

SHIRE OF BROOME
ORDINARY COUNCIL MEETING
23 SEPTEMBER 2003

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6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

- That former Councillor, Kim Male, will be made Freeman of the Town of Broome at a function to be held on Friday 31st October 2003.

7. PETITIONS

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. REPORTS OF OFFICERS

9.1. LEADERSHIP AND GOVERNANCE

OUTCOME

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

9.1.1 ACCOUNTS FOR PAYMENT

REPORT RECOMMENDATION

That the accounts for payment as attached, covering voucher 4458 (manual cheques) totalling \$7,000.00 and vouchers 33753-34031 (computer cheques) totalling \$895110.45, be passed for payment.

COUNCIL RESOLUTION

Moved: Cr P J Mitchell **Seconded: Cr G T Campbell**

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 57 pages](#)

9.1.2 COMMON SEAL REPORT

| DATE | DETAILS |
|------------------|--|
| 1 September 2003 | Contract of Sale – Shire of Broome and DOLA Lot 3152 (Res 1640) |
| 1 September 2003 | Deed of Lease (Exercising of Option) Old Broome Lock-up – Pigram Music, Judy Prosser & Shire of Broome |

REPORT RECOMMENDATION

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

COUNCIL RESOLUTION

Moved: Cr G T Campbell **Seconded: Cr C R Mitchell**

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

9.1.3 MONTHLY FINANCIAL REPORT

REPORT RECOMMENDATION

That the Monthly Financial Report for the period ending 31 August 2003 as attached, be received.

COUNCIL RESOLUTION

Moved: Cr P J Mitchell

Seconded: Cr G T Campbell

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 9 pages](#)

9.2. UNIQUE HERITAGE AND ENVIRONMENT

OUTCOME

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

Cr T W Vinnicombe declared an interest in item 9.2.1 - Proposed Change of Use from 'Office' to 'Retail Premises - Shop' - Lot 74 No.44 Dampier Terrace Broome and departed the Council Chambers at 5.05pm. Cr V L Wevers assumed the chair.

| | |
|--|--|
| 9.2.1 PROPOSED CHANGE OF USE FROM 'OFFICE' TO 'RETAIL PREMISES – SHOP' - LOT 74 NO. 44 DAMPIER TERRACE BROOME | |
| LOCATION/ADDRESS: | Lot 74 No. 44 Dampier Terrace Broome |
| APPLICANT: | Kimberley Structural Consulting Engineer |
| FILE: | DAM-1/44 |
| RESPONSIBLE OFFICER: | Manager Planning Services |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 9 September 2003 |
| SUMMARY: Council has received an application for planning approval for proposed change of use from 'Office' to 'Retail Premises - Shop' at Lot 74 No.44 Dampier Terrace, Broome | |
| This matter has been forwarded to Council for consideration, as the proposal requires Council discretion for cash-in-lieu of parking payment to be provided by the applicant. | |
| This report recommends conditional Planning Approval be granted. | |

BACKGROUND

On 26 August 1998, Council approved a proposed office and caretakers dwelling and change of use to office space on the property subject to conditions.

Standard conditions in respect of landscaping, crossover construction, sealing of vehicle parking, manoeuvring and circulation areas, drainage construction and the like have been completed with the exception of the footpath which links the adjoining properties footpath which is currently being dealt with as a compliance issue.

On 21 April 1999, Council issued approval for an addition to the proposed caretaker's dwelling. Required conditions have been fulfilled.

The existing building is currently being used as an 'Art Gallery'. Verge landscaping along the road frontage is established as well as an onsite 2 car bay brick paved area for customer use.

COMMENT

Town Planning Scheme No.4

In respect of Car Parking, the Scheme provides:

"5.5.2 Council may waive or vary requirements for on-site car parking if it is satisfied that adequate constructed car parking has been provided in close proximity to the proposed development or where circumstances

relating to the land use demand or a development feature warrant a relaxation of on-site parking requirements. Where constructed car parking is not provided on site, Council may request a cash payment in lieu of the provision of parking for application in terms of clause 5.5.3 below.

5.5.3 Any payment made pursuant to clause 5.5.2 above shall:

- (a) *Not be less than the estimated cost of providing and constructing the parking spaces required by Council Policy plus the value of the area of land which might have been occupied by the parking spaces; and*
- (b) *Be paid to Council, under this clause into a special fund to be applied solely to the provision, construction and maintenance of further car parking facilities including associated lighting, paths and landscaping for the car park, which should be in reasonable proximity to the premises from which the payment is derived."*

Car Parking Policy 4.1.8

An extract of Council's Car Parking Policy provides:

"2.0 Cash in Lieu Arrangements:

Where offsite bays are proposed by the Developer, and cannot be provided onsite or within the adjacent road reserve by the Developer or it is not desirable for the car bays to be located in the road reserve by Council, the Developer is to pay to Council for each car bay:

- (a) *The land value component, as determined by a Council appointed valuer, based on an area of 23m² per car bay, plus*
- (b) *The estimated construction cost as determined by Council.*

The land valuation component of any cash in lieu payments is to be undertaken in accordance with the Scheme requirements, by a qualified valuer appointed by the Shire of Broome. All costs associated with valuation are to be met by the developer."

In respect of the above, there is sufficient constructed car parking provision along Dampier Terrace in close proximity to the subject land to enable a cash-in-lieu payment to be considered under the Scheme.

The subject land is zoned "Town Centre – Chinatown." 'Retail Premises – Shop' is a Use in the zone, which is permitted under the Scheme. As such, the proposed change of use from 'Office' to 'Retail Premises – Shop' may be conditionally approved, including a

condition requiring the payment of cash-in-lieu for the shortfall of car parking that cannot be provided onsite as generated by the proposed change of use.

Car Parking Calculations

- The existing tenancy area subject of proposed change of use to retail is 214m².
- Office use requires 1 carbay per 40m² gross floor area (original approval), which equates to 5.35 carbays.
- Retail use requires 1 carbay per 25m² of lettable area, which equates to 8.56 car bays.

The change of use therefore generates a requirement of 4 additional car parking bays.

Heritage Council

Letter from Heritage Council, to Council states:

“A Conservation Officer, with Delegated Authority from the Heritage Council’s Development Committee has assessed your development referral and advises that it is supported.”

As no structural alterations are proposed, no heritage impact on existing building results from the application.

Summary

In view of the above, the application is recommended for conditional approval with standard conditions to be imposed for the proposed change of use including car parking requirements to be satisfied by way of a cash-in-lieu payment.

CONSULTATION

The application was referred to the Heritage Council for comment as required for development proposals in the Chinatown Heritage Precinct.

STATUTORY ENVIRONMENT

Town Planning Scheme No.4

POLICY IMPLICATIONS

Chinatown Planning Policy 4.1.12
Carparking Policy 4.1.8

FINANCIAL IMPLICATIONS

Future payments to the Chinatown Carparking fund for allocation of cash-in-lieu money.

STRATEGIC IMPLICATIONS

Chinatown Heritage Precinct

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the application for Planning Approval dated 17/04/2003 (2003/82) made by Kimberley Structural Consulting Engineers for proposed change of use from 'Office' to 'Retail Premises – Shop' on Lot 74 No. 44 Dampier Terrace, Broome 6725 be APPROVED subject to the following conditions:

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 17 April 2003 submitted with the application as approved by the Shire.
- 2. No external or structural alterations to existing tenancy buildings(s).
- 3. A minimum of 4 car parking bays to be provided on-site or by way of cash-in-lieu payment.
- 4. The applicant must provide cash-in-lieu of the provision of on-site vehicle parking which cannot be provided on-site to the Shire of Broome in accordance with the provisions of Town Planning Scheme No 4. for 4 car parking bays prior to occupation of the development to the satisfaction of the Shire.

Note: The payment of cash-in-lieu for the car parking bays shall be in accordance with Council's Car Parking Policy and Town Planning Scheme Provisions at the time payment is made. However, the applicant may defer payment subject to either a bank guarantee securing the amount required, being received by Council prior to occupation of the buildings or a deed of agreement being prepared and executed at the owner's cost between the owner and the Shire prior to the development first being occupied, under which the owner agrees to defer the payment of the required cash-in-lieu parking bays (as calculated above) until such time as Council has finalised the review of amendments to the cash-in-lieu parking valuation clauses under Council's Parking Policy (4.1.8) and Scheme provisions.

- 5. No storage or display of goods outside any building on site, in public access areas.
- 6. All proposed signs associated with the development/use, including signs painted on the building, shall comply with Council's Signs Local Laws and be the subject of a separate application and approved prior to erection or painting.
- 7. Prior to commencing any work on the site (if building works proposed), the applicant shall obtain a Building Licence from the Shire. Such application shall include, with the working drawings:
 - (a) Structural Engineers Certification in accordance with the requirements of the Building Code of Australia.

ADVICE NOTES:

The following notes (or the above notes) are general information notes, and are merely advisory in nature. They are not conditions of this approval. They have been included to provide some guidance as to other matters, which may need to be addressed in respect of the development. They do not set out all of the matters, which will need to be

addressed under separate approval processes whether administered by the Shire or another authority. The applicant will need to ensure that all approval processes have been satisfied.

1. A written application shall be submitted to the Shire for re-classification of the building.
2. The use of a retail premises - Shop is defined within the Shire of Broome Town Planning Scheme No.4 as:
 "means the use of any land or building used to sell goods by retail, or, in which services of a personal nature including but not limiting the generality of the term, a hairdresser and beauty therapist, but does not include a showroom or fast food outlet. The hire of goods, provided for retail sale, may be undertaken as an ancillary use."
3. Your attention is drawn to Part D3 of the Building Code and the need for the development/use to comply with AS1428.1 1993-Design for Access and Mobility
4. This approval does not obviate the need to comply with original conditions of approval and/or any amendments to thereof as previously issued by Council for the existing development/land use on the subject land.
5. Any additional development/use, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval of Council.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr E R M Foy

That the application for Planning Approval dated 17/04/2003 (2003/82) made by Kimberley Structural Consulting Engineers for proposed change of use from 'Office' to 'Retail Premises - Shop' on Lot 74 No. 44 Dampier Terrace, Broome 6725 be APPROVED subject to the following conditions:

1. **Development must be carried out strictly in accordance with the plans stamped received dated 17 April 2003 submitted with the application as approved by the Shire.**
2. **No external or structural alterations to existing tenancy buildings(s).**
3. **A minimum of 3 car parking bays to be provided on-site or by way of cash-in-lieu payment.**
4. **The applicant must provide cash-in-lieu of the provision of on-site vehicle parking which cannot be provided on-site to the Shire of Broome in accordance with the provisions of Town Planning Scheme No 4. for 3 car parking bays prior to occupation of the development to the satisfaction of the Shire.**

Note: The payment of cash-in-lieu for the car parking bays shall be in accordance with Council's Car Parking Policy and Town Planning Scheme Provisions at the time payment is made. However, the applicant may defer payment subject to either a bank guarantee securing the amount required, being received by Council prior to occupation of the buildings or a deed of agreement being prepared and executed at the owner's cost between the owner and the Shire prior to the development first being occupied, under which the owner agrees to defer the payment of the required cash-in-lieu parking bays (as calculated above) until such time as Council has finalised the review of amendments to the cash-in-lieu parking valuation clauses under Council's Parking Policy (4.1.8) and Scheme provisions.

- 5. **No storage or display of goods outside any building on site, in public access areas.**
- 6. **All proposed signs associated with the development/use, including signs painted on the building, shall comply with Council's Signs Local Laws and be the subject of a separate application and approved prior to erection or painting.**
- 7. **Prior to commencing any work on the site (if building works proposed), the applicant shall obtain a Building Licence from the Shire. Such application shall include, with the working drawings:**
 - (b) **Structural Engineers Certification in accordance with the requirements of the Building Code of Australia.**

ADVICE NOTES:

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

- 1. **A written application shall be submitted to the Shire for re-classification of the building.**
- 2. **The use of a retail premises - Shop is defined within the Shire of Broome Town Planning Scheme No.4 as:**
 - "means the use of any land or building used to sell goods by retail, or, in which services of a personal nature including but not limiting the generality of the term, a hairdresser and beauty therapist, but does not include a showroom or fast food outlet. The hire of goods, provided for retail sale, may be undertaken as an ancillary use."**
- 3. **Your attention is drawn to Part D3 of the Building Code and the need for the development/use to comply with AS1428.1 1993-Design for Access and Mobility**
- 4. **This approval does not obviate the need to comply with original conditions of approval and/or any amendments to thereof as previously issued by Council for the existing development/land use on the subject land.**
- 5. **Any additional development/use, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval of Council.**

CARRIED UNANIMOUSLY

[Attachment: 1 page](#)

Cr T W Vinnicombe returned to Council Chambers at 5.08pm and resumed the chair.

9.2.2 ENDORSEMENT OF SERVICE AGREEMENTS FOR PROVISION OF SERVICES TO ABORIGINAL COMMUNITIES

LOCATION/ADDRESS: Nil
APPLICANT: Nil
FILE: ABL02
RESPONSIBLE OFFICER: Manager Planning Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 9 September 2003

SUMMARY: Council entered into an agreement with communities on the Peninsula and Bidadanga and the relevant government agencies for the delivery of local government services to Aboriginal communities.

The Service Agreements are reviewed annually and updated to reflect current needs. This report deals with the review and recommends endorsement of the new amended Agreements for the following 12 month period.

BACKGROUND

In July 1999 Council entered into an agreement with communities on the Peninsula and Bidadanga and the relevant government agencies for the delivery of local government services to Aboriginal communities.

In June 2000 Council resolved to adopt service agreements to provide planning, building and health services to these Aboriginal communities. The term of the agreements was twelve months and these expired on the 30 June 2001.

In accordance with the provisions of the framework agreement, which is the overriding agreement with Council and the other State agencies to facilitate the individual service agreements to provide planning, building and health services, the agreements are to be reviewed annually by a management committee.

The first review took place in August 2001 and was subsequently considered by Council on the 1 September 2001 whereby it was resolved that:

"That Council sign and endorse the Planning, Building and Environmental Health Service Agreements, for the provision of services to Aboriginal communities (as attached) for the period 1st July 2001 to 30th June 2002".

COMMENT

The second review of the framework agreement and the three separate service agreements relating to planning, building and environmental health occurred on the 29 July 2003. The following documentation is attached:

- Minutes from the management committee meeting held on the 29 July 2003.
- Amended Framework Agreement.
- Amended Service Agreements for the provision of Planning, Building and Environmental Health services.

In summary the following changes have been proposed to be made to the framework agreement:

- Initiate discussions with emerging communities to seek their views on being included in the Agreement.
- Amend 'Management of Agreement' to include DIA, ATSI, ATSI, Resource Agencies, and DPI as parties to the Agreement.
- Amend 'Outcomes and Benefits' to incorporate such things as land and water management plans, cultural heritage plans and tourism development plans.
- Amend 'Monitoring of Agreement' from "meet six monthly" to "meet annually".
- Amend Agreement to update names of Agencies etc.

In relation to point No.1 above the following communities have been identified as having a population between 20 – 50 (CHINS 2001) and maybe considered appropriate to be included in the agreements.

- Banana Wells
- Bobieding
- Burrjuk
- Budgarjook
- Frazier Downs
- LaDjadarr Bay
- Malaburra

When considering whether or not to include these communities as signatories to the agreements the following information is provided

- Presently, Environmental Health, Building Inspection and Community Layout Planning Services are extended to these communities subject to negotiation and available resources.
- Under the provisions of the State Government Policy (s5AA Statement of Planning Policy, March 2000) – Planning for Aboriginal communities emerging communities are limited population of 50 people or more.
- Council has recently endorsed Community Layout Plans for Bobieding and Burrjuk
- Increased impact on resourcing and the associated increased workload as a result of expanding the services.

In summary the following changes have been proposed to be made to the three service agreements:

Building Services

- Amend Agreement to update names of signatories etc.

Planning Services

- DIA to advocate for funding to be made available for an audit of services and survey of land in communities. Shire to support with letter.
- Amend Agreement to update names of signatories etc.

Environmental Health Services

- Amend Service Standards to include water quality monitoring and water resources co-ordination.

President: Date:

- Include in Service Provisions the visiting schools for health promotion.
- Amend Agreement to update names of signatories etc.

The four agreements have been modified to reflect the modifications as agreed by the management committee as outlined above.

The Management Committee requested that once all members were happy with the contents of the agreements that a meeting held somewhere on the Peninsula for the actual signing and sealing of the documents.

Overall the provision of planning, building and health services to Aboriginal communities has been in operation for three years and to date has been successfully implemented. As such it is recommended that Council sign and seal the three service agreements for the provision of planning, building and environmental health services and continue this service to the remote Aboriginal communities.

CONSULTATION

Consultation has occurred via the management committee of which each of the State agencies and communities have representation.

STATUTORY ENVIRONMENT

The Health Act, 1911 (as amended) will apply
The Local government Act, 1995 (as amended) and the Town Planning and Development Act, 1928 (as amended) will not apply because of the land tenure arrangements for Aboriginal communities

POLICY IMPLICATIONS

State Government Policy (S5AA Statement of Planning Policy, March 2000) – Planning for Aboriginal Communities

FINANCIAL IMPLICATIONS

The provision of services and inspections as per the Agreement, which have been incorporated into the budget of each of the departments involved.

STRATEGIC IMPLICATIONS

In accordance with Councils adopted Corporate Plan

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. Receive the minutes of the meeting of the Management Committee for the Service Agreements held on the 29 July 2003 and endorse the recommendations contained within that document.
2. Sign and endorse the Framework Agreement and the Planning, Building and Environmental Health Service Agreements, for the provision of services to Aboriginal communities (as attached) for the period 1st July 2003 to 30th June 2004.
3. Not agree to extend the Agreements to include the other communities identified until such time as Council is provided with additional resources and/or funding to facilitate providing such services.

COUNCIL RESOLUTION

Moved: Cr M R McKenzie

Seconded: Cr C R Mitchell

That Council:

1. **Receive the minutes of the meeting of the Management Committee for the Service Agreements held on the 29 July 2003 and endorse the recommendations contained within that document.**
2. **Sign and endorse the Framework Agreement and the Planning, Building and Environmental Health Service Agreements, for the provision of services to Aboriginal communities (as attached) for the period 1st July 2003 to 30th June 2004.**
3. **Not agree to extend the Agreements to include the other communities identified until such time as Council is provided with additional resources and/or funding to facilitate providing such services.**
4. **Explore other options of funding/resourcing the extension of the Service Agreements to the other identified communities.**

CARRIED UNANIMOUSLY

[Attachment: 33 pages](#)

9.2.3 PROPOSED CLOSURE OF PORTION OF RESERVE 43516 AND AMALGAMATION OF EXCISE PORTION ONTO LOT 71 TAMAKI MEWS

| | |
|------------------------------------|--|
| LOCATION/ADDRESS: | Lot 71 (No.10) Tamaki Mews, Cable Beach |
| APPLICANT: | MAKJap Surveyors (behalf James Oorschot) |
| FILE: | TAM-1/10 |
| RESPONSIBLE OFFICER: | Manager Planning Services |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 4 September 2003 |

SUMMARY: This report outlines the options available for the sale of the portion of reserve to be amalgamated to the adjoining property and recommends that Council adopt the "ordinary method" of sale to facilitate this proposal.

BACKGROUND

Council received correspondence in 2001 on behalf of the owner of lot 71 Tamaki Mews requesting Council's approval to purchase a portion of adjoining Reserve 43516.

At Council's Ordinary Meeting of 20 March 2001 Council resolved:

"That Council supports the proposal in principle to excise a portion of Reserve 43516 as the area of land being proposed to the excised is unlikely to negatively impact on the functionality of the reserve and amalgamate it onto lot 71 (No.10) Tamaki Mews and as such staff investigate the feasibility of the proposal with all service providers (i.e. Telstra, Water Corporation and Western Power), DOLA and the Western Australian Planning Commission prior to any further action being undertaken".

Subsequently Council staff investigated the feasibility of the proposal in accordance with the Council resolution and prepared a report outlining the options which was considered by Council on the 12 February 2002 where it was resolved:

- "a That the applicant be advised that Council supports the concept of a portion of Reserve 43516 being amalgamated onto lot 71 (No.10) Tamaki Mews for residential purposes subject to all costs associated with the excision and amalgamation (i.e. reserve closure, advertising costs, Scheme Amendment, relocation of any services, relocation of fencing, Council administration costs) being incurred at the owners expense.
- b. That Council advise DOLA that it supports the reserve closure and the owner of lot 71 (No.10) Tamaki Mews purchasing the excise portion subject to no adverse comment being received during the advertising period.
- c. That the proceeds of sale be committed to a trust fund to be used for future capital improvement on either Reserve 43516 or alternate recreational reserves located in reasonable proximity to Reserve 43516.
- d. That the reserve closure be advertised for 30 days in accordance with the requirements of DOLA Policy on Section 20A Reserves at the owners expense.
- e. That Council sign and seal the application for subdivision to amalgamate the excise portion onto lot 71 Tamaki mews subject to no adverse submissions being received during the advertising period.
- f. That the applicant undertakes a Scheme Amendment to rezone the excise portion to residential R10/20, once approval from DOLA has been granted for

President: Date:

the reserve closure and the property has been amalgamated onto lot 71 Tamaki Mews.

Applicant/Owner to Note

1. *Development approval on the excised portion can only be considered by Council once gazettal of the Scheme Amendment has occurred.*
2. *If any adverse submissions are received during the advertising period the matter is required to be reconsidered by Council.*
3. *It should not be misconstrued that approval of this concept will mean that Final Approval to the Scheme Amendment will be granted by Council or the Minister for Planning".*

In accordance with Councils resolution staff advertised the proposal and formal advised DOLA of Councils support to the proposal. The proposal was advertised for 35 days with the closing date being 21 March 2002. No submissions were received in relation to the proposal.

Subsequently correspondence was forwarded to DOLA requesting them to proceed with the closure/amalgamation of the subject land.

COMMENT

Correspondence dated the 19 August 2003 has been received from DPI (formally DOLA) advising the following:

"I refer to your letter of 24 June 2003. It is acknowledged that the Shire has advertised the proposal.

Please confirm that no objections were received as a result of the advertising. If objections were received, provide copies of the Council's replies to the objections. Subject to this, we have no objection to the Shire's resolution of 12 February 2002.

*The **ordinary** method of sale of such an area of Crown land is by amalgamation under Section 87 of the Land Administration Act into freehold Lot 71. The Shire should be made aware that the proceeds of Section 87 sales go directly into the State's Consolidated Revenue. Hence the proceeds would not be available to the Shire as would be the case under policy guidelines for 20A Reserves, i.e. no trust fund would be created.*

*An **alternative** method is direct sale at market value to the Shire as a separate lot. Planning commission approval would not be required for creation of the new lot (because it is a Crown subdivision). The Shire would then be able to on-sell the new lot, and retain the proceeds. If the owner of Lot 71 were to purchase the new lot from the Shire and wish to amalgamate it, he would then need to obtain Planning Commission approval.*

The second method is more complex, expensive and time consuming, and would require two separate conveyancing actions. A graphic would have to be prepared for the reserve amendment and creation of the new lot. A second graphic would be required for a later amalgamation into Lot 71. All associated costs fall upon the owner of Lot 71.

Of the above two methods, the first is preferred by this Department if the Shire is willing to forego the proceeds of sale. In either case the approval of the Minister for Lands must be sought. Please consider the above points, and advise us further.

A valuation of \$20,000 including GST has recently been obtained, on the basis of adding value to Lot 71 as a larger and better developable duplex size block. The Valuer notes the construction of a duplex unit on Lot 71. The Valuer will review this figure in two to three months as development issues become clearer. Therefore the value is not a settled figure."

Whilst it is acknowledged that Council originally resolved to support the closure and sale of that portion of the reserve to adjoining landowner with the proceeds of sale being committed to a trust fund to be used for future capital improvement on either Reserve 43516 or alternate recreational reserves located in reasonable proximity to Reserve 43516 in accordance with the requirements for the disposal of section 20A Reserves. It is quite clear that in order for Council to pursue that line of disposal will result in a costly and time consuming process, similar to that which was undertaken for the redevelopment of the tennis courts.

This process of sale is further complicated by the fact that Council has to sell land by way of private treaty and that process in itself is costly and time consuming and does not necessarily guarantee that the land would be sold to the adjoining owner or that Council would actually received a positive income from the sale at the end of the process.

As such it is recommended that Council proceed with the disposal of the reserve and agree to the 'ordinary method' of sale as outlined above and forego the proceeds of sale in this instance.

CONSULTATION

DOLA – informal discussions relation to reserve closures in accordance with their Policy

STATUTORY ENVIRONMENT

Transfer of Land Act, 1997 relating to reserve closure process

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council advise the Department of Planning and Infrastructure (Land Asset Management Services) that no objections were received during the public advertising period for the proposal and that it agrees to the sale of the portion of reserve 43516 to Mr Oorschot by way of the 'ordinary method' of sale as outlined in correspondence dated 19 August 2003.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr A C Griffiths

That the Report Recommendation be adopted.

FOR: 6
AGAINST: 2

CARRIED

9.2.4 REQUEST FOR PUBLIC ACCESS WAY (PAW) CLOSURES - PAW ADJOINING RUBIN COURT/SOLWAY LOOP AND PORTION OF TANG STREET/WING PLACE

| | |
|------------------------------------|--|
| LOCATION/ADDRESS: | Rubin Court/Solway Loop & Tang Street/Wing Place |
| APPLICANT: | Tang Street/Wing Place - Dee Lewis & Shane Havebond |
| FILE: | Rubin Court/Solway Loop - JA & KS Brittain |
| RESPONSIBLE OFFICER: | SOL-1/Gen & TAN-2/Gen |
| DISCLOSURE OF ANY INTEREST: | Manager Planning Services |
| DATE OF REPORT: | Nil |
| | 9 September 2003 |

SUMMARY: Council has previously received correspondence requesting the closure of the following PAW and portion of road respectively;

- Rubin Court/Solway Loop PAW
- Tang Street/Wing Place

There are a number of statutory advertising procedures (including notification of state servicing agencies and the Department for Planning and Infrastructure), which Council must follow before granting a Resolution to formally close any PAW or road. These procedures have now been fulfilled with advertising completed on 31 July 2003.

This report recommends Council request DOLA pursue the formal closure of the PAW and portion of road in accordance with their procedures.

BACKGROUNDTang Street/Wing Place PAW

Council has previously received correspondence from the applicant (an adjoining landowner) seeking Council consideration regarding the proposed closure of portion of the road due to anti-social behaviour conducted in and around the PAW.

This connection serves a dual purpose in that it provides for pedestrian access and has a constructed drainage chute running through it.

Rubin Place/Solway Loop PAW

Council has previously received correspondence from the applicant (an adjoining landowner) seeking Council consideration regarding the proposed closure of the PAW due to anti-social behaviour being conducted in and around the PAW.

This PAW is not required for drainage purposes.

In respect of the above, at Council's Ordinary Meeting of 10 June 2003 it was resolved:

- “(a) That Council write to the owners of properties, which abut the PAW's, requesting comment on the PAW closure and their intentions on whether they wish to purchase a portion of the respective PAW.
- (b) That the proposed PAW closure(s) be advertised public comment for a period of 35 days (Sign on site and advertisement in Broome Advertiser).
- (c) That Council seek comments on the proposed PAW closures from DOLA, MRWA, DPI and Service Providers (Telstra, Western Power, Water Corporation, FESA and Local Ambulance Service and Police Services) on the proposed PAW closure.
- (d) That the matter be referred back to Council for further consideration on the completion of the public submission period.”

RESULTS OF ADVERTISING

The 35 day advertising period was completed on 31 July. A summary of the submissions received are listed in the “Schedule of Submissions” as presented hereunder.

SCHEDULE OF SUBMISSIONS

| Name | Address | Nature of Submission | Officer's Comments |
|----------------------------|----------------|--|---------------------------|
| Government Agencies | | | |
| 1. MRWA | Derby | No objection. | Noted. |
| 2. Water Corporation | Karratha | No objection. Whilst Water Corp has a gravity sewer line crossing PAW at the rear of lots 27&28, an easement for protection of the sewer over width of the PAW is not deemed essential at this time. | Noted. |
| 3. Western Power | Kewdale | No objection. | Noted. |

President: Date:

| | | | |
|----------------------------------|-----------------------------|---|---|
| 4. WA Police Service | Broome | By inhibiting the egress and ingress of offenders and potential offenders into these neighbourhoods it is anticipated a reduction in reported crime will be the result. Therefore, the Police Service supports the closure of these public access ways. | Acknowledged. Position accepted. |
| 5. Department of Housing & Works | East Perth | No objection to the closure of PAW. Would be interested in purchasing the land between L68 and L69 Tang Street and also part or whole of land between Lot 27 and Lot 28 Wing Place. | Accepted. It is desirable for Department of Housing and Works to purchase this land as adjoining landowner. |
| 6. Telstra | Perth | No assets in this vicinity and therefore have no objections to your proposal. Telstra would appreciate confirmation when this closure proceeds so as to update its cadastre records. | Noted. |
| 7. DPI | Perth | Advises of criteria that needs to be addressed for Commission to assess the proposal. | Noted. |
| Private Residents | | | |
| 1. Jan Lewis | Resident of 7 McKenna Court | Objects to closure of PAW between Rubin Place and Solway Loop. Notes this PAW is used frequently by children cycling to school or people walking to the parks on Solway Loop. Lives next to PAW between McKenna Court and Solway Loop. Concerned about increase in use of McKenna Court PAW if Rubin Place access way closed. Wants load shared between two accessways to continue. | Whilst the objection is noted. Evidence of antisocial activity in or adjacent to Rubin Place & Solway Loop is significant. This will likely be reduced if the PAW is closed. This concern is again highlighted below in petition from residents supporting closure of this PAW. |

| | | | |
|----------------------------------|---|---|---|
| <p>2(a) Petition*</p> | <p>11 signatories of residents in Rubin Court</p> | <p>Petition states: "We the undersigned property owners and residents of Rubin Court Broome support the Shire Council proposal to close the access way from Rubin Court to Solway Loop. This access way is at the end of a quiet Cul-De-Sac and leads into a storm water drain and is often used as a dump for rubbish. There have been instances of undesirable activities in this area and this access way allows anyone behaving in an undesirable manner an easy exit to escape."</p> | <p>Concern(s) accepted. recommend closure of the PAW.</p> |
| <p>2(b) JA & KS Brittain</p> | <p>Note: Applicant Resident of 5A Rubin Court</p> | <p>Details further antisocial /criminal activity on 6 to 8 July in and around Rubin Place PAW. Comments that as per attached petition owners and residents of Rubin Court are all in favour of PAW closure.</p> | <p>Position of applicant supported. Closure of PAW recommended.</p> |

COMMENTS

Subsequent to advertising, Department for Planning and Infrastructure (Land Asset Management Services i.e. DOLA) have advised as follows:

"I wish to advise that Dept for Planning and Infrastructure – Land Management Services, Kimberley has no objections to the proposed closures subject to the following:

- The full disposal of the PAW/road reserve to the adjoining landowner/s;*
- Adjoining landowner/s agreement to pay all associated costs;*
- The protection of services within the PAW/road reserve (if any); and*
- Council resolution (if matters are progressed).*

For your information, the accessway between Rubin Court and Reserve 41279 is part of the road reserve created on Original Plan 17614 and as such would require road closure action. The remaining PAW was created from Crown Grant Volume 1654 Folio 246 under Section 20A of the T.P. & D. Act 1928 and as such Native Title is considered inconsistent with the previous fee simple land tenure."

Rubin Place/Solway Loop

The Manager of Engineering Services has previously provided the following comments:

"I generally don't have a problem with closure of any PAW's at the end of Courts like this, as long as it goes through a public notification process and no other implications (such as drainage chute etc).

President: Date:

The PAW is not required for drainage and is unconstructed and maintained by a neighbour. There is probably a percentage of Rubin/McKenna and Dolby Road residents who use it to get to Solway Park, but they have to cross a large drain. It is not that much farther to go around via good paths. As an alternative, this and McKenna could probably just be closed with a fence without actual close/sale, as a backup option to close/sell."

Tang Street/Wing Place

The Manager Engineering Services has previously provided the following comments:

"The PAW runs from the N/E corner of Wing Place, diagonally across to Tang Street. It consists of a sealed drainage chute, kerbed each side and which is required for drainage purposes, as it drains a low portion of Wing Place, which cannot drain elsewhere. It is also used as a pedestrian accessway for residents from Wing Place through to Tang Street. Its role as a pedestrian access is not as high as other PAW's in Broome and it would really only inconvenience some residents of Wing Place if closed, as Tolentino Street is available nearby.

The PAW is unusual in that it is actually part of the road reserve, and not a separate Drainage or PAW Reserve. Any formal closure would therefore need to be carried out under the road closure sections of the relevant Acts.

The PAW is constantly vandalised, has graffiti on the fences and is similar to many other PAW's around Broome in that they are a haven for all sorts of antisocial behaviour. While the closure is supported, it still needs to function as a drain, which would leave two options (if closed):

- (1) Construct barriers at each end that allow drainage water flows, but not pedestrian access. The area would still be required to be maintained for weeds, rubbish etc, but this annual cost would still be less than if left open.*
- (2) Formally close the area and sell to adjoining owners. This option is a very lengthy process and in this case is probably not the best option."*

An Assessment of Closure Report - Planning Bulletin No.57

As part of the closure process (if pursued by Council), the Department for Planning and Infrastructure, requires Council's to prepare an assessment of closure report which details criteria that needs to be addressed to enable the Commission to assess closure proposals.

This may be done by Council staff and forwarded to the Commission. The report compiled by staff would cover and detail the impact of the closure on such matters as:

- Local pedestrian/cycle connectivity
- Safe access to neighbourhood and district facilities including;
 - Schools and other educational facilities
 - Shopping
 - Parks and recreational facilities
 - Community facilities
 - Employment
 - Public transport, including bus services
 - Aged person and disabled facilities

- The length of alternative routes and their safety, surveillance, amenity, useability, gradient and convenience of use, especially for the young, disabled and elderly.
- The instances of crime and social difficulties being experienced by the adjoining landowners.
- The views of the adjoining landowners in relation to the PAW closure and a general commitment to purchase.
- Alternatives to PAW closure.

Summary

Council's consistent position has been to keep open PAW's that form part of integrated pedestrian network links and those which the local community identify as important. However the subject PAW's are not seen as examples of these. It is considered that closure of the subject PAW's will not significantly increase walking distances to public open space, schools etc. Also, major pathways to community facilities, shopping facilities, bus routes etc. are generally accessible nearby.

Given the level of antisocial behaviour that has occurred in or adjacent to the PAW's and the immediate residents desire for closure of the PAW's and given that no objection is offered from state servicing agencies, it is recommended that subject to all adjoining landowners confirming in writing of their willingness to purchase apportions of the PAW and road, Council request the Department of Land Administration to pursue formal closure of the respective PAW and portion of road in accordance with their procedures.

CONSULTATION

Proposals advertised for a period of 35 days including notification of servicing authorities in accordance with Council and statutory requirements

STATUTORY ENVIRONMENT

A PAW is determined to be a road (as it is classified as type of reserve) and subject to closure procedures as set out under the following legislation:

- Section 58 & 82 of the Land Administration Act, 1997
- Regulation 9 of the Land Administration Regulations, 1998
- Local Government Act, 1995
- Local Government Functions and General Regulations, 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

President: Date:

REPORT RECOMMENDATION

That:

1. Closure of the PAW between Rubin Court/Solway Loop is supported subject to the adjoining landowners agreement to purchase the land and the land being closed and amalgamated to their properties.
2. Closure of the portion of road between Tang Street/Wing Place is supported subject to the adjoining landowners agreement to purchase the land and accepting a drainage easement over the land being closed and amalgamated into their properties.
3. Upon confirmation in writing from the adjoining landowners of Point 1 above; The Department of Planning and Infrastructure (Land Asset Management Services) (i.e. DOLA) be advised that Council supports the closure of the Pedestrian Access Way located between Rubin Court/Solway Loop, Cable Beach and the portion of road located between Tang Street/Wing Place, Broome and requests that the Department pursue the formal closure of the PAW and portion of road respectively in accordance with their procedures and the relevant Acts.
4. An Assessment of Closure Report to be prepared by Council staff and forwarded to Department for Planning and Infrastructure in accordance with Planning Bulletin No.57 "Closure of Pedestrian Accessways – Planning Considerations".
5. Submittees to the proposed PAW and road closure to be advised of Council's resolution.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr G T Campbell

That the Report Recommendation be adopted.

| | |
|-----------------|----------|
| FOR: | 4 |
| AGAINST: | 4 |

MOTION LOST ON THE CASTING VOTE

Moved: Cr P J Mitchell

Seconded: Cr V L Wevers

That Council undertake a review of Public Access Ways and their role in antisocial behaviour and explore options to minimise antisocial behaviour.

CARRIED UNANIMOUSLY

[Attachment: 12 pages](#)

9.2.5 DELEGATION - MINOR RESIDENTIAL DEVELOPMENT WITHIN THE TOURIST ZONE

LOCATION/ADDRESS: Nil
APPLICANT: Nil
FILE: AER 02
RESPONSIBLE OFFICER: Manager Planning Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 10 September 2003

SUMMARY: Over recent months there have been several planning applications forwarded to Council for consideration for minor residential development within the Cable Beach tourist precinct as residential activity is classified as a discretionary use within the tourist zone.

In order to expedite the planning approval process it is recommended that Council grant delegated authority to the Chief Executive Officer to grant planning approval for developments of a minor residential nature (i.e. swimming pools, outbuildings no greater than 60 square metres in area, shade sails, patios and minor additions).

BACKGROUND

Over recent months there have been several planning applications forwarded to Council for consideration for minor residential development within the Cable Beach tourist precinct as residential activity is classified as a discretionary use within the tourist zone.

COMMENT

Within the tourist zone as set down by Town Planning Scheme No. 4 there are a number of properties that have historically been developed and continue to be utilised primarily for residential purposes. Over recent months Council has dealt with a number of applications for minor proposals such as swimming pools, patios, shade sails, outbuildings and minor extensions to the existing dwellings.

Under the provisions of the scheme residential activity is classified as a 'D' use and as such Council approval is required. The applications could not be dealt with via delegated authority, as Council has not granted this power to staff. This has been of great frustration to the applicants as it creates a time delay for processing applications that are of a minor nature and consistent with the current activity of the property in question.

In order to expedite the planning approval process it is recommended that Council grant delegated authority to the Chief Executive Officer to grant planning approval for developments of a minor residential nature (i.e. swimming pools, outbuildings no greater than 60 square metres in area, shade sails, patios and minor additions).

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Town Planning and Development Act, 1928

Town Planning Scheme No.4, 1999

President: Date:

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

REPORT RECOMMENDATION

That Council grant delegated authority to the Chief Executive Officer to approve applications for planning approval for minor and incidental residential development (eg. swimming pools, minor single dwelling extensions, outbuildings not exceeding 60 sq metres in area, patios, and the like) within the Tourist zone where it has been demonstrated that the proposal will not prejudice the aims and objectives of the tourist zoning.

COUNCIL RESOLUTION

Moved: Cr P J Mitchell

Seconded: Cr G T Campbell

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

9.2.6 POLICIES REVIEW 6.1.5 TO 6.1.7

| | |
|------------------------------------|-------------------------|
| LOCATION/ADDRESS: | N/A |
| APPLICANT: | N/A |
| FILE: | ADM28 |
| RESPONSIBLE OFFICER: | Manager Health Services |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 9 September 2003 |

SUMMARY: Reaffirming Council Policies 6.1.5 to 6.1.7

BACKGROUND

Council is required to review its policies annually and policies 6.1.5 to 6.1.7 are submitted here.

President: Date:

COMMENT

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

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

| POLICY NUMBER | TITLE | COMMENT | ACTION |
|----------------------|---|----------------|---------------|
| 6.1.5 | Litter Control Honorary Inspectors. | No Comment | Re-affirm |
| 6.1.6 | Approval for Camping Outside of a Caravan Park for up to Three Months. | No Comment | Re-affirm |
| 6.1.7 | Approval for Camping Outside of a Caravan Park for Periods in Excess of Three Months. | No Comment | Re-affirm |

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Litter Act, 1979

Caravan Parks and Camping Grounds Act, 1995

Caravan Parks and Camping Grounds Regulations, 1997

POLICY IMPLICATIONS

As shown above

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the policies 6.1.5 to 6.1.7 be re-affirmed.

COUNCIL RESOLUTION

Moved: Cr P J Mitchell

Seconded: Cr C R Mitchell

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 3 pages](#)

9.3. ECONOMIC PROSPERITY

OUTCOME

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

No Agenda Items

9.4. SOCIAL SUPPORT AND DEVELOPMENT

OUTCOME

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

No Agenda Items

9.5. ASSETS AND INFRASTRUCTURE

OUTCOME

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

| | |
|--|------------------------------|
| 9.5.1 REVIEW OF POLICIES - ENGINEERING SERVICES | |
| LOCATION/ADDRESS: | N/A |
| APPLICANT: | N/A |
| FILE: | ADM.28 |
| RESPONSIBLE OFFICER: | Manager Engineering Services |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 3 September 2003 |
| SUMMARY: The review of two Engineering Services Policies as contained in the Shire of Broome Policy Manual. | |

BACKGROUND

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

- 3.1.5 – Private and Community Works
- 3.1.6 – Restrictive Covenant – Rivergum/Boab/Leichardt Court Subdivision - Trees

COMMENT

Policy 3.1.5 – Private and Community Works

The following amendment is required to this policy:

- Final paragraph, last sentence – change "require" to "required".

Policy 3.1.6 – Restrictive Covenant – Rivergum/boab/Leichardt Court Subdivision - Trees

No amendments required.

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

CONSULTATION

Not required

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

These are existing policies of the Shire of Broome

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council endorse the amendment to Engineering Services Policies 3.1.5 – Private and Community Works and re-affirm Policy 3.1.6 – Restrictive Covenant – Rivergum/Boab/Leichardt Court Subdivision - Trees.

COUNCIL RESOLUTION

Moved: *Cr V L Wevers*

Seconded: *Cr M R McKenzie*

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 3 pages](#)

10. REPORTS OF COMMITTEES

REPORT RECOMMENDATION

That the Minutes of the Coastal Park Management Committee meeting be received.

COUNCIL RECOMMENDATION

Moved: Cr P J Mitchell

Seconded: Cr G T Campbell

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

10.1 COASTAL PARK MANAGEMENT COMMITTEE

SHIRE OF BROOME

**MINUTES FOR A MEETING OF THE
COASTAL PARK MANAGEMENT COMMITTEE
TO BE HELD IN THE COMMITTEE ROOM
ON THURSDAY 14TH AUGUST 2003
COMMENCING AT 10:22AM**

1. ATTENDANCE AND APOLOGIES

1.1 REPLACEMENT OF COMMITTEE MEMBER – MR BEN WURM

That a request by Rubibi for Mr Ben Wurm to be replaced on the Coastal Park Management Committee by Mr Damian Perriman be accepted.

Moved: Mr Michael Corpus

Seconded: Mr Frank Sebastian

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved: Cr G T Campbell

Seconded: Cr C R Mitchell

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

Attendance

- Cr A K Grosse
- Cr A C Griffiths
- Mr Michael Corpus
- Mr Franz Hoogland
- Ms Lorna Cox
- Mr Frank Sebastian
- Mary Tarran

Chairman

COMMENT

Any approval will be conditional upon compliance with Council's Policy "Commercial and Tourism Activities on Cable Beach" which, among other things, includes a requirement to provide proof of Public Liability Insurance cover of at least \$5 million and evidence in writing of approval from the Department for Planning and Infrastructure (Marine and Harbours) before the Licence is issued.

A Copy of the confirmation from the seller is attached.

No reason can be seen to refuse the transfer of this licence.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995
Council's Local Law Relating to Trading in Public

POLICY IMPLICATIONS

Council Policy: Commercial and Tourism Activities on Cable Beach

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council resolve to approve the transfer of the Broome Jet Ski Hire Licence to Trade in Public on Cable Beach from Paul Akerman to Matt and Sharon Booth.

COMMITTEE RECOMMENDATION

Moved: Mr Michael Corpus

Seconded: Ms Lorna Cox

That Item 5.1 be deferred and a copy of the Shire Policy under which the permit has been issued be made available to Rubibi to allow for future planning.

FOR: 4
AGAINST: 2

CARRIED

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr G T Campbell

That the Report Recommendation be adopted.

FOR: 7
AGAINST: 1

CARRIED

[Attachment: 1 page](#)

5.2 IMPACTS OF CARS ON CABLE BEACH – SHIRE ‘ISSUES PAPER’

| | |
|------------------------------------|---------------|
| LOCATION/ADDRESS: | Broome |
| APPLICANT: | Rubibi |
| FILE: | CTE28 |
| RESPONSIBLE OFFICER: | Ben Wurm |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 1 August 2003 |

SUMMARY: As agreed by the Coastal Park Management Committee at its last meeting on 10 July 2003, Rubibi raises the Shire's *Issues Paper for Vehicle Management on Cable Beach* for detailed consideration by the Committee.

BACKGROUND

The Shire Chief Executive Officer submitted Agenda Item 5.3 (Vehicle Access to Cable Beach and Gantheaume Point) to the last meeting of the Coastal Park Management Committee on 10 July. This item included a 10-page attachment, *Issues Paper for Vehicles Management on Cable Beach*.

President: Date:

RUBIBI COMMENT

Rubibi is concerned that the Shire 'Issues Paper' does not adequately address land management issues raised by unregulated vehicle access to Cable Beach.

The Shire's issues paper proposes, *inter alia*:

- Boom-gate access at \$2 per vehicle.
- A proposed alternative vehicle access through Hidden Valley, in spite of the fact that this would entail desecration of an Aboriginal site of great cultural significance, registered under the *Aboriginal Heritage Act, 1972*, and is contrary to the Shire's commitment, in its 1996 *Interim Agreement* with Rubibi, to protect Aboriginal heritage in Broome.
- Dedicated rangers, on quad-motorbikes, managing vehicles on the beach.
- Signage at boom-gate access points & media promotion of the new access arrangements.

Rubibi is very concerned that the measures proposed by the Shire will, in fact, promote and increase vehicle access to Cable Beach, rather than minimise the detrimental environmental, cultural and public safety impacts which arise from such access.

COUNCIL COMMENT

No further comment is offered by Staff. It has been determined that the Committee comment on the Issues Paper and to provide recommendations to Council.

STATUTORY ENVIRONMENT

Local Government Act, 1995
Aboriginal Heritage Act, 1972
Native Title Act, 1993
Land Administration Act
Off-Road Vehicles Act

POLICY IMPLICATIONS

Inconsistent with the Shire's *Interim Agreement* with Rubibi (1996), the *Coastal Park Management Plan* (1999), the findings of the *Local Government Development Program* (1997) and the Shire's *Strategic Plan* (2001)

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

President: Date:

RUBIBI RECOMMENDATION

That the Committee advise the Shire of the flaws in its proposed Issues Paper and suggest alternative approaches to the problem of vehicles on Cable Beach.

COUNCIL RECOMMENDATION

That the Coastal Park Management Committee be considered and comments referred to Council for consideration at its 23 September meeting.

COMMITTEE RECOMMENDATION

Moved: Cr A C Griffiths

Seconded: Cr A K Grosse

- a. That vehicle access to Cable Beach be restricted to service and emergency vehicles only by the end of 2005.
- b. That the Shire of Broome Coastal Park Management Plan be received to reflect the timeline and tasks to implement the above recommendations.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved: Cr G T Campbell

Seconded: Cr C R Mitchell

1. **That the motion adopted by Council under item 5.6 Vehicle Access to Cable Beach at the Ordinary Council Meeting held 29 May 2002, being the motion as follows:**
 1. **"That Council note the findings contained in the "Report on Outcomes of Vehicle Management Surveys - April 2003" as attached to this agenda.**
 2. **That Council undertake further consultation with a view to preparing a Management Strategy with a further report be presented to Council.**
 3. **That further investigations be made into the option of adopting a new local law to control access to Cable Beach and associated processes and costings and the findings be presented to Council."**

Be reiterated.

2. **That given the consultation previously undertaken, and that the matter of vehicles on the Beach needs to be treated as a matter of urgency, that the following actions be instigated:**
 - a. **An immediate budget review be undertaken to look at the following:**
 - i. **Coastal Park Management Funding and the usage thereof.**
 - ii. **Cost implications of the introduction of Vehicle Management Strategies as per the issues paper prepared by staff and considered by Council at its meeting of 3 September 2002.**

b. That the next stage of the community consultation process be commenced immediately utilising the issues paper as the prime consultative document and that the issue of alternative access through Hidden Valley be specifically addressed given the registration of areas under the Aboriginal Heritage Act, 1972.

**FOR: 5
AGAINST: 3**

CARRIED

[Attachment: 12 pages](#)

11. LATE AGENDA ITEMS BY PERMISSION OF THE PRESIDENT

With regard to Item No. 9.2.7 - Permission To Keep More Than Two Dogs, Cr C R Mitchell disclosed that "I have had an association with Maude Telfer's husband through the Lions Club. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

| | |
|---|----------------------------------|
| 11.1 PERMISSION TO KEEP MORE THAN TWO DOGS | |
| LOCATION/ADDRESS: | 15 Wakayama Crescent Broome |
| APPLICANT: | Maude Telfer |
| FILE: | WAK 1/15, ACT06 |
| RESPONSIBLE OFFICER: | Manager Health & Ranger Services |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 18 September 2003 |
| SUMMARY: Application from Maude Telfer to keep four dogs at 15 Wakayama Crescent with a recommendation for conditional approval. | |

BACKGROUND

Council has received an application from Maude Telfer to keep four dogs, a poodle, a terrier and two Chihuahua's at 15 Wakayama Crescent Broome. Two of the dogs belong to Maude Telfer and two to her daughter.

Although Council granted the applicant an approval in 1993, to keep more than two dogs, staff only became aware of the fact that there were more than two dogs at 15 Wakayama after receiving complaints about the dogs continually barking. This is because records are destroyed after seven years.

The Shire of Broome Dog Local Laws provides that no more than two dogs may be kept on a premises. However, the Dog Act, 1976 provides that an exemption may be granted by Council to allow for more than two but less than six dogs to be kept on a premises.

COMMENT

Whilst Council may have given approval in 1993, the complaints, of which there are three from adjoining properties, change the situation, and it is considered inappropriate to continue to allow the keeping of the extra dogs indefinitely.

The Senior Ranger has submitted a report (copy attached) recommending approval be granted for twelve months subject to:

1. No complaints being received, and
2. Should the number of dogs be reduced in any way then no more dogs are to be registered to that property.

Options:

1. Council may either go with this recommendation with a condition that, if any further complaints are received the number of dogs is to be immediately reduced to a maximum of two, or
2. Council may refuse the application.

CONSULTATION

Adjoining neighbours

STATUTORY ENVIRONMENT

Dog Act, 1986
Shire of Broome Dog Local Laws

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

Council resolve that, Maude Telfer be granted approval to keep four dogs at 15 Wakayama Crescent for a period of twelve months subject to compliance with the following conditions:

1. If any complaints are received about the dogs in that time the number of dogs is to be immediately reduced to a maximum of two.
2. If the number of dogs is reduced for any reason then no more, or other dogs are to be registered to that premises, and
3. Whilst there are more than two dogs at the premises the applicant is to apply annually for permission to keep the extra dogs.

COUNCIL RESOLUTION

Moved: Cr A C Griffiths

Seconded: Cr G T Campbell

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 4 pages](#)

11.2 DISTRICT HEALTH ADVISORY COUNCIL - NOMINATION FOR MEMBERSHIP

| | |
|------------------------------------|-------------------------|
| LOCATION/ADDRESS: | N/A |
| APPLICANT: | N/A |
| FILE: | ADM.01 |
| RESPONSIBLE OFFICER: | Chief Executive Officer |
| DISCLOSURE OF ANY INTEREST: | Nil |
| DATE OF REPORT: | 17 September 2003 |

SUMMARY: To advise Council of an opportunity to nominate for a position on the established District Health Advisory Council.

BACKGROUND

At the Ordinary Meeting of Council held 12 August 2003, Council resolved to nominate Councillor Elsta Foy to the District Health Advisory Council Establishment Panel for Broome. Unfortunately, Councillor Foy was unable to attend this meeting and Councillor Chris Mitchell took her place.

COMMENT

Since this meeting, the following correspondence has been received from the Regional Director of the Kimberly Health Region:

"A Ministerial appointed Establishment Panel met on Monday 8 September 2003 to select membership for the Broome and Communities District Health Advisory Council (DHAC).

President: Date:

The purpose of the Broome DHAC, one of five Council's in the Kimberley, is for consumers and community people to have the opportunity for genuine input into their local health planning, plus the opportunity to represent the issues of health consumers.

Key roles of Advisory members will be to:

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

Membership of the Broome Council will consist of a number of local community members and consumers. The Council will be supported by the Kimberley Health Region District Manager for Broome and a range of health expertise. In addition the Establishment Panel has recommended that each of the key relevant agencies – Broome Shire, Broome Aboriginal Medical Services and Kullari Regional Council are invited to nominate a specific person to be recommended to the Minister for Health for membership to the Broome DHAC.

I therefore invite the Shire of Broome to nominate a Shire Councillor to be recommended for membership. As we are keen to progress this very positive process, we would appreciate an early response from the Shire, in order to provide the Minister with a comprehensive list of individual recommended people for appointment.

I look forward to hearing from you in the near future."

CONSULTATION

Not required

STATUTORY ENVIRONMENT

Local Government Act, 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Social Support and Development goal area of the Shire of Broome Strategic Action plan seeks to participate in meetings, forums and events that fosters co-operative

President: Date:

planning and service coordination and promote appropriate partnerships amongst services in the areas of Health Providers.

VOTING REQUIREMENTS

Simple Majority required

REPORT RECOMMENDATION

That Council nominate Councillor E R M Foy for membership on the District Health Advisory Council.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr G T Campbell

That Council nominate Councillor E R M Foy and Cr C R Mitchell as deputy for membership on the District Health Advisory Council.

CARRIED UNANIMOUSLY

12. NOTICES OF MOTION

12.1 COMMITTEE SYSTEM (COUNCILLOR E R M FOY)

That Council go back to the committee system with committees for:

- Finance and Staff*
- Building and Development*
- Technical Services*
- Community Services and Health*

As the briefing and ordinary meetings are not working in the interests of all the Community.

Moved: Cr E R M Foy

Seconded: Cr G T Campbell

| | |
|-----------------|----------|
| FOR: | 3 |
| AGAINST: | 5 |

MOTION LOST

12.2 NEW FIRE STATION COMPLEX

Moved: Cr A C Griffiths

Seconded: Cr G T Campbell

That Council accepts a motion without notice regarding a new fire station complex for Broome.

CARRIED UNANIMOUSLY

Moved: Cr C R Mitchell

Seconded: Cr A C Griffiths

That the Shire of Broome request the Minister for Emergency Services to confirm whether a new fire station complex for Broome is listed in the 2004 Capital Works Budget, and if not what priority has been placed on the provision of an adequate fire station facility for Broome.

CARRIED UNANIMOUSLY

12.3 BRIEFING SESSION – REVIEW OF PROCESSES AND TIMEFRAMES

Moved: Cr E R M Foy

Seconded: Cr P J Mitchell

That Council accepts a motion without notice regarding the Briefing Session – review of processes and timeframes.

CARRIED UNANIMOUSLY

Moved: Cr E R M Foy

Seconded: Cr P J Mitchell

Council review its processes and timeframes for its briefing session with a view to improving information and discussion.

CARRIED UNANIMOUSLY

Cr C R Mitchell declared an interest in item 11.4 and departed Council Chambers at 6.34 pm.

12.4 FRONTLINE POLICE MANNING LEVELS WITHIN BROOME SHIRE

Moved: Cr G T Campbell

Seconded: Cr A C Griffiths

That Council accepts a motion without notice regarding the frontline Police manning levels within the Broome Shire.

CARRIED UNANIMOUSLY

Moved: Cr G T Campbell

Seconded: Cr A C Griffiths

The Minister for Police and Commissioner of Police be requested to dramatically improve the front line police manning levels within the Broome Shire so that they properly reflect the ever-increasing permanent and tourist population.

CARRIED UNANIMOUSLY

Cr C R Mitchell returned to Council Chambers at 6.40pm.

12.5 RESCHEDULE OF ORDINARY COUNCIL MEETING

Moved: Cr T W Vinnicombe

Seconded: Cr C R Mitchell

That Council accepts a motion without notice regarding the rescheduling an Ordinary Council Meeting.

CARRIED UNANIMOUSLY

Moved: Cr C R Mitchell

Seconded: Cr C R Mitchell

That the Ordinary Council Meeting scheduled for 3rd November 2003 be rescheduled to 5th November at 5.00pm to allow councillors and staff to take advantage of a Customer Service Consultant, Brian Greedy.

CARRIED UNANIMOUSLY

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

Nil

14. MATTERS BEHIND CLOSED DOORS

Nil

15. MEETING CLOSURE

The Shire President declared the Ordinary Council Meeting closed at 6.46pm.