



MISSION AND VALUES OF COUNCIL

"A Sustainable Community that is inclusive, attractive, healthy and pleasant to live in, that uses our land so as to preserve our history and environment, respects the rights and equality of our citizens and manages our future growth wisely."

AGENDA

**FOR THE
ORDINARY MEETING OF COUNCIL**

8 MAY 2008

OUR MISSION

"To provide a quality range of affordable and sustainable services to our community with a strong commitment to customer focus so that our citizens and visitors enjoy a quality lifestyle."

CORE VALUES OF THE SHIRE

The core values that underpin the achievement of the mission will be based on a strong customer service focus and a positive attitude:

Communication

Respect

Integrity

Transparency

Courtesy

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

SHIRE OF BROOME

**ORDINARY COUNCIL MEETING
8 May 2008**

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NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday 8 May 2008, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards

A handwritten signature in black ink, appearing to read 'K R Donohoe', written over a horizontal line.

K R DONOHOE
Chief Executive Officer

29 April 2008

1. OFFICIAL OPENING

2. ATTENDANCE AND APOLOGIES

Attendance

Leave of Absence

Apologies

Officers

Public Gallery

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page No	Item	Nature of Interest

4. PUBLIC QUESTION TIME

5. CONFIRMATION OF MINUTES

Section 5.22(2) of the Local Government Act 1995 requires Council Minutes be submitted to the next Ordinary Meeting of the Council, as the case requires, for confirmation. Minutes of a Special Meeting of Council held 22 October 2007 were inadvertently excluded from the Agenda for the Ordinary Council Meeting on 25 November 2007, and as such are submitted for confirmation as follows.

Moved: **Seconded:**

That the Minutes of the Special Meeting of Council held on 22 October 2007 be confirmed as a true and accurate record of that meeting.

FOR:
AGAINST:

Moved: **Seconded:**

That the Minutes of the Ordinary Meeting of Council held on 10 April 2008 be confirmed as a true and accurate record of that meeting.

FOR:
AGAINST:

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

7. PETITIONS

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9.

REPORTS

OF

OFFICERS

9.1

LEADERSHIP / GOVERNANCE

AND

ORGANISATION



OUTCOME

***To provide open, transparent and good governance
to the community.***

9.1.1 COMMON SEAL REPORT

DATE	DETAILS
10 April 2008	TPS No 4 Amendment No 41, Reserves 43465, 45562, 40224
16 April 2008	Shire of Broome & Broome Tourist Bureau Inc (BVC) Lease (x 2 copies)
16 April 2008	Shire of Broome & Broome Tourist Bureau Inc (Conference Facility) Lease (x 2 copies)

REPORT RECOMMENDATION

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

MOVED: **SECONDED:**

FOR:
AGAINST:

9.2

COMMUNITY SERVICES



OUTCOME

***To facilitate the social wellbeing and development
of the community.***

9.2.1 COMMUNITY SPONSORSHIP PROGRAM-POLICY

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	FIS04
AUTHOR:	Director Community Services
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	23 April 2008

SUMMARY: For Council to adopt a new Policy for the Community Sponsorship Program and approve amendments to the Delegations of Authority register.

BACKGROUNDPrevious Considerations

At Councils Ordinary meeting held 22 November 2007 it was resolved as follows.

1. *That the Annual Sponsorship and Donation program be opened for a four week submission period 3 December 2007 to 31 December 2007, utilising the guidelines and documentation (to be further simplified for small grants) for the proposed new "Community Sponsorship Program" as contained in the Annual Sponsorship and Funding Discussion Paper.*
2. *That Cr C R Mitchell, Cr S E Eaton, the Director Corporate Services, the Director Community Services and the Manager Administration Services be appointed to a Sponsorship Assessment Panel to assess the 2007/2008 submissions for sponsorship and the recommendations of the panel be presented to Council for final endorsement at the February 2008 Ordinary Council Meeting.*
3. *That unspent funds to date of up to approximately \$65,000 be distributed 1 March 2008 to 30 June 2008.*
4. *That the Sponsorship Assessment Panel conduct a review of the proposed draft policy and procedures including a review of existing sponsorship policies:*

Policy - 2.3.1 - Financial Assistance to Schools

Policy - 2.3.2 – Sundry Donations

Policy - 2.3.3 – Event Sponsorship

for the Community Sponsorship Program, and this be presented to Council for final endorsement, implementation as part of the 2008/2009 budget process and advertised to inform the public.

As required from the November 2007 meeting Council at its 14 February 2008 Ordinary meeting approved recommendations from the Sponsorship assessment Panel to allocate funds for the 2007/2008 financial year.

COMMENT

The Sponsorship Assessment Panel has met on a number of occasions and have developed a new Community Sponsorship Program that supersedes the following policies:

Policy - 2.3.1 - Financial Assistance to Schools

Policy - 2.3.2 – Sundry Donations

Policy - 2.3.3 – Event Sponsorship

The new Community Sponsorship Program policy has been developed to provide funds to assist community based organisations and to establish a partnership for the promotion and development of social, economic, recreation, environmental and reconciliation projects and initiatives on an equitable and accountable basis.

Key elements of the policy are as follows:

The policy recommends that Council allocate an annual percentage of general purpose funds to be available for the Community Sponsorship Program and for this to be included as part of the Shire of Broome annual budget process. The policy does not determine the percentage but indicates that Council would set this on an annual basis as part of the adoption of the budget. A percentage of 1% as been suggested as a starting point which based on general purpose funding of approximately \$10M (Includes rates & other income) would provide \$100,000 for the program.

It is proposed that funding would be available in two streams:

- (i) Annual Sponsorship submissions up to 50 % of the total project to a maximum of \$10,000
- (ii) Ad Hoc Sponsorship submissions during the year, to a maximum of \$1,000

Sponsorship requests that exceed \$10,000 are proposed to not be assessed as part of the Community Sponsorship Program. Requests exceeding \$10,000 would need to be presented to Council as part of the annual budget process.

The Sponsorship Assessment Panel has been retained consisting of two (2) staff and three (3) Councillors. Membership of this panel is to be confirmed by Council as part of the annual selection of delegates for advisory groups.

It is proposed that requests for "in-kind" contributions will not be accepted however organisations may apply for the equivalent of funding (eg: venue hire). The panel considered that in kind contributions were difficult to allocate and monitor and better dealt with as part of a financial contribution.

The policy recommends that a reserve fund be established titled 'Community Sponsorship Program' and that any funds remaining as at 30 June after allocation of both Annual and Ad-Hoc Sponsorships be placed in this reserve fund. This fund could then be used to off set future community sponsorship requirements.

Other keys elements to the proposed policy relate to delegated authority to streamline the selection and approval process. The policy proposes two delegations to the CEO which would supersede the current donations delegation of \$500.

- (i) The Chief Executive Officer is granted delegated authority to approve Annual Sponsorship submissions to a maximum as included in the annual budget for

the Community Sponsorship Program. If Council was to approve the suggested 1% the CEO could approve up to this amount i.e. \$100,000. This delegation of authority is conditional on recommendations made by the Sponsorship Assessment Panel.

- (ii) The Chief Executive Officer is granted delegated authority to approve Ad Hoc Sponsorship to a maximum of \$1,000 without reference to the Sponsorship Assessment Panel. This proposal in effect replaces the exiting \$500 donations delegation.

Both delegations require that the successful and unsuccessful submissions be reported to Council through the Council Information Bulletin.

CONSULTATION

An outline of the proposed policy was recently presented as part of the Kimberley Area Consultative Committee's 2008 Grant Expo held in Broome and positive feedback was received.

STATUTORY ENVIRONMENT

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation

POLICY IMPLICATIONS

As above this policy replaces Policies 2.3.1, 2.3.2 & 2.3.3

FINANCIAL IMPLICATIONS

Council will need to make an annual allocation in accordance with the new Community Sponsorship Program Policy.

STRATEGIC IMPLICATIONS

People

Actively contribute to well-being and safety and support community initiative.

Place

Ensure the Shire's infrastructure and assets are strategically planned and managed.

Build partnerships with the community and other agencies to recognise, protect and enhance the natural environment and cultural heritage.

Prosperity

Build the Shire's organisational capacity to service the needs of a growing community.

Partner with other agencies to ensure affordable and equitable services and infrastructure.

VOTING REQUIREMENTS

Simple Majority & Absolute Majority as shown in the Report Recommendation.

REPORT RECOMMENDATION ONE (1)

That Council:

1. Endorses and formally adopts the "Community Sponsorship Program" policy.
2. Approves membership of the Sponsorship Assessment Panel for the 2008/2009 financial year to be made up of:
 - Cr _____
 - Cr _____
 - Cr _____
 - Director Community Services
 - Director Corporate Services

(Simple Majority)

Moved:

Seconded:

**FOR:
AGAINST:**

REPORT RECOMMENDATION TWO (2)

That Council:

1. Removes the current "Donations" delegation adopted 11 June 2002 minute/page P9-11.
2. Approves that the Chief Executive Officer is granted delegated authority to approve Annual Sponsorship submissions to a maximum as included in the annual budget for the Community Sponsorship Program in accordance with the newly adopted "Community Sponsorship Program" policy. This delegation of authority is conditional on recommendations made by the Sponsorship Assessment Panel.
3. Approves that the Chief Executive Officer is granted delegated authority to approve Ad Hoc Sponsorship to a maximum of \$1,000 without reference to the Sponsorship Assessment Panel in accordance with the newly adopted "Community Sponsorship Program" policy.
4. Amends the Shire of Broome Delegation of Authority Register to include the above amendments. (Absolute Majority).

Moved:

Seconded:

**FOR:
AGAINST:**

[Attachment: 3 pages](#)

9.3

DEVELOPMENT

SERVICES



OUTCOME

To pursue sustainable development that will protect and enhance the Shire's unique heritage and environment and facilitate increased employment.

9.3.1 PROPOSED AMENDMENT - TOWN PLANNING SCHEME NO 4 LOT 51 (12) HOPTON STREET, BROOME - R10 TO R50

LOCATION/ ADDRESS:	Lot 51 (No. 12) Hopton Street, Broome
APPLICANT:	Saleeba Adams Architects on behalf of Ann Lyster, Richard Lyster, Maurice Lyster and Alan Clayton
FILE:	HOP-1/12
AUTHOR:	Neels Pretorius
CONTRIBUTOR/S:	Manager Planning Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	16 May 2008

SUMMARY: Council has received a request to recode Lot 51 Hopton Street from R10 to R50.

This report recommends Council amends Town Planning Scheme No. 4.

BACKGROUND

Previous Considerations

Nil

Site and Surrounds

Lot 51 is situated on the northern side of Hopton Street, between Walcott Street and Herbert Street (Attachment 1). Lot 51 has an area of 1216m² and is undeveloped.

The adjacent lots range from 794m² to 2433m². The adjoining lots are single dwellings. Opposite the site is Town Beach Club that is used for employee accommodation and grouped housing. The property to the rear is a large (2433m²) lot with house, shed and parking area. There are group dwellings nearby in Herbert and Walcott Streets.

The site is connected to reticulated water and sewerage.

Description of the Proposal

The applicant is seeking Council's support to initiate a Scheme Amendment to increase the density coding of Lot 51 from the R10 to R50. This will facilitate the development of the site with four (4) grouped dwellings.

The applicant has submitted preliminary drawings (Attachment 2) of the proposed development and has provided a detailed description of the design and its merits as detailed below:

- The design provides for living areas at ground level and bedrooms on the upper level, providing increased privacy and increased areas for outdoor living.
- Utilisation of timber decking as opposed to concrete paving to increase underfloor ventilation and reduce radiant heat.
- Utilisation of materials and Broome style architecture to provide a strong visual identity and contribute to the amenity of the area.

- Clustering of dwellings in pairs to allow breezeways between adjacent buildings thereby facilitating excellent air circulation throughout the development.
- The arrangement of building forms to provide a strong visual identity and to contribute to the area.
- Provision of setbacks in accordance with the requirements of the Residential Design Codes.
- Provision of parking in accordance with the requirements of the Residential Design Codes.
- Stormwater drainage system to combine on-site retention and peak surface flow across paved areas.
- Provision of water wise reticulated landscaping of courtyards, central common areas and the road reserve.

The item was included in the February OCM but withdrawn from consideration at the proponent's request. The proponents have now requested that this item be put to Council for determination. No additional information has been submitted with this request.

See Attachment 2

Rationale in Support of the Recoding to R50

The following statements have been made by the proponent in support of the recoding:

- Recoding of the site to R50 will facilitate a vibrant development of this property stimulating further regeneration of this area and improving the amenity of the neighbourhood.
- The design proposal clearly demonstrates that 4 grouped dwellings can be accommodated on the site while maintaining a strong respect for the climate sensitive design.
- Accessibility of the site to public transport, pedestrian and cycle paths, shops/café, schools and recreation.

Planning Provisions

The lot is zoned 'Residential' and included in a R10 code area. Group Housing is a "D" use within a residential zone. That is: the use is not permitted unless Council has exercised its discretion by granting planning approval.

The current zoning allows for the development of 1 dwelling. The proposed recoding will allow development of up to 5 dwelling units.

COMMENT

There are several sites in the vicinity of Lot 51 that are coded R40 and R50 and have been developed to this density and the Cable Beach Club now use the former Town Beach Club for staff housing. The recoding of this site and development of grouped dwellings would not adversely impact on the character of the area.

The site is well located 400 to 500 metres from the Fong's Shopping Centre and the Seaview shopping centre on Robinson Street. Buses travel along Hopton Street and the site has good cycling and pedestrian connectivity. It also has good access for recreational facilities being only 400 metres from Town beach and is close to the PCYC.

It is widely recognised that the high demand for new residential development and the relatively low density codings applied since the introduction of Town Planning Scheme No 4 has resulted in Broome housing stock being dominated by detached dwellings.

There remains a critical shortage of unit development within Broome. This provides an opportunity to increase the available housing diversity. The proposed design submitted by the proponent while not formally a part of this application shows that the size of the site will enable the development of four units and that the design of these can address the issues of climate sensitivity, energy efficiency, privacy and airflow.

Council has recently determined when considering requests for scheme amendments to defer consideration until completion of the Broome Housing Strategy.

It is recommended, based on the existing approvals, existing land uses within the Hopton Street area and shortage of units within Broome that Council amends its Scheme.

Refer Attachment 3 – Scheme Amendment Progress

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Regulations 1967

POLICY IMPLICATIONS

Local Housing Strategy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Place

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council pursuant to Section 75 of the Planning and Development Act 2005, amends the Shire of Broome Town Planning Scheme No 4 to recode Lot 51 (12) Hopton Street from R10 to R50.

Moved:

Seconded:

FOR:

AGAINST:

[Attachments: 4 pages](#)

9.3.2 PROPOSED AMENDMENT - TOWN PLANNING SCHEME NO 4 LOT 1370 ORR STREET BROOME R10/20 TO R50

LOCATION/ ADDRESS:	Lot 1370 (36) Orr Street, Broome
APPLICANT:	Scribe Design Group
FILE:	ORR -1/36
AUTHOR:	Neels Pretorius
CONTRIBUTOR/S:	Manager Planning Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	25 March 2008

SUMMARY: Council has received a request to recode Lot 1370 Orr Street from R10/20 to R50. As required by Council neighbours have been consulted.

This report recommends that Council amends Town Planning Scheme No 4.

BACKGROUND

Previous Considerations

OCM 22 November 2007	Item 9.3.2
OCM 18 December 2007	Item 12.2

History

At OCM 18 December Council resolved to defer consideration of a proposal to recode Lot 1370 to 'R50' "*pending the provision of further information regarding the likely impact of the proposal on nearby residents*".

Site and Surrounds

Lot 1370 Orr Street has an area of 1015m². The site is located on the northern side of Orr Street facing the Norman Street intersection approximately 3 km from Chinatown and 500 metres from the Guy Street Local Centre (24hr Caltex, PO Boxes).

The site contains a brick house constructed in the early 1980's. The design provides minimal ventilation and is not suited to Broome's climatic conditions. The surrounding area predominantly consists of large residential lots approx 1000m² in size.

The site is connected to reticulated water and sewerage.

See Attachment 1

Description of the Proposal

The proponent is seeking to redevelop the site with 4 grouped dwellings comprising a mix of single and two storey / two and three bedroom units. A detailed description of the merits of the design has been provided which is summarised as follows:

- The proposed structures will address the streetscape
- A group dwelling development will maximize private outdoor living areas
- The separation between units improves cross flow breezes, privacy and amenity;

- Timber decking maximises underfloor ventilation and minimises radiant heat;
- The design of the proposed units and the materials to be used is 'contemporary Broome'; and
- The development is designed in accordance with the R50 requirements of the Residential Design Codes.

See Attachment 2.

Rationale in Support of the Recoding to R50

The following statements have been made by the proponent in their submission in support of the recoding to R50:

1. The site is located within the area previously identified as having potential for higher residential density codings.
2. There is increasing demand for 2 and 3 bedroom homes on smaller, more manageable sites that still take advantage of the local climatic conditions and prevailing winds.
3. There is limited land available in Broome and as a result the rapid increase in existing and new home prices is preventing many people from entering the market or becoming part of the Broome community. Allowing developments at increased densities provides a mechanism to produce more affordable housing.
4. The Old Broome housing stock is generally of stud framed construction with metal wall and roof cladding in generally poor condition – ideal for redevelopment.
5. This property is ripe for demolition and redevelopment with new architecturally designed residences that address the climate and lifestyle of the Broome Residents. This will rejuvenate the area and enliven a neglected portion of Broome.
6. Neighbours have been consulted and no objections to the proposal have been received.

Planning Context

The Lot is zoned 'Residential' and is included in the code area R10/20. Group dwelling development is a 'D' use within the 'Residential R10/20' zone. The current zoning would allow the development of a maximum of two units. Accordingly, a request to recode the site to 'R50' has been submitted to facilitate the redevelopment of the site with 4 grouped dwellings.

COMMENT

It is widely recognised that there is a shortage of housing within Broome and that the relatively low density codings applied through Town Planning Scheme No. 4 has resulted in Broome's housing stock being dominated by single storey detached dwellings.

The proponent's request presents an opportunity to increase the housing diversity within the area. The proposed design submitted by the proponent while not formally a part of this application shows that the size of the site will enable the development of four units and that the design of these can address the issues of climate sensitivity, energy efficiency, privacy and airflow.

At the 18 December 2007 OCM Council expressed concern about the likely impact on surrounding residents. The matter was deferred pending consultation with surrounding landowners. On 17 January 2008 a letter detailing the proposal together with plans of the preliminary design was sent to eight neighbours. The letter informed landowners that if no

comments were received within a given time it would be assumed there was no objection to the proposal. No responses either for or against were received.

The subject lot is within the area proposed by Council for higher density to the Broome Planning Steering Committee in 2004. The proposed recoding is consistent with Amendment No. 36, which has previously been initiated by Council. Lot 1370 is within the area proposed by council for higher density to the Broome planning steering committee in 2004. Approval of the recoding will enable the progression of a density increase and subsequent redevelopment. This will assist in providing a staggered release of new dwellings and meeting the critical shortage of unit development within Broome.

Council has recently determined when considering requests for scheme amendments to defer consideration until completion of the Broome Housing Strategy.

It is recommended, based on the appropriateness of the area for recoding, the consultation with neighbours and shortage of units within Broome that Council support the amendment.

Refer Attachment 3 – Scheme Amendment Progress

CONSULTATION

Eight (8) residents have been consulted by the proponent (see Attachment 1).

In accordance with the Planning and Development Act 2005 a Scheme Amendment is required to be advertised for a period of 42 days.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Regulations 1967

POLICY IMPLICATIONS

Broome Local Housing Strategy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Place

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council pursuant to section 75 of the Planning and development Act 2005, amends the Shire of Broome Town Planning Scheme No. 4 to recode Lot 1370 (35) Orr Street from R10/20 to R50.

Moved:

Seconded:

FOR:

AGAINST:

[Attachments: 4 pages](#)

9.3.3 PROPOSED AMENDMENT – TOWN PLANNING SCHEME NO 4 - REZONING PORTION LOT 67 CRAB CREEK ROAD FROM 'GENERAL RURAL' TO 'PUBLIC PURPOSE (WASTE WATER TREATMENT PLANT)

LOCATION/ ADDRESS:	Portion of Lot 67 Crab Creek Road, Broome
APPLICANT:	Water Corporation
FILE:	TPS4/31
AUTHOR:	Jack Lewis
CONTRIBUTOR/S:	Manager Planning Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	18 April 2008

SUMMARY: Proposed Scheme Amendment 31 to Town Planning Scheme No.4 seeks to rezone a portion of Lot 67 Crab Creek Road, Roebuck, from 'General Rural' to 'Public Purposes – Waste Water Treatment Plant' and establish a Special Control Area Buffer around the Plant.

The proposal was advertised for the required statutory period and 8 submissions were received.

It is recommended that Council adopts the Amendment with modification.

BACKGROUND

Previous Considerations

OCM 22 December 2005 – Item 9.3.9

History

At OCM 22 December 2005 Council resolved to amend Town Planning Scheme No.4 to:

1. *Reserve land at Lot 67 Wattle Drive, Roebuck for Public Purposes and to establish a Special Control Area.*
2. *Continues to promote the creation of a dedicated public Road Reserve to Crab Creek Road.*

The existing waste water treatment plant within the Broome Town site is located south of Clementson Street and has recently been upgraded to cope with the increased flows expected over the next two to three years. This expansion has used all the available land on the site and there is insufficient land available around the existing treatment plant to expand.

Water Corporation reviewed a number of sites for a new waste water treatment plant. Lot 67 Crab Creek Road was considered to have the following advantages;

- Recognition by the Broome Planning Steering Committee that the site is the preferred option.
- The site was agreed upon with the consultation of indigenous groups (Rubibi and Walman Yawuru) at workshops.

- The land has a large enough area to contain the new facility with the possibility of future expansion, if required.
- No sensitive land uses nearby.
- Compatible surrounding land uses.
- Surrounding land uses can be enhanced through the use of treated wastewater.
- It is easily accessible via Crab Creek Road.

The applicant has undertaken studies and consulted with the Environmental Protection Agency (EPA) to establish the required buffer distances for the plant. As a result the applicant now requests that Council adopt the following Scheme Amendment:

1. To excise a portion of land from Lot 67 Wattle Drive, Roebuck, from 'General Rural' Zone and to reserve it as a 'Public Purpose' Reserve for the purpose of 'Waste Water Treatment Plant – WWTP'
2. Establish a Special Control Area in the form of an 'Essential Services Buffer' around the 'Waste Water Treatment Plant'.
3. Replace the Essential Services Buffer Scheme provisions to remove reference to the power station and to introduce appropriate controls for the proposed Waste Water Treatment Plant - Broome North.

CONSULTATION

In accordance with the Town Planning Regulations 1967, the proposed Scheme Amendment was advertised for 42 days and adjoining landowners and key state agencies were notified.

The proposed amendment was advertised on the 7 February 2008 with submissions closing on the 28 March 2008. Seven (7) submissions were received within the prescribed time period. One submission from Rubibi was received on 14 April 2008, although after the submission period this has been included in the Schedule of Submissions (Attachment 1). The main issues raised are summarised below:

Issue No.	Description	Comments
1.	Support for the proposed waste water treatment site and proposal.	Noted
2.	Insufficient consultation has taken place with Yawuru Aboriginal Corporation (YAC).	There have been 5 meetings held with YAC and 2 meetings with Rubibi Global.
3.	YAC were not advised of the extent of the odour buffer area. It was understood that the buffer area would be contained within the site.	The initially generic odour buffer indicated distances of 600 to 1000 metres from the treatment pond boundary. Once the final site was determined detailed modelling (as required by Environmental Protection Agency (EPA)) established the boundary now identified. This was explained to YAC in a meeting held 27 February 2008.
4.	Future land use of the surrounding lots is subject to conditions that would be too restrictive (i.e. No	Best practice land use planning seeks to ensure that key infrastructure is planned for well ahead of demand.

Issue No.	Description	Comments
	'odour-sensitive land uses' to be carried out within the buffer zone).	Special control areas within Town Planning Scheme No 4 ensure that there is no conflict between inappropriate lands uses.
5.	The odour buffer has been significantly expanded and will detrimentally affect the potential long term development of Wattle Downs	This area has been identified in the "Report of the Broome Planning Steering Committee December 2005" (BPSC) as rural/rural activities. Following community consultation the BPSC selected this site for a new northern wastewater treatment plant. In accordance with Town Planning Scheme No.4 all development and proposed uses requires Council approval.

COMMENT

The purpose of the Amendment is to provide a site for a proposed wastewater treatment and re-use plant which is necessary for the future expansion of Broome.

Through 2005 and 2006 Water Corporation held four workshops with YAC and two meetings with Rubibi about the proposed site and facility. At that time the site location was not finalised and an accurate modelled buffer dimension was not available so a generic odour buffer boundary was used of 600 to 1000 metres from the treatment pond boundary.

The Water Corporation (in accordance with EPA requirements) engaged the assistance of consultant environmental engineers to determine the buffer zone location and size for the Broome North waste water plant. After site finalisation the odour modelling was completed in March 2007 and the current boundary was confirmed. (Attachment 2). The buffer zone extends 500m to the North of the site 1,000m to the East of the site, 500m to the South of the site and 500m to the West of the site. The final odour buffer area is greater than the generic odour buffer initially indicated but existing and proposed future land use within this area is compatible so this 'extension' will not have any adverse impact.

Details of the buffer requirement were explained during a meeting with the YAC representatives on 27 February 2008. Water Corp has also committed to having a further meeting with Rubibi Global to explain in detail the odour buffer result.

The Broome Planning Steering Committee Report (2005) identified the need and location of the Wastewater Treatment Facility (see Attachment 3). The existing facility has capacity for the next 2 -3 years. Establishment of the new facility is critical to the expansion of the town and there is considerable lead time from planning through construction to commissioning. This location is preferred as any future urban expansion or intensive development will not conflict with the use. Being located within the rural area it also provides economic opportunities for wastewater reuse. Both Rubibi Global and YAC have expressed strong interest in possible recycled water projects onsite and Water Corporation has made a commitment to continuing liaising with them as to how this can occur.

The proposed Scheme Amendment is recommended for approval.

Refer Attachment 4 – Scheme Amendment No 31 Progress

Refer Attachment 5 – Water Corporation Letter 17 April 2008

Refer Attachment 6 – Scheme Amendment 31

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Regulations 1967
Shire of Broome Town Planning Scheme No.4

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

All costs associated with the processing of the amendment will be met by the proponent.

STRATEGIC IMPLICATIONS

Place

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Has considered the submissions received during the advertising period and adopts the recommendations listed against each submission in the schedule attached to this report.*
2. *Pursuant to Section 75 of the Planning and Development Act 2005 resolves to amend the Shire of Broome Town Planning Scheme No. 4 with modifications to:*
 - a) *To excise a portion of land from Lot 67 Wattle Drive, Roebuck, from 'General Rural' Zone and to reserve it as a 'Public Purpose' Reserve for the purpose of 'Waste Water Treatment Plant – WWTP'.*
 - b) *Establish a Special Control Area in the form of an 'Essential Services Buffer' around the 'Waste Water Treatment Plant'.*
 - c) *Replace the Essential Services Buffer Scheme provisions to remove reference to the power station and to introduce appropriate controls for the proposed Waste Water Treatment Plant - Broome North.*

Moved:	Seconded:	FOR:
		AGAINST:

[Attachment: 30 pages](#)

9.3.4 TEMPORARY USE OF A VEHICLE AT THE BROOME WASTE MANAGEMENT FACILITY

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ENH 15
AUTHOR:	Manager Health Services
CONTRIBUTOR/S:	Manager Operations & Engineering Staff
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	21 April 2008

SUMMARY: A request to approve the deferral of sending the mechanics vehicle to auction, to enable it to be used by the Waste Management Facility Supervisor, until a new vehicle can be provided in next year's plant replacement program.

BACKGROUNDPrevious Considerations

Nil

The operations at the Waste Management Facility (WMF) require the use of a Shire vehicle. Currently there is a Hilux situated at the WMF that has been in use for the past eight years. This vehicle has mistakenly not been included in the plant replacement program and consequently it has degraded in quality. A recent report from Broome Toyota did not recommend making any repairs to this vehicle to get it licensed. The vehicle is worth less than \$5,000, there is extensive rust to the chassis body and tray, all tyres need replacing and all the steering joints are badly worn. These faults were found only on a very quick inspection and other faults may be present. Repair of the vehicle is not considered to be economically viable.

Following the appointment of the new WMF Supervisor it became apparent that the vehicle was not suitable for use. The previous Supervisor had used his personal vehicle for work purposes. It is necessary that a vehicle is made available for use at the facility.

The replacement of the vehicle for use at the WMF will be included in the plant replacement program for 08/09. A single cab chassis with tray is required and is estimated to cost \$30,000.

This new vehicle won't be available until August this year. In the interim, it is recommended that the vehicle previously used by the mechanics be deferred in sending to auction and be used at the WMF as an interim measure. In August when the new vehicle for the WMF arrives, the mechanics vehicle will then be sent to auction as previously planned.

COMMENT

Currently employees situated at the WMF are using their own personal vehicles for work purposes. This includes driving around the facility each night to ensure all the public has left the facility, running errands and attending meetings at the Shire Offices. One tip operator recently damaged his own car whilst conducting work duties. This situation could increase the Shire's exposure to risk.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The estimated reserve price of the mechanics vehicle at auction is \$24,000. With the deferral in sending this vehicle to auction for 3 months, it will result in a \$24,000 deficit in the plant replacement program for 07/08. However, when it is sent to auction in August the funds from this sale will be added to the 08/09 budget. It is estimated the value of the vehicle will reduce minimally in this time.

In summary:

- The impact on 07/08 budget will be a decreased income from sale of approx \$24,000 and operating costs for 3 months of \$2,500.
- The impact on 08/09 budget will be an increased income from sale.

The purchase of the new vehicle for the WMF is estimated to cost \$30,000. This will be included in the WMF Budget for 08/09. The existing vehicle will likely return less than \$5,000.

STRATEGIC IMPLICATIONS**Place**

Ensure the Shire's infrastructure and assets are strategically planned and managed.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council approves the delay in sending the mechanic's vehicle to auction to enable it to be used by the Waste Management Facility Supervisor until a new vehicle can be considered in the 2008/09 budget deliberations.

Moved:

Seconded:

FOR:

AGAINST:

9.3.5 WASTE MANAGEMENT ADVISORY GROUP – MODIFIED TERMS OF REFERENCE

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ENH87
AUTHOR:	Manager Health Services
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	15 April 2008

SUMMARY: A report recommending that Council adopts modified Terms of Reference for the Waste Management Advisory Group (WMAG).

BACKGROUNDPrevious Considerations

SCM 1 August 2007 – item 9.3.13

SCM 22 November 2007 – item 9.3.7

At the Ordinary Meeting of Council 1 August 2007, there were a number of resolutions, one being that:

1. *Council endorses the reformation of the Waste Management Advisory Group (WMAG).*

A draft Terms of Reference was presented for consideration.

The Waste Management Group has since held two meetings. At the meeting held on 9 April 2008 it was resolved that:

'The WMAG make recommendation to Council to adopt the Terms of Reference.'

COMMENT

The Terms of Reference have been further developed and are attached for consideration. The changes made are as follows:

- The inclusion of waste management legislative requirements in particular relation to landfill sites;
- The development of objectives that fit into the "Broome Plan for the Future 2007 – 2012";
- The identification and further clarification of the waste management issues in Broome. The group will provide strategic advice on:
 - The option to put the operations of the Broome Waste Management Facility to tender.
 - Environmental, planning and engineering issues of waste management operations and facilities.
 - Waste Management Facility Operational Plan review detailing a long-term plan for the Broome Waste Management Facility, including relocation of the facility and regeneration of the site.
 - Green waste disposal.

- Financial and political waste management issues facing local government.
- Implementation of future legislative requirements such as container deposit legislation and extended producer responsibility.
- New recycling programs and initiatives.
- Zero Waste Plans.
- Waste disposal options for the building and mining industry.
- Municipal waste services to Indigenous Communities
- Funding options.

A copy of the modified Terms of Reference is attached identifying the proposed changes.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Environmental Protection Act, 1994

Local Government Act, 1995

Health Act, 1911

Waste Avoidance and Resource Recovery Bill (The WARR Bill)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by encouraging participation and providing information.

Actively contribute to well-being and safety and support community initiative.

Place

Build partnerships with the community and other agencies to recognise, protect and enhance the natural environment and cultural heritage.

Ensure the Shire's infrastructure and assets are strategically planned and managed.

Prosperity

Partner with other agencies to ensure affordable and equitable services and infrastructure.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council adopts the modified Terms of Reference for the Waste Management Advisory Group.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 4 pages](#)

9.4

CORPORATE

SERVICES



OUTCOME

To provide a range of customer focused corporate services incorporating financial and human resource management, administrative support and IT solutions, which meets the needs of both internal and external customers and of Council and to ensure statutory compliance within the directorate as part of the Shire's good governance obligation.

9.4.1 ACCOUNTS FOR PAYMENT

REPORT RECOMMENDATION

The accounts for payment for March 2008 as attached, covering Municipal Cheque Vouchers 47683 - 47902 totalling \$485,795.03 and EFT Vouchers 4328-4429 totalling \$1,444,398.13 and Trust Cheque Vouchers 2922-2938 totalling \$19,007.28 be passed for payment.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 11 pages](#)

9.4.2 MARCH 2008 MONTHLY FINANCIAL ACTIVITY REPORT

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	FRE 02
AUTHOR:	Accountant
CONTRIBUTOR/S:	Manager Financial Services, Managers
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 May 2008

SUMMARY: Monthly Financial Activity Report of the Shire's operations for the month of March 2008 includes all budget forecasts in this and previous reports. The result of the cumulative changes, predicts an end of year forecast of a surplus of \$111,503.

BACKGROUNDPrevious Considerations

Nil

COMMENT

The following are the key indicators of the year to-date budget position:

- Budget Year elapsed 75%
- Total Operating Expenditure 73%
- Total Operating Revenue 91%
- Total Capital Expenditure 63%
- Total Sale of Assets Revenue 124%
- Total Capital Revenue 71%

The forecast position of a surplus represents a 0.58% variance when viewed in proportion to operating expenditure excluding depreciation.

The predicted surplus as at 31st March 2008 is \$111K, which represents an increase of \$15K from last month. This amount represents the net result of this month's net budget forecasts.

More detailed explanations of variances are contained in the notes to the monthly statement of financial activity. The commentary will identify variations to year-to-date budget positions, or variations that may require consideration for amended forecast.

All forecasts are included as a comparison to original budget in monthly reports.

Forecasts

The following budget forecasts are identified:

General Purpose Income – Rates

The following budget forecasts were required this month for General Purpose Income:

- \$18K increase in budgeted operating income from rates as a result of additional interim valuations revenue
- \$5K increase in budgeted operating income from rates non-payment interest as a result of additional late payment penalty interest collected
- \$5K increase in budgeted operating income from legal expense recovery as a result of additional recovery of legal expenses from debt collecting activity.

The net result of these budget forecasts will increase the expected surplus by \$28K.

Other Services – Tourism Area Promotion Broome Visitor Center

The following budget forecasts were required this month for the Broome Visitor Centre:

- \$9K increase in budgeted operating expenditure for Council rates
- \$4K increase in budgeted operating expenditure for electricity.

These forecasts are expected to be recovered from the tenants. The net result of these budget forecasts will decrease the expected surplus by \$13K.

CONSULTATION

Internal Staff

STATUTORY ENVIRONMENT

Local Government Act 1995

6.4. Financial report

- 1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- 2) The financial report is to —
 - a) be prepared and presented in the manner and form prescribed; and
 - b) contain the prescribed information.
- 3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
 - a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - b) the annual financial report of the local government for the preceding financial year.

*Financial Management Regulations**34. Financial activity statement report — s. 6.4*

- 1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b) budget estimates to the end of the month to which the statement relates;

- c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e) the net current assets at the end of the month to which the statement relates.
- 2) Each statement of financial activity is to be accompanied by documents containing —
- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - c) such other supporting information as is considered relevant by the local government.
- 3) The information in a statement of financial activity may be shown —
- a) according to nature and type classification;
 - b) by program; or
 - c) by business unit.
- 4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- a) presented to the council —
 - i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;
- and
- b) recorded in the minutes of the meeting at which it is presented.
- 5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.
- 6) In this regulation —
- “committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;
 - “restricted assets” has the same meaning as in AAS 27.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

These are detailed above and in the attachment.

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by providing information.

Place

Achieve positive long-term economic, social and environmental benefits.

Prosperity

Build the Shire's organisational capacity to service the needs of a growing community.

Governance

Provide open, transparent and good governance to the community.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Receives the Monthly Financial Activity Report for the period ended 31 March 2008.*
2. *Notes the year-end projections compared to the original budget.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachments: 20 pages](#)

9.4.3 ZANDERS AT CABLE BEACH - LEASE EXTENSION

LOCATION/ ADDRESS:	RES.36477.2
APPLICANT:	Tri-Nation Holdings (Mr Xavier KRIS and Alicia KING)
FILE:	RES.36477.2; LSS.044
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	18 April 2008

SUMMARY: To provide Council with further information associated with the lease extension that was approved at Ordinary Council Meeting 13 March 2008.

BACKGROUNDPrevious Considerations

OCM 19 May 1998 - Item 8.1
 OCM 15 June 1999 - Item 7.12
 SCM 30 September 1999 - Item 4.2
 SCM 1 November 1999 - Item 4.3
 OCM 18 December 2007 - Item 9.4.6
 OCM 13 March 2008 - Item 9.4.3

During the late 1990's a tender was awarded to West Shore Group Pty Ltd for the development of the then Cable Beach Sand Bar and Grill and the signing of a lease between the Shire of Broome and Fastway Holdings Pty Ltd and Ian Stuart Huxley. The lease commenced on 1 August 2000 and was due to expire on 31 July 2021.

In mid 2006 the business was sold and the lease was assigned to Tri-Nation Holdings Pty Ltd, who changed the business name to Zanders at Cable Beach.

Tri-Nation Holdings Pty Ltd approached Council late 2007 requesting an extension of lease for a further eight years to provide Company Directors with the confidence to continue to invest in their business and the property.

A report was presented to the March 2008 Ordinary Meeting of Council requesting Council to consider a proposal to extend the existing lease arrangement between the Shire of Broome and Tri-Nation Holdings for the portion of Reserve 36477, known as Zanders at Cable Beach for a further eight years. Council resolved the following:

1. *Endorses the proposal to provide an additional eight year option to extend the existing lease between the Shire of Broome and Tri-Nation Holdings Pty Ltd for portion of Reserve 36477, known as Zanders at Cable Beach.*
2. *Delegates authority to the CEO to negotiate terms and conditions of an extension to the existing lease arrangement, including:*
 - a) *A reduction in the "competition free" period provided for under Clause 4.10 of the existing lease agreement;*

- b) *A Market Rental Valuation being conducted at the conclusion of the existing lease with new lease payments to commence immediately and be subject to annual CPI increase with a Market Valuation conducted every three years and amended accordingly;*
 - c) *Consent of the Minister for Lands to be obtained;*
 - d) *Matter being advertised in accordance with the requirements of section 3.58 of the Local Government Act and any costs associated with Final terms and conditions of the lease arrangements being presented to Council for final endorsement;*
 - e) *The cost of obtaining the Rental Valuation be recouped from the Lessee.*
3. *Notes that at the end of the 21 year lease period that Council renegotiates:*
- a) *A revised rental that will necessitate a market rental valuation being undertaken including both land and building for assessment ; and*
 - b) *That the maintenance on the external surfaces of the building be included in the lease.*

COMMENT

In accordance with the Council Resolution, the Shire requested approval from the Minister of Lands for the extension to the existing lease, their response is as follows:

"As Tri-Nation Holdings Pty Ltd has recently taken over the Shire lease, seven years into the term of the 21 year lease, for Reserve 36477 and wishes to extend the lease to the maximum 21 years, the Shire has the follow two options:

1. *Surrender the current lease and enter into a new lease for 21 years or*
2. *Wait until the lease expires and then issue a new lease up to 21 years."*

Due to this information the Shire is unable to extend the existing lease for an additional term until the original lease has expired in 2021.

Staff have contacted the Lessee and advised the outcome. The Lessee does not wish to pursue option 1 and will seek to extend the lease upon its expiry in 2021.

Staff have contacted the Shire's Solicitors McLeods, for their advice in regards to whether or not the Shire has the ability to enter a notation against the lease to indicate Council decision. The only action Council can take is to record a file note and diarise the expiration of the lease. Council will be advised closer to the expiry date with Disposal (Lease) of Property via treaty procedures including public advertising, to be implemented at that time as per the LG Act Sec 3.58.

CONSULTATION

The wider community will be given an opportunity to comment as part of the public submission period required under section 3.58 of the Local Government Act 1995.

STATUTORY ENVIRONMENT

Land Administration Act 1997

18. *Various transactions relating to Crown land to be approved by Minister*
- (1) *A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.*
 - (2) *A person must not without authorisation under subsection (7) —*
 - (a) *grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a managed reserve;*

Local Government Act 1995

- 3.58. *Disposing of property*
- (1) *In this section —*
 - “dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - “property” includes the whole or any part of the interest of a local government in property, but does not include money.*
 - (2) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
 - (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Place**

Ensure the Shire's infrastructure and assets are strategically planned and managed.

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local community.

Prosperity

Support business and economic development

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *At the end of the 21 year lease period (2021) renegotiates the terms and conditions of the lease, including:*
 - a) *Removal of the "competition free" period provided for under Clause 4.10 of the existing lease agreement;*
 - b) *A Market Rental Valuation being conducted including both land and building a new lease being subject to annual CPI increase with a Market Valuation conducted every three years and amended accordingly;*
 - c) *Consent of the Minister for Lands to be obtained;*
 - d) *The matter being advertised in accordance with the requirements of section 3.58 of the Local Government Act and any costs associated with final terms and conditions of the lease arrangements being presented to Council for final endorsement;*
 - e) *The cost of obtaining the Market Rental Valuation be recouped from the Lessee;*
 - f) *The maintenance on the external surfaces of the building be included in the lease.*
2. *Advise Tri-Nation Holdings Pty Ltd of the decision made by Council.*

Moved:

Seconded:

FOR:

AGAINST:

9.4.5 REVIEW OF RURAL VALUATIONS FOR RATING

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ARA13
AUTHOR:	MANAGER FINANCIAL SERVICES
CONTRIBUTOR/S:	SENIOR RATES OFFICER
RESPONSIBLE OFFICER:	DIRECTOR CORPORATE SERVICES
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	22 APRIL 2008

SUMMARY: This report recommends that Council undertakes a review of the basis of valuation used for rating Dampier Ward land use activities, which will lead to the development of a rural rating policy.

BACKGROUNDPrevious Considerations

Nil

It is proposed that the Shire of Broome reviews and develops a rating policy for rural land. The objective of the policy is to determine the correct method of land valuation dependant upon the characteristics of land usage based upon equitable and consistent principles.

Section 6.28 of the Local Government Act 1995 (the act) requires that the local government have regard to the general principle that the basis for a rate on any land is to be:

- Where the land is used predominantly for rural purposes, the unimproved value (UV) of the land, and
- Where the land is used predominantly for non-rural purposes, the gross rental value (GRV) of the land.

The last major review of rating strategy occurred in 2005 where the focus was on rationalising the number of differential rating categories. The greatest impact was in GRV rating over the Broome townsite where seven (7) GRV differential categories were successfully amalgamated into three (3); being Residential, Commercial and Tourism. In the 2005 review, some rationalisation of Dampier Ward rural UV differential categories occurred however there remained seven (7) differential categories that included non-rural land uses.

In 2006 one UV category was split between Dampier Twelve Mile and Dampier Skuthorpe due to inequities created from rapidly rising land values in Dampier Twelve Mile which is located closer to the Broome urban centre.

It was recognised at this time that the UV basis of rating appeared to have become inappropriate for some of the land uses present in rural areas. A complete review of Dampier Ward UV rating was required.

COMMENT

Local government has a role in ensuring that the basis of general rating principles of the act are correctly applied such that rural usage of land is rated on its UV, and similarly non-rural usage of land is rated on its GRV.

The key to optimising the equities of the rating system, for all ratepayers, is to ensure the appropriate method of valuation is used for the usage of the land, thus rate setting comparisons can be made for non-rural land uses across the Shire.

Using the guiding principles of objectivity, equity and consistency, assurance will be provided for ratepayers that rural and non-rural land uses are treated with fairness using the same rating methodology irrespective of location. The outcome will mean that all commercial, industrial, residential or rural pursuits will share the same valuation basis of rating. At present this is not the case.

Arguments can be raised that rating should include a compensating relationship based on the perception of distance to services. This argument appears to be based upon the assumption that rates are a direct supply for visible services only, rather than the understanding that local government expends significant resources on governance and statutory compliance obligations that may not be visible to the community. Rates are a property tax, a source of general revenue, not a fee for service like a rubbish charge.

Rates are the principal source of funding for whole of Council responsibilities of compliance and service delivery. When considering the wide ranging nature of Council service provision, including technological access to many of those services, it does not hold for an objective argument that location in itself causes inequity.

The principle of taxation is based on the 'ability to pay' measured by either the unimproved capital value of land (UV) or the estimated gross rental return from land (GRV) which is influenced by development. The key to optimising the equities of the rating system is to ensure the appropriate method of valuation is used for the usage of the land. This approach should minimise challenge from ratepayers on the issue of inconsistency or inequity of treatment across similar land uses.

When considering UV's in rural areas, rapid escalation in land value as experienced with small holdings, is often an indicator of usage influencing the value of land other than rural use of land. The most common reason for abnormally escalating rural land values are lifestyle reasons or non-rural activities such as tourist accommodation rather than the expectations of economic returns from rural activities. If the use of land has become predominantly non-rural in purpose then the appropriate basis of rating would be GRV.

When considering GRV's, if distance to services has a direct correlation with rental values, then the difference in valuation will provide equity of contribution to rates. One may expect proximity to services to have a higher impact on rental values, hence a higher contribution to rates for land in closer proximity to services.

There are a number of rural properties within the Shire of Broome currently rated on UV where the predominant use appears to have shifted more toward non-rural type tourist, commercial or rural residential lifestyle activities.

Review of these properties is required to determine if the properties should now be rated on the basis of Gross Rental Value in accordance with the act.

Properties identified for review include:

- 12 Mile (72)
- Coconut Wells (37)
- Willie Creek (3)
- Roadhouses (2)
- Caravan Parks/ Short Stay Accommodation (5)
- Wildlife Parks (2)
- Miscellaneous (2)

12 Mile & Coconut Well

The 109 properties located within the 12 Mile & Coconut Well localities generally do not appear to be exclusively "rural" in nature. This is based on their average lot size being less than 5ha and their development as predominantly rural lifestyle in nature. Any agricultural pursuits carried out in these two zones are typically done on a lifestyle or hobby basis, with the level of commercial and agricultural activity being incidental or supplementary in most instances. A further indicator of property use is the square metre value of land, which in this case would render them unviable for rural pursuits. In recent years it has not been uncommon for UV values to have risen by 100% during the course of a year and the pressure on land value has a significant impact of land use.

Willie Creek

There are three properties located at Willie Creek with UV classification. One has residential houses, sheds and sleeping quarters supporting the detention centre for illegal fishermen. Other properties are the Willie Creek Pearl Farm which is a pearling operation with associated tourist activities and a lease over a jetty. All properties are less than 5ha in size, and need to be assessed for their predominant use.

Roadhouses

There are two roadhouses on Great Northern Highway: Roebuck Roadhouse & Sandfire Roadhouse which offers short term accommodation and service station facilities. Both properties are less than 5ha and are predominantly commercial in nature.

Caravan Parks/ Short Stay Accommodation

There are five properties identified as caravan parks or short term accommodation in rural locations, Kooljaman Cape Leveque, Eco Beach, Port Smith Caravan Park & Eighty Mile Beach Caravan Park which are all predominantly commercial in nature.

Barn Hill Station Stay is also predominantly commercial in nature however is located within the lease for Thangoo Station. Given the 172,000ha size of the Thangoo Station pastoral lease, a split valuation may be more appropriate where GRV will apply to Barn Hill Station Stay and the remainder valued on UV. A land survey would be required of Barn Hill Station Stay to determine the GRV area.

Wildlife Parks

There are two rural properties identified as Wildlife Parks where the predominant use needs to be clarified, those being the Malcolm Douglas Wildlife Wilderness Park and Port Smith Bird Aviary.

Miscellaneous

There are another two rural properties which do not fit within usages identified above and are probably not considered rural in nature.

Lot 101 Broome Road (9ha) improvements include Satellite dishes & transmission towers.

Lot 295 Broome Road (5.5ha) which is on the rural urban fringe of the Broome townsite has various improvements located on the property including a number of sheds and doesn't appear to be rural in nature. Adjoining properties of similar size are currently rated as GRV.

STEPS OF THE REVIEW PROCESS

Step 1 – (Apr 2008) Council Adoption of Review

Report to Council for the decision to undertake the review of rural valuation for rating.

Step 2 – (May/June 2008) Consulting Affected Ratepayers

General advice to the district (via advertising) of the Council's decision to undertake the review and the rationale for the review. Specific advice to affected ratepayers of the land use study, inviting comment.

Step 3 – (June 2008) Draft Rural Rating Policy to Council for Advertising

Council to consider submissions in terms of the review and consider the draft policy for advertising over 28 days. Specific advice of draft policy sent to affected ratepayers for comment.

Step 4 – (Aug 2008) Council Adoption of Rural Rating Policy

Council to consider submissions received from draft policy advertising and consider adoption of Rural Rating Policy with amendments.

Step 5 – (Aug/Nov 2008) VGO to perform Valuations

It is likely that additional rural valuations can be scheduled within the normal visit by VGO staff to Broome, thus saving considerable extra cost and providing certainty to the task. With current VGO staff issues it would be problematic as to when a special valuation exercise could be arranged outside of their normal operating parameters.

Step 6 – (Feb 2009) Council adoption of Change in Method of Valuation

Officer's report including details of property, land use, likely financial impact, details of consultation undertaken with affected ratepayers and their views, and the date proposed changes take effect.

Step 7 – (Mar/Jun 2009) Submission to the Minister

Application to the Dept of Local Government. Technical descriptions of land sought from Dept of Land Information to be included in a notice published in the government gazette. Dept of Local Government to advise local government that action has been completed.

Step 8 – (Jun 2009) Budget 2009/2010

Change of valuations to be included in rates modelling for the 2009/2010 financial year.

CONSULTATION

Express notice to affected ratepayers and local public notice in the form of advertising in the local newspaper and Shire's website.

STATUTORY ENVIRONMENT

Local Government Act 1995

S6.28 Basis of Rates

- (1) The Minister is to -
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and*
 - (b) publish a notice of the determination in the government gazette.**

- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be -
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land, and*
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.**

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Postage & Advertising \$500 within existing budgets

Valuer General's Office valuations \$4,000 during planned field visit 2008

Rating revenue dependant upon rate in the dollar yield

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by encouraging participation and providing information.

Prosperity

Build the Shire's organisational capacity to service the needs of a growing community.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

- 1) That Council undertakes a review of the basis of valuation used for rating Dampier Ward rural land use activities.
- 2) That consultation occurs in the form of general advice to the district (via advertising) of the Council's decision to undertake the review, the rationale for the review and that comment is sought. Specific advice to affected ratepayers of the land use study.
- 3) That Council will consider review submissions as a basis to prepare a draft policy for advertising, with specific advice of the draft policy sent to affected ratepayers for comment.

Moved:

Seconded:

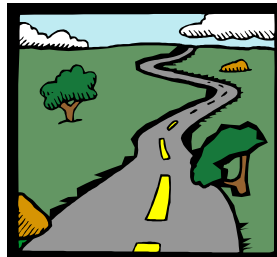
FOR:

AGAINST:

9.5

ENGINEERING

SERVICES



OUTCOME

The provision and maintenance of sustainable infrastructure to service the changing needs of the community.

9.5.1 BROOME HIGHWAY REALIGNMENT – LAND ACQUISITIONS BY MAIN ROADS

LOCATION/ ADDRESS:	Broome Highway to Port Drive, Broome
APPLICANT:	Main Roads WA
FILE:	BRO-1/GEN, GUB -1/GEN
AUTHOR:	Director Engineering Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Engineering Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	9 April 2008

SUMMARY: Main Roads have requested Council's concurrence with the taking of land to be added to the Gubinge road reserve. This report seeks Council's decision in this regard and alerts Council to the need to adjust its Town Planning Scheme Maps to reflect the changes.

BACKGROUNDPrevious Considerations

The Hon Alannah MacTiernan MLA, Minister for Planning and Infrastructure officially opened Gubinge Road to traffic on 16 December 2007.

COMMENT

MRWA are still tidying up aspects of the project and are now going through the processes necessary for the taking of the necessary land to enable an appropriate road reserve to be created over the new road. Protracted negotiations with land holders have now been concluded by Main Roads.

MRWA wrote to Council by letter (and attached plans 0560-094-1 to 0560-097-1) dated 28 March 2008, requesting Council agree to the taking land of required for the road reserve for the Gubinge Road project. This is also referred to as the Broome Highway realignment between Broome Road and Port Drive in Broome.

The letter contained MRWA plans 0560-094-1 to 0560-097-1 (A1 size) which showed the necessary land-take as shaded areas.

Council's concurrence to the dedication action is a requirement of the Land Administration Act.

Council will also need to adjust its Town Planning Scheme Maps to reflect the changes.

CONSULTATION

Main Roads WA staff

STATUTORY ENVIRONMENT

Local Government Act 1995
Main Roads Act 1930
Land Administration Act 1997

"Subdivision 1 — Land required for a public work

161. *Interests in land may be taken for public work*

- (1) *Whenever the Crown, the Governor, the Government, any Minister of the Crown, any State instrumentality or any local government is authorised, by this Act, the Public Works Act 1902 or any other Act, to undertake, construct or provide any public work, and the use of any land or any interest in land is required for the purposes of the work, then, unless otherwise specially provided —*
 - (a) *any interest in the land held by a person other than the Crown may be taken;*
 - (b) *subject to Part 4, any designation of the land or of any interest in the land may be removed;*
 - (c) *any management order affecting the land may be revoked or modified, whatever the purpose for which the order had been made, whether local or general;*
 - (d) *any interest in the land held by the Crown or taken from some other person under paragraph (a) may be disposed of or granted to any other person; and*
 - (e) *any interest in the land held by the Crown or taken from some other person under paragraph (a) (including an interest disposed of or granted under paragraph (d)) may be designated for the purpose of the public work, in accordance with this Part.*
- (2) *The powers under subsection (1) may be exercised at any time, and whether or not the powers have previously been exercised for the purposes of that public work."*

POLICY IMPLICATIONS

Changes to the configuration of the Gubinge Road reserve will require some adjustments to be made to Council's Town Planning Scheme maps.

FINANCIAL IMPLICATIONS

Main Roads have stated in their letter that they will indemnify Council against all costs and charges that relate to this dedication action. There are therefore no implications for Council in this specific action, of itself.

STRATEGIC IMPLICATIONS

People

Actively contribute to well-being and safety and support community initiative.

Prosperity

Partner with other agencies to ensure affordable and equitable services and infrastructure.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That in relation to the land-take required by Main Roads WA for the Broome Highway realignment, Council at its meeting of 8 May 2008, concurred to the dedication of land, the subject of Main Roads Drawings 0560-094-1 to 0560-097-1, as road under Section 56 of the Land Administration Act."

Moved:

Seconded:

FOR:

AGAINST:

[Attachments: 4 pages](#)

9.5.2 RESTRICTED ACCESS VEHICLE NETWORK – SECOND REPORT

LOCATION/ ADDRESS:	BROOME
APPLICANT:	
FILE:	BRO-1/GEN, FRE -1/GEN,
AUTHOR:	Director Engineering Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Engineering Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	15 April 2008

SUMMARY: This report advises Council of public feedback on proposed changes to the Restricted Access Vehicle Road Network and recommends on a course of action.

BACKGROUNDPrevious Considerations

Report entitled "Restricted Access Vehicle Network" dated 27 February 2008 to the Ordinary Council Meeting March 2008.

Proposed changes to the RAV Network level were advertised in the Broome Advertiser on 27 March 2008 with comments closing 11 April 2008 (Attachment A.).

COMMENT

Heavy vehicles operated in a combination less than 19 metres in length, 2.5 metres width, 4.3 metres height and 42.5 tonnes gross mass are considered "as of right" vehicles and have unrestricted access to the road network. Heavy vehicles exceeding these mass or dimension limits are required to operate under a Notice or Permit issued by Main Roads WA.

Following the opening of Gubinge Road as the new Network 10 Level connection through Broome to the Port, Council has been considering what it should do with other existing Restricted Access Vehicles (RAV) Network Level 10 streets including:

- The Light Industrial Area (LIA) off Clementson Street;
- Coghlan Street and McPherson Street access to the airport;
- The Light Industrial Area (LIA) at Blue Haze;
- The old through route via Broome Road, Hamersley Street, Frederick Street and part of Port Drive;
- The Heavy Industrial Area (HIA) on Port Drive at McDaniel Street;

Whilst Council endeavours to support industry around town it must do so in consideration of the balance required between access, additional costs to industry, public safety and amenity and asset management costs to Council.

Excellent and well considered responses were received from four (4) companies. The comments relate to a sector within the Light Industrial Area (LIA) and those with interests in servicing the Broome International Airport (BIA) with jet fuel.

A register of the comments received is attached at Attachment B. A copy of the letters received is available for perusal should Councillors wish to see them.

No comments were received in regard to the Blue Haze, the old Main Roads Route generally, or the Heavy Industrial Area (HIA).

The Light Industrial Area (LIA) off Clementson Street

The old Network 10 LIA area consisted of the following streets:

- Clementson Street (Port Dr to Pembroke Street);
- Blackman Street (Clementson Street to Hunter Street) but not the connection to Port Drive;
- Hunter Street (Clementson Street to Blackman Street);
- Pembroke Street (Clementson Street to Gregory Street);
- Livingston Street;
- Lucas Street;
- Gregory Street;
- Farrell Street;
- Ord Way;
- Haynes Street;

Comments were received from Broomecrete and Gungalla Mackay Pty Ltd (transport company servicing Broomecrete). They have also referred to BGC Contracting and Keshi Storage which they advise are the only other companies that use triple road trains in the LIA. All companies are situated in a small area off Haynes Street.

Both companies have stated they are prepared to accept a reduced RAV Network Level so long as they are able to continue to enjoy the current level of service and cost advantages of triple road trains under permit.

Both companies have also suggested an alternative more suitable route into Broomecrete and BGC via Port Drive, Blackman Street and Haynes Street, which will significantly reduce the length of LIA streets traversed by triple road trains under permit. This option is particularly favourable to Council for reducing risk and given the increasingly commercial nature of the LIA. To achieve this alternative route requires a minor modification to the splitter island at Blackman Street/Port Drive to enable RH turns into Blackman Street. This will involve shortening the nose of the island by approximately 3m (subject to turning circle analysis), which is expected to cost no more than \$2000.

The companies both stated that the lack of a secure break-down area at the entrance to Broome is a serious problem if Council is expecting only shorter vehicles to access town. When broken down, the remaining double road train fits into a Network Level 6 (< 36.5m) vehicle class rather than Network Level 4 (< 27.5m) vehicle. From that point of view they would see it as being more practical for Council to adopt Network Level 6 as its base level in the designated areas.

However, this of course depends on whether Council's intent is to limit the Network Levels in these areas to suit semi-trailers, B-Doubles and short (pocket) double road trains only, or not. In consideration of general traffic movements and the mix of traffic types in these areas it is considered that is a sound objective.

It is therefore proposed that Port Drive, and the LIA be designated RAV Network Level 4. The carriers servicing the existing businesses above will need to apply for a permit to continue to use triple road trains on Port Drive, Blackman Street and Haynes Street, such permit to not unreasonable be with-held. However, should other businesses set up in the LIA they shall not be granted permits.

It should be noted that the existing Caltex Service Station on the corner of Guy Street and Hunter Street is outside the existing LIA Network 10 area and as such will be outside the proposed Network Level 4 area. It may therefore only be serviced by "as of right" vehicles.

Port Drive, Frederick Street, Coghlan Street and McPherson Street access to Broome International Airport

Comments were received from West Kimberley Fuels and BP Australia (servicing BIA). Both companies have stated they are prepared to accept the Network Level is reduced to Network Level 4 so long as they are able to obtain a Permit for Network Level 6 to service the airport.

The main concern is that the route goes past school zones on Port Drive and on Frederick Street. This issue is understood to be one of the major catalysts for the construction of the Gubinge Road by-pass which has resulted in the removal of triple road trains from Port Drive and Frederick Street. However, servicing the airport with Jet fuel is of serious economic importance to industry in and around Broome.

BP has rightly pointed out that the use of double road trains reduces the number of trips when compared to a smaller double or single tanker. The fewer the trips, the lower the public risk.

Timing of transport of fuel supplies will generally be outside school starting and closing times. If they do happen to clash, the speed limit of 40kph applies, which is considered to be reasonably acceptable.

Additionally, a roundabout is due to be constructed at the Boulevard entrance on Frederick Street. A RAV Network Level 6 vehicle (under permit) will need to enter onto the paved section of the central island to negotiate the roundabout. Some consideration will be given to this in the design. For permit vehicles this is considered to be an acceptable outcome.

BP point out that WKF is a Quality endorsed organisation, a Heavy Vehicle Carrier accredited by Main Roads WA, and are compliant under BP's Carrier Assurance Program. They have an excellent safety record.

As there is no other business requiring to be serviced with Network Level 6 vehicles in this area, it would be reasonable to issue a permit for the purpose. Both companies involved accept this as an option for Council.

Frederick Street east of Coghlan Street, part of Hamersley Street and Broome Road

In order to separate caravans from RAVs and to keep larger vehicles away from the higher tourist activity zones in old Broome as much as possible, it would be appropriate to allow only "as of right" vehicles on the Old Broome Road from Gubinge Road to Frederick Street up to Coghlan Street.

All RAVs would therefore have to travel via Gubinge Road to its intersection with Port Drive before they divert to say the LIA. It is proposed that the area from Coghlan Street to the Gubinge Road intersection near Blue Haze not be included in the RAV Network.

Other Areas

It is proposed that the Network Level applying to the following Local Government Road areas be as follows:

- The HIA on Port Drive at McDaniel Street – remains unchanged at Network Level 10.
This area consists of Archer Street, McDaniel Road, De Castilla Street, Morgan Street and Ward Street;
- Blue Haze - Network Level 4. This area consists of Tanami Dr, Minilya Street, Dawn Way, Florence Street, Antheous Way, Mavis Road, and Harriet Road, ;

All RAV vehicles larger than that permitted by the RAV Network Level, and which may require access to these areas on infrequent occasions, would require a permit from MRWA which is obtained upon recommendation by the Local Authority.

A map of the proposed RAV Network for Broome is attached for information.

CONSULTATION

Dave and Gayle Martin - Gungalla Mackay Pty Ltd
Peter S Connolly - Broomecrete
David Power – West Kimberley Fuels Pty Ltd

The process which has been followed is that Council determines the Network Level for its Local Road Network, seeks public consultation, considers the feedback and then recommends that proposal to Main Roads.

STATUTORY ENVIRONMENT

Road Traffic Vehicle (Standards) Regulations 2002, Part 4 — Restricted access vehicles.

“20. *Application and delegation*

- (1) *This Division applies to those restricted access vehicles in respect of which a notice or permit may be issued under this Part.*
- (2) *Division 2 applies to class 1 vehicles.*
- (3) *Division 3 applies to class 2 vehicles.*
- (4) *Division 4 applies to class 3 vehicles.*

21. *Exemptions under RAV notice or RAV permit*

- (1) *A person may drive, or cause or permit to be driven, a restricted access vehicle on a road if the vehicle is driven in accordance with an RAV notice or RAV permit.”*

POLICY IMPLICATIONS

Main Roads will need to adjust their Network maps on the Main Road's website once the recommendation is approved. Shire policies and Local Laws documents are not affected.

FINANCIAL IMPLICATIONS

Adoption of an appropriate Network level for identified routes will reduce damage incurred on Council's assets and corresponding maintenance costs over the long term. It will also reduce Council's public risk exposure to road accidents/incidents associated with larger vehicles in an urban environment.

A large reduction in Network Levels will result in an increase in transport movements (and therefore public risk) and an increase in the cost of materials thus affecting building/business costs in Broome.

STRATEGIC IMPLICATIONS

People

Actively contribute to well-being and safety and support community initiative.

Place

Ensure the Shires infrastructure and assets are strategically planned and managed.

Prosperity

Partner with other agencies to ensure affordable and equitable services and infrastructure.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That with respect to a Restricted Access Vehicle (RAV) Network within Broome Town, Council notes that Gubinge Road is the new Network 10 road linking the Port with the Broome Highway, and resolves:

1. To identify the following preferred Network Levels:
 - The LIA off Clementson Street (as defined) – Network Level 4;
 - The HIA on Port Drive at McDaniel Street – remain unchanged at Network Level 10;
 - Port Drive to Coghlan Street, Coghlan Street to and including McPherson Street - Network Level 4;
 - Blue Haze - Network Level 4;
 - The old route via Broome Road, Hamersley Street, Frederick Street and part of Port Drive - Network Level 4.
2. To advise the Heavy Vehicle Operations Unit of Main Roads Western Australia of Council's decision.
3. That no RAV Network 10 Permits be issued to new businesses in the Light Industrial Area.
4. To approach Main Roads to initiate the creation of a suitable secure road train break-down area in the general vicinity at an agreed location.
5. To shorten the central splitter island on Blackman Street at the Port Drive intersection from operations funds to facilitate RH turning movements for triple road trains.
6. To advise the companies who submitted comments of Council's decision

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 4 Pages](#)

9.5.3 TRAMWAY WORKING GROUP

LOCATION/ ADDRESS:	General
APPLICANT:	N/A
FILE:	EDP 001
AUTHOR:	Director Engineering Services
CONTRIBUTOR/S:	
RESPONSIBLE OFFICER:	Director Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 April 2008

SUMMARY: This report advises Council of the Terms of Reference for the Tramway Working group and seeks Council's adoption of them.

BACKGROUND

Previous Considerations

Council resolved to proceed with a Tramway Working Group (TWG) at the November 2007 Ordinary Council meeting. The first meeting was held on 8 April 2008.

COMMENT

The first meeting was held on 8 April 2008. The Group agreed to the Terms of reference as attached.

Council's adoption of these Terms of Reference is sought.

PUBLIC ADVERTISEMENTS

N/A

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

CONSULTATION

Tramway Working Group

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by encouraging participation and providing information.

Place

Build partnerships with the community and other agencies to recognise, protect and enhance the natural environment and cultural heritage.

Prosperity

Build the Shire's organisational capacity to service the needs of a growing community.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council adopts the Terms of Reference for the Tramway Working Group entitled "Terms of Reference - Tramway Project Group" as attached to this report.

Moved:

Seconded:

**FOR:
AGAINST:**

[Attachment: 2 pages](#)

Item 9.5.4 – Abandoned Vehicle Tender – Contract 08/04 is located in Section 14 – Matters Behind Closed Doors on page 68.

9.5.4 ABANDONED VEHICLE TENDER - CONTRACT 08/04

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: CONTRACT 08/04
AUTHOR: Manager Emergency, Ranger and Beach Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 23 April 2008

SUMMARY: This report advises Council of considerations for Contract 08/04, for the purchase of vehicles abandoned within the Shire of Broome.

10.

REPORTS

OF

COMMITTEES

There are no items for this Section.

11. NOTICES OF MOTION

12. LATE ITEMS

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

14. MATTERS BEHIND CLOSED DOORS
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9.5.4 ABANDONED VEHICLE TENDER - CONTRACT 08/04

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	Contract 08/04
AUTHOR:	Manager Emergency, Ranger and Beach Services
CONTRIBUTOR/S:	
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	23 April 2008

SUMMARY: This report advises Council of considerations for Contract 08/04, for the purchase of vehicles abandoned within the Shire of Broome.

BACKGROUND

Previous Considerations

Nil

The Shire sought tender submissions for the purchase of abandoned vehicles, impounded within the previous 12 month period.

COMMENT

All tenders received are detailed in the attached confidential report for Councillors only. Once a tender is accepted by Council, the details of the accepted tender will then be included in the Minutes of the meeting and be made public, in accordance with accepted WALGA Tender guidelines.

CONSULTATION

The tender was advertised in the Broome Advertiser on 20 March 2008, with the tender closing at 12 noon on Friday 4 April 2008. The tender notice was advertised on the Shire of Broome website and public noticeboards.

STATUTORY ENVIRONMENT

Local Government Act 1995 Part 3 Subdivision 4 Section 3.40A and Section 3.47

3.40A. *Abandoned vehicle wreck may be taken*

- (1) *An employee authorised by a local government for the purpose may remove and impound a vehicle that, in the opinion of the local government, is an abandoned vehicle wreck.*
- (2) *If, within 7 days after a vehicle is removed under subsection (1), the owner of the vehicle is identified, the local government is to give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.*
- (3) *A notice is to include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47.*

- (4) If—
- (a) after 7 days from the removal of a vehicle under subsection (1), the owner of the vehicle has not been identified; or
 - (b) after 7 days from being given notice under subsection (2), the owner of the vehicle has not collected the vehicle,
- the local government may declare that the vehicle is an abandoned vehicle wreck.
- (5) In this section —
- “abandoned vehicle wreck” means a vehicle —
- (e) that is not operational;
 - (f) the owner of which has not been identified by the local government after using all reasonable avenues to do so; and
 - (g) that has a value that is less than the prescribed value calculated in the prescribed manner.
- 3.47. *Disposing of confiscated or uncollected goods*
- (2) The local government may sell or otherwise dispose of any vehicle that has not been collected within —
 - (b) 7 days of a declaration being made under section 3.40A(4) that the vehicle is an abandoned vehicle wreck.

Local Government (Functions and General) Regulations Part 6 Regulation 29A

- 29A. *Abandoned vehicle wrecks — s. 3.40A*
- For the purposes of the definition of “abandoned vehicle wreck” in section 3.40A(5)(c) —*
- (a) the prescribed value is “\$200”; and
 - (b) the prescribed manner in which that value is to be calculated is that the value is to be based on the local private sale value of a vehicle of the same, or a similar, model, year and condition.

Local Government (Functions and General) Regulations Part 4 Tender for providing goods or services (s3.57).

- 3.57. *Tenders for providing goods or services*
- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
 - (2) Regulations may make provision about tenders.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Income from the sale of abandoned vehicles is detailed in the attached confidential report, and will be credited to the Shire trust fund, less expenses incurred in removing, impounding and selling the vehicles.

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by providing information.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council agrees to the recommendation as contained in the separate confidential report for Contract 08/04.

Moved:

Seconded:

FOR:

AGAINST:

Attachment: Commercial in Confidence (Under separate cover to Councillors only)

15. MEETING CLOSURE
