

**SHIRE OF BROOME**  
**SPECIAL COUNCIL MEETING**  
**AUGUST 2004**

**INDEX - AGENDA**

1.	OFFICIAL OPENING .....	4
2.	ATTENDANCE AND APOLOGIES .....	4
2.1	LEAVE OF ABSENCE - CR MARK MCKENZIE .....	4
3.	DECLARATIONS OF FINANCIAL INTEREST .....	4
4.	PUBLIC QUESTION TIME .....	4
5.	CONFIRMATION OF MINUTES .....	4
6.	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION .....	4
7.	PETITIONS .....	4
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	4
9.	REPORTS OF OFFICERS .....	5
9.1	LEADERSHIP AND GOVERNANCE .....	6
9.1.1a	ACCOUNTS FOR PAYMENTS .....	7
9.1.1b	COMMON SEAL REPORT .....	7
9.1.2	BROOME VISITORS CENTRE - DESIGN FOR SUSTAINABILITY .....	8
9.1.3	CODE OF CONDUCT - REVIEW 2004 .....	10
9.1.4	RUBIBI REQUESTS IN RELATION TO NEGOTIATIONS TO PROGRESS CABLE BEACH 5B AND 5C RESIDENTIAL SUBDIVISIONS .....	12
9.1.5	2005 SHIRE DIRECTORY .....	15
9.1.6	PLAQUE COMMEMORATING THE STRAFING OF BROOME .....	20
9.2	UNIQUE HERITAGE AND ENVIRONMENT .....	26
9.2.1	PROPOSED DEDICATION OF BROOME LOTS 3099, 3100, 3101 AND 3094 AS A ROAD .....	27
9.2.2	APPLICATION FOR PLANNING APPROVAL - PROPOSED SIGNAGE - PYLON SIGN - SHINJU MOTORS- LOT 1 NO. 101 GUY STREET BROOME 6725 .....	29
9.2.3	TOWN PLANNING SCHEME NO.4 PROPOSED AMENDMENT 21- SKUTHORPE RURAL AGRICULTURAL ZONE .....	32
9.2.4	PROPOSED ROAD CLOSURES AT GANTHEAUME POINT .....	42
9.2.5	APPLICATION FOR PLANNING APPROVAL - PROPOSED SIGNAGE FOR REAL ESTATE AGENCY - LOT 25 NO. 6 HAMERSLEY STREET BROOME 6725 .....	45
9.2.6	APPLICATION FOR PLANNING APPROVAL - PROPOSED ANCILLARY ACCOMMODATION - LOT 7 (NO. 13) SAVILLE STREET, BROOME .....	48
9.2.7	APPLICATION FOR PLANNING APPROVAL – PROPOSED WASH DOWN FACILITY FOR HIRE CAR COMPANY - LOT 1653 FREDERICK STREET, DJUGUN 54	
9.2.8	PROPOSED LANDSCAPING PLAN - LOT 1642 NO.158 FREDERICK STREET DJUGUN .....	58
9.2.9	APPLICATION FOR PLANNING APPROVAL – PROPOSED UNDERCROFT/BASEMENT & MODIFICATIONS TO APPROVED GUEST HOUSES - LOT 100 (9) MILLINGTON ROAD, CABLE BEACH .....	61

9.2.10	APPLICATION FOR PLANNING APPROVAL - PROPOSED TOURIST DEVELOPMENT(S) - RESIDENTIAL AND TOURIST DEVELOPMENT (PINCTADA RESORT)- LOT 2235 (NO. 10) MURRAY ROAD, CABLE BEACH.....	66
9.2.11	MALLINGBAR (KENNEDY HILL) COMMUNITY LAYOUT PLAN – FREDERICK STREET, BROOME 6725.....	78
9.2.12	TOWN PLANNING SCHEME NO 4 - DELETING RESIDENTIAL DEVELOPMENT FROM THE MIXED USE ZONE.....	86
9.2.13	NILLIR IRBANJIN (ONE MILE) COMMUNITY LAYOUT PLAN – BROOME ROAD, BROOME 6725.....	90
9.3	ECONOMIC PROSPERITY .....	97
9.4	SOCIAL SUPPORT AND DEVELOPMENT .....	98
9.4.1	EVALUATION OF HYPE PROJECT .....	99
9.4.2	FEES AND CHARGES REVIEW - RECREATION SERVICES.....	101
9.5	ASSETS AND INFRASTRUCTURE .....	106
10.	REPORTS OF COMMITTEES.....	107
10.1	BROOME ARTS CENTRE ADVISORY COMMITTEE 2004 – MEETING 24 MAY 2004... ..	108
10.2	WASTE MANAGEMENT ADVISORY GROUP MINUTES .....	111
11.	NOTICES OF MOTION .....	114
12.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	116
13.	MATTERS BEHIND CLOSED DOORS .....	116
14.	MEETING CLOSURE.....	116

## **NOTICE OF MEETING**

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Tuesday 17 August 2004, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 12.00pm

Regards

Ian Bodill  
Chief Executive Officer

**1. OFFICIAL OPENING**

**2. ATTENDANCE AND APOLOGIES**

Attendance

Leave of Absence

Apologies

**2.1 LEAVE OF ABSENCE - CR MARK MCKENZIE**

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

*That due to extenuating circumstances, Councillor Mark McKenzie be granted leave of absence for the Ordinary Meetings of Council held on Tuesday 27 July 2004, 17 August 2004 and 7 September 2004 and that should addition Leave of Absence be required after this date, that approval from the Minister for Local Government and Regional Development be sought.*

**3. DECLARATIONS OF FINANCIAL INTEREST**

Councillor	Item No	Page	Item	Nature of Interest

**4. PUBLIC QUESTION TIME**

**5. CONFIRMATION OF MINUTES**

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

**That the Minutes of the Ordinary Meeting of Council held on 6 July 2004 be confirmed as a true and accurate record of that meeting.**

**6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

**7. PETITIONS**

**8. MATTERS FOR WHICH MEETING MAY BE CLOSED**

**9.**

**REPORTS**

**OF**

**OFFICERS**

## 9.1

# LEADERSHIP AND GOVERNANCE



### OUTCOME

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

**9.1.1a ACCOUNTS FOR PAYMENTS**

**REPORT RECOMMENDATION**

*That the accounts for payment as attached, covering municipal cheque vouchers 36115 – 36384, totalling \$965,575.99 EFT vouchers 1347 - 1412 totalling \$565,937.75, and trust cheque vouchers 1849 – 1879 totalling \$60,290.02 be passed for payment.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachments: 23 pages](#)

**9.1.1b COMMON SEAL REPORT**

<b>DATE</b>	<b>DETAILS</b>
25 June 2004	Restrictive Covenant – Morrell Enterprises Pty Ltd and Shire of Broome
9 July 2004	Town Planning Scheme No 4, Amendment No 16
13 July 2004	Emergency Services Levy (ESL) Admin Section, 36ZJ (Option B) Agreement
20 July 2004	Amendment Standing Orders, Local Law 2003
28 July 2004	Withdrawal of Caveat #1726326, Portion of Broome Lot 12

**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:**

**9.1.2 BROOME VISITORS CENTRE - DESIGN FOR SUSTAINABILITY**

<b>LOCATION/ADDRESS:</b>	Res 38458
<b>APPLICANT:</b>	Brome Visitors Centre Advisory Committee
<b>FILE:</b>	Res 38458
<b>AUTHOR:</b>	Manager Corporate Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Corporate Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 July 2004

**SUMMARY:** Consideration of incorporating sustainability design features in the new Broome Visitors Centre.

**BACKGROUND**

On Tuesday 13<sup>th</sup> July a preliminary workshop was held involving members of the new Broome Visitor Centre Advisory Committee and Geoff Barker from PM+D architects.

During the course of discussions the issue of incorporating sustainability features was raised, as there are a number of initiatives which have the potential to reduce operating costs and which are environmentally friendly.

**COMMENT**

The sustainability initiatives may attract Federal and State grant funding and if incorporated would pitch the Visitors Centre as an icon representing energy efficiency and sustainability.

To investigate the potential for grant funding it is proposed that a paper be prepared on the design initiatives including costs, for comment by Federal and State funding bodies.

It would be premature to progress the drafting of a paper if it did not have the support of Council. As such, this agenda item seeks the view of Council in regards to its support, both conceptually and financially. It is acknowledged that even with grant funding, there may be a requirement for further capital funding from the Shire of Broome.

The basis for the recommendation is that the capital invested would reduce the operating contributions currently made for electricity and maintenance. It is only a philosophical and arbitrary view of the author to prompt discussion.

**CONSULTATION**

New Broome Visitor Centre Advisory Committee  
PM+D Architects

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil at this stage, although the incorporation of sustainability initiatives may increase capital costs but reduce the requirement for operating contributions.

**STRATEGIC IMPLICATIONS**

Assess the needs of, assist with the site location and construction of the new Broome Visitor Centre.

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

***That the BVCAC be advised that Council supports the concept of sustainability and energy efficiency being incorporated into the design of the new Broome Visitors Centre and will increase it's contribution by up to an additional \$100,000 subject to the amount being matched by additional grant funding, and efficiency benefits being demonstrated***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.1.3 CODE OF CONDUCT - REVIEW 2004**

**LOCATION/ADDRESS:** N/A  
**APPLICANT:** N/A  
**FILE:** ADM.028  
**AUTHOR:** Executive Assistant  
**CONTRIBUTOR/S:** N/A  
**RESPONSIBLE OFFICER:** Chief Executive Officer  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 13 July 2004

**SUMMARY:** To advise Council of a review undertaken on the Shire of Broome Code of Conduct and to seek Council's endorsement of the revised document.

**BACKGROUND**

The Shire of Broome is required to review its Code of Conduct within 12 months of an Ordinary Election. Elections were held in May 2003 and the review of the Code of Conduct was delayed due to advice that a "Draft Code of Conduct for Councillors" would be introduced through WALGA.

Further information sought from WALGA indicated that the draft code would not be available until late 2004 or early 2005.

**COMMENT**

As such, Councillors and Senior Staff were requested to comment on the existing Code of Conduct in April 2004, with the revised document being reviewed.

**CONSULTATION**

Councillors, Senior Staff and Chief Executive Officer, Mr I Bodill, were all given the opportunity to comment on the existing code of conduct.

The revised Code of Conduct, showing the amendments is attached.

Suggested changes included:

- Further information included in section 3.2 relating to Declarations of Interest.
- Further information included in section 3.3 relating to Interests Affecting Impartiality
- Information included in section 5, making reference to the core values outlined in the Shire of Broome Strategic Action Plan.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**POLICY IMPLICATIONS**

Review of existing Code of Conduct within the Policy Manual.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The Shire of Broome Strategic Action Plan 2003 – 2008 Leadership and Governance goal area seeks to review policies for the good governing of Council.

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

*That Council adopts the reviewed Code of Conduct for Elected Members and Staff.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 9 pages](#)

#### 9.1.4 RUBIBI REQUESTS IN RELATION TO NEGOTIATIONS TO PROGRESS CABLE BEACH 5B AND 5C RESIDENTIAL SUBDIVISIONS

<b>LOCATION/ADDRESS:</b>	Various
<b>APPLICANT:</b>	Department Planning and Infrastructure
<b>FILE:</b>	NAT 17 & PLA 38
<b>AUTHOR:</b>	Manager Planning Services
<b>CONTRIBUTORS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 July 2004

**SUMMARY:** Correspondence has been received from the Land Asset Services Division of the Department of Planning and Infrastructure (DPI) seeking Councils formal response to the requests made by Rubibi that directly involve the Shire of Broome in order to progress the release of Cable Beach 5B and 5C residential subdivisions.

This report recommends that the Shire of Broome defer consideration of the Rubibi requests until such time as a detailed status report has been prepared which will include the role and responsibilities of the Shire in Native Title negotiations.

#### BACKGROUND

Correspondence has been received from the Land Asset Services Division of the Department of Planning and Infrastructure (DPI) seeking Councils formal response to the requests made by Rubibi that directly involve the Shire of Broome in order to progress the release of Cable Beach 5B and 5C residential subdivisions.

Acting Manger, Steve Burgess by letter dated 22 June 2004 wrote:

*" I refer to previous correspondence regarding the above proposal and, in particular, our letter of 3 November 2003 advising of the issue of a Notice of Intention to Take all interests in the land (including any native title rights and interests). Since the closure of objections on 5 January 2004 the State has been negotiating with the Rubibi native title claimants with a view to minimise the impact of the proposal on any native title rights and provide a package that will benefit the Rubibi people.*

*At the last negotiation on this matter the Kimberley Land Council has made some requests on behalf of Rubibi in respect to certain lands. This land may be described as Kennedy Hill and Minyirr Park. With respect to Kennedy Hill they have requested that the current Water Reserves 5347, 9105 and 1637 and portions of Reserves 15019 (Police), 2551 (Prison), 25790 (Aboriginal Use) and 39556 (Foreshore) be transferred in freehold to Rubibi exempt from Shire rates under Section 6.26(2)(k) of the local Government Act 1995.*

*With respect to Minyirr Park they have requested that existing Reserve 43080 is amended to include Reserves 19289 (Recreation), Reserve 33275 (Horse Stables), Reserve 36477 (Recreation, Parking and Drainage) and the areas of Unallocated Crown land shown in the attached plan. Reserves 19289, 33275 and 36477 are currently vested in the Shire of Broome. It is their proposal that this combined reserve be jointly managed with the Shire of Broome under equal representation but with Rubibi holding the position of Chair and having the casting vote. They have further requested that the Shire of Broome provide public liability insurance under the joint management arrangement.*

*Prior to further negotiations it would be appreciated if the comments of Council could be provided in respect to these matters, particularly with respect to exemption from rates and the amendment and management of Minyirr Park. A further meeting with Rubibi is scheduled for 7 July 2004 in Broome."*

Councillors and senior staff meet on the 12 July 2004 for a briefing on the current status of Native title issues, in particular in relation to the requests made by Rubibi as contained in the above letter.

## **COMMENT**

It became abundantly clear at the informal meeting that there are a number of issues which Council is unfamiliar with and would therefore require a special briefing.

Issues that require clarification include:

- The current status of the negotiations between the State, the Shire and Rubibi, which were being facilitated by the National Native Title Tribunal and chaired by Fred Chaney.
- The rights and interests of the Shire of Broome as an entity.
- The role of the Shire of Broome to be the representative body for the community as a whole and the appropriate process for dealing with Native title claimants requests.
- The legal right and mechanism for the Shire to make decisions in relation to Native Title.
- Whether the Shire should relinquish control of any reserve without corresponding net benefit to the Shire, on behalf of the whole community.
- Whether requests should be considered in isolation and separately to a range of other Native Title issues in Broome

Therefore, in relation to the request made by Rubibi that directly involves the Shire of Broome it is evident that the Shire is not in a position to provide any comment until such time as a detailed report is prepared and Council formally considers the matter.

The preparation of this report may take a considerable amount of time and will involve a large amount of research to be undertaken as a result of recent staff that were involved in Native Title issues no longer being employed or associated with the Shire.

## **CONSULTATION**

Nil at this stage – other than, it may be appropriate for DPI to brief Council.

## **STATUTORY ENVIRONMENT**

Local Government Act  
Native Title Act

## **POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

This process may involve seeking legal clarification.

**STRATEGIC IMPLICATIONS**

The future direction of Broome as a community and the Shire of Broome as an organisation needs clarification in relation to native title negotiations.

**VOTING REQUIREMENTS**

**REPORT RECOMMENDATION**

*That Council advises DPI that in relation to the request made by Rubibi that directly involves the Shire of Broome, that it is not in a position to provide any comment until such time as a detailed report is prepared and Council formally considers the matter.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.1.5 2005 SHIRE DIRECTORY**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	APU 02
<b>AUTHOR:</b>	Community Relations Officer
<b>CONTRIBUTOR/S:</b>	Manager Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	7 July 2002

**SUMMARY:** To seek Council's endorsement to outsource the 2005 Shire Directory, with strict guidelines to ensure a quality production.

**BACKGROUND**

The Shire Directory is currently produced by the Shire of Broome. It is an extensive publication that is provided free to all residents of the Shire. The directory is also distributed to local businesses, government departments, tourists and other interested parties upon request.

It relies heavily upon staff resources, not only the Community Relations Officer who spends time each week throughout the year answering enquiries and fielding complaints, but also finance staff who process hundreds of payments and front counter staff processing the many forms. Should the directory process not be tendered, the Community Relations Officer would be required to work on the directory full time instead of current promotional activities.

It is acknowledged that some strategic direction needs to be sought from Council on whether it considers the directory as a core local government activity, which would then require significant resources to be allocated.

Further Council also needs to determine the outcomes it expects from the Shire Directory. Should it be a community service directory or an advertising/business directory or a combination of both?

It is suggested discussion and debate on this issue occur later in the year following adoption of the Strategic Plan and as such this item only considers seeking tenders for the directory in its current format.

In the past when the directory has been tendered out, there have been issues of quality control and copyright. Should Council choose tendering or contracting as an option this would be addressed and tightened to ensure quality is high and that ownership and copyright is retained.

The Shire has also contracted out parts of the production of the Shire Directory (eg advertising design to Printing Ideas, printing to Scott Print) however, it would be more efficient for the Shire to have one organisation co-ordinate the whole collation, data entry and production.

A company skilled in design, layout and advertising sales will dedicate the time to the project; giving it the attention it deserves and is likely to produce a book with fewer errors.

Currently the Shire Directory is divided up into various sections.

**White pages**

Community Section (front and back)  
Free of charge

**White pages**

Residential Listing (A-Z)  
Free of charge

**Orange pages**

Businesses (A-Z)  
Free of charge if advertising within the Advertising Section

**Green pages Green Businesses (A-Z)**

Free of charge

**White Pages Advertising (listed by category)**

Standard Listing	\$53.00
Bold Name	\$63.00
Extra lines	\$2.00 each
Double page b&w advertisement (includes 2 free standard listings)	\$1330.00
Full page (includes 1 free standard listing)	\$1040.00
Half page	\$610.00
Quarter page	\$339.00
Eighth page	\$180.00
Display advertising minor changes	\$15.00
Display Advertising major changes	\$25.00

**Current Costs for the 2004 Shire Directory**

Advertising refunds	\$3,841
Printing	\$54,400
Freight & Distribution cost	\$1,346
Contracted Work	\$27,689
Directory Promotion	\$3,316
<b>TOTAL</b>	<b>\$90,592</b>

What has not been factored into the cost is the amount of staff resources dedicated to the Shire Directory. The Shire Directory is a 12-month project with intensive work for at least six months of the year.

Ten shire staff were committed to handling enquiries, payments and production for the 2004 Shire Directory. Staff whom worked on the directory included Manager of Corporate Services, Community Relations Officer, IT Manager, two x Creditor Clerks, Switchboard Operator, two x Customer Service Staff, CEO Secretary and the Executive Officer.

**COMMENT**

Seeking tenders and contracting the directory would mean staff resources will be re-allocated.

The Shire's role would be one of ownership and overseeing the directory to ensure its high standard is maintained.

Suggested terms and conditions for the contract will include but not be limited to:

1. The Shire currently provides 105 pages of free information from groups around Broome as well as unlimited residential listings and unlimited green listings. The successful tender is to provide:

Each of the following to receive no less than the following pages free of charge:

- Full colour front cover, back cover and tide chart - six pages
- Shire Thank you - one page
- Message from the Shire President - one page
- Broome Shire Council representatives - one page
- Important numbers - one page
- Table of contents (including explanation on how to use the Directory) - one page
- 2005 calendar - one page
- Important Dates (including public holidays, school terms and staircase to the moon) - one page
- Residential contact details - unlimited pages
- Green contact details - unlimited pages
- Frequently used residential numbers - one page
- Public services - one third page
- Recycling in Broome - two pages
- Frequently used Business numbers - one page
- Shire of Broome - quick reference - one page
- Broome Statistics - one page
- Table of Contents (Community Section) five pages
- Arts Organisations & Galleries - two pages
- Event Venues & Information - one page
- Major Festival & Events - one page
- 2004 Events Calendar - one page
- Business & Industry Organisations- (Business Enterprise Centre & Chamber of Commerce - one page
- Child & Youth Services - two pages
- Communication & Media - one page
- Community Services - six pages
- Disability Services - one third page
- Education - two pages
- Government - four pages
- Political Information one third page
- State Ministerial List one page
- State & Federal Parliament Representatives - two thirds page
- Health Services three pages
- Legal Services (JP, Marriage Celebrants, Legal Assistance) - one page
- Religious Organisations -four pages
- Services - Fire & Emergency- four pages
- Services - State Emergency Service - four pages
- Services St John Ambulance - one page
- Shire of Broome Information - ten pages
- Sports and Leisure - three pages
- Broome Tourism - two pages
- The Kimberley - one page
- Broome Fishing - two pages
- Fisheries - one page
- Surf Life Saving Club - three pages

- Broome's Natural Environment (includes Waterbank Structure Plan, Rubibi, Minyirr Park, Kimberley Land Council, Agriculture in Broome, AQUIS, NAQS, Environs Kimberley, CALM) - eight pages
  - Calendar 2006 - one page
  - Town Bus Service Timetable - one page
  - Theme - Broome's Built Environment - four pages
  - Street Directory - four pages
2. The Shire of Broome retains the copyright and ownership for the Shire of Broome Directory and retains the right to view and own any material electronic or otherwise connected to the Directory.
  3. The Directory should maintain all its existing components, however the current design and layout is not to be considered the only acceptable style of publication.
  4. The successful contractor shall be solely responsible for the sourcing, collation, design layout and updating of all information to be included in the Broome Shire Directory (including the community section) and all costs associated with this to be borne by the successful tenderer.
  5. The successful contractor shall be solely responsible for the sale and marketing of all advertising within the Broome Shire Directory.
  6. The successful contractor is to source all photographs and pay associated costs.
  7. The successful tenderer is to publish the Broome Shire Directory according to existing specifications.
  8. The successful tenderer shall retain all revenue received from the sale of advertising.
  9. All costs associated with the production, printing and delivery of the Shire Directory to be borne by the successful tenderer.
  10. The Shire of Broome will provide all previous Shire Directory 2004 hard copy files, forms and electronic material to the successful tenderer.
  11. The successful tenderer will use previous databases, and contact details for the purpose of the 2005 Shire Directory only. Under no circumstances are these lists to be used or given to another party without consultation with the Shire.
  12. Prior to the printing of each completed edition, the successful tenderer shall supply to the Shire of Broome a final draft over which the Shire has full editorial control.
  13. The successful tenderer shall supply 8500 printed copies of the 2005 Shire Directory to the Shire of Broome no later than March 2005. Penalties will apply if date is extended or directories are late.
  14. The successful tenderer to handle all enquiries and complaints connected to the 2005 Directory.

**Decision Basis of Tender**

Data/Information Technology Compatibility  
Quality Assurance  
Community Directory Publishing Experience  
Financial Strengths/Backing  
References  
Industry Experience  
Company & Director Searches

Local Price Preference 2b will be applied

It is recommended the CEO manage the tender process and determine weightings (in conjunction with nominated Councillors), tender and contract documentation with assistance from the Shire's solicitors.

**CONSULTATION**

Broome Shire Staff, and informally with Printing Ideas, Elisabeth Lucke and the community.

**STATUTORY ENVIRONMENT**

LGA

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The 2004/2005 budget has allowed for a neutral net cost and revenues match expenditure.

**STRATEGIC IMPLICATIONS**

4.1 (B) maintain a directory of all groups, agencies and service providers for distribution and community access.

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

*That Council seek tenders for compilation and production of the 2005 Broome Shire Directory and that Crs \_\_\_\_\_ and the CEO determine the weightings for the assessment criteria which is to be included as part of the tender documentation.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.1.6 PLAQUE COMMEMORATING THE STRAFING OF BROOME**

<b>LOCATION/ADDRESS:</b>	Undecided
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	N/A
<b>AUTHOR:</b>	Community Relations Officer
<b>CONTRIBUTOR/S:</b>	Manager Engineering Services/Parks & Gardens Supervisor
<b>RESPONSIBLE OFFICER:</b>	CEO
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 July 2004

**SUMMARY:** Information for Council to confirm location of the Strafing of Broome plaque and stone.

**BACKGROUND**

At the ordinary Council meeting of 20 May 2003 Council agreed to support in principle the erection of a plaque to be located near the exiting pedestrian path at the intersection of Carnarvon and Short Streets in Chinatown to commemorate the strafing of Broome.

An item was presented to Council at its meeting of 6 July 2004 to request support for a site change from the existing path at the intersection and Short Streets, Chinatown to the grassed site across from the bakery on Carnarvon Street, Chinatown.

The report recommendation also requested that the \$4,500 proposed in the draft budget be utilised for plaque insertion into the stone, delivery of the stone from depot to site, provision of a short length of new footpath, a paved area for around the base of the stone and the unveiling ceremony and function.

Council resolved to defer the report recommendation until further site information be sought. Council was concerned about the size of the stone, which is larger than originally envisaged and may pose a hazard to pedestrians or vehicles within either suggested locations in Chinatown.

When positioned into the ground the stone weighing 7 tonnes will sit approximately 2 metres above the ground, and at its narrowest point measures 1 metre across. It is 0.4metres thick. The plaque weighs 85 kilograms and is 1 metre across x 1 metre wide.

Council requested locations other than Chinatown be considered and requested the main stakeholders (local resident Mr Tony Proctor and Sculptor Mr Ross Bastion) be advised of Council's request.

**COMMENT**

The Community Relations Officer contacted Mr Proctor on 7 July 2004 who in turn said he would attempt to contact Mr Bastion who is currently overseas to see whether they would agree to a location outside of Chinatown.

The CRO contacted Mr Proctor again on 14 July to gauge his response on the alternate locations. The CRO invited Mr Proctor to detail his comments in a letter to be circulated as an attachment within the Council Agenda.

Due to the sheer size of the stone, the Manager of Engineering and the Parks and Gardens Supervisor have suggested Town Beach as the preferred option over Chinatown. Bedford Park was also investigated as a possible site.

### **Bedford Park**

- Located across from Roebuck Bay where people can make the connection to the water and the majority of the actual Catalina's strafing site.
- Tourists visit Bedford Park to get an understanding of Broome's history. The park is also located across from tourist accommodation.
- It is appropriate to locate the plaque with other memorials to help build continuity for tourists and locals of the history of Broome.
- The park has a large expanse of grassed area.
- It has existing infrastructure such as parking.
- There is no hazard posed to pedestrians and vehicles.
- It is assumed fewer tourists visit Bedford Park than Town Beach or Chinatown.

### **Town Beach**

- Located across from Roebuck Bay where the strafing actually took place and the remains of the attack can be viewed at low tide.
- It is assumed the plaque will receive wider exposure to visitors of Town Beach. It is located near the caravan park.
- There is another plaque at Town Beach in memorial to the 76 Dutch Nationals whom lost their lives in an air raid on March 3 1942. It is appropriate to locate the plaque with other memorials to help build historical continuity for tourists and locals.
- It has existing infrastructure such as parking and toilets.
- There is no hazard posed to pedestrians and vehicles.
- It is assumed more tourists visit Town Beach than Bedford Park but fewer tourists than visit Chinatown.

### **Chinatown**

- The Chinatown site was agreed to by the sculptor Ross Bastion and Tony Proctor and the 2003 Council prior to the work going ahead.
- Anecdotally it would seem that more people will see the plaque in Chinatown. Visitors to Chinatown will incidentally view the plaque.
- Parking is often crowded during tourist season and there is less room for pedestrians to manoeuvre when viewing the plaque at this site.
- Chinatown has the higher profile site over Bedford Park and Town Beach with tourism material heavily promoting the area as a tourist attraction.

- The sites in Chinatown pose a potential traffic hazard.

The stone has been delivered to Kullarri Pre-cast by Kimberley Quarries. As the plaque is arriving in Broome this week it is critical that Council make a decision to enable an invitation to be extended to a VIP to unveil the plaque and the planning of an associated function scheduled for September.

## **CONSULTATION**

Mr Ross Bastion  
Mr Tony Proctor  
Allan Ralph  
Lee Cooper  
Ian Bodill

## **STATUTORY ENVIRONMENT**

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

\$4,500 in draft 04/05 budget for consideration

## **STRATEGIC IMPLICATIONS**

Promote community awareness, involvement and civic pride through effective public relations, communication, functions and activities.

## **VOTING REQUIREMENTS**

Simple Majority

### **REPORT RECOMMENDATION**

***That Council support:***

- (a) *The Strafing of Broome plaque and stone be located at Town Beach with exact location at Town Beach to be determined by Manager of Engineering Services.***
- (b) *That the \$4500 in draft budget be utilised for plaque insertion, delivery of stone, the unveiling ceremony and function.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachments: 8 pages](#)

**9.1.7 CENTENARY OF LOCAL GOVERNMENT**

<b>LOCATION/ADDRESS:</b>	Shire Administration Grounds
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ADM.01
<b>AUTHOR:</b>	Community Relations Officer
<b>CONTRIBUTOR/S:</b>	Centenary Working Group
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	21 July 2004

**SUMMARY:** To obtain delegated authority for the CEO to provide and appoint a project officer and in addition seek funding from Government and the private sector for the Shire's Centenary Celebrations with guidance from the Centenary Working Group.

**BACKGROUND**

Council previously endorsed a celebration of local government for Broome in 2004 and nominated a Centenary Working Group to determine suitable events/activities.

Following research by the Department of Local Government and the Western Australia Local Government Gazette an exact date was unable to be determined, however it was suggested by the Department of Local Government, in the previous item to Council, for Centenary Celebrations be held in the latter part of 2004.

The Working Group consisting of Cr Vinnicombe, Cr Campbell, Cr Griffiths, Freeman of the Municipality, Kim Male, CEO and the Community Relations Officer met on 20 July 2004. Cr Wevers was also invited to participate in the meeting.

Following the Working Group Meeting, the Community Relations Officer had discussions with Ms Val Burton of the Broome Historical Society Museum to determine a Centenary date. The Museum has documentation from the Dampier Despatch that:

9 July 1904 - Ratepayers petition for Municipality.

20 August 1904 - The petition for granting of a municipality to Broome has been found to be in order and allowed by the Governor in Council.

10 September 1904 - CN Murphy has been asked by a Deputation to submit himself for election as mayor in the forthcoming municipality of Broome.

24 September 1904 - Announced that Roads Board - Municipality for Broome will be proclaimed on 28 September 1904 with new Roll and election.

28 September 1904 - Municipality for Broome proclaimed and listed in the Government Gazette of 30 September 1904.

22 November 1904 - Election Day

The Broome Municipal District subsequently became the Broome Road District in 1918 and then the Shire of Broome in 1961.

\$5000 has been allocated in the draft budget for the celebration.

## **COMMENT**

The Working Group agreed that celebration objectives should focus on educating the community on the Shire and Council's role in Broome over the past 100 years and to educate and attract interest in the current Shire and Council. It was also agreed that the celebrations should appeal and benefit the community as a whole.

The Working Group agreed an appropriate celebration would be to develop a program documenting the history of Local Government in Broome and for this to be made available in DVD/multimedia format to the community.

It was also agreed that the Working Group consider expanding this idea to include:

1. A public launch of the commencement of work on the DVD;
2. To hold two open days at the Shire and conduct tours. One tour for school children (Friday), the other for the general public (Saturday); and
3. To produce a historical/pictorial display for the Shire's reception area.

It was noted that it would be necessary to employ a project officer to co-ordinate the documentary, related displays and celebrations. The Working Group was also of the opinion that sponsorship should be sought from Government and the private sector to assist with costs.

Information to Council on the progress of the project will be provided through the Information Bulletin.

## **CONSULTATION**

The Centenary Working Group has met. Discussions have been held with the Department of Local Government and Regional Development and the Broome Historical Society to determine dates.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

\$5,000 has been allocated in the draft budget. It is likely that a project of this size would need further financial assistance however the Centenary Working Group has suggested sponsorship could be sought.

## **STRATEGIC IMPLICATIONS**

The Shire of Broome Strategic Action Plan 2003-2008 Leadership and Governance Goal Area Strategy 1.1 seeks to "promote community awareness, involvement and civic pride through effective public relations, communications, functions and activities", through the identification of new opportunities to promote Council's activities.

**VOTING REQUIREMENTS**

- a. Absolute Majority
- b. Simple Majority

**REPORT RECOMMENDATION**

- a. *That Council provide delegated authority for the CEO to decide upon a Centenary date in 2004, to plan Centenary Celebrations and to pursue sponsorship with guidance from the Centenary Working Group.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

- b. *That Council provides and appoints a project officer to co-ordinate all aspects of the Centenary Celebration.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

## 9.2

# UNIQUE HERITAGE AND ENVIRONMENT



### OUTCOME

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

**9.2.1 PROPOSED DEDICATION OF BROOME LOTS 3099, 3100, 3101 AND 3094 AS A ROAD**

<b>LOCATION/ADDRESS:</b>	Broome Lot 3099, 3100, 3101 AND 3094, Cnr Broome Highway deviation
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	PLA 03
<b>AUTHOR:</b>	Manager Planning Services
<b>CONTRIBUTORS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 June 2004

**SUMMARY:** Correspondence has been received from DOLA requesting formal Council resolution for the dedication of Broome lots 3099, 3100, 3101 AND 3094 as a Road.

This report recommends that Council seek formal dedication of Broome lots 3099, 3100, 3101 and 3094 as a Road.

**BACKGROUND**

In August 2000 the Shire of Broome requested that the subject lots be dedicated as a road. In April 2003 correspondence was received advising that this had occurred.

Correspondence (attached) has been received from DOLA indicating that there has been an administrative error and requesting formal Council resolution for the dedication of dedication of Broome lots 3099, 3100, 3101 and 3094 as a Road.

**COMMENT**

As part of the privatisation of the airport and the structure planning for the balance of the airport land for the residential development of Roebuck Estate a local structure plan (LSP) was prepared and adopted. Part of the rationalisation of the airport landholdings results in land being swapped and a road network being established based on the premise of the airport being relocated. The proposed road network involved:

- Gubinge Road being constructed.
- Construction of a north-south road to link Gubinge Road with Fredrick Street.
- Construction of an east-west road to link Chinatown with Gubinge Road.
- The realignment of Broome Highway to separate one mile aboriginal community from Roebuck Estate and provide direct linkages for the community to Roebuck Bay.

The long-term road network forms part of the adopted LSP and Broome Lot 3099, 3100, 3101 and 3094 are the realignment of Broome Highway around the One Mile Aboriginal community.

As such it is recommended that Council formally resolve to dedicate Broome lots 3099, 3100, 3101 and 3094 as a Road.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Land Administration Act.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The dedication of this road is paramount in terms of the overall road network for Broome in the long term.

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

*That Council request DOLA to undertake the appropriate procedures to dedicate Broome lots 3099, 3100, 3101 and 3094 as a Road.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 2 pages](#)

## 9.2.2 APPLICATION FOR PLANNING APPROVAL - PROPOSED SIGNAGE - PYLON SIGN - SHINJU MOTORS- LOT 1 NO. 101 GUY STREET BROOME 6725

<b>LOCATION/ADDRESS:</b>	Lot 1 No. 101 Guy Street Broome 6725
<b>APPLICANT:</b>	Caltex Aust Petroleum
<b>FILE:</b>	GUY-1/108
<b>AUTHOR:</b>	Compliance Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 July 2004

**SUMMARY:** An application for planning approval has been received for a pylon sign of 6 metres in height with a surface area of 7.7 square metres - shinju motors on Lot 1 No. 101 Guy Street Broome 6725.

The application is referred to Council for consideration as the surface area exceeds the area specified within the Local Law Relating to Signage.

This report recommends that Council exercise its discretion and approve the pylon sign.

### BACKGROUND

Application for Planning Approval No. 2004/127 has been received from Caltex Australia Petroleum Pty Ltd for consideration of an internally illuminated pylon sign at lot 1, No. 101 Guy Street.

A previous application for the same sign was considered at the 15 June 2004 Ordinary meeting of Council and the application was refused due to the height of the sign being too high, the surface area of the sign being too large and the fact that the approval may lead to proliferation of signage, which would detract from the visual amenity of the area.

### COMMENT

The current application proposes that the height of the internally illuminated pylon sign be 6 metres, which conforms with the Local Law Relating to Signage. This is a reduction of 2 metres on the previous application.

The surface area proposed does exceed the area specified within the Local Law Relating to Signage and is proposed to be 7.7 square metres versus the 4 square metres permitted under the Local Law.

A submission within the application (attached) requests that Council exercise its discretion and approve the sign with a surface area of 7.7 square metres as it will allow Caltex to complete its Company image on the site. Discretion is also sought on the ground that a precedent is already set by the following signs:

1. BP Reid Road, corner of Reid Road and Dakas Street.
2. Broome Boulevard, 106 Frederick Street.
3. Palm Court Arcade, 16 Frederick Street (Broome Fish and Chips).
4. Broome Vet, 158 Frederick Street.
5. Broome Corner Shop, corner of Murray Road and Cable Beach Road.
6. Mangrove Hotel, corner of Hass Street and Hamersley Street.
7. Paspaley Plaza, Short Street.

The Pylon Sign proposed is advertising 5 separate facets of the operation of the complex, which has become Shinju Motors. Under section 5.12.3 of the Local Law Relating to Signage the Council can exercise its discretion to approve the pylon sign in its proposed form.

As the precedent has already been set and the applicant is willing to reduce the size of the pylon sign to conform with the Local Law Relating to Signage this report recommends approval of the application.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Shire of Broomes' Local Law Relating to Signs, Hoardings and Bill Posting

### 5.12 Pylon Signs

#### 5.12.1 A pylon sign shall:

- a) not have any part thereof less than 2.75 m or more than 6 m above the level of the ground immediately below it;
- b) not exceed 2.6 m measured in any direction across the face of the sign or have a greater superficial area than 4 square metres;
- c) not project over any adjacent street;
- d) be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size, strength and construction to support the sign and to comply with the Wind Loading Code AS 1170.2;
- e) where supported by two or more piers or columns, the space between the piers or columns not be wholly or partly filled in with any material below 2.75 m above ground level;
- f) not be within 2 m of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right of way, in which case the Council may authorise the erection of a sign at a lesser distance than 2m;
- g) not have any part thereof less than 6 m from any part of another sign erected on the same lot.

#### 5.12.2 Where more than one pylon sign is proposed to be erected on a lot on which unit factories or small shops are erected, or are to be erected, Council may require all the pylon signs to be incorporated into one sign in which event:

- a) initial approval shall be given to the pylon sign framework together with one or more sign infills;
- b) an application is to be submitted and approval given for each additional infill;
- c) all infills are to be an equal size and space is to be provided to the sign for one infill for each shop or unit on the lot;
- d) the total area of the infill signs specified under sub By-law 5.12.1 (b) may be increased by up to a maximum of 10 square metres.

5.12.3 Notwithstanding the provisions of sub By-law 5.12.1 and 5.12.2, approval for the erection of a pylon sign that does not meet the requirements of these By- laws may only be granted by the resolution of the Council.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Shire of Broomes' Local Law Relating to Signs, Hoardings and Bill Posting

#### **VOTING REQUIREMENTS**

Simple Majority

#### **REPORT RECOMMENDATION**

- A** *That the application for Planning Approval dated 30/06/2004 (2004/127) made by Caltex Aust Petroleum for a proposed pylon sign - shinju motors on Lot 1 No. 101 Guy Street Broome 6725 be APPROVED subject to the following conditions:*
- 1. Corrosion protection for steelwork to be in accordance with Table 3.4.4.2 of the B.C.A Classification "Severe".*
  - 2. The sign is to be constructed in accordance with the plans dated 30 June 2004 and be no more than 6 metres in height.*
  - 3. Every sign shall be kept clean and free from unsightly material and shall be maintained by the licensee or owner in good order and free of dilapidation.*
  - 4. Illuminated signs shall not have a light of such intensity as to cause annoyance to the public or be a traffic hazard.*
  - 5. An illuminated sign, decorative awnings and the like shall not emit a flashing light.*
  - 6. The sign shall be positioned wholly within the lot boundary.*
  - 7. This Licence shall remain valid unless any alteration is proposed to be made to the sign/structure, then in such event the Licensee must apply for a new licence.*
  - 8. All construction to be performed in accordance with Structural Engineer's drawings.*
  - 9. Any amendments to the approved plans must be authorised in writing by the Manager Planning Services.*

Moved:

Seconded:

FOR:  
AGAINST:

[Attachment: 3 pages](#)

### 9.2.3 TOWN PLANNING SCHEME NO.4 PROPOSED AMENDMENT 21- SKUTHORPE RURAL AGRICULTURAL ZONE

<b>LOCATION/ADDRESS:</b>	Skuthorpe Rural Agricultural Zone
<b>APPLICANT:</b>	Landvision
<b>FILE:</b>	TPS4/21
<b>AUTHOR:</b>	Planning Officer 1
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	NIL
<b>DATE OF REPORT:</b>	2 July 2004

**SUMMARY:** The Skuthorpe Rural Agriculture Zone is a horticultural area along Broome Road approximately 25 km north-east of Broome town site. Since the release and development of the existing lots in 1991 there has been a growing interest in the release of new land to increase the productive area available to existing lots and the creation of new lots.

The purpose of this Scheme Amendment is to enable the development of additional freehold lots with direct frontage to Broome Road and identify land to be made available to be leased and developed for horticulture. The leasehold allotments are to only be available to the owners of the adjacent freehold lots to provide for the sustainable expansion of existing and future operations. This will improve viability while providing sufficient land area to allow for crop rotation leaving portion of the land to be rested between crops.

#### BACKGROUND

In 1991 the Department of Land Administration (DOLA) released 8 lots of approximately 15ha for "Commercial Tropical Agriculture/Horticulture" under Section 116 of the Land Act 1933. The area was excised from Roebuck Plains Station (Dampier Location 270).

Access to each of these lots is from Broome Road. None of the lots are serviced by power, water or sewerage.

The original land release of the eight lots (Lots 280 – 287) allowed for conditional leases which could be converted to freehold provided that:

- A minimum area of 5 hectares had been cultivated and adequately irrigated to grow marketable crops of fruit and/or vegetables; and
- That the boundaries of the land have been fenced (stock-proof).

Under the Shire of Broome Town Planning Scheme No.4 this land was zoned Rural Agriculture. The aim of the zone is to provide for the sustainable use of land for animal husbandry, crops, horticulture and to protect the long term productive capacity of agricultural land from incompatible uses (including subdivision).

This Scheme Amendment has been necessitated to alleviate the shortage of agricultural land within this locality. It enables the development of additional Rural Agricultural land with direct frontage to Broome Road and identifies land to be made available to be leased and developed for Rural Agricultural activities. The leasehold allotments are to only be available to the owners of the adjacent freehold lots. This will improve viability while

providing sufficient land area to allow for crop rotation leaving portion of the land to be rested between crops.

## **COMMENT**

The leasehold lots subject to this Amendment have been facilitated with the State and the Rubibi Aboriginal Land, Heritage and Development Pty Ltd (Rubibi). The agreement enables the State to compulsorily acquire the leasehold land including native title rights and interests. Subject to Rubibi resolving the native title issues and allowing this acquisition an agreement was entered between the Shire and Rubibi. The agreement was subject to a number of implications being incorporated into lease agreements and the Shire of Broome Town Planning Scheme No.4 (TPS No.4), which has been addressed below.

Given the agreements reached, Council is advised the lease agreements and requirements of TPS No.4 are not subject to review or alteration.

### **Shire of Broome Town Planning Scheme No.4**

#### Clause 4.22.3.6

Currently under Clause 4.22.3.6 for Skuthorpe, TPS No.4 of states the following:

*"The Council shall not recommend or support subdivision in the Skuthorpe Precinct unless the subject land is included in an approved Limited Rural Strategy which considers the availability of ground water supply and the associated viability of minimum lot size for agricultural use."*

Due to the nature of the proposal (i.e. consolidation of an existing area rather than creating a new area in a different location) and the proposed release of land as leases extending existing allotments neither the Shire of Broome nor the Department for Planning and Infrastructure consider that a Limited Rural Strategy must support the proposal.

As the availability of groundwater would be based upon advice from the Department of Environment and the proposed allocation of water for irrigation of horticulture is subject to licensing by the Water Corporation, other services will be provided by the lessee, and no settlement issues will occur with the restrictions on dwellings then a limited rural strategy would have no issues to address and is therefore not required, i.e. Dwellings will only be permitted on the freehold lots which have direct frontage and access onto Broome Road, as discussed below.

Accordingly the amendment will reword Clause 4.22.3.6 to read as follows:

*"All development must be consistent with the provisions of Clause 6.1.11-Skuthorpe Rural Agricultural Zone."*

It is noted that Clause 6.1.11 refers to a Special Control Area. The implications of this are further discussed in detail.

#### Zoning

The majority of the subject site is covered by Town Planning Scheme No. 4 (TPS No.4), with the balance of the area being outside the Scheme. The balance land will be controlled through an Interim Development Order.

The subject site to be included in TPS No.4 will be zoned Rural Agriculture. Based on the aim of the Rural Agriculture Zoning any freehold lots created through this rezoning and

subdivision, a single dwelling will be permitted. However, the resolution of the amendment clearly states that in Skuthorpe Rural Agriculture Zone a single dwelling is only permitted on freehold land. The Amendment further defines that the conditions to be attached to the proposed leasehold land are not a permitted uses (refer section addressing Special Control Area).

In addition, the Zoning Table will have a reference under "Rural Agriculture" zone back to the relevant provision (Reviewed Clause 4.22.3.6 of TPS No.4) in respect to the controls on properties in Skuthorpe.

Based on this Council will not be able to approve a dwelling on leasehold lots and as the Scheme will give no discretion to approve a dwelling there will be no opportunity for an applicant to appeal against the refusal.

Currently the land surrounding the Rural Agriculture zone is identified in TPS No. 4 as being "Reserved for Public Purposes- Water Supply". However, this is incorrect and should show the land as General Rural, as it is part of the Roebuck Plains Station. The proposed rezoning will only be amending the portion of the area that will be utilised for the horticultural development and the potential extension to that land.

### Zoning Table

Not all land uses currently permitted or possible in the Rural Agriculture zone will be appropriate on the new leasehold properties but would be possible on the freehold lots. Accordingly this amendment proposes to make the necessary amendments to make reference in the Zoning Table to the special provisions by including a new footnote on the Table referring to Skuthorpe Rural Agriculture Zone.

### **Interim Development Order**

As discussed, a portion of the land subject to this amendment is not covered by Town Planning Scheme No.4. Areas not within the Scheme Boundary are currently subject to land use and development controls as determined by Council under the current Interim Development Order.

In this instance Council will determine land use and development for the extension to Skuthorpe Rural Agriculture Zone covered by the Interim Development Order as if it were covered by Town Planning Scheme No. 4 and zoned in accordance with the adjacent Rural Agriculture Zone lots, the Environmental Cultural Corridor and Special Control Area - Skuthorpe Rural Agriculture Zone.

### **Ground Water Licensing**

The provision of additional bores within the amendment area are required to be licensed by the Water Corporation. The source of which is within a recharge area north of the subject land within areas designated for pastoral activity and Aboriginal Purposes.

### **Aboriginal Involvement**

Given the proposed leasehold land is subject to native title issues the applicant has assessed Aboriginal cultural and heritage interests. The main aim of this assessment was to determine areas that should be protected and conserved and which would be suitable from an Aboriginal perspective, for release for horticultural activities.

The Rubibi Working Group examined a draft subdivision guide plan and an aerial photograph of the subject area around the existing horticultural lots, to identify areas that should be set aside as cultural and environmental corridors. Members had previously visited the site to identify areas of concern. The group also discussed land management and land use considerations that would need to be addressed to assist in preserving and protecting the overall environment, while allowing horticulture to be practiced.

Based on the outcomes of these meetings a final subdivision guide plan was agreed to in accordance with sustainable land release subject to the following:

- Aboriginal Cultural Heritage and Nature Conservation Corridors (Environmental Cultural Corridor Reserve - ECC) will be retained to preserve representative and significant vegetation and native fauna. The ECC would also reduce wind erosion and provide drainage run off areas and wildlife corridors and significant cultural areas.
- The ECC should be reserved for Aboriginal Heritage and Culture and Nature Conservation. The Rubibi Working Group's preferred position at that time was that the Reserve be vested in the TO's but that management would require further consideration and discussion. Options included management by Rubibi if resources were available, and CALM or the Shire of Broome. A further option may be to jointly manage the area between the TO's and the landowners.

The only requirements will be fencing, fire management, access and provision of farm management tracks linking properties through the cultural corridors. Generally the remnant vegetation will require no management if the fire breaks are maintained.

- Management of the Environmental Cultural Corridor Reserve can be determined to the satisfaction of the Shire of Broome.
- The lot owners would be required to fence the properties as a condition of development. This would in effect achieve the fencing of the ECC's.
- The lot sizes are indicative only and Rubibi did not have concerns about minor modification to areas for horticulture. Some minor changes to the northern boundary to increase areas if necessary could be agreed subject to sighting the changed plans but at this time no increases are proposed and any expansion would require rezoning.
- The shelter and nature belts contained within the properties should be required and protected as a lease or land release condition. These areas would be retained from the existing vegetation and should only be replanted, if required, with local species. The areas will be a significant factor in improved land management particularly reducing the impact of easterly winds and dust, which has had an adverse effect on the existing horticulture.
- The lots should be released subject to performance criteria to ensure the land is utilised for horticulture, not speculation or rural-residential purposes. Performance criteria and management conditions should also ensure topsoil is not eroded by wind or water.
- Land owners should be encouraged to retain large trees within developed areas.
- In valuing the lots, concessions should be made to acknowledge the non-productive nature of the shelter belts to encourage land owner support for these areas.
- The buffer to the highway within the road reserve and adjacent to the reserve should be retained as natural vegetation and only access clearing permitted.

- The lots immediately adjacent to the highway would be freehold and the balance attached to the freehold lots would be leasehold releases.
- Firebreaks should be provided inside the private lots and not generally within the cultural corridor although there should be sufficient room between the fence and vegetation to implement fire management (eg. 3.0 metre firebreak) in cultural corridors and shelter belts, standard requirements on other boundaries.

These matters will be addressed as special management provisions and will be included as conditions of the lease of the subject land. They will not form any part of the Shire of Broome TPS No.4.

### **Native Title**

Resultant of the agreement for the planned expansion of Skuthorpe Rural Agriculture Zone, the Rubibi Aboriginal Land, Heritage and Development Pty Ltd (Rubibi) subsequently signed an agreement for the State to compulsorily acquire the subject land including all native title rights and interests.

The agreement was subject to compliance with conditions set out in the Agreement and these negotiations have been successfully concluded to ensure that the relevant conditions should be incorporated where appropriate into the Town Planning Scheme to:

- manage the different controls between the freehold and leasehold land within the one zone;
- allow existing landowners to be aware of the land use controls and management responsibilities when examining the Scheme for relevant provisions;
- allow prospective purchasers to be aware of the Scheme provisions;
- place Council in its proper role as the authority responsible for development approval;
- require any future changes to leasehold conditions to be subject to normal planning procedures including public consultation; and
- so lease conditions cannot be varied without the involvement of Council, the Traditional Owners, and relevant Government departments.

Where applicable these requirements will be implemented into TPS No.4 within the Special Control Area (refer below section).

### **Special Control Area**

As discussed the Skuthorpe Rural Agriculture Zone will be included in a Special Control Area to allow Council to control and manage development in a sustainable manner consistent with TPS No. 4. Some provisions that cannot be included in TPS No.4 will be applied as leasing conditions when the land is released.

The conditions to be included in Special Control Area 6.1.11 are as follows:

#### **5.12 Skuthorpe Rural Agricultural Zone**

Objective: To control and manage development within the freehold and leasehold lots, the Environmental Cultural Corridor and the buffer along Broome Road to ensure the sustainable use of the land and water resources for horticulture within the Special Control Area.

- 6.1.11.1 Council may consult with Department of Environment in regard to any proposal, which may affect the sustainable use of the land for horticulture.
- 6.1.11.2 Subdivision creating freehold and leasehold lots in Skuthorpe Rural Agriculture Zone will only be supported by Council when consistent with the Subdivision Guide Plan dated 1 July 2004 and forming part of this Scheme.
- 6.1.11.3 Freehold lots in Skuthorpe zoned Rural Agriculture must comply with the relevant provisions throughout the Scheme.

6.1.11.4 Easements

Agreement to easements across the cultural corridor to occupants of lots created by the subdivision of the Leasehold Sites and the Freehold Sites subject to the easements being constructed and maintained by the leaseholder to the satisfaction of a Council.

- 6.1.11.5 The Shelter Belts shall be retained and maintained by the lessee; and if any replanting becomes necessary, such replanting shall only be done with native flora commonly found in the locality.

The Shelter Belts are areas of the existing vegetation which is retained for the full length of the eastern and western boundaries for the new freehold lots and all leasehold lots. The Shelter Belt is on the inside of the firebreak along the property line and must be a minimum of 10.0 metres in width.

- 6.1.11.6 The leased premises shall be used only for the purpose of horticulture and shall not contain any dwellings for residential purposes.
- 6.1.11.7 The lessee shall construct and maintain fences along the boundaries of the leased premises.
- 6.1.11.8 The lessee shall construct and maintain firebreaks of approximately 3 metres width along the inside and outside boundaries of the leased premises so that the effective firebreak is 6.0 metres wide.
- 6.1.11.9 Maintenance of Buffer Area:

The State shall ensure that:

- a) the Buffer Area along Broome Road is retained and maintained, provided that if any replanting becomes necessary, such replanting is only done with native flora commonly found in the Subject Land; and
- b) the Buffer Area is cleared as necessary to allow access to:
  - i the lots created by the subdivision of the Freehold Sites;
  - ii the Environmental, Cultural Corridor;
  - iii the Traditional Owners Site; and
  - iv the Existing Development

6.1.11.10 Environmental, Cultural Corridor

The intent of this Environmental Cultural Corridor is to preserve the existing vegetation and biodiversity.

#### 6.1.11.11 Services and Access

The lessee or landowner will be responsible for the provision of all services and access off Broome Road to the specifications and satisfaction of Main Roads WA and shall be to a bitumen standard.

### **Subdivision Guide Plan**

To illustrate how the subject site is proposed to be developed, a subdivision guide plan has been attached. The subdivision guide plan reflects the agreements with the Aboriginal stakeholders and illustrates the following:

- Twelve new lots to be freehold lots with frontage to Broome Road and with areas ranging from 14.98 ha and 36.32 ha.
- One lot, proposed Lot 288 with an area of 35.90 ha has been set aside for the Rubibi Aboriginal Charitable Trust.
- A leasehold lot 39.68 ha in area which would be made available to the lessees of Lot 284.
- Freehold extensions to Lots 285 - 287 with a total area of 40.84 ha.
- Proposed leasehold lots ranging in area from 7.06 ha - 72.22 ha.
- An Environmental Cultural Corridor with a total area of 507.39 ha.
- Connecting rights of way shared between two owners to provide access from the freehold to leasehold property.
- A potential expansion area of 476.37 ha.
- A roadside landscape buffer to be reserved totalling approximately 50ha including the existing reserve.
- An inset detailing proposed access corridors.

### **CONSULTATION**

Ongoing with the Department of Land Information who have facilitated the release of this land.

### **STATUTORY ENVIRONMENT**

The Shire of Broome Town Planning Scheme No.4.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Increase viability of horticultural activity.

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**The 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. **Rezoning a portion of Dampier Location 270 Broome Road, Broome from Public Purpose Reserve WS to Rural Agriculture and Environmental Cultural Corridor Reserve.**
2. **Inclusion of the whole of Skuthorpe Rural Agriculture Zone in a Special Control Area.**
3. **Modifying the Scheme Maps and Legend accordingly.**
4. **Adding a new sub-clause to 4.22.3.6 as follows:**
5. **"All development must be consistent with the provisions of clause 6.1.11- Skuthorpe Rural Agricultural Zone."**
6. **Adding a new clause 6.1.11 as follows:**
  - 6.1.11 **Skuthorpe Rural Agricultural Zone**  
Objective: To control and manage development within the freehold and leasehold lots, the Environmental Cultural Corridor and the buffer along Broome Road to ensure the sustainable use of the land and water resources for horticulture within the Special Control Area.
    - 6.1.11.1 Council may consult with Department of Environment in regard to any proposal, which may affect the sustainable use of the land for horticulture.
      - c) Subdivision creating freehold and leasehold lots in Skuthorpe Rural Agriculture Zone will only be supported by Council when consistent with the Subdivision Guide Plan dated 1 July 2004 and forming part of this Scheme.
      - d) Freehold lots in Skuthorpe zoned Rural Agriculture must comply with the relevant provisions throughout the Scheme
    - 6.1.11.4 Easements  
Agreement to easements across the cultural corridor to occupants of lots created by the subdivision of the Leasehold Sites and the Freehold Sites subject to the easements being constructed and maintained by the leaseholder to the satisfaction of a Council.
    - 6.1.11.5 The Shelter Belts shall be retained and maintained by the lessee; and if any replanting becomes necessary, such replanting shall only be done with native flora commonly found in the locality.  
  
The Shelter Belts are areas of the existing vegetation, which is retained for the full length of the eastern and western boundaries for the new freehold lots and all leasehold lots. The Shelter Belt is on the inside of the firebreak along the property line and must be a minimum of 10.0 metres in width.

**6.1.11.6** *The leased premises shall be used only for the purpose of horticulture and shall not contain any dwellings for residential purposes.*

**6.1.11.7** *The lessee shall construct and maintain fences along the boundaries of the leased premises*

**6.1.11.8** *The lessee shall construct and maintain firebreaks of approximately 3 metres width along the inside and outside boundaries of the leased premises so that the effective firebreak is 6.0 metres wide.*

**6.1.11.9** *Maintenance of Buffer Area*

*The State shall ensure that:*

- a) the Buffer Area along Broome Road is retained and maintained, provided that if any replanting becomes necessary, such replanting is only done with native flora commonly found in the Subject Land; and*
- b) the Buffer Area is cleared as necessary to allow access to:
 
  - (i) the lots created by the subdivision of the Freehold Sites;*
  - (ii) the Environmental, Cultural Corridor;*
  - (iii) the Traditional Owners Site; and*
  - (iv) the Existing Development**

**6.1.11.10** *Environmental, Cultural Corridor*

*The intent of this Environmental Cultural Corridor is to preserve the existing vegetation and biodiversity.*

**6.1.11.11** *Services and Access*

*The lessee or landowner will be responsible for the provision of all services and access off Broome Road to the specifications and satisfaction of Main Roads WA and shall be to a bitumen standard.*

**6.** *Modifying the Zoning Table to show the following*

<b>Use Classes</b>	<b>Agriculture Zone</b>
<b>Animal Keeping</b>	<b>11.D</b>
<b>Aquaculture</b>	<b>11.P</b>
<b>Art and Craft Centre</b>	<b>11.D</b>
<b>Bed and Breakfast</b>	<b>11.D</b>
<b>Community Living</b>	<b>4. &amp; 11.S</b>
<b>Communications Antennae</b>	<b>11.P</b>
<b>Education Centre</b>	<b>11.D</b>
<b>Home Business</b>	<b>11.D</b>
<b>Home Occupation</b>	<b>11.D</b>
<b>Industry - General</b>	<b>11.D</b>
<b>Industry - Rural</b>	<b>11.P</b>
<b>Plant Nursery</b>	<b>11.P</b>
<b>Poultry Farm</b>	<b>11.D</b>
<b>Public Utility</b>	<b>11.P</b>
<b>Single House</b>	<b>11.P</b>
<b>Zoological Gardens</b>	<b>11.D</b>

**7. Amending the zoning table to include a new footnote as follows:**

**11. Refer Clause 4.22.3.6 and 6.1.11 Skuthorpe Rural Agriculture Zone.**

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 2 pages](#)

**9.2.4 PROPOSED ROAD CLOSURES AT GANTHEAUME POINT**

<b>LOCATION/ADDRESS:</b>	Gantheaume Point
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	PLA 15 & PLA 48
<b>AUTHOR:</b>	Manager Planning Services
<b>CONTRIBUTORS:</b>	Manager Engineering Services
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	13 July 2004

**SUMMARY:** The cadastral plans for town planning scheme No.4 and the tax maps both show a subdivision layout with gazetted roads off Kavite Road at Gantheaume Point.

A search of the history on the creation of this subdivision has revealed that there is no intention to proceed with the release of the lots and hence there is an anomaly on the plans, which need to be removed.

In order to delete the subdivision layout from the cadastral plans Council is required to initiate the road closures and complete the process.

**BACKGROUND**

As Councillors maybe aware it has been a long standing issue that the tax maps and town planning scheme zoning maps illustrate a subdivision layout off Kavite Road at Gantheaume Point (refer to attached location plans)

This anomaly has created much debate and concern in the community as a whole as it is located in the middle of an 'Environmental Cultural Corridor'.

At the steering committee meeting of the Broome Local Planning Strategy and Future Direction Plan held on the 28 may 2004, the matter was considered and the following recommendation was carried:

*"That the Steering Committee requests the Shire of Broome to take all action necessary to remove the roads within the lots south of Gantheaume Point and remove the lots from the cadastre".*

**COMMENT**

DPI Land Asset Management branch have advised that the lots and roads south of Gantheaume Point were created by survey (Original Plan 12445) in 1973 with the survey plan approved in 1978. The approval of the survey plan has dedicated the roads as public roads. Under the current title system for Crown land, it is not possible to completely remove the lots. Rather, one large lot would be created covering this area and allocated a new lot number.

Before this can occur, the roads need to be formally closed. As dedicated public roads, formal closure is required under Section 58 of the Land Administration Act. The roads were never constructed and exist on paper only, but were officially named by Council at the time of creation.

The public roads as shown on deposited plan No. 212445 include:

- Welcome Street,
- Frosty street,
- Kelandar Street,
- Neptune street,
- Antina Way,
- Hercules Way,
- Asahi Way,
- Fleetwing Way,
- Onyx Street
- Rosef Way

This requires a formal request by the Shire of Broome following an initial resolution and public advertising by the Shire. DPI Land Asset Management would then prepare the documentation to close the roads and cancel the lots.

Upon lodgement of the documentation at the Dept of Land Information, Planning Registration Branch would cancel the Original Plan and remove the lots and roads from the cadastre so that they no longer appear.

There are two other issues that need to be taken into consideration by Council prior to considering the formal closure as requested, these being: -

- a) Whether Council wishes to defer any agreement pending a complete review of all Native Title issues, as outlined in Agenda Item 9.1.4. An option could be that there may be an opportunity to use the road closure as an offset to gain approvals or get other projects underway.
- b) Some time ago, Rubibi put forward a proposal to close the western position of Kavite Road (from the lighthouse carpark through to this subdivision, adjacent to the Racecourse Reserve), and to open a new road reserve along the eastern boundary of the Racecourse Reserve, linking Kavite Road and Gantheaume Point Road. This proposal would mean the existing western end of Kavite Road would be closed and reinstated. The existing road is mostly not located on the road reserve in any case and in time the receding cliff line will probably encroach onto the road reserve.

If this proposal went ahead, then it would seem logical that Rosef Way would be still required as a road reserve, but probably at 40m wide, not 20m as currently shows on the plan. There is also an existing Telstra service line located on this road reserve, which would be affected by any closure.

Prior to any closure proceeding, it is recommended that the issue be discussed with Rubibi to explore options for the possible realignment of sections of Kavite Road.

## **CONSULTATION**

Nil at this stage – however the proposal will require advertising for public comment and consultation with statutory servicing authorities

## **STATUTORY ENVIRONMENT**

Local Government Act, 1995.

Local Government Functions and General Regulations, 1996.

Land Administration Act, 1997.  
Land Administration Regulation, 1998.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Cost of the road closure which involves advertising

### **STRATEGIC IMPLICATIONS**

Removal of the subdivision for the cadastral will remove the anomaly that exists and eliminate the confusion that having it on the maps creates.

### **VOTING REQUIREMENTS**

Simple Majority

#### **REPORT RECOMMENDATION**

***That any formal road closures of the public roads on a Deposited Plan No: 212445 be deferred by Council pending: -***

- a) The proposed review of the Shire of Broome's roles and responsibilities and detailed status report of Native Title issues in Broome, and***
- b) Discussions with Rubibi in respect of the previous proposal to realign sections of Kavite Road and whether this would affect the closures, as proposed.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 2 pages](#)

**9.2.5 APPLICATION FOR PLANNING APPROVAL - PROPOSED SIGNAGE FOR REAL ESTATE AGENCY - LOT 25 NO. 6 HAMERSLEY STREET BROOME 6725**

<b>LOCATION/ADDRESS:</b>	Lot 25 No. 6 Hamersley Street
<b>APPLICANT:</b>	Natalie Brennan
<b>FILE:</b>	HAM-1/6
<b>AUTHOR:</b>	Compliance Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 July 2004

**SUMMARY:** An application for planning approval has been received for real estate agency signs on Lot 25 No. 6 Hamersley Street Broome 6725.

The application is referred to Council for consideration as the roof sign proposed in the application may only be approved by a resolution of Council.

This report recommends that the application be APPROVED.

**BACKGROUND**

Application for Planning Approval No. 2004/130 has been received from N. Brennan for consideration of an internally illuminated roof sign being 1800mm high x 2360mm wide and 2 wall signs each 1200mm high x 2400mm wide to be erected at Lot 25, No.6 Hamersley Street. (Refer to location plan and site plan attached)

The wall signs are to be erected at the same size and same location as the signs that were previously on the building.

The roof sign is to be erected 4000mm above ground level, stand 1800mm high and is to be internally illuminated. The ridge height above the sign is 6750mm.

**COMMENT**

Under the Shire of Broome Local Law Relating to Signs, Hoardings and Bill Posting section 5.13.1 a roof sign shall only be granted by resolution of the Council.

The roof sign proposed conforms to the criteria set out in the Local Law.

The 2 wall signs proposed conform to the criteria set out in the Local Law.

**CONSULTATION**

The proposal has been referred to Broome International Airport (BIA) for comment, as the site is located within the Obstacle Limitation Surface Area.

BIA has advised that it has no objections to the proposed signs.

**STATUTORY ENVIRONMENT**

The Shire of Broome Local Law Relating to Signs, Hoardings and Bill Posting section:

5.13 Roof Signs

5.13.1 Approval for the erection of a sign on a roof of a building shall only be granted by resolution of the Council and where approval has been so granted, a roof sign shall:

- a) not at any point extend above the ridge line of the roof;
- b) not at any point be within 3 m of the ground;
- c) not extend laterally beyond the external walls of the building;
- d) comply as regards height above ground and height of sign with the following table:

<b>Height of main building above ground level at point where sign is to be fixed</b>	<b>Maximum height of size</b>
3 m and under 4 m	1.0 m
4 m and under 6 m	1.8 m
6 m and under 12 m	2.0 m
12 m and under 18 m	2.5 m
18 m and over	3.0 m

5.13.2 When ascertaining the height of the main building above ground level for the purpose of this By-law, any part of the roof at the point where the sign is to be erected, that is provided solely for the purpose of architectural decoration, shall be disregarded.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**B) That the application for Planning Approval dated 08/07/2004 (2004/130) made by Natalie Brennan for proposed real estate agency signs on Lot 25 No. 6 Hamersley Street Broome 6725 be APPROVED subject to the following conditions:**

- 1. Corrosion protection for steelwork to be in accordance with Table 3.44.2 of the B.C.A., Classification "Severe".**
- 2. Ensure existing purlins are adequate to receive imposed load.**
- 3. Structural Engineers Drawings are to be lodged with the Shire prior to the erection of the signs and all construction is to be performed in accordance with those drawings.**
- 4. The top of the signs does not extend above the ridge of the roof to which it is attached.**
- 5. The roof sign is to be positioned no less than 4000mm above Natural Ground Level.**
- 6. An illuminated sign, decorative awning or the like shall not emit a flashing light.**
- 7. Illuminated signs shall not have a light of such intensity as to cause annoyance to the public or be a traffic hazard.**
- 8. This licence shall remain valid unless an alteration is to be made to the sign/structure, and then in such event the Licensee must apply for a new licence.**
- 9. Every sign shall be kept clean and free from unsightly material and shall be maintained by the licensee or owner in good order and free from dilapidation.**

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 6 pages](#)

### 9.2.6 APPLICATION FOR PLANNING APPROVAL - PROPOSED ANCILLARY ACCOMMODATION - LOT 7 (NO. 13) SAVILLE STREET, BROOME

<b>LOCATION/ADDRESS:</b>	Lot 7 (No. 13) Saville Street, Broome
<b>APPLICANT:</b>	Jennifer Irene & Ronald John Mitchell
<b>FILE:</b>	SAV-1/13
<b>AUTHOR:</b>	Planning Officer 1
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	6 July 2004

**SUMMARY:** An application for planning approval has been received for ancillary accommodation existing on Lot 7 (No. 13) Saville Street, Broome.

The application is referred to Council for consideration as the application does not comply with the Broome Housing Strategy, Residential Design Code Requirements and Engineering Construction Standards for Planning Applications Policy 3.1.4.

The report recommends REFUSAL.

#### BACKGROUND

The site subject to this application currently contains a two storey residential dwelling and a rear garage/shed (refer attached location plan). On the 5 April 2004, on behalf of the owners, *Maya Designs Broome* submitted a request for a Notice of Compliance to be issued for the rear shed. This was requested as the garage/outbuilding was/is occupied by tenants and was renovated to allow for separate accommodation. In searching the Shire's records there are no records of the renovations to the garage/outbuilding being approved or ancillary accommodation approval granted.

On the 7 April 2004 the Shire responded to the applicant and advised that a specific Notice of Compliance is not available. The Shire also advised that in the absence of any record of an existing approval, the only process for 'legalising' the garage/outbuilding for separate accommodation is to lodge a planning application under the Residential Design Codes (R Codes). In this correspondence the Shire provided a number of preliminary observations to be of assistance in the lodgement of the development application. It was stressed that these were preliminary observations only and the detailed assessment of any planning application would establish all the specific site requirements. The preliminary observations listed were as follows:

- Ancillary accommodation is intended for family members or occupiers of the main dwelling.
- There is a maximum plot ratio area of 60m<sup>2</sup>.
- The rear setback is 6.0 metres.
- Residential accommodation requires the finished floor level to be a minimum of 400mm above natural ground level.

Based on this advice the applicant lodged a planning application with the Shire on the 20 April 2004 to obtain approval for the proposed ancillary accommodation.

## COMMENT

This application has been assessed against the R Codes, the Broome Housing Strategy and Engineering Construction Standards for Planning Applications Policy 3.1.4. Based on the assessment of the application, it has been determined that a number of requirements have not been adequately addressed. The items that have not been covered, which has resulted in a refusal being recommended for this application are addressed below.

### Non Compliance

In accordance with the Clause 4.1.1 A1 i for Ancillary Accommodation, the R Codes define ancillary accommodation as:

*“the sole occupant or occupants are members of the family of the occupiers of the main dwelling”*

In assessing the application it was established that the proposed ancillary accommodation was/is being inhabited by persons who were not members of the family of the occupiers of the main dwelling. It was further established that the proposed ancillary accommodation is leased out.

Based on this, the use of the building cannot be classified as Ancillary Accommodation.

It is acknowledged however, that the applicant may intent to comply with an approval for Ancillary Accommodation and if the application was approved then the actual occupation of the building would become a compliance issue.

It is further noted that renting a garage/outbuilding for human inhabitation is breaching the R Codes, as an outbuilding is defined as a non-habitable structure.

### Application Requirements

Clause 2.4.5 of the R Codes require all development applications to provide a minimum standard of information to facilitate assessment. In assessing the development application the existing levels to an established datum, including contours at maximum intervals of 0.5m and spot levels at all boundaries at intervals not greater than 5m have not been shown.

In accordance with Council's resolution on the 16 December 2003, all development applications are required to meet the criteria listed in Clause 2.4.5. Based on this Council is advised that as the application has not provided the minimum information Council is technically not empowered to consider approving it.

Council is advised that a facsimile was sent to the applicant on the 18 May 2004 requesting the above-mentioned information being provided. Further telephone discussions with the applicant discussed the need for this information being provided. To date this information has not been received by the Shire.

### Setbacks

#### *Broome Housing Strategy*

The Broome Housing Strategy requires that setbacks from side boundaries are to be 3 metres. The proposed application provides a side setback to the western boundary of 1.7

metres, which is not in accordance with the Strategy. Council is advised that no justification has been provided for a reduction to this setback.

### *R Codes*

With respect to setbacks in relation to the access way, the R Codes require the following to be addressed:

- Clause 3.5.4 A4.3 requires a driveway to be no closer than 0.5m from the side boundary;
- Clause 3.5.5, A5.3 requires Communal Access ways to be no closer than 3m to a wall (i.e. existing building) with a major opening unless screened;
- Clause 3.5.4 A4.2 requires driveways to be a minimum width of 3 metres.

Given the driveway accessing the proposed ancillary accommodation is adjacent to a building with a major opening and is only 3.7m wide, the requirements of the R Codes as listed above have not been and cannot be met. The reason being that the provision of a 3m wide driveway plus a 0.5m setback from the side boundary will only leave 0.2m. As a 3m setback is not feasible it will be necessary to provide screening to the major openings. The provision of screens within the balance 0.2m is not possible, as the major openings have shutters that open outwards, and their operation will be restricted by the required screens.

The R Code setback requirements for the proposed ancillary accommodation require a 6 metre setback from the rear boundary. The setback provided is 5.7m and is not in accordance with the requirements.

Based on this, the requirements of the R Codes for screening and rear setbacks have not been met and no performance based justification has been lodged. Given this Council cannot consider approving the application.

### Plot Ratio

Clause 4.1.1 A1 iv states that the maximum plot ratio of area for Ancillary accommodation is 60m<sup>2</sup>. The total floor area of the proposed ancillary accommodation is 72m<sup>2</sup>, which exceeds the plot ratio requirements of the R Codes. Again, no performance based justification has been provided and accordingly Council cannot consider approving the application.

### Finished Floor Level

The Engineering Construction Standards for Residential Dwellings Policy requires residential development to be 400mm above natural ground level. Where it can be demonstrated that flooding to the building will not occur due to the slope of the lot and a local drainage system has been provided for, the floor height can be reduced to a minimum of 200mm.

To establish sufficient drainage flows and to ensure the proposed ancillary accommodation will not be flooded during heavy rains, spot levels are required to be shown on the site plan.

The proposed ancillary accommodation has not been constructed 400mm above natural ground level and the application plan does not include the necessary spot levels to ensure drainage can be adequately addressed.

### Existing Residential Dwelling

In carrying out the assessment of this application a site inspection and review of the files for the subject lot was undertaken. In reviewing Council's building licence files it was established that the existing residential dwelling was approved as an elevated house in 1972. While the living area was approved as being elevated, a laundry, shower and water closet was approved underneath a small portion of the dwelling. It is noted the dwelling has not been constructed in accordance with the plans approved by the Shire. The lower portion of the dwelling was approved for a laundry, shower and water closet only. It is understood this has been fully enclosed with an additional 3 unapproved bedrooms and living facilities.

The Shire has further established that the residential dwelling is being advertised to be leased, with the approved elevated portion of the building being leased as a separate three bedroom, one bathroom dwelling to the illegally constructed understorey, which has not been approved for human habitation. The illegally constructed understorey is being leased as a separate three bedroom one bathroom dwelling. Given this, in accordance with the R Codes the site is technically defined as a multiple dwelling, i.e. a dwelling in a group of more than one dwelling on any lot where any part of a dwelling is vertically above the other.

With respect to this Council is advised of the following:

#### *Building Codes of Australia*

Part C of the Building Codes of Australia requires fire resistance floors being constructed between multiple dwellings. There are no records on any of Council's files to indicate a fire resistance floor was incorporated in the construction of this dwelling.

Part F of the Building Codes of Australia requires sound insulation between floors of multiple dwellings. There are no records on any of Council's files to indicate sound insulation was incorporated in the construction of the dwelling.

Under the Building Codes of Australia the change in use from a residential dwelling (classified as Class 1a) to a multiple dwelling (classified as 2) requires a building licence application to be submitted. Any lodgement of a building licence application would be required to show full compliance with the Building Codes of Australia, i.e. Part C and F as listed above. The Shire has no records of any building licence application's being submitted, which is in breach of the Building Codes of Australia.

#### *Town Planning Scheme No.4/ Residential Design Codes*

The subject site is zoned Residential R10 under the Shire of Broome Town Planning Scheme No.4. Under this density coding the use of the site as a multiple dwelling is not permitted as the density coding allows for one dwelling only, rather than the three dwellings the site is currently being used/advertised for.

Any extension of the building or change of use would require a review of requirements under the R Codes. Even if the dwelling was permitted in accordance with the density coding of the R Codes, it has not addressed issues such as private open space provision, parking and numerous other requirements.

### **CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Shire of Broome Town Planning Scheme No.4.  
Residential Design Codes of Western Australia.  
Building Codes of Australia 2004.

**POLICY IMPLICATIONS**

Shire of Broome Housing Strategy.  
Engineering Construction Standards for Planning Applications Policy 3.1.4.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Consideration of the development would necessitate an amendment to TPS No.4 to increase the residential density of the site, which would set a precedent for the locality.

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

- A) That the application for Planning Approval dated 20/04/2004 (2004/80) made by Jennifer Irene & Ronald John Mitchell for proposed ancillary accommodation on Lot 7 (No. 13) Saville Street, Broome be REFUSED for the following reasons:**
- 1. The plan submitted does not meet the minimum standards for assessment as survey levels have not been provided.**
  - 2. The side setback provided from the proposed ancillary accommodation is 1.7 metres. This is contrary to the Shire of Broome's Housing Strategy that requires 3 metres and no justification has been provided for this to be altered.**
  - 3. The combined width of the driveway and boundary setback is 3.7 metres. The R Codes require a setback width between the driveway and side boundary of 0.5 metres and the driveway to be 3 metres. Given the driveway is adjacent to a major opening of the existing dwelling suitable screening has not been provided, and the balance 0.2 metres is not considered sufficient for the provision of this screening and no screening is proposed. As no performance based justification has been submitted there can be no consideration of this variation.**
  - 4. The rear setback provided is 5.7 metres. This is not in accordance with the R Codes, that requires a minimum setback of 6 metres and no performance based justification has been submitted to enable consideration of this variation.**

5. *The area of the proposed ancillary accommodation is 72m<sup>2</sup>. The R Codes require the maximum area of ancillary accommodation to be 60m<sup>2</sup> and no performance based justification has been submitted to enable consideration of this variation.*
6. *There is insufficient information to demonstrate the proposed ancillary accommodation will not be subject to flooding, given the current finished level is not 400mm above natural ground level and surveyed levels or other supporting information has not been provided on the site plan.*

**B)**

1. *That the CEO immediately issue the relevant Notice(s) under the Town Planning and Development Act to the owner of the property to:*
  - *Cease unapproved use of the garage/outbuilding for residential purposes;*
  - *Not use the approved residence for any purpose other than its approval as a single residence;*
  - *Removal of the unapproved building works of the under storey.*
2. *Initiate appropriate legal proceedings should any breach of the Notice(s) occur.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 3 pages](#)

### **9.2.7 APPLICATION FOR PLANNING APPROVAL – PROPOSED WASH DOWN FACILITY FOR HIRE CAR COMPANY - LOT 1653 FREDERICK STREET, DJUGUN**

<b>LOCATION/ADDRESS:</b>	Lot 1653 Frederick Street, Djugun
<b>APPLICANT:</b>	Pearl Coast Properties Pty. Ltd.
<b>FILE:</b>	FRE –1/LT1653
<b>AUTHOR:</b>	Planning Officer 3
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 July 2004

**SUMMARY:** An application for planning approval has been received for a vehicle wash down bay for a hire car company on Lot 1653 Frederick Street, Djugun.

The application is referred to Council for consideration as the proposed development is deemed to be an extension of the non-conforming use of "airport", which has been advertised for public comment and requires approval from Council.

This report recommends **CONDITIONAL APPROVAL**.

#### **BACKGROUND**

An application for Planning Approval has been received by the Shire for the construction of a vehicle wash down facility and office in the 'Budget' hire car compound on the subject property. Waste treatment systems that form part of this application are to be used by three other hire car companies located on the airport site. (Refer to location and site plans attached)

#### **COMMENT**

The application involves the construction of an 11 metre x 6 metre building within the existing 'Budget' hire vehicle compound. The proposed building houses an office and a covered area wash down bay and is compliant with clause 5.10, 'Broome Style Architecture of Buildings', of Town Planning Scheme No. 4.

The vehicle wash down bay also includes an 'oily water separator' facility that is to be constructed to the Shire's Health Department and Water Corporation standards. The 'oily water separator' will also be for the communal use of three other hire car companies other than 'Budget' that are currently located at the Airport site.

Although this development is an extension of a non-conforming use, approval will result in more effective means of dealing with wastewater from not only the applicants hire car facility but also 3 other hire car companies who will utilise the vehicle wash down facility.

#### **CONSULTATION**

As the proposal relates to an extension of a "Non-Conforming" use of the land for airport purposes, the application was advertised for a period of 21 days, in accordance with the requirements of clause 4.7 and 9.4 of Town Planning Scheme No. 4.

No submissions were received during the 21-day advertising period.

## STATUTORY ENVIRONMENT

Relevant provisions of Town Planning Scheme No. 4 as follows:

### 4.6 Non-Conforming Use Rights

Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

- a) The continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or
- b) The carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- c) Subject to clause 5.13.5 the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.

### 4.7 Extension of Non-Conforming Use

A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme. All applications for planning approval under this clause will be subject to notice under clause 9.4 and Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.

### 9.4 Advertising of Applications

- 9.4.1 Where an application is made for planning approval to commence an 'S' use or a use not listed (sub-clause 4.3.2) or commence or carry out development which involves an 'S' use or a use not listed, the Council shall not grant approval to that application unless notice is first given in accordance with the provisions of clause 9.4.3.
- 9.4.2 Notwithstanding the provisions of clause 9.4.1, where an application is made for planning approval for any other purpose, the Council may require that notice is first given in accordance with the provisions of clause 9.4.3.
- 9.4.3 The Council may require the applicant to give notice or may itself give notice of an application for planning approval by any one or more of the following means:
  - a) Notice of the proposed development to be served on nearby owners and occupiers who are likely to be affected by the granting of planning approval stating that submissions may be made to the Council by a specified date being not less than twenty-one days after the service of such notice;
  - b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council by a specified date being not less than twenty-one days after the publication thereof;
  - c) Sign or signs displaying notice of the proposed development in such form as the Chief Executive Officer of the Shire approves to be erected in a conspicuous position on the land for not less than 21 days.
- 9.4.3 The notice referred to in clause 9.4.3 (a) and (b) shall be in the form contained in Schedule 7 with such modifications as the circumstances may require.

9.4.4 Any person may inspect the application for planning approval referred to in the notice and material accompanying that application.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the latest, the Council shall consider and determine the application.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **REPORT RECOMMENDATION**

***That the application for Planning Approval dated 25/05/2004 (2004/107) made by Pearl Coast Properties Pty. Ltd. for a proposed vehicle wash-down facility on Lot 1653 Frederick Street Djugun be APPROVED subject to the following conditions and advice notes:***

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 12 July 2004 submitted with the application as approved by the Shire.***
- 2. Prior to commencing any work on the site, the applicant shall obtain a Building Licence from the Shire. Such application shall include, with the working drawings, Structural Engineers Certification in accordance with the requirements of the Building Code of Australia.***
- 3. Connection to the Hon Minister's sewer.***
- 4. The applicant is to comply with the Health (Treatment of Sewage and disposal of Effluent and liquid Waste) Regulations 1974.***
- 5. An approved wash-down area with petrol and oil trap is to be provided in compliance with the Australian Plumbing Code and the requirements of the Environmental Protection Authority prior to any portion of the development being used for car/truck/tractor/vehicle servicing.***

#### **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. ***Applications for sewer connection and effluent disposal systems are to be submitted to and approved by the Shire's Health Department prior to the issue of a Building Licence.***
3. ***If the development the subject of this approval is not substantially commences within a period of 2 years from the date of the approval, the approval shall lapse and be of no further effect.***
4. ***Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first sought and obtained.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 2 pages](#)

**9.2.8 PROPOSED LANDSCAPING PLAN - LOT 1642 NO.158 FREDERICK STREET DJUGUN.**

<b>LOCATION/ADDRESS:</b>	Lot 1642 No. 158 Frederick Street Djugun
<b>APPLICANT:</b>	Steven Bradshaw, Kimberley Camping & Outdoor Supplies
<b>FILE:</b>	FRE-1/158
<b>AUTHOR:</b>	Planning Officer 3
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	14 July 2004

SUMMARY: A proposed landscaping plan has been received for the verge area in front of Lot 1642 No. 158 Frederick Street, Djugun

The application is referred to Council for consideration as the land that the landscaping plan pertains to is a high profile location, where Council direction is sought.

This report recommends **CONDITIONAL APPROVAL**.

**BACKGROUND**

In November 1998, the owners of Lot 1642 Frederick Street Broome applied to the Western Australian Planning Commission (WAPC) for a Survey Strata Subdivision. Upon receiving Shire's comment on the proposal, the WAPC issued Conditional Approval with a list of clearance conditions. In the Western Australian Planning Commission's Conditional Approval letter (WAPC File Ref: 530-99) dated 12 July 1999 condition 1 states that:

*"A Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include matters outlined under items 4, 5, 6 and 8 in Schedule 2A of the Act and following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*

- a) *Development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Shire of Broome, or such alternative development approval as the Council may grant.*
- b) *Amendment to or repeal of the above provision cannot be affected without the Commission's agreement."*

In order to satisfy condition 1 of the WAPC's Conditional Subdivision Approval, The Applicants (David and Helen Morrell of Morrell Enterprises Pty. Ltd. A.C.N. 008 979 059) submitted a Management Plan containing the following provision:

**"17. Management of Road Reserve**

*The road reserve area at the intersection of Cable Beach road and Frederick Street will be landscaped at the cost of the developer, to the satisfaction of the Local Authority. Ongoing maintenance will be the responsibility of the Strata Company and be included in the annual budget/levy."*

On 15 December 1999, The Shire issued subdivision clearance for Lot 1642 (158) Frederick Street, Djugun. The WAPC subsequently issued the Survey Strata Approval and the new lots were issued titles by DOLA. The clearance of the conditions by the Shire and the approval

of the Survey Strata subdivision by the WAPC that followed, validates and enforces the provisions of the Management Plan for the Survey Strata Lots requiring the landscaping of the intersection of Cable beach Road and Frederick Street at the cost of the Strata Company.

The required landscaping plan has been the topic of discussion and negotiation between the strata lot owners and the Shire officers

On 4 May 2004, at the Annual General Meeting for the Owners of Lot 1642 Frederick Street, Broome (Strata Plan 37861) the proposed landscaping plan was an agenda item to be discussed. It was determined that changes would have to be made to the original landscape design proposed by the applicants and that Mr Bradshaw, of Kimberley Camping & Outdoor Supplies, would organise the revised plans and submit them to PRD Nationwide real estate, who would in turn lodge the amended plans with the Shire. The plans were lodged with the Shire on the 13 May 2004 and are the subject of this report.  
(Refer to location, site and landscape plans attached)

### **COMMENT**

The current landscape plan before Council has come from extensive discussions and negotiation between the applicant and Shire officers. Approval of the current version of the landscape plan would represent a positive outcome for both the Shire and the strata lot owners of Lot 1642 Frederick Street Djugun.

From the Shires point of view, approval of the proposed landscaping plan will result in a more aesthetically pleasing entry statement onto Cable Beach Road from Frederick Street. This is a desirable outcome due to the high exposure that this location enjoys due to its relationship to the most common route taken by both tourist and local residents to access Cable Beach.

From the applicants' point of view, approval of the landscaping plan would result in more exposure for their businesses and a more aesthetically pleasing outlook onto their business premises from both Frederick Street and Cable Beach Road.

As the matter of the landscaping plan has been in discussion and negotiation since the approval of the Management Statement by the Shire and WAPC in 1999, it is recommended that Council approve the current version of the landscaping plan in order that the conditions of subdivision approval for the survey strata subdivision of Lot 1642 Frederick Street Djugun can finally be satisfied by the applicant, resulting in a positive outcome for all parties.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

*That the landscaping plan dated 13 May 2004, relating to WAPC survey strata approval (WAPC ref 530-99) made by Steven Bradshaw on the verge area in front of Lot 1642 No. 158 Frederick Street Djugun be APPROVED subject to the following conditions:*

1. *The landscaping shall be installed in accordance with the approved plan within 90 days of the date of this approval.*
2. *The landscaped areas shall be reticulated at the cost of the applicant.*
3. *The landscaping shall be maintained in accordance with the approved plan and at the full cost of the strata body corporate, at all times.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 2 pages](#)

### **9.2.9 APPLICATION FOR PLANNING APPROVAL – PROPOSED UNDERCROFT/BASEMENT & MODIFICATIONS TO APPROVED GUEST HOUSES - LOT 100 (9) MILLINGTON ROAD, CABLE BEACH**

**LOCATION/ADDRESS:** Lot 100 (9) Millington Road, Cable Beach  
**APPLICANT:** Colin Wilkinson Development Pty Ltd  
**FILE:** MIL-2/9  
**AUTHOR:** Planning Officer 2  
**CONTRIBUTOR/S:** Nil  
**RESPONSIBLE OFFICER:** Manager Planning Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 8 JULY 2004

**SUMMARY:** An application for planning approval has been received proposing an undercroft/basement and modifications to the approved guest houses at Lot 100 (9) Millington Road, Cable Beach.

The application is referred to Council for consideration given approval is required for works that are already partially completed.

This report recommends conditional approval.

#### **BACKGROUND**

Lot 100 Millington Road and the proposed guest houses have been the subject of several planning applications and variations in the past:

6 July 2004 – Approval of Waterfall and Landscape works  
 25 May 2004 – Approval of Storage Shed  
 16 October 2003 – Variation to Guest Houses approval  
 8 August 2003 – Refusal of Satellite Dish  
 17 January 2003 – Approval of Guest House Extensions, Landscaping, Gym, Gazebo  
 24 July 2002 – Variation to Main House and Guest Houses approval  
 19 October 2001 – Approval of Two Guest Houses and House Extension  
 18 September 1997 – Approval of Nursery Shed, Office and Tearooms

A site inspection was undertaken on 6 April 2004 in relation to the two guest houses on the property, where it was noted that works were being undertaken to create an additional "undercroft" or "basement" below the approved guest houses.

As constructed plans were requested and it was noted that there were a number of departures from the planning and building approvals issued by the Shire. The builder was ordered to stop work and seek the Shires approval for all unapproved existing and intended development.

The applicant has listed the proposed variations the subject of this application for planning approval, which is attached along with the plans of the proposed (partially constructed) development.

#### **COMMENT**

The proposed guest house variations have been assessed in accordance with Planning Policy 4.1.10 – "Tourist Accommodation Developments Within the Tourist Development

Zone" in addition to relevant Scheme provisions and the Cable Beach Development Plan 2002.

Clause 4.17.5 of TPS No. 4 requires setbacks for all development within the tourist zone to be in accordance with the R40 coding, with which the proposal complies.

### **Cable Beach Design Guidelines**

The subject lot falls within the area covered by the Cable Beach Development Plan 2002, which includes the Cable Beach Architectural Design Guidelines. Policy 4.1.10 states that all development shall be designed in accordance with these Design Guidelines.

In the past approvals and variations have been issued for the guest houses prior to Council's adoption of this Development Plan and Design Guidelines. It is considered appropriate that similar dispensations be applied in this instance, in particular for the requirement for development to have a largely single storey building height and a roof pitch of between 26 and 45 degrees. It is considered that the proposed development will have no impact on the streetscape, given its position on the lot.

It is recommended requirements of the Design Guidelines relating to building materials, colour and design should be enforced by way of a condition of approval, as discussed under a separate heading below.

### **Building Height**

Clause 5.9 of TPS 4 states that the height of buildings in the Scheme Area shall be no more than 2 storeys or a maximum of 10 metres. Council may only vary this requirement where they are satisfied that the variation will not prejudice the amenity of the area and the low scale character of Broome architecture, having due regard for all of the following:

- a) the topography and elevation of the subject site in relation to adjoining properties and the street;
- b) the impact of the building bulk and height on the area and existing views;
- c) the location of the site and the impact of the height on public areas and the landscape values of an area for the public;
- d) the surrounding land use and scale and height of existing surrounding buildings;
- e) the aboriginal and non-aboriginal heritage value of surrounding buildings and sites and the impact of the height on the heritage value.

The guest houses are essentially only publicly visible from the western side of the property and are set well back from any street frontage. The proposed building heights from natural ground level are two storey and 9 metres for both guest houses, when measured or viewed from the west or beach front elevation.

The proposed basement and undercroft are cut in to the slope of the land and only fully visible from internally within the confines of the property. On the down side of the slope the building heights are approximately 11 metres (south elevation) and 13 metres (east elevation) for guest houses 1 and 2 respectively.

It is considered the proposed guest house heights are acceptable on the basis that the undercroft and basement levels are essentially below natural ground level, not visible from outside the property and do not adversely impact on the amenity of the surrounding area. To the extent that they are visible from outside the property, the buildings have the appearance of a 9 metre two storey development. It is recommended the proposed

building heights be supported, however, a condition should be imposed requiring the basement and undercroft levels to be used strictly as non-habitable rooms.

### **Materials / Architectural Design**

It is noted that the plans provided for approval propose to change the external wall finish to render in lieu of Colorbond cladding. Clause 5.10 of TPS4 requires all buildings to be compatible with the "Broome architectural style" which requires, among other things, wall materials of predominately Colorbond or timber. The Cable Beach Architectural Design Guidelines also have specific requirements relating to wall colour, texture and detailing, which acknowledge the unique historical architecture of Broome.

The proposed guest house buildings are considered to provide some suitable elements including pitched roof, verandas, timberwork and a Colorbond roof and awnings. The proposed rendered wall finish, however, is considered inappropriate.

It is recommended that a condition be imposed requiring wall materials of predominately Colorbond or timber in accordance with the requirements of the Scheme and the Cable Beach Architectural Design Guidelines for "Broome architectural style." Revised plans should be provided to the Shire within 28 days of approval being issued to address this matter.

### **Landscaping / Screening**

The original approval issued for the guest houses in October 2001 included a condition requiring provision of landscaping within the western setback area of each guest house providing screening of the development from Cable Beach.

It is recommended this condition of approval be carried through to the current application for variations to the guest houses and that the applicant be required to submit details within 28 days of how this condition will be satisfied.

### **Unapproved Development**

With regard to development on this property there have been several instances of works being undertaken without planning and / or building approvals being obtained from the Shire.

It is recommended the applicant and owner be advised Council is extremely disappointed at the degree of ongoing works on the property without valid Planning and Building approvals and without regard for due process and that such activities will no longer be tolerated by Council and any further deviations from approvals or works without approval will result in the initiation of legal action without further notice.

It is further recommended that Council officers be authorised to initiate relevant legal proceedings should any further breaches of approvals or unapproved works occur.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Town Planning Scheme No. 4

**POLICY IMPLICATIONS**

Tourist Accommodation Development Policy 4.1.10

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Cable Beach Development Plan

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**A. That the application for Planning Approval dated 08/06/2004 (2004/113) made by Colin Wilkinson Development Pty Ltd for the undercroft/basement and modifications to two guest houses on Lot 100 (9) Millington Road, Cable Beach, be APPROVED subject to the following conditions:**

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 8 June 2004 & 8 July 2004 submitted with the application as approved by the Shire.**
- 2. The slope of the natural ground level is to be maintained, with the proposed basement / undercroft to be predominantly below the natural ground level.**
- 3. Prior to commencing any work on the site, the applicant shall obtain a Building Licence from the Shire. Such application shall include, with the working drawings:  
(a) Structural Engineers Certification in accordance with the requirements of the Building Code of Australia; and / or  
(b) Site classification in accordance with AS2870.**
- 4. Connection to the Hon Minister's sewer.**
- 5. No further excavation or fill to alter any part of the natural ground level by more than 0.5m shall be undertaken without the further written approval of the Shire.**
- 6. Revised plans being submitted within 28 days of the date of this approval demonstrating wall finishes of predominantly Colorbond cladding or timber, in accordance with the requirements of the Scheme and the Cable Beach Architectural Design Guidelines for "Broome style architecture" to the satisfaction of the Shire.**
- 7. The proposed basement / undercroft levels to be used as non-habitable rooms.**
- 8. Provision of dense landscaping within the western setback area of each tourist unit to provide screening of the development from Cable Beach, with adequate details of species type and location to be provided in a landscaping plan to the Shire within 28 days of the date of this approval.**

**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. The applicant is reminded of the requirement for approvals to be obtained prior to works being undertaken on site and that in future Council may refuse to grant retrospective approval and illegal works may be required to be removed. Furthermore, penalties may be imposed in accordance with the Town Planning and Development Act in the event of future development undertaken without approval.***
- 3. If an Aboriginal Site, as defined in the Aboriginal Heritage Act 1974, might be on the land, then the owner of the land may commit an offence against that Act where there proves to be an Aboriginal Site on the land and an approval under Section 18 that Act is not obtained in respect of the proposed development. The grant of this planning approval is not a clearance that there are no Aboriginal Sites on the land nor an approval under Section 18 of the Act in the event that there is an Aboriginal Site on the land. The owner will need to make its own enquiries and application to the Department of Indigenous Affairs.***
- 4. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the approval, the approval shall lapse and be of no further effect.***
- 5. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first sought and obtained.***

**B.**

- 1. The applicant and owner be advised Council is extremely disappointed at the degree of ongoing works on the property without valid Planning and Building approvals and without regard for due process. Such activities will no longer be tolerated by Council and any further deviations from approvals or works without approval will result in the initiation of legal action without further notice.***
- 2. Council officers be authorised to initiate relevant legal proceedings in accordance with Part B1 should any breaches of approvals or unapproved works occur.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 21 pages](#)

**9.2.10 APPLICATION FOR PLANNING APPROVAL - PROPOSED TOURIST DEVELOPMENT(S) - RESIDENTIAL AND TOURIST DEVELOPMENT (PINCTADA RESORT)- LOT 2235 (NO. 10) MURRAY ROAD, CABLE BEACH**

**LOCATION/ADDRESS:** Lot 2235 (No. 10) Murray Road, Cable Beach  
**APPLICANT:** Civic North Pty Ltd  
**FILE:** MUR-1/10  
**AUTHOR:** Planning Officer 1  
**CONTRIBUTOR/S:** Senior Planning Officer  
**RESPONSIBLE OFFICER:** Manager Planning Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 13 July 2004

**SUMMARY:** The development application subject to this agenda item previously went before Council on the 6 July 2004. The application for residential and tourist development (Pinctada Resort) on Lot 2235 (No. 10) Murray Road, Cable Beach was deferred by Council to allow the applicant to address Councillor concerns to enable Council to positively consider the application.

The application is referred to Council for consideration as the proposal involves Council using its discretion to approve the development in its current form.

This report recommends REFUSAL.

## **BACKGROUND**

The site subject to this development application was previously granted development approval on the 19 July 2000 for Residential and Tourist development. At the request of the applicant on the 17 June 2002 the Shire of Broome extended the planning approval expiry date to 18 July 2003.

Further to the development approval lapsing, the applicant Civic North Pty Ltd has submitted a development application for a proposed Residential and Tourist Development on Lot 2235 Murray Road, Cable Beach on the 30 January 2004.

The development application subject to this agenda item went before Council on the 6 July 2004. This application proposed to provide the following:

- 30 short stay tourist units, comprising both single and two storey
- 18 residential units, comprising both single and two storey
- 3 plunge pools for the tourist units
- 1 swimming pool for the tourist units
- 1 swimming pool for the residential units
- A café and bar
- Managed Gardens central to the residential and tourist units
- 3 boat parking bays
- Associated car parking
- 2 managers/caretakers units

Council at the meeting held on the 6 July 2004 resolved to defer the application to allow the applicant to address Councillor concerns to enable Council to positively consider the application.

The issues raised by Councillors at the meeting on the 6 July 2004 were as follows:

- Car Parking Bays
  - Residential Tandem Visitor Parking Bays
  - Residential Parking Dimensions
  - Resort Parking Dimensions
  - Residential Parking Provision
  - Resort Parking Provision
  - Disabled Parking Provision
- Truck Turning Circle
- Privacy for Neighbours
- Side Setbacks
- Boat Bay Configuration

With respect to the residential component of the development, the applicant was advised that should the necessary justification be provided they would consider exercising discretion to support variations to the R Code requirements. Issues that required Council discretion in relation to the R Codes are as follows:

- On Site Parking Provision
- On Site Visitor Parking Provision
- Design of Visitor Spaces
- Sightlines of Vehicle Access Parking
- Essential Storage Areas
- Visual Privacy
- Pedestrian Access Screening

Resultant from the Council meeting on the 6 July 2004, the applicant provided a modified site plan and justification to vary the R Codes. This addressed some of the issues raised by Council, which have been listed below:

- Residential Tandem Visitor Parking Bays- This was addressed by removing tandem visitor parking bays.
- Disabled Parking Provision- This was addressed by the provision of an adequate number of disabled parking bays.
- Turning Circle- an adequate turning circle has been provided in accordance with Australian Standards.
- Privacy for Neighbours- This has been addressed by the lots to the rear of the development being separated by a 1m buffer between the proposed development and residential lots. It is the Shire's understanding that the developer will provide a solid fence with landscaping provision at the rear of the development. Given this and the 1m buffer the Shire considers the privacy for neighbours has been adequately addressed.
- Side Setbacks- The side setback from the western boundary of the subject site has been increased to 0.8m and the eastern boundary setback has increased to 1m. This is a slight increase from that on the original plan.
- On Site Residential Parking Provision- This has been adequately addressed.
- Design of Visitor Parking Spaces- This has been adequately addressed.
- Sightlines of Vehicles Access Parking- This has been adequately addressed with the removal of the security gates
- Essential facilities Storage Areas- the storage area facilities have been adequately addressed.

On the 15 July 2004 a conference call was held with Councillors, the Shire staff, the applicant and the project architect. This provided a forum for the Councillors and Shire staff to discuss with the applicant, concerns with the modified site plan and justification to vary the R Codes.

Items discussed during the conference call were as follows:

### Resort Parking Dimensions

The majority of the parking dimension requirements for resort parking have been adequately addressed. With respect to the resort parking bays numbered R3 and R4, the required minimum width of 2.7m had not been met, with the subject bays being 2.5m only.

### Residential Parking Provision

To accommodate the necessary parking requirements and dimensions the parking provision was reviewed. The parking provided for the proposed residential dwellings is satisfactory. However, the provision of visitor parking had not been met, given that only 2 bays are provided. In accordance with the R Codes, the number of visitor bays required is 10% of the bays for residential development. Given that 32.6 bays are required for residential development, 3.3 bays are required for visitor parking, which is rounded up to 4.

### Resort Parking Provision

Given that only one caretakers dwelling will be provided, the requirement for resort parking has been reduced to 36 (previously 38). By addressing the required parking dimensions the resort development only illustrated 35 bays, which is 1 bay short of that required.

With respect to the caretakers dwelling, it was noted that one caretakers dwelling is to be provided and the development plans had to be altered to illustrate this as a single residence, i.e. provision of one kitchen and laundry only.

### Boat Bay Configuration

Adequate manoeuvrability for access and egress to the boat parking bays was not considered satisfactory.

### Minimum Standards for Assessment of a Development Application

In accordance with Clause 2.4.4 iv of the R Codes a 5m grid on the plan and datum surveyed levels were added to the existing cadastral boundaries. However, no surveyed levels were provided for the proposed side boundaries of the residential development. To establish privacy requirements this needs to be provided.

### Visual Privacy

Sufficient justification to alter the requirement for visual privacy onto the private open space from the first storey development was not provided. Without justification or modifications to the windows or screening this requirement could not be addressed.

### Pedestrian Access Screening

A satisfactory means of justifying this requirement was not provided. The justification provided in this correspondence made reference to an internal screen, which was not shown in any plans. It is further noted that the external screens shown in the original application did not comply with the R Code requirements and have not changed from that shown in the original application.

## **Modified Plan**

Further to the conference call, on the 19 July 2004 a modified plan and necessary justification was provided to the Shire.

The information submitted with the Shire established the following:

### Resort Parking Dimensions

All parking bays meet the minimum requirements in accordance with Council's requirements.

### Residential Parking Provision

In accordance with the R Codes, the correct number of bays have been provided.

### Resort Parking Provision

In accordance with Council's parking requirements, the correct number of bays have been provided.

### Boat Bay Configuration

In accordance with advice given during the conference call, the pillars separating each of the proposed boat bays have been removed.

### Minimum Standards for Assessment of a Development Application

In accordance with the R Codes, the required surveyed levels have been provided.

### Visual Privacy

Visual privacy has been addressed through the provision of high sill windows and the relocation of standard still windows.

### Pedestrian Access Screening

Pedestrian access screening requirements have been met with the provision of high sill windows on the ground floor.

### Caretakers

The caretakers dwelling has been modified to reflect a single residence only.

## **COMMENT**

The plans submitted with the Shire on the 19 July 2004 have addressed the requirements raised by Councillors on the 6 July 2004. However, in accordance with the previous agenda item for the Council meeting on the 6 July 2004 (refer attached), the development application does not address a number of policies and requirements. These have been listed below:

- Landscaping requirement under Planning Scheme
- Policy of Specific Development Requirements- Density

- Policy of Specific Development Requirements- Vehicle Access and Parking- Tour Bus
- Cable Beach Development Plan- architectural design guidelines
- Design for boat parking- Whilst the requirement for the removal of the pillars has been addressed, the manoeuvrability for access and egress to the boat parking bays is still not considered adequate.

It is acknowledged that the requirements of the R Codes have been met. However, given the above listed policies and requirements have not been addressed the report recommends refusal of the subject development application. Should Council consider exercising discretion and approving the application, it is recommended the following conditions and advice notes be implemented, as these are outstanding issues that need to be addressed:

1. Development must be carried out strictly in accordance with the plans stamped received dated 27 April 2004, 4 June 2004 and 19 July 2004 submitted with the application as approved by the Shire.
2. All Tourist facilities, amenities and service areas (including café/bar, swimming pools, open space areas, loop road, boat bays, staff bays, bus and guest drop-off area, bin store area, loading bay etc.) to be constructed as part of the first stage of development, if the development is to be staged.
3. The lodging of detailed landscape plans, to the satisfaction of the Chief Executive Officer, for the development site and the adjoining road verge with the Building Licence Application and prior to the commencement of development. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:
  - a) the location and type of existing and proposed trees and shrubs;
  - b) any lawns to be established;
  - c) any natural landscape areas to be retained; and
  - d) those areas to be reticulated or irrigated.
4. Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Shire.
5. A deed of agreement is to be prepared and executed at the owner's cost between the Shire prior to the development first being occupied, under which the owner agrees to maintain the nature strip landscaping and permit the Shire to lodge an absolute caveat against the Certificate of Title to the land to secure the performance of that maintenance obligation.
6. Should the development be staged temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the Chief Executive Officer. All required landscaping within the road reserve and the 3m front setback of the two street frontages shall be installed as part of the first stage of development and prior to the occupation of any part of the development.
7. All onsite and off site car parking, public access areas and footpaths to be appropriately lit with all floodlighting being designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be where possible internally directed not to overspill into nearby lots.
8. Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site.
9. No security gates or similar are to be installed at the three entrances to the site to enable service vehicles, guests, residents and visitors to access the site unimpeded.
10. No fencing details have been provided as part of the application. Any proposed fencing shall be the subject of a separate planning approval.

11. Fencing being provided at the rear of the development (northern end) to assist in screening the development from the adjoining residential lots. Such fencing shall be the subject of a separate development application and such approval shall be obtained and fencing installed prior to the occupation of the development.
12. This approval supersedes any previous planning approval granted for the site and relating to the same development.
13. All proposed signs associated with the development, including signs painted on the building, shall comply with the Shire's Signs Local Laws and be the subject of a separate application and approved prior to erection or painting.
14. The applicant/developer shall enter into a formal agreement with the Shire of Broome prior to the clearance of the strata title in accordance with Clause 6.4.1 of Council's Strata Title Policy.
15. The owner(s), and their successor in title to the parcel comprising the strata plan and any manager of the parcel pursuant to the agreement shall ensure that each prospective purchaser is supplied with a copy of the agreement prior to settlement. The developer or his successor in title or manager of the parcel shall maintain a register which shall be produced on request by the Shire, to confirm that each and every purchaser of any interest in any land on the parcel has been provided with a copy of that agreement.
16. All visitor parking must be on-site and not at all within the road reserve.
17. A minimum provision of 6 dedicated car parking bays for the resort, with the bays being clearly sign marked for visitor parking in close proximity to the office/reception/entrance for the resort component of the site.
18. The provision of 4 visitor bays for the residential component of the development, with the bays being clearly sign marked for visitor parking.
19. The two residential visitor bays (shown as V3 and V4) shall be relocated to the front of the site in order to comply with Clause 3.5.3 A3.1 of the R Codes. Plans detailing the location and consequent relocations of buildings shall be provided at Building Licence Application Stage and prior to the commencement of development and shall not encroach on the 3m wide front landscaping strip.
20. The provision of bicycle racks to accommodate at least 3 bicycles adjacent to the cafe, and directly accessible from the common property.
21. All vehicle crossovers being designed and constructed (sealed, brick paving, bitumen, concrete) to Council's standard crossover specification.
22. Vehicle parking, manoeuvring and circulation areas to be constructed and sealed with brick paving, bitumen or concrete and drained in accordance with approved plans. Detailed engineering plans identifying pavement details (existing, finished levels and pavement type) and drainage details to be submitted and approved by the Chief Executive Officer at building licence application stage and prior to the commencement of any development.
23. Drainage and/or cut/fill of the site to be carried out in accordance with the approved plan. The existing site levels and finished design levels of all of the proposed development, including levels on top of the kerb at the crossover, are to be shown on the Building License submission prior to Construction.
24. 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 Chief Executive Officer. The proposed stormwater drainage system is to be detailed at Building Licence application stage and prior to the commencement of development, and approved by the Chief Executive Officer. No development shall commence until the drainage design for the whole of Lot 2235 has been approved by the Chief Executive Officer.

Note 1: All stormwater runoff to be disposed of either on site or into a legal point of discharged (Council 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.

25. 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, disabled bays to be 3.2m x 5.5m and parallel bays being 2.7m x 6m within one month of the development being first occupied. Note: The car parking bays adjacent to any other physical barrier will require widening by 0.3m.
26. All tandem bays are to be lengthened to 11m. Parking bays are not to encroach on any pedestrian pathways.
27. Contribution to lighting along Murray Road.
28. The payment of drainage headworks charges to the Shire of Broome in accordance with Shire policy.
29. Three (3) disabled car-parking bays provided for the resort development and one (1) for the residential development, located convenient to the building entrance and with a minimum width of 3.2 metres (3.5m where adjacent to an obstruction), to be provided plus provision for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1).
30. Connection to the Hon Minister's sewer.
31. Registration of the premises as a Lodging House under the Shire's Health Local Laws.
32. Swimming Pool (s) to be approved by the Executive Director Public Health.
33. A suitably screened refuse bin storage area is to be provided in accordance with the Shire's Health Local Laws and to cater for commercial skip bins for the development and the Shire's 'Sulo' type recycling bins. Plans shall be submitted at Building Licence Application stage and prior to the commencement of any development for a suitably located and screened facility to cater for the whole development. Such facility shall be accessible by Kimberley Waste trucks and shall be to the satisfaction of the Chief Executive Officer.
34. Prior to commencing any work on the site, the applicant shall obtain a Building Licence from the Shire. Such application shall include, with the working drawings:
  - a) Structural Engineers Certification in accordance with the requirements of the Building Code of Australia;
  - b) Formal comment from Fire and Emergency Services Western Australia.
35. The development shall be designed in accordance with AS1428.1 - 1993 Design for Access and Mobility. Part 1 - General requirements for Access - Buildings.

Note: Areas to address within the amended working drawings for submission with the Building Licence application shall include:

  - Revised toilet layout
  - Increased width of door openings
  - Provision of ramps with maximum grade 1:14.
36. On completion of construction, all excess articles, equipment, rubbish and materials shall be removed from the site, adjoining road reserve and adjacent land and these areas are to be left in an orderly and tidy condition.
37. Provision of a suitable gate to the entrance to the tourist development's service area. Such gate(s) shall not open over the footpath and shall be setback a minimum of 1.5m from the front boundary.
38. The provision of an internal 1.2m wide pedestrian path network to be completed prior to the occupation of the development. Detailed drawings of the proposed pedestrian path network shall be provided at working drawing stage and prior to the commencement of any development to the satisfaction of the Chief Executive Officer.
39. The provision of laundry facilities within each separate tourist unit and each unit capable of being occupied separately.
40. An exclusive staff car parking area shall be provided onsite and shall be suitably located and signed so as to not interfere with guest parking.

41. A minimum of three boat parking spaces shall be provided. Note: Pillars are not to be provided between each of these bays.
42. The land owner/developer shall enter into a formal legal agreement with the Shire of Broome (at no cost to the Shire) prior to the issue of Strata Title approval undertaking to:
  - i Establish and operate a management system which ensures the resort component is run as a holiday resort.
  - ii The management system to be an annexure to the formal agreement with the Shire and be approved by the Shire and the Australian Securities and Investment Commission (ASIC) if appropriate.
  - iii The management system will incorporate the provision of those features and facilities which identify the development as a resort, eg. common or uniform furnishings to all units and a common maintenance, gardening and cleaning service.
  - iv The management system will be achieved via a management agreement and the body corporate by-laws established between the developer and purchasers of the units and to embody the following specific provisions:

A requirement by way of a deed of agreement that the purchasers of tourist units shall allow their units to be rented out when not in occupancy themselves.

- The deed of agreement to be an annexure to the formal agreement with the Shire.
  - The purchasers of the units shall receive a financial return from the rental of their units less outgoings for matters such as booking fees, managers fees, laundry service, electricity charges, cleaning service, body corporate fees, maintenance and replacement of furniture etc. These financial matters would be resolved and agreed upon between the developer and the purchasers.
- v Agree to amend and expand the Strata Title Company By-laws as set out in Schedule 1 of the Strata Titles Act 1985 to incorporate any requirements determined necessary by the Chief Executive Officer.
  - vi Agree to carry out the development in accordance with approved plans, specifications and all conditions of approval in all respects to the satisfaction of the Chief Executive Officer.
  - vii Agree to develop facilities, managers accommodation and amenity buildings as part of the first stage of any staged development. The number of units to be built in the first stage to be determined by the Chief Executive Officer. Upon completion of a first stage to the Shire's satisfaction, a Strata Plan may be registered. The Shire shall, however, require the lodgement of a Caveat on all vacant Strata Lots, which will not be removed until each unit and associated services has been developed.
  - viii Agree to ensure that before any person becomes the registered proprietor of any Strata Lot, that:
    - The By-laws (referred to in point (iv)) as endorsed by the Shire have been adopted by the Body Corporate.
    - Such unanimous and other resolutions as may be required under the Strata Titles Act have been adopted by the Strata Company so that the whole of the development may be completed and the developer is able to comply with the provisions of the legal agreement with the Shire.
    - The Strata Lot is fully serviced and fit for occupation to the satisfaction of the Chief Executive Officer unless the development has been completed to the Chief Executive Officer's satisfaction.
    - The applicant/developer shall agree not to transfer, mortgage, charge, assign or encumber the land or any Strata Lot without the written consent of the Chief Executive Officer and without first having obtained from the

person securing an interest in the land their agreement to abide by the provisions of the agreement with the Chief Executive Officer.

43. The land owner/developer shall enter into a legal agreement with the Shire of Broome (at no cost to the Shire), which contains the following:
  - a) Management system to be put in place (annexure to agreement).
  - b) Strata Company By-laws to be put in place (annexure to agreement).
  - c) Agreement to carry out development in accordance with approvals.
  - d) Agreement to provide amenities as part of Stage One.
  - e) Putting in place of relevant body corporate resolutions to ensure the management system and by-laws work.
  - f) Restrictions on sale of development.
  - g) Imposition of Caveats to secure performance on vacant lots and which should also be applied to any existing building or site which does not have appropriate planning conditions which control occupancy: and
  - h) require prospective purchasers to be advised of the agreement/contract
44. The provision of one manager's residence is permitted on the site only. Amended plans shall be provided at Building Licence application stage and prior to commencement of development providing for no more than one kitchen and one laundry for the two storey unit.
45. The manager's residence is not to be occupied until the construction of the tourist resort is completed.
46. Storerooms for the residential dwellings are to be fully enclosed/sealed (visually and weather protected).
47. The width of the internal access way for the resort component of the development being a minimum of 6 metres.
48. The width of the one-way internal access way for the residential component being a minimum of 4 metres.
49. The 4 metre wide access way linking the resort and residential component shall not be fenced.
50. No boats shall park or be cleaned on the road or road reserve.
51. All shade sails shall be installed and maintained in accordance with Council Policy 4.1.16- Shade Sail Structures
52. All first floor windows within 6m cone of vision of outdoor living areas shall be amended in accordance with the Site plan date stamped 19 July 2004.
53. All ground floor windows within 3m of a pedestrian footpath and driveway shall be high sill windows with a finished floor level of 1600mm.
54. The boat parking area shall be used exclusively for the parking of boats by guests of the tourist development and shall provide a washdown facility for boats in all three boat bays.
55. The residential portion of the development shall be utilised for Multiple Dwelling purposes only, as defined by the R Codes.
56. Lighting shall be provided to any communal driveways and pedestrian pathways. Details of lighting shall be provided on the working drawings at Building Licence Application stage and prior to commencement of development, to the satisfaction of the
57. The areas of communal car parking containing 6 spaces or greater shall be bordered by landscaping and a minimum of one tree for each 6 bays or part thereof. Such landscaping shall be provided and maintained for the life of the development, to the satisfaction of the Chief Executive Officer.
58. Each Multiple Dwelling shall be provided with an enclosed, lockable storage area at ground floor level and accessible from outside the building. Each storage area shall be a minimum area of 4sqm with a minimum dimension of 1.5m and shall be of a design that matches that of the main dwelling(s).

59. Bin store areas shall be screened from view from the street by way of a combination of a wall/fence and/or landscaping, to the satisfaction of the Chief Executive Officer. Bin store areas and the screening treatment required by this condition shall be detailed on the working drawings at Building Licence Application stage and prior to commencement of development.
60. At building licence stage, prior to commencement of development, amended plans shall be submitted incorporating manoeuvring space for boat bays to the satisfaction of the Chief Executive Officer.
61. Any air conditioners, solar panels and external hot water systems shall be installed so as to be:
  - Not visible from the primary street; and
  - Integrally designed with the building; and
  - Located so as not to be visually obtrusive.

Note: Any such installations which do not fully comply with the above criteria shall be subject to the submission of a formal Planning Application. In this regard, it should be noted that solar panels that are not directly fixed to the roof surface (i.e. supported or angled on a roof frame) require Planning Approval.

#### **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 Chief Executive Officer.
2. The minimum floor level of buildings to be 400mm above natural ground level.
3. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements. In this regard your particular attention is drawn to:
  - a) Health (Food Hygiene) Regulations 1993
  - b) Occupational Health, Safety & Welfare Regs
  - c) Health (Public Buildings) Regulations 1992
  - d) Health (Public Swimming Pools) Regulations 1964.
4. Plans of this development are required to be submitted to the WA Fire Brigades Board for assessment.
5. The swimming pool and enclosures such as fencing and gates being constructed to Australian Standard 1926.1.
6. Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments, which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200.
7. Clearing of vegetation may require approval by the Department of Environment or Department of Agriculture. The developer is advised to ascertain if any such approval is required.

8. The operations complying with the requirements of the Environmental Protection Act. NOTE: This relates to the type of licence to be granted by DEP prior to any building licence application being granted.
9. Proposed food preparation areas as shown on approved plans dated 19 July 2004 to comply with the requirements of the Food Hygiene Regulations 1993.
10. No excavation or fill to alter any part of the natural ground level by more than 0.5m shall be undertaken without the further written approval of the Chief Executive Officer.
11. If the development the subject of this approval is not substantially commenced within a period of 2 years from the date of the approval, the approval shall lapse and be of no further effect.
12. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first sought and obtained.

## **CONSULTATION**

As discussed a conference call was held between the applicant, project architect, Councillors and Shire Staff on the 14 July 2004. This addressed a number of concerns raised in the assessment of the application.

## **STATUTORY ENVIRONMENT**

Residential Design Codes of Western Australia.  
Shire of Broome Town Planning Scheme No.4.

## **POLICY IMPLICATIONS**

Planning Services Policy 4.1.10 Tourist Accommodation Developments Within the Tourist Zone.  
Planning Services Policy 4.1.8 Car Parking.  
Engineering Services Policy 3.1.4 Engineering Construction Standards for Planning Applications.

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Cable Beach Development Plan

## **VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**That the application for Planning Approval dated 10/02/2004 (2004/13) made by Civic North Pty Ltd for proposed tourist and residential development (pinctada resort) on Lot 2235 (No. 10) Murray Road, Cable Beach be REFUSED given the following reasons :**

- 1. The residential component of the development is not considered to be incidental to the predominant use of the site and therefore Council is not empowered to consider approving the residential development in accordance with clause 4.17.2.4 of Town Planning Scheme No. 4, given that the following tests of predominancy v incidental are not complied with:
  - a) the land area of the residential component exceeds the Tourist Development Policy's maximum of 40% (45% proposed);**
  - b) the gross floor area of the residential component exceeds the Tourist Development Policy's maximum of 40% (44.1% proposed); and**
  - c) the number of residential units proposed exceeds the Tourist Development Policy's maximum of 40% of the total number of units permitted on site (44), which permits 17 residential units (18 proposed).****
- 2. The total number of units (tourist and residential combined) exceeds the maximum of 44 permitted in accordance with the Town Planning Scheme and Residential Design Code R40 restrictions for 'multiple dwellings'.**
- 3. The number of tourist units proposed exceeds the maximum permitted (based on the 60% ratio) of 27 (30 proposed), even if Council were of the mind to grant a unit yield pro-rata bonus of 5.7% for the provision of facilities such as swimming pools and food and beverage facilities.**
- 4. The applicant has not demonstrated that drainage can be adequately addressed for a development of the size proposed, particularly given the extent of roofed areas and hardscaping proposing, in order to provide for no greater post-development drainage flows than pre-development drainage flows.**
- 5. The proposal does not comply with the Cable Beach Development Plan by virtue of:
  - a) the development being predominantly two storey whereas the Plan provides for a predominance of single storey development;**
  - b) the roof pitch not being between 26 and 45 degrees; and**
  - c) the character, materials and finishes not fully complying.****
- 6. A bus bay in a port cochere (or similar) format is not provided onsite, as required by the Shire's Tourist Development Policy, and encouraged by clause 4.17.2.10 of Town Planning Scheme No. 4, given the site is a 'greenfield' site and can readily be redesigned to accommodate this arrangement, and given that Council has required this of all other recent tourist development proposals.**
- 7. The boat bays provided are considered to be in an unsuitable and inappropriate location by virtue of their location on the residential development.**

**Moved:****Seconded:****FOR:****AGAINST:**[Attachment: 19 pages](#)

**9.2.11 MALLINGBAR (KENNEDY HILL) COMMUNITY LAYOUT PLAN – FREDERICK STREET, BROOME 6725**

<b>LOCATION/ADDRESS:</b>	Reserve 25790, Cnr Frederick Street/Carnarvon Street, Broome
<b>APPLICANT:</b>	Hames Sharley, on behalf of the Department of Housing and Works
<b>FILE:</b>	RES 25790
<b>AUTHOR:</b>	Manager Planning Services
<b>CONTRIBUTORS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	20 July 2004

**SUMMARY:** A Draft Community Layout Plan has been prepared for Mallingbar (Kennedy Hill), with Planning Provisions as to its future development. The CLP requires Council's approval prior to being endorsed by the WAPC and then implemented.

The report recommends the CLP be adopted with minor modifications and that the CEO be delegated authority to approve development applications that comply with the CLP.

**BACKGROUND**

In March 2003 the Department of Housing and Works appointed the applicant Hames Sharley (WA) to prepare a community layout plan (CLP) for the Mallingbar Town Reserve community in accordance with that department's Town Reserves Regularisation Program.

The work requires establishing a framework for the appropriate and orderly development of the community and is a fundamental stage in the process of upgrading and regularising essential and municipal services, such as power, water, sewerage, drainage and road maintenance.

Compliance with the Planning Scheme

The Planning Scheme recognises the Mallingbar community as being within a Settlement Zone. The aim of this zone is to provide a co-ordinated plan for aboriginal and non-aboriginal community living settlements and land. The Objectives are as follows:

- a) Provide for a range of mixed land uses which may include permanent and temporary residential accommodation, rural, community uses, and administrative uses on one lot;
- b) Allow home business activities and small scale business, rural or light industry activities which assist to support the community;
- c) Enable the preservation and management of areas of cultural significance.

The CLP was assessed in accordance with the criteria set down by provisions of Town planning scheme N0.4 and the following deficiencies were noted:

**Table 1:**

<b>Planning Scheme Requirements</b>	<b>Comment</b>
<i>The current purpose and future intent of the community, including community aspirations, religious, spiritual, heritage and cultural aspects, which may affect the planning of the community.</i>	Done, but limited information provided.
<i>The current population and future population growth.</i>	Done.
<i>The overall area and location of each residential land parcel.</i>	No information provided on each land parcel.
<i>The location of existing and proposed camping areas, single houses, shared residential accommodation buildings, visitor accommodation.</i>	Done.
<i>The location of administration and community facilities and communal carparking.</i>	No carparking areas have been identified.
<i>The location of work areas and associated storage or light industrial sheds, home businesses, rural pursuits.</i>	No comment has been made on these.
<i>The location of existing and proposed roads or vehicle access layout within the site.</i>	Done.
<i>The staging of the development.</i>	Done.
<i>Conservation of natural features, vegetation and aboriginal heritage and cultural areas.</i>	Done.
<i>The location of any areas for open space, environmental cultural corridors, pedestrian and cycleways and recreation.</i>	Done.
<i>The existing and proposed water supply, sewerage provisions and other services for the lot and individual land parcels within the community.</i>	Done.
<i>The existing and proposed drainage provisions for the lot and individual land parcels.</i>	Done.

**Table 2:**

<b>Issue</b>	<b>Comment</b>
History	The report provides a very cursory explanation of the historic foundations of the community and mentions nothing of its aspirations into the short, medium or longer terms.
Population and Community Demographics	While population figures are provided, there is no social profile of the community. Conclusions drawn as to the likely growth are made without supporting evidence and are not provided in the context of time.
Layout	While a plan indicating the location of land is provided, there is no information as to lot sizes, dimensions or how the residential land holdings compare to, say, the R Codes.
Use	No description has been provided as to how the existing community is used by its inhabitants. For instance, the plan of the existing community shows an industrial shed but there is no discussion as to its use. Also, while the report identifies that the existing community building is not the highest and

	best use of this land, this notion is not reflected in the Draft CLP.
Car Parking	No details have been provided on parking areas and no comment has been made as to the levels of vehicle use or vehicle ownership.
Commercial Activity	No comment has been made on whether any kind of non-residential activity occurs within the community (ie home businesses or other commercial or industrial activities) or if there are any recorded aspirations or intentions by members of the community to do this.
Services	While it is recommended that water and electrical reticulation be replaced, the applicant state that the condition of this infrastructure is unknown. There is no evidence of communication with service authorities supporting this.
Geographical Context	There has been limited discussion as to the relationship of the community in its greater geographical context. For instance, how does it relate to Chinatown, immediately to its north, to the existing development with Dampier Terrace, or even to the Frederick Street verge and cul de sac? What form should new built development take, particularly in the high profile location of the proposed commercial allotment? What is the status of pedestrian and public transport linkages to the town centre?
Development Guidelines	The lack of detail within the development guidelines leaves a great deal of ambiguity in the development concept and approvals process, for Program Managers and Shire officers alike. It is suggested that these guidelines be linked to the Planning Scheme, planning policies and Shire strategies so that development can be assessed under delegation as far as practical. That is, any specific requirements that are relevant to this community should be included in the Guidelines, while other requirements should be as required by the Scheme and therefore be assessed as any other development.

Council considered the draft CLP at its meeting held on the 13 April 2004 and resolved

*“That the matter be referred back to the applicant to enable the CLP to be amended to address all the issues required to be addressed by a CLP”.*

Subsequently the Council resolution and a copy of the minutes containing the concerns relating to the CLP were referred to the Applicant to address the issues raised. In response the applicant have provided the following responses:

## **COMMENT**

In response the applicant have provided the following response in table form. The applicant's comments are in normal type whilst the Shire staff comments are provided in bold type in the response column.

**Table 1:**

Planning Scheme Requirements	Comment	Response
<i>The current purpose and future intent of the community, including community aspirations, religious, spiritual, heritage and cultural aspects which may affect the planning of the community.</i>	Done, but limited information provided.	The community's objectives have been carefully compiled and summarised in section 10 of the report. <b>The CLP report will be modified to highlight this point.</b>
<i>The overall area and location of each residential land parcel.</i>	No information provided on each land parcel.	The approximate area in m <sup>2</sup> for each land parcel is as follows: Commercial lot: 806 Community lot: 458 Single persons lot:595 Res. Lot 1: 527 Res. Lot 2: 559 Res. Lot 3: 410 Res. Lot 4: 493 Res. Lot 5: 495 Res. Lot 6: 507 Res. Lot 7: 474 Res. Lot 8: 588 Res. Lot 9: 338 Res. Lot 10: 646 Res. Lot 11: 611 Res. Lot 12: 1030 <b>This information will be reflected in the CLP report.</b>
<i>The location of administration and community facilities and communal car parking.</i>	No car parking areas have been identified.	The community building is mainly used by the residents themselves and therefore does not generate the need for formal car parking. <b>This will be reflected in the CLP report.</b>
<i>The location of work areas and associated storage or light industrial sheds, home businesses, rural pursuits.</i>	No comment has been made on these.	The community has requested none of these pursuits. <b>This will be reflected in the CLP report.</b>

**Table 2**

Issue	Comment	Response
History	The report provides a very cursory explanation of the historic foundations of the community and mentions nothing of its aspirations into the short, medium or longer terms.	The Malingbar Reserve, like many at the time, was created in 1987 to provide some protection, through land tenure, to Indigenous inhabitants of the Broome peninsula. <b>The short and long-term aspirations of the</b>

		<b>community has been summarised in section 10 of the CLP Report.</b>
Population and Community Demographics	While population figures are provided, there is no social profile of the community. Conclusions drawn as to the likely growth are made without supporting evidence and are not provided in the context of time.	According to the Australian Institute of Health and welfare, Indigenous fertility for 2000 was estimated to be at least 2.1 babies per woman, compared with 1.7 babies for all Australian women. The demographics at Mallingbar suggest 1.5 children per woman, which is lower than the above figures. This reinforces the view that the potential for population growth at Mallingbar is low. <b>This information will be reflected in the CLP report</b>
Layout	While a plan indicating the location of land is provided, there is no information as to lot sizes, dimensions or how the residential land holdings compare to, say, the R Codes.	With a minimum lot size of 400 m <sup>2</sup> (see provision section of the CLP Report) the density would equate to R20/R25 in the Residential Codes. <b>The CLP report and provisions will be modified to strengthen the link to the Rcodes.</b>
Use	No description has been provided as to how the existing community is used by its inhabitants. For instance, the plan of the existing community shows an industrial shed but there is no discussion as to its use. Also, while the report identifies that the existing community building is not the highest and best use of this land, this notion is not reflected in the Draft CLP.	The main purpose of the community is Residential. The "industrial shed" was removed in late 2003 after the completion of the internal road works. The community has not yet formed an opinion about the long term future of the community building identification on the CLP The planned introduction of a commercial area within the community may allow for a review of the community building function in the future. <b>The CLP will be modified to reflect the communities current aspirations and make reference to the formal process required should the communities aspirations change in the future.</b>
Car Parking	No details have been provided on parking areas and no comment has been made as to the levels of vehicle use or vehicle ownership.	Each residential lot has provision for two car bays. Car parking needs for undeveloped areas will follow the relevant Scheme requirements at the time of

		<p>development.  <b>An additional clause in the CLP provisions will be added to ensure compliance with TPS 4 and relevant policy provisions.</b></p>
<p>Commercial Activity</p>	<p>No comment has been made on whether any kind of non-residential activity occurs within the community (ie home businesses or other commercial or industrial activities) or if there are any recorded aspirations or intentions by members of the community to do this.</p>	<p>There is no planned or known intention for non-residential use within the community other than the commercial area identified in the CLP.  <b>The CLP report will be modified to reflect this fact.</b></p>
<p>Services</p>	<p>While it is recommended that water and electrical reticulation be replaced, the applicant state that the condition of this infrastructure is unknown. There is no evidence of communication with service authorities supporting this.</p>	<p>The condition of the community's infrastructure is known (see section 9.3 of the CLP Report).  Determination of future infrastructure dispositions have been made in accord with the requirements of the respective service authorities.  <b>Agreed - The CLP report will be modified to make sure these information is clear.</b></p>
<p>Geographical Context</p>	<p>There has been limited discussion as to the relationship of the community in its greater geographical context. For instance, how does it relate to Chinatown, immediately to its north, to the existing development with Dampier Terrace, or even to the Frederick Street verge and cul de sac? What form should new built development take, particularly in the high profile location of the proposed commercial allotment? What is the status of pedestrian and public transport linkages to the town centre?</p>	<p>The community is nestled in a man made depression between Carnarvon Street and the coastal sand dune to the east and south. Privacy for Mallingbar can be breached from many surrounding points.  The community's physical relationship with Frederick St. and Carnarvon St. is poor given the environmental neglect and size of the gap between the existing fence lines and the edge of the streets.  The approval by Council of the land tenure restructure and boundary changes as proposed by the community could offer the opportunity to renegotiate footpath provision and location within the road reserves in the context of new developments applications.  The CLP is seen as a necessary step towards a better integration with rest of</p>

		<p>the urban fabric. Aesthetic and Architectural criteria as well as development controls in force in Chinatown would be expected here and the community has indicated support for such approach.</p> <p><b>The CLP report will be modified to reflect the geographical context of the community</b></p>
<p>Development Guidelines</p>	<p>The lack of detail within the development guidelines leaves a great deal of ambiguity in the development concept and approvals process, for Program Managers and Shire officers alike. It is suggested that these guidelines be linked to the Planning Scheme, planning policies and Shire strategies so that development can be assessed under delegation as far as practical. That is, any specific requirements that are relevant to this community should be included in the Guidelines, while other requirements should be as required by the Scheme and therefore be assessed as any other development.</p>	<p>The development guidelines have been carefully calibrated to reflect the community's aspirations. The guidelines have been developed so that they do not contradict the relevant provisions of the TPS or create a detrimental impact to the amenity of surrounding areas. Future development applications would be expected to incorporate all relevant TPS requirements. The provisions shown in part 2 of the CLP Report have been devised to ensure the community's own understanding of the nature of future constraints and obligations to development.</p> <p><b>Noted – the CLP will be modified to provide a clear statement that future developments shall comply with relevant TPS provisions and prevailing policies.</b></p>

The applicants have advised that they do not wish to modify the CLP until such time as they know Council is happy with the proposed modifications as outlined in the above tables.

Overall it is considered that with the proposed modifications as outlined in the above two tables the CLP will comply with the provisions of the scheme and be a valuable planning tool for both the community and Shire to assist with the future growth and development of the community.

It is therefore recommended that the above additional information be incorporated into the CLP Report and Provisions.

**CONSULTATION**

The Planning Scheme states that the Council may require that the CLP be advertised for public comment if the affected community has not had sufficient time to comment on the

plan or if the plan is considered to potentially affect surrounding land or the general public outside of the community.

Given that the CLP is largely based on the existing development it is not considered necessary to advertise the CLP for public comment.

In preparing the CLP the applicant liaised directly with the relevant servicing authorities and copies of their responses have been provided.

The Mallingbar community has granted its approval of the CLP, adopting the plan and provisions on 23<sup>rd</sup> February 2004.

### **STATUTORY ENVIRONMENT**

Statement of Planning Policy 13  
Town Planning Scheme No. 4

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

None

### **VOTING REQUIREMENTS**

Simple Majority

### **REPORT RECOMMENDATION**

#### ***That Council:***

- 1. Adopt the Mallingbar (Kennedy's Hill) Community Layout Plan prepared by Hames Sharley dated February 2004 subject to the modifications being made to the CLP Report and Provisions document as described in tables 1 and 2 contained within body of this report.***
- 2. On receipt of the modified CLP, the adopted documentation be referred to the Western Australian Planning Commission for endorsement.***
- 3. Delegate to the CEO the authority to determine development applications within the Mallingbar (Kennedy's Hill) Community Layout Plan that are generally consistent with the CLP Report and Provisions.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 1 page](#)

## 9.2.12 TOWN PLANNING SCHEME NO 4 - 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>AUTHOR:</b>	Manager Planning Services
<b>CONTRIBUTOR/S:</b>	
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	16 July 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.

This report recommends that Council grant final approval to the amendment and that the signed and sealed documents be forwarded to the Western Australian Planning Commission for consideration of final approval by the Minister for Planning and Infrastructure.

### 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 were appointed to prepare the amendment documentation.

As a result of the change of strategic direction of Broome Council consider the amendment to the planning scheme to delete residential activity from the mixed use zone at its meeting held on the 4 May 2004 and resolved:

*“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. *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:*

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

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 residential or 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*

**COMMENT**

Nil

## 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 was advertised for public comment for a period of 42 days. Closing date for submission was the 21 July 2004. At the time of writing this agenda item two (2) submissions had been received. Should any additional submissions be received prior to the closing date they will be tabled at council for due consideration.

## SCHEDULE OF SUBMISSIONS

Name and address	Summary of submission	Staff Response
1. Water Corporation PO Box 100 Leederville WA 6902	No objection or comment with regard to the amendment	Noted.
Department Environmental Protection PO Box 625 Kununurra WA 6783	No objection to the amendment.	Noted.

A full copy of the submissions is attached.

## 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

Council 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 Council 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 Council'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.

**VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

- A) Council note the submissions received.
- B) That Council grant final approval to Town Planning Scheme No.4 – Amendment No15 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:

Use class	Zones
	Mixed Use
<b>Residential:</b>	
5. Aged Persons Accommodation	X
6. Single House	X
7. Grouped Dwellings	X
8. 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 residential or 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
- C) That the amendment documents be signed and sealed and referred to the Western Australian Planning Commission for consideration by the Hon Minister for Planning and Infrastructure for final approval

Moved:

Seconded:

FOR:

AGAINST:

### 9.2.13 NILLIR IRBANJIN (ONE MILE) COMMUNITY LAYOUT PLAN – BROOME ROAD, BROOME 6725

<b>LOCATION/ADDRESS:</b>	Reserve 26516 Broome Road
<b>APPLICANT:</b>	Hames Sharley, on behalf of the Department of Housing and Works
<b>FILE:</b>	RES 26516
<b>AUTHOR:</b>	Manager Planning Services
<b>CONTRIBUTORS:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Planning Services
<b>DISCLOSURE OF ANY INTEREST:</b>	NIL
<b>DATE OF REPORT:</b>	16 July 2004

**SUMMARY:** A Draft Community Layout Plan has been prepared for Nillir Irbanjin, with Planning Provisions as to its future development. The Draft requires Council's approval that it has been developed in accordance with the requirements of the Planning Scheme.

The report recommends the CLP be adopted with minor modifications and that the CEO be delegated authority to approve development applications that comply with the CLP

## BACKGROUND

In March 2003 the Department of Housing and Works appointed the consultants Hames Sharley (WA) to prepare a community layout plan (CLP) for the Nillir Irbanjin Town Reserve community in accordance with that department's Town Reserves Regularisation Program.

The work requires establishing a framework for the appropriate and orderly development of the community and is a fundamental stage in the process of upgrading and regularising essential and municipal services, such as power, water, sewerage, drainage and road maintenance.

### Compliance with the Planning Scheme

The Planning Scheme recognises the Nillir Irbanjin (One Mile) Community as being within a Settlement Zone. The aim of this zone is to provide a co-ordinated plan for aboriginal and non-aboriginal community living settlements and land. The Objectives are as follows:

- a) Provide for a range of mixed land uses which may include permanent and temporary residential accommodation, rural, community uses, and administrative uses on one lot;
- b) Allow home business activities and small scale business, rural or light industry activities which assist to support the community;
- c) Enable the preservation and management of areas of cultural significance.

The CLP was assessed in accordance with the criteria set down by provisions of Town planning scheme N0.4 and the following deficiencies were noted:

**Table 1:**

<b>Planning Scheme Requirements</b>	<b>Comments</b>
<i>The overall area and location of each residential land parcel.</i>	Each residential land parcel has been identified and no information provided on each land parcel. However it is noted that there are no individual lots as such.
<i>The location of administration and community facilities and communal carparking.</i>	No car parking areas have been identified.

**Table 2:**

<b>Issue</b>	<b>Comment</b>
Population and Community Demographics	While population figures are provided, there is no social profile of the community. Conclusions drawn as to the likely growth are made without supporting evidence and are not provided in the context of time.
Layout	While a plan indicating the location of land is provided, there is no information as to lot sizes, dimensions or how the residential land holdings compare to, say, the R Codes.
Car Parking	No details have been provided on parking areas and no comment has been made as to the levels of vehicle use or vehicle ownership.
Geographical Context	The CLP needs to take greater cognisance of its proximity to Roebuck Estate to its west and as a high profile locality that forms part of the entry statement into town, particularly with regard to the proposed industrial allotments proposed for the north of the site.
Development Guidelines	<p>The lack of detail within the development guidelines leaves a great deal of ambiguity in the development concept and approvals process, for Project Managers and Shire officers alike.</p> <p>It is suggested that these guidelines be linked to the Planning Scheme, planning policies and Shire strategies so that development can be assessed under delegation as far as practical. That is, any specific requirements that are relevant to this community should be included in the Guidelines, while other requirements should be as required by the Scheme and therefore be assessed as any other development. For instance, specific controls would be required with regard to the future development of the commercial/industrial lots to ensure there is no land use in this area that could impact on the amenity of existing residential development to the west.</p>

Council considered the draft CLP at its meeting held on the 13 April 2004 and resolved

*“That the matter be referred back to the applicant to enable the CLP to be amended to address all the issues required to be addressed by a CLP”.*

**COMMENT**

In response the applicant have provided the following response in table form. The applicant's comments are in normal type whilst the Shire staff comments are provided in bold type in the response column.

**Table 1:**

<b>Planning Scheme Requirements</b>	<b>Comments</b>	<b>Response</b>
<p><i>The overall area and location of each residential land parcel.</i></p>	<p>No information provided on each land parcel.</p>	<p>The approximate area in m<sup>2</sup> for each land parcel is as follows:                      Future Community Facility lot: 3989                      Existing community office lot: 397                      Existing community shed lot: 377                      Res. Lot 1: 468                      Res. Lot 2: 644                      Res. Lot 3: 701                      Res. Lot 4: 682                      Res. Lot 5: 864                      Res. Lot 6: 1057                      Res. Lot 7: 865                      Res. Lot 8: 888                      Res. Lot 9: 636                      Res. Lot 10: 639                      Res. Lot 11: 727                      Res. Lot 12: 815                      Res. Lot 13: 783                      Res. Lot 14: 734                      Res. Lot 15: 735                      Res. Lot 16: 711                      Res. Lot 17: 1120                      Res. Lot 18: 978                      Res. Lot 19: 710                      Res. Lot 20: 743                      Res. Lot 21: 768                      Industrial Lot 1: 2954                      Industrial Lot 2: 3189                      Industrial Lot 3: 2413                      Industrial Lot 4: 2169                      Industrial Lot 5: 2102                      Industrial Lot 1: 2139  <b>This information will be reflected in the CLP report</b></p>
<p><i>The location of administration and community facilities and communal car parking.</i></p>	<p>No car parking areas have been identified.</p>	<p>The community purpose zone is understood to allow for communal parking. The ultimate location of car parking will be documented when specific development applications relating to community purposes</p>

		<p>are lodged.  <b>This will be reflected in the CLP report.</b></p>
--	--	--

**Table 2:**

<b>Issue</b>	<b>Comment</b>	<b>Response</b>
<p>Population and Community Demographics</p>	<p>While population figures are provided, there is no social profile of the community. Conclusions drawn as to the likely growth are made without supporting evidence and are not provided in the context of time.</p>	<p>The Nillir Irbanjin community is understood to be of mixed language groups with permanent residents originating from the Western Desert as well as the Kimberley.                      The CLP indicates that the community anticipates growing from 10 households to 44 in the long term. This growth is based on land availability more than through traditional methods of assessing internal growth given that population changes will also be of external origin.  <b>Additional information will be added to the CLP to reflect this information</b></p>
<p>Layout</p>	<p>While a plan indicating the location of land is provided, there is no information as to lot sizes, dimensions or how the residential land holdings compare to, say, the R Codes.</p>	<p>With an average lot size of 900m<sup>2</sup> (see provision section of the CLP Report) the density would equate to R10/R12.5 in the Residential C  <b>The CLP report and provisions will be modified to strengthen the reference and linkages to the Rcodes.</b></p>
<p>Car Parking</p>	<p>No details have been provided on parking areas and no comment has been made as to the levels of vehicle use or vehicle ownership.</p>	<p>Household vehicle ownership within the community is increasing but is not expected to go beyond two vehicles in the long term                      Car parking provision for residents is provided within each residential lot.                      Car parking for visitors to the community is provided within the community purpose allotment.                      The ultimate location of car parking will be documented when specific development applications relating to community purposes are lodged.                      The areas shown as natural bushland in the CLP are not particularly environmentally sensitive and have been used in the past for overflow parking during group visits by community</p>

		<p>relatives.  <b>The CLP will be modified to include statistics and an additional clause in the CLP provisions will be added to ensure compliance with TPS 4 and relevant policy provisions.</b></p>
<p>Geographical Context</p>	<p>The CLP needs to take greater cognisance of its proximity to Roebuck Estate to its west and as a high profile locality that forms part of the entry statement into town, particularly with regard to the proposed industrial allotments proposed for the north of the site.</p>	<p>The CLP provision indicates that a landscape buffer of 6.0 metres is required for industrial lots along Broome Road (both existing and future alignment.)  <b>The CLP report will be modified to reflect the geographical context of the community</b></p>
<p>Development Guidelines</p>	<p>The lack of detail within the development guidelines leaves a great deal of ambiguity in the development concept and approvals process, for Project Managers and Shire officers alike.</p> <p>It is suggested that these guidelines be linked to the Planning Scheme, planning policies and Shire strategies so that development can be assessed under delegation as far as practical. That is, any specific requirements that are relevant to this community should be included in the Guidelines, while other requirements should be as required by the Scheme and therefore be assessed as any other development. For instance, specific controls would be required with regard to the future development of the commercial/industrial lots to ensure there is no land use in this area that could impact on the amenity of existing residential development to the west.</p>	<p>The development guidelines have been carefully calibrated to reflect the community's aspirations. The guidelines have been developed so that they do not contradict the relevant provisions of the TPS or create a detrimental impact to the amenity of surrounding areas. Future development applications would be expected to incorporate all applicable TPS requirements. The provisions shown in Part 2 of the CLP Report have been devised to ensure the community's own understanding of the nature of future constraints and obligations to development.</p> <p><b>The CLP will be modified to provide a clear statement that future developments shall comply with relevant TPS provisions and prevailing policies.</b></p>

The applicants have advised that they do not wish to modify the CLP until such time as they know Council is happy with the proposed modifications as outlined in the above tables.

Overall it is considered that with the proposed modifications as outlined in the above two tables the CLP will comply with the provisions of the scheme and be a valuable planning tool for both the community and Shire to assist with the future growth and development of the community.

It is therefore recommended that the above additional information be incorporated into the CLP Report and Provisions.

## **CONSULTATION**

The Planning Scheme states that the Council may require that the CLP be advertised for public comment if the affected community has not had sufficient time to comment on the plan or if the plan is considered to potentially affect surrounding land or the general public outside of the community.

Given that the CLP is largely based on the existing development it is not considered necessary to advertise the CLP for public comment.

In preparing the CLP the applicant liaised directly with the relevant servicing authorities and copies of their responses have been provided.

The Nillir Irbanjin community has granted its approval of the CLP, adopting the plan and provisions on 23<sup>rd</sup> February 2004.

## **STATUTORY ENVIRONMENT**

Statement of Planning Policy 13  
Town Planning Scheme No. 4

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION****That Council:**

1. ***Adopt the Nillir Irbanjin (One Mile Community Layout Plan prepared by Hames Sharley dated February 2004 subject to the modifications being made to the CLP Report and Provisions document as described in tables 1 and 2 contained within body of this report.***
2. ***On receipt of the modified CLP, the adopted documentation be referred to the Western Australian Planning Commission for endorsement.***
3. ***Delegate to the CEO the authority to determine development applications within th Nillir Irbanjin (One Mile) Community Layout Plan that are generally consistent with the CLP Report and Provisions.***

**Moved:****Seconded:****FOR:****AGAINST:**[Attachment: 1 page](#)

## 9.3

### ECONOMIC

### PROSPERITY



### OUTCOME

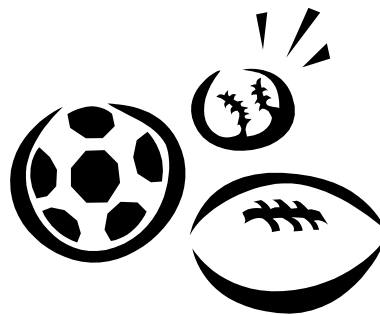
*Create an environment which encourages, promotes and facilitates sustainable business development, fosters investment opportunities and complements the unique lifestyle of the Shire.*

## 9.4

# SOCIAL SUPPORT

# AND

# DEVELOPMENT



## OUTCOME

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

**9.4.1 EVALUATION OF HYPE PROJECT**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ADM76
<b>AUTHOR:</b>	Manager Recreation Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Manager Corporate Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	15 July 2004

**SUMMARY:** An evaluation report on the Broome HYPE (Helping Young People Engage) Project has been prepared by Diana Sayer in conjunction with Dr John Bucknall, Acting Dean, Broome University of Notre Dame, and is presented for Council's information. The report clearly demonstrates the worth of the HYPE project and Council's ongoing support is recommended.

**BACKGROUND**

At its meeting of 5 November 2003, Council resolved to support the implementation of the Broome HYPE Project in partnership with the Department of Community Development and the Broome Police in an effort to address anti-social behaviour by youth in the Dakas park area. The HYPE Model prescribes a collaborative approach and a host of local agencies, as outlined in the report, have become stakeholders to the HYPE initiative.

The HYPE pilot-project was implemented in late December 2003 with a view to evaluating its success or otherwise after a four month period. The assistance of Diana Sayer from the University of Notre Dame is greatly appreciated in undertaking the evaluation process with the attached report the result. The purpose of involving the University was to ensure a totally impartial and objective report utilising proper and appropriate research methods throughout the evaluation process.

**COMMENT**

The report clearly demonstrates the positive outcomes of the project in terms of meeting objectives and provides a valuable insight into future directions. The report concludes "that the Broome HYPE Project has demonstrated that a collaborative and youth friendly approach to addressing issues involving young people and public space can result in benefits for the community. With an extended period in which to operate and adequate funding to sustain the project, Broome HYPE has the potential to achieve all of its objectives in the near future."

Given the strength of the evaluation, it is considered appropriate for Council to continue to support the implementation of Broome HYPE. It is estimated that the in-kind value in terms of project and financial management and administrative support is in the vicinity of \$20,000 per annum with a further provision of \$4,000 in financial support listed in the 2004/05 Draft Budget.

The Broome HYPE Project Management Team will now utilise this report to demonstrate the project's success to date in meeting its objectives to source ongoing funding and also to use the recommendations to improve the effectiveness of the programme.

While the HYPE Project Model was implemented to specifically address issues in the Dakas Park area, in recent months the scope of the project has expanded to other areas such as Lawrence Park. One of the strengths of the Broome HYPE Project is the flexibility of the HYPE model. Workers can target new locations, change their shift times and modify ways of working to meet the changing needs of the community.

## **CONSULTATION**

The evaluation process relies heavily on surveying the residents in the target areas of the project. The report indicates the perception of the residents generally is that there has been an improvement since the inception of the HYPE Project.

## **STATUTORY ENVIRONMENT**

Local Government Act (WA 1995)

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

1. In-kind support is estimated at \$20,000 for administrative and management support.
2. \$4,000 has been included in the 2004/05 Draft Budget for the financial support of the Broome HYPE Project.

## **STRATEGIC IMPLICATIONS**

LG 1.9e  
SSD 4.1c,e

A key strategy is to promote social development in co-operation with other Government and Non-Government agencies.

## **VOTING REQUIREMENTS**

Simple Majority

### **REPORT RECOMMENDATION**

1. ***That the report "Broome HYPE – Evaluation" by Diana Sayer be received;***
2. ***That the Shire of Broome continues to support the Broome HYPE Project by way of project and financial management and administrative support;***
3. ***That the Broome HYPE Project Management Team be advised of Council's continuing support and be encouraged to utilise the evaluation report to seek further partnership opportunities to secure the ongoing financial viability of the Project.***

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**9.4.2 FEES AND CHARGES REVIEW - RECREATION SERVICES**

<b>LOCATION/ADDRESS:</b>	Shire of Broome
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	Res 42502.4
<b>AUTHOR:</b>	Manager Recreation Services
<b>CONTRIBUTOR/S:</b>	Manager Corporate Services Centre Manager BRAC
<b>RESPONSIBLE OFFICER:</b>	Manager Corporate Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	15 July 2004

**SUMMARY:**

In reviewing the Fees and Charges Schedule as it applies to Recreation Services, a number of changes to both the pricing and the structure are recommended based on industry comparison, performance analysis (CERM Report) and effectiveness of the pricing structure with a view to reducing Council's level of subsidy, particularly of the BRAC facility. The approach taken has been to recognise an average fee across comparable facilities within Western Australia while also recognising the annual CPI increase.

**BACKGROUND**

A review of the Fees and Charges is an annual practice in the budget preparation process. Further, the existing pricing structure at BRAC has now had a full two years of application and requires review in terms of appropriateness and impact.

**COMMENT**

In setting a pricing policy for use of Council's sport and recreation facilities, consideration should be given to the economic status of the community (users and non-users), its traditions, values and special needs.

Whether acknowledged or not, a philosophical stance toward setting a pricing policy often overrides other considerations and to ignore this can lead to conflict of values and ideals, particularly for local government which is viewed by the local community as a traditional provider of services and facilities at minimal or no cost.

Commercial operators are concerned with providing leisure facilities that meet public demand and return sufficient profit to earn a living. By necessity the pricing policy set by those people will reflect the need to meet these financial commitments.

Within local government, direct costs are not passed on to users of libraries or parks and gardens. Local government also picks up the responsibility of supplying and maintaining active sports reserves, tennis courts and the like. However these facilities traditionally are not viewed in the same light as roads, health and welfare services as charges for their use are levied.

It is clear then that some services are considered as essential and should be provided "free", while others are viewed as more specialist in nature. As such, it is an accepted practice that users should contribute directly to their provision and upkeep. In general it is reasonable to state that local government provides facilities that everyone can use, or for which it would be administratively difficult to collect fees, free of cost and sets charges for the use of more specialist facilities.

In reviewing the hire charges for Council's sport and recreation facilities I have endeavoured to maintain a "user pays" philosophy in accordance with Council's strategic direction – that is, the user pays "something" for the privilege of exclusive use. For example, the booking of an oval for selected times by a football club to play matches, where during such times other members of the community are precluded from using the oval.

The following pricing structure ensures Council receives an income towards its capital investment and ongoing maintenance costs. As always the question is how much can the local government purse give as opposed to how much the community, in particular families and children, who all wish to engage in some form of leisure pursuit, can afford to pay.

### Guiding Principles

The updating of the Local Government Act (WA) in 1995 saw changes in expectations about the way in which local government conducts business. As a result, a number of other initiatives that complement the changing environment (including benchmarking, activity-based costing, competitive tendering, enterprise bargaining and the introduction of new Local Government Accounting Practices) have come into play over recent years. Coupled with the Shire's strategic directions, particularly in view of the high growth rate being experienced within the Shire and the consequent demand on the Council purse, sustainability has become a priority issue.

These initiatives have set an environment for change in which there are also opportunities to pursue. It is in this positive spirit that a four to five year Business Plan for the operation of BRAC is required. From this, the Annual Management Plans are derived.

### **PRICING REVIEW**

To date the Shire of Broome has encouraged ownership in BRAC through the sporting clubs now based there by involving their representation in the price setting process. This resulted in a two-tier pricing schedule, one for clubs and one for the general public. It is suggested this requires review both in terms of price and application. Comparison will show the fees generally are low in terms of the general public, while some of the arrangements with the clubs are considered inappropriate.

It is also suggested the politics of imposing a significant change without involving the clubs is inappropriate. To this end, the proposed annual increases for club use reflect no change with the recommendation that the relevant clubs be involved in the fees and charges review process, with a view to an updated fee structure being imposed no later than 1/1/2005. Further, following consultation with the Broome Tennis Club, it is considered appropriate to address their arrangements as a matter of urgency.

It is also suggested that the partnership that now exists between the Shire and the Clubs through BRAC be explored for mutual benefit. The **partnership** concept requires emphasis.

### Fees and Charges – General Use

Given the above environment encouraging transparency in accounting and competitive neutrality, benchmarking against similar facilities around the State and Australia wide is now possible using standard key indicators for comparison purposes. The Centre for Environmental and Recreation Management (CERM) based at the University of South Australia maintains this service, at a cost, and the YMCA is their WA representative. In February 2004, the BRAC Centre Manager provided the raw data for comparative analysis,

given that the YMCA has also submitted a Company Profile on their contract facility management service. (Given Council's decision to split the Sport & Recreation Officer/BRAC Manager position with the creation of the Manager Recreation Services position, and the direction towards a Community Services Directorate, it is considered premature to consider outsourcing the BRAC management at this time).

The YMCA in return provided the raw figures for comparison (see Attachment 1) and a verbal report. The information compares BRAC with similar wet and dry facilities that have a catchment population under 30,000 people in both Western Australia and Australia wide (Industry average). The West Australian figures are considered most appropriate for comparative purposes. Attachment 1 shows the BRAC figures compared to West Australian facilities on page one while the page two data compare WA with the rest of Australia. The comments have been prepared by the newly appointed Manager Recreation Services based on discussion with the YMCA's CERM representative, his industry knowledge and growing knowledge of the BRAC facility. In essence, the CERM report highlights issues with the existing Fees and Charges schedule (which also reflects on Council's philosophy towards cost recovery and what is an acceptable subsidy level), staffing levels, marketing budgets and management direction. It is clear that the Fees and Charges imposed are low.

While the purpose of this report is to deal with Fees and Charges, the CERM report highlights a range of factors that impact on the operational viability of BRAC. Future reports will utilise the CERM report in the preparation of business directions. Addressing the pricing policy is just one factor in the pursuit of effective management.

As an adjunct to the CERM report, a comparison of the Fees and Charges Schedules of a number of similar facilities within WA are presented in Appendix 2. The second last column provides an average figure across all facilities surveyed while the last column provides the proposed fee for 2004/05 with indicative percentage increases on the current fees and charges.

### Pricing Structure

In considering the Fees and Charges structure, as opposed to the actual dollar amounts, a number of issues are apparent:

1. Outdoor Courts - Traditionally outdoor tennis, basketball and netball courts cost less to hire due to costing less to maintain than indoor courts. Currently this is not differentiated, but should be, and reflected in the pricing structure;
2. Equity - In the recreation industry, the most common method of deriving a fees and charges schedule for indoor organised sport is to base the cost on the individual participant. In this way the user pays principle is clear and equity across programs is achieved. For example, when using a straight court hire fee a basketball team with 5 players will pay the same as a volleyball team with 6 players and the same as a netball team with 7 players. In effect, the pricing schedule discriminates against the participant's choice of sport. Why should a basketball player have to pay more than a netball player for the same facility? (This isn't to say there is no place for a court hire fee. For uses other than organised sport, an hourly rate will be more appropriate.) Another benefit of a participant based fee is it allows a common basis for comparison and benchmarking;
3. Programming - By introducing a junior (child) and senior (adult) base rate for venue hire, this provides a foundation for budgeting for programs, particularly centre-initiated programs, but also for hire groups/clubs. Once you have the base unit, it can be applied for as many hours as the program requires and to any program, thereby providing equity and consistency. It provides the foundation for

setting a fee for service (the program), that is, base rate plus program direct costs. The current fee structure sets a price for programs as well as venue hire. For example, After School and Holiday Programs. The problem with setting a program fee for a period of twelve months is there is no flexibility to accommodate changes throughout the year. For example, if you lose your volunteer instructor/umpire and have to employ staff, or a pay rise is imposed, the program is not covering its cost of delivery.

The proposed base fee for indoor organised sporting programs (ie. Fixtured games) is:

- Juniors (Up to 16 yoa) - \$1.10/game - venue hire base rate (GST Inclusive)
- Seniors (17 yoa +) - \$2.20/game - venue hire base rate (GST inclusive)

By introducing a participant based venue hire base rate, the Centre Manager is then in a position to set a fee to cover the venue hire plus direct costs of program delivery per participant. This fee may differ from one term/season to the next depending on cost variations. Program charges should be advertised in accordance with the marketing strategy for BRAC's facilities and programs;

4. Sporting Equipment - Some items should not be hired out due to their consumability. For example, shuttlecocks and tennis balls. These items should be sold as they are generally not re-hireable. The charge set should not be less than local suppliers to maintain competitive neutrality.
5. Books of Tickets - BRAC provides a greater range of books of tickets, with compounding discounts for quantity purchased, than any other facility surveyed. Some of the negatives of the Ticket Book system are:
  - Once they have been purchased, customers can take as long as they want to use them as there is no expiry date;
  - Costs associated with printing all the different types of tickets;
  - Tickets can get lost and are not replaced;
  - No record of the customers details are kept;
  - If the customer enters the facility more than once per day, they use up more tickets.

It is proposed to reduce the number of ticket books to books of ten (10) and fifty (50) for 2004/05 and then dispense with ticket books in the following year. Memberships are proposed for introduction in 2005/06, with the details yet to be finalised. This is due to the likely change over of computer systems during 2004/05 and compatibility issues in converting the current system to the new one.

## **PROPOSED FEES AND CHARGES**

Appendix 3 provides a listing of the proposed Fees and Charges Schedule for general use for 2004/05. The fee structure for the BRAC based clubs requires further consultation.

The current subsidy level for the BRAC facility is 69%. The projected income from the application of the proposed fees and charges is \$456,000 compared with \$368,000 in 2003/04 representing an improvement of \$88,000 or 23.9% on last year. Coupled with management strategies (to be developed) to actively seek revenue generating opportunities, particularly in terms of Centre-initiated programmes, and the BRAC facility should realise a significant improvement in the level of subsidy. Conversely, Council may decide a 31% cost recovery (69% subsidy) is acceptable. The State average is 76% cost recovery (24% subsidy) on similar facilities. For effective business planning purposes it is necessary for Council to give direction as to an acceptable cost recovery or subsidy level as a target to be achieved within a set period, say 4 – 5 years.

## CONSULTATION

Manager Corporate Services, BRAC Centre Manager, initial discussions with Tennis and Basketball Clubs.

## STATUTORY ENVIRONMENT

Local Government Act (WA 1995)

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

1. Improved revenue generation to reduce Council subsidy of recreation facilities, particularly the Broome Recreation and Aquatic Centre;
2. Greater equity between sporting groups through the introduction of an individual participant based fee structure;
3. Reduced costs through the reduction and eventual deletion of Books of Tickets in favour of a computer based card system.

## STRATEGIC IMPLICATIONS

LG 1.6; 1.9a  
SSD 4.2c

## VOTING REQUIREMENTS

Simple Majority

### REPORT RECOMMENDATION

1. *That the proposed Fees and Charges presented in Appendix 3 for general use be included as part of the 2004/05 Fees and Charges Schedule in the Draft Budget;*
2. *That users of the BRAC facility be advised of the new Fees and Charges rates to come into effect from 1 September by way of notices at the BRAC reception counter;*
3. *That users of sporting fields be advised of the new Fees and Charges rates to come into effect from 1 September via letter;*
4. *That the Fees and Charges that apply to the Clubs based at BRAC be reviewed in consultation with the individual clubs with a view to any changes being implemented no later than 1 January 2005;*
5. *That the Interim Management Advisory Committee be reactivated to address the Fees and Charges and other matters dealing with the BRAC Stage 2 development;*
6. *That Council provides direction as to what level of subsidy is considered acceptable for the BRAC facility, with a target timeframe within which to (hopefully) achieve the goal.*

Moved:

Seconded:

FOR:

AGAINST:

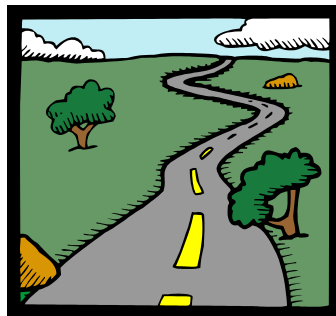
[Attachments: 17 pages](#)

**9.5**

**ASSETS**

**AND**

**INFRASTRUCTURE**



**OUTCOME**

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

**10.**

**REPORTS**

**OF**

**COMMITTEES**

**10.1 BROOME ARTS CENTRE ADVISORY COMMITTEE 2004 – MEETING 24 MAY 2004**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CTE.36
<b>AUTHOR:</b>	Executive Assistant
<b>CONTRIBUTOR/S:</b>	N/A
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	29 June 2004

**SUMMARY:** To advise Council of the outcomes of the meeting of the Broome Arts Centre Advisory Committee 2004 held 24 May 2004.

**BACKGROUND**

At the Ordinary Meeting of Council held 13 April 2004, Council appointed the Broome Arts Centre Advisory Committee 2004.

This Committee met on 26 May 2004. The minutes from this meeting were subsequently endorsed at the meeting held 23 June 2004 and included as an attachment to this document.

**COMMENT**

A number of issues were discussed at this meeting, which included:

- The outcomes of the visit by John Nichols (Woodhead International).
- Terms of Reference – which resulted in the following recommendation (1) from the Committee:

"That the Broome Arts Centre Advisory Committee endorse the Broome Arts Centre Advisory Committee Terms of Reference, with the following inclusion under point 9 (new point 7):

- Performing Arts
- Visual Arts
- Indigenous Art"

The Terms of Reference are included in the attachments for this report.

- Council's Recommendation with regards to its position on the recommendations contained within the Broome Arts Centre Concept Plan and Needs Analysis, which resulted in the following recommendation:

"That the Broome Arts Centre Advisory Committee endorses Council's position on each of the recommendations contained within the Broome Arts Centre Concept Plan and Needs Analysis."

- Previous Committee members – in particular recognising the contribution of previous committee members and staff, which resulted in the following resolution:

1. "That Ms J Jasper-Batson be thanked for bringing this matter to the attention of the Committee and advised of the various avenues available to view minutes of the meetings.
2. That space in the Shire Newsletter be allocated for update reports on the Broome Arts Centre Project and that the Committee submit information to the Community Relations Officer for inclusion.
3. That a list of all persons associated with this project be created and maintained for future reference."

- Where to Now/Site options – a new site for consideration was raised by Ms Tarran.

### **CONSULTATION**

Not applicable

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **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 Council endorses the Broome Arts Centre Advisory Committee 2004 Terms of Reference as attached.***
2. ***That Council notes the Broome Arts Centre Advisory Committee's endorsement of Council's position on the recommendations contained within the Broome Arts Centre Concept Plan and Needs Analysis.***
3. ***That Ms J Jasper-Batson be thanked for her contribution to the Broome Arts Centre Project and be advised of the various avenues to view minutes of the Broome Arts Centre Advisory Committee 2004.***
4. ***That Council endorses space being allocated in the Shire of Broome Newsletter for update reports on the Broome Arts Centre Project and the Committee submit information to the Community Relations Officer for this purpose.***
5. ***That a list of all persons associated with the Broome Arts Centre Project be created and maintained for future reference.***

**Moved:****Seconded:****FOR:****AGAINST:**[Attachment: 6 pages](#)

**10.2 WASTE MANAGEMENT ADVISORY GROUP MINUTES**

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ENH87
<b>AUTHOUR:</b>	Manager Health Services
<b>CONTRIBUTOR/S:</b>	Chief Executive Officer
<b>RESPONSIBLE OFFICER:</b>	Manager Health Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 June 2004

**SUMMARY:** Report on the minutes of the Waste Management Advisory Group meeting held 24 June 2004 with recommendations to endorse the revised Waste Management Facility Operational Plan, address health and safety issues, and to make allowance for the provision of a skip bin recycling service for commercial premises.

**BACKGROUND**

A meeting of the Waste Management Advisory Group was held Thursday 24 June 2004, which included a tour of the Waste Management Facility (WMF) to discuss the revised WMF Operational Plan, especially the request from Energy Developments Limited (EDL) to lease a portion of the site for the storage of Liquefied Natural Gas (LNG).

A copy of the minutes is attached.

**COMMENT**

The WMAG put forward the following recommendations for Council consideration:

- That Council retain the money set aside in the draft budget for commercial skip bin recycling service and include provision for commercial recycling in future contracts

**CEO comment:** This matter is dealt with separately by Council

- That the Manger of Health Services obtain an estimate of the annual market value for leasing the proposed portion of the Broome Waste Management Facility (150mx150m) to Energy Developments Ltd.

**CEO comment:** The CEO is dealing with this matter.

- That Council address Health & Safety issues for employees by upgrading the ablutions at the Broome Waste Management Facility, as soon as possible.

**CEO comment:** This point is agreed to.

- That Council endorse the revised WMF Operational Plan (copy attached).

**CEO comment:** The areas amended to include: -

- Removal of the proposed transfer station.
- Inclusion of the liquid waste disposal site.
- Identification of the land for LNG storage
- Inclusion of the oil recycling facility

- Relocation of the area for the commencement of above ground waste disposal
- Reduction in the area for the car impound yard.
- New site for storage of old car bodies.

Although a number of other items have been identified in the operational plan as being required, the committee has agreed, because EDL will need to provide some if not all of these facilities/services, to postpone their implementation until after negotiations have been completed with EDL.

## **CONSULTATION**

Waste Management Advisory Group

## **STATUTORY ENVIRONMENT**

Environmental Protection Act, 1986.  
Local Government Act, 1995.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Should the WMAG recommendations to Council be accepted provision will need to be made in the draft budget for:

- Skip bin commercial recycling service (\$37,000.00).
- Provision for ablution facilities (\$30,000.00).

## **STRATEGIC IMPLICATIONS**

The Shire in its Strategic Plan identified the provision of a full recycling service and a 240litre sulo bin service commenced in July 2002. However, whilst the sulo bin service has met "industry norms" for domestic recycling this cannot be said for commercial recycling which really needs a skip bin service to be successful.

If Council is committed to full recycling it should endorse the provision of a skip bin service for commercial recycling.

Although the current recycling contract is a three year contract with two, one year options, the refuse collection contract is for five years. Therefore, it would be unwise to not take up the two one options so the recycling contract can be re-advertised at the same time as the refuse collection contract. To gain maximum benefit both contracts should be advertised and commenced at the same time.

## **VOTING REQUIREMENTS**

Simple Majority

**REPORT RECOMMENDATION**

**That Council resolves:**

- **To adopt the minutes of the Waste Management Advisory Group.**
- **To address Health & Safety issues for employees by upgrading the ablutions at the Broome Waste Management Facility, as soon as possible.**
- **To adopt the revised WMF Operational Plan.**

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 43 pages](#)

**11. NOTICES OF MOTION**

**11.1 REVIEW OF RATES LEVY (Cr E R M Foy)**

**That Council review the rates revenue levied from each differential rates following the adoption of the Strategic Plan.**

**Moved:**

**Seconded:**

**FOR:  
AGAINST:**

**11.2 PROPOSED BROOME RESIDENTIAL 5B & 5C SUBDIVISION. (Cr E R M Foy)**

**Rubibi and Native Title claimants and Shire of Broome provide public liability insurance. Council do not commit themselves to any agreement until such time as the outcome of the High Court decision.**

**Moved:**

**Seconded:**

**FOR:  
AGAINST:**

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

**13. MATTERS BEHIND CLOSED DOORS**

**14. MEETING CLOSURE**