

MISSION AND VALUES OF COUNCIL

Provide proactive, open, accountable leadership that embraces the uniqueness of Broome, and a future which reflects the needs of the entire community.

AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

28 SEPTEMBER 2004

**ORDINARY COUNCIL MEETING
28 SEPTEMBER 2004**

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NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Tuesday 28 September 2004, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 12.00pm

Regards

Ian Bodill
Chief Executive Officer

22 September 2004

1. OFFICIAL OPENING

2. ATTENDANCE AND APOLOGIES

Attendance

Leave of Absence

Apologies

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 7 September 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.

9.1.1 COMMON SEAL REPORT

DATE	DETAILS
3 September 2004	Letter of Undertaking – overdraft for North West Expo
3 September 2004	Deed of Guarantee in favour of Commonwealth Bank – North West Expo (\$25,000.00)
6 September 2004	Debenture – Loan 174 for \$71,000.00, WA Treasury Corporation
6 September 2004	Debenture – Loan 175 for \$200,00.00, WA Treasury Corporation
20 September 2004	Withdrawal of Caveat – Lot 997 on deposited Plan 212287

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 RESERVE 36477 – VENUE HIRE, PRIVATE FUNCTIONS

LOCATION/ADDRESS:	Reserve 36477 (Cable Beach)
APPLICANT:	Manager Corporate Services
FILE:	Res 36477
AUTHOR:	Administration Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Manager Corporate Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 September 2004

SUMMARY: Request for Council to endorse a decision of staff not to permit any future hire of the portion of Reserve 36477, between the Cable Beach Amphitheatre and Cable Beach toilets and amend the venue hire policy accordingly.

BACKGROUND

During 2003/2004 the Shire approved two venue hire applications, which enclosed the portion of grassed area directly in front of the Cable Beach Sand Bar and Grill overlooking Cable Beach.

COMMENT

Staff discussed the issue and formed an opinion that any future function/events should not be permitted. The intent is to keep this area of the reserve available for public use at all times. It is a prime location for both locals and visitors to Broome, to view one of the most popular beaches and it's sunsets in Australia.

It should be noted that two adjacent areas are available for hire within the Reserve.

Staff now seek Council's endorsement of this decision and amend the venue hire policy accordingly.

CONSULTATION

Senior Management Group

STATUTORY ENVIRONMENT

Reserve vesting in the Shire of Broome under Land Administration Act.

POLICY IMPLICATIONS

Amendment to Venue Hire Policy 1.2.5

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council endorse the decision not to permit any future hire of the portion of Reserve 36477 between the Cable Beach Amphitheatre and the Cable Beach Toilets and amend the venue hire policy number 1.2.5, with the following:

“Council will make available for occasional hire the following reserves:-

- Town Beach Reserve***
- Cable Beach Reserve 36477 excluding the area between the Cable Beach Amphitheatre and Cable Beach toilets.***
- Broome Recreation & Aquatic Centre***
- Civic Centre, Council managed parks and ovals”***

Moved:**Seconded:****FOR:****AGAINST:**[Attachment: 3 pages](#)

9.1.3 PROPOSAL TO REVIEW PARKS AND GARDENS SECTION

LOCATION/ADDRESS: Shire of Broome
APPLICANT: Shire of Broome
FILE: ENG 08
AUTHOR: Chief Executive Officer
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Manager Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 14/09/04

SUMMARY: Council is requested to approve a review of the Parks and Gardens section with the view to establishing the extent of the service delivery currently provided within the shire and determining the extent of future service delivery. It is recommended that a consultant be engaged to perform the task as detailed within the body of the report.

BACKGROUND

The Shire of Broome is currently expending an amount of \$2.7 million on Parks and Gardens in its 2004/2005 budget. This includes an amount of \$679,500 for non-operating and \$2.01 million for operating expenses.

General-purpose funds allocated to Parks and gardens equate to 25.23%.

The tables below reflects the income and expenditure, and the percentages relating to Parks and Gardens activities over the last six years:

	2004/05	03/04	02/03	01/02	00/01	99/00
Rates	6877482	6017757	5498270	4985178	4577738	4184080
Grants	1999500	2069593	2113183	1984373	1847710	1773379
Total Rates and Grants	8876982	8087350	7611453	6969551	6425448	5957459
Parks and Gardens operating expenditure	2012959	1960882	1917597	1928226	1863184	1344360
Parks and Gardens non operating expenditure	679500	577085	441927	394337	436596	416555
Total Parks and Gardens expenditure	2692459	2537967	2359524	2322603	2299781	1760915

When one looks at the percentage of total general-purpose funds allocated to Parks and Gardens EXCLUDING funding received from other sources, the table is as follows:

	2004/05	03/04	02/03	01/02	00/01	99/00
General Purpose funds allocated to Parks and gardens	2240065	2279572	2228952	2266453	2051042	1550724
Other Income received by parks and gardens	491963	253210	123919	38573	177152	209904
Percentage of GP funds allocated to Parks and Gardens	25.23%	28.19%	29.28%	32.52%	31.92%	26.03%

The table above indicates that for the last six years, between a quarter and a third of the Shire's general purpose income has been expended within the area of Parks and Gardens.

The Parks and Gardens section of the shire's operations currently covers the following duties and tasks as provided by its supervisor:

- Preparation and implementation of Annual Budget
- Maintenance of Shires Parks & Reserves eg including irrigation, renovating, planting.
- Capital Works Program – all Parks & Reserves
- Play Equipment Program – maintenance, replacement and monthly audits
- Ground Water Program –sampling, reporting
- Solar Light Program – inspections
- Annual Programs
 - ❖ Tree Pruning
 - ❖ Verge Slashing
 - ❖ Tree Planting
 - ❖ Roundabouts/Islands
 - ❖ Cyclone Clean up
 - ❖ Mulching
- Pesticide Program
 - ❖ Weeds & fauna
 - ❖ Termites
- Landscape Plan Approvals for commercial developments
- Effluent Re-use Scheme – Haynes Oval – BRAC
- Coastal Park – assistance, maintenance
- Nursery
- Palm Leaf Beetle Program
- Staff management
- Cemeteries
 - ❖ Japanese
 - ❖ General
 - ❖ Chinese

- Organise National Tree Day
- Private Works
 - ❖ Sunset Park Dola 5A & C
 - ❖ Roebuck Estate
 - ❖ Demco Reserve
- Design POS & Reticulation (Implement and maintain for 2 years.)

Statistics

- ❖ 45 Maintained Parks & Reserves approx. 55ha
- ❖ 27 Public Access Ways (not including Roebuck Estate)
- ❖ 30 Roundabout Islands (not including Roebuck Estate)
- ❖ 2 Sporting Ovals
- ❖ Stage II BRAC – in progress – 2 new ovals.
- ❖ Verges – all slashed annually

COMMENT

The suggested expected outcomes of the review will be:

1. Random sample of community expectations (Survey)
2. Alignment of the review in conjunction with the Shires Strategic Plan.
3. Comparisons with other Local Government's expenditure in the operating and capital areas of Parks and Gardens as a ratio of total operating expenditure and rates income.
4. A suggested ratio of funds this Shire should be aiming at spending in the future in terms of Parks and Gardens and other operating costs/rates income.
5. Five year Parks and Gardens capital plan to be reviewed into a 10 year plan in accordance with Strategic Financial and estimated available funds.
6. Final Staff structure including staff numbers and reporting lines.
7. Performance measurement criteria

By asking appropriate questions the random survey will ask questions that produce answers giving direction as how the community perceives the service and the associated cost, i.e.

1. Do you believe that the shire should be spending its current level of funds on Parks and Gardens?
2. What level of funding is appropriate?
3. How satisfied are you with the service provided by the Parks and Gardens crew?
4. What suggestions do you have to contribute towards an even better and effective service?

CONSULTATION

Manager Engineering services
 Parks and Gardens Supervisor
 Assistant Parks and Gardens Supervisor

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The review will assess the current level of expenditure and determine the future level s required.

STRATEGIC IMPLICATIONS

The review will be aligned with the Shires strategic plan and the outcomes determined and confirmed once the plan is finally adopted.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council agrees to a review of the Parks and Gardens section and authorises the CEO to proceed as outlined in the report.

Moved:

Seconded:

FOR:

AGAINST:

9.1.4 JULY & AUGUST 2004 MONTHLY REPORT

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	FIN 1
AUTHOR:	Accountant
CONTRIBUTOR:	Nil
RESPONSIBLE OFFICER:	Manager Financial Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	28 September 2004

SUMMARY: Monthly Report of the Shires operations for the month of July and August 2004 with early year-end projections estimating a \$28,788 surplus.

BACKGROUND

Staff have reviewed year to date revenues and expenditures through a number of management reports.

COMMENT

Revisions to the year-end estimates have been made resulting in a projected surplus of \$28,788. These revisions are mainly minor adjustments to the budget in addition to unbudgeted footpath contributions owed and a grant to pay for damage by cyclone Fay to roads. The repairs were completed in 2003/2004.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act
Financial management Regulations

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As detailed

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council receive the monthly report for the months of July and August 2004.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 11 pages](#)

9.1.5 BROOME ARTS CENTRE - LAND 27 AND 29 DAMPIER TERRACE, BROOME.

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	CTE.36
AUTHOR:	Executive Assistant
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	15 September 2004

SUMMARY: To advise Council of an approach from the MG Kailis Group to explore the possibility of utilising property on Dampier Terrace for the Broome Arts Centre Project.

BACKGROUND

The following correspondence was forwarded to the Shire President, from the MG Kailis Group.

"The MG Kailis Group owns the land at 27 and 29 Dampier Terrace, Broome. The land is approximately 1100 m² in area.

The Group would like to explore with the Council the possibility of using this land as the site for the proposed Broome Arts Centre.

Ms Maarit Rivers of the Arts Centre Advisory Committee has suggested I make contact with you to progress the matter.

While no detailed analysis has taken place as yet, it seems to the Group an ideal opportunity to create a Centre that provides a facility for art exhibitions and artists in residence as well as a venue for MG Kailis to display its pearl jewellery.

The Group would welcome the opportunity to discuss the matter further with you in Broome."

Informal discussions between Shire of Broome staff and representatives of Kailis have indicated that the initial purpose may be considered inappropriate. Kailis representatives are open to suggestions and keen to pursue discussion between the two parties.

COMMENT

As some contact had been informally made with members of the Broome Arts Centre Advisory Committee, this matter has been discussed at recent meetings, with a copy of the correspondence from MG Kailis Group being tabled at the meeting held 15 September 2004.

The Committee indicated that the correspondence should be presented to Council for information and initiation of discussion if deemed appropriate.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

None at this stage

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

That Council acknowledges the offer made by the MG Kailis Group to utilise land located at 27 and 29 Dampier Terrace, Broome for the Broome Arts Centre Project and that the Chief Executive Officer invite representatives of the MG Kailis Group to meet the Shire President and members of the Broome Arts Centre Advisory Committee 2004 to further discuss this proposal for the Broome Arts Centre.

Moved:

Seconded:

FOR:

AGAINST:

9.1.6 REVIEW OF DELEGATIONS OF AUTHORITY

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM.54
AUTHOR:	Executive Assistant
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	15 September 2004

SUMMARY: To seek Council's endorsement to extend the existing delegations of authority to allow for the recruitment process for the Director Community Services.

BACKGROUND

Section 5.18 of the Local Government Act 1995, requires that a local government keep a register of delegations and that these are reviewed at least once each financial year.

At the Ordinary Meeting of Council held 6 July 2004, Council resolved to extend delegations until 30 September 2004, to allow for changes to the organisational structure.

COMMENT

The majority of the review has been carried out, however the recruitment process for the Director Community Services is yet to be complete and creation of this new Directorate will require the reassignment of a number of delegations due to the amalgamation of a number of existing departments into the new directorate.

As such, it is suggested that the existing delegations be extended until 30 December 2004 to allow for this process to be completed and for the reassignment of delegations to take place.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

The Delegations of Authority Register forms part of the Policy Manual and existing policies will require review in accordance with the outcomes of the proposed organisational structure.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Council's Strategic Action Plan seeks to undertake reviews of delegations as part of the good governing of Council.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council endorses all existing delegations of authority from Council to the Chief Executive Officer being extended until 30 December 2004.

Moved:

Seconded:

FOR:

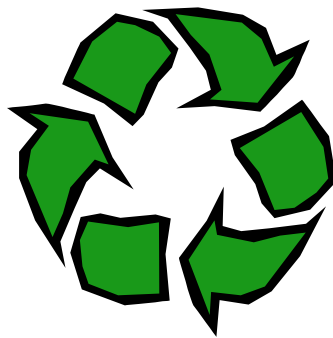
AGAINST:

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 AUTHORITY TO PROSECUTE BREACH OF DIRECTION ISSUED UNDER SECTION 10 OF THE TOWN PLANNING AND DEVELOPMENT ACT 1928 - LOT 957 NO. 12 HAYNES STREET BROOME 6725

LOCATION/ADDRESS: Lot 957 No. 12 Haynes Street Broome 6725
APPLICANT: Nil
FILE: HAY-1/12
AUTHOR: Compliance Officer
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Manager Planning Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 10 September 2004

SUMMARY: An inspection of Lot 957 No. 12 Haynes Street Broome 6725 has revealed that a breach of the 11 February 2004 Direction served in relation to the use of the office as a residence has occurred.

This report recommends that Council resolve to prosecute any further breaches of the 11 February 2004 Direction served in relation to the use of the office as a residence at Lot 957 No. 12 Haynes Street Broome 6725.

BACKGROUND

At the 16 December 2003 Ordinary Meeting of Council, Council resolved in part that:

(B) Council's solicitors be instructed to issue a notice or notices under s.10 of the Town Planning and Development Act 1928 to the owner and/or persons carrying out development, as the Council's solicitor's may recommend, for the alteration of works and /or cessation of uses on the site in contravention of the Shire's Town Planning Scheme No. 4.

A Direction was served on 11 February 2004 requiring the owner to stop and not recommence the use of the building as a residence within 21 days.

A site inspection was undertaken on 23 February 2004. At that date, in the opinion of the officer, the building was not functioning as a residence.

COMMENT

An inspection of the office was undertaken on 24 August 2004 by officers of the Shire and it was determined that, in the opinion of the officers, the office was being used to reside in. The inspection was conducted under Warrant as entry was refused in the first instance.

A subsequent inspection was undertaken on 8 September 2004 to establish a continuing use. The inspection revealed that, in the opinion of the officers, the only portion of the office that could be construed as being utilised for residential purposes was the laundry/shower/toilet. The laundry was required to be removed as a condition of the 26 May 2004 Town Planning approval granted for the showroom, workshop, office.

In order that no residential activities are undertaken from the office this report recommends that the owner of the property be instructed to remove and not reinstate the laundry facilities.

The owner is now aware that the Shire is steadfast in its resolve to ensure that the office is only to be used as an office and not as a residence. To reinforce this position this report recommends that Council authorise the prosecution of any further breaches.

CONSULTATION

McLeod's Barristers and Solicitors to the Shire of Broome

STATUTORY ENVIRONMENT

Town Planning and Development Act 1928 as amended.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost of prosecution should non-compliance occur again.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

- 1. Instruct the Shires Solicitors to prosecute any further breaches of the 11 February 2004 Direction served on Rockley Nominees Pty Ltd in relation to the use of the office as a residence at Lot 957 No. 12 Haynes Street Broome 6725.***
- 2. Reaffirm condition 13 of the 26 May 2004 Town Planning Approval and require Rockley Nominees Pty Ltd to remove the laundry facilities from the office, within 14 days, and that the laundry facilities not be reinstalled.***
- 3. Authorise the carriage and conduct of all proceedings be delegated to the
i. Chief Executive Officer.***

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 1 page](#)

9.2.2 APPLICATION FOR PLANNING APPROVAL - PROPOSED R CODE VARIATION - RESIDENTIAL - NEW RESIDENTIAL DWELLING- LOT 57 NO. 2 DEMCO DRIVE BROOME

LOCATION/ADDRESS:	Lot 57 (No. 20) Demco Drive Broome
APPLICANT:	Karl Edward Plunkett (for D & KL Nominees Pty. Ltd.)
FILE:	DEM-2/2
AUTHOR:	Planning Officer 3
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Acting Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 September 2004

SUMMARY: An application for planning approval has been received for a new residential dwelling on Lot 57 (No. 2) Demco Drive Broome 6725.

The application is referred to Council for consideration, as the CEO does not have the delegated authority to approve the requested variation.

This report recommends **CONDITIONAL APPROVAL**.

BACKGROUND

On 29 July 2004, an Application for Planning Approval was lodged at the Shire for a two storey single residential building at Lot 57 (No.2) Demco Drive, Broome. The subject lot is a corner lot zoned residential R15 and has an area of 662 sqm. The application is being referred to Council to determine as it is requesting setback variations that CEO does not have the delegated authority to approve.

COMMENT

This application is requesting two variations to the 2002 Residential design Codes. The two variations are as follows:

Variation 1: Increased projection of the eaves into the front setback

Clause 3.2.2 A2 (ii) of the R Codes requires that:

“Any eaves to project not more than one metre into the street setback area for the full width of the building.”

Under the provisions of the R Codes, the required primary (street) setback for this lot is 6.0 metres. The building is allowed to project into the front setback a maximum distance of 50 % of the prescribed setback distance. In this application, the eaves project 1.4 metres further into the front setback area than the walls of the proposed dwelling. This setback is in excess of the maximum projection of the eaves permitted by the R Codes by 0.4 metres.

The performance criteria for clause 3.2.2, Minor Incursions into Street Setback Area states:

“Minor Incursions and projections not to detract from the character of the streetscape.”

The justification that the applicant has provided for the performance based assessment states that:

“ The proposed protrusion of the eaves on the front of the house are part of the energy efficient design of the house. As the lot is a corner lot, and the front of the lot is curved and not a 90 degree intersection, the projection of the eaves does not have a negative impact on the character of the street scape and does not affect the amenity of the adjacent lots in any way.”

Taking into account that this development is on a corner block that is curved and not an intersection of streets at 90 degrees, and the proposed variation will have no negative effects on the streetscape or the amenity of the street. And due to the minor nature of the variation requested, it is recommended that this variation be supported by Council.

Variation 2: Reduced rear setback.

Clause 3.3.1 A1 (i) of the R Codes requires that:

“Buildings set back in accordance with Table 1. Table 2. (for heights 10m and less) and Figure 2. and Figure 3. (for wall heights in excess of 10m)”

Under the provisions of the R Codes, the required rear setback is 6.0 metres. The application has a rear setback of 3.878 metres from the building to the rear lot boundary. This represents an intrusion into the rear setback of 2.1220 metres from the building to the rear lot boundary.

The performance based criteria for clause 3.3.1, Buildings Setback from the Boundary states:

“Buildings set back from the boundaries other than the street boundary so as to:

- *Provide adequate sun light and ventilation to the building;*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building and appurtenant open spaces;*
- *Assist with protection of access to direct sun for adjoining properties;*
- *Assist in ameliorating the impact of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties.”*

The justification for the performance based assessment that the applicant has provided states that:

“The required setback of 6 metres on a back boundary for a R12.5 zone – I would like to do a performance based application 3.3.1 on the following reason:

- *The building has been positioned on the block to ensure adequate sunlight and cross ventilation from adjoining properties;*
- *The back boundary has a house which has no major outdoor entertaining area adjoining it and has no major window openings;*
- *The buildings design has also taken into consideration the protection d privacy between the adjoining properties.*

Because of the above reasons, and the nature of a corner block, the difficulties of building on it, I would like to apply for my performance based application.”

Due to this variation being minor in its nature and having no impact on the amenity of the adjoining lot to the rear, it is recommended that this variation be supported by Council.

CONSULTATION

No formal consultation was required for an application of this nature.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 4
2002 Residential Design Codes

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application for Planning Approval dated 29/07/2004 (2004/140) made by Karl Edward Plunkett for proposed R Code variations on a new two storey, single residential dwelling on Lot 57 (No. 2) Demco Drive Broome be APPROVED subject to the following conditions:

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 20 August 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. 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.*
- 4. All vehicle crossovers being designed and constructed (sealed, brick paving, bitumen, concrete) to the Shire's standard crossover specification.*
- 5. Vehicle parking, manoeuvring and circulation areas to be constructed and sealed with brick paving, bitumen or concrete and drained in accordance with approved plans. Detailed engineering plans identifying pavement details (existing, finished levels and pavement type) and drainage details to be submitted and approved by the Shire prior to the issue of a building licence.*
- 6. 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.*
- 7. Finished floor level of the dwelling to be 400mm above natural ground level (or approved finished ground level for those lots where subdivision works have altered the 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.*

8. **All car parking spaces on site (including those within a carport of garage) shall be of minimum dimensions 2.7m wide by 5.5m long. Any modifications to the plans required to accommodate these minimum dimensions shall be detailed on the working drawings at Building Licence application stage.**
9. **All outdoor clothes drying areas shall be screened from view and shall provide adequate privacy for residents of the development.**
10. **No antennas, satellite dishes and the like shall be erected on the property if they are visible from the street, without the further Planning Approval of the Shire.**
11. **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

1. **Any additional development/use, which is not in accordance with the original application or conditions, as outlined above, will require the approval of the Shire.**
2. **If the development the subject of this approval is not substantially commenced within a period of two years from the date of the approval, the approval shall lapse and be of no further effect.**
3. **Where the approval has so lapsed, no development shall be carried out without further approval of the Council having first been sought and obtained.**

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 7 pages](#)

9.2.3 APPLICATION FOR PLANNING APPROVAL - PROPOSED PERFORMING ARTS TRAINING CENTRE AT 'OLD MINI GOLF' SITE- LOT 21 (NO. 12) FREDERICK STREET, BROOME

LOCATION/ADDRESS:	Lot 21 (No. 12) Frederick Street, Broome
APPLICANT:	Michael Gerard Connolly
FILE:	FRE-1/12
AUTHOR:	Planning Officer 1
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Acting Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	14 September 2004

SUMMARY: An application for planning approval has been received for a proposed performing arts training centre at the 'old mini golf' site on Lot 2 (No. 12) Frederick Street, Broome.

The application is referred to Council for consideration as the determination was deferred by Council at the 7 September 2004 meeting. There is limited on-site parking available but this application alters the proposed land-use from the previous applications and reduces the parking requirement. Additional information provided questions the need for planning approval.

This report recommends the application be approved subject to a condition to limit the use of the site for rehearsals only with it not being used for public performances or functions without further approval of the Shire.

BACKGROUND

The site subject of this application (refer attached location plan) was originally developed for the purposes of a mini-golf complex with a mezzanine level caretaker's dwelling and was used for these purposes up until the mid 1990's. Subsequent attempts have been made to adapt the existing building for a range of potential uses but without conclusion. The current use of the premises is for an office and caretakers residence only.

At its meeting on the 23rd March 2004, Council granted approval to use the site for a one-off concert for the Broome Arts and Music Foundation (BAMF) over Easter. This was proposed to have a maximum audience size of 200 people. The application had the support of the owner of the adjacent vacant property to allow it to be used for parking and had the support of the adjacent property owners to allow their land to be used for emergency access. This support was conditional on the basis that it was a one-off event.

At its meeting on 13 April 2004 Council considered an application to use the existing building for the purposes of a theatre, for use by touring groups for rehearsals and concerts on a full time basis. Based on this application, the parking requirement was calculated to be 80 bays, but only the existing 10 bays were proposed. Consequently, Council resolved not to approve the application.

The current application for a performing arts training centre was received on 15 June 2004 and proposed a restricted use (training only) on a limited proportion of the floor area to avoid the need for additional parking. Council considered this application at its meeting on 7 September 2004, and following the presentation of new material at the meeting by the applicant, Council resolved that the item be deferred until the next full Ordinary

Council Meeting pending full examination of the new information and details from the applicant.

This application proposes to use portion of the rear of the building (100m²) for a training dance floor only. The applicant advises the proposed training studio of 100m² will accommodate a maximum of six students and one lecturer and that the site is required as the students and staff are currently using the Civic Centre for rehearsals and are seeking a more permanent premises. The front portion of the building will continue to service as the office for 'Troppo Sound'.

Additional Information Provided Following Council Meeting of 7 September 2004

The minutes of the Shire's Building and Works Committee Meeting 11 May 1989 contain an item 4.14 from a Mr R. V Claxton:

"I am writing to you on behalf of our family syndicate of which I am acting Chairman.

We have at this time placed an offer to purchase in the hands of the owner the vacant land between Mango Jacks and the Custom Building in Frederick Street, Broome. Please find a copy of this offer enclosed.

We would ask you to treat this letter as an application to develop the property in question into a complex totally committed to public entertainment, and present to the Council at their earliest convenience.

*Recomm.7 THAT preliminary approval be granted.
(Cr Shepherd – Cr Butler)"*

At a subsequent Council Meeting on 7 August 1989, Council approved a Building Licence submitted by R.V. Claxton for a Mini Golf Complex at 21 Frederick Street, Broome.

J Lankester on behalf of the applicant has presented this information (letter attached) together with the claim that:

- *"The current owner/applicant should not have been required to submit a new planning application for the Performing Arts Centre (April 2004) or the Performing Arts Training Centre (September 2004).*
- *The applications should not be reassessed for car parking. (the Council in 1989 accepted any shortfall of parking) The current proposal only changes the building by proposing two new internal storerooms/toilets (total 36m²) and the external walls of the building. This does not increase floor area. These minor changes do not reasonably justify the imposition of any further car parking requirements and certainly not 70 – 80 car bays which was presented in the Staff April 2004 report to Council.*
- *The condition 2 of the September report which prevents public performances and functions should not be applied.*
- *The condition 3 of the September report which limits the numbers of people attending training/rehearsals should not be applied.*
- *The only planning issue for consideration with the April and September proposal is the new storeroom/toilets and the new side and rear walls of the building."*

The submission goes on to request that Council acknowledge that:

- *"The 1989 Council approval for the site remains valid for public amusement and entertainment and that the use of the site /building for "theatrical productions and other performing arts" – for public performances and training/rehearsals is permitted without any fresh planning application being required for this use.*
- *That no further parking provisions are required for the existing site/building as a Performing Arts Centre.*
- *The 1989 approved caretakers dwelling and internal canteen/shop may remain within the current proposal.*
- *Compliance with Building and Health regulations remain applicable.*
- *The existing and previously approved Music shop in the front of the building will remain and it is not intended to be changed to a lobby and office, as was shown on the current application."*

COMMENT

Car Parking

The proposed use "performing arts training centre" is considered equivalent to indoor recreation (gym, health club, basketball courts or the like) under Council's Car Parking Policy with a minimum requirement of 1 bay per 25m² of floor area. Four parking bays are required for the training floor, two for caretakers dwelling and 0.73 for the existing office. The total parking requirement is seven bays and 10 are provided.

Town Planning Scheme No 2

The Shire of Broome Town Planning Scheme No 2 (TPS2) operated from 20 September 1985 until it was revoked by the approval of Town Planning Scheme No 4 in 1999 and was the applicable planning scheme at the time in question. TPS2 required applications to be made for planning consent for all development including a change in the use of land. Planning applications were required to be made in writing and accompanied by location plans and suitable plans of all existing and proposed buildings and other site improvements. No application form or decision form was specified by the TPS2.

During the period up to early 1990 the procedure appears to have been that application for a Building Licence together with associated plans was taken to constitute an application for planning consent under TPS2 and the issue of a Building Licence was taken to constitute Council's determination under TPS2. After early 1990 separate application and decision forms appear to have been used and determinations under TPS2 appear to have been handled independently of the Building Licence procedure.

1989 Approval

The letter referred to in the Works and Building Committee minutes dated 11 May 1989 referred to "a complex totally committed to public entertainment" but did not appear to provide any other detail nor to be accompanied by any of the required plans. The decision of the Committee, subsequently endorsed by the Council, "that preliminary approval be granted" is not provided for in TPS2.

It is therefore concluded that at this stage, May 1989, there was no valid application for planning approval under TPS2 and no valid planning approval under TPS2. By using the word "preliminary" the Council of the day was indicating its general support for the

landowner to make a detailed application for some sort of public entertainment use of the land in the future.

In August 1989, a Building Licence for a mini golf complex in the current building was issued. The application for a Building Licence was accompanied by detailed plans of the site, the building and car parking and drainage, and would have constituted an application for planning approval under TPS2. The issue of the Building Licence would have been intended and taken as planning approval under TPS2. Consequently the applicable approval for Lot 21 (No 12) Frederick Street Broome is for a mini golf complex as detailed on plans dated approved August 1989.

Applicant's Requests

"The 1989 Council approval for the site remains valid for public amusement and entertainment and that the use of the site /building for " theatrical productions and other performing arts" – for public performances and training/rehearsals is permitted without any fresh planning application being required for this use."

As discussed above there was no valid application or approval for any use other than a mini golf complex and therefore the use of the land for theatrical productions or other performing arts requires an application for planning approval under Town Planning Scheme No 4.

"That no further parking provisions are required for the existing site/building as a Performing Arts Centre."

Any application for planning approval under TPS4 must be considered in accordance with the requirements of the Scheme including having regard for Council's Car Parking Policy.

"The 1989 approved caretakers dwelling and internal canteen/shop may remain within the current proposal."

A dwelling area and a shop area are shown on the approved plans.

"Compliance with Building and Health regulations remain applicable."

This is agreed but it should be added that compliance with the provisions of TPS4 is also required.

"The existing and previously approved Music shop in the front of the building will remain and it is not intended to be changed to a lobby and office, as was shown on the current application."

Council can only consider the information provided in and for the application. If the applicant intends to do something else, that should be the subject of a further application with full details provided for consideration.

Public Amusement Use

The information provided by the applicant contains a discussion of Public Amusement Use. Public Amusement is listed in the use classes of the zoning table in TPS2 and is defined to include a number of uses "*means the use of land as a theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium or for games.*" An application for one of the uses included in such a definition is not automatically an application for all of the other uses in the definition.

Further Additional Information

Further information has been provided by the applicant's consultant requesting that should legal advice be sought the owners argument in full be presented to council's solicitors and not a revised or abbreviated version of the argument. It would appear to be quite clear from the provisions of TPS2 that an application required supporting site plans and building details and accordingly the only application applicable was for a mini golf complex as discussed above.

It follows that this conclusion is in accordance with TPS2 and is not considered to need further legal advice. On the other hand, to follow the logic set out by the applicant, which appears to be contrary to TPS2 would be considered to require supporting legal opinion.

Conclusion

After detailed consideration of the information provided it is concluded that the proposed use "performing arts training centre" is not covered by any existing approval and that approval under TPS4 is required. Should the applicant not agree with a decision along these lines there is the option of submitting an appeal to the tribunal.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The Shire of Broome Town Planning Scheme No.4

POLICY IMPLICATIONS

Planning Services Car Parking Policy 4.1.8

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

- A) *That the applicant be advised Council after considering the additional information provided considers the proposed "performing arts training centre" is not covered by any previous approval and planning approval under Town Planning Scheme No 4 is required.***
- B) *That the application for Planning Approval dated 15/06/2004 (2004/118) made by Michael Gerard Connolly for the proposed performing arts training centre at the old***

'mini golf' site on Lot 2 (No. 12) Frederick Street Broome be APPROVED subject to the following conditions:

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 15 June 2004 submitted with the application as approved by the Shire.**
- 2. This approval permits the use of an office, residential accommodation and rehearsal studio only. Performances and functions are not permitted on the site.**
- 3. The area that this approval pertains to is to be used for rehearsals and shall not be used for public performances or functions of any kind without further approval of the Shire.**
- 4. The canteen as shown on the development application is not to be used for the commercial sale of food.**
- 5. Connection to the Hon Minister's sewer.**
- 6. The building being registered as a Public Building under the Health (Public Buildings) Regulations 1992.**
- 7. A suitably screened refuse bin storage area is to be provided in accordance with Council's Health Local Laws prior to the development first being occupied. The location of the enclosure is to be marked on the plans submitted for a Building Licence and is to be approved by the Shire's Health Department.**
- 8. The lodging of detailed landscape plans, to the satisfaction of the Shire, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:**
 - the location and type of existing and proposed trees and shrubs within the carpark area.**
 - any lawns to be established.**
 - any natural landscape areas to be retained; and**
 - those areas to be reticulated or irrigated.**
- 9. A deed of agreement is to be prepared and executed at the owner's cost between the owner and the Shire prior to the development first being occupied, under which the owner agrees to maintain the nature strip landscaping and to permit the Shire to lodge an absolute caveat against the Certificate of Title to the land to secure the performance of that maintenance obligation.**
- 10. A deed of agreement is to be prepared and executed at the owner's cost between the owner and the Shire prior to the development first being occupied, under which the owner agrees to maintain the existing carparking on the road reserve and to permit the Shire to lodge an absolute caveat against the Certificate of Title to the land to secure the performance of that maintenance obligation.**
- 11. 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.**
- 12. The provision of at least 4 bicycle parking facilities.**
- 13. All vehicle crossovers being designed and constructed (sealed, brick paving, bitumen, concrete) to the Shire's standard crossover specification.**
- 14. A stormwater drainage system is to be provided in accordance with the Shire of Broome's standard specification prior to the development being first occupied and thereafter maintained to the satisfaction of the Shire. The proposed stormwater drainage system is the shown on the Building Licence.**

submission and be approved by the Shire prior to the commencement of construction.

Note 1: All stormwater runoff to be disposed of either on site or into a legal point of discharged (Shire drain, road or other approved location).

Note 2: All drainage systems shall be designed to include water sensitive design principles and to maximize on site water retention.

- 15. All required parking bays being line marked and signed in accordance with the Traffic Code WA 2001 and AS 2890 (off street parking) except standard bay sizes to be 2.7m x 5.5m and disabled bays to be 3.2m x 5.5m within one month of the development being first occupied.**
- 16. One (1) disabled car-parking bay located convenient to the building entrance and with a minimum width of 3.2 metres, 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).**
- 17. 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; and / or**
 - Formal comment from Fire and Emergency Services Western Australia.**

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. A building assessment attached to this approval is preliminary only. It has been provided as a guide to note the requirements to be addressed prior to the lodgement of the building licence application.**
- 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) Occupational Health, Safety & Welfare Regs**
 - (b) Health (Public Buildings) Regulations 1992**
- 4. This development has been defined as a public building and shall comply with the provisions in the Health Act 1911 relating to a public building and the public building regulations. An application to construct, extend or alter a public building is to be submitted with the building licence application.**
- 5. 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.**
- 6. 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:

9.2.4 LETTER FROM BILINGURR RATEPAYERS AND RESIDENTS - PROPOSED CAMEL SITES - LOT 833 CNR LULLFITZ DRIVE AND FAIRWAY DRIVE.

LOCATION/ADDRESS:	Lot 833 Cnr Lullfitz Drive and Fairway Drive
APPLICANT:	S. Knox, A. Pentelow, and K. Curran
FILE:	LUL-1/LT833
AUTHOR:	Acting Manager Planning Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Acting Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	13 September 2004

SUMMARY: A letter has been received from three Bilingurr residents opposing the proposal to move camel farms to portion of Lot 833 Corner of Fairway Drive and Lullfitz Drive.

This report recommends Council confirm its support for the action and advise the residents accordingly.

BACKGROUND

The Department of Land Administration advised the Shire of options for providing for the camel operators on Lot 833 in a letter dated 26 July 2001. The Shire responded that the proposed site has previously been considered to be a desirable location and that the Shire is prepared to explore all options available to facilitate the relocation of the existing camel operations to this location as soon as practically possible. The process of excision of the land for this purpose is now almost complete.

Three residents of the Bilingurr area, S. Knox, A. Pentelow, and K. Curran, have submitted a letter to the Shire (see attachment) expressing strong opposition to the excision of land for the purpose of stabling camels in the precinct. They base their opposition on the following points:

1. The proposal conflicts with the cultural, natural and recreational values of the area, the Shire of Broome's Strategic Plan, and the provisions of Town Planning Scheme No 4.
2. The proposal will attract additional traffic to the area creating road safety concerns and is not permitted in "rural living" zone under TPS4.
3. The proposal could lead to the proliferation of weeds, increasing dust, smell and fly breeding in the area.

The letter then makes a number of suggestions for the alternative accommodation of the businesses including transporting the animals into the area from grazing leases or locating them adjacent to the tip site in Buckleys Road. It also suggests that the operators should contribute to the maintenance of trails and ensure camel dung is not distributed throughout the region.

The letter expresses strong opposition to the use of Hidden Valley as passage to the beach for camels, horses, or any vehicle whatsoever. The letter concludes with the hope that Council can exercise some influence over the proposal and as an urgent priority express its disapproval to Minister McTiernan.

COMMENT

With respect to the first claim that the proposal conflicts with the cultural, natural and recreational values of the area, the Shire of Broome's Strategic Plan, and the provisions of Town Planning Scheme No 4, there is nothing in the strategic plan that would prohibit the transfer of these local businesses and nothing in TPS4 to prohibit their establishment in the proposed location.

The second claim that the proposal will attract additional traffic to the area creating road safety concerns and is not permitted in "rural living" zone under TPS4 is not supported. Any development will generate additional traffic. The provisions of TPS4 specifically allows the use "zoological gardens" which includes the keeping of camels in the rural living zone and the use has been approved on Lot 3090 Lullfitz Drive to the north of the proposed site.

The third claim that the proposal could lead to the proliferation of weeds, increasing dust, smell and fly breeding in the area depends on the particular management of the proposals and may be considered to be more of a problem in the current locations.

With regard to the suggestions for alternative operations of the enterprises, the proposals would require a site for holding saddling and loading/unloading which would be similar to the existing situation.

The proposal to locate the camel farms on Fairway Drive is considered to be a practical solution to a current problem.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Broome Town Planning Scheme No 4.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council advise S Knox, A Pentelow, and K Curran after careful consideration of the points outlined in their letter dated 8 September 2004 it confirms its support for the location of the camel farms in the Fairway Drive area.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 4 pages](#)

9.2.5 TOWN PLANNING SCHEME NO. 4 - PROPOSED AMENDMENT TO INCLUDE LOT 366 KAPANG DRIVE, CABLE BEACH IN SCHEDULE 2 – ADDITIONAL USE FOR TOURIST DEVELOPMENT.

LOCATION/ADDRESS:	Lot 366 Kapang Drive, Cable Beach
APPLICANT:	Dolby Property Developments
FILE:	KAP-1/4
AUTHOR:	Acting Manager Planning Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Acting Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	15 September 2004

SUMMARY: A proposed Scheme Amendment has been received for the inclusion of Lot 366 Kapang Drive, Cable Beach in Schedule 2 – Additional Use for Tourist Development of Town Planning Scheme No4. The proposed amendment that Lot 366 Kapang Drive, Cable Beach be allocated an additional use of "Tourist development".

This report recommends that the amendment to the scheme be initiated and the applicant be required to prepare the documentation and to cover the associated costs.

BACKGROUND

The subject lot is 1522m² in area and is developed with eight residential apartments, four 1-bedroom apartments and four 3-bedroom apartments. The lot is currently zoned 'Residential R40' under Town Planning Scheme No. 4. The applicant wishes to have the additional use of 'Tourist Development' allocated to the subject lot so the units can also be used for short stay tourist accommodation in addition to the 'residential' accommodation of the current zoning.

COMMENT

This report recommends that the requested amendment to Town Planning Scheme No 4 be initiated for the following reasons:

- The proposal is consistent with the Shire's strategic planning objectives, in particular clause 3.1 of the Shire of Broome's Local Planning Strategy, which identifies a key aim of the strategy as being:
- "To assist employment growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and **tourist development**, as well as providing opportunities for home based employment.
- The location of the lot is in close proximity to other tourist based accommodation and activities as it is located in close proximity to the tourist node of Cable Beach.
- The current residential density coding for the subject lot of 'Residential R40' is the same density coding for the 'Tourist Development' zone of R40 that the amendment proposes. This means that the existing development was approved at the same density coding under the 'Residential Zoning ' as it would have been under the proposed 'Tourist Development Zone'".
- Under the 2002 Residential Design Codes, each of the eight apartments is required to have 2 car bays for the exclusive use of each apartment. Due to this provision of the R Codes, each apartment has 2 exclusive car bays. In the 'Tourist Development Zone', each dwelling would only be required to provide 1 exclusive car bay per apartment. This will result in the parking bay provision being in excess of 1 bay per apartment should the amendment be adopted

CONSULTATION

No consultation is required at this stage.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council, 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 adopting Amendment No. 22 to include Lot 366 Kapang Drive, Cable Beach, in Schedule 2 – Additional Use for Tourist Development as follows:

AMENDMENT NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
22	Lot 366 Kapang Drive	Tourist Development	As determined by Council

Moved: _____ **Seconded:** _____

FOR:
AGAINST:

9.2.6 TOWN PLANNING SCHEME NO.4 – AMENDMENT NO 17 – RESERVE 40108 - FORMALISATION OF GOOLARABOOLoo ABORIGINAL COMMUNITY ZONING

LOCATION/ADDRESS:	Reserve 40108
APPLICANT:	Planwest on behalf of The Goolarabooloo Community
FILE:	TPS4/17
RESPONSIBLE OFFICER:	Acting Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	14 September 2004

SUMMARY: At the Council meeting of 20 January 2004, Council unanimously voted to initiate the amendment process for Scheme Amendment No. 17 – Reserve 40108 – for the formalisation of the Goolarabooloo Aboriginal Community Zoning.

Scheme Amendment No. 17 was advertised for public comment for a period of 42 days, as required by the Town Planning Regulations (1967). There were no submissions as a result of the advertising period and it is now referred to council with a recommendation for adoption for final approval.

BACKGROUND

In June 2003 Council considered the Community Layout Plan for the Goolarabooloo Aboriginal community located on reserve 41018 in Coconut Wells and resolved:

1. That Council support in principle the Goolarabooloo Community Layout Plan Provisions and Report 01/100-20/12/02 received on the 29th April 2003 and refer the document to the WAPC for noting as to the Council's action.
2. That rezoning from "Rural Living" zone to "settlement" zone be a prerequisite to the adoption of the Layout Plan and that current use be considered to be a 'non-conforming' use.
3. That Council proceed with normal process to rezone Reserve 40108 Coconut Well Broome from "Rural Living" to "Settlement".
4. That all development on the said reserve be referred to Council for consideration and that such applications should fit within the Goolarabooloo Community Plan Layout until the CLP is adopted.
5. That Council write to the relevant authorities advising of Council's decision and at the same time advising the lack of infrastructure, such power, water, sewerage at Aboriginal Communities and the need for these issues to be resolved as a matter of priority.

At the Council meeting on 20 January 2004, Council considered the proposed Scheme Amendment No 17, for the formalisation of the Goolarabooloo Aboriginal Community Zoning and resolved to initiate the amendment process for Scheme Amendment No. 17.

Proposed Scheme Amendment No. 17 was advertised for public comment for a period of 42 days, from 29 August 2004 to 9 September 2004, as required by the Town Planning Regulations (1967). There were no submissions as a result of the advertising period.

COMMENT

As there were no submissions as a result of the advertising period, the amendment is now referred to council with a recommendation for adoption for final approval.

CONSULTATION

Proposed Scheme Amendment No. 17 has been advertised for public comment for a period of 42 days in accordance with the requirements of the Town Planning regulations (1967).

STATUTORY ENVIRONMENT

Town Planning Scheme No.4 1999, as amended
Town Planning and Development Act 1928, as amended
Town Planning Regulations 1967, as amended

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This amendment will facilitate the adoption of the Community Layout Plan for the community once finalised.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

- A) That Council grant final approval to Town Planning Scheme No.4 – Amendment No17 to Excise reserve 40108 Lawrence Street, Coconut Wells from “Rural Living” zone and include it in the “Settlement” zone.**
- B) That the common seal be affixed to the amendment documents**

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 1 page](#)

9.2.7 DRAFT BROOME ENVIRONMENTAL WEED REPORT AND DRAFT POLICY

LOCATION/ADDRESS:	Broome Township
APPLICANT:	N/A
FILE:	ENG 08
AUTHOR:	Manager Engineering Services
CONTRIBUTOR/S:	Parks and Gardens Supervisor and Peter McFadden - Parks and Gardens
RESPONSIBLE OFFICER:	Manager Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	13 September 2004

SUMMARY: Consideration of a draft Environmental Weed Report for the Township of Broome, with a recommendation to endorse the report to be advertised for public comment including a draft policy for control of pest weeds in Broome Township.

BACKGROUND

For some years now, Parks staff have advocated for a Weed Strategy to give direction and to reinforce current on ground weed management and control by Shire staff.

The control of weeds is a significant issue Australia wide and both National and State weed Strategies have been developed by Government Agencies.

These will eventually extend to Regional and Local Strategies, however Broome has an issue right now and this draft strategy is in response to that need. There is no Kimberley Regional Weed Strategy and while it is required as urgently as any other area, the Shire of Broome does not have the resources to tackle that problem. We can, however commence a local strategy and build from that.

The Shire already expends a considerable amount of funds and resources on weed control, both as an integral part of all Parks and Gardens maintenance programs (eg. Sporting ovals) and as stand alone spraying programs (verges and drains).

The draft report is intended to highlight the importance of weed control and to give direction to those existing programs as well as set out future additional programs.

The National and State weed Strategies also define what are weeds of significance and rank weed types into priority categories for control. Because of the magnitude of the problem, some weeds are therefore ranked as not as important as others, with most resources targeted at the particularly noxious or invasive weeds, which threaten the environment or rural industries most.

At State level, the various Agencies will therefore follow suit and obviously each State has different types/categories and extent of weeds.

Local Strategies not only need to address the high importance weeds, but also need to target local weeds of significance, as different soil and climate conditions can influence different weed types. Local Strategies also need to take into account the available resources and funds available. Historically weed control has been a low priority with most Local Governments and Broome has been no exception.

The Parks and Gardens Supervisor, Lee Cooper, has recently been appointed to the State Weed Plan Committee and this will be invaluable to the Shire of Broome in obtaining and sharing information and possibly in obtaining additional funds.

The Shire is also fortunate to have an employee, Peter McFadden, who has a Bachelor of Science and a keen interest in the subject. Peter has spent a considerable amount of his own time in putting together the Draft Report and background inspections, and it is an excellent document. Very few Local Governments have Weed Strategies, however it is becoming an emerging issue, particularly in regard to urban areas and adjacent bushland, such as in Broome.

The solutions will not eradicate weeds, but should try and target particular types and arrest or control further infestations. Control will require a community wide effort and associated education programs

COMMENT

The Report details some outcomes and future developments required to try and address the emerging weed problem in Broome.

The Draft Report should be endorsed by Council and put out for public and Agency comment before being considered for formal adoption by Council.

An overriding new Policy is also attached in draft form for similar consideration by Council. Parks and Gardens staff should be congratulated for their input and initiative in formulating the report.

CONSULTATION

In-house by Parks and Gardens staff, with some contact to State Agencies

STATUTORY ENVIRONMENT

Council can prescribe any plant other than a Declared Plant to be a pest plant, under the provisions of the Agriculture and Related Resources Protection Act 1976. Local laws can be enacted, but the best results have been achieved by voluntary Weed Strategies and Codes Of Conduct in an area.

POLICY IMPLICATIONS

New policy

FINANCIAL IMPLICATIONS

Included in existing maintenance Parks and Gardens program. Additional funds and resources as annual budgets allow.

STRATEGIC IMPLICATIONS

Longer term control of weeds on all Shire reserves, road verges, drains and coastal parks. Strategy could be used as a model for the rest of the Shire or other communities

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

1. ***That the Draft Environmental Weed Report and Weed Policy be endorsed by Council for advertising for Agency and public comment for a period of two (2) months, prior to further consideration by Council.***
2. ***That the Parks and Gardens staff be thanked and congratulated on their excellent work in producing the Draft Strategy.***
3. ***That an item be included in the 2005 Shire Directory to highlight the weed problem and proposed Policy Strategy to address the situation.***

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 24 pages](#)

9.2.8 APPLICATION FOR PLANNING APPROVAL - PROPOSED COMMERCIAL DEVELOPMENT - EXTENSION TO EXISTING OFFICE BUILDING- LOT 50 (NO. 9) LOUIS STREET BROOME.

LOCATION/ADDRESS:	Lot 50 (No. 9) Louis Street Broome 6725
APPLICANT:	PM & D Architects Pty Ltd (for the Roman Catholic Bishop of Broome)
FILE:	LOU-1/9
AUTHOR:	Planning Officer 3
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Acting Manager Planning Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 September 2004

SUMMARY: An application for planning approval has been received for an extension to an existing office building on Lot 50 No. 9 Louis Street Broome.(see attachment)

The application is referred to Council for consideration as it is deemed to be an extension of the non-conforming use of "Office". This application is referred to Council, as it is not within the delegated authority of the CEO to determine.

This report recommends **CONDITIONAL APPROVAL**.

BACKGROUND

On the 30 August 2004 an application for Planning Approval was lodged with the Shire of Broome for an extension to the offices on Lot 50 (No. 9) Louis Street Broome. The subject lot is zoned "Residential", with a density coding of R15. The existing office on the site is deemed to be a non-conforming use as "Office" is an "X", or non-permitted use in residential zones under Town Planning Scheme No. 4.

The proposed extension comprises a new office for the Bishop of Broome, a waiting room, a second office which will be used for office space as well as storage for files, a deck entry area and a disabled access ramp that connects the raised verandah to the carparking bays. The proposal also includes an increase in the number of onsite parking bays by 6 bays.

COMMENT

Due to the nature of the use of the offices at Lot 50 (No. 9) Louis Street Broome being related to the administration of the Catholic Church in Broome, it is not considered that the activities will have a negative effect on the amenity of the adjacent residential lots. The proposed use of the offices is in fact community based in its purpose. The two areas of concern that the proposed development must address are the car parking provision of the site and the building design / effect on the streetscape of the proposed extension.

Car parking

Shire of Broome's Car parking Policy 4.1.8 requires that "Office" development provides 1 car bay per 30 sqm GLA. The proposed office extension at Lot 50 (No. 9) Louis Street Broome is 60 square metres and requires a total increase in carparking of 2 bays. The proposed development demonstrates an actual increase in the number of onsite carparking bays by 6 bays, which is in excess of the required number by 4 bays.

Building Design / Streetscape

The proposed extension is to be constructed of the same materials and finish as the existing office. It is compliant with the 'Broome Housing Strategy' in both building materials to be used and the design of the building. As the building is located to the rear of the lot, and the proposed extension is behind the existing house at the front of the lot, the extension will not be visible from the street and therefore have no effect on the streetscape.

CONSULTATION

This application was advertised for public comment for the standard 21 day period, with adjacent landowners notified, as is required by Town planning Scheme No. 4

This application has also been advertised to the adjacent landowners for comment as is required by Town Planning Scheme No.4

There were no submissions as a result of the advertising period.

STATUTORY ENVIRONMENT

Shire of Broome Town Planning Scheme No. 4
2002 Residential Design Codes

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application for Planning Approval dated 30/06/2004 (2004/146) made by PM & D Architects Pty Ltd for the proposed extension to existing office building on Lot 50 (No. 9) Louis Street Broome be APPROVED, subject to the following conditions:

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 30 July 2004 submitted with the application as approved by the Shire.***
- 2. The areas of communal carparking containing 6 spaces or greater shall be bordered by landscaping and a minimum of one tree for each six 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.***
- 3. 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.

- 4. All vehicle crossovers being designed and constructed (sealed, brick paving, bitumen, concrete) to the Shire's standard crossover specification.**
- 5. All visitor parking must be on-site and not at all within the road reserve.**
- 6. 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 Shire prior to the issue of a building licence.**
- 7. All car parking spaces on the site (including those within a carport or garage) shall be of minimum dimensions 2.7 m wide by 5.5 m long. Any modifications to the plans required to accommodate these minimum dimensions shall be detailed on the working drawings at Building Licence application stage.**
- 8. One (1) disabled car-parking bay located convenient to the building entrance and with a minimum width of 3.2 metres, 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).**
- 9. 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.**
- 10. Prior to commencing any work on the site, the applicant shall obtain a Building Licence from the Shire. Such application shall include, with the working drawings, Structural Engineers Certification in accordance with the requirements of the Building Code of Australia.**

ADVICE NOTES

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. Finished floor level of the building to be 400mm above natural ground level (or approved finished ground level for those lots where subdivision works have altered the 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.**
- 3. 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.**
- 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: 5 pages](#)

**9.2.9 APPLICATION FOR PLANNING APPROVAL - PROPOSED COMMERCIAL DEVELOPMENT
- WINGS RESTAURANT - OUTDOOR DINING AND INTERNET CAFE - LOT 18 (NO 13)
NAPIER TERRACE, BROOME**

LOCATION/ADDRESS: Lot 18 (No 13) Napier Terrace, Broome
APPLICANT: Kwan Hung Yuen
FILE: NAP-1/13
AUTHOR: Acting Manager Planning Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Acting Manager Planning Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 15 September 2004

SUMMARY: An application for planning approval has been received for Wings Restaurant for outdoor dining and internet cafe on Lot 18 (No 13) Napier Terrace Broome.

The application is referred to Council for consideration as it has cash in lieu considerations for car-parking.

This report recommends conditional approval.

BACKGROUND

The Shire has received a Planning Application for a change of use of portion of Wings Restaurant from takeaway food shop to Internet café and for development of an outdoor dining area in front of the existing building.

Lot 18 is situated on the corner of Napier Terrace and Carnarvan Street and is included in the Town Centre – Chinatown zone under Town Planning Scheme No 4, the lot has an area of 2023 m² and is developed with an existing restaurant and residence. The western portion of the site is vacant and advertised as available for development. There are parking bays on site for the residence and a freeform sealed parking area along the Napier Terrace frontage. The Shire has developed parking in the Carnarvan Street reserve.

A previous application was lodged dated 20 June 2003 but was withdrawn on 22 July 2003 following discussion of the possible cash-in-lieu implications.

COMMENT

The change of use for the 65 m² area of the existing building from takeaway food shop to internet café has no planning consideration as both are suitable uses and there is no change to the parking requirement arising from the change.

The development of the outdoor dining area will involve modification of the area currently available for parking by the enclosure of 35 m² by a bush post and metal fence. Although there is no developed car-parking on the site apart from the two spaces associated with the dwelling the Shire has examined the sealed area along the Napier Terrace frontage and has established that a total of 12 bays could be accommodated, five bays plus a disabled bay within the site and six bays in the adjoining road reserve (see attachment).

The creation of the outdoor dining area will significantly change the space available for parking such that after providing for the repositioning of the disabled bay two less bays would be able to be accommodated.

The background report to the Chinatown Development Strategy points out that other town centres value alfresco dining and provide active encouragement by reducing parking requirements. In this instance although the site is isolated from other active streetscapes it is still supported but not considered significant enough to warrant any special consideration with regard to parking.

The submitted plan shows three parking bays located directly in front of the restaurant but does not recognise bays that can already be accommodated on the property and the adjoining reserve. It is reasonable for two additional bays to be provided for the proposed alfresco area and for another two bays to replace two disrupted bays making a total of four bays to be provided for. This could be achieved by either paying cash-in-lieu or by revising the plan to provide for the additional bays on the lot.

The application has been referred to the Heritage Council because it is located within the Chinatown heritage precinct and there is no objection to the proposal on heritage grounds. From a streetscape point of view the only change will be an enclosing fence around the outdoor dining area. This should not be a problem but there is no indication as to the colour of the fence.

Normally Council approves an application subject to a condition to carry out development in accordance with the approved plan. In this instance the plan does not recognise parking able to be accommodated on the site and in the adjacent verge. It is therefore recommended that the condition be altered to exclude all parking details and require a further condition for the submission of a revised parking layout plan.

CONSULTATION

Heritage Council of Western Australia

STATUTORY ENVIRONMENT

Town Planning Scheme No. 4
Heritage of WA Act

POLICY IMPLICATIONS

Car Parking Policy 4.1.8

FINANCIAL IMPLICATIONS

May involve cash-in-lieu of parking

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application for Planning Approval dated 05/12/2003 (2003/274) made by Kwan Hung Yuen for a proposed commercial development on Lot 18 (No. 13) Napier Terrace Broome be APPROVED subject to the following conditions:

- 1. Development being carried out strictly in accordance with the plans stamped received dated 2 September 2004 submitted with the application as approved by the Shire except those details relating to parking and associated access.**
- 2. The applicant providing:**
 - a) cash-in-lieu of the provision of four off-site vehicle parking spaces to the Shire of Broome in accordance with the provisions of Town Planning Scheme No. 4 prior to occupation of the development to the satisfaction of the Shire; or,**
 - b) an additional four parking bays on site.**
- 3. The applicant submitting a revised parking plan making provision for parking and access to the satisfaction of the Manager Planning Services with the application for a Building Licence.**
- 4. All parking bays being line marked and signed in accordance with the Traffic Code WA 2001 and AS 2890 (off street parking) except standard bay sizes to be 2.7m x 5.5m and disabled bays to be 3.2m x 5.5m within one month of the development being first occupied.**
- 5. A deed agreement is to be prepared and executed at the owner's cost between the owner and the Shire prior to the development first being occupied, under which the owner agrees to maintain the existing car parking on the road reserve and to 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. Prior to commencing any work on the site the applicant shall obtain a Building Licence from the Shire.**
- 7. Proposed food preparation areas as shown on Drawing Plan dated 19 May 2004 to comply with the requirements of the Food Hygiene Regulations 1993.**

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 be addresses 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. 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.**
- 3. 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:

9.3

ECONOMIC

PROSPERITY



OUTCOME

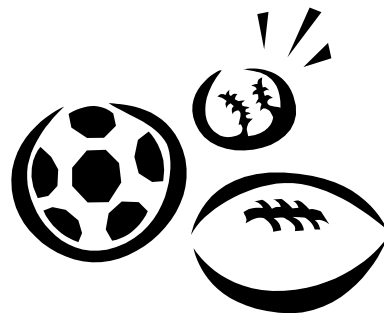
Create an environment, which encourages, promotes and facilitates sustainable business development, fosters investment opportunities and complements the unique lifestyle of the Shire.

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 BRAC - INTERIM MANAGEMENT ADVISORY COMMITTEE & DEVELOPMENT ADVISORY COMMITTEE

LOCATION/ADDRESS:	BRAC - Cable Beach Road
APPLICANT:	Nil
FILE:	RES 42502.4
AUTHOR:	Manager Recreation Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Manager Corporate Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	15 September 2004

SUMMARY: The purpose of this item is to determine Councils two delegates to both the Interim Management Advisory Committee and the Development Advisory Committee.

BACKGROUND

At its meeting of 27 July 2004, Council resolved "***That the Interim Management Advisory Committee be reactivated to address the Fees and Charges and other matters dealing with the BRAC Stage 2 development***". In fact, there were two Advisory Committees originally established: IMAC to deal with BRAC Stage 1 and the Development Advisory Committee (DAC) to deal with BRAC Stages 2 and 3, being the development of the sporting grounds and associated amenities. Both Committees require reactivating to address current issues with BRAC Stage 1 and to progress planning for the Stage 2 and 3 developments.

Since the last meetings of the two committees there has been a Council election, prior to which all Councillor representation on Committees were made vacant. The purpose of this item is to determine Councils two delegates for each Advisory Committee.

COMMENT

The original membership and roles of the two Committees were as follows:
IMAC – for Broome Recreation & Aquatic Centre

Councillor - Chair
Councillor - Deputy
Broome Master Pearl's AUSSI Swimming Club
Broome Amateur Swimming Club
Broome Netball Association
Broome Squash Club
Broome Tennis Club
Broome Water Polo Club
Executive position – S & R Officer
DAC representative

Committee tasks 2001 – 2002

- To liaise with centre staff, user groups and Council on all operational issues.
- To act as an advisory committee for the purpose of improving organised sporting and recreational services and opportunities at The Centre.
- To support and make recommendations regarding major sporting and event opportunities at The Centre.

- To make recommendations for the growth and promotion of sport and recreation.
- To look at options that expand the participation rates of sport & recreation for the better of the community
- To act as a reference group for Council on a range of matters pertaining to the Centre.

DAC – for Stage Two – Field Sports

Councillor - Chair

Councillor - Deputy

Executive position – S & R Officer

Rubibi representative

Department of Sport & Recreation

Soccer

Softball

Broome Touch Football Association

West Kimberley Football Association

Broome Cricket Association

Sport & Leisure Centre advisory group – stage one

The DAC is responsible for providing recommendations to Council regarding a feasibility study and design of stage two. It will also consider options for accessing funding for stage two.

Committee Membership

With the splitting of the Sport and Recreation Officer position, it is considered appropriate that both the BRAC Centre Manager and Manager Recreation Services be involved on each Committee. Further, for continuity purposes, it is suggested the original Council delegates continue in the roles.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 (appointment of advisory committees)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Sport and Recreation Plan

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

1. ***That Council nominates Cr _____ and Cr _____ to the Interim Management Advisory Committee and Cr _____ and Cr _____ to the Development Advisory Committee.***

Moved:

Seconded:

FOR:

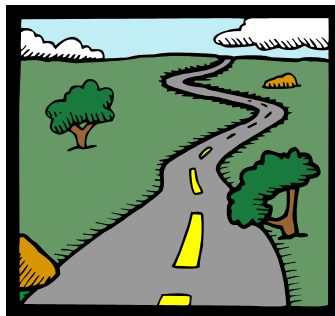
AGAINST:

9.5

ASSETS

AND

INFRASTRUCTURE



OUTCOME

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

9.5.1 ROAD NAMING, NORTH-SOUTH SPINE ROAD

LOCATION/ADDRESS:	North-South Spine Road, south off Gubinge Road
APPLICANT:	Roebuck Estate Construction Pty Ltd
FILE:	NOR-1/GEN
AUTHOR:	Manager Engineering Services
CONTRIBUTOR/S:	Senior Planner
RESPONSIBLE OFFICER:	Manager Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	Original 4 August 2004 –Revised 13 Sept 04

SUMMARY: Consideration of a request to officially name the main district distributor road on the west side of Roebuck Estate, from Sandpiper Avenue to Gubinge Road, with a recommendation to name it as a continuation of 'Fair way Drive'

BACKGROUND

This item was originally listed for the 17 Aug 04 Council meeting, but was deferred, with a resolution: -

"That the Shire seek public comment for a period of two (2) weeks on the naming of the proposed new North-South spine road, based on option (iv) in the staff report."

The original agenda report is repeated for Councillor information.

The approved Local Area Structure Plan for the Airport lands included several main distributor roads through Roebuck Estate and the Airport site, when the airport shifts. The main east-west link has been generally referred to as the 'East –West Spine Road' and the north-south link as the 'North-South Spine Road' in all recent planning and engineering discussions and preplanning activities.

Both roads will become 'district distributor roads' under the accepted Broome road hierarchy and as such are restricted access roads for residential and other lot access. Parts of both roads will eventually consist of dual carriageways and a centre median island, with some parts to be single carriageway only. (Refer attached overall plan)

The East-West Spine road cannot be built until the airport is fully relocated and so could be many years off. Roebuck Estate is currently constructing the north-south spine road at the northern end, being from Sandpiper Avenue through to Gubinge Road. The cost of this work is being met by REC Pty Ltd and it is partly located on a newly created government road reserve, (north end) and partly on a yet to be created road reserve, which is freehold airport land.

Several previously approved subdivisions about this road reserve and before those final subdivision deposited plans can be submitted for clearance and issue of titles, the road needs to have an officially approved name. Some lots have direct frontage to this road via a widened turn lane, adjacent to the carriageway, and therefore their addresses will be fronting the North-South Spine Road.

COMMENT

There are several options available to Council in regard to the naming of the road, however any option selected needs to take into account the longer-term function of this road and it's eventual links at each end i.e.:

- (i) At the north end it will intersect with Gubinge Road, at a new large roundabout, opposite the existing Fairway Drive.
- (ii) At the south end it will cross the airport site and meet Frederick Street, just north of Port Drive. It is most likely that when the Gubinge Road bypass is built (and the airport shifted) that the section of Port Drive from Vacation Village to Frederick Street will need to be renamed as well.

The options therefore are: -

- (i) One new name (Gubinge to Port Drive). This is not favoured as it could result in a road name change part way along the road i.e. at Cable Beach Road intersection.
- (ii) One new name (Gubinge to Vacation Village). This is a viable option and would give one complete road name from the new southern Gubinge Road intersection just south of Vacation Village through to the northern Gubinge intersection. A suitable name would be required.
- (iii) One new name (Vacation Village to Broome Highway). This is the same as option (ii) but with a continued link via Fairway Drive, right around past Lullfitz Drive and Buckley's Road, to the Broome Highway. The logical name of this road would be 'Fairway Drive' and the name could remain as such for all time.
- (iv) Temporary name. (Gubinge to Sandpiper Way). Currently known as 'North-South Spine Road' but this was always only a temporary name pending a permanent name. This situation could probably remain, if there were not residential lots fronting the road, however it would be undesirable to adopt that name with the likelihood of a future name change. There could be a mechanism for lots to be released as such, with perhaps a covenant on the titles to forewarn owners of a possible name change, but that is not supported by staff.

Staff favoured Option (iii) above as the best all round solution, and it is still worth considering. All options need to be approved by the Geographic Names Committee, which is a part of the Department for Planning and Infrastructure.

PUBLIC OPTIONS

The matter was advertised after the last Council meeting, closing on the 10 Sept 04. Only six [6] submissions were received, with a total of twenty-one[21] road names.

In summary they are:-

1. Rob Menzies [Roebuck Estate Consultant].

- Sunset Drive
- Sunset Boulevard
- Sunset Strip
- Fairway Drive

2. PRD staff

- Sunset Avenue
- Eagle Avenue
- Kingston Row
- Focus Road

3. Zeeta Files [BVC Manager]
 - Jabiru Road
 - Frangipani Drive
 - Gecko Drive
 - Pindan Avenue
 - Sunset Drive
 - Pearl Street
4. David Boyd
 - Port Drive
 - Central Avenue
5. Kai Jones (Shire staff member)
 - Virgin Street/Road
 - Cross Street
 - Shinju
6. Sharon Griffiths
 - Marool Avenue (Native Blackberry)
 - Jigil Drive (Native Tree)

COMMENT ON OPTIONS

While "Sunset" appears to be a popular choice, that name would probably be better suited for the proposed future East – West Spine Road, which will in effect, run into the sunset. "Pearl Street" is too close to an existing road name [Pearl Coast Road], and "Port Drive" is not considered to be suitable, once Gubinge Rd is completed, as the new road to the Port will be via that route. It would also be confusing to have the northern section only named Port Drive, while the airport is still there. Of the rest, Frangipani, Gecko, Jabiru, Shinju, Marool and Jigil all have some merit. Virgin and Cross are probably not appropriate.

There are also extensive lists of road names approved by a number of previous Councils over the years, such as deceased local soldiers, deceased local identities, Broome family names etc.

Any new name is very subjective and the range of options will be as wide as each Councillors personal views. From a staff view, it is always better to not use peoples names, and to use natural features or similar, as they are more recognizable by the public and should remain as a part of Broomes history.

CONSULTATION

Public Advertisement in Broome advertiser

STATUTORY ENVIRONMENT

Road needs to be approved by Geographic Names Committee

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Permanent road name will eventually be used for the continuation of this important district distributor road, right through Broome

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

- (i) *That the permanent name for the newly created road, (known as 'North-South Spine Road) along the west side of Roebuck Estate, from Sandpiper Avenue to Gubinge Road be officially named as an extension of 'Fairway Drive'.*
- (ii) *That 'Fairway Drive' also be used for planning purposes as the future name of the southern extension of the road in (i) above, through the Airport site and south to the proposed new intersection of Port Drive and Gubinge Road, but that this section not be officially changed until the airport has shifted and the roads have all been constructed.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 2 pages](#)

9.5.2 NILLIBUBBICA ROAD

LOCATION/ADDRESS:	Nillibubbica Road
APPLICANT:	Shire of Derby – West Kimberley
FILE:	NIL-1/GEN
AUTHOR:	Manager Engineering Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Manager Engineering Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 August 2004

SUMMARY: Consideration of a request from the Shire of Derby – West Kimberley in regard to the ongoing maintenance of the portion of the Nillibubbica Road that currently exists in the Shire of Broome, with a recommendation to not agree to the request.

BACKGROUND

The Shire of Derby – West Kimberley have requested that the Shire of Broome carry out an upgrade and regular maintenance of the northern 16 kilometre portion of Nillibubbica Road, which lies within the Shire of Broome. (Refer attached letter and map). The road was inspected on 18 September 2004 and an assessment of the works required made.

The Nillibubbica Road is a formed and partially gravelled road in the southern section (within the Shire of Derby – West Kimberley), but is basically only a two wheel unformed track for the northern section. Most of the southern section is in the Shire of Derby – West Kimberley, but a small section is in the Shire of Broome as it passes through the Fraser River. The Derby Shire has gravelled sections of the southern 31 kilometres, through to a set of cattle yards.

The road also serves as an access for the Valentine Bay Communities to get to Derby and some Dampier Peninsula residents and tourists use it also as a short cut. The road has four (4) gates across it and is not permanently signed for curves, crests, cattle, gates etc at all.

The Shire of Broome have never encouraged its use or carried out any grading or other works on it, to the knowledge of staff.

When the Dampier Peninsula Strategy was being formulated, the route was considered as an alternative to upgrading the Broome-Cape Leveque Road, but was not adopted for a variety of economic and topographic reasons. The available funds for upgrading the Peninsula Roads do not allow for the Cape Leveque Road to be upgraded, let alone a second route. The Nillibubbica Road was included as a future project in the original Roads 2020 Strategy, but was subsequently removed in a review of that Strategy, at the request of the Shire of Broome. That view was supported by a majority of the Kimberley Shires on the Regional Road Group.

In summary, any upgrading of the Nillibubbica Road as a through route to the Peninsula is not supported, as it cannot be financially justified. Costs of a longer term upgrade to an all weather standard are unknown, but are likely to be beyond the capacity of either or both Shires.

Maintenance of the short section (approx 16kms), as requested would involve at the very least a full grade.

However the regrowth at the sides is too close to the track and is probably too big for a grader and will require a dozer to carry out some light clearing first. The estimated year one cost is \$7,500 and then an amount of about \$2,500 would be required annually for that section only. It would be more efficient for the Shire of Derby to carry out this work while doing their own roads.

The main problem in undertaking upgrade works is that it will lead to increased through use to the peninsula and subsequent calls for further and/or ongoing works.

It is understood that the Derby Visitor Centre already directs visitors to the alternative route.

The section of road is located on ALT Reserve land and is not a gazetted road. At the northern end, it intersects with a graded pindan road, which Leads west across to Beagle Bay or east to the Valentine Island communities of Madabura and Wulununjin. There is also another pindan graded road which leads south west back to the halfway tree on the Broome Cape Leveque Road.

This road crosses through a part of Waterbank and Country Downs Stations and also provides a short cut for Valentine Island communities to get to Broome. None of these roads were constructed or are maintained by the Shire of Broome. For the Shire of Broome to maintain the 16 kilometre section as requested would seem illogical as the other, much longer sections also require maintenance.

It is understood that all of these 'other' road links were upgraded and maintained by the Kullarri Network Association (KNA), which was the Main Roads WA/ATSIC, funded road construction group which maintained all of the aboriginal community roads on the peninsula. This group has been in recess for over twelve (12) months due to funding problems, but they may be refunded or another body take over that role within the next six (6) months.

The Shire of Broome therefore should not get involved in any works on the non-Shire roads as to do so could see a very large ongoing funding requirement arise.

There are also considerable legal and public liability problems once any road is taken over by the Shire. For all of the above reasons, the Shire of Derby-West Kimberley request should not be agreed to and the section of road left as is, to deter any increase in more traffic numbers.

The Shire of Derby – West Kimberley also needs to be aware that any increase in traffic will lead to increased exposure for them on the southern section on the road, as it is completely unmarked with the range of road safety signs required, plus the added maintenance costs would be significant, for little apparent benefit to them.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Road crosses pastoral and Reserve land, which may require dedication of a public road.

POLICY IMPLICATIONS

Any agreement for the Shire of Derby – West Kimberley to carry out works on a Shire of Broome road would require a new policy and/or agreement as to works and costs.

FINANCIAL IMPLICATIONS

As above, to be assessed

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the request from the Shire of Derby – West Kimberley for the Shire of Broome to carry out maintenance works on the Nillibubbica Road be not agreed to.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 3 pages](#)

9.5.3 CHINATOWN STRATEGY WORKS - STAGE 1 REPORT AND STAGE 2 PROPOSED

LOCATION/ADDRESS:	Carnarvon Street, Short Street, Napier Terrace - Chinatown
APPLICANT:	N/A
FILE:	ENG02
AUTHOR:	Manager Engineering Services
CONTRIBUTOR/S:	Deputy Manager Engineering Services
RESPONSIBLE OFFICER:	Manager Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	14 September 2004

SUMMARY: Consideration of a report on the completion of stage one (1) works and proposed concept plans for Stage Two (2) of the Chinatown Development Strategy with a recommendation to proceed with construction in 2004/2005

BACKGROUND

The Chinatown Development Strategy was adopted by Council in 1995 and reviewed in 2003, following extensive public consultation and workshops.

While a lot of the original Strategy recommendations have been implemented over the past eight (8) years, it was only in 2003/2004 that significant grant and Shire funds allowed the major road and footpath works to be commenced.

Stage One (1) encompassed the eastern sections of Napier Terrace and Short Street plus the centre section of Dampier Terrace. The works involved new kerbing, paving, asphaltting (hotmix), pedestrian crossings and associated landscaping works. Service Authorities also took the opportunity to carry out service upgrades, including some provision for future works (by laying additional conduits).

Overall the works went very well and while there was some initial negative feedback, this soon dissipated as the finished product was evident and benefits seen. It also highlighted the fact that no matter what amount of prior consultation is carried out (in this case the Strategy has been in place now for over eight (8) years), there will always be a percentage of either new residents or people unaware of the background to the works.

There was also some criticism as to the timing of the works in April, May and June 2004, despite the fact that the majority of the works were completed by the peak tourist season.

The fact is that some inconvenience is unavoidable in carrying out major upgrade works in a busy Central Business District area. Staff and contractors went to considerable effort in trying to minimise that inconvenience by keeping work areas to a minimum, reducing onsite vehicle numbers, coordinating works out of hours works (eg: all hotmix was laid at night with very little disruption to any business's). Particular acknowledgment needs to be made to John Willis, Deputy Manager Engineering Services who spent a lot of his own time in making sure the project went as smoothly as possible in conjunction with other staff.

In regard to costs, there were some costs difficult to estimate with service relocations, paving works and hotmix quantities. Once the project was underway, some of these components had to be completed, regardless of actual costs and some transfers needed to be made to keep the Capital Works Program within budget. All programmed works were completed except for: -

- ❖ Footpath works – Dampier Terrace, east side
- ❖ Footpath works – Short Street, north side
- ❖ Footpath works – Dampier/Napier Terrace intersection on south side
- ❖ Tree planting (all preparation works were completed)

It is therefore proposed that these outstanding Stage One (1) works be completed prior to any Stage Two (2) works. In regard to the Stage Two (2) works, it is proposed to carry out as much of the kerbing and footpath paving works prior to Christmas 2004, commencing at the start of November. This is considered to be the only other viable time to carry out the works, and not to be affected by either the peak tourist season or the wet season.

It is also expected that the amount of disruption will be less for Stage Two (2) than as for Stage One (1) works. For example, there are no drainage pipes required and at this stage, only one small water main extension in Short Street adjacent to the bakery.

Some conduits will be placed for future power reticulation and/or communications, but these will be kept to a minimum. The advent of underground boring machines now enables most services to be drilled under paths and roads at any time, with minimal disruption eg: the recent Black Spot works on Carnarvon Street/Napier Terrace roundabout completely removed all of the overhead powerlines at that location with no road or path trenches.

Discussions are currently underway with Western Power in regard to what their requirements may be, given the fact that Council has previously resolved to not proceed formally with undergrounding of all power lines in Chinatown. Staff are still discussing future undergrounding of lines with Western Power, but any proposal would need to have a significant grant to be able to proceed.

It is hoped that some rationalisation of overhead lines may still be carried out by Western Power, in conjunction with the Stage Two (2) and later stage works.

The main consideration required by Council at this time is in regard to approval of the Stage Two (2) conceptual layout for parking for Carnarvon Street and to a lesser extent, the west end of Short Street.

The Stage Two (2) works include the sections: -

- ❖ Outstanding Footpath works from Stage One (1) (as detailed above except for the Dampier Tce east side path which will be left to 05/06 due to several new developments about to occur in that section.)
- ❖ Carnarvon Street – Napier Terrace to Gray Street (2 sections)
- ❖ Short Street – Carnarvon Street to Sam Su Lane

The actual works are similar to Stage One (1), in that: -

- Old kerbing is renewed as required
- Some sections move the kerb out (to make a wider pedestrian path and alfresco areas)
- Paving is replaced and/or re-laid
- Pedestrian crossing points installed
- Additional landscaping and street trees installed
- Hotmix to all road surfaces
- Replace street furniture
- Redo all car parking, taxi, disabled, bus, motorcycle and loading bays

The latter item, parking bays, is the main item to be considered by Council.

Car Parking Issues: (Carnarvon Street)

The Chinatown Strategy had two main aims in respect of road changes, namely to enhance and increase pedestrian movements and amenity, plus alter some of the 90 degree parking bays into 45 degree parking bays. This latter proposal mainly involves the 90-degree centre parking section between the bakery and pearling statues. To alter that section from 90 degrees to 45 degrees parking, plus add at least one mid block pedestrian crossing point, plus retain some of the existing trees and power outlet poles, will see a loss of approximately ten (10) parking bays in that section. (Refer attached plans)

While this is as per the Strategy (as adopted by Council) it is understood that this may be a loss of too many bays in Chinatown overall.

To that end, staff have looked at the use of 60 degree parking bays for both the northern end of Carnarvon Street and the central section as above. 60 degree parking is currently not present anywhere else in Broome and is not commonly used, but can be useful where the reversing area for 90 degree bays is limited (as is the case here, once the new kerb is moved out two (2) metres), but the number of bays still needs to be maximised. Changing the Carnarvon north section from 45 degree to 60 degree parking picks up approximately one (1) bay per four (4) bays, or eleven (11) bays.

For the two (2) centre median sections of Carnarvon Street only, the relevant bay numbers are:

Section	Existing Number of Bays	If all at 45 degrees	If all at 60 degrees
<u>Carnarvon Street</u> (Centre Median) Statues to Bakery	62 No. (90 degree bays)	Approx 45 No.	52 No.
<u>Carnarvon Street</u> (Centre Median) Short to Gray Street	70 No. (45 degree bays)	70 No.	80 No.
Sub total	132 No.	115 No.	132 No.

It should be noted however that 90-degree bays are not recommended due to the limited amount of reversing area available, through traffic volumes and the higher risk of accidents.

Changing from 90 degrees to 60 degrees or 45 degrees will also require most of the existing palm trees to be removed, but these would be replaced with more appropriate species in the new locations

It is recommended that both sections of Carnarvon Street be altered to 60 degrees for the centre parking bays to give a nett change of bay numbers.

All other loading bays and bus bays would remain as is. Taxi bays would be increased by one (1) at the Paspaley Shopping Centre, disabled bays would be relocated as required and more motorcycle bays would be provided in corners and smaller areas.

Approximately five (5) additional parallel car bays would be provided at the sides, even with the new pedestrian crossing point.

Short Street

The existing 90-degree parking bays on the north side, adjacent to Target, are not to Australian Standards because reversing traffic has to cross the two (2)-way road centreline. While traffic volumes were relatively low when these bays were installed, they are now considered dangerous and should be altered to 45 degree bays. The disabled bay and pedestrian crossing points would also be improved in this section. The change from 90 degree bays to 45 degree bays results in a loss of six (6) bays.

Carnarvon Street, One -Way Centre Median Point

For some years now, it has been apparent that a one-way centre median access would be desirable, immediately south of the pearling statues. This would allow better traffic management for Carnarvon Street road closures and would allow Roebuck Bay Hotel traffic to enter their car park without going right through to Short Street. There would be a loss of four (4) bays but these are made up by four (4) extra side bays. It is recommended that the centre median access be included in the works.

Overall

Due to the limited funds available for Stage Two (2) works, it is proposed to prioritise the works to concentrate on the new kerbing, footpaths, pedestrian crossings and parking changes first.

The extent of the hotmix will then be adjusted to suit the remaining funds, as that is one of the last jobs to be scheduled and some of the existing bitumen seals could be left as is until 2005/2006 if needed. We are also still waiting on confirmation of a special Bus Facilities access grant for a section of the paving.

The total number of parking bays as exists in Stage Two (2) and the estimated number for each section is as follows: -

Section	Existing Number of Bays	Proposed Number of Bays
<u>Carnarvon Street</u> Gray to Short Street (Centre and Sides)	103	115 if at 60 degree (105 if at 45 degree)
<u>Carnarvon Street</u> Short Street to Statues	76	70 (if at 60 degree) (63 if at 45 degree)
<u>Short Street</u> Carnarvon Street to Sam Su Lane	21	15
Sub Total	200	200
Bus Bays	1	1
Taxi Bays	5	6
Loading Bays	2	2
Disabled Bays	3	3
Motorcycle Bays	7	11

A separate Agenda item will be presented to Council at a later date to deal with formally approving the various parking bay locations and time limits, once final plans are completed.

As a prelude, it will be generally recommended that all of Carnarvon, Short, Napier and the central section of Dampier be two (2) hour limit, to try and push employee and owner vehicles to the outer areas, thus freeing up the closer parking for customers.

STAGE THREE (3) 2005/2006

It is proposed that Stage three (3) works will mainly be any works remaining from Stage 2, hotmix of the west section of Dampier Terrace (including the Carnarvon Street roundabout), the south end of Dampier Terrace and the rest of Short Street. This latter section will tie in with the new Broome Visitor Centre and new bus bays project.

STAGE FOUR (4) 2006/2007

Depending on available funds, Stage Four would be the north end of Dampier Terrace and Gray Street as it is expected that by that time, both the Streeter and Male and Paspaley properties would have been planned or under construction and the works could be coordinated together with as much on-road parking as possible.

ADDITIONAL CARPARKS

Depending on available funds and the progress of the Broome Recreation and Aquatic Centre ovals, it would be expected that additional car parking could be provided around the south and east side of the Male Oval Reserves in either 2005/2006 or 2006/2007 also.

On completion of all four (4) stages, any additional car parking would then need to be provided on private property or external to the Chinatown precinct. It cannot be emphasised enough that every new development that is constructed in Chinatown must have on site parking for at least 100% of their employees/tenants and at least 50% of their required customer car parking.

Every development approved with anything less than their full parking complement only exacerbates the already severe shortage of parking in Chinatown.

CONSULTATION

Chinatown Strategy went through an extensive public consultation phase. Further consultation and notification will be made to all businesses, the Chamber of Commerce and by way of public notices, once the construction schedule is finalised.

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Stage 2 works limited to 04/05 available budget funds. (One footpath grant is still to be confirmed)

STRATEGIC IMPLICATIONS

Implement Chinatown Development Strategy

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council approve:

1. *The Stage 2 concept plans for construction*
2. *The Carnarvon Street centre median parking bays to be altered to all be at 60 degrees for the sections Gray Street to Short Street through to the pearling statues.*
3. *The Short Street 90 degree parking bays to be altered to 45 degree bays for the section Carnarvon Street to Sam Su Lane.*
4. *That a centre median, one-way traffic access point be installed in Carnarvon Street, immediately south of the pearling statues.*
5. *That the Stage 2 works be programmed for the period commencing 1 November 2004 through to completion by April 2008.*
6. *That the public, businesses and Chamber of Commerce be advised of the proposed works before commencement.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 2 pages](#)

9.5.4 CABLE BEACH TOURIST AREA DRAINAGE

LOCATION/ADDRESS:	Millington Road/Lullfitz Drive
APPLICANT:	Dave Morrell & others
FILE:	EDR 03 & MIL2/15
AUTHOR:	Manager Engineering Services
CONTRIBUTOR/S:	Deputy Manager Engineering Services
RESPONSIBLE OFFICER:	Manager Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	28 August 2004

SUMMARY: Consideration of a portion of the proposed drainage strategy for the Cable Beach Development Plan area, as applicable to the proposed Frangipani subdivision.

BACKGROUND

Overall, following the adoption by Council of the Cable Beach Development Plan in 2003, several strategies were identified as being required to implement the plan recommendations. One of these is the Infrastructure Strategy, dealing with roads, car parking, paths, street lighting, road furniture and landscaping, which is currently being undertaken by SMEC Consultants. This strategy will identify infrastructure required and options to fund those works and should be available for Council to consider by the end of the year.

Separate to that strategy, is the Drainage Strategy for the tourist area, which is being undertaken by KBR Consultants. They have produced a draft report and have liaised with staff throughout, for direction and selection of options in dealing with the significant drainage flows produced from the various sub-catchments.

Both of these strategies should identify a range of infrastructure that is required to be provided, the estimated cost of that infrastructure and options for Council to consider in regard to funding that infrastructure.

Road Reserve Strategy

In regard to the Road Reserve Infrastructure Strategy, a lot of those works will be optional to a degree, in that if those works are not carried out, the existing infrastructure would still suffice. That would not enhance the amenity and aesthetics of the tourist area and therefore any implementation may need to be staged over several years to try and keep the costs per property to an achievable level. That strategy implementation therefore needs to be kept in mind when dealing with the separate Drainage Strategy, as there could be potentially two (2) separate special scheme areas required for funding of the infrastructure in the tourist area.

Drainage Strategy

The Drainage Strategy is not considered to be "optional" and needs to be implemented as and when the tourist lots are developed. In a normal situation, the development of a specified tourist zone, such as this area, would be in a reasonably orderly manner away from the main tourist feature (in this case, Cable Beach). This is approximately what has occurred to date, along Sanctuary Road, Millington Road, Murray Road and Cable Beach Road. Essential services, roads and paths have generally evolved to suit that development and the existing infrastructure reflects that situation.

In respect of the drainage infrastructure, the main outlet drains and pipes were installed in the late eighties and early nineties for the Murray Road, Sanctuary Drive and Millington Road sub-catchments.

However, the continuation of those main outlet pipes, through each sub-catchment, was not carried out, presumably because of the costs involved and lack of tourist developments at that time.

In essence, the Cable Beach Drainage Strategy was therefore commissioned to address the remaining drainage infrastructure required in each of those sub-catchments. The strategy splits the total area into four (4) reasonably definable sub-catchments (as shown on attached plan 'A').

Some generalisation always needs to be made with any drainage catchment and the defined catchment boundaries are aligned with lot boundaries, existing roads and estimated future lot boundaries for VCL areas.

For the purpose of checking and dealing with the Frangipani development of Mr Morrell, only one (1) of the sub-catchments needs to be addressed and that has been the largest and most difficult sub-catchment to deal with. (Refer shaded area on plan 'A')

Funding Options

Prior to addressing the Frangipani Project, some understanding and background needs to be made in regard to the operation of drainage schemes. Additional background material has also been provided in this report to refute some of the defamatory statements that Mr Morrell has made in a letter as distributed to all Councillors.

In respect of all of the sub-catchments, the normal method of funding drainage infrastructure where it services more than one lot, is to simply apportion the total cost of the works required evenly over the total contributing catchment area, to give a nett "cost per hectare". This "cost per hectare" is usually called the drainage "headworks" and if this figure is set before any development occurs, then it is recouped over time as development and/or subdivisions progress outward. The cost is usually indexed to inflation and most local governments (including the Shire of Broome) place these recouped funds into a special reserve account for expending in a staged manner as each catchment area grows. In an ideal situation by the time the whole catchment is developed, all of the drainage infrastructure would be in place and the reserve account would be drawn down to zero.

However, in reality this rarely occurs and the works usually lag behind the development to some extent.

Frangipani

In the case of the Frangipani project, there are three separate funding problems:

- (1) The project requires most of the sub-catchment infrastructure to be constructed "up-front", as in effect the development is occurring well before other lots are developed for tourist purposes.

ie. It has "leap-frogged" well ahead of the drainage and some other infrastructure and there are therefore insufficient drainage headworks in that catchment reserve

to cover the costs, therefore some form of "prefunding" is required. (This is addressed later in this item).

- (2) When the original drainage headworks were set by a previous Council (many years ago when the tourist lots were originally released), the Consultants recommendations at the time appear to have not been adopted. The recommendations were to have a relatively high headworks charge per hectare for the tourist lots, which would have gone some way towards providing a drainage reserve, or bank of funds to cover the Frangipani situation. However, for whatever reason, the actual drainage headworks adopted by Council at the time was a much lower flat rate, based on an overall Broome open drain figure rather than an intense piped sub-catchment such as at Cable Beach.

As we have not had the benefit of the detailed drainage analysis and Strategy for this area until now, the current headworks charges still reflect an overall Broome rate, indexed over the past 10 years. (They are currently \$4,500/ha for 04/05).

For this particular sub-catchment, the current drainage headworks are less than half the rate required to cover the costs, so that even if the whole catchment had been subdivided (and all headworks received), there would still be a major shortfall of funds available.

Council needs to address this situation as soon as the Drainage Strategy is finalised, by adopting realistic drainage headworks for all tourist zone sub-catchments.

- (3) The fact that Mr Morrell has already paid drainage headworks on all of his land holdings, at the old/lower rates, ie:

Paid \$16,220 on 29/04/1996 for 4.2296 ha of Lot 988 @ \$4,000/ha

Paid \$25,052.16 on 02/09/2002 for the remaining 5.9648 ha @ \$4,200/ha

(Total paid \$41,272.16 for 10.1944 ha)

It is normal policy to only pay once for drainage headworks and therefore there is a limited legal capacity for the Shire to recover any more drainage headworks from the Morrell property.

Any recovery of additional funds would therefore need to be by way of agreement between the two parties.

Millington Road North Sub-Catchment Issues

The Shire consultants (KBR) have now finalised the design of the sub-catchment and through a series of meetings with Mr Morrell, his consultants (Makjap), KBR and Shire staff, the internal drainage design of the Morrell property has been approved. This has allowed the overall strata subdivision to also be approved and subject to resolution of the provisions of necessary drainage infrastructure, the Building Licence for the main Frangipani Tourist Lot can also be approved.

The sub-catchment drainage design is as shown on the attached Plan 'A'.

The drainage design is quite complicated and the adopted design is considered to be the best overall compromise available for the area.

All drainage designs have to make assumptions based on:

- The defined catchment area
- The coefficient of run-off (relative roughness of flowpaths)
- The time of concentration (maximum time taken for a particular flow)
- The particular storm event to be modelled.

In the case of this sub-catchment, it has a reasonably defined catchment area which extends out into the VCL area of Lot 833, well to the east of Lullfitz Drive, as well as extending south of Millington Road.

Mr Morrell and others have argued on several occasions that no water from the large area upstream of his property should have to be taken into account with his drainage design. The fact is that water travels downhill and the catchment area to be taken into account for his drainage design has been clearly indicated to him and his consultants for over two (2) years. The available contour plans of the area clearly show approximately 30ha which drains naturally across a low point on his property, then continues naturally through the Dureau, Hutton and Stokes property to the Kimberley Camp School outlet at Cable Beach. It is the large VCL area (and hence large volume of stormwater runoff in a design storm event) that has caused the most difficulty with the sub-catchment and in how to deal with it. The adopted design diverts this water to another catchment and despite this fact (which is usually a potential problem somewhere else) Mr Morrell still maintains that it is not his problem and it is up to the Shire to deal with that. However, the Shire has a responsibility to deal with the total catchment.

Mr Morrell also asserts that the area of VCL south of Millington Road should not be included in the design, as it is artificially diverted to Millington Road and his property by the construction of Lullfitz Drive. He is correct in this statement, however the roads are built and they fall with the slope of the ground the way they do. The Shire has little option other than to accommodate all catchment areas by way of lot and road boundaries, as to do otherwise would be to make the storm flows "disappear". It is a commonly used argument by proponents against drainage schemes that once any stormwater discharge onto a road reserve, it can never reappear back onto any private property, which is simply not practical.

Mr Morrell cannot argue in one instance that Lullfitz Drive artificially alters the flow onto his property, and yet then argue that all of the catchment upstream of his property runs down Millington Road, which is clearly not built along the natural low spot behind the dunal system.

The drainage design excludes approximately 3 hectares of Mr Morrell's property, which is located on the sand dunes, in addition to the 30 hectares of VCL upstream. If Shire Staff and KBR had included those areas into the drainage design, the pipe sizes required (and subsequent high costs) would most likely stop the whole Frangipani project due to the pipe sizes required. Mr Morrell has neglected to acknowledge that very important fact, plus that staff have spent considerable time in trying to progress the drainage issues and have very reluctantly agreed to the adopted drainage design on that basis, due to undue pressure by Mr Morrell, his consultants and advisers.

Sub-catchment design and costs

The adopted design provides for a system ranging from 1200-750 pipes for most of Millington Road, except for a 300mm pipe at the upstream end north of Tarangall Caravan Park. The VCL area is mostly diverted east along the future alignment of Fairway Drive, by way of a raised earth levee bank and a shallow open drain across to the existing

Sunset Park main drain outlet. This main drain will eventually run east along the future Gubinge Road to the main Roebuck Estate drainage sump and settlement basin. The additional flows in that drainage system will require additional costs to be incurred for all cross-road drainage culverts and associated drainage structures. That extra cost will have to be borne by the Shire and other contributing catchment properties. There is also no guarantee that any approvals required for the drain and levee bank will be obtained. Mr Morrell agreed at our last meeting to pay for his consultants Makjap to supply a full survey plan of the Millington Road drain, as that was required to enable more accurate costs to be estimated. As can be appreciated, a 1200 pipe takes up a considerable amount of verge space and the existing water/sewer/power and phone services determined the drainage pipe alignment and hence estimated installation costs. That plan was supplied and some subsequent minor amendments have been agreed to be paid for by the Shire.

The latest estimated cost of the minimum amount of drainage infrastructure required to service the Morrell property is now approximately \$450,000. The estimated cost of drainage infrastructure for the whole sub-catchment is \$650,000. The total area of the sub-catchment is 50 hectares (not including the 30ha of VCL), so that on an area basis, the correct drainage headworks should be approximately \$10,000 per hectare. The attached schedule D gives the relative areas, ownership and cost splitting, if a whole of catchment scheme was adopted. The Shire would have to be included as the "owner" of the road reserves and most likely have to be the banker for the VCL also, unless agreement was reached with the DPI for them to pay a proportion.

In any case, as mentioned previously, payment of drainage headworks is not usually all at once, and it will take many years to recover all of the costs. That therefore means that Council has to come to terms as to how it intends to fund the works, mostly up front.

As the estimated costs have only just been finalised (and they are still subject to actual contract prices received), Councillors will recall that when the 04/05 budget was being considered, an amount had to be included at that time. A nominal amount of \$600,000 was included in the budget process, with a \$200,000 loan by the hire and \$400,000 income by Mr Morrell, as that was the best estimate at that time. At a meeting on 14 April 2004, Mr Morrell stated that if he had to pay that amount to get the project going, then he would do so.

Various options were also discussed at that meeting as to how the drainage works could be prefunded, the possibility of bank guarantees, how other owners could be made to pay, timing of payments and if/how funds could be paid back to Mr Morrell if he prefunded the works. No decisions could or were made by staff at that meeting, as any decisions can only be made by Council, following a full report on the issues. None of the above costs include an allowance for contract administration, GST or administration costs of any scheme. It would also be envisaged that around 80% of the works would be put out to contract.

Funding Options

Council has several options available for funding of the works-

1. Whole of catchment scheme.

This could be implemented under the provisions of the Town Planning Act. All landowners would be required to contribute on an area basis (other more complicated methods can be used but are not considered to be any more equitable). Problems can arise with this type of scheme when not all owners either consider themselves liable or wish to develop their lots at a future date. Payment options

can be either all up-front, or by instalments. Any owners that have already paid headworks would need to have their contributions discounted by those amounts. A loan for the full cost would be taken out and the prepayments, instalments and Shire costs spread over the life of the loans. This method is the fairest overall but can involve lengthy litigation unless all owners are in agreement, which is seldom the case

2. Shire pay.

This would involve the Shire taking out a loan for the full cost of the works (less any headworks already paid) and then recouping as much of the cost as possible over time, as properties develop or subdivide. This method would see the Shire carrying the cost for an extended period, with a high probability of never recouping all costs, if some owners don't develop.

3. Developer pay.

This would not normally be an option unless a particular development was the majority landholder of a catchment. However, in this sub-catchment, the only reason the drainage infrastructure is required now is because of the Frangipani project. On that basis it could be argued that Mr Morrell should pay 100% of the costs up front, with some arrangement put in place for that cost to be paid back, if and when other drainage headworks are paid. A mechanism for that to occur is not apparent to staff unless it was by way of a specific legal agreement.

A similar method to this is used by the Water Corporation and in fact Mr Morrell had to prefund a substantial sum to get a trunk sewer main along Millington Road to the property recently.

4. Shared costs.

This basically is the option included in the 04/05 budget with \$400,000 by Mr Morrell and \$200,000 by the Shire, while the estimated cost has now been refined to around \$450,000 a similar ratio could be used. i.e. 2 to 1 of actual costs, or \$300,000 Mr Morrell / \$150,000 Shire based on the current estimated cost. Mr Morrell and his consultants have indicated that as the Morrell property only contributes about 25% of the water, then the payment split should be on that basis also. This is not relevant as such, as it agreed that the Morell property does not contribute two-thirds (2/3) of the water. However, the fact that the development is occurring ahead of the required infrastructure and finding a mechanism of prefunding those works (and payment back to Morell) are the issues.

The Morrell contribution could be reduced by the \$41,272 headworks already paid. Council would need to determine with this option as to whether Mr Morrell would be eligible to get any of his contribution paid back, if and when developer contributions are made over future years. Such an arrangement could be difficult to administer and would need to be well documented for future staff.

Conclusion

As Council can see, the issue is reasonably complex and requires careful consideration prior to resolution. While staff have been criticised over the delays and "attitude", it has not been warranted and at all times staff have tried to broker a solution to allow the Frangipani project to proceed, ahead of what would be the case in a normal planning exercise. The interests of all ratepayers must always come before any single landowner.

Council now needs to resolve:

1. To endorse the drainage design and works as being required;
2. To confirm the method of pre-payment for the works to proceed in 04/05 or 05/06.
3. To confirm whether Mr Morrell is to be repaid any or all of any upfront payments he may be required to make for the drainage works and under what legal arrangement that may take.
4. To confirm the setting of new drainage headworks for the tourist sub-catchment based on \$10,000 per hectare, as of now.

CONSULTATION

Downstream owner, Mr Morrell and Consultants

STATUTORY ENVIRONMENT

May involve a Planning Act Scheme arrangement for a whole of area scheme.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As detailed in the report, an amount of \$600,000 exp, \$400,000 private income and \$200,000 Shire loan has been included in the 04/05 budget, however later revised costs indicate that these can be reduced to \$450,000/\$300,000 and \$150,000 respectively.

STRATEGIC IMPLICATIONS

Drainage headworks in this sub-catchment and possibly others at a later date, will need to be substantially increased to reflect estimated drainage infrastructure costs.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That in regard to the Millington Road north drainage sub-catchment, Council resolve to:

- 1. Endorse the drainage design and works as shown on plan 'A' as being required.***
- 2. Confirm that the owners of Lots 3, 7, 8 and 9 on Deposited Plan 38163, Millington Road be required to contribute an amount of 2/3 of the actual costs of the minimum amount of drainage works required to provide the main drain to the property, including the VCL levee bank and drain works, less the amount of any drainage headworks already paid. (Current estimated cost is \$450,000, or \$300,000 Morrell / \$150,000 Shire plus GST.***
- 3. Approve the raising of a loan for an amount of 1/3 of the actual cost of the drainage works required in (2) above, with repayments to be serviced by way of Municipal funds, less any reserve amounts already held for drainage headworks for that sub-catchment.***
- 4. That a legal agreement be made between Mr Morrell and the Shire that enables the Shire to refund to Mr Morrell, at some future date, an amount equal to 2/3 of the works cost, less his headworks already paid, less the difference between the new and old headworks rates for his total property area. The new refund amount to only be refunded to Mr Morrell if and when the Shire loan is paid out and catchment owner drainage headworks received are greater than the outstanding loan amounts.***

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 3 pages](#)

10.

REPORTS

OF

COMMITTEES

10.1 BROOME ARTS CENTRE ADVISORY COMMITTEE 2004 - MEETING 13 SEPTEMBER 2004.

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	CTE.36
AUTHOR:	Executive Assistant
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	15 September 2004

SUMMARY: To advise Council of the outcomes of a meeting of the Broome Arts Centre Advisory Committee 2004 held 13 September 2004.

BACKGROUND

The Broome Arts Centre Advisory Committee met on Monday 13 September 2004. The minutes from this meeting were subsequently endorsed at a meeting of the Committee held 15 September 2004 and are included as an attachment to this document.

COMMENT

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

- The resolution of Council from its Ordinary Meeting held 7 September 2004.
- Informal discussions regarding a proposal to utilise land located on Dampier Terrace.
- Business Planning Funding available through the Kimberley Development Commission and quote received from Mr A Harvey to undertake the application process, which resulted in the following resolution:

Resolution 10

"That the Broome Arts Centre Advisory Committee 2004 recommend that Council engage Mr Antony Harvey to prepare the funding application to the Kimberley Development Commission for funding towards a business feasibility study, including co-funding arrangements, definition of business planning scope and collaboration with the Culture Centre planning process and that Mr Harvey's fee for this work of \$1650.00 (including GST) be taken from the \$5 million project budget for the Broome Arts Centre."

- Project Officers – request that information be submitted by the first week in October 2004.
- Newsletter Article – a number of key points were identified for inclusion in the next Shire of Broome Newsletter.

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 receives the minutes of the Broome Arts Centre Advisory Committee 2004 meeting held 13 September 2004, as attached.***
2. ***That Council endorses the Broome Arts Centre Advisory Committee 2004 recommendation to engage Mr Antony Harvey to prepare a funding application to the Kimberley Development Commission for funding towards a business feasibility study, including co-funding arrangements, definition of business planning scope and collaboration with the Culture Centre planning process and that Mr Harvey's fee for this work of \$1,650.00 (including GST) be taken from the \$5 million project budget for the Broome Arts Centre.***

Moved:**Seconded:****FOR:****AGAINST:**[Attachment: 2 pages](#)

11. NOTICES OF MOTION**11.1 Australia-Japan Exchange Year**

The following Notice of Motion and Background information has been submitted by Cr G T Campbell.

BACKGROUND

In July 2003, Prime Minister John Howard and his Japanese counterpart Prime Minister Koizumi agreed to commemorate the 30th anniversary of the signing of the Basic Treaty of Friendship and Cooperation 1976 ('the Nara Treaty') with a series of exchanges between Australia and Japan. This "Year of Exchange" (YOE) initiative aims to broaden and strengthen Australia-Japan relations by providing a year-long focus on bilateral exchange activities. Exchange is envisaged across a number of different areas, including arts, culture, politics, business, education, science and technology, sport, tourism, society, lifestyle and the challenges of an aging society. Events and activities will be staged both in Japan and Australia as part of the "Year of Exchange".

Following the visit of Mr Hiroyuki Ariyoshi, Consulate-General of Japan Cr G T Campbell engaged in dialogue with Megan Alexander from the Cultural Affairs Department, Consulate-General Offices in Perth, about a range of matters arising from the informal talks held.

Contact has been arranged Sun Pictures and the Consulate-General Office re: Japanese Film Festival and also with Goolari Media re: Japan Video Releases and documentaries.

Megan Anderson has sent brochures out regarding Japanese Exchange programs aswell. Attached please find a Draft Plan for Japan Events for the 2006 Australia-Japan Exchange Year.

Given historical links between Japan and Broome and particularly in light of the sister city relationship with Taiji (Wakayama) and the fact that 2006 will celebrate the 25th anniversary of that relationship, the Shire of Broome should be involved in this celebration.

This is a real opportunity for the community to get involved in this a well.

REPORT RECOMMENDATION

That staff investigate more fully and report back to Council about the Shire of Broome's possible participation in the 2006 Australia-Japan Exchange Year and the availability of grants and funding available.

Moved:

Seconded:

FOR:

AGAINST:

[Attachments: 4 pages](#)

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

13. MATTERS BEHIND CLOSED DOORS

14. MEETING CLOSURE