statutory advertising in the Broome Advertiser. Estimated costs are \$500 - GL 53288.

STRATEGIC IMPLICATIONS

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

Encourage communication.

Encourage recreational activity.

Facilitate a safe environment.

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

Review and analyse strategic and operational plans.

Encourage community engagement.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Absolute Majority

**COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)**

Moved: Cr D Male

Seconded: Cr C Mitchell

That Council:

- 1. *Under the provisions of Section 3.12 of the Local Government Act 1995:*
 - a) *makes the Shire of Broome Local Government Property and Public Places Amendment Local Law 2013 as attached.*
 - b) *publishes the Shire of Broome Local Government Property and Public Places Amendment Local Law 2013 in the Government Gazette and provides local public notice of the new Local Law.*
- 2. *Forwards a copy of the gazetted Shire of Broome Local Government Property and Public Places Amendment Local Law 2013 to the Minister for Local Government, and provides documentation supporting the new Local Law to the Joint Standing Committee on Delegated Legislation.*

CARRIED UNANIMOUSLY 7/0

[Attachment: 2 pages](#)

9.4.5 RIO TINTO - MEMORANDUM OF UNDERSTANDING

LOCATION/ADDRESS:	Nil
APPLICANT:	Rio Tinto
FILE:	LEG309
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 August 2013

SUMMARY: Council is requested to consider entering into a Memorandum of Understanding (MOU) with Rio Tinto. The MOU is proposed to formalise a commitment between the two parties for an ongoing relationship based on communication, consultation, engagement and collaboration on matters of mutual interest.

BACKGROUNDPrevious Considerations

Nil

COMMENT

Rio Tinto's iron ore operations span the Pilbara, including the towns of Dampier, Karratha, Pannawonica, Paraburdoo, Roebourne, Tom Price, Point Samson and Wickham. There are a number of existing Broome residents that direct commute to these mine sites and these operations provide further employment opportunities and potential economic growth to the region. With this in mind, Rio Tinto and the Shire of Broome have on occasion engaged with each other on an adhoc basis. E.g. Rio Tinto presented to Council at a briefing session held 28 November 2012 outlining their current operations and intentions to engage further with the Shire into the future.

Rio Tinto has now presented a formal MOU for Council consideration. The MOU is attached to this report and in brief seeks to formalise a commitment from both parties to continue to engage and communicate on matters of mutual interest. The document proposes that a "Relationship Manager" be nominated as a key point of contact between the two parties, with an undertaking that they will endeavour to meet at least once every six months. Further, joint meetings are proposed to be held annually or as required between Shire of Broome Councillors and Senior Staff and Rio Tinto Senior Staff, in addition to the holding of a proposed site visit to a Pilbara mine site.

The document outlines a continued commitment to communication and collaboration between both parties. Significantly, the MOU highlights a desire to develop future joint initiatives through specific partnership agreements which will set out the terms and condition of such initiatives and respective roles and responsibilities.

The proposed term of the MOU is three years and is noted that either party can terminate the MOU by thirty days written notice or if either party considers the other party is not adhering to the principles of the MOU. It is the recommendation of this report that Council enters into the MOU with Rio Tinto.

Chairman: Date:

CONSULTATION/STAKEHOLDERS

Jo-Anne Shiosaki, Acting Superintendent Regional Communities, Communities & Approvals, Rio Tinto

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no significant direct financial implications to the Shire of Broome in entering into the MOU. There may be costs associated in the proposed Pilbara mine site attendance and minimal indirect costs in staff time attributed to the communication commitments. The potential for future joint initiatives will have to be considered on a case by case basis.

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 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:

Manage resource allocation.

Encourage community engagement.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr J Bloom

That Council authorises the Chief Executive Officer and the Shire President to engross the attached Memorandum of Understanding (MOU) with Rio Tinto.

CARRIED UNANIMOUSLY 7/0

[Attachment: 8 pages](#)

9.4.6 CONTRACT 13/06 PANEL OF PREQUALIFIED SERVICE PROVIDERS FOR A TWO YEAR PERIOD WITH A TWO YEAR OPTION.

LOCATION/ADDRESS:	Shire of Broome
APPLICANT:	Nil
FILE:	13/06
AUTHOR:	Property Maintenance Officer
CONTRIBUTOR/S	Manager Operations
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 nd August 2013

SUMMARY: This report considers Tenders received for the panel of prequalified service providers and seeks Council consideration of the recommendation contained in the confidential tender evaluation report.

BACKGROUND

In order to ensure continued procurement compliance across the Organisation it was recognised there was a need for a preferred trades panel, where multiple skilled tradespersons could be utilised for minor works on a preferred supplier basis. The tendering process would ensure the Organisation achieves a best "value for money" outcome for Council for those frequently used trade categories.

This specifically relates to the cumulative effect of multiple small bodies of work encroaching or surpassing the \$100,000 limit over a foreseeable time frame and not a single body of work that would exceed the legislated tender limit of \$100,000. On consultation across the Organisation the tender would call for fourteen (14) trades categories. Any one body of work under \$9,999 would be awarded to the Tenderer that achieved the best value for money score (a combination of qualitative criteria rating and price submission) in that category, being known as Tenderer one (1) for that category. Works exceeding \$9,999 would be offered to all trades in that category to quote. Single parcels of work exceeding \$99,999 will be tendered following the legislated process.

Previous Considerations

Nil

COMMENT

A tender was called, managed and executed by WALGA on the Shire's behalf, utilising the WALGA electronic portal submission process, for a panel of fourteen (14) prequalified trades to provide both planned and reactive trades services to meet the needs of the Shire.

Communication throughout the tender open period continued to a significant degree to meet the needs of local tradespeople. Two advertisements were placed in the Broome Advertiser, one in The West Australian and four electronic reminders sent to inducted tradespersons and to those who attended the information seminar. The tender period was for a three week period and a media release went out one week prior to tender close.

Chairman: Date:

Twenty four (24) tenders were received, two tenders failed to meet the compliance criteria and were not evaluated. The remaining twenty two (22) were evaluated against the tender evaluation criteria using a weighted value system to allocate a score out of 100. The weightings were Demonstrated Experience (35%), Organisational Capacity (30%) Tenderers Resources (25%) and Local Content (10%). A value for money non weighted price criteria was used based on submitted fixed hourly rates.

A non mandatory Tender information session was held by a Shire Officer at the Administration Building during the tender open process and was attended by ten (10) local trades persons. All of which expressed concern over the electronic tendering process using the WALGA portal and requested alternate delivery methods, however it was not possible to do so, so late in the process.

Both Shire Officers named on the evaluation panel were contacted by phone and in person by several local trades seeking alternate tender delivery methods and perceived or real complications around the electronic WALGA portal. All enquiries were directed to WALGA.

Further evidence to the perceived or real complications of the electronic submission process is noted by an attendance of sixty (60) tradespersons (all local businesses) at the information seminar and submissions from only twenty four (24) some of which were businesses located outside the Broome town site.

The Evaluation panel recommends in the attached report that Council rejects all tenders and goes back to market using Shire of Broome in-house processes, specifically a standard paper based submission process.

CONSULTATION

WALGA;

Department of Local Government

Prior to tender advertising an information seminar morning was held at Broome Civic Centre with sixty (60) tradespersons in attendance to mitigate this risk.

STATUTORY ENVIRONMENT

Local Government Act 1995

1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders.*

Chairman: Date:

Local Government (Functions and General) Regulations 1996

Section 5 R14 Requirements for publicly inviting tenders

- (1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.
 - (2a) If a local government —
 - (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under sub regulation (1) or (2), is required to include —
 - (a) a brief description of the goods or services required; and
 - (b) particulars identifying a person from whom more detailed information as to tendering may be obtained; and
 - (c) information as to where and how tenders may be submitted; and
 - (d) the date and time after which tenders cannot be submitted.
- (4) In sub regulation (3)(b) a reference to detailed information includes a reference to —
 - (a) such information as the local government decides should be disclosed to those interested in submitting a tender; and
 - (b) detailed specifications of the goods or services required; and
 - (c) the criteria for deciding which tender should be accepted; and
 - (d) whether or not the local government has decided to submit a tender; and
 - (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.
- (5) After a notice has been given under sub regulation (1) or (2), a local government may vary the information referred to in sub regulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130.]

Section 5 R16 Minimum time to be allowed for submitting tenders

- (1) If the notice is published in the newspaper as part of giving Statewide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.
- (2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

Chairman: Date:

Clause 2.4 The Local Government (Functions and General) Regulations 1996, Part 4, Division 2, regulation 18, paragraph (2)

(2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.

18. Rejecting and accepting tenders

(5) The local government may decline to accept any tender.

[Regulation 18 amended in Gazette 29 Jun 2001 p. 3131-2.]

POLICY IMPLICATIONS

Policy 2.3.7 Purchasing as the value of the tender is \$100,000 across the foreseeable future.

FINANCIAL IMPLICATIONS

NIL

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.

Facilitate a safe environment.

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.

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

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

Review and analyse strategic and operational plans.

Manage resource allocation.

Encourage community engagement.

Chairman: Date:

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION:

That Council:

1. *Declines to accept any tender received for tender 13/06 Panel of Prequalified Service Providers.*
2. *Authorises the Chief Executive Officer to re-tender using Shire of Broome in-house processes.*
3. *Authorises the Chief Executive Officer to advise all Tenderers the result of Tender 13/06 Panel of Prequalified Service Providers.*
4. *Records that no successful Tenderer was awarded and that will be available for public information in the Tender Register in accordance with regulation 17 of the Local Government (Functions and General) Regulations 1996.*

COUNCIL RESOLUTION:

Moved: Cr J Bloom

Seconded: Cr E Yu

That Council:

1. *Declines to accept any tender received for tender 13/06 Panel of Prequalified Service Providers.*
2. *Authorises the Chief Executive Officer to re-tender using Shire of Broome in-house processes.*
3. *Authorises the Chief Executive Officer to:*
 - a. *advise all Tenderers the result of Tender 13/06 Panel of Prequalified Service Providers and;*
 - b. *Thank tenderers for their time and effort in submitting their tenders and that the tender process will be reviewed for future consideration*
4. *Records that no successful Tenderer was awarded and that will be available for public information in the Tender Register in accordance with regulation 17 of the Local Government (Functions and General) Regulations 1996.*

CARRIED UNANIMOUSLY 7/0

Attachment: 50 pages (Confidential to Councillors & Directors only)

Reason: Point 3 additional wording to thank tenderers for their submissions.

This attachment is confidential in accordance with Section 5.23(2)(c) of the *Local Government Act 1995* as it contains "a contract entered into, or which may be entered

Chairman: Date:

into, by the local government and which relates to a matter to be discussed at the meeting."

10.

REPORTS

OF

COMMITTEES

The Chairman advised the meeting of an error on page 80 of the Agenda Report. The paragraph incorrectly references Cr Peter D Matsumoto. This will require a further change to the Committee Membership contained in the Terms of Reference. A Revised Report Recommendation has been provided and the paragraph is to be replaced with the following:

“Cr E Yu and Cr Philip F Matsumoto are currently appointed as proxies for Cr G Campbell as the Council representative on the BCAC. If Council resolve to appoint Cr E Yu as the Chinese Community representative and with the disqualification of Cr Philip F Matsumoto, Council will be required to nominate two replacement proxies.

10.1 BROOME CEMETERY ADVISORY COMMITTEE - MINUTES 18 JUNE 2013

LOCATION/ ADDRESS:	Nil
APPLICANT:	Nil
FILE:	CTE39, RES1647
AUTHOR:	Senior Customer Service Officer
CONTRIBUTOR/S:	Manager Governance
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	24 July 2013

SUMMARY: To advise Council of the matters discussed at the Broome Cemetery Advisory Committee meeting held 18 June 2013 and to seek Council consideration for the Committee’s recommendations.

BACKGROUND

The Broome Cemetery Advisory Committee (BCAC) 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 18 June 2013 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

The Broome Cemetery Advisory Committee (BCAC) currently comprises of three Shire officers, one Councillor (and 2 deputies), nine Community Delegates and two Funeral Directors. Prior to the BCAC meeting of 18 June 2013, two resignations were received. One resignation was received from Mr Damian Dep as the Chinese Community Representative and an additional resignation was received from Mr Johari Bin Demin as the Malay/Muslim community representative. The Chinese Community have nominated Ms Eunice Yu as their representative and the Malay/Muslim community have nominated Ms Jamilah Bin Omar as their representative. Officers have been in contact with both nominated representatives, who have confirmed their acceptance of these nominations.

Chairman: Date:

Under the Terms of Reference, a change in membership proposed for the Broome Cemetery Advisory Committee requires Council's endorsement. At the BCAC meeting held on the 18 June 2013, the Committee recommended that Council appoint Ms Eunice Yu and Ms Jamilah Bin Omar as members of the Broome Cemetery Advisory Committee, and that the Terms of Reference be amended accordingly.

COMMITTEE RECOMMENDATION:

Moved: Cr G Campbell

Seconded: Mrs N Darcy

That the Broome Cemetery Advisory Committee recommends to Council that:

- 1. Eunice Yu be appointed as a member of the Broome Cemetery Advisory Committee as a representative of the Broome Chinese Community.*
- 2. Jamilah Bin Omar be appointed as a member of the Broome Cemetery Advisory Committee as a representative of the Malay / Muslim Community.*
- 3. the Terms of Reference be amended accordingly.*

CARRIED UNANIMOUSLY

Cr E Yu and Cr Phillip F Matsumoto are currently appointed as proxies for Cr G Campbell as the Council representative on the BCAC. If Council resolve to appoint Cr E Yu as the Chinese Community representative and with the disqualification of Cr Phillip F Matsumoto, Council will be required to nominate two replacement proxies.

At the meeting, Cr Campbell also noted that he had spoken with Mr Tim Mildenhall who had expressed an interest in joining the Committee as a representative of the Broome Anglican Church. It was requested by the BCAC that as there was no representative on the Committee for the Anglican Church, that Officers contact Mr. Mildenhall and seek a formal expression of interest. A formal expression was made to the Chief Executive Officer on 08 July 2013 and it is therefore recommended that Council also appoint Mr Tim Mildenhall as a member of the Broome Cemetery Advisory Committee as a representative of the Broome Anglican Church.

- General Business

The Committee discussed the fencing, lighting and roads within the Cemetery and it was identified that involvement would be required from the Engineering Department. A Committee Recommendation that the Chief Executive Officer investigate the formation of a TAG group subsequently followed.

COMMITTEE RECOMMENDATION:

Moved: Cr G Campbell

Seconded: Ms C Masuda

That the Broome Cemetery Advisory Committee recommends that the Chief Executive Officer investigate the formation of a Cemetery TAG Group within the Shire.

CARRIED UNANIMOUSLY

Chairman: Date:

Officer Comment:

Currently the Cemetery is administered by the Corporate Services Department, primarily through Customer Service. This involves the administering of new burials but has also included research and investigation of old records to identify unknown and unmarked graves within the Cemetery. In recent times this involvement has increased to include the co-ordination of CAD Plan updates to incorporate the results from project work undertaken by staff to locate and identify as many graves as possible. The results from this will enable a future plan to be developed for the Cemetery, including future landscaping and infrastructure. The design of these plans will in due course require involvement of the Engineering Department.

Currently the only Shire officers on the Broome Cemetery Advisory Committee are the Director Corporate Services, Manager Governance and Senior Customer Service Officer (the latter in a non voting capacity). It is therefore proposed that rather than the formation of a Cemetery TAG group, an Engineering officer is included on the Terms of Reference as a member of the Broome Cemetery Advisory Committee. It is suggested that the Director Engineering Services be nominated.

CONSULTATION

Broome Cemetery Advisory Committee

STATUTORY ENVIRONMENT

Cemeteries Act 1986
Shire of Broome Cemeteries Local Law 2012
Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

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

Chairman: Date:

Absolute Majority

REPORT RECOMMENDATION:

That Council:

1. *Receives the Broome Cemetery Advisory Committee Minutes of 18 June 2013 as circulated under separate confidential cover.*
2. *Notes the Committee Recommendation for the Chief Executive Officer to investigate a Cemetery TAG group, however appoints the Director Engineering Services as a member of the Broome Cemetery Advisory Committee.*
3. *Amends the Terms of Reference as attached to reflect the change in Committee membership as follows:*
 - a. *Appoints Ms Eunice Yu as a member of the Broome Cemetery Advisory Committee as a representative of the Broome Chinese Community.*
 - b. *Appoints Ms Jamilah Bin Omar as a member of the Broome Cemetery Advisory Committee as a representative of the Malay / Muslim community.*
 - c. *Appoints Mr Tim Mildenhall as a member of the Broome Cemetery Advisory Committee as a representative of the Broome Anglican Church.*
 - d. *Appoints the Director Engineering Services as a member of the Broome Cemetery Advisory Committee.*
 - e. *Removes Cr E Yu as a proxy for Cr G Campbell as the Council representative on the Broome Cemetery Advisory Committee.*
 - f. *Appoints Cr _____ as a proxy for Cr G Campbell as the Council representative of the Broome Cemetery Advisory Committee.*

COUNCIL RESOLUTION:
(REVISED REPORT RECOMMENDATION)

Moved: Cr C Mitchell

Seconded: Cr M Manado

That Council:

1. ***Receives the Broome Cemetery Advisory Committee Minutes of 18 June 2013 as circulated under separate confidential cover.***
2. ***Notes the Committee Recommendation for the Chief Executive Officer to investigate a Cemetery TAG group, however appoints the Director Engineering Services as a member of the Broome Cemetery Advisory Committee.***
3. ***Amends the Terms of Reference as attached to reflect the change in Committee membership as follows:***

Chairman: Date:

- a. *Appoints Ms Eunice Yu as a member of the Broome Cemetery Advisory Committee as a representative of the Broome Chinese Community.*
- b. *Appoints Ms Jamilah Bin Omar as a member of the Broome Cemetery Advisory Committee as a representative of the Malay / Muslim community.*
- c. *Appoints Mr Tim Mildenhall as a member of the Broome Cemetery Advisory Committee as a representative of the Broome Anglican Church.*
- d. *Appoints the Director Engineering Services as a member of the Broome Cemetery Advisory Committee.*
- e. *Removes Cr E Yu and Cr Philip F Matsumoto as proxies for Cr G Campbell as the Council representatives on the Broome Cemetery Advisory Committee.*
- f. *Appoints Cr C Mitchell and Cr A Poelina as proxies for Cr G Campbell as the Council representatives of the Broome Cemetery Advisory Committee.*

CARRIED UNANIMOUSLY 7/0

Attachment 1: (Confidential to Councillors & Directors only) – 6 pages

[Attachment 2: 18 pages](#)

The attachments to this item is confidential in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it contains “the personal affairs of any person.”

11. NOTICE OF MOTION

With regard to Item 11.1 Cr E Yu disclosed that "I have an association with Kimberley Development Commission as a Board Member who has provided information regarding this item. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

With regard to Item 11.1 Cr G Campbell disclosed that "I have an association with Kimberley Development Commission as a Board Member. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

11.1 COASTAL SHIPPING SERVICE

The following Notice of Motion was submitted by Cr J Bloom.

That Council requests the Chief Executive Officer to write to the Minister for Transport and Treasurer:

- a. expressing Council's concern and disappointment at the recent decision by the Minister to discontinue the funding arrangements for the coastal shipping service to Broome with no reference to the Shire of Broome to seek feedback on the potential impact of the decision,
- b. advising that the service is a key component in the present and future transport and logistics infrastructure of Broome and that the discontinuance of the support for the service will have significant economic ramifications for Broome particularly local businesses relying on the service, and
- c. requesting that the service be reinstated immediately before the coastal shipping service departs Western Australia to take up other opportunities overseas.

COUNCILLOR COMMENT / BACKGROUND

In 2010 the State Government contracted Jepsens Costal Shipping Service to provide a Costal Shipping Service to service Port Hedland, Broome and Wyndham from the port of Fremantle. The State agreed to underwrite the service to March 2015 at \$8M per year with an option for a 3 year extension to enable the service to build clientele and provide a much needed coastal shipping service to the region.

Jepsens Costal Shipping service had grown the service over the period securing a core customer base of 17 clients running at 83% capacity and achieving break-even results. The service was also spending in excess of the subsidy level in vessel and cargo port related costs. The contract conditions included a KPI requiring Jepsens to provide services at 25% less cost than road services.

The benefits to Broome included:

- access to cost effective transport alternatives for local businesses

- local employment such as stevedoring and in town transport services
- increased business for the Port of Broome (and like advantages for Port Hedland, Wyndham and Fremantle)
- training and development through apprenticeship programs, and
- indigenous training and employment programs

There was no consultation with the Shire of Broome that the State intended withdrawing the service or with local businesses relying on the service for transport of goods to support their business.

Officers Comments

At Council's briefing session there was an indication that this matter has been considered by the Board of the Kimberley Development Commission recently.

As a consequence of this matter being raised at the briefing, discussions were held with the Chief Executive Officer of the Kimberley Development Commission on the 15 August 2013 who provided advice in relation to KDC discussions with the Department of Transport. The KDC advised that the Department of Transport who administer the state contract, are in regular contact with Jebesen's about the performance of the service and the existing subsidy arrangements, which included continuation into the 2013/2014 financial year. Funds were allocated for a continuation of the service. It is noted that there has been a steady decline in usage and hence profitability.

In Brief;

Jebesen's shipping had approached the Government about the losses they were incurring in excess of the subsidy. Jebesen's sought additional concessions to continue the service as the service was no profitable, including an increase in subsidy. They requested concession from the State, which in the opinion of the State were outside of its ability to provide. (The other concessions aforementioned were not revealed to the Chief Executive Officer of the Shire of Broome).

It was however, conveyed to the Chief Executive Officer (Broome) that Jebesen's had initiated the terminated of the contract, to which the Government had agreed in the face of low levels of support for the service from the Kimberley Region despite the subsidy.

Jebesen's and the Department of Transport have negotiated cessation of the service which will occur in the third week of August.

COUNCILLOR RECOMMENDATION

- a. *expressing Council's concern and disappointment at the recent decision by the Minister to discontinue the funding arrangements for the coastal shipping service to Broome with no reference to the Shire of Broome to seek feedback on the potential impact of the decision*
- b. *advising that the service is a key component in the present and future transport and logistics infrastructure of Broome and that the discontinuance of the support for the service will have significant economic ramifications*

Chairman: Date:

for Broome particularly local businesses relying on the service, and

- c. requesting that the service be reinstated immediately before the coastal shipping service departs Western Australia to take up other opportunities overseas.*

COUNCIL RESOLUTION:

Moved: Cr J Bloom

Seconded: Cr C Mitchell

That Council requests the Chief Executive Officer to write to the Minister for Transport and Treasurer, Jepsens Coastal Service, Kimberley Development Commission, Pilbara Development Commission and all Ports involved.

- a. expressing Council’s concern and disappointment at the recent decision by the Minister to discontinue the funding arrangements for the coastal shipping service to Broome with no reference to the Shire of Broome to seek feedback on the potential impact of the decision*
- b. advising that the service is a key component in the present and future transport and logistics infrastructure of Broome and that the discontinuance of the support for the service will have significant economic ramifications for Broome particularly local businesses relying on the service, and*
- c. requesting that the service be reinstated immediately before the coastal shipping service departs Western Australia to take up other opportunities overseas.*

CARRIED UNANIMOUSLY 7/0

Reason: The original notice of motion was altered to correspond with additional agencies.

12. URGENT ITEMS

Nil.

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

Nil.

14. MATTERS BEHIND CLOSED DOORS

Nil.

15. MEETING CLOSURE

The Chairman declared the meeting closed at 5.31pm.