

**SHIRE OF BROOME**  
**ORDINARY COUNCIL MEETING**  
**4 MAY 2004**

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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**

At the Ordinary Council Meeting held on the 13 April 2004, Mr Dave Dureau raised two questions regarding the current effluent reuse scheme. On the 16 April 2004, Mr Dureau was advised in writing of the following:

*I refer to your two (2) specific questions as asked at the start of the Ordinary Council Meeting on 13<sup>th</sup> March 2004.*

*The Shire President took both questions on notice to allow a considered response to be made, and I now do so on his behalf: -*

- I. Can we speed up the effluent scheme usage at Broome Recreation and Aquatic Centre (BRAC)?*
  - This extension of the effluent main to BRAC is nearing completion, with the construction of the supply main through to a new storage tank at the rear of site. The initial two (2) oval areas have been cleared and are waiting on the Water Corporation to supply and install the pump-set, controls and distributor sprinklers etc. The rear area has been fenced off and it is estimated that we should be able to start discharging to those areas within one (1) to two (2) months.*
- II. Can the Manager Health Services monitor the current discharges to the bushland adjacent to the Golf Course?*
  - The Shire Health Department have been monitoring the area in question on an ongoing basis and can confirm that the discharge of effluent water in this area has been in accordance with the approvals given by the State Government instrumentalities.*

*I would also like to comment that it is our understanding that the recent discharges to the bushland have now ceased and that area will not be used again. Any damages will be restored or areas replanted by the Water Corporation as required.*

*The only reason they had to recently resort to using that area again was because the electrical and computer systems at the Golf Club were hit by lightning and some of the main eighteen (18) holes system was not able to be used for a period until spare parts became available for repairs.*

**5. CONFIRMATION OF MINUTES**

**Moved:**

**Seconded:**

***That the Minutes of the Special Meeting of Council held on 6 April 2004 and the Ordinary Meeting of Council held on 13 April 2004 and be confirmed as a true and accurate record of the meetings.***

**6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

The Shire President announced Broome's Cable Beach scooped the award pool winning both the public choice award as WA's Most Popular Beach and also WA's Best Beach in the Surf Lifesaving Best Beach Awards earlier this month.

Judges believed Cable Beach offered the best features including facilities, accessibility, cleanliness and safety.

Congratulations to all shire staff involved in maintaining the beach and a thank you to the community who voted online to ensure Cable Beach took out the title of most popular beach.

**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 municipal cheque vouchers 35568 – 35799 (computer cheques) totalling \$685,110.69 and EFT vouchers 1182-1239 totalling \$848,425.77, and trust cheque vouchers 1766-1796 totalling \$15,682.74 be passed for payment.*

Moved: Seconded: FOR:  
AGAINST:

[Attachment: 20 pages](#)

**9.1.2 COMMON SEAL REPORT**

DATE	DETAILS
13 April 2004	Lease Reserve 1640 Chu Chuu's Early Education Centre to KE & BR Armstrong
14 April 2004	Deed – Seaview Shops, Broome Seaview (WA) Pty Ltd
14 April 2004	Lease – Part 5, Weld Street, Shire of Broome and Minister for Works

**REPORT RECOMMENDATION**

*That Council endorse the action of the Shire President and the Chief Executive Officer affixing the Common Seal to the documents listed above.*

Moved: Seconded: FOR:  
AGAINST:

**9.1.3 KIMBERLEY BOATING COMMUNITY GROUP**

**LOCATION/ADDRESS:** N/A  
**APPLICANT:** Department for Planning and Infrastructure  
**FILE:** ENG23  
**RESPONSIBLE OFFICER:** Manager Engineering Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 18 April 2004

**SUMMARY:** Consideration of the nomination of a Council representative for a new Kimberley Boating Community Group, with a recommendation that a Councillor and deputy Councillor be nominated, with the Manager of Engineering Services to be an ex-officio member as required.

**BACKGROUND**

A request has been received from the Department for Planning and Infrastructure for the Shire of Broome to nominate a representative to be a member of a proposed new Boating Group. (Refer attached letter)

**COMMENT**

As the inaugural meeting was held on the 29<sup>th</sup> April 2004 (prior to the next Council meeting) a copy of the meeting agenda was forwarded to Cr. Chris Mitchell who expressed a wish to attend. Both Cr. Mitchell and the Manager of Engineering Services attended to ascertain the intentions of the new group and to be able to report back to Council prior to any formal nomination. A full verbal report will be given at the 4<sup>th</sup> May 2004 meeting.

**STATUTORY ENVIRONMENT**

N/A. Not a formal Committee of the Shire. Advisory Group to Department for Planning and Infrastructure only

**POLICY IMPLICATIONS**

May require new Policy at a later date as to extent of Shire involvement, Councillor representation and authority

**FINANCIAL IMPLICATIONS**

Nil at this time

**STRATEGIC IMPLICATIONS**

Will allow the Shire to be represented on boating matters and to perhaps influence any boating infrastructure or regulatory matters

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

- (I) That Cr. \_\_\_\_\_ be nominated as the Shire of Broome representative to the proposed new Kimberley Boating Community Group, with Cr. \_\_\_\_\_ as the Deputy.
- (II) That the Manager of Engineering Services to be nominated as an ex-officio member as required.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 2 pages](#)**9.1.4 BROOME ARTS CENTRE**

**LOCATION/ADDRESS:** N/A  
**APPLICANT:** N/A  
**FILE:** CTE 36  
**RESPONSIBLE OFFICER:** Acting Chief Executive Officer  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 21 April 2004

**SUMMARY:** To provide Council with a report on the Council/Staff workshop held to consider the recommendations from "The Broome Arts Centre Concept Plan and Needs Analysis". It is recommended that Council adopt the comments arising from the workshop.

**BACKGROUND**

Council at its meeting on 10<sup>th</sup> February 2004 (Item 9.1.4) considered a report on the position of the above project. The report advised that Council had not formally considered the recommendations contained in "The Broome Arts Centre Concept Plan and Needs Analysis". Council resolved on 10 February 2004;

*"That a workshop consisting of Councillors and Senior Staff be held to consider the recommendations from "The Broome Arts Centre Concept Plan and Needs Analysis" to prepare a draft position on each recommendation for further consideration by Council".*

**COMMENT**

A workshop was held on 7 April 2004, which was attended by Cr T W Vinnicombe, Cr V L Wevers, Cr G T Campbell, Cr P J Mitchell, Cr M R McKenzie, Acting Chief Executive Officer Tony Doust and Community Relations Officer Jo Durbridge.

When considering the report the persons attending the workshop were made aware that the funding applications for \$1,500,000 (page 37 of report) i.e. \$750,000 from the State Regional Infrastructure programme and \$750,000 Federal Sustainable Regions Funding had not been submitted as recorded in the plan, although applications have subsequently been submitted and are awaiting approval. The applications were submitted by Buggarrigurra Nyurdany Aboriginal Corporation.

The outcome of the workshop held on the 7 April 2004 is as follows:

ACAG/GIT WORKSHOP RECOMMENDATION	BAC WORKSHOP (7 APRIL 2004) COMMENT
<p><b>Recommendation 1 - Broome Arts Centre Concept Plan Report</b>                      That this report, after it has been to council, be made public and a link to it be made available on the Shire's website.</p>	<p>The committee report has already been uploaded on the website. Councils response to also be placed on the website when finalised.</p>
<p><b>Recommendation 2 - Values and Aspirations 3.2.1</b>                      That the Broome Arts Centre/s be designed, planned and managed to reflect the values and aspirations of the Broome community, as outlined in 3.1. Values and Aspirations. In summary, that the Broome Arts Centre/s facilitate community access for the creation of, participation in and viewing of diverse arts and that the centre/s celebrate and reflect the Indigenous and multicultural arts and culture of Broome.</p>	<p>Support</p>
<p><b>Recommendation 3 - A cultural precinct on two sites 4.2.1</b>                      That Broome arts needs be accommodated through the development of a cultural precinct. The cultural precinct will be on 2 sites and will include the infrastructure for performance arts, visual arts and Indigenous arts and cultural components as described below:</p> <p><b>Site 1</b>                      A category A/B Regional Gallery in a refurbished Civic Centre to show a Kimberley collection (to be acquired), the Shinju collection, touring and temporary exhibitions. Accommodation for visual artists-in-residence, visiting workshop facilitators, and other ancillary requirements to be housed in the old Shire Offices.</p> <p><b>Site 2</b>                      The location of site 2 is to be determined. It will be designed as an integrated whole and will consist of the following components:</p> <ul style="list-style-type: none"> <li>• An indoor /outdoor performance arts space and ancillary requirements.</li> <li>• An Aboriginal cultural interpretation centre for the interpretation of the Kullarri / Goolarri region (fee paying).</li> <li>• Multi - arts workshop space.</li> <li>• Facilities for visual arts to able to be exhibited in the above workshop, performance arts foyer and rehearsal space.</li> </ul>	<p><b>Site 1</b>                      It is noted that this proposal does not fit within the \$5 million State Government funding. Support subject to facility being redesigned to ensure maximum utilisation. Income and funds required be allocated by Council.</p> <p><b>Site 2</b>                      1. Supported but not necessarily limited to one site.                      2. Preferable for cultural interpretation and performance venue to be co-located, subject to additional funding for Indigenous Cultural and Interpretation Centre.</p>

<p><b>Recommendation 4 - Performance Arts 5.3.1</b>                  That a quality performance arts space be built for Broome employing an architect and design team of consultants with expertise in theatre, acoustics and tropical buildings.</p>	<p>Support.</p>
<p><b>Recommendation 5 - Performance Arts 5.3.2</b>                  That the performance space will include:</p> <ul style="list-style-type: none"> <li>• a quality, informal style, indoor theatre for drama, dance and music for audiences of up to 200/250.</li> <li>• an external stage, sharing facilities with the indoor stage, to accommodate large audiences outside for school and community dance and performances, and other events for larger audiences.</li> <li>• the external stage will also be able to accommodate small audiences for small, informal, low cost productions.</li> <li>• Ancillary theatre requirements – foyer, dressing rooms, green room, office and portable dance floor and specified ablutions.</li> <li>• A rehearsal room.</li> <li>• A plan for future installation of audio-visual equipment for conferences, audio-visual recoding of performances and film projection. Plan for the use of ancillary spaces for conference breakout.</li> </ul>	<p>Support.</p>
<p><b>Recommendation 6 - Performance Arts 5.3.3</b></p> <ol style="list-style-type: none"> <li>1. That the audience for the outside stage is able to utilise, at no cost to the arts centre, the stadium seats that the Shire is purchasing for sporting events.</li> <li>2. That the performance facility needs for these seats be considered at the design stage.</li> <li>3. That a proportion of the stadium seating is stored at the theatre site.</li> </ol>	<p>The concept of flexible outdoor seating be considered as part of the project.</p>
<p><b>Recommendation 7 - Performance Arts 5.3.4</b>                  That the performance space be designed to maximise community use and the development of local productions by ensuring affordability through:</p> <ul style="list-style-type: none"> <li>• running costs being kept to a minimum.</li> <li>• technical equipment being of good quality, hardy and simple enough to use without the hiring of expensive technicians so the Broome Community can learn to use it.</li> </ul>	<p>Support.</p>

<p><b>Recommendation 8 - Visual Arts 6.4.1</b> That the Civic Centre be refurbished as a category A/B Regional Gallery using the \$500,000 Shire allocation for renovations to the Civic Centre in 2005/2006. See the Shire Strategic 2003 –2008, 5 Year Plan. (The Broome Council had previously planned to relocate the public art gallery after the close of the gallery function in the library).</p>	Refer to recommendation 3 as above.
<p><b>Recommendation 9 - Visual Arts 6.4.2</b> That the old Shire offices be renovated for visual arts storage and accommodation for visiting visual artists in residence and workshop facilitators. (After current lease is expired)</p>	To be considered by Council on completion of the design of the Arts Centre project.
<p><b>Recommendation 10 - Visual Arts 6.4.3</b> That the A/B category Regional Gallery in the Civic Centre house a Kimberley collection, the Shinju collection, temporary exhibitions and touring exhibitions and workshops. That the A/B gallery exhibits both visual arts and social history where appropriate. That the viewing of the Kimberley collection be fee paying exhibition.</p>	Refer to recommendation 3.
<p><b>Recommendation 11 - Visual Arts 6.4.4</b> That the collection of Kimberley Art that will be exhibited in the refurbished Civic Centre be initiated.</p>	Refer to recommendation 3.
<p><b>Recommendation 12 - Visual Arts 6.4.5</b> That visual arts also be provided for on Site 2, (performance, indigenous, workshop) by:</p> <ul style="list-style-type: none"> <li>• the workshop space at Site 2 be used for visual arts workshops as well as set building.</li> <li>• the workshop, the foyer, and the rehearsal area in Site 2 be designed to exhibit visual arts.</li> </ul>	Support.
<p><b>Recommendation 13 - Aboriginal Arts and Culture 7.3.1</b> Within the Broome Arts Centre cultural precinct Site 2, to co locate an Indigenous Cultural and Interpretation Centre that will interpret and recognise the arts and culture of the Kullarri region, will address the aims, objectives and needs as described in 7.2.1 and will contain the indoor and outdoor components as described 7.2.2.</p>	Supported subject to additional funding being obtained as per section 4.3 of the report.

<p><b>Recommendation 14 - Aboriginal Arts and Culture 7.3.2</b>                  That the Shire of Broome and Bugarrigarra Nyurdany develop a legal partnership ensuring the ownership, management and control of the Aboriginal Interpretation Centre and its components by the Aboriginal community, and clarify its role within the cultural precinct.</p>	<p>Support.</p>
<p><b>Recommendation 15 - Aboriginal Arts and Culture 7.3.3</b>                  That the Shire supports and facilitates the funding submissions for the Aboriginal Cultural Interpretation Centre with the Federal Sustainable Regions Funds and the State Regional Infrastructure Funding Program. Any further funding submission the Indigenous Cultural Interpretation Centre project development and future submissions.</p>	<p>Applications by Bugarrigarra Nyurdany with support from Shire.</p>
<p><b>Recommendation 16 - Aboriginal Arts and Culture 7.3.4</b>                  That Bugarrigarra Nyurdany is represented on the management committee for the 'multicultural' Broome Arts Centre/s. See 7.2.3</p>	<p>Supported subject to the requirements of recommendation 14.</p>
<p><b>Recommendation 17 - Arts Workshop 8.2.1</b>                  That Site 2 – (the performance, indigenous, workshop site), includes a large simple workshop space for use for performance arts, visual arts and Indigenous arts and culture as described in 8.1. The workshop is to facilitate the creation of a hub of creativity, encourage participation in arts activities by the Indigenous community and develop culture and the arts.</p>	<p>Support.</p>
<p><b>Recommendation 18 - Arts Workshop 8.2.2</b>                  That the workshop is to be designed as a big space with a big open outdoor space, and that it be 'industrial' and durable.                  That despite its work focus, it also include uninterrupted wall running space, lighting and storage for the exhibiting of visual arts.</p>	<p>Support.</p>
<p><b>Recommendation 19 - Multicultural Arts 9.2.1</b>                  That the needs of the multicultural community be incorporated into the design and management of the Broome Arts Centre/s and that their specific requirements for both access and arts (as described in 9.1) be accommodated in the planning for the centre. That the identity of the multicultural groups be reflected in the design.</p>	<p>Support.</p>

<p><b>Recommendations 20 – Project Management 10.6.1</b>                  To appoint a new project management committee to play a role in the next stage of the project developments in four areas: performance arts, visual arts, indigenous interpretation and community involvement. Each area will need ongoing community involvement and project management.</p>	<p>Defer until Project Architect has been appointed.</p>
<p><b>Recommendations 21 – Project Management 10.6.2</b>                  To employ a project manager for the next stage of the development of the Arts Centres to:</p> <ul style="list-style-type: none"> <li>• Assist the new project management committee.</li> <li>• Liaise with, involve and give feedback to the community.</li> <li>• Develop business plans for each area.</li> <li>• Work with community artists.</li> <li>• Prepare submissions.</li> </ul>	<p>As per recommendation 20.</p>
<p><b>Recommendations 22 – Training 10.6.3</b>                  To provide training opportunities for local people wherever possible during the planning, building and operation of the centres.</p>	<p>To be considered when preparing the Architects Brief.</p>
<p><b>Recommendations 23 – Arts Centre Management 10.6.4</b>                  That the Shire manages the centres as a public facilities, with paid staff, a community management committee and 'Friends Groups' as described in 10.3</p>	<p>The alternatives be costed and considered.</p>
<p><b>Recommendations 24 – Arts Centre Management 10.6.5</b>                  That the Council commits to providing financial support for the operation of the Broome Arts Centre/s.</p>	<p>Consideration of this matter should be deferred until all costs are known.</p>
<p><b>Recommendations 25 – Arts Centre Management 10.6.6</b>                  That the Shire develops a Strategic Arts Plan to guide its management of arts and culture in Broome.</p>	<p>Consider as part of Strategic Plan review.</p>
<p><b>Recommendation 26 for Site 1, 11. 4.1</b>                  That the Civic Centre, the old Shire buildings (when the current lease is expired) and the grounds be made available by the Shire for the Broome Arts Centre for a Regional gallery and ancillary requirements.</p>	<p>Subject to recommendation 3.</p>

<p><b>Recommendation 27 for Site 2, 11.4.2</b>                  That a part of the land adjacent to the Turf Club in the Environmental and Cultural Reserve be the location for the Broome Arts Centre Site 2 - Performance, Indigenous and Workshop. That, as a second preference, the Broome Arts Centre Site 2 be located on the block between Dixon and Clementson Street at the Pembroke St end.</p>	<p>Subject to recommendation 3.</p>
<p><b>Recommendation for 28 Site 2, 11.4.4</b>                  That negotiations about sites are made with the Shire and Rubibi and that an amount is budgeted for Native Title Clearing for Future Acts.</p>	<p>Subject to recommendation 3.</p>
<p><b>Recommendation 29 - Aesthetics 12.3.1</b>                  That a strong visual recognition of Aboriginal culture is primary in what ever is built as the Broome Arts Centre.</p>	<p>Support</p>
<p><b>Recommendation 30 - Aesthetics 12.3.2</b>                  That the comments by the community, as described in 12.1, regarding Aboriginal and multicultural identity, multi- weather tropic adaptation, use of local building materials and design for durability, be included in the design principles for the Broome Arts Centre/s.</p>	<p>Staff comment supported.</p>
<p><b>Recommendation 31 – Aesthetics 12.3.3</b>                  That Kimberley native plants only are used for landscaping.</p>	<p>Native plants to be only used for landscaping with priority for Kimberley local species.</p>
<p><b>Recommendation 32 - Aesthetics 12.3.4</b>                  That a % of the budget be made available for public/community art as per the Shire's Public Art Policy.</p>	<p>Consider as part of Strategic Plan review.                  Circulate Public Art Policy to Councillors.</p>
<p><b>Recommendation 33 - Aesthetics 12.3.5</b>                  That an artist be employed as part of the architectural, planning and design team to integrate Broome art in to the finishes for the building, to facilitate the work of other artists and the community in arts projects that will be an integral part of the arts centre.                  That the artists and architect refer to the suggestion for public and community art described in 12.2.2.</p>	<p>To be considered by the Architects Brief Committee.</p>
<p><b>1.5.1 ADDITIONAL RECOMMENDATIONS TO COUNCIL</b></p>	
<p><b>Recommendation A –</b>                  That Council not spend \$500,000 from the Arts Centre budget of \$5,000,000 for the stadium seating planned to be purchased for the Volleyball and other sporting events.</p>	<p>This matter has already been dealt with by Council.</p>

<p><b>Recommendation B –</b> That Council write to the Water Corporation and request assistance in the provision of water and toilets at the Cable Beach Amphitheatre as a form of sponsorship of the Arts in Broome.</p>	No longer relevant.
<p><b>Recommendation C –</b> That Council write to Western Power and request assistance in the provision of power and outlets to the Cable Beach Amphitheatre as a form of sponsorship of the Arts in Broome.</p>	Initiated.
<p><b>Recommendation D –</b> That Council give consideration to an annual amount of recurrent funding to the Centre for the Arts in its budget deliberations for 2003/04 and on. (This will make it easier to obtain \$ for \$ funding from other sources especially the Australia Council.)</p>	Refer to recommendation 24. Council gave consideration in its strategic review.
<p><b>Recommendation E –</b> That Council write to Western Power and request that the banner poles on power poles around the townsite be repaired and that advice be provided to Western Power as to suitable fixing for banners.</p>	In hand.
<p><b>Recommendation F –</b> That Council investigate funding training opportunities for trainees to work on the Centre for the Arts project from the project development stage onwards.</p>	Covered by recommendation 22. Defer until appropriate stage of project.
<p><b>Recommendation G –</b> That Council identify other funds available to fund the Centre for the Arts and give consideration to borrowings in the future if deemed necessary.</p>	To be dealt within the Strategic Planning process.
<p><b>Recommendation H –</b> That Council develop a long term arts and culture strategy with a vision for the future. This should be reviewed annually and incorporate performance, visual, other and indigenous arts.</p>	Refer to recommendation 25.
<p><b>Recommendation I –</b> That Council develop an acquisition program to establish a Kimberley Regional Art Collection. (This would be on permanent display, owned by the community and available for exhibition in other parts of the Kimberley).</p>	Refer to recommendation 25.

## CONSULTATION

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

No specific requirements until recommendations have been considered during the design process

**STRATEGIC IMPLICATIONS**

The Shire of Broome Strategic Action Plan 2003–2008 Social Support and Development Goal Area – Strategy 4.2, Key Action (e) seeks to construct a centre for the arts in Broome and investigate opportunities to include conference facilities with the development of a management plan for ongoing funding and resources

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

1. *That the comments arising from the workshop on the 7 April 2004 be adopted as the Councils position on each of the recommendations contained within "The Broome Arts Centre Concept Plan and Needs Analysis".*
2. *That the Committee appointed to progress the development of an Architects Brief be requested to consider the Councils position on each of the recommendations.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.1.5 FINANCIAL ASSISTANCE TO SCHOOLS**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	Various Schools
<b>FILE:</b>	ODO 01
<b>RESPONSIBLE OFFICER:</b>	Manager Corporate Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	4 May 2004

**SUMMARY:** The annual requests for financial assistance to schools have been received. It is recommended Council review the submissions for consideration in the 2003/04 draft budget.

## BACKGROUND

Councils Financial Assistance for Schools Policy requires that all applications are put before Council with funds available from 1<sup>st</sup> July 2004.

Councils recurring budget for this policy is \$14,000, which is available to schools within the Shire of Broome to assist the non-academic development of students.

The guidelines for funding are as follows: -

- Applications should be in writing and will be considered on merit and individually by Council.
- Assistance will be available for excursions or programs, which are held outside the Shire of Broome.
- The program should broaden student's general experience and perspective and may not necessarily be curriculum based.
- Any one grant that is determined by Council will be on a dollar for dollar basis with matching funding from service clubs being excluded.
- All applications for funding assistance will be jointly considered at the March meeting each year.
- That one school cannot have the same activity for two consecutive years.

## COMMENT

It was determined by the Corporate Services Manager that school funding applications be considered within the same Council meeting as event sponsorship and sundry donations to enable Council to track total funding and donation requests.

The following tables summarise amounts that have been requested and previous grants.

### Requested For The 2004/2005 Year

School	Project	Amount Requested
Broome SHS	16 upper school students to Melbourne-Mt Hotham on a ten-day ski-field trip. Total cost \$31,984	Not specified
Djarindjin Lombadina Catholic School	17 (years 6/7) students to Middle School Camp in Perth including Zoo Camp to be held in Perth. Total Cost in excess of \$15,000. Seeking funds for the overnight Zoo Camp.	\$960
One Arm Point School	Cover cost of transportation in Perth for high school students during their nine day camp to Perth. Total cost not specified	\$1,500
Roebuck Primary School	Transport for Year 7 to Dampier Camp School. Total Cost not specified	\$4,000
St Mary's Primary	Transport 50 students and 4 adults to Derby/Windjana Gorge/Lillimooloora & Tunnel Creek Return	\$2,860
St Mary's Secondary	Students to participate in the Apex Teenage Fashion Awards. Airfares, accommodation, materials and sewing tutors. Total cost \$30,000	\$5,000

Previous And Recommended Grants

<b>School</b>	<b>1999/00</b>	<b>2000/01</b>	<b>2001/02</b>	<b>2002/03</b>	<b>2003/04</b>	<b>5 Year Total</b>	<b>2004/2005</b>
							<b>Recommended</b>
Broome SHS		\$5,000	\$3,000	\$1,000	\$1,250	\$10,250	\$1,110
Broome Primary School	\$0	\$0	\$0	\$0	\$4,000	\$4,000	
Broome SHS Police Rangers	\$2,000	\$500				\$2,500	
Cable Beach Primary			\$3,500		\$4,000	\$7,500	
St Mary's College	\$2,500					\$2,500	
St Mary's Secondary		\$1,500	\$1,000	\$1,000	\$1,000	\$4,500	\$5,000
St Mary's Primary		\$1,000	\$500	\$2,000	\$2,000	\$5,500	\$1,430
Sacred Heart Beagle Bay	\$5,000		\$1,500	\$1,500		\$8,000	
Djarindjin Lombadina	\$500	\$500	\$500		\$1,750	\$2,750	\$960
La Grange		\$2,000		\$2,500		\$4,500	
One Arm Point		\$500				\$500	\$1,500
Roebuck Bay Primary	\$0	\$0	\$0	\$2,000		\$2,000	\$4,000
<b>TOTAL ALLOCATION</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$11,000</b>	<b>\$10,000</b>	<b>\$14,000</b>	<b>\$54,500</b>	<b>\$14,000</b>

All requests are in line with the policy and no school is running with the same activity for two consecutive years.

**CONSULTATION**

Letters were sent to all Broome Schools requesting they write with their requests for financial assistance from the Shire for 2004/2005.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

\$14,000 for schools assistance in 2003/2004 will be fully allocated. There has been no increase in total funds from last year.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**That Council considers the following amounts under its financial assistance to schools policy:**

School	2004/2005
Broome SHS	\$ 1,110
Djarindjin Lombadina	\$ 960
One Arm Point School	\$ 1,500
Roebuck Primary School	\$ 4,000
St Mary's Secondary	\$ 5,000
St Mary's Primary	\$ 1,430
<b>Total Allocation</b>	<b>\$14,000</b>

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.1.6 LOBBYING CAMPAIGN – “YOUR LIBRARY NEEDS NEW BOOKS”**

**LOCATION/ADDRESS:** N/A  
**APPLICANT:** WALGLA & WALGA  
**FILE:**  
**RESPONSIBLE OFFICER:** Manager Library Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 22 April 2004

**SUMMARY:** The State Government funding for maintenance of public library stock is inadequate. The effects are insidious, cumulative and long-term, degrading the service that local government offers to public library users, and devolving responsibilities and workload to local authorities. Too many items are now read out, worn out or out-of-date. The WA Local Government Librarians Association (WALGLA) initiated a campaign in response to the inadequate state government funding. The campaign was endorsed by the WA Local Government Association at its February State Council Meeting, and the two Associations seek active participation at the local level. Wide support is crucial if the campaign is to be effective in influencing the state government to meet its obligations in the partnership. Currently local government is bearing approximately 80% of public library costs in WA.

The campaign is likely to run throughout 2004.

**BACKGROUND**

State government, through the State Library of WA, has two obligations to public libraries. Firstly to provide a base stock of 1.25 items per capita. Secondly to then maintain that stock in a fresh condition by an ongoing turnover of stock, whereby new books replace those that are read out, worn out or out-of-date. This exchange program maintains the

quality of the stock. The SLWA policy document *Provision of Resources for Public Libraries* states an established average shelf life for public libraries in WA as follows:

Adult non-fiction - 7 years

Adult fiction - 8 years

Junior items - 5 years

To achieve this shelf life, a new item input equivalent to 15% of stock is necessary. This input rate has proven to ensure that each library receives a reasonable range of the new titles published and is able to rid itself of items beyond their use-by date. When the 15% input rate was consistently met, WA public libraries were regarded as the benchmark in Australia.

## **COMMENT**

SLWA has remained loyal to the quantity standard of 1.25 items per capita. The Gallop government has committed \$4 million to try to reach that standard, and will be only about 12% short of it by 2005.

But they have failed to make any funding available to restore the stock quality, i.e. to increase the recurrent funding for maintenance, which is now 57% short of the recognized standard of 15% new item input per annum. During the 1990s, new item input ranged from 6.9% to 13.96% of stock; this is not enough to maintain the stock in reasonable condition. For 2003, for Broome Public Library, it was just under 6%! At this rate the average shelf life for items is over 15 years.

The effects of this are numerous and impact badly on the service we offer. Too few titles are purchased; too many books will never be available to Western Australians. And there are too few copies of them. This puts pressure on the interlibrary loan system, which is labour intensive, and means that customers can wait many months if demand is strong. There are many items on our shelves that are not of acceptable currency and/or physical quality. In the most recent report from the automated system there were 4556 items that had not been borrowed for over a year.

Many local authorities are now buying substantial numbers of books to supplement the state SLWA stock. These locally owned items are not known to other libraries, i.e. are not available for inter-library loan, and this effects the equity issue of availability of all items to all library users. It also places a heavy inter-library loan burden on those libraries with little or no local stock.

Public libraries are traditionally highly regarded and trusted for the accuracy of the information they provide. With so much old material on the shelves the integrity of the service is under threat.

Conclusion:

It seems that a lobbying campaign is the only way in which the state may be influenced. For it to be effective, it is crucial that every Council expresses its support for the campaign and participates in the various initiatives.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

If this campaign does not result in increased funding from the State, Shire of Broome funds will need to compensate for additional local purchase.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

*That Council participate in the campaign initiatives and advise WALGA of its support for the lobbying campaign for State Government funding that will be adequate to provide an annual new item input equivalent to 12.5% of stock.*

**Moved:****Seconded:****FOR:****AGAINST:****9.1.7 LOCAL GOVERNMENT ACT - PROPOSED AMENDMENTS TO ELECTORAL PROVISIONS**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ADM.01
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	22 April 2004

**SUMMARY:** To advise Council of information received regarding proposed changes to the Electoral Provisions.

**BACKGROUND**

The following information has been received from the Western Australian Local Government Association:

"The Department of Local Government and Regional Development has recently been approached by the WA Electoral Commissioner seeking support for a number of amendments to the electoral provisions of both the *Local Government Act 1995* and the related Electoral Regulations.

The Department have now sought the Association's view on the proposals, which in turn we are now seeking feedback from Local Governments so that we can establish a position on each item.

In broad terms the proposed changes are as follows:

- Regulation 20(1) be amended to provide for the inclusion of a postal address on the residents roll. Where a postal address is not provided by the elector, then the residential address would be included in lieu. The Department has indicated its support for this proposal.
- Amending Form 13 of Schedule 1 of the Regulations, so that any questions from electors about the election could in the first instance be direct to the Electoral Commission, rather than the Returning Officer. This form, which relates only to postal voting instructions currently requires all questions about the postal voting packaged to be referred to the Returning Officer. The WAEC has indicated this change would enable them to establish a call centre to handle enquiries and allow one standard form to be printed saving cost on the printing process.
- The third changes relates to planned amendments to the Electoral Act 1907 to deal with privacy in relation to the electoral roll. Apparently the State Government has agreed to amend the Electoral Act to make electoral rolls provided under that Act available for inspection only in a limited number of circumstances, which would remove the right for it to be sold or used for inappropriate purposes. As these electoral rolls form the basis of the residents roll that is passed to Local Government for the conduct of Local Government Elections, it is necessary to consider some restrictions on their access by the general public. S5.96 of the Local Government Act provide that if information can be inspected it can also be sold. The availability in this way would tend to contradict the desire to achieve some level of restriction on the use of the information.

Local Governments are invited to comment on the above issues so that the Association can develop a formal response to the Department of Local Government and Regional Development. Your response by the 24 May 2004 would be appreciated."

## **COMMENT**

The first dot point is particularly relevant to the Shire of Broome as Broome does not have a postal delivery service.

The second dot point may reduce the number of enquiries directed to the local government and if handled by a call centre ensure that consistent information is being provided.

In relation to the third dot point, the Shire of Broome currently gazettes fees and charges for the purchase of electoral rolls. However the sale of these documents is minimal.

## **CONSULTATION**

N/A

## **STATUTORY ENVIRONMENT**

Local Government Act, 1995

Local Government (Elections) Regulations, 1997

**POLICY IMPLICATIONS**

Some review of policies, procedures and fees and charges would need to be undertaken should these amendments be progressed

**FINANCIAL IMPLICATIONS**

Minimal loss of income through the restricted sale of Electoral Rolls

**STRATEGIC IMPLICATIONS**

The Shire of Broome Strategic Action Plan 2003 – 2008 Leadership and Governance goal area seeks to maintain an ongoing review and continuous improvement of Council services to ensure best value outcomes through Strategy 1.9.

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

***That Council support the changes to the proposed amendments to the Local Government Act in regard to Electoral Provisions as circulated by the Western Australian Local Government Association.***

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**FOR:**  
**AGAINST:**

**9.1.8 DELEGATE - BROOME HEALTH SERVICE REDEVELOPMENT PROJECT WORKING GROUP**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ADM.01
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	22 April 2004

**SUMMARY:** To advise Council of a position being offered on the Broome Health Service Redevelopment Project Working Group and to seek a nominee.

**BACKGROUND**

The following invitation has been received:

"Further to our discussion of a Broome Shire Councillor participating on the Project Working Group for the redevelopment of Broome Hospital, I would like to invite the interested Councillor to an informal meeting with all members of the Project Working Group to meet and be briefed on the project.

Funding has become available for the redevelopment of a number of areas of the Broome Health Service and I would like to invite you to participate as a member of the Project Working Group to oversee the building of these new facilities.

The purpose of the Project Working Group is to provide guidance and support to the project team responsible for the procurement of the new facility including:

- Oversight of agreed scope, cost, quality and time parameters
- Representation about the needs of the local community
- Advice on clinical service delivery, building and local issues
- Maintenance of good communication with key stakeholders and the local community.

The meeting of the Project Working Group will be held Thursday 6 May 2004, in the Broome Health Service Conference Room. The meeting will commence at 11.00am. This meeting will update new members of the Project Working Group on progress to date.

I have attached a copy of the terms of reference and agenda.

The Project Working Group will have a key role to ensure the community of Broome and surrounding areas acquire a facility that is culturally appropriate and meets the future needs of the Communities. I would appreciate hearing back from you by Monday 3 April 2004 to advise if you are able to accept this invitation to be part of this group."

## **COMMENT**

The purpose of this Working Group is:

To provide guidance and support to the project team responsible for the procurement of upgraded facilities for Broome Health Services including:

- Oversight of agreed scope, cost and quality time parameters;
- Representation about the needs of the local community;
- Advice on clinical service delivery, building and local issues;
- Maintenance of good communication with key stakeholders and the local community.

The full Terms of Reference for this Working Group are attached to this document.

## **CONSULTATION**

Councillors were advised via e-mail of this invitation. Councillor A Griffiths expressed an interest in taking up this position.

## **STATUTORY ENVIRONMENT**

Local Government Act, 1995

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## STRATEGIC IMPLICATIONS

The Shire of Broome Strategic Action Plan 2003 – 2008 Goal Area Social Support and Development, Key Action 4.1(e) seeks to promote appropriate partnerships amongst services in the area of Health Providers

## VOTING REQUIREMENTS

Absolute Majority

### **REPORT RECOMMENDATION**

***That Councillor Allan Griffiths be nominated to the Broome Health Service Redevelopment Project Working Group and that Broome Health Services be advised.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 2 pages](#)

### **9.1.9 DATE OF FUTURE LOCAL GOVERNMENT ELECTIONS**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ADM.01
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	20 April 2004

**SUMMARY:** To advise Council of an approach from the Western Australian Local Government Association for comment on a proposal to change the date of Local Government Elections.

## BACKGROUND

The following information has been received from the Western Australian Local Government Association:

"Several of the Association's Zones have requested that consideration be given to changing the date for the conduct of biennial Local Government elections. Currently all elections are held on the first Saturday in May each two years, with the next election due in 2005.

Under Section 4.7 of the *Local Government Act 1995*, elections for a Mayor or President are to be held on the first Saturday in May each four years and in regard to the election of councillors on the first Saturday in May every two years, with one half of the seats (or as near to) being filled for a four year term.

Zones suggested a date later in the year, possibly September or October, as this will allow all newly elected members to participate in the budget process for the

following financial year, in a meaningful way rather than being elected in May when a large number of

Local Governments have already established their budget parameters. With the proposed change to the budget timetable where Councils will be able to adopt the budget during June, this situation could be exacerbated.

One Zone suggested holding Local Government elections on the first Saturday in October and another proposed it be held during September.

The State Council at its April meeting decided to survey all members to determine if there is general support for the suggested change in date for the biennial Local Government elections from May to October. It was felt that this change would enable Elected Members to be better informed before having to vote on the adoption of the Local Government's annual budget.

As the Department of Local Government and Regional Development has already indicated that it is undertaking a review of the electoral provision, it was seen as appropriate for the Association to develop a position on the proposal after consultation with members.

Members are invited to provide their views on the proposal of changing the date from May to October. Alternatively if you feel that the date should be changed but do not agree with October we would also be pleased to have those comments along with your reasons for the suggested alternative."

## **COMMENT**

It is suggested that the move of local government elections to later in the year would be of benefit to all concerned. As stated in the correspondence received from WALGA, it would enable newly elected Councillors an opportunity to "learn the ropes" before being required to make financial decisions for the forthcoming year.

In addition to this, early May is traditionally a busy time for the community of Broome with onset of the tourist season and the many festivals, events and influx of tourists requiring the time and energy of the community. To defer elections to later in the year, when the community would have more time to become involved in elections would be of benefit to the wider community.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Local Government Act, 1995

## **POLICY IMPLICATIONS**

Some review of existing policies and processes would be required if this change to the Local Government Act 1995 were to take place.

## **FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The Shire of Broome Strategic Action Plan 2003 – 2008 seeks to:

- provide civic leadership
- provide sustainable development; and
- consult and encourage citizens to participate in community and Council affairs

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

***That Council support the proposal circulated by the Western Australian Local Government Association to change the date of conduct of biennial Local Government Elections to October of the respective year.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.1.10 NATIONAL RECONCILIATION FORUM**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ADM.01
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	20 April 2004

**SUMMARY:** To advise Council of a proposed National Reconciliation Forum to be held in Kalgoorlie in September 2004 to discuss issues associated with fringe dweller and itinerant people and the impact of these on the community.

**BACKGROUND**

The following information has been received via e-mail from the Graham Thomson:

"Kalgoorlie-Boulder has experienced issues relating to fringe dweller people and itinerant people for many years. A local task force consisting of local, state and federal government agencies has been addressing the issues and several weeks ago (sic), and is proceeding with organising a national conference where places with similar problems can come together in order to attempt to come to grips with the problems, identify solution and quantify resources available, to put in place long term solutions.

Hence, the National Reconciliation Forum will be held in Kalgoorlie on 21 and 22 September 2004.

The attached document outlines the forum, the proposed programme and draft research document. We are keen to seek out communities prepared to participate in research prior to the forum, and who may be prepared to present their studies at the forum.

From there we will seek input into the research document and format to make sure we compare apples with apples.

We are creating a nation profile for the forum, in order to attract national attention – and hopefully resources.

Representatives from the private sector are playing a significant role in the forum, to introduce some new way of seeking solutions rather than the traditional federal/ state/ local government approaches.

We emphasise that this is not a "talk fest" scenario we are all too busy for that. It is intended to have policy makers, departmental head and responsible ministers in attendance, in order that they are all aware of the issues and able to commit resources.

Research from as many communities as possible is going to be valuable in identifying common issues. However, there will be limited opportunities to present at the forum. If you believe your community may be interested in participating, either by carrying out research or research and presentation at the forum, we would appreciate your early indication, so we can set the programme in place."

## **COMMENT**

The annual forum is charged with the responsibility of:

- Considering the range of issues affecting reconciliation;
- Identifying ways to positively deal with the issues in a practical way, including the formulation of auditable Action Plans;
- Utilising all the resources available in Community, Government and the private Sector;
- Monitoring the progress of the Action Plan over the ensuing 12 month period.

The draft programme for the forum is:

Day 1 Understanding the Issue – presentation of case studies from 4 communities.

Day 2 Understanding the Issue – Presentation of a further 2 – 3 case studies. Commence seeking solutions. Forum Dinner.

Day 3 Identifying Resources

Documentation associated with the Forum is attached to this document.

## **CONSULTATION**

Preliminary information was distributed to Councillors

## **STATUTORY ENVIRONMENT**

Local Government Act, 1995

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Registration for the forum is \$450.00 per person, which includes the Forum Dinner on Day 2. Return airfares Broome to Kalgoorlie would be approximately \$1,000 and accommodation/meal costs would also need to be considered for each delegate.

In addition to this, should the Shire of Broome wish to participate as a "study" area, it is anticipated that costs associated with engaging a consultant to undertake the necessary research, data collection and prepare associated documentation could be in the vicinity of \$10,000.

Both these items would need to be considered for inclusion in the 2004/2005 draft budget.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

<b><u>REPORT RECOMMENDATION</u></b>	
<ol style="list-style-type: none"> <li><i>That Councillor ..... and the Chief Executive Officer (or his representative) be nominated to attend the National Reconciliation Forum to be held in Kalgoorlie in September 2004.</i></li> <li><i>That Council seek further information with regard to the requirements to participate as a "study area" and consider in the 2004/2005 draft budget an amount of \$10,000 to engage a consultant to undertake this work.</i></li> </ol>	
<b>Moved:</b>	<b>Seconded:</b>
	<b>FOR:</b>
	<b>AGAINST:</b>

[Attachment: 9 pages](#)

<b>9.1.11 STRATEGIC ACTION PLAN 2004 - 2009</b>	
<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ADM.20
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	19 April 2004
<b>SUMMARY:</b> To advise Council of the outcome of the public submission period associated with the 2004 – 2009 Shire of Broome Strategic Action Plan.	

**BACKGROUND**

The Strategic Action Plan is reviewed on an annual basis, and a review of the 2003 – 2008 Plan was conducted in conjunction with consultant Laurie Boyd from Centre for Leadership and Management over a period of three days in October 2003 and involved Councillors and Senior Staff.

At the Ordinary Meeting of Council held 25 November 2003, Council resolved:

- "1. That Council endorse the Shire of Broome Strategic Acton Plan 2004 – 2009.
2. That this document be advertised for public comment for a period of 90 days through existing Shire promotion activities.
3. Accountability, timeframes and resources be included in the document after advertising and prior to formal adoption by Council."

### **COMMENT**

In accordance with Council's resolution, the matter was advertised for public comment in the 11 December 2003 edition of the Broome Advertiser with comments being received until Friday 12 March 2004.

No submissions were received.

### **CONSULTATION**

Discussions between the Acting Chief Executive Officer, Senior Staff and Councillors has indicated that any further work on the strategic direction for the Shire of Broome should be deferred until the recruitment process for a new Chief Executive Officer has been completed.

### **STATUTORY ENVIRONMENT**

Local Government Act, 1995

### **POLICY IMPLICATIONS**

This is the key corporate document for the Shire of Broome and will govern the Strategic Direction and in turn the development of new and revision of existing policies.

### **FINANCIAL IMPLICATIONS**

N/A

### **STRATEGIC IMPLICATIONS**

This document details the strategic direction of the Shire of Broome for the 2004 – 2009 period

### **VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

***That Council defer the adoption of the Strategic Action Plan 2004 – 2009 until the recruitment process for a Chief Executive Officer has been completed and that the Shire of Broome Strategic Action Plan 2003 – 2008 remain in place until that time.***

**Moved:****Seconded:****FOR:****AGAINST:****9.1.12 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NOTICE OF ANNUAL GENERAL MEETING 2004**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	OGS.46
<b>RESPONSIBLE OFFICER:</b>	Acting Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 April 2004

**SUMMARY:** To advise Council of the Notice of General Meeting 2004 to be held in conjunction with Local Government Week 2004 and to seek appointment of delegates to this meeting.

**BACKGROUND**

The following correspondence has been received from the Western Australian Local Government Association:

"The Annual General Meeting for the Western Australian Local Government Association will be held on Sunday 8 August 2004 as part of Local Government Week. The meeting will be held at the Burswood Convention Centre.

The format for the 2004 Annual General Meeting has been improved in response to suggestions and feedback obtained from Member Councils (sic). The primary change will be an increase in the time allocated to the consideration and debate of Member motions.

Please note that the closing date for submissions of motions is Friday 11 June 2004. Any motions proposing alterations or amendments to the Association's Constitution must be received by 7 May 2004 in order to satisfy the 90 day notice requirements.

Local Government Week 2004 is the premier event for Elected Members and Officers within Local Government. The Association's Annual General Meeting, as an integral part of this event, is a critical forum for mobilising the views of Western Australian Councils (sic), confronting emerging issues and developing directions forward for a sphere of government."

The format for Annual General Meeting is as follows:

<b>Time</b>	<b>Event</b>
12.45pm	Commencement of the Annual General Meeting of the WA Local Government Association
12.45 – 1.00pm	Official opening by Association President, Cr Clive Robartson OAM
1.00 – 1.10pm	Introduction of WALGA State Council
1.10 – 1.30pm	President's Annual Report
1.30 – 1.50pm	Presentation by Hon Tom Stephens MLC, Minister for Local Government and Regional Development
1.50pm – 2.10pm	Presentation by Mr Jamie Edwards MLA, Opposition Spokesperson for Local Government
2.10 – 2.30pm	Presentation of Local Government Honours – Local Government Medal and Life Membership Awards
2.30 – 2.50pm	Afternoon tea
2.50 – 3.00pm	Consideration of Association Financial Statements
3.00 – 5.00pm	Consideration of Executive and Member Motions
5.00pm	Close of Annual General Meeting
5.00 – 5.30pm	Continuation of Honours Presentations – Certificate of Appreciation, Meritorious Service Award and Distinguished Service Award.

In addition to this, Member Local Governments are invited to submit motions for inclusion on the Agenda for consideration. Motions are required to be submitted in writing to the Chief Executive Officer of WALGA following the following guidelines:

- Motions should focus on policy matters rather than issues, which could be dealt with by the WALGA State Council with minimal delay.
- Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.
- Due regard should be given to the timeliness of the motion – will it still be relevant come Local Government Week or would it be better handled immediately by the Association.
- The likely political impact of the motion should be carefully considered.
- Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.

## **COMMENT**

Local Government Week will be held in Perth commencing Friday 6 August 2004 – Tuesday 10 August 2004. With the WALGA General meeting being held on Sunday 8 August 2004, commencing at 12.45pm.

## **CONSULTATION**

Not applicable

## **STATUTORY ENVIRONMENT**

Local Government Act, 1995

## **POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Budget allocations are made for the professional development of Councillors at Local Government Week

**STRATEGIC IMPLICATIONS**

The Shire of Broome Strategic Action Plan 2003 – 2008 Leadership and Governance Goal Area, Strategy 1.8 seeks to ensure Council representation on Government Advisory Committees, forums and regional Activities with includes the Western Australian Local Government Association.

**VOTING REQUIREMENTS**

Simple Majority

<p><b><u>REPORT RECOMMENDATION</u></b></p> <p><b><i>That Councillor ..... and Councillor ..... represent the Shire of Broome at the Western Australian Local Government Association Annual General Meeting to be held Sunday 8 August 2004 in conjunction with Local Government Week in Perth.</i></b></p> <p><b>Moved:</b> <span style="margin-left: 200px;"><b>Seconded:</b></span></p> <p style="text-align: right;"><b>FOR:</b> <b>AGAINST:</b></p>
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**9.2. UNIQUE HERITAGE AND ENVIRONMENT**

**OUTCOME**

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

**9.2.1 POLICY REVIEW POLICIES 6.1.5 LITTER CONTROL – HONORARY INSPECTORS**

**LOCATION/ADDRESS:** N/A  
**APPLICANT:** N/A  
**FILE:** ADM28  
**RESPONSIBLE OFFICER:** Manager Health Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 14 April 2004

**SUMMARY:** Reaffirming Council Policy 6.1.5 Litter Control – Honorary Inspectors.

**BACKGROUND**

Council is required to review its policies annually and policy 6.1.5 Litter Control – Honorary Inspectors is 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 is Council's existing policy, coupled with comment on any remedial action required.

POLICY NUMBER	TITLE	COMMENT	ACTION
6.1.5	Litter Control – Honorary Inspectors	No Comment	Re-affirm

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Litter Act

**POLICY IMPLICATIONS**

As shown above

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**Council resolve to reaffirm policy 6.1.5. Litter Control – Honorary Inspectors.**

**Moved:** **Seconded:**

**FOR:**  
**AGAINST:**

**9.2.2 POLICY REVIEW POLICIES 6.1.6 APPROVAL TO CAMP OUTSIDE CARAVAN PARKS FOR UP TO THREE MONTHS**

**LOCATION/ADDRESS:** N/A  
**APPLICANT:** N/A  
**FILE:** ADM28  
**RESPONSIBLE OFFICER:** Manager Health Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 14 April 2004

**SUMMARY:** Reaffirming Council Policy 6.1.6 Approval to Camp Outside Caravan Parks for up to Three Months.

**BACKGROUND**

Council is required to review its policies annually and policy 6.1.6 Approval to Camp Outside Caravan Parks for up to Three Months is 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 is Council's existing policy, coupled with comment on any remedial action required.

POLICY NUMBER	TITLE	COMMENT	ACTION
6.1.6	Approval to Camp Outside Caravan Parks for up to 3 Months	No Comment.	Re-affirm.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Caravan Parks and Camping Grounds Act, 1995  
 Caravan Parks and Camping Grounds Regulations, 1997

**POLICY IMPLICATIONS**

As shown above

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

***Council resolve to reaffirm Policy 6.1.6 Approval to Camp Outside Caravan Parks for up to Three Months.***

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**FOR:** \_\_\_\_\_  
**AGAINST:** \_\_\_\_\_

**9.2.3 POLICY REVIEW POLICIES 6.1.7 APPROVAL TO CAMP OUTSIDE CARAVAN PARKS FOR OVER THREE MONTHS**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ADM28
<b>RESPONSIBLE OFFICER:</b>	Manager Health Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	14 April 2004

**SUMMARY:** Reaffirming Council Policy 6.1.7 Approval to Camp Outside Caravan Parks for over Three Months.

**BACKGROUND**

Council is required to review its policies annually and policy 6.1.7 Approval to Camp Outside Caravan Parks for over Three Months is 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 is Council's existing policy, coupled with comment on any remedial action required.

POLICY NUMBER	TITLE	COMMENT	ACTION
6.1.7	Approval to Camp Outside Caravan Parks for over Three Months	No Comment.	Re-affirm.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Caravan Parks and Camping Grounds Act, 1995  
 Caravan Parks and Camping Grounds Regulations, 1997

**POLICY IMPLICATIONS**

As shown above

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

***Council resolve to reaffirm Policy 6.1.7 Approval to Camp Outside Caravan Parks for over Three Months.***

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**FOR:**  
**AGAINST:**

**9.2.4 TOWN PLANNING SCHEME NO.4 – AMENDMENT NO. 19 – PROPOSED REZONING OF LOT 1343 FREDERICK STREET BROOME FROM PUBLIC PURPOSES (UNIVERSITY) RESERVATION TO SPECIAL USE**

<b>LOCATION/ADDRESS:</b>	Lot 1343 Frederick Street
<b>APPLICANT:</b>	DJ Allan and Associates on behalf of Glenn Farrant
<b>FILE:</b>	TPS 4/19
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	14 April 2004

**SUMMARY:** This report deals with the proposed amendment to the town-planning scheme to rezone lot 1343 Frederick Street Broome from public purposes (university) reservation to special use and recommends that Council initiate the amendment process.

**BACKGROUND**

The subject site is zoned 'public purpose-university' and was previously used as the 'Edith Cowan Annex' education facility. However, following the relocation of this facility to Notre Dame University, the site and existing infrastructure has remained vacant.

In November 2003, two applications of planning approval for an educational facility (Kip McGrath) and chiropractic clinic (consulting room) were referred to Council for consideration on the basis that staff do not have delegation to approve uses that are not consistent with the designated use of the reserve and that the provisions of the scheme require Council to have regard for the ultimate purpose intended for the reserve.

Furthermore, the site had recently been sold and is now a freehold lot. As such, the current zoning is not longer appropriate as the site is no longer a public reserve.

Subsequently, at its meeting held on the 5 November 2003, Council resolved to grant conditional approval to the proposals and further resolved:

"That the applicant be advised that an amendment to the town planning scheme to rezone the site from 'public purposes-university' to 'special use zone' encouraging such uses as consulting rooms, educational facilities, offices, showrooms etc be prepared in consultation with staff and formally lodged with Council for consideration to initiate".

**COMMENT**

In accordance with the above resolution the amendment documents have been prepared and lodged with the Shire for processing.

Council is now required to formally resolve to initiate the amendment so that the amendment process can proceed in accordance with the legislation.

As the amendment documentation is in accordance with the requirements of the Act and Council intent as outlined in its resolution of the 5 November 2003, it is recommended that Council formally initiate the amendment process.

## **CONSULTATION**

Nil at this stage – however in accordance with the town planning regulations the amendment will be advertised for public comment for a period of 42 days.

## **STATUTORY ENVIRONMENT**

Town Planning and Development Act, 1928 as amended  
Town Planning Regulations  
Town Planning Scheme No4, 1999 as amended

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil - The cost of the amendment will be borne by the applicant

## **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 Town Planning Scheme No.4 by:**

- 1) Rezoning Lot 1343 Frederick Street, Broome from "Public Purposes (U)" Local Scheme Reserve to "Special Use (V)" Zone**
- 2) Adding to Schedule 3 of the Scheme Text by**

<b>AMENDMENT NO.</b>	<b>DESCRIPTION OF LAND</b>	<b>SPECIAL USE</b>	<b>CONDITIONS</b>
19	Lot 1343 Frederick Street	Showroom, Office, Consulting Rooms, Restaurant, Animal Keeping / Vet Clinic, Warehouse, Education, Retail	<p><b>As determined by Council</b></p> <ul style="list-style-type: none"> <li>• Retail activity shall only be permitted where it is directly associated with a Showroom and occupies an area less than 50% of the total gross lease able area</li> <li>• Car parking provision shall be provided in accordance with the prevailing car parking policy.</li> </ul>

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.2.5 APPLICATION FOR PLANNING APPROVAL - TWO INDUSTRIAL SHEDS- LOT 976 NO. 3 GREGORY STREET BROOME**

**LOCATION/ADDRESS:** Lot 976 No. 3 Gregory Street Broome  
**APPLICANT:** Colin Wilkinson Developments Pty Ltd  
**FILE:** GRE-2/3  
**RESPONSIBLE OFFICER:** Manager Planning Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 21 April 2004

**SUMMARY:** An application for planning approval was received for industrial development of two industrial sheds on Lot 976 No. 3 Gregory Street Broome.

The application is referred to Council for consideration as Council previously deferred the application.

This report recommends REFUSAL.

## BACKGROUND

At the Council Meeting of 10 February 2004, Council considered an application for two industrial sheds of 200sqm and 285sqm and resolved:

*"That the Report Recommendation be deferred for 60 days pending further information from the applicant."*

The applicant was accordingly requested to provide amended plans/information by 23 March 2004 to enable the matter to be tabled for Council consideration within the 60 day period. Plans and a letter, however, did not arrive until 8 April 2004.

The amended plans and information submitted now provide for the following:

- Only one shed of 285sqm for caretaker's car parking, a boat, insulation, iron screws and other building materials related to the owner's business of 'Rags Roof Plumbing';
- A storage area;
- A bin area;
- A loading bay;
- Nine visitor car parking bays in a new layout along the side boundary of the property; and
- A 3m wide landscaping strip inside the front boundary.

The original plan is attached and marked 'Plan A'. The amended plan is attached and marked 'Plan B'.

## COMMENT

It should be noted that that applicant has not addressed all of the issues that were discussed in the previous Council report and in particular, the matters of providing factual plans of the nature of development and uses on the site and within buildings has not been addressed. In fact, the latest plans show the main building containing a caretaker's residence, supposed office and showroom, and a storage area, all as "existing shed" with no attempt to resolve the compliance matters previously referred to.

A site inspection has revealed that there are several compliance matters that require follow up and there is some uncertainty given the occupant's current activities on the site that the Shire will be able to provide approvals to the development under Town Planning Scheme No. 4. This arises largely out of the fact that the property is set up as a residential property with an ancillary business operation on the site rather than the Scheme requirement for the industrial use of the property where a small caretaker's unit is permitted as an ancillary component.

The amended plans now submitted have substantially altered the application from that originally applied for. The significant alterations are the deletion of half of the proposed development (deletion of one of the sheds), and the introduction of a new use proposed for the shed for caretaker's storage (not detailed on the application form and therefore invalid) rather than the industrial use proposed in the original application. In accordance with planning law, the amended plans require a fresh Planning Application as they cannot be dealt with in the context of the current application. Accordingly, it is recommended that the plans previously presented to Council be refused for the reasons previously discussed.

NOTE: It is important to note that the application being considered is the original application and plans dated October 2003. The amended plans received on 8 April 2004 cannot be considered as they are not consistent with the original application and are a major departure from what was originally applied for.

The applicant may be invited to lodge a fresh Planning Application and should be advised that all the issues raised in the previous officer report require addressing.

**CONSULTATION**

Not applicable

**STATUTORY ENVIRONMENT**

Town Planning Scheme No. 4

**POLICY IMPLICATIONS**

Industrial Policy 4.1.2

Car Parking Policy 4.1.8

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**That:**

- A. The application for Planning Approval dated 2 October 2003 (2003/203) made by Colin Wilkinson Developments Pty Ltd for two industrial sheds on Lot 976 No. 3 Gregory Street Broome be REFUSED for the following reasons:**
  - 1. The plans and information provided is insufficient in accordance with the provisions of Town Planning Scheme No. 4 in order for a proper assessment of the application to be undertaken.**
  - 2. The plans provided do not scale at the notated scale.**
  - 3. The plans provided do not accurately reflect all structures and uses existing onsite.**
  - 4. A 3m wide landscaping strip is required inside the front property boundary in accordance with clause 4.19.2.3 of Town Planning Scheme No. 4.**
  - 5. Regardless of whether the 3m wide landscaping strip referred to in reason no. 4 above is required, there is insufficient space between the existing 'shed' and the front boundary to provide car parking in the configuration proposed and no viable alternative location has been provided.**
  - 6. No uses have been proposed on the original plans submitted for the two sheds proposed, or the existing shed.**
  - 7. Insufficient area has been set aside for commercial skip bin storage and collection.**
  - 8. Insufficient car parking is available for the development.**
- B. The applicant be advised that:**
  - 1. The amended plans cannot be dealt with under the original Planning Application due to the substantial alteration to the development from that submitted and the introduction of a new use proposal from that originally applied for.**
  - 2. Should they wish to proceed with the development on the amended plan then it is necessary to lodge a fresh Planning Application, however, such an application must address all of the issues previously raised in the Council agenda of 10 February 2004, and in particular all of the compliance issues identified by Shire officers.**

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 2 pages](#)

**9.2.6 APPLICATION FOR PLANNING APPROVAL – PROPOSED COMMERCIAL DEVELOPMENT  
- LOT 50 NO 95 GUY STREET BROOME**

<b>LOCATION/ADDRESS:</b>	Lot 50 No. 95 Guy Street Broome
<b>APPLICANT:</b>	R M Drafting Services for W & C Minshull
<b>FILE:</b>	GUY-1/95
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	24 April 2004

**SUMMARY:** An application for planning approval has been received for commercial development Minshull Mechanical - proposed mechanical repairs, spare parts sales and wrecking yard on Lot 50 (No 95) Guy Street Broome.

The application was considered by Council at its meeting held on the 13 April 2004 whereby Council resolved to grant conditional approval. Condition 1 of the approval made reference to submitted plans which were incorrect. In order for the approval to be valid the reference to plans needs to be correct.

This report recommends that condition 1 of the approval be amended.

**BACKGROUND**

In December 2003 an application for planning approval was received for commercial development Minshull Mechanical - proposed mechanical repairs, spare parts sales and wrecking yard on Lot 50 (No 95) Guy Street Broome. Amended plans for the proposal were received in February 2004.

The application was considered by Council at its meeting held on the 13 April 2004 whereby Council resolved to granted conditional approval. Condition 1 of the approval stated:

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 8 December 2003 submitted with the application as approved by the Shire.*

**COMMENT**

When issuing the approval it become apparent that the plans lodged with the application dated the 8 December 2003 had been amended with additional plans lodged on the 3 February 2004 and these were the plans that were considered as part of the application approved by Council at its meeting held on the 13 April 2004 and are not reflected in condition 1 of the Council approval.

As such in order for the planning approval to be valid the reference to the plans needs to reflect the actual date that the plans were received, that being the 8 December 2003 and the 3 February 2004.

As such this report recommends that condition 1 of the planning approval be amended accordingly.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Town Planning and Development Act, 1928 as amended  
Town Planning Scheme No 4, 1999 as amended

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

*That condition 1 of the planning approval issued for the application for Planning Approval dated 8 December 2003 (2003/275) made by R M Drafting Services on behalf of W and C Minshull for proposed motor vehicle repair and wrecking showroom and caretaker's dwelling on Lot 50 (No 95) Guy Street Broome be amended to read:*

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 8 December and 3 February 2004 submitted with the application as approved by the Shire.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.2.7 APPLICATION FOR PLANNING APPROVAL - PROPOSED ABC SATELLITE DISHES - LOT 14 NO. 7 NAPIER TERRACE BROOME**

<b>LOCATION/ADDRESS:</b>	Lot 14 No. 7 Napier Terrace Broome
<b>APPLICANT:</b>	Edward Dick
<b>FILE:</b>	NAP-1/7
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	20 April 2004

**SUMMARY:** An application for planning approval has been received for satellite dishes for the ABC tenancy on Lot 14 No. 7 Napier Terrace Broome.

The application is referred to Council for consideration as the number of satellite dishes exceeds the Shire's policy and as the development results in modifications to the previously approved 'Kennedy's stage 3' development.

This report recommends conditional approval.

**BACKGROUND**

The subject lot comprises two buildings fronting Napier Terrace, one of which is occupied by the Australian Broadcasting Corporation, and a rear (undefined) car parking area.

Three satellite dishes are currently situated at the rear of the building, of which at least one has no Shire approval.

The application proposes the:

1. removal of the smallest satellite dish;
2. relocation of one dish to a pole mounted position adjacent to the building;
3. construction of a communications hut with a new larger (4.6m diameter) satellite dish (replacing one of the existing dishes) mounted on the roof;
4. relocation of the existing generator; and
5. slight reconfiguration of the carpark from the design previously approved by Council.

**COMMENT**

Policy 4.1.9 - 'Commercial Satellite Dishes, Masts and Antennae Facilities' requires a Planning Application to be submitted for the proposal due to the following aspects of non-compliance with the policy:

1. the dishes exceed 1m in diameter;
2. one satellite dish may be partially visible from the street;
3. there are existing satellite dishes on the lot; and
4. there will be more than one satellite dish on the lot upon the completion of the project.

Although one satellite dish is to be increased in size and another raised on a pole mounting, the dishes should only be partially visible from Napier Terrace through a narrow gap between buildings. The size and number of dishes is not of great concern given their necessary broadcasting and communications function and given that immediate neighbours and the Heritage Council of WA have no objections.

The car parking area requires a slight modification to that previously approved by Council for the 'Kennedy's Stage 3' development, however the modification does not reduce car parking below the 12 car parking bays required (and approved) by Council.

Accordingly, it is recommended the application be approved.

## **CONSULTATION**

In accordance with Policy 4.1.9, the following consultation has been undertaken:

1. Letters of no-objection from neighbours provided by the applicant; and
2. A letter of no-objection from the Heritage Council of WA.

## **STATUTORY ENVIRONMENT**

Town Planning Scheme No. 4  
Heritage of WA Act

## **POLICY IMPLICATIONS**

Policy 4.1.9 - Commercial Satellite Dishes, Masts and Antennae Facilities

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

### **REPORT RECOMMENDATION**

***That the application for Planning Approval dated 10 December 2003 (2003/278) made by Edward John Dick for two satellite dishes and a communications hut on Lot 14 No. 7 Napier Terrace Broome be APPROVED subject to the following conditions:***

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 5 April 2004 submitted with the application as approved by the Shire.***
- 2. The cladding of the hut in corrugated custom orb colorbond or similar material in an off white colour in accordance with the design provisions of the Chinatown Development Strategy. Any proposed roofing material shall also comply with these provisions.***
- 3. The provision of a pedestrian stairway from the carpark to the rear entrance(s) of the buildings on the subject lot.***
- 4. This approval relates to two satellite dishes only. The existing unapproved satellite dish shall be removed prior to the practical completion of this development.***
- 5. Vehicle parking, manoeuvring and circulation areas to be constructed and sealed with brick paving, bitumen or concrete and drained in accordance with approved plans within 30 days of the practical completion. Detailed engineering plans identifying pavement details (existing, finished levels and pavement type) and drainage details to be submitted and approved by the Shire at Building Licence application stage and prior to the commencement of development.***

6. **A stormwater drainage system is to be provided in accordance with the Shire of Broome's standard specification prior to the development being first occupied and thereafter maintained to the satisfaction of the Shire. The proposed stormwater drainage system is the shown on the Building Licence submission and be approved by the Manager Engineering Services prior to the commencement of construction.**  
**Note 1: All stormwater runoff to be disposed of either on site or into a legal point of discharged (Shire drain, road or other approved location).**  
**Note 2: All drainage systems shall be designed to include water sensitive design principles and to maximize on site water retention.**
7. **All required parking bays being line marked and signed in accordance with the Traffic Code WA 2001 and AS 2890 (off street parking) except standard bay sizes to be 2.7m x 5.5m and disabled bays to be 3.2m x 5.5m within one month of the development being first occupied.**
8. **Any future subdivision of the site shall ensure that 12 car parking bays remain on the lot.**

**ADVICE NOTES:**

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

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 the Shire.**
2. **This Planning Approval does not supersede the previous Planning Approval for this site and all conditions of approval relating to that decision remain valid and must be complied with.**

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 4 pages](#)

### 9.2.8 TOWN PLANNING SCHEME NO 4 – AMENDMENT NO 18 – DELETING RESIDENTIAL DEVELOPMENT FROM THE MIXED USE ZONE

<b>LOCATION/ADDRESS:</b>	The area currently zoned Mixed Use (bound by Frederick Street to the south, Hamersley Street to the east, the Broome Highway to the north-east and the Airport land to the north and the west)
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	TPS 4/18
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	21 April 2004

**SUMMARY:** There is currently a relatively small amount of Mixed Use zoned land available in Broome, limited to a small enclave located in proximity to the Broome International Airport, immediately west of the town centre and separated by the Broome Highway.

Residential development, as a “P” (Permissible) use, is competing with commercial development in this area. This scheme amendment will prevent residential development from taking up the limited amount of appropriately zoned commercial land available within Broome and will allow the Mixed Use zone to fulfil its principal role as an area of commercial activity.

### BACKGROUND

In November 2003 Council considered an item in relation to the strategic direction for the mixed use zone and Chinatown as a result of the deferment to relocate the airport and resolved:

*“That:*

- A. *in accordance with the Town Planning and Development Act, Council initiate an amendment to Town Planning Scheme No. 4 to:
 
  1. *prohibit residential development within the ‘Mixed Use’ zone with the exception of Caretaker’s Dwellings;*
  2. *reclassify all forms of residential developments within the ‘Town Centre – Chinatown’ zone as ‘D’ in the Use Class Table; and*
  3. *introduce Scheme provisions to restrict, control and manage residential developments within the ‘Town Centre – Chinatown’ zone.**
- B. *Council staff be directed to prepare the formal wording and documentation for the amendment and refer this back to Council for endorsement prior to advertising”*

In accordance with point B of the Council resolution and due to staff shortages within the planning department consultants have been appointed to prepare the amendment documentation.

This item deals with point 1A of the above council resolution and outlines the proposed amendment for the deletion of residential activity in the mixed use zone.

Currently the Mixed Use zone comprises a range of commercial, semi-industrial, government and residential land uses. Services and offices are common as well as a range of tourism related development. These have been developed in a style that is less dense, taking the form of such commercial uses as car yards and service industry development, which focus along Coghlan, Frederick and Hamersley Streets.

While this mix of land use has been able to co-exist until now, in recent times circumstances have developed such that permissible residential development is threatening to undermine the intent and functionality of the Mixed Use zone as a predominantly commercial area.

The reasons for this are two-fold. The failure of the Broome International Airport to relocate from the locality as originally planned has meant that this land has not been made available for commercial purposes. This has created greater demand pressures on the existing and limited amount of commercial land available.

Coupled with this, Broome has been experiencing very high demand for residential land. As land prices have risen, developers have been seeking land within other areas (such as the Mixed Use zone) as feasible alternatives for residential development. With this additional demand, land prices can inflate to the point where traditional mixed use commercial development can no longer afford to be in the area it is intended to be.

Combined, these two forces can contribute to the likelihood of "squeezing out" commercial enterprises either into lower cost and relatively isolated industrial areas or, if they require a greater element of accessibility and exposure, forcing them into higher cost commercial areas within Chinatown.

While there may be limited areas of land currently vacant there is within this zone many instances of underdeveloped and under-utilised land. These lots are likely to become increasingly attractive for residential development as prices for residential land elsewhere continues to grow.

This scheme amendment will prevent residential development from taking up the limited amount of appropriately zoned commercial land available within Broome and will allow the Mixed Use zone to fulfil its principal role as an area of commercial activity.

#### Population and Growth

Broome is continuing to experience relatively high rates of growth with its population increasing by 6.2% between the 1996 and 2001 Census'. Growth is expected to remain at 5-7% per annum in the short term, resulting in an estimated 2000 additional households by 2006.<sup>1</sup> This will put the 2006 population close to 18,000, in addition to growing tourist numbers of between 7,000 – 10,000 during peak season.

Economic growth, currently strong, is expected to grow commensurately. This will, in turn, place greater pressure on the limited supplies of commercial land currently available.

#### Planning Context

Key statutory and strategic planning documents recognise this area as one to be used primarily for the purposes of commercial development in combination with medium density residential accommodation, office, non-food retailing, tourist and other uses.

Specifically, the following planning documents consider this area as follows:

#### The Local Planning Strategy

The Local Planning Strategy allows for residential development in the Mixed Use zone along with offices, showrooms and other commercial uses as outlined in the Broome Commercial Strategy.

Specifically, the Vision for the Mixed Use zone is outlined in section 3.3.3 of the Strategy, which states the following:

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*"The zone provides for a mixed land use area for offices and showrooms to accommodate growth as outlined in the Commercial Strategy, and to provide medium density (R40) residential and tourist accommodation. Residential setbacks apply for all development to assist the compatibility between the range of land uses and to provide a more open form of development between lots. Its location is central and accessible for the town and identifies an existing mixed land use area".*

In essence, the vision of the Mixed Use zone is for it to remain a key component of the Commercial Strategy as a complementary support to the Town Centre. Residential development is intended to be a complementary land use rather than a predominant land use within the zone.

#### The Shire of Broome Planning Scheme No.4

The Planning Scheme permits Aged Persons Accommodation, Single Houses, Grouped Dwellings and Multiple Dwellings along with a range of other uses within its Mixed Use zone.

The aim of the zone, as detailed in 4.16.1 of the Broome Planning Scheme, is as follows:  
*To provide for residential, tourist, offices, commercial showrooms and other compatible uses which complement the mixed use character of the locality.*

The Shire of Broome's objectives, in accordance with 4.16.1.2 of the Scheme, are to:

- a) *Encourage a range of land uses, particularly showroom/bulky retail which support the functions of the nearby town centre of Chinatown, but which do not detract from Chinatown as the major retail and town centre function; and*
- b) *Have regard to the Broome Local Planning Strategy when determining applications for land use and development within the Mixed Use zone;*
- c) *Ensure all development reflects Broomestyle architecture within an open landscaped site and streetscape which is compatible with a residential and tourist accommodation environment.*

Again, the intent of these objectives is for residential development to be a complementary land use rather than a predominant land use within the zone. While currently permissible, residential development should not be to the detriment of the commercial function and purpose of the zone.

Also within the Planning Scheme, one of the key stated aims is to ensure that there is a sufficient supply of appropriate land for distinct land use activities and that employment and economic growth of the town is assisted by facilitating this supply.

#### The Broome Local Commercial Strategy

The Broome Local Commercial Strategy was written in 1998 and revised in 1999. The document establishes future directions for commercial development in Broome.

The Mixed Use locality is referred to within the Strategy as the 'Airport Commercial Precinct' and is recognised as being the most logical location for showroom, bulk-retailing and possibly office development as a spillover area from the Town Centre.

The role of the Airport Commercial Precinct has been specifically defined as follows:

*"This area is not as intensively developed as the Town Centre-Chinatown. It is in a sense a subsidiary/auxiliary area to the central area of the Town Centre-Chinatown.*

*The area is currently the 'gateway' to Broome from the airport. It is the first impression gained of Broome by those arriving by air. It is ideally placed and is establishing the character of a showroom/warehouse precinct".*

It is also significant to note that a community survey undertaken as part of the Strategy found that 72% of respondents would not like to live amongst a mixture of commercial activities. The report concludes that, while this may be more acceptable and appropriate in town centres, it doesn't follow that this should occur in peripheral commercial areas such as the Mixed Use locality.

The Broome Land Development Program

The Broome Land Development Program (LDP), released in February 2004, confirms that the town does not have an adequate supply of office activities, non-food retail, showroom/bulky retail uses. Furthermore, the LDP recognises that the cost of commercial floorspace per square metre has risen very strongly.

The LDP goes on to say that *"unless more commercial land becomes available the magnitude of this change will have considerable impact on business owners who need well-located and affordable commercial floor space to ensure their business can grow."*

Referring specifically to the Mixed Use zone, it is a recommendation of the LDP that strategies be developed to support opportunities for commercial activity in the short term.

**COMMENT**

As a result of the change of strategic direction of Broome it is proposed to amend the zoning table and section 4.16 of the Town Planning scheme in the following way:

1. Amend the Zoning Table to change Aged Persons Accommodation, Single House, Grouped Dwellings and Multiple Dwellings from a "P" use to an "X" use in the Mixed Use zone, as follows:

Use class	Zones
	Mixed Use
Residential:	
1. Aged Persons Accommodation	X
2. Single House	
3. Grouped Dwellings	X
4. Multiple Dwellings	X

2. Deleting the word "residential" from clause 4.16.1.1 so that it reads:  
The aim of the zone is to provide for tourist, offices, commercial, showrooms and other compatible uses, which complement the mixed use character of the locality.
3. Deleting the words "residential and" from clause 4.16.1.2 (c) so that it reads:  
Ensure all development reflects Broomestyle Architecture within an open landscaped site and streetscape, which is compatible with a tourist accommodation environment.
4. Deleting the words "residential or" from clause 4.16.2.4 so that it reads:  
Carparking for tourist land uses, which are within a site which comprise a mixed land use/development, shall be located in an area which is separate from any car parking for commercial land uses, and exclusively used for tourist land use.
5. Deleting the words "residential" from clause 4.16.3 so that it reads:  
Tourist Development
6. Deleting clause 4.16.3.1

**CONSULTATION**

The concept of this amendment has been discussed and supported in principle with the Department of Planning and Infrastructure.

Furthermore, in accordance with the town planning regulations the amendment will be advertised for public comment for a period of 42 days.

**STATUTORY ENVIRONMENT**

The Shire of Broome Town Planning Scheme No.4  
The Local Planning Strategy  
The Broome Local Commercial Strategy

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The Shire of Broome will incur costs for the consultants to prepare the documentation and for advertising the amendment for public comment. These costs have been allocated in the budget.

**STRATEGIC IMPLICATIONS**

This amendment will provide the Shire of Broome with a fundamental strategic direction in relation to the consolidation and continuation of the 'Mixed Use' zone as the commercial and tourist/entertainment centres of Broome.

The amendment will also provide the State Government with clear advice on the Shire of Broome's vision for these areas for consideration during the soon to be commenced strategic study of Broome. Once the amendment has been initiated, Council is legally required to have regard to the nature of, and reasons for, the amendment in considering future relevant Planning Applications.

Town centre – Chinatown

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**That Council, pursuant to section 7 of the Town Planning and Development Act, 1928 (as amended), amend the Shire of Broome Town Planning Scheme No.4 by:**

1. **Amending the Zoning Table to change Aged Persons Accommodation, Single House, Grouped Dwellings and Multiple Dwellings from a "P" use to an "X" use in the Mixed Use zone, as follows:**

<b>Use class</b>	<b>Zones</b>
	<b>Mixed Use</b>
<b>Residential:</b>	
5. <b>Aged Persons Accommodation</b>	X
6. <b>Single House</b>	
7. <b>Grouped Dwellings</b>	X
8. <b>Multiple Dwellings</b>	X

2. **Deleting the word "residential" from clause 4.16.1.1 so that it reads:  
The aim of the zone is to provide for tourist, offices, commercial, showrooms and other compatible uses, which complement the mixed use character of the locality.**
3. **Deleting the words "residential and" from clause 4.16.1.2 (c) so that it reads:  
Ensure all development reflects Broomestyle Architecture within an open landscaped site and streetscape, which is compatible with a tourist accommodation environment.**
4. **Deleting the words "residential or" from clause 4.16.2.4 so that it reads:  
Carparking for tourist land uses, which are within a site which comprise a mixed land use/development, shall be located in an area which is separate from any car parking for commercial land uses, and exclusively used for tourist land use.**
5. **Deleting the words "residential" from clause 4.16.3 so that it reads:  
Tourist Development**
6. **Deleting clause 4.16.3.1**

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.2.9 PROPOSED SUBDIVISION INTO 90 LOTS- LOT 587 NO. 28 ANNE STREET BROOME**

**LOCATION/ADDRESS:** Lot 587 No. 28 Anne Street Broome  
**APPLICANT:** MGA Town Planners  
**FILE:** 124567  
**RESPONSIBLE OFFICER:** Manager Planning Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 21 April 2004

**SUMMARY:** An application for planning approval has been received for the subdivision of Lot 587 No. 28 Anne Street, Broome, into 90 residential lots and public open space.

The application is referred to Council for consideration as officers do not have delegation to comment on subdivisions of this size and Council previously resolved that it would favourably consider an application that addressed several design elements.

This report recommends that the subdivision be SUPPORTED.

## BACKGROUND

Council at its meeting held on the 13 April 2004 considered a subdivision application for this site that involved:

- 92 residential allotments ranging in size from 602sqm to 1034sqm, with generally 800sqm lots fronting Herbert Street;
- 7872sqm of public open space, which equates to approximately 8% of the site area;
- two drainage outlets/easements; and
- two road connections into the development, both from Herbert Street

and subsequently resolved:

*"That the proposed subdivision referred to the Shire by the WAPC dated 2 March 2004 (124567) and amended plan received 22 March 2004, made by MGA Town Planners for the subdivision of Lot 587 No. 28 Anne Street, Broome, into 92 lots and public open space be NOT SUPPORTED for the following reasons:*

1. *The proposal provides only 8% public open space rather than the required 10%. A reduction in POS in this case is not considered appropriate given that the criteria for reduction of POS is not met for this site as:*
  - *the land area is such that a 10 percent contribution is large enough to be of practical use;*
  - *there is a grossly insufficient supply of public open space in the locality and the Shire is under constant community pressure to find land for public open space in this area;*
  - *public open space is not planned in another location by way of a town planning scheme or local structure plan.*
2. *There is considered to be inadequate provision for onsite water detention for drainage.*
3. *Insufficient information has been provided to assess the adequacy of drainage design for the site in the context of the proposed road network and public open space design and location.*
4. *Corner lot truncations are below the required 8.5m (6m x 6m) standard truncation.*
5. *Internal boundary truncations have not been provided to all battleaxe lots.*
6. *The current density coding for the site allows for the amalgamation and re-subdivision of lots into significantly smaller lots for higher density development in an area where the proposed lot sizes are considered to be of a more appropriate size to address the constraints presented within Broome. Covenants are not supported by Council as a method to control density, rather the re-coding of part or all of the site to a density coding that more appropriately reflects the density of development is required. Note: It is not considered that the re-coding of the site should in any way delay the subdivision process, rather the two processes may operate concurrently.*
7. *Lots that do not provide a natural fall to a subdivisional road will require clearing and re-grading to achieve acceptable drainage outcomes. This is contrary to the proposal to retain the natural vegetation across the site as the proposed design does not allow for this. The applicant may wish to consider providing the public open space in locations where the vegetation is proposed to be retained.*

And;

*The applicant be advised that Council will give favourable consideration to a proposal that includes but is not limited to the following:*

1. *Minimum 8% POS (not including adjoining road reserve) on the condition that the lot sizes within the subdivision are consistent with the following:*
  - *Minimum lot size 600sqm*
  - *Average lot size not less than 770sqm*
2. *Minimum lot size for lots fronting Herbert Street be 1000sqm.*

And;

The applicant be advised that Council will give favourable consideration to a proposal that includes but is not limited to the following:

- Truncation to be in accordance with the report recommendation point 4 and 5.
- Inclusion of point 6 as per the report recommendation".

## COMMENT

Subsequently the applicant has liaised with staff and submitted an amended plan for consideration. The amended plan involves the subdivision of the vacant lot into:

- 90 residential allotments ranging in size from 602sqm to 1014sqm, with 1000sqm lots fronting Herbert Street;
- 7841sqm of public open space, which equates to approximately 8% of the site area;
- Three drainage outlets/easements; and
- Two road connections into the development, both from Herbert Street.

The application has been included on the agenda as a priority as a result of the WAPC indicating that their 90 day processing deadline is due in early May, and they intend to deal with the application with or without Councils comments. As such, to ensure Councils aims and objectives are achieved the application has jumped the queue and has been included.

There are still a number of issues relevant to the proposed subdivision, as detailed below:

### Public Open Space:

It should be noted that in relation to the development of the public open space, the applicant advised verbally at a meeting that it was their intention to develop the public open space and this may include landscaped areas, a water feature and a 'Broome-style' roofed but open sided structure containing a children's playground. The proposed development of the public open space generates a number of staff concerns, however, the applicant has not formally requested consideration of this design issue, and such issue may be addressed as a later stage of the subdivision process. While the WAPC will generally not include a condition to develop and maintain a POS, the Shire's normal condition of development is for the POS to be developed to Shire standards and maintained for two years is considered to be an appropriate condition.

### Density

The site is currently zoned 'Residential R10/20' under Town Planning Scheme No.4 (TPS No. 4). With the provision of reticulated sewer to the site, the average lot size requirement is 500sqm (450sqm with current temporary R Code concessions) with a minimum of 440sqm.

The proposed subdivision with lots ranging from 602sqm to 1014sqm is more reflective of a density coding of R15 (average lot size of 666sqm and minimum of 580sqm). It is considered appropriate that land be coded to reflect the subdivision density, otherwise there is a strong risk with the proposed subdivision layout that two lots could be purchased, amalgamated and then re-subdivided into three 500sqm lots. This would be contrary to the planning design for the subdivision, would increase traffic numbers beyond those calculated for the subdivision, and would also increase stormwater runoff beyond the amount considered. As 600sqm+ sizes lots are considered the most appropriate lot sizes for single residential development in Broome (due to R Code constraints on open space, setbacks and the like that are mostly incompatible with Broome lifestyle characteristics and expectations), it is necessary to prevent the issues raised from arising through poor planning.

The applicant has suggested that they could control density through covenants on the Titles of lots. Although design issues are generally considered acceptable to be addressed (privately) through covenants, covenants are not enforceable by Council. Therefore, Council wishes to ensure good planning through the most appropriate density coding of a development, then this must be undertaken through Planning controls enforceable by the Shire. The most simplistic and appropriate approach is to re-code the site. Any action by the Shire in this regard does not prejudice the rights of the developer to impose restrictive covenants.

#### Drainage

Overall the amended plan is consistent with Council's resolution of the 13 April 2004 and the outstanding issues as detailed above can be dealt with via conditions of approval.

### **CONSULTATION**

Not applicable, however, the applicant has verbally advised that the 'Friends of Herbert Street Bush Block' have been privately consulted in relation to the proposal, and that they are likely to be engaged to undertake plantings through the subdivision.

### **STATUTORY ENVIRONMENT**

Town Planning and Development Act

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

The proposal is a large scale residential development that is likely to have strategic implications for service provision, public open space demand, and increased traffic.

### **VOTING REQUIREMENTS**

Simple Majority

#### **REPORT RECOMMENDATION**

***That the proposed subdivision referred to the Shire by the WAPC dated 2 March 2004 (124567) and amended plan received 21 April 2004, made by MGA Town Planners for the subdivision of Lot 587 No. 28 Anne Street, Broome, into 90 lots and public open space be SUPPORTED subject to the following conditions:***

- 1. Satisfactory arrangements being made with the Shire of Broome for the construction and drainage/upgrading of Herbert Street.***
- 2. Street corners within the subdivision being truncated to the standard truncation of 8.5m.***

3. **Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road, connected by constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost to the specification approved by, and to the satisfaction of the Shire of Broome. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Authority the cost of such works as estimated by the Commission subject to the Local Authority giving an assurance to the Commission that the works will be completed within a reasonable period.**
4. **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.**
5. **The payment of drainage headworks charges to the Shire of Broome in accordance with the Shire policy.**
6. **Drainage reserves and/or easement(s) being provided at the cost of the subdivider.**
7. **The land being filled and/or drained at the subdivider's cost to the satisfaction of the Shire of Broome in such a manner so as to ensure that all lots may be connected to either the road drainage system or an alternate lot drainage system.**
8. **The provision of a survey of all vegetation on the property and the identification, in consultation with appropriately qualified professionals, of any significant trees that may be retained within road reserves or new residential lots.**
9. **Any cutting or filling of the land shall be designed and executed to ensure that significant vegetation is retained.**
10. **The land marked 'drainage' being shown on the Diagram of Survey as such and vested in the Crown under Section 20A of the Town Planning and Development Act (as amended). Such land shall also be rezoned to reflect its purpose.**
11. **Certification from the Water Corporation that arrangements have been made with that body so that connection to a sewerage service will be available to the lot/s proposed by this application.**
12. **The proposed reserve(s) shown on the plan submitted by the applicant being shown on the Diagram or Plan of Survey as a 'Reserve for Recreation' and vested in the Crown under Section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without any payment of compensation by the Crown.**
13. **The subdivider is to develop the Public Open Space in accordance with an approved landscape plan and maintaining the Public Open Space for two years, to the specification and satisfaction of the Local Authority.**
14. **The Shire is prepared to accept a maximum of 2% cash-in-lieu of Public Open Space as a condition of subdivision and it is requested that the applicant's attention be drawn to the provisions of Section 20C, of the Town Planning and Development Act (as amended), whereby subject to further approval of the Commission, a cash-in-lieu contribution can be made.**
15. **The removal of all structures on site (including the plant nursery) prior to any subdivision proceeding. Note: the Shire has no record of any Planning Approval for any structures that may currently exist onsite.**
16. **No lot being less than 600sqm in area.**
17. **The average area of all lots within the subdivision not being less than 770sqm.**
18. **No lot fronting Herbert Street being less than 1000sqm in area.**
19. **Lots fronting Herbert Street to be recoded to R10 and the balance of lots to be recoded to R15 in accordance with the Residential Design Codes of WA 2002. The amendment to TPS No. 4 shall be commenced by the developer and at the developer's cost (by way of Shire initiation) prior to clearance of any stage of subdivision and completed prior to any development on site.**
20. **The battleaxe access leg(s) being constructed and drained at the subdivider's cost to the specification and satisfaction of the Shire of Broome.**

21. *The detailing of the existing drainage easement on the existing lot on any future plans in addition to details on how the easement will be managed, affected, or extended (as the case may be) for the approved subdivision.*
22. *The payment of a cash contribution to the Shire for the provision of a 2m wide dual use path to Herbert Street.*
23. *The payment of a cash contribution to the Shire for street lighting on Herbert and Anne Streets.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 1 page](#)

**9.3. ECONOMIC PROSPERITY**

**OUTCOME**

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

NO AGENDA ITEMS

**9.4. SOCIAL SUPPORT AND DEVELOPMENT**

**OUTCOME**

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

NO AGENDA ITEMS

## 9.5. ASSETS AND INFRASTRUCTURE

### OUTCOME

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

#### 9.5.1 BROOME GOLF CLUB REQUESTS

<b>LOCATION/ADDRESS:</b>	Broome Golf Club
<b>APPLICANT:</b>	Broome Golf Club Inc.
<b>FILE:</b>	RS 33592/RS29300/LEG 072
<b>RESPONSIBLE OFFICER:</b>	Manager Corporate Services/ Manager Engineering Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	18 April 2004

**SUMMARY:** Consideration of four (4) requests from Broome Golf Club in respect of their premises and operations, with a recommendation to partly agree to two (2) and agree to the other (2).

### BACKGROUND

The Broome Golf Club have been experiencing problems with their main access road to the Club house for many years, with washouts after rain and abnormally high wear due to a lot of non-Golf Course traffic (Refer attached letter). The Shire has not been involved with the maintenance of their road for many years, as the lease requires all maintenance to be by the Club. However, they attract a lot of tourist buses, visitors, locals and Broome tour buses to their carpark to look at the views of Roebuck Bay. Most of this traffic does not use their facilities, pay any fees or have a meal etc, so that the road performs a "public" road function which they have to pay for.

The Secretary/Manager spoke to the Manager Engineering Services on this matter to see if the Shire could assist with either the road itself or by somehow limiting the number of vehicles that can use the road, hence the request.

### COMMENT

The Reserve is vested with the Shire, with power to lease for 21 years. The existing lease was enacted on 11 September 1992 and expires on 11 September 2013, with a nominal \$1/yr rental.

In respect of the specific requests by the Club, comments are;

(1) & (2) Gravel and Equipment - The current Shire Policy 3.1.5 allows use of Shire plant and equipment for community groups, however it specifically excludes groups with "licensed premises" and therefore the Chief Executive Officer cannot give approval and therefore Council approval is required for these requests.

The Shire operates a small gravel pit at Crab Creek and that type of material would be ideal for their access road. The cost of the gravel would need to include raising, loading, carting and spreading on-site, which would be at least \$25 per cubic metre, or about

\$2,500 for the 100m<sup>3</sup> requested. The policy only allows free use of the equipment, not the labour component, and a Shire employee is required to operate any equipment. It is understood that at least one Shire employee would donate his time to the Club.

(3) The lease is quite specific in the conditions to allow the Golf Club members, guests, employees etc, use the facilities, but also includes the "general public to be able to have access to, and play golf on the golf course and have access to and use of the facilities in the Clubhouse etc." This could therefore be a problem in limiting any use of the access road to certain types of traffic or uses. A copy of the lease has been forwarded to the Shire solicitors in this regard for advice on whether Council or the Club could limit use of the access road in some manner. The advice is expected to be available by the meeting day, however, regardless of the advice, it would seem that it is the best interest of the Shire to continue to allow the public to access the golf course reserve.

(4) Paving blocks – This request is as a result of the Club noting that the Shire will have interlocking pavers surplus to requirements from the Chinatown project. Those pavers are unlikely to be reused by the Shire due to the costs (is as cheap to use new ones) and the reasons we are reusing the pindan type pavers is because of their historical value and to better match the majority of the existing pavers. The interlocking concrete type are unlikely to be reused. The Club are welcome to the pavers if it does not incur any additional costs to the Shire.

In respect of the Club requests for the access road it is a Council decision as to whether they assist or not. The request is not unreasonable if the legal advice states that neither the Club or the Shire can stop the general public from using the road, as that proportion of the use is above and beyond the Club's ability to control or pay for the additional maintenance. If the advice is that the Club can control user traffic, then both the Shire and the Club need to look at methods of controlling traffic and/or making them contribute in some way to the road cost. This may be administratively cumbersome. Council needs to be mindful of agreeing to any such requests as to the implications for other leased reserves and/or organisations that may also have a "public" component.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Vested Shire Reserve, leased to Broome Golf Club Inc.

## **POLICY IMPLICATIONS**

May require Council to resolve contrary to an existing policy

## **FINANCIAL IMPLICATIONS**

As detailed

## **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

- (I) That Council agree to the request from the Broome Golf Club Inc for any surplus interlocking pavers from Stage 1 of the Chinatown project.
- (II) That Council contribute a maximum of 50% of the cost of all maintenance and/or gravelling the access road, with a limit of \$2000.00 in kind contribution per year, on the basis that the access road provides a public function, over and above the Golf Club traffic.

**Moved:****Seconded:****FOR:****AGAINST:**[Attachment: 1 page](#)**9.5.2 WEST KIMBERLEY FOOTBALL ASSOCIATION**

**LOCATION/ADDRESS:** Haynes Oval Reserve  
**APPLICANT:** WKFA (Danny Fyffe)  
**FILE:** RS 41309  
**RESPONSIBLE OFFICER:** Manager Engineering Services/  
 Manager Corporate Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 19 April 2004

**SUMMARY:** Consideration of a request from the WKFA for a waiver of fees at the oval in return for the Association erecting a new fence, with a recommendation to not agree to the request.

**BACKGROUND**

An application has been made by Danny Fyffe on behalf of the WKFA for several fencing matters at Haynes Oval. One of these requests is for the Shire to carry out repairs to the northern boundary fence, and this work is being arranged at the moment.

The main request is to supply and erect 120 metres of new fence on the eastern side of the oval. The WKFA have a verbal quote for \$7,800 and they suggest that the WKFA undertake to erect the fence and that the Shire waive the oval fees for this year as payment.

**COMMENT**

There was originally an internal fence (low, steel pipe/posts and cyclone wire infill) around the oval perimeter, plus an external fence (high, steel post and cyclone mesh) around the eastern and southern sides of the oval parking areas. Both of these fences suffered badly from corrosion and vandalism, to the point that the complete outer fence was mostly reconstructed in about 1997 at a cost of \$16,000. The internal fence has been progressively removed and is not to be replaced, as it is not required as such.

The renewed external fence was quickly vandalised again and was also progressively removed. The main vandalism occurred mostly during football matches and whole sections were either cut or pulled over by spectators and others. There is no budget allocation to replace either of the fences and they are not on the capital works programs

as it would only be seen as throwing good money after bad. This has affected the WKFA to some degree as they now claim they cannot control spectator access and therefore lose income. A secondary effect of no fences was the fact that advertising signs could no longer be attached to the fences.

The WKFA proposal to construct a new fence may provide support for advertising signs, more so than as an essential oval sporting requirement. This may then provide revenue for the Association towards the fence construction.

There are therefore (3) aspects of the request:

- (i) Approval to construct an internal fence, and
- (ii) Whether the Shire or the WKFA should pay for the fence.
- (iii) If Council agree that the fence should be at Shire cost, then whether Council are willing to waive the WKFA fees for a year.

The Staff recommendation is that (i) be agreed to, subject to the siting being approved by the Manager Engineering Services, and (ii) and (iii) not being agreed to.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Reserve is vested with Shire

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Cost of fence or waiver of fees if Council resolved to do so

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**That Council;**

- 1. Give approval to the WKFA to supply and erect a fence on the eastern side of Haynes Oval, subject to the location and design being to Shire specifications.**
- 2. Not approve the request for the Shire to pay for the cost of the fence or for a waiver of annual fees in lieu, to WKFA.**

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**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**