

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."

MINUTES

FOR THE

SPECIAL MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBERS AT 4.00PM

27 JUNE 2006

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

SHIRE OF BROOME
SPECIAL COUNCIL MEETING
27 JUNE 2006

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NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome will be held on Tuesday 27 June 2006 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 4.00pm.

Regards

Ian Bodill
Chief Executive Officer

21 June 2006

1. OFFICIAL OPENING

The Chairperson welcomed members and declared the meeting open at 4.06pm.

2. ATTENDANCE AND APOLOGIES

Attendance	Cr G T Campbell Cr C R Mitchell Cr A K Grosse Cr C M Maher Cr A C Griffiths Cr E R M Foy Cr V L Wevers Cr P D Matsumoto Cr M L B Albert	Shire President
Leave of Absence	Nil	
Apologies	Suzanne Lollback	Director Community Services
Officers	Ian Bodill Allan Ralph Darryl Butcher Jason Lyon Mark Turner Jo Durbridge Jillian McMahon	Chief Executive Officer Director Engineering Services Director Development Services Director Corporate Services Manager Recreational Services Media & Promotions Officer Council Secretary
Pubic Gallery	John McCourt Simon Penn Simon Wells Mark Jagla	Media Broome Advertiser Paspaley Shopping Centre, Broome General Manager-Properties, Paspaley Pearls Properties Pty Ltd

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page	Item	Nature of Interest

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

N/A

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil

7. PETITIONS

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 9.3.2, subject to the will of Councillors.

9.

REPORTS

OF

OFFICERS

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 APPLICATION FOR PLANNING APPROVAL – EXTENSION TO SHOPPING CENTRE AND OFFICES - PASPALEY PROPERTIES

LOCATION/ADDRESS: Lot 201 & Lots 3, 4, 5, 8, 9, 10, 43, 160, 161 Carnarvon St, Broome
APPLICANT: Oldfield Knott Architects on behalf of Pearls Pty Ltd and Paspaley Pearls Properties Pty Ltd
FILE: SHO-1/8
AUTHOR: Manager Planning Services
CONTRIBUTOR/S: Director Development Services
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 1 June 2006

SUMMARY: Council has received two applications for planning approval to develop land at the northern end of Chinatown. Application 2006/48 has been lodged to extend the Paspaley Plaza Shopping Centre. Application 2006/49 has been lodged to develop land on the eastern side of Carnarvon Street for offices.

This report provides the background to each application, and recommends that each be approved subject to appropriate conditions.

BACKGROUND

Site and Surrounds

The land relating to these applications is located on two separate sites. The first is Lot 201 containing Paspaley Plaza Shopping Centre, on the west side of Carnarvon Street, Chinatown. Lot 201 has an area of 1.9915 hectares, with a frontage of 175.11 metres to Carnarvon Street, 173.43 metres to Short Street and 77.66 metres to Gray Street. The other site is the land on the east side of Carnarvon Street, bounded by Gray Street and Dampier Terrace.

Lot 201 was approved by Council to be developed as a shopping centre in January 1995. The current shopping centre (Paspaley Plaza) has a retail floor area of 8,449m², including a Coles supermarket, Target Country, liquor store, Broome Post Office and specialty stores.

The land on the eastern side of Carnarvon Street consists of nine lots with a collective area of 1.0124ha. Existing buildings and land uses include a BWS liquor store on the southwest corner that is to be retained and six dwellings, along with some shedding which has recently been demolished. The BWS store was approved in 1996. At that time, nine car spaces were required for this use, five of which are provided at the rear of the building. No development is, nevertheless, proposed for this part of the site.

Description of the Proposals

Application 2006/48

- Expansion of the Paspaley Plaza Shopping Centre by 2,930m², being inclusive of an enlargement of the Target store, as well as an expansion of the Post Office and construction of new retail premises at the south east corner of the site. This would increase the floorspace to 11,379m².

President: Date:

- Provision of a new pedestrian mall opening onto Short Street.
- Ramped entry to the centre from the corner of Carnarvon and Short Streets.
- Relocation of the existing travelator from the external mall to an internal location adjoining the new Target store.
- Refurbishment, including roofing of the external arcade to create a new, covered colonnade.

The applicant proposes to match the new building to the existing building, with pitched, multiple hipped, Colorbond custom orb roof and wall sheeting, entry statements and verandahs.

New bin storage for the discount department store and speciality shops, service dock and manoeuvring space would be provided on the west side of the expanded Target store.

Application 2006/49

Application 2006/49 is to construct a new office building on the eastern site. The building would be single level with a Colorbond custom orb, pitched roof and wall cladding and would have an area of 580m², with entry points at the north west and north east corners. Verandahs would extend on three sides, including to the Carnarvon Street boundary. The building would be constructed on the southern lot boundary adjacent to the existing liquor store. Some 51 car spaces would also be developed on the site with an entry from Gray Street.

Parking Proposed

The Centre was first approved in December 1994, followed by the addition of the Post Office in August 1995. The Centre currently has 457 bays; 368 on-site, 61 bays constructed in road reserves and 28 bays cash in lieu. The Centre was approved under TPS No 2 when the parking ratio for shops was one bay per 15m² of retail floorspace, and one bay per 40m² of leasable floor area for offices.

The applicant proposes to provide 353 car parking spaces on site; 302 on the main shopping centre site and 51 on the land across the road, to which can be added credit for the 61 bays previously constructed in the road reserves and the 28 bays cash in lieu, giving a total of 442. Allowance in the plan has also been made for motorcycles, scooters, bicycles and disabled bays on the eastern site.

The applicant has submitted a report prepared by Uloth and Associates (Traffic Engineers), which is attached. In summary, this report recommends a required parking rate for the existing and proposed commercial development of 3.28 spaces per 100m², roughly 1 space per 30m², which would require a total of 399 bays.

Paspaley Properties Pty Ltd and Pearls Pty Ltd intend to impose 3 hour parking restrictions on the Paspaley Plaza site and direct staff working within the Centre to park on the eastern site where there will not be time restrictions.

The following table shows existing and proposed parking, as specified in the proposal:

Parking Area	Existing Spaces No. Spaces	Proposed Spaces No. Spaces
Roof top car park	169	164
Short Street car park	158	34
Gray Street car park	41	42
Short Street road reserve	31	32
Gray Street road reserve	30	30
Eastern site (new parking area)	N/a	51
Cash-in-lieu previously provided	28	28
Total	457	381

Masterplan

The applicant has provided a conceptual masterplan for all properties extending to the foreshore. It suggests an integrated approach with a combination of commercial and residential development as well as to pedestrian and parking management. A copy of the masterplan is attached.

Planning Provisions

The land, relevant to both proposals, is zoned "Town Centre, Chinatown", in TPS No 4. Under Clause 4.14.1 of the Scheme, the aim of this zone is "to conserve and promote the historical and environmental character of Chinatown and to ensure that the area develops to continue its function as the main commercial centre for the town with retail, office, commercial residential, social, recreational, and community facilities". The proposal also falls within the Chinatown Heritage Precinct on the Heritage Register and is required to be referred to the Heritage Council of Western Australia (HCWA) for comment.

The applications were referred to the HCWA and a number of revisions were made to the applications as result. In relation to the Paspaley Plaza site, the HCWA has indicated support for the proposal subject to conditions relating to the treatment and management of the display windows along Short Street. The display treatment must include interpretive historical information and be maintained by the owners of the centre. The HCWA has, furthermore, indicated that it would not consider additional development on the eastern site until a detailed outline development plan has been submitted.

For proposals within this zone, Council must have regard to the Chinatown Development Strategy, as well as to the Broome Local Commercial Strategy. The site and development provisions of the Chinatown Development Strategy include siting, design roof form and pitch, bulk and height of buildings, verandahs, openings, building material, colour and signage.

Clause 6.1.4 Flood Prone Land deals with development controls to minimise flood damage and manage drainage. It specifies a minimum building floor level height of 5.7m AHD. The applicants propose a floor level of 5.60m AHD for the majority of development on the Plaza site and former Streeter and Male site in line with the existing shopping centre.

In relation to the Short/Carnarvon Street corner tenancies, the applicants propose a floor level of 5.375m AHD to enable this area to better relate to the street and to achieve suitable disabled access, with a 2.4 metre long ramp to the proposed corner entry to the building at this location. The applicants have indicated that this arrangement would contribute to the visual and physical amenity of the streetscape. They have indicated that the Centre Management would exercise adequate high tide control measures to protect these four corner tenancies. They also point out that the existing building has a

floor level of just 5.2m AHD. They have indicated that they would be prepared to enter into an agreement releasing Council from liability for tidal flood damage in the event of that occurring.

The following General Development requirements apply:

Clause 5.5 Car Parking Car parking must be provided consistent with Council's policy at 4.1.8. This policy specifies a requirement of one bay per 25m² and prescribed car bay dimensions.

Alternatively, Council may waive or vary requirements for on-site 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, parking demand or a development feature, warrant a relaxation of on-site parking requirements. Council may also request a cash payment in lieu of any parking not provided.

Clause 5.6 Service Areas All commercial development must make provision on-site for storage areas and loading and unloading areas. These service areas must not conflict with on-site parking and manoeuvring for staff and patrons and must be suitably screened.

Clause 5.10 Architecture The style of the building must match the 'Broome style' of architecture, which reflects a low scale of building bulk and has regard to local climatic conditions and traditional architecture. Features of this style include pitched roof, Colorbond roof and walls etc.

Clause 5.11 Landscaping A landscaping plan is required and must show existing and proposed plantings, plus a maintenance program.

Justification for the Expansion of Retail Floorspace

The applicants have provided justification for the expansion of retail floorspace on the basis of population growth rates described in the Broome 2004 – Country Land Development Program, and Western Australia Tomorrow, prepared by the Department for Planning and Infrastructure. The justification is similar to the rationale employed in the application to extend the Broome Boulevard. That justification is premised on:

- Strong population growth. Broome's population has grown at an annual rate of 6.2% between 1996 and 2001.
- A substantial shortfall in floorspace for non-food retailing – in the order of over 15,000m² - around 9,000m² if factoring the proposed expansion of the Broome Boulevard.
- Forecasts of long-term residential growth, as supported by the Broome Planning Steering Committee.
- That Broome's economy is likely to remain strong with continued growth driven by the tourism sector and other initiatives such as the port expansion.
- Acritical shortage of retail space in Broome.
- The aim of the Local Commercial Strategy to reinforce Chinatown as the main commercial centre in Broome.

COMMENT

Chinatown Development Strategy

The Chinatown Planning Policy refers to the Chinatown Development Strategy, which establishes objectives and provides Built Environment Guidelines for specific streetscapes.

Heritage Council of Western Australia (HCWA)

The HCWA concerns have generally been addressed through changes to the plans. There are however still concerns to be addressed by conditions relating to the treatment and management of the display windows along short street and the need to prepare an overall development plan for the eastern site prior to further applications for that site being considered.

Commercial Strategy

The Broome Local Commercial Strategy (LCS) was adopted by Council in 1998. It established the future direction for commercial development in the Shire and provided a framework for the evaluation of new retail proposals based on anticipated need.

Whilst the recently approved expansion of the Broome Boulevard (by 6,005m² of floorspace) is predominantly non-food retail, even on a conservative basis, there still exists scope to add an additional 3,000m² to 4,000m² of floorspace within the townsite.

COMPLIANCE WITH SCHEME AND POLICY PROVISIONS

Car Parking Requirement

It is not considered that the applicant has provided sufficient evidence for Council to vary the parking requirement as sought. The survey data (which was collected by the Centre Management Staff) does not include Saturdays or the adjoining street parking in Carnarvon and Short Streets. The consultant traffic engineers address the issue of the Saturday counts but merely make an assumption as to the number of bays being used in the street. This is not considered adequate as it is considered the majority of high turnover bays probably occur in the street.

The consultants also argue that the existing Target Country is trading at an abnormally high rate and seek to use a theoretical concept of effective floor area to reduce the rate established by the parking survey. Whilst they claim that there will not be a corresponding increase in parking demand associated with the expansion of the Target store, the concept of attributing future parking demand to anticipated trading levels is not considered acceptable. It is suggested, instead, that the parking requirement should be based on the current standard of 1 space per 25m² of floor area in Chinatown to all floor space, existing and proposed in the centre. The parking requirement for the existing centre and additions, including the building on the eastern site, is therefore determined as follows:

Component		No. spaces
Paspaley Plaza (entire site, inclusive of addition)	11,379m ² @ 1 to 25m ²	455
Office buildings on eastern site	580m ² @ 1 to 25m ²	23
Total spaces required		478
<i>Less:</i>		
New car park on eastern site		51
Parking proposed to be provided on the Plaza site		240
Car parking funded within road reserves and cash-in-lieu		90
Total spaces provided		381
Shortfall of car spaces		97

It is suggested that there is ample scope for the applicant to meet the shortfall of car spaces either by providing additional parking on the eastern site or by contribution of cash-in-lieu.

Other Car Parking Requirements

The proposal to segregate staff and customer parking by applying time restrictions is considered to be a good initiative and should promote more efficient usage of parking spaces. Additional allowance has been made for motorcycles, scooters and bicycles, as well as for disabled bays. Handicapped bays will need to be provided in line with the requirements of the Building Code of Australia and dimensioned according to the Australian Standard

All new on-site parking spaces will need to conform to the standards within Council's car parking policy and with the relevant Australian Standard.

Service Areas

It is considered that the plan makes suitable provision for storage and unloading areas. The existing un-loading arrangement for Coles and speciality tenancies is proposed to be unchanged, with trucks continuing to enter from Gray Street. The proposed un-loading area for Target and some of the speciality tenancies off Short Street has been designed with access to accord with Australian Standards for vehicle manoeuvring. A bin store is proposed mostly out of view of the main public areas, and can be appropriately screened.

Built Form

It is considered that the development generally complies with Clause 5.10 of the Scheme requiring "Broome style" architecture. The plans indicate that the proposed additions and new building will be consistent with the existing building in terms of height, roof pitch, colour and building materials (Colorbond Custom Orb). The outline of the roof structure is proposed to be broken with gable ends to match the existing building detail. These features are predominant aspects of the building.

The building extensions and new buildings are also subject to the Chinatown Planning Policy which requires buildings to be constructed as individual vernacular forms with small building scale and bulk to match, but not directly copy remaining original buildings. It may be questionable whether the proposed buildings satisfy the scale and bulk aspects of

the policy but given the nature of the development the proposal is considered reasonable.

The plans were referred to the Heritage Council of Western Australia, which has agreed to all aspects of the proposal.

Landscaping

Any undeveloped areas, as are proposed on the land on the eastern side of Carnarvon Street will need to be suitably landscaped and managed by the owner.

Contributions will be required from the proponent on a prorated basis for the upgrade of adjacent footpaths and other associated urban design features, in line with a detailed schedule.

Broome Airport Obstacle Limitation Surface Diagram

At 14.64m AHD, the maximum building height of the colonnade roof is approximately 1.66m below the Obstacle Limitation Surface Diagram at that point. The application has been referred to Broome International Airport and the appropriate approval has been received.

Flooding

The arguments for the reduced floor level of 5.375 AHD at the south east corner of the main shopping complex are supported on the basis that it will promote a better relationship between the centre and the street. Should Council decide to support the reduced floor level, approval should be on condition that Council is covered for any liability in the event of a flood occurring, as offered by the applicant.

The 5.6m AHD proposed for the remainder of the Plaza site would ensure that there were no unnecessary steps internally between the existing development and that proposed. All new buildings on the eastern site would need to comply with policy and be constructed to 5.7m AHD.

SUMMARY

The proposed Paspaley Plaza expansion largely provides for the existing Target Country to be upgraded to a regional discount department store, and comprises mostly non-food retailing. The proposal is in accord with the Local Commercial Strategy, which indicates that Broome is underrepresented in non-food or comparison retailing. It also reinforces the role of Chinatown in the Strategy as the major commercial centre. Other factors supporting the proposal include:

- Continued strong population growth in the town
- Growth in tourism, international, and domestic travel
- Additional growth in the development of tourist resorts

The Local Commercial Strategy describes its paramount objective as establishing a framework for the allocation of new commercial floor space, having regard to the viability of existing retail centres and the convenience of present and future communities. This proposal is not considered to be at odds with the expected outcomes of the Strategy. The Strategy identified a deficiency in non-food retailing and lack of a discount department store.

President: Date:

The development can meet all relevant planning provisions, including those relating to car parking. In addition, the proposal adequately addresses matters such as: the provision of suitable service areas and architectural design. The application is recommended for approval, subject to conditions.

CONSULTATION

Heritage Council of Western Australia
Broome International Airport

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No.4

POLICY IMPLICATIONS

Chinatown Development Strategy
Broome Local Commercial Strategy
4.1.8 – Car parking policy
3.1.4 – Engineering construction standards for planning and building applications

FINANCIAL IMPLICATIONS

Depending on the options selected by the applicants, the proposal could have cash in lieu implications.

STRATEGIC IMPLICATIONS

1. Social

Ensure sustainable, orderly and proper town planning

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council approves:

- A. Application for planning approval 2006/48 to develop additions to the shopping centre (Paspaley Plaza) at Lot 201 Carnarvon and Short Streets, Broome, subject to the following conditions:
 - 1. The development, including elevations, must be carried out in accordance with the plans dated 5 April 2006, and Drawing No. P.07 – C (Dated 5 March 2006).
 - 2. A Drainage Plan must be submitted to and approved by the Shire prior to any construction or works starting on-site. The Drainage Plan must ensure that stormwater runoff is disposed of to a legal discharge point and should accord with the principles of water sensitive design.
 - 3. Drainage and any filling of the site to be carried out in accordance with the approved plan.
 - 4. The existing crossover(s), not required as part of this development, must be removed and the kerb and footpath reinstated and landscaped in line with an approved plan, prior to occupancy of the development.
 - 5. A minimum of 455 car parking bays must be provided for the development. This figure is inclusive of spaces previously provided by a cash-in-lieu contribution. These car bays may be provided either on the land or on land nearby, in line with a suitable legal instrument or a cash-in-lieu contribution.
 - 6. Before the development is occupied, areas set aside for parked vehicles and access lanes as shown on the approved plans must be:
 - a) Constructed to the satisfaction of the Shire in accordance with detailed engineering plans. Main accessways, within the site, should have a minimum width of 7.0m;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Paved to satisfaction of the Shire;
 - d) Drained and maintained to the satisfaction of the Shire, including, where required, the construction of suitable drainage detention;
 - e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Shire. Car spaces will need to have sizes of 5.5m x 2.7m with a minimum access width of 6.0m. Disabled spaces will need to be dimensioned at 3.2m x 5.5m with a minimum access width of 6.0 and be provided at a rate in accordance with the Building Code of Australia.
 - 7. Provision must be made for scooter and motorcycle bays.
 - 8. The applicant must provide a cash contribution for the upgrade of footpaths and other urban design treatments abutting proposed development on the property. These works will include the repaving of the footpath, street furniture, public lighting (where appropriate), and must be made prior to occupation of the development.
 - 9. Before any works commence, a detailed schedule must be submitted to and approved by the Shire to show all proposed materials and colours.
 - 10. No building or works must be commenced until a landscape plan has been submitted to and approved by the Shire. This plan when endorsed will form part of this approval. This plan must show:

- All proposed plantings, including the provision of shade trees within the main car parking area.
- All vegetation to be retained.
- All associated landscape/streetscape structures and treatments, including footpaths, seating, paving, planter boxes and disabled access.
- Reticulation Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied.

11. A landscape management plan must be submitted to and approved by the Shire. The Management Plan will outline the maintenance and replacement regime for all proposed landscape areas.
12. All car parking, public access areas and footpaths to be appropriately lit with all floodlighting being designed to match the existing lighting, including a hooded component to prevent light spill from the site in accordance with the Australian Standard for the Control of Obtrusive Effects of Outdoor Lighting (AS4282).
13. Floor levels must be provided in line with the approved plans. Details of all floor levels must be shown on the plans submitted with the Building Licence application.
14. A suitably screened refuse bin storage area must be provided to the satisfaction of the Shire.
15. The applicant shall prepare a plan for the proposed interpretive display for the Short Street windows and present this for approval to the Heritage Council of WA prior to its implementation. The plan shall included the following:

- Detailed artwork for the three large windows displaying the Paspaley Plaza Logo.
- An outline of the historic themes or stories to be included in the interpretive display.
- Detailed artwork for the five interpretive display panels including text, photographs and images proposed to be used.
- A strategy for managing the displays, to include regular maintenance and staged reviews to ensure that the standard of the display remains high over time.
- The applicant is encouraged to use professional display designers for this work.
- All historic material is to be checked by a historian to ensure that it is historically correct and appropriate.

B. Application for planning approval 2006/49 to develop a retail/office building and car parking at Lots 3, 4, 5, 160, 161, 43, 8, 10, 9 Carnarvon Street, Broome, subject to the following conditions:

1. The development, including elevations, must be carried out in accordance with the plans dated 5 April 2006.
2. A Drainage Plan must be submitted to and approved by the Shire prior to any construction or works starting on-site. The Drainage Plan must ensure that stormwater runoff is disposed of to a legal discharge point and should accord with the principles of water sensitive design.
3. Drainage and any filling of the site to be carried out in accordance with the approved plan. The existing site levels and finished design levels of all of the proposed development, including levels on top of the kerb at the crossover, prior to commencement of construction.

4. A minimum of 23 car parking bays must be provided for the development.
5. Prior to occupation of the development, areas set aside for parked vehicles and access lanes, as shown on the approved plans, must be:
 - a) Constructed to the satisfaction of the Shire.
 - b) Properly formed to appropriate levels.
 - c) Paved to the satisfaction of the Shire.
 - d) Drained and maintained to the satisfaction of the Shire.
 - e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Shire. Car bays will need to have sizes of 5.5m x 2.7m with a minimum access width of 6.0m. Disabled bays will need to be dimensioned at 3.2m x 5.5m with a minimum access width of 6.0 and be provided at a rate in accordance with the Building Code of Australia. The parking plan must also address appropriate areas, whether on-site or off-site, for taxis and loading bay(s).
6. Provision must be made for scooter and motorcycle bays.
7. Two (2) disabled car-parking spaces must be provided convenient to the building entrance and with a minimum width of 3.2 metres, to be provided plus provision for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1).
8. The applicant must provide a cash contribution for the upgrade of footpaths and other urban design treatments abutting proposed development on the property. These works may include the repaving of the footpath, street furniture, public lighting (where appropriate), and must be made prior to occupation of the development.
9. The existing crossover(s), not required as part of this development, must be removed and the kerb and footpath reinstated, and the verge graded, stabilised and landscaped in line with the approved plan, prior to occupancy of the development.
10. No building or works must be commenced until a landscape plan has been submitted to and approved by the Shire for all undeveloped areas directly associated with the proposed building and car parking area. This plan must show:
 - All proposed plantings, including the provision of shade trees within the main car parking area.
 - All vegetation to be retained.
 - All associated landscape/streetscape structures and treatments, including footpaths, seating, paving, planter boxes and disabled access.
 - Reticulation Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied.
11. All car parking, public access areas and footpaths must be appropriately lit with all floodlighting being designed must be designed to match the existing lighting, including a hooded component to prevent light spill from the site in accordance with the Australian Standard for the Control of Obtrusive Effects of Outdoor Lighting (AS4282).
12. Before any works commence, a detailed schedule must be submitted to and approved by the Shire to show all proposed materials and colours.
13. Floor levels must be provided at a minimum 5.70m AHD for the development. Details of all floor levels must be shown on the plans submitted with the Building Licence application.

14. Amalgamation of lots 3, 4, 8, 9, 43, 160 and 161 on a diagram of survey and an application for a new Certificate of Title to be lodged with the Department for Planning and Infrastructure in respect of the amalgamated Title prior to a building licence for the development being issued, to the satisfaction of the Shire.

Due to additional information being received, the following revised Report Recommendation was tabled:

REVISED REPORT RECOMMENDATION

That Council:

- A. **Approves** application for planning approval 2006/48 to develop additions to the shopping centre (Paspaley Plaza) at Lot 201 Carnarvon and Short Streets, Broome, **including the verandah in the Short Street road reserve**, subject to the following conditions:
 1. The development, including elevations, must be carried out in accordance with the plans dated **2 June 2006**.
 2. A Drainage Plan must be submitted to and approved by the Shire prior to any construction or works starting on-site. The Drainage Plan must ensure that stormwater runoff is disposed of to a legal discharge point and should accord with the principles of water sensitive design. **The drainage plan must include provision for upgrading of the "Flood Gate" on the western boundary of the site.**
 3. Drainage and any filling of the site to be carried out in accordance with the approved plan.
 4. **The landowner must enter into a suitable legal agreement to the satisfaction of the Shire covering liability and putting in place a management procedure addressing any stormwater flooding and/or tidal inundation events prior to occupation of the development.**
 5. The existing crossover(s), not required as part of this development, must be removed and the kerb and footpath reinstated and landscaped in line with an approved plan, prior to occupancy of the development.
 6. A minimum of 455 car parking bays must be provided for the development. This figure is inclusive of spaces previously provided by a cash-in-lieu contribution. These car bays may be provided either on **site**, or on **a nearby site**, with a suitable legal instrument, or **by way of** a cash-in-lieu contribution. **This figure is to be adjusted by the net effect on parking bays in the road reserve resulting from the development.**
 7. Before the development is occupied, areas set aside for parked vehicles and access lanes as shown on the approved plans must be:
 - a) Constructed to the satisfaction of the Shire in accordance with detailed engineering plans. Main accessways, within the site, should have a minimum width of 7.0m;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Paved to satisfaction of the Shire;
 - d) Drained and maintained to the satisfaction of the Shire, including, where required, the construction of suitable drainage detention;

- e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Shire. Car spaces will need to have sizes of 5.5m x 2.7m with a minimum access width of 6.0m. Disabled spaces will need to be dimensioned at 3.2m x 5.5m with a minimum access width of 6.0 and be provided at a rate in accordance with the Building Code of Australia.
8. **All servicing is to take place on site and no articulated service vehicles are to access the site from Short Street.**
 9. Provision must be made for scooter and motorcycle bays **and additional Bicycle Racks.**
 10. **A detailed plan of all proposed changes to the infrastructure in the road reserves must be submitted to and approved by the Shire prior to any construction or works starting on-site. The detailed plan must show the location of all existing service infrastructure.**
 11. **Construction of infrastructure in the road reserve in accordance with the approved plan must be completed at the applicant's cost to the satisfaction of the Shire prior to occupation of the development.**
 12. **For works within the adjacent road verge, the proponent must:**
 - a) **take out and maintain with an insurer, approved by the Shire, public liability insurance to the sum of not less than \$10 million**
 - b) **prepare and register a notification under Section 70A of the Transfer of Land Act, in a form acceptable to the Shire, giving notice of the landowner(s) responsibility for maintenance of the verge(s), prior to occupation of the development**
 13. The applicant must provide a cash contribution for the upgrade of footpaths and other urban design treatments abutting proposed development on the property. These works will include the repaving of the footpath, street furniture, public lighting (where appropriate), and must be made prior to occupation of the development.
 14. Before any works commence, a detailed schedule must be submitted to and approved by the Shire to show all proposed materials and colours.
 15. No building or works must be commenced until a landscape plan has been submitted to and approved by the Shire. This plan when endorsed will form part of this approval. This plan must show:
 - All proposed plantings, including the provision of shade trees within the main car parking area.
 - All vegetation to be retained.
 - All associated landscape/streetscape structures and treatments, including footpaths, seating, paving, planter boxes and disabled access.
 - Reticulation Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied.
 16. A landscape management plan must be submitted to and approved by the Shire. The Management Plan will outline the maintenance and replacement regime for all proposed landscape areas.
 17. All car parking, public access areas and footpaths to be appropriately lit with all floodlighting being designed to match the existing lighting, including a hooded component to prevent light spill from the site in accordance with the Australian Standard for the Control of Obtrusive Effects of Outdoor Lighting (AS4282).
 18. Floor levels must be provided in line with the approved plans. Details of all floor levels must be shown on the plans submitted with the Building Licence application.
 19. A suitably screened refuse bin storage area must be provided to the satisfaction of the Shire.

20. The applicant shall prepare a plan for the proposed interpretive display for the Short Street windows and present this for approval to the Heritage Council of WA prior to its implementation. The plan shall include the following;
- Detailed artwork for the three large windows displaying the Paspaley Plaza Logo.
 - An outline of the historic themes or stories to be included in the interpretive display.
 - Detailed artwork for the five interpretive display panels including text, photographs and images proposed to be used.
 - A strategy for managing the displays, to include regular maintenance and staged reviews to ensure that the standard of the display remains high over time.
 - The applicant is encouraged to use professional display designers for this work.
 - All historic material is to be checked by a historian to ensure that it is historically correct and appropriate.

B. **Approves** application for planning approval 2006/49 to develop a retail/office building and car parking at Lots 3, 4, 5, 160, 161, 43, 8, 10, 9 Carnarvon Street, Broome, subject to the following conditions:

1. The development, including elevations, must be carried out in accordance with the plans dated **received 22 June** 5 April 2006.
2. A Drainage Plan must be submitted to and approved by the Shire prior to any construction or works starting on-site. The Drainage Plan must ensure that stormwater runoff is disposed of to a legal discharge point and should accord with the principles of water sensitive design.
3. Drainage and any filling of the site to be carried out in accordance with the approved plan. The existing site levels and finished design levels of all of the proposed development, including levels on top of the kerb at the crossover, prior to commencement of construction.
4. A minimum of 23 carparking bays must be provided for the development. **This figure is to be adjusted by the net effect on parking bays in the road reserve resulting from the development.**
5. Prior to occupation of the development, areas set aside for parked vehicles and access lanes, as shown on the approved plans, must be:
 - a) Constructed to the satisfaction of the Shire.
 - b) Properly formed to appropriate levels.
 - c) Paved to the satisfaction of the Shire.
 - d) Drained and maintained to the satisfaction of the Shire.
 - e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Shire. Car bays will need to have sizes of 5.5m x 2.7m with a minimum access width of 6.0m. Disabled bays will need to be dimensioned at 3.2m x 5.5m with a minimum access width of 6.0 and be provided at a rate in accordance with the Building Code of Australia. The parking plan must also address appropriate areas, whether on-site or off-site, for taxis and loading bay(s).
6. **All servicing is to take place on site**
7. Provision must be made for scooter and motorcycle bays **and additional bicycle racks.**

8. **A detailed plan of all proposed changes to the infrastructure in the road reserves must be submitted to and approved by the Shire prior to any construction or works starting on-site. The detailed plan must show the location of all existing service infrastructure.**
9. **Construction of infrastructure in the road reserve in accordance with the approved plan must be completed at the applicant's cost to the satisfaction of the Shire prior to occupation of the development.**
10. Two (2) disabled car-parking spaces must be provided convenient to the building entrance and with a minimum width of 3.2 metres, to be provided plus provision for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1).
11. The applicant must provide a cash contribution for the upgrade of footpaths and other urban design treatments abutting proposed development on the property. These works may include the repaving of the footpath, street furniture, public lighting (where appropriate), and must be made prior to occupation of the development.
12. The existing crossover(s), not required as part of this development, must be removed and the kerb and footpath reinstated, and the verge graded, stabilised and landscaped in line with the approved plan, prior to occupancy of the development.
13. No building or works must be commenced until a landscape plan has been submitted to and approved by the Shire for all undeveloped areas directly associated with the proposed building and car parking area. This plan must show:
 - All proposed plantings, including the provision of shade trees within the main car parking area.
 - All vegetation to be retained.
 - All associated landscape/streetscape structures and treatments, including footpaths, seating, paving, planter boxes and disabled access.
 - Reticulation Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied.
14. All car parking, public access areas and footpaths must be appropriately lit with all floodlighting being designed must be designed to match the existing lighting, including a hooded component to prevent light spill from the site in accordance with the Australian Standard for the Control of Obtrusive Effects of Outdoor Lighting (AS4282).
15. Before any works commence, a detailed schedule must be submitted to and approved by the Shire to show all proposed materials and colours.
16. Floor levels must be provided at a minimum 5.70m AHD for the development. Details of all floor levels must be shown on the plans submitted with the Building Licence application.
17. Amalgamation **and subdivision** of lots 3, 4, 8, 9, 43, 160 and 161 on a diagram of survey and an application for a new Certificate of Title to be lodged with the Department for Planning and Infrastructure in respect of the **resultant new Title(s,) or such other legal instrument being put in place to ensure appropriate building boundary setbacks and access to parking areas** to the satisfaction of the Shire, prior to **any works being undertaken on site.**

Moved: Cr A K Grosse

Seconded: Cr C R Mitchell

That Simon Wells and Mark Jagwa of Paspaley be permitted to speak.

CARRIED UNANIMOUSLY

Director of Corporate Services departed the meeting at 4.13pm and returned at 4.16pm.

COUNCIL RESOLUTION

Moved: Cr A C Griffiths

Seconded: Cr C R Mitchell

That the revised report recommendation be adopted with a variation to Condition 6 as follows:

- i. A minimum of 380 car parking bays must be provided for the development. This figure is inclusive of spaces previously provided by a cash-in-lieu contribution. These car bays may be provided either on the land or on land nearby, in line with a suitable legal instrument or cash-in-lieu contribution. This figure is to be adjusted by the nett effect on parking bays in the road reserve resulting from the development.**
 - ii. The applicant entering into an agreement with the Shire to monitor the use of the parking facilities, and adjacent on-street parking, for a period that encompasses at least a full seasonal cycle, following completion of the whole development the subject of this approval, and, in the event that a parking deficiency is identified, to provide additional parking equal to the deficiency, but, in any case, not greater than the requirement of the Shire Car Parking Policy.**
- 1. A variation to Condition 8 as follows: All servicing is to take place on site and a plan demonstrating that an articulated vehicle can enter the site from Short Street, access the loading bay and leave the site to the satisfaction of the Shire, be submitted and approved prior to construction commencing on site.**

FOR: 8
AGAINST: 1

MOTION CARRIED

The Director Engineering Services requested that the following be recorded:

"It is the Director Engineering Service's strong recommendation against the reduction in the floor level to 5.375m AHD from the designated minimum flood level for Chinatown under the provision of TPS4,".

[Attachment: 12 Pages](#) (& additional 5 pages as tabled at the meeting)

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 CALLING FOR PUBLIC SUBMISSIONS FOR DIFFERENTIAL RATES

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: ARA01
AUTHOR: Director Corporate Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 21 June 2006

SUMMARY: This item seeks the endorsement by Council of the differential rates, for which public submissions must be sought prior to Council actually adopting the differential rates.

BACKGROUND

At a Special Meeting of Council held on 14 June 2005 and also at a subsequent meeting on 16 August 2005, a discussion paper on property rates in the Shire of Broome was considered, along with the proposed differential rates for the forthcoming financial year.

Council resolved:

1. To combine the categories of Commercial, Industrial and Chinatown and that it be rated at the same rate in the dollar as the residential rate excluding the "tourism differential factor";
2. To combine the categories of Tourist Accommodation, Tourist Development Sites and Hotel/Motels and that it be rated at the same rate in the dollar as the residential rate excluding the "tourism differential factor";
3. That the Shire identifies bed and breakfast/mixed use accommodation and apply the tourism differential rate and identifies home businesses and apply the commercial differential rate. But further, that Council resolves not to include home business or Bed & Breakfast in the commercial or tourism categories, as it is unable to do so under the Local Government Act.
4. That the minimum rate be increased by 10% consecutively over the next two years in addition to the general increase.
5. That an increase be applied to Twelve Mile properties over a period of two years to lift the average rate to \$1,000;
6. That increases to Coconut Well properties be capped at 5% for the next three years given their average rate of \$1,600.
7. That the categories of Wattle Downs and Horticulture be combined and provide the base for differential rating in the Dampier Ward.
8. Based on the 2005/2006 property values...That Pearl Leases, and commercial operations be combined and be 2.5 times the base rate based on the 2005/2006 property values; That Short Stay Accommodation be retained and the "tourism differential factor" be applied; That the Dampier category be retained and renamed Dampier pastoral, and be 6 times the base rate; That caravan parks and service stations be spot rated based on their improvements on the site, that is on a Gross Rental Valued basis.

The final differential rates adopted and budgeted to be raised for 2005/2006 is shown in the following table:

RATE TYPE	Rate in \$	# Of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Total Revenue \$
			\$'000	\$'000	\$'000	\$'000
Differential/General Rates						
Gross Rental Valuations						
GRV - Broome Residential	0.078645	3,436	53,286	4,191	140	4,331
GRV - Broome Commercial Group	0.081000	453	26,259	2,127		2,127
GRV - Broome Tourism Group	0.088480	259	10,335	914		914
Unimproved Value Valuations						
UV - Dampier Pastoral	0.070800	20	1,542	109		109
UV - Dampier Mining	0.077600	23	470	36		36
UV - Dampier Coconut Wells	0.034200	35	20,323	70		70
UV - Dampier Twelve Mile	0.037620	71	18,461	69		69
UV - Dampier Short Stay Accommodation	0.030385	21	560	17		17
UV - Leases Dampier Commercial Operations & Pearling	0.029500	9	714	21		21
UV - Dampier Horticultural & Wattle Downs	0.011800	4	550	6		6
Sub-Totals		4,331	132,498	7,561	140	7,701

Minimum Rates						
Gross Rental Valuations						
GRV - Broome Residential		165	1,098	104		104
GRV - Broome Commercial Group		11	62	7		7
GRV - Broome Tourism Group		172	683	108		108
GRV - Exempt		71				
Unimproved Value Valuations						
UV - Dampier Pastoral		2	4	1		1
UV - Dampier Mining		43	93	27		27
UV - Dampier Coconut Wells		2	144	1		1
UV - Dampier Twelve Mile		5	789	3		3
UV - Dampier Horticultural & Wattle Downs		2	55	1		1
UV - Exempt		60				
Sub-Totals		533	2,927	253		253
Concession (refer budget Note 12)						-2
				Rates Raised		7,953

COMMENT

The Strategic Financial Plan endorsed by Council in 2005 planned for rate increases of 4% growth, 4% CPI (set by Council) and an additional amount of 4% (also set by Council). This results in a general increase to the ratepayer of 8% and increase in rate revenue for the Shire of 12%. The recommended differential rates for which public submissions must be called have been prepared with this philosophy underpinning the increases, with CPI having been determined at 4.2% resulting in an 8.2% general increase.

Rates distribution graphs for all categories are shown in the attachments along with the objects of each differential rate category.

Growth

Growth in the number of rateable properties during 2005/2006 will take the Shires rate revenue from \$7.813 million to \$8.056 million, that's an increase of 3.1%.

Broome Residential; Broome Commercial; Broome Tourism

In the report recommendation, these categories of properties receive an 8.2% increase. 4.2% reflects CPI and a further 4% is on accordance with the Shires Strategic Financial Plan. Rates distribution graphs for all categories are shown in the attachments.

Tourism Differential Factor

As Councillors are aware, the Shire has previously levied an additional 3% for commercial properties and an additional 13% for tourism properties, the proceeds of which are applied to the marketing of Tourism in Broome.

Based on the above increases, the proceeds of this "factor" amount to \$214,000 up from \$185,000.

Dampier Horticulture, Dampier Wattle Downs, Dampier Commercial Properties, Dampier Short Stay Accommodation

In the report recommendation, these categories of properties receive an 8.2% increase. 4.2% reflects CPI and a further 4% is on accordance with the Shires Strategic Financial Plan.

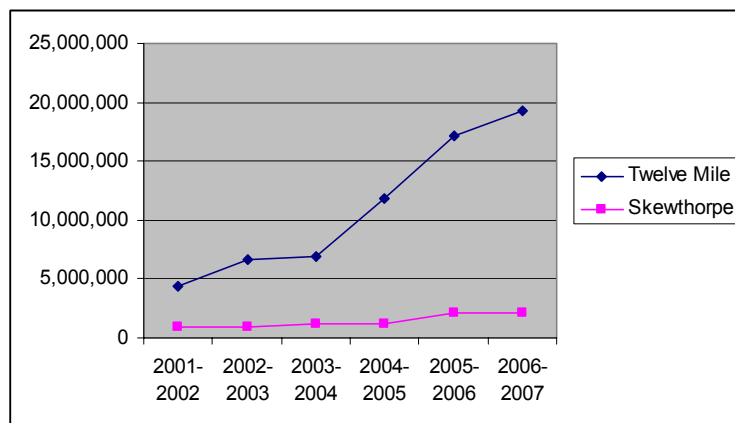
Dampier Coconut Well

Following on from Councils resolution "that increases to Coconut Well properties be capped at 5% for the next three years given their average rate of \$1,600", the increase for this year has again been capped at 5%.

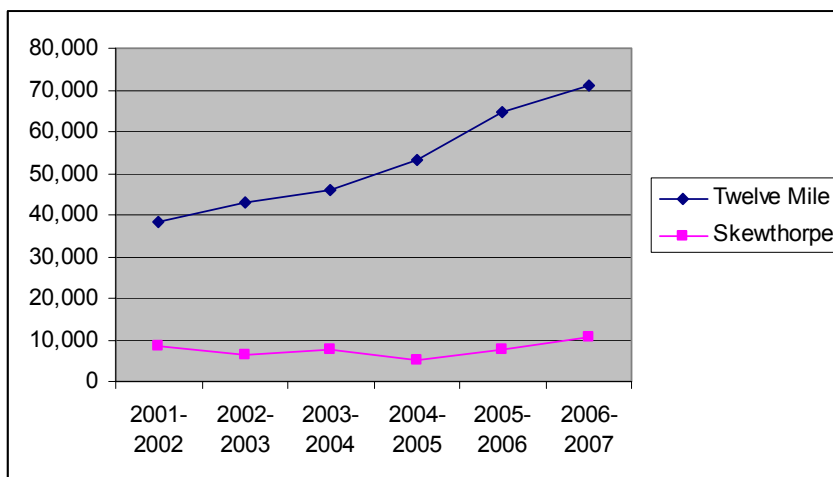
Dampier Twelve Mile

The Twelve Mile category also includes properties located at Skuthorpe. Officers recently noted an anomaly in this category resulting from the high increase in property valuations in the Twelve Mile area. The effect of this anomaly is a shift in the rate burden of this category from Skuthorpe to Twelve Mile. In other words, the Twelve Mile ratepayers have been paying a greater portion of the rates in this category in the last few years that the Skuthorpe ratepayers.

Valuations



Rates



As a result, the Skuthorpe rates have actually decreased in real terms. To resolve this anomaly, officers recommend that the Skuthorpe properties now be separated from Twelve Mile and rated accordingly.

Again following on from Councils resolution last year "that an increase be applied to Twelve Mile properties over a period of two years to lift the average rate to \$1,000", an increase amounting to 10% has been applied to Twelve Mile properties. This report has been prepared on the basis of separating Skuthorpe and applying an increase of 35% (a large percentage because the rates are low) taking the median rate to \$1,000. Please refer to attachments for further details.

Concessional Rates

Last year the Shire granted concessional rates to a Pearling lease based in Cygnet Bay owned by My Bob Brown.

The background to the concession is reproduced here to allow Council to again consider its position.

Our pearling activities and all the buildings are located on Lot 88 (5,223 sqm) and Lot 87 (2.04 hectares). We also have Lot 215 (858 ha) and Special lease Lot 84 (246 ha) which are used for grazing cattle. I believe our pearling blocks should be rated at your proposed rates. However our grazing land should be rated similar to "Dampier Horticulture & Wattle Downs" or "Dampier Coconut Wells" or " Dampier Twelve Mile".

The Valuer General has indicated that the value for Pearling Leases is based on the land component only, hence the low valuation. With the exception of Mr Brown's property, the land area ranges from 8 to 39ha and Staff noted that these properties all have a valuation of 50,000 and rates of \$1,475. The following Table illustrates:

Assess #	Value	Rates
A200040	50,000	1,475
A200260	50,000	1,475
A200280	50,000	1,475
A200910	150,000	4,425
A200920	50,000	1,475
		10,325

However this will not occur in time for the levying of the 2005/2006 rates. Two options are suggested:

1. Defer the imposition of rates on this property until the property is split and set a separate differential rate category for the grazing land.
2. Grant a concession (by Absolute Majority) under Section 6.47 of the Local Government Act for this property which takes into account the grazing component of the land and reduces the rate to what Council determines is a reasonable level. This option has been discussed with the Department for Local Government and Regional Development and is the preferred option for this year.

In formulating the officer recommendation, the officer considered the median industrial and commercial rates of \$2,000 and \$4,000 respectively, the rates levied to other Pearl Leases of \$1,400 and the median rates levied for Twelve Mile and Coconut Well properties of \$900 and \$1,900 respectively. The recommendation is to grant a concession for the freehold (grazing) component of the land of \$1,550 such that the rate yield is \$2,875 or (\$1,475 for the Pearl lease and \$1,400 for the freehold (grazing) components).

Following on from last year's recommendation, officers enquired with the Valuer General as to the possibility of splitting the assessment. The Valuer General's advice was that splitting the assessment would yield a much higher valuation as the property is currently classed as "contiguous". The result would be that the application of pearling lease rate and horticulture rate would increase Mr Brown's rate liability significantly.

If Council is to be consistent with last year's approach then the concession of \$1,670 would again apply. This would need to be resolved at the budget meeting in August to impose differential rates.

Spot Rating

Whilst Council resolved "that caravan parks and service stations be spot rated based on their improvements on the site, that is on a Gross Rental Valued basis", this has not progressed during the financial year. The process to change a rates valuation basis is quite lengthy and officers hope to commence the first stage of consultation this year.

Bed & Breakfast, Home Businesses

Correspondence regarding the inability to impose differential rates on bed and breakfast/home occupation properties was sent to the department of Local Government last year.

The Department has drafted a policy position on the issue, considered the matter at its policy group meetings and has recommended that the minister endorse the drafting of a

new regulation that would allow such an imposition. The Minister has yet to provide his response.

Minimum Rate

The minimum rate is consistent for all categories of rates, and has been set at \$743. Last years rate was \$629.

This reflects a 10% increase consistent with Councils resolution of last year "that the minimum rate be increased by 10% consecutively over the next two years in addition to the general increase."

Final comment

In summary if Council supports the above recommendations then the overall rate yield will be around \$8.75 million plus approximately \$140,000 in interim rates. This is within \$20,000 of the financial plan predictions.

CONSULTATION

To be undertaken as per the Local Government Act

STATUTORY ENVIRONMENT

Section 6.33 of the Local Government Act provides that a local government may impose differential general rates according to any, or a combination, of the following characteristics –

- (a) the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 1928;
- (b) the predominant purpose for which the land is held or used as determined by the local government;
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

Section 6.36 of the Local Government Act states that –

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (3) A notice referred to in subsection (1) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose;
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As outlined, the proposed differential rates will yield an amount of \$8.89million, which is within \$20,000 of the Shire's financial plan's estimates.

STRATEGIC IMPLICATIONS

1. Social

As part of the Shires vision, to provide an affordable lifestyle

2. Environmental

Strategic Action: Review the rating of pastoral leases and other commercial activities in the pastoral areas

3. Economic

Strategic Objective: Encourage orderly economic and employment growth to achieve increased employment opportunities and investment;

Strategic Action: review differential rating; review the 5 year rating strategy

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council endorse the following differential rate categories and call for public submissions under Section 6.36 of the Local Government Act 1995.

DIFFERENTIAL RATE CATEGORY	CENTS IN THE DOLLAR
Broome Residential	8.5094
Broome Commercial Group	8.7642
Broome Tourism Group	9.5735
Dampier Pastoral	7.6605
Dampier Mining	8.3963
Dampier Coconut Wells	0.3584 0.3591
Dampier Twelve Mile	0.3680
Dampier Short Stay Accom	3.2877
Dampier Commercial Operations	3.1919
Dampier Pearl Leases	3.1919
Dampier Horticulture	1.2767
Dampier Wattle Downs	1.2767
New Dampier Skuthorpe	0.5100
Minimum Rates (all categories)	\$743

COUNCIL RESOLUTION

Moved: Cr A C Griffiths

Seconded: Cr C R Mitchell

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 17 pages](#)

Moved: Cr A K Grosse

Seconded: Cr A C Griffiths

That this Special Meeting be adjourned under Standing Order 16.1 and reconvene following the Special Emergency Meeting which immediately follows this adjournment..

CARRIED UNANIMOUSLY

CONSULTATION

David Tomasi, UHY Haynes Norton, Chartered Accountants

STATUTORY ENVIRONMENT

Local Government Act 1995

Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003

POLICY IMPLICATIONS

Shire of Broome Policy - Commercial and Tourism Activities on Cable Beach.

FINANCIAL IMPLICATIONS

There will be income to the Shire, the value of which will depend upon the Council resolution.

STRATEGIC IMPLICATIONS

1. Social

Maximise the social, recreational and cultural opportunities for our community

2. Environmental

Nil

3. Economic

- Sustainable financial viability
- Maximise the tourism potential of our natural and built environment in a sustainable manner

VOTING REQUIREMENTS

Simple Majority

THE AMENDMENT WAS PASSED, AND BECAME THE SUBSTANTIVE MOTION:

Council's preferred position would be to retain the preferred tenderers as resolved at the previous Special Meeting to consider Tenders received for Camel Licenses. As a result of the process, Council feels compelled to accept the legal advice and audit advice received by Council, that the Tenders received be weighted under the weighting process, and as a result of that process, that the Tender be accepted and awarded to Red Sun Camels in accordance with the full offer, as tabled for the three licenses.

That the conditions for the three licenses come back to Council for final approval.

**FOR: 2
AGAINST: 7**

MOTION LOST

Cr V L Wevers requested her vote be recorded in the negative, and Cr C M Maher's vote in the affirmative.

Moved: Cr A C Griffiths

Seconded: Cr P D Matsumoto

In accordance with legal advice and audit advice received by Council that the Tenders received be weighted objectively on the price offered as 50% criteria under the weighting process, and as a result of that process that the Tender be accepted and awarded to Red Sun Camels in accordance with the full offer, as tabled for the three licenses.

**FOR: 4
AGAINST: 5**

MOTION LOST

Cr V L Wevers and Cr C M Maher requested their votes be recorded in the negative.

Moved: Cr C R Mitchell

Seconded:

That this matter be deferred pending further legal advice on the tender process and our option as to recalling tenders.

**FOR:
AGAINST:
MOTION LAPSED DUE TO NO SECONDER**

Moved: Cr V L Wevers

Seconded: Cr A K Grosse

That Council accepts Red Sun Camels (Preference 3), Ships of the Desert and Broome Camel Safaris as the preferred Tenderers as per the resolution of the Special Meeting of 8 June 2006.

**FOR: 2
AGAINST: 7**

MOTION LOST

Cr C M Maher departed the Chambers at 7.22pm and returned at 7.25pm.

