

SHIRE OF BROOME
ORDINARY COUNCIL MEETING
12 AUGUST 2003

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

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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 22 July 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 32993 to 33434 inclusive (June 2003 computer payments) totalling \$2125728.01, 4455 (June 2003 cheque payments) totalling \$255.25, 33431 to 33752 inclusive (July 2003 computer payments) totalling \$1055650.04 and 4456 (July 2003 cheque payments) totalling \$150.00 be passed for payment.

Moved: _____ Seconded: _____

FOR:
AGAINST:

[Attachments: 107 Pages](#)

9.1.2 COMMON SEAL REPORT

DATE	DETAILS
16/07/03	Transfer of Land – Purchase of 22 Carnarvon Street, Broome (Old Broome Lock-up).
16/07/03	Memorandum of Agreement – Frazer Morris – Workers Compensation Claim 00008634.
22/07/03	Heritage Agreement between Shire of Broome and Heritage Council of WA for 'Old Broome Lock-up'.
31/07/03	Lease documents – Hyde Park Management Ltd & Shire of Broome over portion of Reserve 36477 "Sunset Bar" – 5 year option.

REPORT RECOMMENDATION

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

Moved: _____ Seconded: _____

FOR:
AGAINST:

9.1.3 EVENT SPONSORSHIP POLICY

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	CRE01
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	30 July 2003

SUMMARY: To advise Council of the development of an Events Sponsorship Policy and Guidelines for use when assessing requests for over \$500 towards festivals and events in Broome.

BACKGROUND

At the 20 May 2003 Council meeting, the following resolution was adopted, in relation to funding for festivals and events in Broome:

"That a set of general sponsorship requirements be developed to ensure Council is appropriately acknowledged for its contribution to festivals and events in Broome.

That a policy be developed to address all requests for event sponsorship and to ensure appropriate acquittal of all Council donations in the future with submissions from appropriate groups and organisations being sought in April each year"

COMMENT

A draft Events Sponsorship Policy, guidelines and application form is attached for endorsement by Council.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

If adopted, the new policy will apply to the 2003/04 financial year

FINANCIAL IMPLICATIONS

Budget allocation for festivals and events will need to allocated annually

STRATEGIC IMPLICATIONS

The Shire of Broome's Strategic Action Plan 2002-2007 seeks to promote community awareness, involvement and civic pride through effective public relations, communication, functions and activities.

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

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
1.	<i>That Council adopt the draft Events Sponsorship Policy and Guidelines.</i>
2.	<i>That the terms and conditions of the Event Sponsorship Policy be applicable to those organisations whose applications for festival and event funding were approved by Council at the 20 May 2003 meeting, funded in the 2003/04 financial year.</i>
Moved:	Seconded:
	FOR:
	AGAINST:

[Attachment: 7 pages](#)

9.1.4 BROOME COASTAL LAND CONSERVATION DISTRICT - NOMINATIONS FOR COMMITTEE	
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM.01
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	15 July 2003
SUMMARY: To seek Council endorsement to re-nominate the Manager Planning Services and the Parks and Gardens Supervisor to the represent the Shire of Broome on the Broome Coastal Land Conservation District.	

BACKGROUND

The following correspondence has been received from the Department of Agriculture:

"The term of appointment for the members of the Broome Coastal Land Conservation District Committee is due to expire on 30 September 2003.

In behalf of the Commissioner of Soil and Land Conservation, I am writing to request the Shire of Broome's nominations for re-appointment to the Committee. Nominations are required as soon as possible, to enable re-appointment of this Committee.

There is currently provision to appoint two representatives from the Shire of Broome. Our records show that the current representatives are Leanne Cooper and Natalie Katona.

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

I would appreciate if you would forward details of Council's nominations as soon as convenient. New nominees who have not previously served on the Committee should complete the nomination information sheet."

COMMENT

In the interest of ensuring continuity on this Committee, it is suggested that Council endorse the re-appointment of the Manager Planning Services, Natalie Katona and the Parks and Gardens Supervisor, Lee Cooper to the Broome Coastal Land Conservation District Committee.

CONSULTATION

Ms Katona and Ms Cooper have been consulted with regard to their re-appointment to this Committee.

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Council's Vision as contained within the Strategic Action Plan includes "Balanced Development" which will allow for carefully planned development whilst recognising the competing demands of growth, conservation and environment.

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council endorse the re-appointment of the Manager Planning Services and the Parks and Gardens Supervisor to represent the Shire of Broome on the Broome Coastal Land Conservation District Committee.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

9.1.5 POLICIES REVIEW 6.1.1 to 6.1.2

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: ADM28
RESPONSIBLE OFFICER: Manager Health Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 17 July 2003

SUMMARY: Reaffirming Council Policies 6.1.1 to 6.1.2.

BACKGROUND

Council is required to review its policies annually and policies 6.1.1 to 6.1.2 are submitted in accordance with the schedule for review.

COMMENT

Councillors have been provided with a copy of the Policy Manual and are asked to refer to the Manual when considering this item.

Outlined below are Council's existing policies relating to Community Services, coupled with comment on any remedial action required.

POLICY NUMBER	TITLE	COMMENT	ACTION
6.1.1	Rave Parties, Concerts & Large Public Events	No Comment	Re-affirm
6.1.2	Functions in Chinatown	No Comment	Re-affirm

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995
 Health Act, 1911
 Environmental Protection Act, 1986

POLICY IMPLICATIONS

As shown above

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

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

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That the policies 6.1.1 to 6.1.2 be re-affirmed.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

9.1.6 LOCAL LAW ADOPTION - REPEAL OF LOCAL LAW (CONTROL OF FENCING) LOCAL LAW 2003
LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: BLY.10
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 22 July 2003
SUMMARY: To advise Council of the results of the submission period and to seek Council endorsement to continue the process of repealing an existing Local Law.

BACKGROUND

At the Ordinary Council Meeting held 8 April 2003, Council resolved to make a local law to repeal the existing Local Law Relating to the Control of Fencing.

COMMENT

The proposal to make a local law repealing the Local Law Relating to Control of Fencing was advertised in The West Australian on 28 May 2003, in the Broome Advertiser on 29 May 2003, at the Shire of Broome Administration Office and the Broome Public Library in accordance with the requirements of the Local Government Act, 1995.

The advertisement invited interested persons to make submissions on the proposed local law over a six-week period, closing on 11 July 2003.

A submission was received from the Department of Local Government, suggesting the following amendments:

- Inclusion of 1995 after the "Local Government Act" in the title.
- Inclusion of the gazettal date of the original by-law in section 2.1(1).

These amendments have been made and as they are not significant, the process can continue to the next stage. A copy of the amended proposed local law is attached to this agenda.

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

The proposed local law will repeal an existing local law, which will be replaced with a policy dealing with fences within the Townsite of Broome.

CONSULTATION

The public were given the opportunity to comment on the proposed local law for six weeks in accordance with the requirements of the Local Government Act, 1995.

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

As a result of the repeal of an existing Local Law, a new policy will be created governing fences within the Broome Townsite.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Shire of Broome's Strategic Action Plan – Economic Prosperity goal area seeks to review and adopt local laws.

VOTING REQUIREMENTS

Absolute Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council makes the "Repeal of Local Laws (Control of Fencing) Local Law 2003" as attached.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

[Attachment: 1 page](#)

9.1.7 LOCAL LAW AMENDMENT - LOCAL LAW RELATING TO THE CONTROL OF DOGS

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	BYL 3
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	22 July 2003

SUMMARY: To advise Council of the results of the submission period and to seek Council endorsement to continue the process of amending an existing local law.

BACKGROUND

At the Ordinary Council Meeting held 8 April 2003, Council resolved to amend the existing Local Law Relating to the Control of Dogs.

COMMENT

The proposal to amend the Local Law Relating to Control Dogs was advertised in The West Australian on 28 May 2003, in the Broome Advertiser on 29 May 2003, at the Shire of Broome Administration Office and the Broome Public Library in accordance with the requirements of the Local Government Act, 1995.

The advertisement invited interested persons to make submissions on the proposed amendments to the local law over a six-week period, closing on 11 July 2003.

A submission was received from the Department of Local Government and Regional Development, suggesting the following amendments:

- Revision of the term "Beach Foreshore".
- Insert "specified hereunder" after "South of the same line" in clause 7(f).

As such, the following additional amendments have been made and as they are not significant, the process can continue to the next stage.

A copy of the amended proposed local law is attached to this agenda.

The proposed amendments to the local law will allow dogs to be legally exercised on Cable Beach from a point 750 metres south of the westerly prolongation of the northern boundary of Lot 981 and will prohibit dogs on the grassed area of Cable Beach, Reserve 36477.

CONSULTATION

The public were given the opportunity to comment on the proposed local law for six weeks in accordance with the requirements of the Local Government Act, 1995.

STATUTORY ENVIRONMENT

Local Government Act, 1995

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Shire of Broome's Strategic Action Plan – Economic Prosperity goal area seeks to review and adopt local laws.

VOTING REQUIREMENTS

Absolute Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council endorsed the suggested amendments by the Department of Local Government and Regional Development and proceed to amend the Local Law Relating to the Control of Dogs as attached.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

[Attachment: 1 page](#)

9.1.8 DISTRICT HEALTH ADVISORY COUNCIL - REQUEST FOR ESTABLISHMENT PANEL MEMBER	
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM.01
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	25 July 2003
SUMMARY: To advise Council of the proposed establishment of District Health Advisory Councils, including one for the Broome area and an invitation for the Shire of Broome to be represented on the Establishment Panel for this Council.	

BACKGROUND

The State Government is establishing "District Health Advisory Councils" throughout regional Western Australia, to give regional communities the opportunity to have input in to their local health planning and to represent the issues of health consumers.

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

Within the Kimberley Region there will be five (5) Councils as follows:

- Derby and communities
- Broome and communities
- Fitzroy Valley
- Halls Creek and communities
- Wyndham/ Kununurra and communities

An advertising process will be undertaken to invite members of the community to apply to be nominated.

The key roles of the Advisory Councils' members will be:

- Talk with consumers and community members about relevant health issues.
- Present the view and opinions of consumers and community members at the Council
- Offer creative input in relation to the delivery of health services.
- Become familiar with the priorities of the health services as a local, district and regional level.
- Share knowledge and expertise; and
- Consider the view of consumers and the community in service development and planning.

COMMENT

The Shire of Broome has been invited to have a member on the Establishment Panel, which will make recommendations to the Minister for Health for the Broome area District Health Advisory Council.

It is anticipated that the Establishment Panel will sit on 8 and 9 September 2003.

Members of the Establishment Panel will include:

- Director Kimberley Health Region, Mr I Smith
- Member for Kimberley, Ms C Martin MLA
- Health Consumers Council, Mr M Hunt
- Representative, Kimberley Development Commission
- Representative, Kimberley Aboriginal Medical Services Council
- Representative, Shire of Broome
- Representative, Kullari Regional Council

Following are the suggested Terms of Reference for the Establishment Panels:

Role

The role of Establishment Panels is to advise the Minister on the representation and membership of the District Health Advisory Council including:

- Representation on panels to reflect the make up of the community;
- Community and consumer members;
- Health service professional and expertise;
- Agency representatives;
- Any recommended alterations to the proposed geographic boundaries of the District Health Advisory Councils;

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

- Any area, for example Aboriginal, youth or seniors representation or geographic area, that has not gained sufficient nominations and requires review and specific appointment by the Minister. Where there are areas with insufficient nominations the panel is requested to seek these by appropriate consultation and direct approach or liaison with representative groups;
- Consider information provided as confidential.

Membership

The WACHS through the Regional Director will appoint the members of the Establishment Panels based on the criteria agreed to by the MFH. Membership will include:

- The Regional Director;
- A Health Consumers' Council representative;
- Regional/ district nominees such as a local Councillor, Aboriginal controlled organisation and/ or Development Commission Board nominee. These people should be elected or community members of the organisation rather than paid agency representatives. The aim is to get fair community and consumer representation on the Establishment Panels.

In order to provide regional consistency, at least 3 members will be common across all Establishment Panels within the region; the Regional Director, Health Consumers Council representative plus one other. Other district based or specific group nominees may be engaged for a specific area in accordance with regional and district needs.

Further information on the Establishment of Advisory Councils is included as an attachment to this document.

CONSULTATION

Not required

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Outcome for Goal Area "Social Support and Development" is to facilitate opportunity for quality social and community development in health, leisure, education and human services which supports individual and community well being.

VOTING REQUIREMENTS

Simple Majority

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

REPORT RECOMMENDATION

That Council nominates Cr..... to the District Health Advisory Council Establishment Panel for Broome.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 3 pages](#)

9.1.9 TRANSPORTABLE STADIUM SEATING

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	CTE36, ADM01
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	29/07/03

SUMMARY: Provision of background information on the stadium seating proposal, its relationship to the Broome Arts Centre with a recommendation that portion of the stadium seating's capital cost is sourced from the Arts Centre capital allocation.

BACKGROUND

At the last Council Meeting held on 22 July 2003, it was resolved, inter alia,

"4. That Council defer consideration of committing funding of up to \$500,000 from the \$5 million capital allocation for the Broome Arts Centre towards the purchase of stadium seating until its next meeting."

COMMENT

In response to Council's request for further information, a copy of grant applications to the State RIPF program and the Commonwealth Sustainable Regions Program have previously been provided and are self explanatory.

Recommendation 6 of the Broome Arts Centre Concept Plan and Needs Analysis envisages usage of the seating although a further recommendation does not support contributing financially to its acquisition.

CONSULTATION

Extensive consultation occurred through the Commonwealth's due diligence process. Staff requested a copy of the due diligence report, but the Commonwealth declined access due to confidentiality matters.

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

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

Nil. New policies and procedures will be required should the acquisition proceed.

FINANCIAL IMPLICATIONS

No direct financial contribution will be required from Council as the capital cost will be met from State and Commonwealth Government. However, there may be funding pre-conditions by both the State and Commonwealth that other sources of funding are committed. In this case evidence of funding from Arts Centre allocation may be required to guarantee Commonwealth funds. The requirement for a business plan will ensure that adequate provision is made from user charges to meet ongoing maintenance costs.

STRATEGIC IMPLICATIONS

Economic Prosperity

- Promote economic development when it is consistent with and complementary to the lifestyle of the region.

Social Support and Development

- Promote social development in cooperation with other government agencies to enhance services.
- Maintain ongoing support for recreation facilities, sporting groups and cultural initiatives.

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council commit funding of up to \$500,000 from the \$5 million capital allocation for the Broome Arts Centre towards the purchase of transportable stadium seating.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

9.1.10 NAMING OF "PENINSULA" NORTH OF BROOME

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	OGS.67
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	29 July 2003

SUMMARY: To advise Council of an approach from the Geographic Names Committee for comment on the naming of the area north of Broome.

BACKGROUND

The following correspondence has been received from the Department of Land Administration's Geographic Names Committee:

"Earlier this year Hon Tom Stephens MLC raised the issue of applying a name to the peninsula north of Broome with the Geographic Names Committee. Mr Stephens suggested the area is known by the name of "Dampierland Peninsula", although had in recent times been referred to as "Dampier Land Peninsula". He requested consideration be given to officially applying the name Dampierland Peninsula to the feature.

The Geographic Names Committee was previously approached in 1996 regarding a name for the feature, as it was advised that "many scientific research papers were using the name Dampier Peninsula for the area". The Department of Conservation and Land Management sought clarification of the status of the name, and the Committee decided it could not recognise the name because of the possible confusion with the Dampier area near Karratha, and the feature was not really a "peninsula".

At a recent meeting of the Committee it was decided that the matter should be pursued further, as it was most likely to be "unofficially" referred to in various publications, and it would be better to be officially named. Although not strictly a peninsula, it is no different in shape to the Eyre Peninsula in South Australia so there are precedents for such naming action.

Your Council's comments on a name for the feature are now sought. The enclosed map outlines the area in yellow proposed to be named."

The enclosure to the letter is included as an attachment to this agenda.

COMMENT

The area the subject of this report is widely known as "Dampier Peninsula", and this name is included not only "scientific research papers" but in many publications promoting the Kimberley region.

From a tourism perspective, the area is known and advertised as the "Dampier Peninsula".

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

In addition to this, many of the communities within the subject area associate themselves with the "Dampier Peninsula"

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategy 2.4 of the Shire of Broome's Strategic Action Plan, Unique Heritage and Environment goal area seeks to "promote the importance of Broome's unique built and natural heritage and culture".

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>The Council advise the Department of Land Administration's Geographic Names Committee of it preference for the area north of Broome to be officially named "Dampier Peninsula" as it is know by this, both within the Shire of Broome and the tourism industry.</i>	
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 PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO 4 – AMENDMENT NO 15 – LOTS 369, 370, 371 AND 372 MARITANA WAY, SUNSET PARK, BROOME

LOCATION/ADDRESS: Lots 369, 370, 371 and 372 Maritana Way
APPLICANT: Taylor Burrell
FILE: PLA-1/44 x TPS4/15
RESPONSIBLE OFFICER: Manager Planning Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 29 July 2003

SUMMARY: Correspondence has been received from the applicant requesting Council initiate an amendment to the Town Planning Scheme to overcome an anomaly that has been created as a result of the adoption of the new development plan to guide future subdivision and development with Sunset Park residential estate.

This report recommends that Council initiate the amendment and reclassify lots 369, 370, 371 and 372 from residential R40 to residential R 20.

BACKGROUND

On the 24 September 2002 Council considered an amended Development Guide plan for the future stages of the Sunset Park residential estate and resolved:

- (a) Council adopts the "Development Guide Plan" (received 5 September 2002) to guide future subdivision within the balance of lot 2636 Sanctuary Road, Cable Beach Sunset Park Estate.
- (b) That Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) amend the above Town Planning Scheme by:
 - Reclassifying a portion of lot 2636 Sanctuary Road, Cable Beach (proposed 21 lots) from "Residential R.12.5" zone to "Residential R.15" zone.
 - Reclassifying a portion of lot 2636 Sanctuary Road, Cable Beach from "Local Centre" zone to "Residential R12.5" zone.
 - Reclassifying a portion of lot 2636 Sanctuary Road, Cable Beach from "Residential R.12.5" zone to "Parks and Recreation" Local Scheme Reserve.
 - Amending the Scheme Maps accordingly.

COMMENT

Correspondence has been received for the applicant advising that an error has occurred and that four of the intended lots to be reclassified in terms of their density codings as a result of the revised development plan were not included in the Council resolution (outlined above).

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

The Shire of Broome approved the Sunset Park Estate Structure Plan at its meeting on 20 July 1999. The Stage 1 subdivision application (WAPC Ref: 110347) was granted approval on the 6 October 1999.

In August 2000 Council supported finalisation of Amendment No 2 to the Shire of Broome Town Planning Scheme No. 4 that rezoned portions of the western section of Lot 2636 to R20, R40 and Local Centre. This resulted in Lots 369-372 Maritana Way being coded R40 due to their location adjacent to an area of Public Open Space. These four smaller lots were created at the same time as the recoding.

The plan adopted by Council on the 24 September 2002 illustrated lots 369-372 Maritana Way with an R20 coding.

This submission seeks Council's support to initiate an amendment to the Shire of Broome Town Planning Scheme No. 4 to overcome the zoning anomaly that exists by recoding lots 369-372 to R20 as shown on the approved Development Guide Plan. The two corner lots (369 & 372) have already established single dwellings. The recoding will allow for consistency in relation to housing design by ensuring that the two remaining lots are developed as single dwellings also. This recoding will ensure Council's and the developer's objective of providing single residential lots in this locality is achieved.

CONSULTATION

Nil at this stage, however the amendment will be required to be advertised for public comment in accordance with the regulations.

STATUTORY ENVIRONMENT

- Town Planning Scheme No 4, 1999
- Town Planning Regulations, 1967
- Town Planning and Development Act, 1928

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) amend the above Town Planning Scheme No. 4, 1999 by:

- **Reclassifying lots 369, 370, 371 and 372 Maritana Way Sunset Park, Cable Beach from "Residential R40" zone to "Residential R20" zone**

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 1 page](#)

9.2.2 REVIEW OF MUNICIPAL INVENTORY OF HERITAGE PLACES

LOCATION/ADDRESS:	Shire of Broome
APPLICANT:	Nil
FILE:	PLA 10
RESPONSIBLE OFFICER:	Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	26 July 2003

SUMMARY: The review of the Municipal Inventory of Heritage Places is a requirement of the Heritage Act (1990).

The review has been compiled and is submitted to Council for adoption.

BACKGROUND

The review of the Municipal Inventory of Heritage Places is a requirement of the Heritage Act (1990). The Shire of Broome engaged consultants to facilitate a review of the 1996 Shire of Broome's Municipal Inventory of Heritage Places.

The Municipal Inventory is a list of building and places in Broome that are, or may become of 'cultural significance' (including aesthetic, historic, scientific and social) for present and future generations.

The consultants met with Shire Officers, members of the Broome Historical Society and Shire Councillors on various occasions over two three day site visits in July 2002 and May 2003, and from those consultations and a desktop review of the existing Municipal Inventory and other related relevant documents, the review has been compiled and is submitted to Council for adoption.

COMMENT

The historical overview has been revised and compiled as the Thematic History, by historian Irene Sauman. The Thematic History provides a foundation from which to understand Broome's history and identify places significant to development, events, people and phases of the history. Each place in the inventory has been viewed and

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

photographed and its history researched, except those places in the broader shire area, where no site visits have been undertaken within the review, although most are comprehensively recorded in Heritage Council documentation.

The Chinatown Conservation Area was Interim registered in the Heritage Council's Register of Heritage Places on 22 April 2003. Some places within the Chinatown Conservation Area have been identified in the review for their individual heritage significance.

As an outcome of the review of the Municipal Inventory of Heritage Places, four places have been deleted from the 1996 inventory:

Broome Pearls	29 Dampier Terrace
Kennedy's Store	7 Napier Terrace
Buccaneer Rock	
Horrie Miller Museum	

A further thirty-three places have been added to the Municipal Inventory, in addition to an extensive number of places of lesser significance within the Chinatown Conservation Area (not included in the list below):

BROOME TOWNSITE

Shekki Shed Gallery	10 Carnarvon Street
Lyons Tate Office	10 Carnarvon Street
Blooms cafe restaurant	12 Carnarvon Street
Tack's Store (fmr) Terri's Travel	12 Carnarvon Street
Ah Ming's Store (fmr) Son Ming, Ocean & Earth	14 Carnarvon Street
Tang Wei's Cafe (fmr) Eco Beach	16 Carnarvon Street
Offices	41 Carnarvon Street (cnr Frederick St)
Original town water supply (SITE)	45 Carnarvon Street
Pearler worker dwelling	22 Frederick Street
Pearler worker dwelling	24 Frederick Street
De Castilla Residence	38 Hamersley Street
Malay camp (SITE)	McPherson Street (west end)
Shiba Lane (SITE)	Napier Terrace
Japanese hospital (SITE)	Napier Terrace (cnr Coghlan Street)
Broome Cemetery (3): (Japanese, Chinese & Muslim sections)	1 Port Drive
St Mary's College Chapel	102 Port Drive
Pearlmaster's dwelling (former)	10 Robinson Street
T. McDaniel's residence (former)	40 Robinson Street
Seaview Shopping Centre (SITE)	49 Robinson Street
Town Beach (SITE)	91 Robinson Street
Streeter and Male buildings	2-6 Short Street
Captain Archer's House (former)	29 Stewart Street (cnr Walcott Street)
Pa Norman's House (former)	47 Walcott Street
Captain Goldie's house (former)	63 Walcott Street

Lady of Peace Catholic Church
 Roebuck Bay foreshore

34 Weld Street
 Roebuck Bay

SHIRE REGION

Cable remains
 Kennedy's Holiday Cottage
 Afghan wells
 Pender ruins
 Roebuck Plains Station buildings
 Billabong (Lake Yeeda)
 La Grange Community (Nissan Huts)

Cable Beach
 Willie Creek
 Willie Creek
 Pender Bay
 Roebuck Plains
 Roebuck Plains
 La Grange

Potentially there are more places that should be included, and reference to the Thematic History highlights a number of places or sites that could be considered for inclusion. Three places were nominated late in the review process and warrant further research when the next update of the municipal inventory takes place:

- Original 1950s hospital building
- Remains of original prison
- Broome tree nursery

Management categories are critical to providing some guidance to the owners, managers and the Shire of Broome, to respond appropriately to each heritage place. Based on the assessed significance, management categories have been determined, consistent with the assessed level of significance for each place.

The review of the Shire of Broome's Municipal Inventory of Heritage Places further reiterates the exceptional significance of the heritage and history of Broome.

CONSULTATION

The review of the MHI was advertised calling for nominations of places to be considered in The consultants met with Shire Officers, members of the Broome Historical Society and Shire Councillors on various occasions over two three day site visits in July 2002 and May 2003

STATUTORY ENVIRONMENT

Town Planning Scheme No. 4, 1999
 Heritage Act of Western Australia

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

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

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
1.	<i>That Council adopt the Shire of Broome Municipal Inventory of Heritage Places Review 2003 as prepared by Laura Gray dated July 2003 and refer the document to the Western Australian Heritage Council.</i>
2.	<i>That Council notify the landowners of those properties which have been added or deleted from the Municipal Inventory.</i>
Moved:	Seconded:
	FOR:
	AGAINST:

9.2.3 PROPOSED SUBDIVISION - LOT 98 KANAGAE DRIVE DAMPIER (12 MILE)	
LOCATION/ADDRESS:	Lot 98 Kanagae Drive Dampier (12 Mile)
APPLICANT:	Kerry Marvell
FILE:	122211
RESPONSIBLE OFFICER:	Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	30 July 2003
SUMMARY: Council has received referral of a subdivision application from the Western Australian planning Commission for subdivision of 1 lot into to 2 lots on Lot 98 Kanagae Drive Dampier – (12 Mile).	
The application is forwarded to Council for consideration as it is recommended that the application be not supported.	

BACKGROUND

The WAPC has referred an application for a two lot subdivision to Council for comment. The proposal involves the subdivision of a 3.75ha lot into two lots. The proposed lot sizes are unclear as the plans state 1.83ha and 1.7024ha, however the application form states 2.05ha and 1.7ha.

COMMENT

The proposed subdivision involves the creation of lot sizes below the 2ha minimum required for the Rural Agriculture zone in Town Planning Scheme No. 4. The Scheme states that:

“4.22.3.5 Twelve Mile

Lot sizes should not be less than 2 hectares in the Twelve Mile rural agriculture precinct. The Council may recommend a minor reduction in the lot size if the Council considers that the minor reduction will not prejudice the intent of the zone.”

Council has generally exercised a maximum 10% variation in relation to lot size, however, the current proposal involves the creation of a lot of approximately 1.7ha which is below the 10% variation previously permitted. Regardless of this fact, Council may consider that no variation to the minimum lot size of 2ha be granted as it is becoming more evident in the 12 Mile precinct that agricultural activities in this area are being lost through subdivision which creates lot sizes too small to be viable for many agricultural activities. Although landowners have a right under Town Planning Scheme No. 4 to subdivide to 2ha, there are no rights to reduce the lot size any further. Council could ensure that a range of lot sizes are maintained for various agricultural uses as well as some hobby farming and lifestyle properties through not supporting subdivisions below 2ha in size.

A search of Council's records of approved buildings of the property revealed that a number of buildings may not have received the necessary approvals. Inconsistencies exist between the locations of buildings shown on the subdivision plan and those shown on detailed building licence drawings in Council's records. It appears that existing buildings may not be able to achieve the required setbacks from the new boundary.

The existing packing shed on the property is understood to be utilised for the packaging of mangoes from the mango plantation. If the subdivision were to be approved then it would result in a packing shed not being related to any agricultural use on the property which would render it a rural industrial use in its own right. This could not be permitted by the Scheme as Rural Industries are required to be ancillary to the rural use of the property.

It is recommended, therefore that the proposed subdivision of the subject lot not be supported.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning & Development Act
Town Planning Scheme No. 4

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Subdivision of the subject property would generate additional funds for contributions to Kanagae Drive and increase the number of rateable properties within the Shire.

STRATEGIC IMPLICATIONS

Nil

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the referral of the subdivisions application received on 6 June 2003 (WAPC ref 122211) made by Kerry Marvell for the proposed subdivision of lot 98 Kanagae Drive Dampier (12 Mile) be NOT SUPPORTED for the following reasons:

- 1. The proposal involves the creation of lots below the minimum lot size permitted in the Rural Agriculture zone under the provisions of Town Planning Scheme No. 4.***
- 2. The proposal is contrary to the intent of the Rural Agriculture zone in that it has not been demonstrated that the undersized lots can viably be utilised for agricultural purposes.***
- 3. The proposed boundary location would not provide adequate clearances from existing buildings and structures on the property to comply with Council's Town Planning Scheme. It should be noted that the applicant's plans do not appear to be accurate and do not reflect the locations of buildings as approved by Council.***
- 4. Approval of the subdivision would result in the agricultural packing shed being isolated from the agricultural portion of the existing property and would result in an use that is not permitted by the Scheme in isolation.***

Should the Commission resolve to approve the Subdivision then the following conditions are recommended:

- 1. Satisfactory arrangements being made with the Shire of Broome for the construction and drainage/upgrading of Kanagae Drive.***
- 2. The land being filled and/or drained at the subdivider's cost to the satisfaction and to specifications approved by the Shire of Broome and any easements and/or reserves necessary for the implementation thereof, being provided free of cost.***
- 3. All buildings and effluent disposal systems having the necessary clearances from the new boundaries as required under the Town Planning Scheme, the Building Regulations 1989, as amended, and the Building Code of Australia 1988.***
- 4. The battleaxe access leg(s) being constructed and drained at the subdivider's cost to the specification and satisfaction of the Shire of Broome.***
- 5. Any unapproved buildings on the property being removed or relevant approvals sought and obtained prior to the clearance of the conditions of subdivision.***
- 6. The removal of the packing shed or approval sought from Council for its change of use to a purpose that is ancillary to the use of the new lot the Rural Industrial use of the packing shed cannot be approved without an associated Rural use on the property.***

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 1 page](#)

9.2.4 PROPOSED TELECOMMUNICATIONS DEVELOPMENT - LOT 954 NO. 276 PORT DRIVE MINYIRR

LOCATION/ADDRESS: Lot 954 No. 276 Port Drive Minyirr
APPLICANT: Telstra
FILE: POR-1/276
RESPONSIBLE OFFICER: Manager Planning Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 20 July 2003

SUMMARY: Council has received an application for planning approval for telecommunications infrastructure on Lot 954 No. 276 Port Drive Minyirr.

The application is forwarded to Council for consideration as the proposed use is considered to be a 'Use Not Listed' under Town Planning Scheme No. 4.

This report recommends approval of the proposal.

BACKGROUND

The subject site is currently occupied by Kimberley Fuels. It is proposed to utilise the western corner of the property for the construction of a 25m high pole and a 3.35m long by 2.25m wide equipment shelter. Three sets of antennae are proposed to be affixed to the pole to provide improved telecommunications coverage for the peninsula area.

Access to the site is proposed to be via Port Drive.

COMMENT

The proposal is not considered to fall into any of the use-classes within Town Planning Scheme No.4 and hence may be considered by Council as a 'Use Not Listed'.

Clause 4.3.2 of the Scheme states:

"In determining an application for planning approval, if a proposed use of the subject land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of any other use in the Zoning Table, the Council may:

- (a) determine that the use is consistent with the objectives and purposes of the relevant zone involved in the application, and therefore may be treated as a permitted use; or*
- (b) treat the use as a use not listed if the Council considers that the use may be regarded as consistent with the objectives and purposes of the zone in which it is proposed and thereafter follow the procedures in relation to a use not listed set out hereafter; or*
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone in which case the use is to be treated as a use which is not permitted in that zone."*

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It is considered that the subject location is highly suited to a structure of the scale proposed and hence sub-clause a) of clause 4.3.2 above may be applied.

There are no objections to the height or design of the proposal in the subject location as it is considered that the applicant has given due regard to locating the structure so as to minimise its visual impact.

Council's attention, however, is drawn to the following provisions of Town Planning Scheme No. 4 that the proposal does not comply with:

Setbacks

Clause 4.14.2.1 of Town Planning Scheme No. 4 states:

"Setbacks for all development in the Industry zone shall have regard to the following:

- (a) primary street - 9 metres; and*
- (b) secondary street - 4.5 metres; and*
- (c) side and rear - subject to the Building Code of Australia, and with at least one setback which shall provide adequate area to incorporate service areas, storage, parking, manoeuvring and/or accessways with a minimum width of 6 metres."*

The proposal does not provide for a 6m setback to either the rear or side boundaries of the property. The requirement for at least one setback to provide a 6m setback is to accommodate service and storage areas associated with industrial or commercial land uses. As the proposal generates no requirement for such an area, a variation to the setback requirements is considered appropriate.

Height of Buildings

Clause 5.9 of Town Planning Scheme No. 4 states.

- "5.9.1 Council's objective is to preserve the existing character of the town, the amenity of the environment, and the enjoyment of views and aspects from existing buildings.*
- 5.9.2 The height of buildings within the Scheme Area shall be no more than two storeys or a maximum height of 10 metres.*
- 5.9.3 The Council shall not exercise the power in accordance with Clause 5.4.1 to vary the height limit standard of 10 metres unless Council is satisfied that the variation will not prejudice the amenity of the area and the low scale character of Broome architecture. When considering variations to the height limit, the applicant and Council shall have due regard to all of the following:*
 - (a) the topography and elevation of the subject site in relation to adjoining properties and the street;*

- (b) *the impact of the building bulk and height on the area and existing views;*
- (c) *the location of the site and the impact of the height on public areas and the landscape values of an area for the public;*
- (d) *the surrounding land use and the scale and height of existing surrounding buildings; and*
- (e) *the aboriginal and non-aboriginal heritage value of surrounding buildings and sites and the impact of the height on the heritage value."*

The proposal significantly exceeds the height limit. As previously discussed, there are no concerns in relation to the design or location of the proposed structure in the context of this requirement and hence it is recommended that Council vary this requirement in this instance.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning & Development Act
Town Planning Scheme No. 4
Telecommunications Act, 1997
Telecommunications (Low Impact Facilities) Determination 1997 (amended 1999)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That:

- A. Council determine that the proposed use of 'Telecommunications Infrastructure' is consistent with the objectives and purposes of the Industrial zone involved in the application, and therefore may be treated as a permitted use.**
- B. the application for Planning Approval dated 02/07/2003 (2003/128) made by Telstra for Telecommunications Infrastructure on Lot 954 No. 276 Port Drive Minyirr be APPROVED subject to the following conditions:**
 - 1. Development must be carried out strictly in accordance with the plans stamped received dated 2 July 2003 submitted with the application as approved by the Shire.**
 - 2. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Shire in the event that sand is blown from the site.**
 - 3. The proposed shed shall not be used for any temporary or permanent residential occupation.**
 - 4. All fencing being installed in accordance with the Shire's Fencing Local Laws 1999 prior to the occupation of development.**
 - 5. Access to the site is limited to Port Drive. No access shall be obtained from the Unallocated Crown Land at the rear of the site.**
 - 6. On completion of construction, all excess articles, equipment, rubbish and materials shall be removed from the site, adjoining road reserve and adjacent land and these areas are to be left in an orderly and tidy condition.**
 - 7. 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.**

ADVICE NOTES:

The following notes (or the above 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.

- 1. If an Aboriginal Site, as defined in the Aboriginal Heritage Act 1974, might be on the land, then the owner of the land may commit an offence against that Act where there proves to be an Aboriginal Site on the land and an approval under Section 18 that Act is not obtained in respect of the proposed development. The grant of this planning approval is not a clearance that there are no Aboriginal Sites on the land nor an approval under Section 18 of the Act in the event that there is an Aboriginal Site on the land. The owner will need to make its own enquiries and application to the Department of Indigenous Affairs.**
- 2. 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: 5 pages](#)

9.2.5 PROPOSED COMMERCIAL DEVELOPMENT – CHANGE OF USE FROM SHOWROOM TO RETAIL PREMISES/SHOP - LOT 2099 NO. 20 CLEMENTSON STREET BROOME

LOCATION/ADDRESS:	Lot 2099 No. 20 Clementson Street Broome 6725
APPLICANT:	NBC Aboriginal Corporation
FILE:	CLE-1/20
RESPONSIBLE OFFICER:	Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	30 July 2003

SUMMARY: Council has received an application for planning approval for commercial development for a retail shop - Womens Resource Centre - 'Mirdandy' on Lot 2099 No. 20 Clementson Street Broome.

The application is forwarded to Council for consideration as it is in the 'Light and Service Industry' zone and the proposed use is not permitted unless the Council has exercised its discretion by granting planning approval.

This report recommends conditional approval.

BACKGROUND

Council at its meeting of 15 September 1998 approved the existing sheds for the purpose of garment manufacture, screen printing, resource centre and training centre.

At the time, the subject portion of Shed 'B' which was proposed for crèche activities was not approved for that purpose, as Council considered that it was inappropriate to locate a crèche within an industrial area and the constraints of the 500 metre buffer placed by the Water Corporation. It since came to Council's attention that the portion of the shed previously earmarked for the crèche is now being used for retail clothing use requiring Council approval.

COMMENT

Under Town Planning Scheme No.4, the aim of the zone is to provide for light and service industries and associated uses, which are compatible with residential uses.

Under the Scheme, Council's objectives in the zone are therefore be to:

- (a) restrict the size and location of corner store/convenience shop in accordance with the Broome Local Commercial Strategy; and
- (b) allow bulky retail/showroom in the Light and Service Industry zone as an ancillary land use; and
- (c) restrict the size and location of caretaker dwelling accommodation in association with an industrial use on site.

Current Land Usage

Existing Shed 'A' is currently being used for existing sewing and screen printing workshop activities with incidental office and amenities usage.

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In respect of design aspects, the floor plan of portion of existing Shed 'B' identifies existing kitchen and existing meeting and amenities room.

The remaining portion of existing Shed 'B' (approximately 100sqm) is already currently being used for the proposed shop related activities. Hence the reason for the subject development application, as when it came to Council's attention that such activities were already in occurrence within the shed, Council's Planning Department requested submission of a development application for Council consideration.

Essentially, the current application reflects a change of use to retail premise – shop.

Under the Scheme, *Retail premises – shop:*” means the use of any land or building used to sell goods by retail, or, in which services of a personal nature including but not limiting the generality of the term, a hairdresser and beauty therapist, but does not include a showroom or fast food outlet. The hire of goods, provided for retail sale, may be undertaken as an ancillary use.”

Building Application

The applicant has been advised that a building application is to be submitted for internal fitout works to bring sheds up to current requirements i.e. disabled toilets, dust proof lining etc. There is to be no change to the existing building/s footprint.

Broome Local Commercial Strategy

The Strategy states “the present role of the subject light industrial precinct is to provide an in-town location for 'light industry'. Despite the zoning of the precinct, there is a small amount of retailing occurring. The retail component in this area consists of wholesaling of products from warehouse premises and some retailing businesses. This is logical due to the space consumptive nature of floorspace usually associated with these activities, their requirement for low rents and their ability to attract consumers regardless of location.”

The proposal may be supported as It is considered that the proposed change of use the subject of this planning report is in general conformance with the Local Commercial Strategy and is ancillary to the predominant industrial use of the site.

Car Parking Requirements

Council's Car Parking Policy requires 1 car bay per 50sqm of building area for light industry use, plus 1 car bay per 30sqm of ancillary office area and 1 car bay per 15sqm for shop/retail use. For the subject proposal, requirements are as follows:

Industry-Light – 181sqm equates to 4 bays.

Ancillary Office – 117sqm equates to 4 bays.

Shop/Retail – 100sqm equates to 7 bays.

As such, a total of 15 bays are required to service the development/s on site.

The applicant's submitted amended site plan reflects the 15 car parking bay requirement.

The Parking Policy stipulates that “all carparking areas shall be provided on-site, kerbed, drained, marked out and sealed, to Council's specifications.....”. The applicant requests a variation to this requirement.

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

A fax has been received from the applicant dated 9 July 2003 which states:

"In addition, a variation to provide stabilised cracker dust to the existing courtyard and new rear parking area in lieu of Shire's requirement to seal these areas is requested on the following grounds:

- *The existing parking to the front of the site is currently stabilised cracker dust.*
- *The distance from the building line to these areas is approx. 11.7m and visually would blend in with the existing development.*
- *Stabilised cracker dust to the courtyard area will enhance the visual link between the two buildings.*
- *Stabilised cracker dust is more appropriate in the courtyard area as it is less heat absorbent than bitumen, this maintaining a cooler thoroughfare."*

Council's Planning Department supports this approach, with the rear car parking area to be used for 'staff parking' only as proposed, and finished in cracker dust; for reason that in practice there should likely be limited traffic movement to the retail clothing premises and the existing front parking area (recommended for standard bitumen seal) should more than adequately service customer car parking needs.

In summary, the proposed change of use subject of the current application is recommended for conditional approval.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No.4

POLICY IMPLICATIONS

Broome Local Commercial Strategy
Car Parking Policy 4.1.8

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application for Planning Approval dated 10/06/2003 (2003/113) made by NBC Aboriginal Corporation for a change of use from showroom to retail premises - shop (Women's Resource Centre - 'Mirdandy') on Lot 2099 No. 20 Clementson Street Broome 6725 be APPROVED subject to the following conditions:

- 1. Development must be carried out strictly in accordance with the plans stamped received 10 June 2003 and amended site plan stamped received dated 10 July 2003 as approved by the Shire.**
- 2. A suitably screened refuse bin storage area is to be provided in accordance with Councils Health Local Laws prior to the development first being occupied. The location of the enclosure is to be marked on the plans submitted for a Building Licence and is to be approved by Council's Health Department.**
- 3. Applications for septic tanks and effluent disposal systems are to be submitted to and approved by Councils Health Department prior to the issue of a Building Licence.**
- 4. 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; and / or**
 - (b) Site classification in accordance with AS2870.**
 - (c) Identified rear staff parking bays (behind building line) being clearly defined and finished in cracker dust.****
- 5. Vehicle parking, manoeuvring and circulation areas (i.e. front setback area for customer use) to be constructed and sealed with brick paving, bitumen or concrete and drained in accordance with approved plans. Details of proposed upgrading and drainage to be submitted and approved at working drawing stage.**
- 6. New gates to remain unlocked during business hours to service rear staff car parking area.**
- 7. The existing rear boundary gates to be removed with no access obtained to the site from the adjoining reserve.**
- 8. Retail shop use to remain incidental and ancillary to the light industrial use of the property.**

Advice Notes:

- 1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements. In this regard your particular attention is drawn to:

 - (a) Health (Food Hygiene) Regulations, 1993**
 - (b) Occupational Health, Safety & Welfare Regs**
 - (c) Health (Public Buildings) Regulations, 1992****
- 2. 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.**
- 3. The applicant is to comply with the Health (Treatment of Sewage and disposal of Effluent and liquid Waste) Regulations, 1974.**

Any proposed food preparation areas to comply with the requirements of the Food Hygiene Regulations 1993.

Moved:

Seconded:

FOR:

AGAINST:

[Attachments: 5 Pages](#)

9.2.6 PROPOSED TELECENTRE – DJARINDJIN ABORIGINAL COMMUNITY

LOCATION/ADDRESS:	Lombardina
APPLICANT:	Djarindjin Aboriginal Corporation
FILE:	ABL02.1
RESPONSIBLE OFFICER:	Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	29 July 2003

SUMMARY: Council has received an application for planning approval for a new telecentre at Djarindjin Aboriginal Community, Lombardina.

The application is forwarded to Council for consideration as the proposal does not comply with the "current" approved Community Layout Plan.

This report recommends conditional approval to the development proposal.

BACKGROUND

The subject land is under an Interim Development Order. The existing Djarindjin Community Layout plan was developed in 1998. Recently, the Community has undertaken a review process to incorporate new community projects as well as emerging community agendas and issues. The review of the CLP was initiated in July last year with assistance from the Department for Planning and Infrastructure.

The revised Djarindjin Community Layout Plan is now in a final draft form.

COMMENT

The submitted application is in compliance with the revised Djarindjin Community Layout Plan as confirmed by the Djarindjin Aboriginal Corporation.

The Telecentre is proposed to be built on the "joint Lombardina/Djarindjin service area" so as to attract residents of both communities and visitors from the Dampier peninsula and beyond.

The Telecentre is to service both the Djarindjin and Lombardina communities. The location of the proposed Telecentre (14.4m x 4.2m) is identified on the submitted site plan. In respect of design aspects, the submitted Floor Plan identifies a computer room, office and meeting room in the transportable unit.

The application is supported by Council's Planning Department as a means of meeting the communities' needs and is therefore recommended for conditional approval.

CONSULTATION

The Revised Layout Plan has been endorsed by the Djarindjin Aboriginal Community including consultation with the Department for Planning and Infrastructure.

STATUTORY ENVIRONMENT

Local Government Act, 1995
Lands Administration Act

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the Interim Development Order No. 2 Application for Planning Approval dated 9/6/2003 (2003/116) made by Djarindjin Aboriginal Corporation for proposed new Telecentre at Djarindjin Aboriginal Community, Lombardina be APPROVED subject to the following conditions:

- 1. *Development must be carried out strictly in accordance with the plans stamped received dated 19 May 2003 and 22 May 2003 submitted with the application as approved by the Shire.*
- 2. *The proposed developments shall not be used for any temporary or permanent residential occupation.*
- 3. *All visitor car parking bays to be permanently accessible on site.*
- 4. *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.*
- 5. *The minimum floor level to be 400mm above natural ground level.*

Advice Notes:

- 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.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 4 pages](#)

9.2.7 PROPOSED NEW ART & CULTURE CENTRE & EXTENSION TO MANAGEMENT SUPPORT PROJECT SHED (MSP) SHED – DJARINDJIN ABORIGINAL COMMUNITY

LOCATION/ADDRESS: Djarindjin Aboriginal Community
APPLICANT: Brian Lee
FILE: ABL02.1
RESPONSIBLE OFFICER: Manager Planning Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 29 July 2003

SUMMARY: Council has received an application for planning approval for a new art & culture centre plus an extension to a management support project (MSP) shed at Djarindjin Aboriginal Community.

The application is forwarded to Council for consideration as the proposal does not comply with the “current” approved Community Layout Plan (CLP).

This report recommends conditional approval to the development proposal.

BACKGROUND

The subject land is under an Interim Development Order. The existing Djarindjin Layout Plan was developed in 1998. The Community has undertaken a review process to incorporate new community projects as well as community emerging agendas and issues. The review of the CLP was initiated in July last year with assistance from the Department for Planning and Infrastructure.

The Djarindjin revised CLP is now in a final draft form.

COMMENT

The submitted application is in compliance with the “new” Draft Djarindjin CLP as confirmed by the Djarindjin Aboriginal Corporation.

Art and Culture Centre

The applicant has advised that the proposed small scale “Art and Culture Centre” (9m x 9m) is to be used for the creation and temporarily retailing of art and craft. The project aim is stated to be to maintain and develop cultural activities and to increase community enterprise and resources.

The proposed site is located on the fringe of the future administrative and recreation complex in an area dedicated to public facilities.

Extension to the MSP Shed

The proposal includes a minor extension to the existing Management Support Project Shed (3 metres deep by 9 metres wide). The building extension is to increase storage space, create a new office space separate from existing activities and overall to increase MSP operations. The applicant states that the location is proposed in line with the existing shed at the front of the building in order to ensure that the office activities do not interfere with the maintenance and storage operations of the MSP. Setbacks are satisfactory.

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

CONSULTATION

The Revised Layout Plan has been endorsed by the Djarindjin Aboriginal Community including consultation with the Department for Planning and Infrastructure.

STATUTORY ENVIRONMENT

Local Government Act, 1995
Lands Administration Act

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the Interim Development Order No. 2 Application for Planning Approval dated 5/6/2003 (2003/76) made by Brian Lee for a proposed new art & culture centre plus an extension to management support project shed at Djarindjin Aboriginal Community be APPROVED subject to the following conditions:

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 5 June 2003 submitted with the application as approved by the Shire.***
- 2. The proposed developments shall not be used for any temporary or permanent residential occupation.***
- 3. All visitor car parking bays to be permanently accessible and maintained on site.***
- 4. The materials and finishes of the proposed walls and roof structure of shed extension shall complement the existing buildings on the subject land.***
- 5. 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***
- 6. The Art and Culture building being registered as a Public Building under the Health (Public Buildings) Regulations 1992.***

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

8. The minimum floor level to be 200mm above natural ground level.

Advice Notes:

- 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.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 3 pages](#)

9.2.8 PROPOSED CLOSURE OF A PORTION OF THE GAZETTED UN-NAMED, UN-CONSTRUCTED ROAD RESERVE ABUTTING LOT 1207 (NO.14) WATTLE DRIVE

LOCATION/ADDRESS:	Gazetted un-named and un-constructed road abutting lot 1207 (No.14) Wattle Drive, Broome.
APPLICANT:	Graham and Donna Sutherland
FILE:	WAT-1/14
RESPONSIBLE OFFICER:	Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	28 July 2003

SUMMARY: Council received correspondence from the owners of the Broome Caravan Park (Lot 1207) Wattle Drive, Broome advising Council of their interest to acquire a portion of the gazetted, but un-named, un-constructed road that run parallel to the property for the purpose of facilitating the expansion of the existing caravan park.

It is recommended that the proposed closure of a portion of the gazetted un-named, un-constructed road reserve abutting lot 1207 (No.14) Wattle Drive, Broome (in accordance with the attachment plan) be advertised for public comment for a period of 35 days and specific comments be sought from relevant service providers and government bodies.

BACKGROUND

Nil

COMMENT

The proposal at this point in time is to undertake a preliminary investigation to ascertain whether the proposal is feasible. In accordance with statutory requirements the proposal must be advertised for comment prior to any decision being made. There a number of issues, some of which are provided for information purposes only, at this stage.

The main issues regarding this proposal are as follows:

- Advertising period
- Amalgamation
- Rezoning of Road Reserve
- Future need for the Road Reserve

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

Advertising Period

In accordance with statutory requirements any road closure must be advertised for a period of 35 days and specific comment sought from some government bodies and service providers.

Amalgamation

The portion of the gazetted, un-named and un constructed road reserve to be closed will be required to be amalgamated onto lot 1207 to comply with the provisions of the Scheme.

Rezoning of Road Reserve

Rezoning of the land will be required if the land is to be developed as an extension to the existing caravan park. This will be at the owners expense should the closed proceed and no development will be approved prior to the rezoning of the land being finalised.

Future need for the Road Reserve

Preliminary assessment indicated that this road reserve is not need to provide access to any future development in the future and is therefore deemed to be surplus to requirements.

At this stage it is recommended that comments be sought from general public, relevant government bodies and service providers to ascertain whether the closure is viable.

CONSULTATION

Nil at this stage

STATUTORY ENVIRONMENT

A scheme amendment will be required (at applicants cost) to rezone the land to "Special Use – Caravan Park".

- Local Government Act, 1995
- Local Government Functions and General Regulations, 1996
- Land Administration Act, 1997
- Land Administration Regulation, 1998

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost of advertising the proposal – approximately \$200.00

STRATEGIC IMPLICATIONS

Nil

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

1. *That the proposed road closure of a portion of the gazetted unnamed and un constructed road abutting lot 1207 Wattle Drive be advertised for public comment for a period of 35 days.*
2. *That Council seek comments from DOLA, MRWA, DPI and Service Providers (Telstra, Western Power, Water Corporation, FESA and Local Ambulance Service) on the proposed road closure of a portion of the gazetted un-named and un-constructed road abutting lot 1207 Wattle Drive.*
3. *That the matter be referred back to Council for further consideration on the completion of the public submission period.*

Moved: _____ Seconded: _____

FOR:
AGAINST:

[Attachment: 1 page](#)

9.2.9 PROPOSED RESIDENTIAL SWIMMING POOL (TOURIST ZONE) - LOT 1 NO. 10 MILLINGTON ROAD CABLE BEACH 6726

LOCATION/ADDRESS: Lot 1 No. 10 Millington Road Cable Beach
APPLICANT: Broome Properties Pty Ltd
FILE: MIL-2/10
RESPONSIBLE OFFICER: Manager Planning Services
DISCLOSURE OF ANY INTEREST: NIL
DATE OF REPORT: 30 July 2003

SUMMARY: Council has received an application for planning approval for a residential swimming pool on Lot 1 No. 10 Millington Road Cable Beach.

The proposal is categorised as 'D' development under the Town Planning Scheme. The application is forwarded to Council for consideration as Council's Planning Services does not have delegated authority to approve a 'D' use in the tourist zone.

This report recommends conditional approval.

BACKGROUND

The subject application for the proposed below ground vinyl lined residential swimming pool adjacent to the existing residence verandah main living area, is to be situated over 30 metres from the boundaries of adjoining Cable Beach Caravan Park and Pt Lot 992 respectively. The required pool fencing to required Australian Standards 1926.1 is also identified on the submitted site plan and an expansive area of timber decking.

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

COMMENT

The aim of the Tourist zone is to provide primarily for tourist development and associated uses, including retail and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.

The proposal is deemed to be minor in nature and incidental to the existing residential land use. As it is considered that such a minor improvement is unlikely to impact on the long term potential of the site for tourist activities. Accordingly, conditional approval is recommended.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No.4, 1999

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application for Planning Approval dated 09/07/2003 (2003/131) made by Broome Properties Pty Ltd for a proposed residential swimming pool on Lot 1 No. 10 Millington Road Cable Beach 6726 be APPROVED subject to the following conditions:

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 9 July 2003 submitted with the application as approved by the Shire.***
- 2. No disposal of pool backwash to road reserve. Must be contained/disposed of onsite.***
- 3. 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.***

Advice Notes:

- 1. As the residential associated use is deemed minor in nature, the applicant is advised that it was considered to meet the aims and objectives of the Tourist zone. Council is not supportive of major development on the property however, unless it is demonstrated to relate to tourist activities in conformance with scheme requirements.***
- 2. All pool fencing is to comply with Australian Standard 1926.1.***
- 3. 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](#)

9.2.10 PROPOSED NEW SHADED AREAS – WALKWAY & PAVILION - LOT 4 NO. 29 LULLFITZ DRIVE CABLE BEACH

LOCATION/ADDRESS:	Lot 4 No. 29 Lullfitz Drive Cable Beach
APPLICANT:	Helen Kaye & David John Morrell
FILE:	LUL-1/29
RESPONSIBLE OFFICER:	Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	29 July 2003

SUMMARY: Council has received an application for planning approval for new shaded areas - walkway & pavillion on Lot 4 No. 29 Lullfitz Drive Cable Beach.

The proposal is categorised as 'D' development under the Town Planning Scheme. The application is forwarded to Council for consideration as Council's Planning Services does not have delegated authority to approve a 'D' use in the Tourist Zone.

This report recommends conditional approval.

BACKGROUND

The site contains an existing residence.

As well as the approved residence (1997), previous approvals on the property include a 107sqm sized shed (December 2001) and a cyclone shelter (September 2002).

It is understood that the walkway cover is required to replace shade sails that were damaged during cyclone Rosita.

For the subject application, the existing building footprint is not being altered with only coverings to pavilion and existing walkway. The proposed new colorbond customorb pavilion roof on a 30 degree pitch is designed to relate to existing development with existing balustrade and decking to remain.

COMMENT

The aim of the Tourist zone is to provide primarily for tourist development and associated uses, including retail and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.

The proposal is deemed to be minor in nature and incidental to the existing residential land use. As it is considered that such a minor improvement is unlikely to impact on the long term potential of the site for tourist activities. Accordingly, conditional approval is recommended.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No.4, 1999

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application for Planning Approval dated 08/07/2003 (2003/129) made by Helen Kaye & David John Morrell for proposed new shaded areas - walkway & pavillion on Lot 4 No. 29 Lullfitz Drive Cable Beach be APPROVED subject to the following conditions:

- 1. *Development must be carried out strictly in accordance with the plans stamped received dated 8 July 2003 submitted with the application as approved by the Shire.*
- 2. *The extension/s being in complementary materials and design to the existing building/developments.*
- 3. *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;*

Advice Notes:

- 1. *As the residential associated use is deemed minor in nature, the applicant is advised that it was considered to meet the aims and objectives of the Tourist zone. Council is not supportive of major development on the property however, unless it is demonstrated to relate to tourist activities in conformance with scheme requirements.*
- 2. *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: 4 pages](#)

9.2.11 CANCELLATION OF LICENCE TO TRADE IN PUBLIC

LOCATION/ADDRESS:	Broome Townsite
APPLICANT:	Ian Moore Harley Bike Tours
FILE:	ENH22
RESPONSIBLE OFFICER:	Manager Health Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	1 August 2003

SUMMARY: Report recommending revoking the licence to trade in public for Broome Harley Davidson Tours.

BACKGROUND

In 1998 Ian Moore was issued with a licence to trade in public to operate Broome Harley Davidson Tours and this licence included approval to park his motorbike in the gateway to the compensating basin at Cable Beach.

This approval did not give him exclusive right to that site.

The Department of Planning and Infrastructure have advised that the "TC" plates required to conduct tours were handed in by the operator in 1999 and therefore, Broome Harley Davidson Tours has not operated the licence in Broome since that date.

During this time the operator continued to pay the prescribed fee, despite, in recent years not being invoiced.

The operator, earlier in the year, contacted staff enquiring as to why he had not received his licence and it was this enquiry that revealed that he had been paying the fee. Because of this Broome Harley Davidson Tours were put into the Trading Licences database and he was invoiced for the coming year and has paid the invoice.

It has recently come to staff attention that the operator is now trying to sell the Licence, to another person operating similar tours but because all this persons custom comes through the Broome Visitors Centre and the various resorts a Licence to Trade in Public has not been required.

It also appears the operator now resides in New South Wales.

This item is being presented to Council because whilst staff has delegated authority to approve trading licences they do not have the authority to refuse or revoke licences.

COMMENT

As the proprietor of Broome Harley Davidson Tours has not operated the licence in Broome, has handed in the required plates and therefore cannot operate the tours and no longer resides here, it felt that these are grounds for the licence to be revoked.

Because the operator was invoiced for this financial year prior to staff becoming aware of the situation it felt that the licence fee of \$550.00 that has been paid should be refunded.

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995
Local Law Relating to Trading in Public

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Refund of the \$550.00 paid by the proprietor of Broome Harley Davidson Tours

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council resolve that:</i>	
1.	<i>Because the proprietor of Broome Harley Davidson Tours Mr Ian Moore does not reside in Broome, the plates required by the Department of Planning and Infrastructure to operate such tours were handed in during 1999 and therefore the licence has not operated since the date the licence to trade be revoked, and</i>
2.	<i>The invoiced amount of \$550.00 for 2003/2004 Licence be refunded.</i>
Moved:	Seconded:
	FOR:
	AGAINST:

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.

9.3.1 RESERVE 36477 - "SUNSET BAR" REQUEST FOR ADDITIONAL OPTION

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	RES 36477
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	23 July 2003

SUMMARY: To advise Council of a request received from Hawaiian Management Ltd (Hyde Park Pty) for an additional five year option to their lease of portion of Reserve 36477, also known as the Sunset Bar.

BACKGROUND

In 1998, Council leased a portion of Reserve 36477 to Hyde Park Management Ltd for the purpose of extending the existing resort. The lease was for a five year term, with a five year option.

The five year option has recently been exercised and following is an extract from correspondence received from the Hawaiian Management Group:

"The resort has spent over \$50,000 recently extending, fitting out and refurbishing the Sunset Bar area to ensure that excellent service is able to be provided to all of our customers. Prior to the refurbishment this was very difficult due to the extremely small work area behind the bar.

The first renewal option has been taken up by the resort and expires in 2008 with no further option renewal period noted in the lease. Is it possible to have the lease amended to include another option of five years? "

COMMENT

With the consent of the Minister for Lands, the Shire of Broome leases 171 m² of Reserve 36477 (vested in the Shire of Broome in 1991) to Hyde Park Management Ltd.

As indicated in the correspondence above, the Cable Beach Club has spent significant funds upgrading this area to service resort guests, tourists and residents. The area is a popular spot and well known tourist attraction.

A copy of a plan showing the lease area is included as an attachment to this document.

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategy 3.1 of the Economic Prosperity goal area of the Shire of Broome Strategic Action Plan seek to support existing local business and create the environment for expansion.

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council give "in-principle" approval for an addition five (5) year option on the existing terms and conditions for the Lease of the of portion of Reserve 36477 to Hyde Park Management Ltd on the expiration of the current renewal option in 2008, subject to all conditions as contained within the lease document being complied with and the consent of the Minister for Lands.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

[Attachment: 1 page](#)

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 WEST KIMBERLEY FOOTBALL CLUB PAVILION

LOCATION/ADDRESS: Haynes Oval Reserve
APPLICANT: West Kimberley Football Association
FILE: ONG.06
RESPONSIBLE OFFICER: Manager Corporate Services/
 Chief Executive Officer
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 30 July 2003

SUMMARY: The West Kimberley Football Association seeks Councils financial support to build change room facilities at Haynes Oval.

BACKGROUND

Councillors will recall at the June Ordinary Meeting of Council, the President of the West Kimberley Football Association, Danny Fyffe addressed Council on the proposed Clubrooms and toilets at Haynes Oval.

Mr Fyffe explained that the \$100,000 earmarked to assist WKFA is not sufficient. Mr Fyffe asked Council to assist the WKFA with the shortfall in funding.

Mr Fyffe mentioned that he would like Council to make a realistic contribution of \$130,000.

The Shire President advised Mr Fyffe to write a letter to Council, and the application would be given due consideration.

Mr Fyffe subsequently submitted a revised proposal (refer attachments) and met with staff to discuss the document.

This matter was presented to the Ordinary Meeting of Council held 22 July 2003, where it was deferred due to new information.

COMMENT

The WKFA is seeking the cost of the pavilion, based on a current replacement cost (using a square meter rate from the Town Beach toilet construction), estimated by the WKFA to be in the order of \$180,000 plus an extra \$50,000 – a total of \$230,000 funding from Council.

Staff from the Ministry of Sport and Recreation have been in contact with Shire of Broome staff and indicated that there is a strong chance that the application submitted by Council on behalf of the WKFA (for the third time) will be successful. This being the case, the WKFA has agreed to hold off construction of the clubrooms until such time as the CSRFF application has been assessed.

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

CONSULTATION

Of the funding sought by the WKFA, \$50,000 is specifically unplanned for. As such, it is suggested by staff that the provision of \$230,000 as requested by the WKFA be included in the draft budget and the actual funding allocation be considered as part of the budget meeting process with reference to the draft budget deficit, and assessed against other capital projects.

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Further consideration required as part of the 2003/2004 budget process.

STRATEGIC IMPLICATIONS

Strategy 4.2 of Council's Strategic Action Plan, Social Support and Development Goal area seeks to maintain ongoing support for recreational activities, sporting groups and cultural initiatives.

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council include the amount of \$230,000 towards the construction of change rooms and toilets at Haynes Oval, by the West Kimberley Football Association, in the draft budget for 2003/2004 and this matter be given further consideration as part of the budget process to determine the actual level of funding in comparison to other capital projects.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

[Attachment: 10 pages](#)

9.4.2 CABLE BEACH AMPHITHEATRE - KPAC - WAIVER OF FEES

LOCATION/ADDRESS:	Amphitheatre
APPLICANT:	Kimberley Performing Arts Council
FILE:	RES 43516
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	30 July 2003

SUMMARY: Request from KPAC to waive all fees for use of the amphitheatre and a recommendation to relax the requirements of Policy and agree to the request.

BACKGROUND

Councillors were advised that the Youth Choir of Great Britain will be hosted in Broome by KPAC and holding a free public performance at the Amphitheatre on 16 August 2003.

KPAC will be incurring some costs in staging the performance and is seeking Council's assistance in waiving the balance of the reduced venue hire fee of \$297.50. The requirement to lodge a bond will remain.

COMMENT

Council Policy 1.2.5 - Venue Hire Charges provided delegations to the Chief Executive Officer to reduce fees by 50% for non-profit organisations. Although the policy does state that further reductions will not be considered, it is believed that this event has sufficient merit in that it is international, showcases youth and is a free concert for the entire community to warrant Council's relaxation of the policy requirements.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

Policy 1.2.5 refers. Please see comments above.

FINANCIAL IMPLICATIONS

Council's schedule of fees and charges preserves a standard hire charge for the Amphitheatre of \$495.00. This would be foregone.

STRATEGIC IMPLICATIONS

Social Support and Development. Key Strategies apply.

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

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council relax the provisions of Policy 1.2.5 – Venue Hire Charges, and waive all hire charges payable by Kimberley Performing Arts Council for the concert performed by the Youth Choir of Great Britain on 16 August 2003.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

9.4.3 APPOINTMENT OF MEDICAL OFFICER OF HEALTH	
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ENH73
RESPONSIBLE OFFICER:	Manager Health Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	23 July 2003
SUMMARY: Item recommending Dr. Gavin Osgarby be appointed as Medical Officer of Health to replace Dr. Stuart Garrow who has left Broome.	

BACKGROUND

In December 1998 Council appointed Dr. Stuart Garrow as Medical Officer of Health (MOH) who filled the role until mid 2001 when he left Broome. Since that time attempts to fill the position have been unsuccessful.

The matter was recently discussed with Dr. Gavin Osgarby at the Broome Health Services who indicated his preparedness to fill the role. This has since been confirmed in writing and a copy of the acceptance is attached.

COMMENT

Under the provisions of the Health Act 1911 Council may and when directed by the Executive Director Public Health appoint a MOH. Whilst the Act is worded this way it is expected that local government engage a MOH where possible.

The role of a MOH is set out below and it can be seen that there are advantages in making such an appointment and therefore the appointment and gazettal is recommended:

1. To provide professional advice as required to the health services provided by local government.

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

- 2. To maintain a watching brief over the activities of the local government environmental health officers in the discard of their duties, and where necessary, to exercise such statutory powers of direction over their activities as is considered reasonable in the circumstances.
- 3. To report on such occasions as he considers desirable to the local government as to the state of health of the community and to attend meetings of the local government council on invitation, or where necessary to fulfil this function.
- 4. To act as a professional liaison officer between the local government and associated institutions such as the hospital, community health, homecare, child welfare, education, police, etc.
- 5. To promote and conduct or assist in arranging for the medical conduct of clinics for mass immunisation against diseases.
- 6. To maintain liaison with the Health Department of Western Australia, and to advise local government on professional aspects of the policies of that department.

Under the provisions of the Health Act, Council is required to pay the MOH at least \$30.00 per annum for filling this position. In this instance Dr Osgarby has requested that this money be paid to his employer the Broome Health Services.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Health Act, 1911

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost of \$30.00 pa to be paid to Broome Health Services

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
<i>That Council resolve to appoint and gazette Dr Gavin Osgarby as Medical Officer of Health for the Shire of Broome.</i>	
Moved:	Seconded:
	FOR:
	AGAINST:

[Attachment: 1 page](#)

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

9.4.4 FREEMAN OF THE CITY - CR KIM MALE

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	CRE01
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	22 July 2003

SUMMARY: Cr Kim Male is to be awarded the title of Honorary Freeman of the Municipality for 30 years continuous service to Council.

BACKGROUND

The Title of Honorary Freeman of the Municipality is conferred upon a person for distinguished service to the Shire.

COMMENT

The Local Government Act defines no criteria for conferring Freemanship. It is suggested that in order to have this recognition, the achievements of the person should be of lasting and enduring contribution or significance.

Mr Kim Male was first elected as a Broome Shire Councillor in 1973 and served as Shire President from 1984 - 1990. Cr Male has served thirty years continuous service as a Broome Shire Councillor. He served as Shire President from 1984 - 1990 and Vice President from 1978 - 1984. As well as his long-term service on the Broome Shire Council, Cr Male has also served the Broome community through representation on:

- Broome Tourist Bureau Committee
- Shinju Matsuri Committee
- Broome Turf Club Committee
- Broome Tennis Club Committee
- Associate Member of the State Planning Commission
- Justice of the Peace since 1976
- Mainstreet Committee Member
- Broome Port Authority Board
- Kimberley Development Commission
- Patron of several sporting organisations

The initiatives undertaken by Cr Male have made a lasting impact on the Shire, which will continue to be felt for many years.

It is proposed that a function be held, where Cr Male will be presented with his Certificate of Freemanship. It is also proposed that Council staff prepare a photo montage for Cr Male, to be presented at the function.

CONSULTATION

Nil

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

STATUTORY ENVIRONMENT

The Local Government Act no longer makes any reference to the title of Honorary Freeman.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A budget will be prepared for the preparation of a framed certificate, photo montage and function for the presentation.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION</u>	
1.	<i>That the title "Honorary Freeman of the Municipality" be conferred upon Cr Kim Male in recognition of thirty years continuous service as a Broome Shire Councillor.</i>
2.	<i>That Council staff arrange a function to honour Cr Kim Male, where a framed certificate and photo montage will be presented to Cr Male.</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 DEVELOPMENT OF MCMAHON RESERVE 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: 7 June 2003

SUMMARY: Further consideration of the above Reserve, following a petition received at the 3rd January 2003 meeting signed by 72 petitioners requesting the development of a portion of Reserve 41551 (McMahon Reserve) into a useable park for residents of the area. More detailed option available to Council with a recommendation to not proceed with any Park.

BACKGROUND

This matter was deferred from Council's meeting held on 22 July 2003. The information is repeated hereunder.

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.

Ms Oswald then obtained the petition names over the period November 2001 through to October 2002 and presented them to Council in January 2003. The staff recommendation was not to proceed with any development, however Council resolved at that meeting:

1. That Staff prepare a report which provides options for development of a low key dry land park on Reserve No. 14451; and
2. That Ms April Oswald (on behalf of the petitioners) be advised accordingly, and be asked to provide ideas and concepts.

Ms Oswald was written to after that meeting and informed that staff would inspect the area with her within two months. Due to a staff shortage and other higher priority commitments, this meeting was not arranged in that period and Ms Oswald attended the Ordinary Council Meeting on 29 April, where the Manager Engineering Services was directed to arrange a meeting. This meeting occurred on 5 June 2003 with the Manager Engineering Services, Parks & Gardens Supervisor and Mr and Mrs Oswald.

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

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 natural bush area at the south end 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, all of which are hidden from most houses.

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 at least one main distributor road.

COMMENT

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 final 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.

Various options for a small neighbourhood park were presented to the January meeting for a "typical" park consisting of a range of normally requested facilities. The Council resolution was for "a low key dry land park", and at the meeting and discussions with her and with Mrs Oswald, their preferences were:-

- A small area approximately 100m x 100m.
- Reticulated grass and a flat "useable" play area only.
- No playground, shade structure, seating, lighting, bins or other facilities.
- Location as suggested in initial report, near the junction of the two paths (see plan).
- Removal of some wattle and other growth to make the area more "open" and visible from the adjoining houses and courts, plus along the paths and drains, Reid Road to Dakas Street.

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. However any earth works will add considerably to the cost.

A more detailed estimate of the basic area would be about \$94,000. This includes a water supply, storage tank, power supply, pumpset, reticulation and construction of a lawn area. The drain filling and earthworks would be additional to this figure, but they are not essential for the creation of a park. Operating costs would be at least \$20,000 per year for water, power, mowing, fertiliser and other turf maintenance items. By not having any "facilities" at the Park, vandalism costs would be minimal, but sprinkler and damage to turf areas could still occur.

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 preferred park area is 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. All abutting houses have 1.8 m fences on the Reserve side with one two storey house having partial views.

The request for a reticulated lawn area by Ms Oswald adds considerable capital and operating costs to any park and is not in accordance with the Council resolution, which was for a "dry park". The estimated cost of a "dry park" is really only the costs of some clearing and levelling, plus a couple of slashes each year. This is unlikely to be accepted by the Oswalds and the residents. The fact that the Oswalds also don't want any added facilities at the park should be disregarded in the longer term, as experience has shown that all parks eventually have requests for a full range of facilities to be provided. This occurs as owners change in an area and new requests come to Council, as has occurred at all other Council parks, without exception.

In summary the development of a park at this location will still be on the outer edge of the area bounded by the petitioners, is within several hundred metres of existing parks and is not considered to be a priority project for Council. Even if Council agree to a park, it is unlikely to be funded within at least two to three years due to existing commitments and priorities in the Parks & Gardens Capital Program.

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 consultation should be carried out with all stakeholders, prior to any implementation.

STATUTORY ENVIRONMENT

The Reserve is owned by the Crown and is a "Recreation and Drainage" Reserve, vested with Council.

POLICY IMPLICATIONS

Nil

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

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, plus existing commitment to existing Reserves.

VOTING REQUIREMENTS

Simple Majority

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

9.5.2 REVIEW OF POLICIES - ENGINEERING SERVICES	
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM.28
RESPONSIBLE OFFICER:	Manager Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	15 July 2003
SUMMARY: The review of two Engineering Services Policies as contained in the Shire of Broome Policy Manual.	

BACKGROUND

In accordance with Council requirements, the policies contained in the Shire of Broome Policy Manual are to be reviewed on an annual basis. This item deals with the review of the following two Engineering Services Policies:

- 3.1.11 – Advisory Signs – Main Roads Western Australia Delegation
- 3.1.2 – Vandalism – Reward for Conviction

COMMENT

Policy 3.1.2 – Vandalism – Reward for Conviction

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

The following amendment is required to this policy:

- Change title to – Vandalism or Theft – Reward for Conviction
- Change first sentence in first paragraph to include "... wilfully damaged or stolen Council property."
- Change second sentence in first paragraph to read " ...the reward to be up to \$500 and is ..."
- Inclusion of the following information in a new section entitled "Guidelines" -

Council is to regularly advertise its reward policy in newsletters and other information bulletins.

All information is to be passed on to the Manager Engineering Services who will investigate the matter and make any enquiries necessary to verify the validity of the information and contact the Police.

All staff will treat the informants name and all personal details in the strictest confidence and will not divulge their name to any other party.

The Manager Engineering Services will arrange for the payment in cash to the informant once the information as received has been acted on by the Police and/or successful conviction is recorded.

Policy 3.1.11 – Advisory Signs – Main Roads Western Australia Delegation

The following amendments are required to this policy:

- Amend 1 of the "Policy" section to read "... to the parking or standing of vehicles on any road ...".
- Amend 2 of the "Policy" section to read "... traffic sign of a non-regulatory nature which serves as ...".

Copies of these policies are attached to this agenda with the inclusions shown in bold underlined text and the deletions shown in strikethrough text.

CONSULTATION

Not required

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

These are existing policies of the Shire of Broome

FINANCIAL IMPLICATIONS

Nil

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

STRATEGIC IMPLICATIONS

Council's Strategic Action Plan's Leadership and Governance area aims to review Council policies to ensure the good governing of Council.

VOTING REQUIREMENTS

Simple Majority

<p><u>REPORT RECOMMENDATION</u></p> <p><i>That Council endorse the amendments to Engineering Services Policies 3.1.2 – Vandalism or Theft – Reward for Conviction and 3.1.11 – Advisory Signs – Main Roads Western Australia Delegation as highlighted in this report.</i></p> <p>Moved: _____</p> <p>Seconded: _____</p> <p>FOR: _____</p> <p>AGAINST: _____</p>

[Attachment: 5 pages](#)

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