

SHIRE OF BROOME
ORDINARY COUNCIL MEETING
25 FEBRUARY 2003

INDEX - AGENDA

1. OFFICIAL OPENING	3
2. ATTENDANCE AND APOLOGIES	3
3. DECLARATIONS OF FINANCIAL INTEREST	3
4. PUBLIC QUESTION TIME	3
5. CONFIRMATION OF MINUTES	3
6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION	3
7. PETITIONS.....	3
8. MATTERS FOR WHICH MEETING MAY BE CLOSED	3
9. REPORTS OF OFFICERS	4
9.1. LEADERSHIP AND GOVERNANCE.....	4
9.1.1 ACCOUNTS FOR PAYMENT	4
9.1.2 COMMON SEAL REPORT	4
9.1.3 NEW POLICY - ISSUE OF FUNERAL DIRECTOR'S LICENCE	5
9.1.4 PROPOSAL FOR A "HMAS BROOME" - ROYAL AUSTRALIAN NAVY	6
9.1.5 KIMBERLEY ZONE CONTROL AUTHORITY NOMINATION.....	8
9.1.6 POLICY REVIEW - COUNCIL	10
9.2. UNIQUE HERITAGE AND ENVIRONMENT	13
9.2.1 POLICY - BUILDINGS ON CARAVAN PARKS	13
9.2.2 CAT STERILISATION SUBSIDY	17
9.2.3 PROPOSED RURAL INDUSTRY SHED WITH RESIDENCE ABOVE – LOT 6/118 YAMASHITA STREET, ROEBUCK (12 MILE)	20
9.2.4 PROPOSED SATELLITE TELEPHONY INSTALLATION – ANGUS FAMILY OUTSTATION OF LOMBADINA ABORIGINAL COMMUNITY (RESERVE 20927).....	24
9.2.5 PROPOSED ALFRESCO COOKING AREA FOR SON MING CHINESE RESTAURANT - LOT 391 (NO.14) CARNARVON STREET, BROOME (CHINATOWN)	26
9.2.6 PROPOSED CONSIDERATION OF AMENDMENT TO BIDYADANGA ABORIGINAL COMMUNITY LAYOUT PLAN AND CONSIDERATION OF APPLICATION FOR CEO'S RESIDENCE – RESERVE 38399	29
9.2.7 PROPOSED SWIMMING POOL FOR CARETAKER'S DWELLING IN THE BLUE HAZE INDUSTRIAL AREA FOR LOT 11 (NO.24) MINILYA ROAD, DJUGUN AND LOT 100 (NO.30) MINILYA ROAD, DJUGUN	33
9.2.8 REQUEST FOR CLOSURE OF PUBLIC ACCESS WAY (PAW - LOT 2160) ADJOINING LOT 2120 (NO.25) DE MARCHI ROAD, CABLE BEACH.....	36
9.2.9 TENDER 02/25 COMPACTOR REFUSE SITE	38
9.3. ECONOMIC PROSPERITY	40
9.4. SOCIAL SUPPORT AND DEVELOPMENT.....	41
9.4.1 BROOME ARTS AND MUSIC FESTIVAL	41

President:.....Date:.....

9.5. ASSETS AND INFRASTRUCTURE..... 45

 9.5.1 REVIEW OF ROADS 2020 REGIONAL ROADS STRATEGIES 45

 9.5.2 ABORIGINAL COMMUNITY ROAD AND AIRFIELD AGREEMENTS..... 47

 9.5.3 DAKAS RESERVE - DAKAS STREET..... 50

 9.5.4 PETITION FOR DEVELOPMENT OF PARK..... 52

10. REPORTS OF COMMITTEES..... 55

11. NOTICES OF MOTION..... 55

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN..... 55

13. MATTERS BEHIND CLOSED DOORS..... 55

14. MEETING CLOSURE..... 55

1. OFFICIAL OPENING

2. ATTENDANCE AND APOLOGIES

Attendance

Apologies

Officers

Public Gallery

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page	Item	Nature of Interest

4. PUBLIC QUESTION TIME

5. CONFIRMATION OF MINUTES

Moved: **Seconded:**

That the Minutes of the Ordinary Meeting of Council held on 4 February 2003 be confirmed as a true and accurate record of that meeting.

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

7. PETITIONS

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9. REPORTS OF OFFICERS

9.1. LEADERSHIP AND GOVERNANCE

OUTCOME

Demonstrate leadership, which is proactive, open and accountable and that encourages community consultation and participation.

9.1.1 ACCOUNTS FOR PAYMENT

REPORT RECOMMENDATION

That the accounts for payment as attached, covering Vouchers 27923 to 27929 inclusive, 29988-29990 inclusive, 29998 - 30000 inclusive and 4438-4445 inclusive (manual payments), totalling \$43 340.62 be passed for payment.

[Attachments: 6 pages](#)

9.1.2 COMMON SEAL REPORT

DATE	DETAILS
29/02/03	Application to approve manager – Liquor Licensing
29/02/03	Withdrawal of Caveat – Habitat Beach Resort Lot 39 (Caveat - 4985404)
10/02/03	Withdrawal of Caveat – Lot 75 & 77 Dampier Tce, Broome (Chinatown) Caveat I175569
10/02/03	Withdrawal of Caveat – Lot 76 Dampier Tce, Broome (Chinatown) Caveat I175567

REPORT RECOMMENDATION

That Council endorse the action by staff affixing the Common Seal to the document listed above.

9.1.3 NEW POLICY - ISSUE OF FUNERAL DIRECTOR'S LICENCE

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM.28
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 February 2003

SUMMARY: To advise Council of a proposed new Policy regarding the issue of Funeral Director Licences.

BACKGROUND

At the Ordinary Meeting of Council held 19 December 2002, Council resolved inter alia the following:

"That, in the meantime, Council regain control of the day-to-day management of the Broome Cemetery and undertake to update the burial register with the latest available information and implement processes and procedures that will assist Council in meeting its obligations under the Cemeteries Act 1986."

COMMENT

The first step in achieving this recommendation is to ensure that Council has the appropriate policies and processes in place.

As such, in consultation with the Metropolitan Cemeteries Board, a new policy has been drafted that deals with the issue of Funeral Directors Licences. The Metropolitan Cemeteries Board assisted in the production of the Local Government Cemeteries Model Local Laws, which the Shire of Broome gazetted in 1998. A copy of the draft policy is attached to this agenda.

The new policy outlines the procedure to be undertaken prior to the issue of a licence, which ensures that the applicant has the ability, facilities and equipment to conduct funerals within the Shire of Broome.

CONSULTATION

The draft policy was distributed to Councillors and Senior Staff via memo dated 8 January 2003 with a request that comments be forwarded prior to 7 February 2003. No comments were received.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

New Policy
President:.....Date:.....

FINANCIAL IMPLICATIONS

A current charge of \$100 per annum is listed in the Shire of Broome's Fees and Charges Schedule for the issue of a Funeral Director's Licence.

STRATEGIC IMPLICATIONS

The Shire of Broome's Strategic Action Plan, strategy 2.4e seeks to complete the Management Plan and Structure for the Broome Cemetery.

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council endorse the policy "Issue of Funeral Directors Licences" as attached and this policy be included in Council's Policy Manuals and on the website.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

[Attachment: 2 pages](#)

9.1.4 PROPOSAL FOR A "HMAS BROOME" - ROYAL AUSTRALIAN NAVY	
LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ADM.01
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	4 February 2003
SUMMARY: To advise Council of a proposal from the Returned Services League of Australian Broome Sub Branch for a Royal Australian Navy ship to be named HMAS Broome.	

BACKGROUND

The following correspondence has been received from Captain Peter J Blenkinsopp of the Returned Services League of Australia, Broome Sub Branch.

"The Broome RSL would like to propose to the Shire of Broome that a case be put to the Minister for Defence for naming a Royal Australian Navy ship HMAS Broome.

I believe a strong case can be made for the proposal including:

President:.....Date:.....

- Historical precedent – the WWII Corvette, the minesweeper J191 HMAS *Broome* which served in with the RAN from 1942 to 1946;
- Broome's maritime heritage
- Broome's front-line wartime experience
- Broome's modern day service as the busiest naval port in Western Australia after the navy base at Garden Island; and
- The strong feeling of support from the town for our defence forces and the warm hospitality extended to visiting navy ships.

I believe that protocol requires that the proposal be made by the Shire Council but the Broome RSL would be most happy to provide a letter of support or to assist in any other way.

It might be some years before the RAN acquire a new vessel but getting in early would certainly help our cause."

COMMENT

It is suggested that a proposal be put forward to the Minister for Defence for the naming of a Royal Australian Navy ship HMAS *Broome* and that the Broome Sub-Branch of the Returned Services League be requested to assist Council in the preparation of the proposal.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategy 1.1 of the Leadership and Governance area of the Strategic Action Plan 2003 – 2008 seeks to "promote community awareness, involvement and civic pride through effective communication, functions and activities."

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the Returned Services League of Australia, Broome Sub Branch, be requested to assist Council in the preparation of a submission to the Minister for Defence for the naming of an Royal Australian Navy ship "HMAS Broome" and this submission be presented to Council for endorsement prior to being submitted to the Minister.

Moved:

Seconded:

FOR:

AGAINST:

9.1.5 KIMBERLEY ZONE CONTROL AUTHORITY NOMINATION

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	ADM.01
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 February 2003

SUMMARY: To advise Council of an invitation to nominate for a position on the Agricultural Protection Board's Kimberley Zone Control Authority.

BACKGROUND

The Shire has received the following correspondence from the Agriculture Protection Board:

"The Hon. Minister for Agriculture recently agreed to increase the total membership of the Kimberley ZCA from 9 to 12 members, to further augment its regional and pastoral industry representation. As a result of this, and because two positions have recently been vacated, the Agricultural Protection Board is currently seeking nominations for the appointment of five new members to the Kimberley Zone Control Authority.

Local Government Authorities within or partly within the Zone, plus producer associations with members in the Zone (including but not limited to the Pastoralists and Graziers Association and WA Farmers) are all eligible to nominate. I am therefore writing to invite your nomination of a suitable representative for prospective appointment to the Kimberley ZCA. Legislation dictates that a member of Council is preferred, but the Board also has scope to consider nominations of other suitably qualified persons in the event that no member is available or willing to accept nomination. All nominations must be supported with the following information:

President:.....Date:.....

- Nominee's full name, address and occupation;
- Name of the Zone to which the nomination relates;
- A brief resume outlining the nominee's skills and experience, preferably in relation to agriculture, and/ or their involvement in industry and community organisations; and
- An indication as to whether or not the nominee is a member of Council.

Nominations will need to reach the Board by 5.00pm Friday 21 February 2003 to be considered. I appreciated this timeframe is tight, but the objective is to have finalised the appointment in time for the next scheduled Zone Control Authority meeting. A copy of the selection criteria for appointment to a ZCA is attached for your information and guidance."

COMMENT

A copy of the selection criteria is attached to this agenda.

Correspondence has been forwarded to the Agriculture Protection Board advising that the Shire of Broome is interested in appointing a nominee to the Kimberley Zone Control Authority and that the details of the nominee will be provided after this Ordinary Meeting of Council.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Leadership and Governance goal area Strategic Action Plan 2003 – 2008, strategy 1.8 seeks to ensure Council representation on Government advisory committees, forums and regional activities.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council nominate a delegate to a position on the Kimberley Zone Control Authority and the Agricultural Protection Board be advised of their details for consideration.

Moved: _____ **Seconded:** _____

FOR:
AGAINST:

9.1.6 POLICY REVIEW - COUNCIL

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM.28
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 February 2003

SUMMARY: To advise Council of minor changes to Council policies and seek endorsement of polices as part of the review process.

BACKGROUND

Three policies applicable to the Council area of the Shire of Broome's Policy and Procedure Manual were not revised during 2002. In order to bring the Manual up to date, these have recently been reviewed

COMMENT

The matter regarding Councillors Fees (Policy 1.1.11) was considered by Council at its Ordinary Meeting held 26 June 2002, where the following was resolved:

"That no changes be made to Council's current arrangements for payments of meeting fees and communication allowance."

Taking into consideration the above resolution and that elections will be held in May 2003, it is not considered appropriate to amend this Policy at this time.

The following policies have been reviewed and comments on suggested amendments are listed.

Policy 1.1.1

Policy Manual

- Include the following:

"The Policy Manual be maintained on the Shire website and updated as part of the review processes."

An amended version of this policy is attached to this agenda.

Policy 1.1.3

Public Relations – Press Releases

- No changes required.

Policy 1.1.11

Councillors Fees

- No changes required

CONSULTATION

Councillors were advised by memorandum dated 16 January 2003 of the intention to review these three policies and comments requested prior to 7 February 2003.

Comments received have been taken into account as part of the review process.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

POLICY IMPLICATIONS

Review of Policy Manual

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Strategic Action Plan, Leadership and Governance goal area Strategy 1.1b seeks to develop the integration of information technology with Council's functions and services and the ongoing development of the website.

Strategy 1.3a seeks to review structures, policies, delegations and meeting schedules.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council endorse the revision of the Policies 1.1.3 – Public Relations and 1.1.11 – Councillors Fees without changes and adopt the following change to:

Policy 1.1.1 – Policy Manual, include the following paragraph:

"The Policy Manual be maintained on the Shire website and updated as part of the review processes."

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 1 page](#)

9.2. UNIQUE HERITAGE AND ENVIRONMENT

OUTCOME

Conserve and enhance the natural features, built environment and cultural heritage of our unique municipality.

9.2.1 POLICY - BUILDINGS ON CARAVAN PARKS	
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ACT 11
RESPONSIBLE OFFICER:	Manager Health Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	3 February 2003
SUMMARY:	
Submission, for Council consideration, of a Policy to clarify and formalise the position of "other buildings as approved" on caravan parks.	

BACKGROUND

Applications are periodically received for additional accommodation on "caravan sites" in a caravan park (facility).

Many of these applications are for hard or rigid annexes which are permitted under the provisions of the Caravan Parks & Camping Grounds Act 1995 and the Caravan Parks & Camping Grounds Regulations 1997 (the Regulations).

However, there have been an increasing number of applications for permanent structures to be attached to park homes and caravans. This type of accommodation is not desirable for the reasons listed below:

1. The legislation is drafted in manner to enable caravans and park homes to be mobile in the event of an emergency such as a fire, cyclone etc.
2. To enable (1) above to be accommodated it is a requirement of the regulations that, annexes are able to be dismantled within twenty (24) hours by no more than two people and, park homes are to be fitted with a draw bar, chassis, axles and wheels to enable them to be drawn by another vehicle without structural alteration or damage to the park home.
3. These premises are caravan parks, which by inference means they are to accommodate temporary, mobile and non-permanent structures. If it were intended that permanent buildings were to be permitted as habitable rooms on a "caravan site" then the caravan parks would be designated class "1a" buildings under the Building Code of Australia.

The regulations allow for numerous buildings to be erected on caravan parks including class "10a" buildings, which cover pergolas, patios, sheds etc., and there is general clause allowing for "any other building as approved".

This clause is to give Council discretion in these matters where Council may consider it desirable to allow for class 1b and class 3 accommodation i.e. groups of chalets for short-term accommodation as an alternative form of holiday accommodation. Any approval for this form of accommodation will require Town Planning approval and a Building Licence.

COMMENT

Staff, in the past, has refused the applications for permanent structures on "caravan sites" for the reasons outlined above.

However, it has been suggested that, because the regulations do not specifically rule out these structures, there should be a policy, based on the points outlined above, outlining and clarifying the position on these "other buildings as approved".

Therefore the following policy is submitted for Council consideration:

UNIQUE HERITAGE AND ENVIRONMENT

Subject

BUILDINGS ON CARAVAN PARKS

Objective

To clarify and formalise the position regarding the construction of "other buildings as approved" on caravan parks.

Policy

1. Approval will not be given for the construction of buildings on a "caravan site" within a "facility" except those specifically approved under the provisions of the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.
2. Subject to compliance with Town Planning and Building Code of Australia requirements, approval may be given to the construction, on a facility, of class 1b and class 3 buildings.

Definitions

Caravan Site: As per the Caravan Parks & Camping Grounds Regulations 1997.

Facility: As per the Caravan Parks & Camping Grounds Regulations 1997.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks & Camping Grounds Act 1995.
Caravan Parks & Camping Grounds Regulations 1997.

POLICY IMPLICATIONS

The policy will need to be included in Council's Policy Manual.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council resolve to adopt the following policy Buildings on Caravan Parks:

UNIQUE HERITAGE AND ENVIRONMENT

Subject

BUILDINGS ON CARAVAN PARKS

Objective

To clarify and formalise the position regarding the construction of “other buildings as approved” on caravan parks.

Policy

1. Approval will not be given for the construction of buildings on a “caravan site” within a “facility” except those specifically approved under the provisions of the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.
2. Subject to compliance with Town Planning and Building Code of Australia requirements, approval may be given to the construction, on a facility, of class 1b and class 3 buildings.

Definitions

Caravan Site: As per the Caravan Parks & Camping Grounds Regulations 1997.

Facility: As per the Caravan Parks & Camping Grounds Regulations 1997.

Moved:

Seconded:

FOR:

AGAINST:

9.2.2 CAT STERILISATION SUBSIDY

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: ADM 07
RESPONSIBLE OFFICER: Manager Health Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 12 February 2003

SUMMARY:

In an attempt to reduce the numbers of feral and stray cats the Broome Veterinary Hospital have requested that Council expand the cat sterilisation program to include all residents of Broome. It is recommended Council agree to the program for a trial period.

BACKGROUND

The Broome Veterinary Hospital (BVH) has written expressing concern over the domestic, stray and feral cat situation (a copy of the letter is attached). The letter outlines the concern as the significant colonies of feral cats, especially at the Port and in Chinatown.

BVH has highlighted the desexing rate of domestic cats as being quite low, despite the Council subsidy for pensioner residents of Broome. The low desexing rate allows opportunistic breeding of domestic cats, which leads to unwanted kittens that ultimately supplement the feral and stray populations.

The aim of BVH is trying to establish a program for Broome to stabilise feral cat numbers, prevent further breeding and provide a humane method of euthanasia. The support of CALM in this program is also being sought.

In order for the feral and stray cat program to be effective the sterilisation of domestic cats needs to be much higher to curtail any recruitment from the domestic population.

The BVH believes the most effective way to increase sterilisation rates for domestic cats is to expand the subsidy to include all residents. They also indicate it may be appropriate for the veterinary clinics to offer a discount for a limited period. This has been agreed to by All Creatures veterinary clinic.

COMMENT

Comments regarding the subsidy not being fully utilised in recent years are correct as the table below shows.

YEAR	ACTUAL EXPENDITURE	BUDGET
2002/03	\$430	\$1,200
2001/02	\$470	\$1,200
2000/01	\$580	\$1,200
1999/00	\$1,070	\$1,000
1998/9	\$900	\$1,000
1997/8	\$1,060	\$1,000
1996/7	\$1,640	\$2,000

President:.....Date:.....

The principle proposed is sound and valid but there needs to be a commitment from both CALM and the veterinarians to support this campaign.

The current subsidy was instigated in 1996 and was intended to be a joint program by Council and CALM. However, when the program became operational CALM would only pick up their part of the subsidy after Council had exhausted it's budget, which as the table shows has only occurred on two occasions. Therefore, an agreement has to be in place for the cost to be shared equally between the veterinary practises, CALM and Council.

Current Program For Pensioners

To be eligible for this subsidy there was a requirement that the cat owner was to be a pensioner and a resident of Broome. A resident of Broome was determined to be a property owner or a person who had lived in Broome for a period of at least one year; and this should still apply to the expanded program.

Under the current system for pensioners, \$22.00 is paid, to Council, by the owner of a male cat and \$38.50 for a female cat. The person is given a receipt for this amount which, they present to the vet, who after performing the operation invoices Council for the full cost. In the case of males this is \$84.70 and females \$133.10. Hence our subsidy is \$62.70 (\$84.70 - \$22.00) for males and \$94.60 (\$133.10 - \$38.50) for females.

Proposed Program

Should Council budget to \$4,000.00 for one year and the other players subsidise a similar amount, the funds available would be \$16,000.00. Whilst this would only cater for sterilisation of about 170 females in one year, it would make a dent in the domestic cat population.

Whilst it would be good for all cat owners to participate, realistically, owners of male cats are less likely to take up the offer because they do not have the problem of unwanted kittens.

The project could be trialed for one year with a review prior to budget time next year. Any review initially would only be able to gauge the uptake of the program. If it was well received a decision could then be made on subsequent levels of commitment.

The effect on the feral/stray cat populations would take a number of years to become evident and a method developed to measure the success of the campaign. To this end I believe CALM should be able to provide indicators that could used as a measure.

Under this proposal the process would need to alter with the veterinary clinics receiving the payments from cat owners and then invoicing Council and CALM for their share.

Council's involvement in the program should be conditional upon CALM and both veterinary clinics committing funds to the program on an on going basis. The level of commitment by all parties should be able to be reduced in subsequent years.

As there is no "cat legislation" as such that Council administers there is no legal obligation on Council to be involved. However, for the protection of the local fauna there is a community expectation that Council should assist.

President:.....Date:.....

Education

Any program would require extensive promotion, education and advertising. Council has various avenues for this to occur and I believe at least one of the veterinary clinics places a column in the local paper.

Planning

Before a firm commitment is made to the project it is suggested a meeting be convened between all players i.e. CALM, Council, BVH and All Creatures to determine exactly how the program is to be run and to obtain a commitment from each of the parties to make an equal financial contribution to the program for at least one financial year. This commitment is to be provided in writing.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An amount of \$4,000.00 would need to be placed in the draft budget for 2003/2004.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

Council resolve that:

1. **An amount of \$4,000.00 is provided in the draft budget for 2003/04 for the expansion of the cat sterilisation program to include all residents of Broome.**
2. **A resident of Broome be determined as a property owner or a person who has been a resident of Broome for at least one year.**
3. **The provision is conditional upon commitment in writing being obtained from CALM and both veterinary clinics to contribute \$4,000.00 to the program.**
4. **The program is to be reviewed in March 2004 to determine its effectiveness and the level of ongoing support from all agencies.**

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 2 pages](#)

9.2.3 PROPOSED RURAL INDUSTRY SHED WITH RESIDENCE ABOVE – LOT 6/118 YAMASHITA STREET, ROEBUCK (12 MILE)

LOCATION/ADDRESS:	Lot 6/118 Yamashita Street, Roebuck (12 Mile)
APPLICANT:	Wayne and Claire Howard
FILE:	YAM-1/Lot 6 (new file required) Xref: YAM-1/LT118
RESPONSIBLE OFFICER:	Manager planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	13 February 2003

SUMMARY: Council has received an application for planning approval to construct a shed with residence above, on lot 6/116 Yamashita Street, Roebuck (12 Mile).

The application is forwarded to Council for consideration as the proposal floor area of the shed exceeds the maximum floor area that can be granted under delegated authority consistent with Councils Policy (3.1.27) on sheds in Rural Living, Rural Agriculture and Rural zones.

This report recommends that conditional approval be granted.

BACKGROUND

There is currently a substantial number of mangoes trees located on the property as well as an existing rural packing shed.

The variation to the size of the shed under Council's Policy in relation to shed's in rural areas specifies that sheds with a floor area excess of 200sqm are required to be forwarded to Council for consideration.

President:.....Date:.....

COMMENT

Council's Policy on rural sheds (of which the review is currently out for public comment), both require the application to be forwarded to Council for consideration.

The proposed development is summarised as follows:

- Ground Floor Shed (250sqm) to be used for office, workshop, kitchen preparation area, cool room, parking/loading and studio area.
- The Second Floor is to be a residence.
- The existing shed to be replaced by this development.
- The existing packing shed is to be removed and existing septic leach drain system to be utilised for the shed/residence.

The proposed increase in floor area in conjunction with an agricultural use is considered consistent with the "Rural Agriculture" zoning of the property.

In the case of this application the increase in floor area of the shed is supported on the basis of proper and orderly planning of the locality, for the following reasons:

- The shed is to be utilised in association with a current agricultural land use that is permitted by the Scheme.
- There is a existent demand for the shed to accommodate activities associated with the existing rural activity – Mango Plantation.
- The increased floor area of the shed is supported on the basis that the building is adequately setback to have minimal impact on the amenity of adjoining properties and the locality in general.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Zoning: Rural Agriculture under TPS.4

POLICY IMPLICATIONS

The following excerpt from Council's Policy 3.1.27 - Sheds in Rural Living, Rural Agriculture and Rural zones:

Applications for sheds, which exceed 200m² or do not meet any of the above criteria, shall be referred to Council for consideration only after the following is addressed:

- *the approved land use on site and the demand for the shed,*
- *the use of the proposed shed/s and any existing sheds, and*
- *the impact of increased floor area and an increase in the number of sheds on the amenity of the site and locality.*

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application for Planning Approval dated 3 February 2003 (2003-15) made by Wayne and Claire Howard for a proposed Rural Shed with Single Residence above on lot 6 Yamashita Street, Roebuck (12 Mile) be APPROVED subject to the following conditions:

- 1. The development must be carried out strictly in accordance with plans dated 3 February 2003, submitted with the application as approved by Council.***
- 2. Prior to commencing any work on the site, the applicant shall obtain a Building Licence from the Shire. Such application shall include, with the working drawings:
(a) Structural Engineers Certification in accordance with the requirements of the Building Code of Australia to Region C Terrain Category 2;
(b) Approval from Fire and Emergency Services Authority***
- 3. The development shall be designed in accordance with AS1428.1 - 1993 Design for Access and Mobility. Part 1 - General requirements for Access – Buildings.
Note: Areas to address within the amended working drawings for submission with the Building Licence application shall include:
• Revised toilet layout to provide this facility within or adjacent to the packing shed
• Increased width of door openings
• Provision of ramps with maximum grade 1:14***
- 4. The shed portion of the development shall not be used for permanent or temporary residential occupation.***
- 5. The existing shed to be demolished prior to occupation of the shed or residence the subject of this approval. (Note: A demolition licence will be required to be sought and obtained form Council prior to any demolition commencing)***
- 6. Material storage areas/refuse areas to be screened from the street to the satisfaction of Council.***
- 7. The office space within the development being directly related, and incidental, to the predominant approved use. NOTE: The office is to be used for on site administrative purposes of the predominant use and not for other off site purposes.***
- 8. All visitor parking must be on-site and not at all within the road reserve.***
- 9. The applicant is to comply with the Health (Treatment of Sewage and disposal of Effluent and liquid Waste) Regulations 1974.***

- 10. **The driveway access to be a minimum width of 3 metres and the driveway, turning and manoeuvring areas and parking areas to be constructed to a gravel all-weather standard.**
- 11. **All vehicle crossovers being designed and constructed (minimum gravel standard) to Council's standard crossover specification.**
- 12. **The applicant is to comply with the Health (Treatment of Sewage and disposal of Effluent and liquid Waste) Regulations 1974.**

ADVICE NOTES

The following notes are general information notes, and are merely advisory in nature. They are not conditions of this approval. They have been included to provide some guidance as to other matters which may need to be addressed in respect of the development. They do not set out all of the matters which will need to be addressed under separate approval processes whether administered by the Shire or another authority. The applicant will need to ensure that all approval processes have been satisfied.

Note 1: The crossover required in accordance with condition 10 is not required until such time as Yamashita Street has been constructed.

Note 2: Condition 10 requires an application for septic tank and effluent disposal system to be submitted to and approved by Councils Health Department prior to the issue of a Building Licence.

Note 3: Compliance with the requirements of the Shire of Broome - Town Planning Scheme No. 4, all Health and Building Regulations and Local Laws effective within the Shire.

Note 4: The minimum floor level to be 400mm for residential buildings and 200mm for commercial/industrial buildings above natural ground level or as shown on the approved plan.

Note 5: Proposed food preparation areas as shown on the approved plans to comply with the requirements of the Food Hygiene Regulations 1993. A detailed layout of the food preparation area will be required to be submitted with your application for building licence.

Note 6: All proposed signs associated with the development, including signs painted on the building, shall comply with Council's Signs Local Laws and be the subject of a separate application and approved prior to erection or painting.

Note 7: Any additional development/use, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval of Council.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 3 pages](#)

9.2.4 PROPOSED SATELLITE TELEPHONY INSTALLATION – ANGUS FAMILY OUTSTATION OF LOMBADINA ABORIGINAL COMMUNITY (RESERVE 20927)

LOCATION/ADDRESS:	Reserve 20927 – Angus Family Outstation
APPLICANT:	Network Design and Construction Pty Ltd
FILE:	ABL 02.7
RESPONSIBLE OFFICER:	Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 January 2002

SUMMARY: Council has received an application for planning approval for proposed satellite telephony installation, which is located within the Beagle Bay Reserve (Res 1834).

The application is forwarded to Council, as Staff does not have delegation for consideration of development under Interim Development Order No.2 other than development consistent with Approved Community Layout Plans.

Conditional Planning Approval is recommended.

BACKGROUND

Nil

COMMENT

The development is proposed to be located in an out-station of the Lombadina Aboriginal Community, which is located within Reserve 20927. The Reserve is under the control and management of the Aboriginal Land Trust.

The proposed installation consists of a 2.4m satellite dish, solar frames, and equipment shelters and buried cables to the dwellings for the telephone services. In accordance with the Telecommunications Act and Regulations approval is required for the satellite dish pole and solar frames.

The proposed development is recommended for approval on the basis that it will provide basic communication infrastructure for the benefit of residences at this remote location. It should be noted that development located on crown reserve land, which is under the control of ATSIC is exempt from requiring formal Planning Approval of Council under Section 32 of the TP&D Act (1928).

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning & Development Act 1928
Interim Development Order No.2
Telecommunications Act 1997
Telecommunications Regulations 1998

President:.....Date:.....

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application for Planning Approval dated 11 February 2003 (2003-17) made by Network Design and Construction Pty Ltd for proposed Satellite telephony installation on Reserve 20927 (Angus Family Out-station) be APPROVED subject to the following conditions:

- 1. The development must be carried out strictly in accordance with plans dated 11 February 2003, submitted with the application as approved by Council.*
- 2. Prior to commencing any work on the site, the applicant shall obtain a Building Licence from the Shire. Such application shall include, with the working drawings Structural Engineers Certification in accordance with the requirements of the Building Code of Australia.*

ADVICE NOTES

Note 1: *Any additional development/use, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval of Council.*

[Attachments: 6 pages](#)

9.2.5 PROPOSED ALFRESCO COOKING AREA FOR SON MING CHINESE RESTAURANT - LOT 391 (NO.14) CARNARVON STREET, BROOME (CHINATOWN)

LOCATION/ADDRESS: Lot 391 (No.14) Carnarvon Street, Broome (Chinatown)
APPLICANT: Yu Jung Sen
FILE: CAR-2/14
RESPONSIBLE OFFICER: MANAGER PLANNING SERVICES
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 12 February 2003

SUMMARY: Council has received an application for planning approval for Son Ming Chinese Restaurant to provide a food display area under the front verandah of lot 391 (No.14) Carnarvon Street, Broome (Chinatown).

The application is forwarded to Council for consideration due to the potential of the proposal set a precedence in Chinatown for this type of activity.

This report recommends temporary conditional approval subject to conditions.

BACKGROUND

The Son Ming Chinese Restaurant and Ocean and Earth retail store currently operate from the same property.

COMMENT

The proposal consists of a chinese food display area and stove for heating sauces which is to be located on the verandah of the Son Min Chinese Restaurant. Food preparation and cooking is to take place inside the existing commercial kitchen, which is located inside the building (originally the application was for food to be prepared and cooked on the verandah). It is proposed by the applicant that customers will be able to utilise the existing seating area and toilets located within the building.

The original application was to provide seating on the verandah, this has been deleted by the applicant due to the requirement for cash-in-lieu contributions under Council Policy/Scheme.

The proposal raises a number of issues that need to be considered by Council in determining the application:

- Precedence
- Parking
- Health/Food Issues
- Toilets

Precedence

The proposal to display food outside a building could set a precedent for other restaurants and similar activities wanting to set up food display areas outside their place of business.

The impact of this proposal on streetscape by creating a more active market type environment would be beneficial. This type of activity would provide a unique attraction for Chinatown further securing it as the town centre and thus encourage further visitors to the area by accommodating their needs.

It should be noted that this could also create problems during peak tourist season with customers having an impact on general pedestrian movement along Carnarvon Street.

Parking

Council's existing parking policy requires 1 bay to be provided for every 15 sqm of public seating area for restaurants in Chinatown. Under the policy review it is proposed that restaurants will only require 1 bay per 25 sqm for all floor areas for all landuses in Chinatown. In the case of this application, public parking cannot be provided on-site, and thus if seating were to be provided on the verandah (which it originally was) then a cash-in-lieu payment would be applicable consistent with the provisions of the current parking policy.

The application originally proposed two tables with chairs to be located on the front verandah to accommodate customers. However, when the issue of parking was discussed with the applicant he was advised that one (1) carparking bay would be required to accommodate the extension in alfresco seating area in accordance with Council Policy. He was not supportive of contributing a payment. He was then advised of the options available and resolved to amend the application by deleting the proposed seating located on the verandah.

Subsequent correspondence was received from the applicant confirming that no seating would be provided on the verandah area and that customers would only utilise the existing seating areas located within the building.

Health

Council's Health Department raised a number of concerns about the original application which proposed food preparation within the area. Essentially, this does not comply with health standards and cannot be approved.

The application was amended such that all food preparation and the cooking (excluding the heating of sauces) would be undertaken within the existing commercial Kitchen to comply with Health (Food Hygiene) Regulations.

Conclusion

On the basis that the activity is likely to add to the viability and uniqueness the application is supported subject to only temporary 12-month approval being granted at this stage due to possible conflicts with pedestrian movement.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Chinatown Strategy
 Temporary Approval

President:.....Date:.....

POLICY IMPLICATIONS

Parking Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application (App No.2003/230) for planning approval made by Yu Jung Sen for proposed alfresco food display and cooking on lot 391 (No.14) Carnarvon Street, Broome (Chinatown) in accordance with the application and plans dated 30 December 2003 be APPROVED subject to the following conditions:-

- 1. The development must be carried out strictly in accordance with plans dated 30 December 2003, submitted with the application as approved by Council.*
- 2. This approval is valid for 12 months from the date of this approval. (Note: Further Planning Approval will be required to be sought and obtained from Council for any extension in time frame to be granted at which time the application will re-considered).*
- 3. No seating to be placed on the verandah without the further approval of Council.*
- 4. Access to toilets is to be made available for customers at all times when the business (display/cooking area) is operating.*

ADVICE NOTES

The following notes are general information notes, and are merely advisory in nature. They are not conditions of this approval. They have been included to provide some guidance as to other matters which may need to be addressed in respect of the development. They do not set out all of the matters which will need to be addressed under separate approval processes whether administered by the Shire or another authority. The applicant will need to ensure that all approval processes have been satisfied.

Note 1: Compliance with the requirements of the Shire of Broome - Town Planning Scheme No. 4, all Health and Building Regulations and Local Laws effective within the Shire.

Note 2: Proposed food preparation/cooking and display areas as shown on the approved plans to comply with the requirements of the Food Hygiene Regulations 1993.

Note 3: All proposed signs associated with the development, including signs painted on the building, shall comply with Council's Signs Local Laws and be the subject of a separate application and approved prior to erection or painting.

Note 4: Any extension of seating area may require the building being upgraded for disabled access and provision of disabled toilets.

Note 5: Any additional development/use, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval of Council.

Moved: _____ **Seconded:** _____

FOR:
AGAINST:

[Attachment: 2 pages](#)

9.2.6 PROPOSED CONSIDERATION OF AMENDMENT TO BIDYADANGA ABORIGINAL COMMUNITY LAYOUT PLAN AND CONSIDERATION OF APPLICATION FOR CEO'S RESIDENCE – RESERVE 38399

LOCATION/ADDRESS: Bidyadanga Aboriginal Community (RES 38399)
APPLICANT: NBC Aboriginal Corporation
FILE: ABL2-2
RESPONSIBLE OFFICER: Manager Planning Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 14 February 2003

SUMMARY: Council has received an application for planning approval for the development of a residence for the CEO at Bidyadanga Community. However, the land is not appropriately zoned under the Bidyadanga Community Layout Plan for this use, which is currently designated "Community Purpose". On this basis amendment documentation has been submitted in support of amending the zoning appropriately.

This report recommends:

- A) That the site be reclassified "Staff Housing"
- B) That conditional planning approval is granted to the application.

BACKGROUND

At the Ordinary Meeting of 20 October 1998 Council considered the Bidyadanga Aboriginal Community Layout Plan and resolved adopt it subject to minor modifications to the CLP maps and provisions (Text).

President:.....Date:.....

It should be noted that the CLP has not been approved by the Western Australian Planning Commission. At the time the Bidyadanga CLP was done the Commission had not even drafted the Statement of Planning Policy No.13 – Planning for Aboriginal Communities. Therefore the Bidyadanga CLP is not consistent with the Commission Policy requirements.

COMMENT

The lot on which the CEO' residence is proposed is designated under the current CLP for "Community Purposes". Under the provisions of clause 6.5 of the CLP the objectives for the Community Purposes Area are:

- i. To set aside land for community uses including civic uses.
- ii. To provide an appropriate location for special activity centres, meeting areas and special interest group activities eg women's group, childcare, youth centre etc.
- iii. To provide for schools and other educational and training facilities.
- iv. To make sure the design of access, parking and use of such areas is safe and to the requirements of the Community.

Staff, while assessing the application for the CEO's house noted the inconsistency of the proposed use with the objectives of the Community Purpose zone. While there was no general objection to the proposed land-use at the location proposed, amendment documentation in support of the application was required to be submitted and approved, to rezone the property appropriately and allow the application to be considered.

The Bidyadanga CLP Provisions (pg 11) set out the steps to be taken for an amendment to the CLP to occur. To ensure adequate time for the Community Council to consider a proposed amendment a twenty eight (28) consideration time period is required, prior to a decision being made to approve/refuse to adopt an amendment, by the full Community Council.

In support of the amendment the following documentation was received in support of the reclassification of the property to allow Staff Housing:

- 1. *It is considered desirable that the CEO be housed close to the community office.*
- 2. *It is also considered very important that the CEO be housed outside the community housing areas to allow a clear distinction between the two housing types and discourage random or opportunistic contact.*
- 3. *Significant school staff housing already exists within the zone although it is not specifically described in the zoning objectives.*
- 4. *Adjacent residential land is full developed, flood prone or considered too far from the community office.*
- 5. *The remaining residential land has been specifically set aside for community housing only.*
- 6. *A staff house at the proposed location would also be of benefit in monitoring the adjacent tourist park zone.*
- 7. *The CEO's house has already been designed incorporating an office for use after hours. We are also considering installing an external access door to further aid this use.*
- 8. *Finally the Bidyadanga Community and the Aboriginal Lands Trust fully support the proposed use of the site.*

The amendment and application is supported for the reasons as stated above. However, it should be noted to the Community that any further amendments or development applications received that are not consistent with the CLP should require the CLP being updated in its entirety, in accordance with Planning Commission Policy on Aboriginal Communities.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Interim Development Order No.2.

POLICY IMPLICATIONS

Western Australian Planning Commission (WAPC) Statement of Planning Policy No.13 – Planning for Aboriginal Communities.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

A) That the proposed amendment to the Bidyadanga CLP be circulated to the Community Council for a period not less 28 days and subject to no adverse being received during the advertising period that the Community Layout Plan – Maps be amended to reclassify the site “Staff Housing” and Schedule 4 of the Provisions to amended accordingly.

B) That subject to no adverse submissions being received the Chief Executive Officer be granted delegation to grant planning approval to the application for Planning Approval dated 19 January 2003 (2003-018) made by NBC Aboriginal Corporation for a proposed (CEO’s) Staff Residence on Reserve 38399 – Bidyadanga Aboriginal Community be APPROVED subject to the following conditions:

- 1. The development must be carried out strictly in accordance with plans dated 19 January 2003, submitted with the application as approved by Council.**
- 2. Prior to commencing any work on the site, the applicant shall obtain a Building Licence from the Shire. Such application shall include, with the working drawings Structural Engineers Certification in accordance with the requirements of the Building Code of Australia to Region C Terrain Category 2.**
- 3. The applicant is to comply with the Health (Treatment of Sewage and disposal of Effluent and liquid Waste) Regulations 1974.**
- 4. All vehicle crossovers being designed and constructed (minimum gravel standard) to Council’s standard crossover specification.**

ADVICE NOTES

The following notes are general information notes, and are merely advisory in nature. They are not conditions of this approval. They have been included to provide some guidance as to other matters which may need to be addressed in respect of the development. They do not set out all of the matters which will need to be addressed under separate approval processes whether administered by the Shire or another authority. The applicant will need to ensure that all approval processes have been satisfied.

Note 1: Condition 4 requires an application for septic tank and effluent disposal system to be submitted to and approved by Councils Health Department prior to the issue of a Building Licence and may require connection to Community Sewer.

Note 2: The minimum floor level to be 400mm for residential buildings above natural ground level or as shown on the approved plan.

C) That the Bidyadanga Aboriginal Community be advised that any further development application not consistent with the Bidyadanga Aboriginal Community Layout Plan will require that the CLP be reviewed in accordance with the Planning Commission Statement of Planning Policy No.13 and endorsed by the WAPC.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 5 pages](#)

9.2.7 PROPOSED SWIMMING POOL FOR CARETAKER'S DWELLING IN THE BLUE HAZE INDUSTRIAL AREA FOR LOT 11 (NO.24) MINILYA ROAD, DJUGUN AND LOT 100 (NO.30) MINILYA ROAD, DJUGUN

LOCATION/ADDRESS: Lot 11 (No.24) Minilya Road, Djugun
 Lot 100 (No.30) Minilya Road, Djugun

APPLICANT: 2003/01 -I.M. O'Sullivan
 2003/19- Steve Chambers

FILE: MIN-2/24 & MIN-2/30

RESPONSIBLE OFFICER: Manager Planning Services

DISCLOSURE OF ANY INTEREST: Nil

DATE OF REPORT: 13 February 2003

SUMMARY: Council has received two separate applications for planning approval for private pools to be constructed on lot 11 (No.24) Minilya Road, Djugun (Blue Haze) and lot 100 (No.30) Minilya Road, Djugun (Blue Haze).

The applications have been forwarded to Council with a recommendation for deferment pending the review of the Council's draft amendments to the "Policy on Industrial Buildings, Caretaker's Dwellings And Attached Offices" which is currently being advertised for public comment until 26 March 2003.

BACKGROUND

The growing shortage of industrial properties is becoming an increasing concern for the further development and growth of industrial activities in Broome. This will in the near future given that native title negotiations are currently delaying further releases of land such as the areas identified adjoining the future airport site and further stages of Blue Haze. The likely release of this land in the short to medium term is anticipated at best at 5 years.

Therefore any growth in industrial land uses must occur within current land stocks and given the restricted supply available the need to protect this land is essential. A major issue in the light and service industry zones, is the extent to which caretaker's dwellings are being developed.

COMMENT

The need to limit the extent of caretaker's dwelling and incidental development associated with this use (i.e. residential uses) is proposed via amendments to the "Industrial Buildings, Caretaker's Dwellings And Attached Offices Policy" which is currently being advertised for public comment.

Consideration of the impact that the applications may have on the proposed Policy raises a number of issues that have been identified for consideration as follows:

Proposals

The applicants seek approval to locate a swimming pool immediately adjoining the caretaker's dwelling. The proposed location of the swimming pools is unlikely to be visible from the street.

President:.....Date:.....

Assessment

Lot 100 = 1931 sqm

Lot 11 = 2025 sqm

The current area of the caretaker's dwelling including verandahs and pool areas would not meet the proposed draft Policy requirements, in the case of both applications, as follows:

does not exceed an area equal to that of industrial buildings on the lot, or 10 percent of the total lot area, which ever is the lesser.

In both cases where the verandahs are included in these calculations the building already do not comply with either the 10% requirement or exceed the size of the industrial buildings.

Additionally, in both cases it needs to be demonstrated by the applicants that industrial activities are actually occurring on the property.

Options

There are number of options available to Council in considering the applications at this time, which are outlined as follows:

Option A

That Planning Approval be granted.

Option B

That the applications be refused.

Option C

Deferment of the applications, pending finalisation of the Policy on Industrial Buildings, Caretaker's Dwellings And Attached Offices.

Conclusion

It is not recommended that the application be refused or approved at this stage, as it does not allow the applications to be considered in the context of the public submissions and Council having commented on the revised amendments to the Policy.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The following excerpts from clause 4.19.3 of TPS.4:

Caretakers Dwellings

President:.....Date:.....

The development of a caretaker's dwelling shall have regard to Council's Caretaker's Dwelling Policy.

A caretaker's dwelling is only permitted in association with a minimum 200m² shed which is approved for light and service industry activities and other 'P' land uses.

POLICY IMPLICATIONS

The following excerpt from the Draft Policy on Industrial Buildings, Caretaker's Dwellings And Attached Offices Policy:-

Incidental residential development such as carports, open verandahs, swimming pools, children's playground area and the like will be permitted on the basis that the total area of the lot set aside for residential purposes (including the caretakers dwelling, gardens, swimming pool, outbuildings and the like) does not exceed an area equal to that of industrial buildings on the lot, or 10 percent of the total lot area, which ever is the lesser.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Implications for available industrial land with the unsure future release of industrial land due to native title issues.

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That the applicants be advised that their applications for planning approval for swimming Pools are deferred pending finalisation of amendments to Council's Policy on Industrial Buildings, Caretaker's Dwellings And Attached Offices.</i>	
<i>That the applicants be advised should they wish to comment on the Policy (copy to be attached) their comments are required prior to the 26 March 2003.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

[Attachment: 3 pages](#)

9.2.8 REQUEST FOR CLOSURE OF PUBLIC ACCESS WAY (PAW - LOT 2160) ADJOINING LOT 2120 (NO.25) DE MARCHI ROAD, CABLE BEACH

LOCATION/ADDRESS:	Lot 2120 (No.25) DeMarchi Road, Cable Beach
APPLICANT:	Sarah Gilligan & Brett Highlands
FILE:	DEM-Gen & DEM-1/25
RESPONSIBLE OFFICER:	Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	13 February 2003

SUMMARY: Council has received correspondence requesting the closure of a public access way (PAW) adjoining lot 2120 (No.25) DeMarchi Road, Cable Beach.

The owners of the adjoining properties support the request on the basis of security, safety and amenity reasons.

This report recommends that Council advertise the PAW closure for public comment.

BACKGROUND

The PAW has a constructed 2 metre wide path linking the Demarchi Road footpath to Slater Road.

The PAW was originally provided when this stage of Cable Beach was originally subdivided to provide access to and for residents in the area to the Solway Loop Park. It also provides a link to Taylor Road, which people access via another PAW that links Slater Road and Taylor Road.

COMMENT

Council has been requested to close a number of PAW mainly due to anti social behaviour and the impact on the amenity and lifestyle of the adjoining residents.

The proposed closure raises a number of concern regarding the future provision of pedestrian links within the locality and to parks/open space, in particular access to the park located adjoining Solway Loop.

Council must determine if the impacts of anti social behaviour out weigh the benefits to the residents for the PAW.

OPTIONS

Option 1

That Council advise the applicant that the request is not supported as the PAW provides an essential link for pedestrian movement in the locality.

That Staff install bollards or other suitable deterrents at both ends of the PAW to restrict access through the PAW.

Option 2

1. That the proposed PAW be advertised for public comment for a period of 35 days.
2. That Council seek comments from service providers.
3. That Council seek comment from the other adjoining owner of the PAW with regard to whether they wish to purchase half of the PAW.
4. That the matter be referred back to Council for further consideration on the completion of the public submission period.

Conclusion

The initial process of advertising the proposed closure should be commenced to ascertain public comment on the proposal which would not restrict any decision being made as yet. A decision to support the closure by Council can only be resolved once the 35 day advertising period had been finalised and all submissions have been considered.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

A PAW is determined to be a road (as it is classified as type of reserve) and subject to closure procedures as set out under the following legislation:

- Section 58 & 82 of the Land Administration Act (1997).
- Regulation 9 of the Land Administration Regulation 1998.
- Local Government Act 1995.
- Local Government Functions and General Regulations 1996.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

REPORT RECOMMENDATION

- A) *That the proposed closure be advertised public comment for a period of 35 days.*
- B) *That Council seek comments on the proposed PAW closure from DOLA, MRWA, DPI and Service Providers (Telstra, Western Power, Water Corporation, FESA and Local Ambulance Service) on the proposed PAW closure.*
- C) *That Council write to the owners of all properties adjoining the PAW requesting their intentions on whether they wish to purchase a portion of the PAW, should it be closed.*
- D) *That the matter be referred back to Council for further consideration on the completion of the public submission period and on the receipt of responses from all adjoining property owners with regard to their intentions of purchasing a portion of the PAW.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 5 pages](#)

9.2.9 TENDER 02/25 COMPACTOR REFUSE SITE

LOCATION/ADDRESS: N/A
 APPLICANT: N/A
 FILE: TENDER 02/25
 RESPONSIBLE OFFICER: Manager Health Services
 DISCLOSURE OF ANY INTEREST: Nil
 DATE OF REPORT: 14 February 2003.

SUMMARY: Report on tenders for Refuse Site Compactor with a recommendation to accept a tender for \$500,610.00 for a Caterpillar compactor.

BACKGROUND

There were two tenders received by the appointed closing time for this tender and there were a further two tenders received late.

In accordance with the decision of Council at its last meeting, Council's Consultant engaged to handle this process assessed the two tenders received on time and both tenders were found to be conforming tenders. Therefore, the late tenders were not opened or considered.

The tenders received were as follows:

TENDERER	SUPPLY OF COMPACTOR INC. GST	TRADE-IN FOR HANOMAG INC. GST	CHANGE OVER
Westrac (Caterpillar)	\$508,310.00	\$7,700.00	\$500,610.00
Wel-quip (Tana)	\$582,120.00	\$27,250.00	\$554,620.00

President:.....Date:.....

COMMENT

The consultants report on the tenders recommends accepting the lowest tender price, which was submitted by Westrac. A copy of the report is attached.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995.
Local Government (Functions & General) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The purchase of the compactor is through a loan identified in this year's budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>		
<i>Council resolve to accept the tender from Westrac to supply a Caterpillar compactor for the change over price of \$500,610.00.</i>		
Moved:	Seconded:	
		FOR:
		AGAINST:

[Attachment: 18 pages](#)

9.3. ECONOMIC PROSPERITY

OUTCOME

Create an environment which encourages, promotes and facilitates sustainable business development, fosters investment opportunities and complements the unique lifestyle of the Shire.

No Agenda Items

9.4. SOCIAL SUPPORT AND DEVELOPMENT

OUTCOME

Facilitate opportunity for quality social and community development in health, leisure, education and human services which supports individual and community well being.

9.4.1 BROOME ARTS AND MUSIC FESTIVAL

LOCATION/ADDRESS: Nil
APPLICANT: Broome Arts and Music Foundation Ltd
FILE: ADM.01
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 14 February 2003

SUMMARY: To advise Council of a support proposal sought by the Broome Arts and Music Foundation for the inaugural Broome Arts and Music Festival to be held in April 2003.

BACKGROUND

The following information on the staging of the inaugural Broome Arts and Music Festival has been received from the Foundation:

The staging of the Easter Festival 2003 is of immense importance to the town of Broome.

Economically

- Is critical to the economic development strategy for Broome Arts as proposed by BAMF.
- Will be marketed to the whole of Australia, bringing additional visitors to Broome during the shoulder season period.
- Will inject approximately \$6 – 800,000 of additional revenue into the Broome economy.
- Will create employment and income for local musicians, artists, suppliers and casual workers.
- Will market Broome's unique and diverse artistic product to the rest of Australia.

Tourism

- Herald the close of the wet season and opening of the dry (the tourist season) thus focusing attention that Broome is a great place to visit in April (which is traditionally an off season month).
- Focus tourism attention on Broome as a centre of excellence for music and art.
- The 2003 Festival coincides with Qantas scheduling of direct flights out of Melbourne. East coast visitors are precisely those that BAMF believe will be attracted by fine art and music on offer in Broome (case example Opera Under the Stars annual event).

Community

- Has captured the imagination of the artistic community and the Broome community in general.
- Generates community awareness and pride in Broome's unique creative products.
- Provides wonderful entertainment for citizens

The Easter Festival's profile will grow over time to equal Australia's pre-eminent Festivals such as Tamworth Country Music Festival, Byron Bay Blues Festival and WOMAID. The aim of BAMF is to outstrip these Festivals through the manipulation of electronic and overseas media.

The Festival Program

5 days of superb music, art and performances by the very best that Broome has to offer. Guests and additional performers include Troy Cassar Daley, Robert Juniper, Tim Winton, Mary G, Desert Child and many more.

The Festival will become one of Australia's premier events.

The Festival program designed to delight even the most demanding. From Visual Arts – paintings, sculpture, ceramics, etc Performance Art original play (world premier), comedy and variety shows, Music featuring Troy Cassar Daley, together with the very best of Broome musical talent – Pigram Brothers, Desert Child, Pindan Jam, Tahnee Carrie, Kerrie Ann Cox, plus much more.

A Film Festival featuring works by David Batty, Mitch Torres and Wayne Barker.

Promotional Program

The promotion campaign is designed to attract new visitors to Broome and has targeted to two key groups:

1. Our traditional regional visitors
2. The three major capital cities – Perth, Melbourne and Sydney

It will consist of the following activities:

- Television covering all of regional Western Australia – 69 x 30 second ads between 23 March and 19 April.
- Local and Regional press advertising
- Press coverage in the three (3) major city newspapers (arts and travel)
- Local radio – Goolarri, Star FM and WAFM
- Posters and flyers (one for each program channel) – 5,000 +
- Direct promotion to travel agents

The Shire of Broome – Investing in the Future

The Broome Shire's support for the Festival is critical if it is to happen. However, we are not asking for flat sponsorship or donation. What we are requesting is the Shire give consideration to joining with BAMF as a community partner in this project.

As follows:

It is the intention that the Festival returns a profit. Our financial plan has been created to ensure all costs have been properly scoped and accounted for. Revenue however, has been conservatively estimated with the potential for ticket sales to greatly exceed those budgeted for.

Festival Budget as follows:

Staging Costs		\$105,000
Revenue Breakdown		
Ticket Sales	\$40,000	
Sponsorships	\$40,000	
Shortfall	\$25,000	\$105,000

In the event that ticket sales or revenue from sponsors exceed budgeted requirements (as we anticipate), the Shire of Broome would then be reimbursed through a 25% share of those profits. In the event of a financial loss, then the Shire's exposure is limited to the initial \$25,000 investment.

We understand that the Shire will need to due diligence on our financial plan and would be happy to meet with Shire representatives to disclose all information.

In conclusion, BAMF would ensure the Shire of Broome be recognised as a Community Partner for the festival which in our opinion would achieve a number of tangible benefits for the Shire.

1. It demonstrates to the business and wider Broome community the Shire of Broome is willing to invest in the future of the community.
2. This funding model changes the paradigm from handout to more of an investment approach
3. It creates a new option for the Shire to assist and participate with community groups other than through straight sponsorship.

We submit the foregoing for your consideration and look forward to your early response."

COMMENT

At the Ordinary Meeting of Council held 1 November 2002 Council resolved the following:

"That Council make a donation of \$1,000 in the 2002/03 financial year to the Broome Arts and Music Foundation subject to the Foundation providing details of incorporation as required by Council's Sundry Donations Policy and that the

Broome Arts and Music Foundation make arrangements to open dialogue with the Arts Centre Advisory Group."

Subsequently, BAMF provided details of incorporation and the \$1,000 donation was made. Representatives have met with the Arts Centre Project Officer and attended focus forums.

President:.....Date:.....

The Shire does not have funding to the value of \$25,000 in the 2002/03 budget. It is suggested that a number of in-kind contributions may be possible, along with a cash contribution to make up the component of funding requested from the Shire of Broome. However, details provided by BAMF do not allow this assumption to be confirmed.

No doubt this proposal is worthy of support because of the outcomes outlined in the submission but it will be necessary to quantify and perhaps qualify any support that Council is able to offer.

It is suggested that the submission be further developed and this is outlined in the report recommendation.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The funds have not been included in the 2002/03 budget.

STRATEGIC IMPLICATIONS

The Shire of Broome Strategic Action Plan 2003 – 2008 seeks to maintain ongoing support for recreational activities, sporting groups and cultural initiatives.

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That the Council endorse "in principle" support for Inaugural Broome Arts and Music Festival scheduled to be held at Easter 2003 and seek a meeting between representatives of the Broome Arts and Music Foundation and staff to discuss a support package, including in-kind contributions and a cash contribution, that can be accommodated within the 2002/03 budget or deferred to the 2003/04 budget.</i>	
Moved:	Seconded:
	FOR: AGAINST:

9.5. ASSETS AND INFRASTRUCTURE

OUTCOME

Provide Sustainable Assets and Infrastructure, which are functional and aesthetically appropriate.

9.5.1 REVIEW OF ROADS 2020 REGIONAL ROADS STRATEGIES

LOCATION/ADDRESS: N/A
APPLICANT: WALGA
FILE: ENG12
RESPONSIBLE OFFICER: Manager Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 10/02/03

SUMMARY: Request for comments from Council on a discussion paper prepared for MRWA on the Roads 2020 Regional Road Strategies. The discussion paper has been endorsed by WALGA for distribution to Council for review and comment. (Refer attachment, letter only).

BACKGROUND

The original roads 2020 Strategies were formulated in 1995 and final versions released in 1997, following extensive public consultation and consideration by Council, MRWA, WALGA and others. Each region of WA has their own strategy, but all are based on the same principles and guidelines. The Strategies have had minor reviews several times, however they were to be fully reviewed every 5 years. BSD consultants were engaged to conduct the review and Council Staff have previously forwarded comments to them, as well as being involved in Regional Road Group discussions. This discussion paper is the result of that review. (The full paper is 45 pages and has not been included in the agenda, however any Councillor who wishes to read it should contact the Manager Engineering Services for a copy).

COMMENT

The current Roads 2020 Strategies generally reflect the main outstanding road projects throughout the State, and all projects are given priorities, but there are no timelines for implementation. The strategies were a "wish" list of jobs with little or no relationship to available Council funding, no indication of timing and little relationship to each Councils own capital funding programs. The Strategies did not include all Councils Capital Projects, only the main projects such as new construction. Reconstruction of existing roads and a lot of urban upgrades were not included. The Strategy includes State Highways and the MRWA programs are more aligned with the strategy. While Council were told the document would only be used to demonstrate the need for extra funds and to highlight the priority and regional road projects, it has been in fact used as a strategy for allocating funds. There is little evidence that the strategies gained any additional funds, and funding has generally decreased for road projects. The BSD Review goes into a lot of detail as to the Strategy objectives, outcomes and options for any change. It is very difficult to comment on the Review without all Councillors being familiar with both the existing

Strategies and the Review Paper, and to some extent, Council will have to rely on Staff and WALGA to make submissions to ensure that Broome and the Kimberley are not disadvantaged. As in the recent Auslig Federal Transport review, the BSD review tends toward an overall framework based on an "Integrated Transport" approach.

It includes rail, sea, air in addition to roads. Council need to be very wary of this idealistic approach as it can only lead to a diminution of the already reducing/available funds to major population centres. State and Regional priorities could easily take precedence over an individual Council road needs, and smaller Councils may simply not get capital road grants to any extent.

Any integration of all transport modes therefore needs to include a corresponding pool of all existing mode funds, plus an allowance for growth and inflation.

The existing Strategies and the Review tend to ignore "funding issues and funding levels" and it is very difficult to do that and come up with an "achievable Strategy".

It is all very well to have a list of prioritised projects, but what the community expects is a result in a set timeframe, all linked to available funds.

The BSD Review gives two (2) main options for a new strategy, ie:

- 1. Option 1 – Roads 2025 a Roads Based Approach
- 2. Option 2 – Transport 2025, an Integrated Transport Approach

Option1 is a refined Roads 2020 approach and it is clear that BSD do not favour it. Option 2 is recommended by BSD and is more likely to be favoured by Government. It is also apparent that Option 1 still does not include programs or funding, and yet this is included in Option 2, which makes for an unfair comparison. The review goes into some detail with the options and gives further variations to those options.

A Councils role in either Option will be greatly diminished, with greater roles by the DPI, Transport Advisory Groups, Regional Development Commissions etc.

It is recommended that due to the complexity of the review that a brief submission be submitted by the Manager Engineering Services outlining some concerns with the Review Options.

CONSULTATION

This review is the first stage of consultation by Government/WALGA. Council has not consulted with any other parties.

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

Unknown at this stage

FINANCIAL IMPLICATIONS

Unknown at this stage

STRATEGIC IMPLICATIONS

Longer term implications for the provision of regional and Local Transport projects

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the Manager of Engineering Services be authorised to submit brief comments to WALGA in regard to the review of Roads 2020 Regional Roads Strategies.

Moved: _____ **Seconded:** _____

FOR:
AGAINST:

[Attachment: 1 page](#)

9.5.2 ABORIGINAL COMMUNITY ROAD AND AIRFIELD AGREEMENTS

LOCATION/ADDRESS: One Arm Point, Lomdabina/Djarindjin, Beagle Bay & Bidyadanga

APPLICANT: Ministry For Housing

FILE: ABL02.1, ABLO2.2, ABL02.4, ABL02.5 & ABL02.7

RESPONSIBLE OFFICER: Manager Engineering Services

DISCLOSURE OF ANY INTEREST: Nil

DATE OF REPORT: 13 February 2003

SUMMARY: Further consideration by Council of a request from the Minister to undertake 3 year maintenance agreements with the Ministry for maintenance of Community roads and airfields.

BACKGROUND

In February 2002, Council considered a report on the taking over of maintenance of the Bidyadanga and One Arm Point Community internal roads, which had been recently reconstructed and sealed. Council agreed to that proposal on the basis of the agreement being for 3 years and at full cost recovery from the Ministry. (Refer attached copy Minutes

Ministry officers and Council staff met on several occasions to finalise the agreements, which were also then approved in principle by the Communities, but due to other commitments, staff changes etc, the Agreements are yet to be signed by Council.

President:.....Date:.....

In addition to the two Agreements, the Ministry then wanted Council to agree to similar Agreements for the Lombadina and Bidydanga airfields, along similar lines. These have not been to Council or been finalised.

Further to that, the Army has now completed the Beagle Bay internal roads and it had been suggested that Council sign an agreement for them too, as some later date.

The Minister has now written to Council (Refer attached letter under separate cover) seeking comments and advice as to why the Agreements have not been finalised. The Minister has also included all five communities and all airfields in his letter, some of which have never been discussed with Council officers, and have certainly not been agreed to undertake (eg. One Arm Point, and Beagle Bay airfields, Lombadina roads.)

COMMENT

The Ministers letter and Ministry briefing note are not entirely correct on several matters ie.

- i. Council agreed in principle to have two agreements not 5, at:
 - Bardi (One Arm Point) – Roads Only
 - Bidyadanga – Roads Only

- ii. At later discussions with staff, the Ministry wanted to include:
 - Bidyadanga airstrip
 - Lombadina airstrip

- iii. At no time were the other Community roads or airstrip Agreements forwarded or included, and in fact Council received only three (3) agreements at the end of June 2002, ie:
 - Bardi Roads
 - Lombadina airstrip
 - Bidyadanga roads and airstrip

- iv. Estimated costings for the roadworks plus the Lombadina airstrip were agreed and are included in the agreements, however, the Bidyadanga airstrip costs were not completed, and are not included in the Bidyadanga Agreements, as the principal Ministry Officer who arranged the Agreement left their employ at this time. This estimated cost needs to be included in that Agreement at the least.

- v. The agreements are based on estimated costs using a combination of Shire day labour, contractors and Community resources with the community to be the first priority. The administration/supervision charge would be paid to the Shire for organising all works, processing accounts etc, ie:

WORKS	COST OF WORKS	ADMIN FEE	TOTAL	GRAND TOTAL
Bidyadanga Roadworks	\$99 650	\$10 000	\$109 650	-
Bardi Roadworks	\$116 000	\$10 000	\$126 000	-
Lombardina Airfield	\$28 000	\$4824	\$32 824	<u>\$268 474</u>

To this needs to be added the Bidydanga airstrip of similar cost to Lombadina, to give an approximate total of around \$300,000 per year. This is well in excess of the Ministry Memo figure of \$100 000, despite at least \$268 474 being included in their own Agreements.

- vi. The Agreements have not been signed by any of the Communities, although it is understood that the four (4) involved, (not five) have agreed in principle.
- vii. My discussions with the Manager of ACSIP in December 2002 were that Council needed to reconsider the Agreements and implications and that we may not wish to be a party to the Agreement.

There are several other Agency bodies in the area that would be quite capable of undertaking all works, and in fact should be taking the works as part of the community normalisation program and to maximise their own resources. It was always of concern that the Ministry wanted the Shire to do the work when the Communities are quite capable of it. It would be extra funds for them and complement their own work/CDEP and other training programs.

It was also evident that Shire staff have more than enough work that cannot be completed now and this is evidenced by the amount of time taken to simply get this back to Council, let alone comply with the contractual provisions of the Agreement.

- viii. The Department of Housing and Works indicate that they do not have enough current funding to pay for the maintenance. If council signs the Agreement, it will be bound to carry out the specified works at the higher specified rates/costs, so a shortfall will exist, regardless of who does the work.
- ix. The department of Housing and Works memo indicated that other mechanisms are available to undertake the work, but that is not preferred by them because of "the extra expense in contracting a business to undertake such services". This would seem to indicate that our costs are too low, or they are quite happy for someone else to do all the work, i.e; the Shire.

The whole issue has always been pushed onto Council by the Ministry and it was with severe reservations that the two Agreements were agreed to in the first place. It was always made clear that the urgent and essential maintenance to the airfields would continue to be provided by either the communities and/or the other service providers who normally undertake that work. It appears that the Ministry has curtailed all of those works and won't authorise the Communities to carry out or be a part of it, in the interim.

Staff refuse to accept responsibility for what action and the Shire has absolutely no obligations until the Agreements are signed. Even now, the Ministry should be authorising essential works to be carried out as required, as they have done so for years.

It is suggested that Council give Staff an indication as to how they wish to proceed with the road and airfield agreements and that if Council wish to sign them, then there needs to be a revision of all prices, Bidydanga airstrip costs need to be included and interim arrangements be made by the Department of Housing and Works to ensure essential works are to be carried out by others, if needed.

CONSULTATION

Nil by Council

President:.....Date:.....

STATUTORY ENVIRONMENT

Nil, any agreements would be a contractual arrangement between Ministry and Council.

POLICY IMPLICATIONS

Will require new policy on undertaking works.

FINANCIAL IMPLICATIONS

Neutral, as all costs included and reimbursed as a private works.

STRATEGIC IMPLICATIONS

Could affect long-term ability of Council to carry out its own services. Potential for funds to be cut by Government and Council left with ongoing responsibility.

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council now not agree to sign any road and airstrip agreements with the Aboriginal Communities due to other Council commitments and a large backlog of Councils engineering projects that are incomplete.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

9.5.3 DAKAS RESERVE - DAKAS STREET	
LOCATION/ADDRESS:	Dakas Reserve No. 40224 Dakas Street
APPLICANT:	N/A
FILE:	RES 40224
RESPONSIBLE OFFICER:	Manager Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	12 Feb 2003
SUMMARY: Update on vandalism costs and reticulation problems with a recommendation to look at options to either cut on-going maintenance costs and/or investigate reducing the size of the park to make it more manageable for both Council and the Police.	

BACKGROUND

The Reserve has already been the subject of much discussion and consideration by Council in respect of ongoing antisocial behaviour, vandalism, problems with its size and shape for policing etc. Council went through a lengthy process in trying to get public support for fencing of the Reserve and applied for and received some funds for a security fence on one side of the Reserve. (\$10,000)

Some of the adjacent neighbours who requested the fence, now don't want it, and some still want a more expensive type of fence than what we can afford. (Refer attached summary of latest survey). There also remains the repair to the lighting, which was vandalised some months back. A further report from the Parks and Gardens Supervisor (refer attached) shows new damage to the reticulation system and staff feel that some more permanent solution needs to be taken.

COMMENT

It is obvious that some members of the community just do not respect the park or public property and it is difficult to see attitudes changing. Council cannot continually waste funds on an asset that is not appreciated or that does not have any public "ownership".

Previous discussions in respect of reducing the size of the Reserve, by way of developing some residential lots and leaving one or two smaller more manageable Parks is an option that should be seriously considered.

Such a proposal would be lengthy, would involve a lot of consultation and would require "seed" funds to purchase the land off DOLA initially, with any profits put back into the remaining park/s, other asset needs in that area or to develop BRAC further.

In the interim, further capital funding to the Park should be curtailed, except for repairs to the lighting/new lights (using some of the Safer WA Grant), reticulation cut back to a minimum and minimum maintenance be carried out. It is recommended that at least a preliminary investigation of options be carried out.

CONSULTATION

Extensive consultation on fencing proposal and overall security problems, but no consultation as yet on the redevelopment option.

STATUTORY ENVIRONMENT

The Reserve is a "Public Recreation" reserve, vested in Council and has a area of 1.2833 ha.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Potential to generate additional capital funds if implemented, with a potential reduction in park operating costs.

President:.....Date:.....

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

- (I) That a preliminary investigation be carried out and a report prepared for Council on the advantages/disadvantages of redeveloping the Dakas Reserve.**
- (II) That the Safer WA Grant be utilised in part, to repair/upgrade lighting at the Reserve and that no fencing be carried out.**
- (III) That the reticulated lawn area be reduced to a more manageable area around the playground and Dakas Street end.**

Moved: _____ **Seconded:** _____

FOR:
AGAINST:

[Attachment: 1 page](#)

9.5.4 PETITION FOR DEVELOPMENT OF PARK

LOCATION/ADDRESS: Reserve 41551 - Reid Road
APPLICANT: April Oswald & 71 Petitioners
FILE: RS41551
RESPONSIBLE OFFICER: Manager Engineering Services
DISCLOSURE OF ANY INTEREST: NIL
DATE OF REPORT: 12 February 2003

SUMMARY: Consideration of a petition received at the 3rd January 2003 meeting signed by 72 petitioners requesting the development of Reserve 41551 (McMahon Reserve) into a useable park for residents of the area. Broad options available to Council are included with a recommendation to consider a low cost open area only.

BACKGROUND

Ms April Oswald wrote to Council in October 2000 seeking consideration of providing a developed park on Reserve 41551 (McMahon Reserve) for use by residents of the area generally bounded by Reid Road, Dakas Street, Port Drive and Cable Beach Road, East.

A reply was forwarded by staff giving a brief history of the Reserve, reasons why it was not to be developed and that Councils priority was to fund the BRAC facility over the short to medium term.

President:.....Date:.....

Ms Oswald then obtained the petition names over the period November 2001 through to October 2002 and presented them to Council January 2003. Nearly all the names are from residents within the area above only, however that may have been the only area petitioned. On speaking with Ms Oswald, the main concern is the need for an "open" parkland from Reid Road to Dakas Street containing an area where kids can "fly a kite", "kick a footy" or "hit a cricket ball".

COMMENT

The Reserve was created during the various DOLA subdivisions of that area and was originally intended to be developed as an oval, with associated facilities. The Reserve is quite large at 10.42 hectares in area and the oval shape was constructed during the sub division earthworks and it was named "McMahon Oval". (Refer attached plan of area).

The Reserve is still part natural bush (south end) and is bounded by Reid Road, Cable Beach Primary School, residential areas to the north and runs through to Dakas Street. It has a dual use path along the northern edge which links Reid Road to Dakas Street, with a second path to Bernard Way and the School. A large open drain parallels the paths. The Reserve was investigated in 1999 as part of the process to look at a possible small residential subdivision at the south end, with the objective of developing/selling those lots to fund one or two small "pocket" parks in the Reserve, and to provide funds towards the development of the BRAC facility. Preliminary work on that proposal showed it would have been viable, but a negative response was generally received from residents of the area and the traditional owners did not wish to see the bush area affected. The concept was then deferred and there has been no further work carried out since.

The Reserve suffers because of its large size and the fact that no houses actually look over the Reserve, with the Reid Road houses basically all facing the large "bank" formed as part of the oval works. It gets regularly burnt out and a lot of antisocial behaviour occurs in the Reserve, especially in the depressed oval section and along the northern path and school areas.

In respect of the petitioners proximity to established parks, there is Dakas Park, Dola 5A Park, Solway Park and BRAC all within a reasonable distance, however all of these require children to cross main distributor roads.

OPTIONS

The development of any new park will require considerable capital funds, plus on going maintenance funds, commensurate with the size and range of facilities provided. Based on the Dakas Park experiences, the vandalism costs alone have reached upwards of \$50,000 and so Council need to be very cautious in providing a new park which will most likely experience the same problems. Depending on the actual location of any developed Park, the problems could in fact be worse that Dakas Park, due to it being more isolated, with less houses within close proximity.

For discussion purposes, it is assumed that a basic new Park would ultimately cost of:

- A reticulated grass area of about 1 hectare (100m x 100 m)
- A small playground with a shade structure.
- Seats, bins, drinking fountain
- Lighting.
- Path links to existing paths.

- Vehicle access for service vehicles and users.
- Some surrounding open/slashed parkland to form visual links along the path routes - Reid to Dakas)

Some earthworks could also be carried out to remove the northern half of the oval "bank" and partly fill the drains, to provide a more "open" area to complement any park. This area could be left as a slashed parkland.

No detailed design or estimates have been undertaken, however such a park could cost upwards of \$150,000 with annual operating costs of \$30,000 to \$50,000.

Installation could be staged over several years, however all funds would need to be sourced from rates as there are no POS Reserve or other funds available. Future subdivisions in the DOLA 5C area will require all available POS generated funds to be spent on POS in that area, and will therefore not be available for Reserve 14451.

The location of the "Park" area would ideally be located adjacent to Reid Road in the north-west corner, however that is unlikely to be the petitioners choice. The most central spot would in the centre of the northern edge, where the two paths join and access could be off MacNee and Biddles Place, however this location is not as accessible or overlooked by any houses.

Other options are for just an open woodland type park (no reticulated lawn or facilities), lights through to the basic Park (as above) or a fully developed oval and facilities. Prior to any further investigation, Council need to give an indication to staff as to whether the Park proposal is to be considered or not.

CONSULTATION

No consultation has been carried out as it was considered that the petition had canvassed a wide number of residents. If the Park proposal proceeds further, then the consultation should be carried out with the Police and the traditional owners, prior to any detailed planning.

STATUTORY ENVIRONMENT

The Reserve is owned by the Crown and is a "Recreation and Drainage" Reserve.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Any new Park is unfunded and would require both capital and operating budget amounts to be included in the Parks & Gardens programs.

STRATEGIC IMPLICATIONS

Strategic plan is to only develop the BRAC Reserve for the foreseeable future.

VOTING REQUIREMENTS

Simple Majority

<p><u>REPORT RECOMMENDATION</u></p> <p>(i) <i>That Council not proceed with the development of a new Park area on McMahon Reserve as requested by the petitioners.</i></p> <p>(ii) <i>That Ms April Oswald (on behalf of the petitioners) be advised accordingly.</i></p> <p>Moved: _____ Seconded: _____</p> <p>FOR: _____ AGAINST: _____</p>

[Attachment: 1 page](#)

10. REPORTS OF COMMITTEES

11. NOTICES OF MOTION

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
--

13. MATTERS BEHIND CLOSED DOORS
--

14. MEETING CLOSURE
