



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

ORDINARY MEETING OF COUNCIL

22 NOVEMBER 2007

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**ORDINARY COUNCIL MEETING
22 NOVEMBER 2007****INDEX - AGENDA**

1.	OFFICIAL OPENING	6
2.	ATTENDANCE AND APOLOGIES	6
3.	DECLARATIONS OF FINANCIAL INTEREST	6
4.	PUBLIC QUESTION TIME	7
5.	CONFIRMATION OF MINUTES	11
6.	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION	11
7.	PETITIONS	11
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED	11
9.	REPORTS OF OFFICERS	12
9.1	LEADERSHIP / GOVERNANCE AND ORGANISATION	13
	9.1.1 COMMON SEAL REPORT	14
	9.1.2 KIMBERLEY ZONE INPEX DEVELOPMENT ON MARET ISLANDS	15
9.2	COMMUNITY DEVELOPMENT SERVICES	21
	9.2.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS	22
	9.2.2 BROOME RECREATION AND AQUATIC CENTRE (BRAC)	25
9.3	DEVELOPMENT SERVICES.....	28
	9.3.1 PROPOSED AMENDMENT TOWN PLANNING SCHEME NO 4 - CLOSED ROAD TO 'SPECIAL USE - CARAVAN PARK AND CAMPING'	29
	9.3.2 PROPOSED AMENDMENT TOWN PLANNING SCHEME NO 4 LOT 1370 ORR STREET BROOME R10/20 TO R50	32
	9.3.3 APPLICATION FOR PLANNING APPROVAL – SATELLITE TELEPHONE SERVICE – YANDARINA OUT-STATION – GREAT NORTHERN HIGHWAY	36
	9.3.4 APPLICATION FOR PLANNING APPROVAL – VHF RADIO HUT - GOOJARR GOONYOOL COMMUNITY	39
	9.3.5 APPLICATION TO TRADE IN PUBLIC – CABLE BEACH GRASSED AREA	41
	9.3.6 PROPOSED NEW FEES AND CHARGES - REPLACEMENT REFUSE AND RECYCLING SULO RECEPTACLES	43
	9.3.7 WASTE MANAGEMENT ADVISORY COMMITTEE	46
9.4	CORPORATE SERVICES	49
	9.4.1 ACCOUNTS FOR PAYMENT	50
	9.4.2 OCTOBER 2007 MONTHLY FINANCIAL ACTIVITY REPORT	51
	9.4.3 RISK MANAGEMENT STRATEGY	55
	9.4.4 DELEGATIONS TO COMMITTEES	59
	9.4.5 RESERVE 43206 - EXCISION, CHANGE OF PURPOSE AND CREATION OF RESERVE 49242	73
	9.4.6 COMMUNITY SPONSORSHIP AND DONATIONS PROGRAM	76
	9.4.7 DONATION - CAROLS BY CANDLELIGHT 2007	82

President: Date:

9.5 ENGINEERING SERVICES 84

9.5.1 INTERCITY BUS SET-DOWN RELOCATION REQUEST85

9.5.2 DISPOSAL OF VEHICLE TENDERS 2007/0888

9.5.3 BROWN COURT - REID ROAD - PROPOSAL TO FENCE OFF UNALLOCATED
CROWN LAND91

9.5.4 LICENSE OVER AIRPORT LAND FOR DRAINAGE PURPOSES96

9.5.5 CONTRACT 07/52 BRAC STAGE 2A THE SUPPLY AND INSTALLATION OF
ELECTRICAL SUB MAINS CABLES TO BUILDING 2104

9.5.6 CONTRACT 07/51 PROPOSED DRAINAGE INSTALLATION MILLINGTON
ROAD BROOME, SEPARABLE PORTION (1) & SEPARABLE PORTION (2)108

9.5.7 WEED TREE ERADICATION - CHINATOWN113

10. REPORTS OF COMMITTEES 117

11. NOTICES OF MOTION 119

12. LATE ITEMS 119

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN 119

14. MATTERS BEHIND CLOSED DOORS 119

9.5.4 LICENSE OVER AIRPORT LAND FOR DRAINAGE PURPOSES119

15. MEETING CLOSURE 127

NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday 22 November 2007, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm

Regards



Ian Bodill
Chief Executive Officer

12 November 2007

President: Date:

1. OFFICIAL OPENING

The Chairperson welcomed members and the public and declared the meeting open at 5.04pm.

2. ATTENDANCE AND APOLOGIES

Attendance	Cr G T Campbell Cr C R Mitchell Cr R J Lander Cr S E Eaton Cr M L B Albert Cr V L Wevers Cr E R M Foy	Shire President
Leave of Absence	Cr C M Maher Cr P D Matsumoto	
Apologies	Nil	
Officers	Ian Bodill Ingrid Bishop Neville Lavey Darryl Butcher Chris Jackson Jo Durbridge Jillian McMahon	Chief Executive Officer Director Corporate Services Director Engineering Services Director Development Services Director Community Services Media & Promotions Officer Council Secretary
Public Gallery	Dale Miller Andrea Spencer Tony Hutchinson David Dureau G Sutherland	Broome Advertiser Broome Caravan Park

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page No	Item	Nature of Interest
Cr G T Campbell	9.2.2	25	Broome Recreation And Aquatic Centre (BRAC)	Financial – Owner of Adjacent Property
Cr E R M Foy	9.3.1	29	Proposed Amendment TPS 4 - Closed Road To 'Special Use - Caravan Park And Camping'	Impartiality – Native Title Claim
Cr E R M Foy	9.4.5	73	Reserve 43206 - Excision, Change Of Purpose And Creation Of Reserve 49242	Impartiality – Native Title Claim
Cr R J Lander	9.4.7	82	Donation – Carols by Candlelight 2007	Impartiality–Association with Broome Christian Fellowship
CEO Ian Bodill	9.5.2	88	Disposal Of Vehicle Tenders 2007/08	Financial – tendered for one of the contracts
Cr G T Campbell	9.5.5	104	BRAC Stage 2A The Supply	Financial – Owner of

President: Date:

Councillor	Item No	Page No	Item	Nature of Interest
			and Installation Of Electrical Submains to Building 2	Adjacent Property
Cr E R M Foy	9.5.6	108	Contract 07/51 Proposed Drainage Installation Millington Road Broome, Separable Portion (1) & Separable Portion (2)	Impartiality - Resides in Millington Road

4. PUBLIC QUESTION TIME

Mr David Dureau submitted a number of questions at the Ordinary Council Meeting of 27 September which were taken on notice and answered below:

Question 1: *‘Would Council accept the attachment to this question as handed to the Council Secretary and would Council consider developing a position on a proposal for heritage listing of the West Kimberley area?’*

Answer – Director Development Services: It is assumed the reference to West Kimberley area is a reference to the Shire of Broome. Any proposal for a heritage listing within the Shire would need to be supported by extensive research before being considered by Council. The land use and infrastructure plan being prepared by the Department of Planning and Infrastructure may provide some indication in this regard but there is not considered sufficient information available at this stage.

Question 2: *This question relates to Cable Beach planning – I understand the Cable Beach Development Plan for 2004 hasn't been submitted to the Minister for approval as required by the Act. What are the implications for land owners and developers by this oversight and when does Council intend to legalise this significant document.”*

Answer – Director Development Services: The Cable Beach Development Plan 2004 has been adopted by the Shire of Broome but not by the Western Australian Planning Commission (WAPC). There is no requirement for a development plan to be created, and if one is prepared there is no requirement for it to be submitted to, or approved by the Minister for Planning and Infrastructure. The Shire of Broome Town Planning Scheme No4 makes provisions for the making and adoption of development plans to control and guide development in certain zones. Development plans are not mandatory but must be adopted by both the Shire and the WAPC to have effect.

This situation is not the result of an oversight but it is understood the WAPC would not adopt the plan because of perceived conflict between provisions for residential/tourism split and State Government intentions in that regard. No landowner or developer has been disadvantaged by this situation however it is considered it will be useful for the development plan to set out guidelines for the future development of the tourist node and it is currently being reviewed for that purpose. A reviewed development plan should be able to be considered by Council next year.

Question 3: *“Recently I heard on the ABC of a proposal to rid the Kununurra district of Neem trees as here too they have become a significant pest plant. Their proposal included the Cooperation of the Shire who asked the public to cut down trees on their properties and place them on the road verge during Cyclone Clean-up and the Shire would remove them. It also encouraged volunteers to go out and cut trees on vacant areas where they have significantly established. I thought the programme to be excellent*
 President: Date:

and the points raised could be adopted by the Broome Shire. If the Shire can't include them in the upcoming Clean-up perhaps a specific day could be nominated during future Cyclone Clean-ups where it could be put in place.

Answer – Director Engineering Services: A question relating to Neem Trees has been addressed in the Minutes of the 18 January 2007 Council Meeting wherein the Director Engineering Services at that time responded, and the Annual Electors Meeting of 21 December 2006 with a response by the Director Development Services. These excerpts follow at the end of this answer.

Council's 2007 pre-cyclone clean-up has been successfully completed as of 5 November 2007. This program was aimed at the collection of articles, which could become wind borne projectiles in the event of a cyclone. The collection of Green Waste was generally not included due to the excessive costs experienced in previous collections.

Neem trees are identified in Council's "Weeds of Broome" brochure, which is available to all interested people. Although it is a potential nuisance weed, it is not a "Declared Noxious Weed" (Refer Noxious Weeds List for Australian States and Territories - Australian Weeds Committee Sept 2007) and residents cannot be directed to remove it from their gardens. It is also considered to be a more serious problem in Kununurra where extensive irrigation occurs. In Broome Council staff consider the coffee bush (*Leucaena leucocephala*) and various vine varieties including Siratro (*Macroptilium atropurpureum*), *Merrimia aegyptia* & *Merrimia dissecta*, and Wild passionfruit (*passiflora foetida*) to be a more serious threat locally.

Council has budgeted approximately \$47,000 in its 2007/08 Budget for the purpose of weed control on road verges, drains, Public Open Space and Public Access ways. Weed Control in parks, cemeteries and coastal parks is funded separately and is additional to that amount. This funding is utilised by a dedicated and qualified Environmental Weed Control Officer engaged in an ongoing weed eradication program.

Council regularly monitors weed infestation on street verges, parks and drainage lines and takes appropriate action. For example, over the last two (2) weeks four (4) large Neem trees have been removed from road reserves, and over the past 2-3 years up to 150 Neem trees have been removed from the Reid Rd road reserve alone. When discovered, weed infestations of Neem trees are cut down and mulched and the stump ground out thus avoiding the unnecessary use of chemicals.

In response to your further written request for information after the Council meeting of 25 October regarding free replacement plants and advice on poisoning stumps, I add that Council practice has been that it will provide free trees from the nursery to residents for planting on the verge area upon request. It is not the intention and nor would Council have sufficient trees available in its nursery, to provide 2 free replacement trees for every Neem tree removed from private property.

In addition, Council is not in the business of offering free advice on the poisoning of stumps as this would unnecessarily increase Council's risk exposure. Such advice should come from the supplier of the chemical product used who has the responsibility of ensuring the end user has all the information necessary for its safe and environmentally responsible use.

Excerpt from the Minutes of 18 January 2007 follows:

“Question 1: “Will Council reaffirm Council Resolution regarding Neem trees and Council to set a date --say June 2008 - to rid the town site and rural areas of all Neem trees?”

Answer – Director Engineering Services: Council has already approved a new Weed Strategy for Broome and allocated funds towards an ongoing program. Part of that program is to eradicate all wild Neem trees and to remove all Neem trees on road reserves as a matter of course. The program has commenced with many Neem trees in streets and Minyirr Park already removed. The program will continue until eradication is complete and includes liaison with other property owners for removal by them also.”

And at the Annual Electors Meeting 21st December 2006:

Annual Electors Meeting 21 December 2006:

“Question - Mr Dureau: “Can Cr G T Campbell join with fellow Councillors and discuss the appropriateness of the Neem tree removal program so far and address the wide spread of Neem trees in the greater Broome area, and establish a timeframe whereby all resident have their Neem trees removed?”

Answer – Director Engineering Services: “Funds have been budgeted for this task. Minyirr Park Neem removal has occurred and where specific locations of Neem trees have been identified, they have also been removed. Information can be provided if required. It is an ongoing task.”

Moved: Dave Dureau Seconded: Liz Cochrane
That Council discuss and consider setting a target date to require the removal of all Neem Trees from the locality of Broome.

“Officer Comment (Previous Director Engineering Services): It is staff opinion that this motion should not be supported as Council has already adopted a Weed Strategy Policy, which identifies the Neem tree as a priority weed for eradication, subject to available resources. Also, the Shire of Broome does not have the power to enforce the compulsory removal of Neem trees from private property.”

* * * * *

Andrea Spencer submitted the following questions for the Ordinary Council Meeting of 22 November in relation to Agenda item 9.1.2:

Question 1: “Is Council aware that the Northern Task Force has not yet reported?”

Answer – Shire President: “This will be considered by Council.”

Question 2: “Is it not premature for the Shire of Broome to be supporting other Councils in agreeing to the Maret Islands / Inpex proposal without all the information / facts?”

Answer – Shire President: “This will be considered by Council.”

Question 3: “Is Council aware that at a recent Inpex meeting, representatives from the Company were unable to indicate what percentage / proportion of their build / operational requirements would be sourced from the local communities and therefore how could the Council be sure of the social / economic benefits?”

President: Date:

Answer – Shire President: “Yes, Councillors are fairly well aware of the possible social and economic impacts of Inpex's actions and Council will consider these”.

Question 4: “Is Council aware that many resource companies in WA are struggling to find people, it may be that the beneficiaries will be those currently being 'courted' from the East coast rather than those in the Kimberley. Other beneficiaries may be people currently living in Karratha with the skill sets Inpex need.”

Question 5: “Is Council aware that whilst the build phase will require over 2,000 people and may provide some job opportunities for people in Broome, it may be potentially detrimental to Broome and it's current development and reputation? Unless we obtain more information about the genuine benefits, I would urge Council to be cautious in endorsing anything.”

Answer – Shire President: “These questions will be considered by Council”.

* * * * *

David Dureau asked the following questions at the Ordinary Council Meeting on 22 November 2007:

Question 1: “Thankyou to staff for answering the questions I submitted at the last meeting however in regard to those I draw your attention to Question 1 which is in regard to a proposed West Kimberley listing for heritage listing and I point out that it seems the answer is misinterpreted as the outline of the West Kimberley heritage listing area was quite clearly not the Dampier Peninsular and was aimed at Council establishing a position in regard to that wilderness area prior to perhaps supporting the proposed developments. As it turns out on page 13 (of this Agenda) the Councillors are being asked to support the development of the Maret islands and I think it would be co-jointly that no decision should be made until each issue is considered?”

Answer – Director Development Services: “I understand what you are asking. I had taken your request to be an example of what was being done elsewhere in the Kimberley and whether it could be done in the West Kimberley. Now it is clarified I will respond accordingly and rephrase the answer given.”

Question 2: “Before Council considers industrial developments will Council be looking at Wilderness status issues?”

Answer – Shire President: “ Councillors will be want to consider all aspects of any proposal.”

Question 3: “ I refer to a question on page 7 (of this Agenda) In regard to Neem trees. The answer although comprehensive is somewhat conflicting. However to be specific I think I have asked on page 8 that ‘Can Cr G T Campbell join with fellow Councillors and discuss the appropriateness of the Neem tree removal program so far and address the wide spread of Neem trees in the greater Broome area, and establish a timeframe whereby all residents have their Neem trees removed?’ That motion has been supported but seems to be answered by staff without going to the Councillors.

Answer – Shire President: “We supported the process through the Weed Strategy. I understand your concerns about Neem trees. By supporting the budget, Council do support the destruction of Neem trees.”

9.

REPORTS

OF

OFFICERS

9.1

LEADERSHIP / GOVERNANCE

AND

ORGANISATION



OUTCOME

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

9.1.1 COMMON SEAL REPORT

DATE	DETAILS
9 November 2007	Lease - Chu Chuus Early Education Centre Reserve 1640
9 November 2007	Lease – Department of Housing & Works, Kimberley Regional Office

REPORT RECOMMENDATION

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

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr M L B Albert

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

9.1.2 KIMBERLEY ZONE INPEX DEVELOPMENT ON MARET ISLANDS

LOCATION/ ADDRESS:

APPLICANT: Shire of Derby West Kimberley

FILE:

AUTHOR: Chief Executive Officer

CONTRIBUTOR/S: Shire of Derby West Kimberley

RESPONSIBLE OFFICER: Chief Executive Officer

DISCLOSURE OF ANY INTEREST: Nil

DATE OF REPORT: 6 November 2007

SUMMARY: The Shire of Derby West Kimberley is seeking Council and ultimately the Kimberley Zone's support for Inpex and its potential use of the Maret Islands. The Shire's recommendations are as follows:

- "1. That the Kimberley Zone supports Inpex for the development of Maret Islands should all environmental clearances be approved by the State.*
- 2. That the Kimberley Zone secretary prepares and distributes media releases indicating Kimberly Zone support for the Maret Islands gas project.*
- 3. That the Kimberley Zone writes to Inpex indicating Kimberley Zone support for the project."*

BACKGROUND

Previous Considerations

Nil

Over the last two years both Inpex and Woodside have briefed the Shire of Broome regarding its intentions to develop projects in terms of gas processing in the Kimberley. No formal application or great depth of information has required this matter to be brought to Council for its comment.

No further information is available to appraise Council of this matter. Indeed a lot of the information available is what is read in the newspapers or what is heard in the streets.

COMMENT

The Shire of Derby West Kimberley has prepared a report for the Kimberley Zone meeting to be held in Darwin at the end of November and extracts of the report are as follows:

(unedited excerpt)

"Significant gas resources have recently been highlighted in the Browse Basin north-west of Derby. Over the last two years, both Woodside and Inpex have indicated the development of projects that are likely to require gas processing somewhere along the Kimberley coast.

On a number of occasions, Inpex has met with various Kimberley Councils discussed its proposal to develop the Maret Islands as its location for LNG processing.

STRATEGIC IMPLICATIONS:

1. Social

Should the Maret Islands be successful in obtaining LNG processing, given the proximity to the Kimberly Coast the social impacts are expected to be significant.

Inpex has always indicated its intention to support the local community and intends to become actively involved in the community should the Maret Islands location be successful. This will result in increases in population, air services and thus health and education. It is likely that more industry support services would also result and a regional level.

2. Environmental

Many environmental clearances are required for the development of the site and this is still ongoing. Whilst not specifically the responsibility of local government, it is prudent to ensure that all environmental clearances are achieved.

It is the opinion of the Shire of Derby/West Kimberley that the zone should be supportive of such a project should environmental clearances be approved by the State.

3. Economic

As previously stated, Inpex has indicated its willingness to support the local community thus economic benefits will be substantial. The prosperity that is being seen through many regional centres in the north-west can be directly attributed to resources and associated services and it is likely that should the Maret Islands be successful on going economic benefit would occur.

CONSULTATION:

On a number of occasions, Inpex has met directly with numerous Kimberley Councils explaining its project details. Community consultation has also occurred regularly to keep the general public informed.

COMMENT:

The Kimberley should be positioning itself to take advantage of Browse gas projects over numerous years. It would therefore seem appropriate to support the Maret Islands should all environmental clearances be approved by the State.

The benefits for the region are significant which include increased social benefit by Inpex clearly indicating its desire to be a member of the community and a good corporate citizen.

Further, the impacts on the broader community can be seen via increases in population, jobs, economic prosperity and the revitalisation of industry."

The President and Deputy President of Broome will be the voting members at the Zone meeting and it is imperative that they are provided with direction from Council regarding this item.

From the Derby West Kimberley perspective it appears that there are social prospects for the Kimberley Region. From a Shire of Broome perspective the strategic implications are largely unquantified and a number of questions remain unanswered. The Shire would be better positioned after examining any available reports regarding the social impact of this project. Inpex has been a contributor to various community events both in Broome and the Kimberley with the Shinju Matsuri event being one that comes to mind.

There are environmental matters which are unknown to us but are clearly present in projects of this nature and which will require resolving if the project is to proceed. Inpex has spoken about employment opportunities for Broome and the Kimberley in briefings and this also is wholly not quite clear. Finally, there have been concerns raised regarding the effects that projects of this nature will have on Tourism in Broome. Council reserves the right to respond to forthcoming issues as they arise.

CONSULTATION

Brief information from Inpex and Woodside at various times throughout the last two years.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

Actively consult and work with the Traditional owners and Aboriginal people of Broome.

Place

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

Prosperity

Support business and economic development.

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

President: Date:

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the President and Deputy President be authorised to vote as follows at the Kimberley Zone Meeting on 24/25 November 2007:

1. That subject to Environmental, Economic and Social reports revealing no significant impact to Broome and the Kimberley, the Shire of Broome gives support to Derby West Kimberley and the Zone regarding the development of Maret Islands.
2. That the Kimberley Zone secretary prepares and distributes media releases indicating Kimberley Zone support for the Maret Islands gas project.
3. That the Kimberley Zone writes to Inpex indicating Kimberley Zone support for the project.

COUNCIL RESOLUTIONALTERNATE MOTION

Moved: Cr V L Wevers

Seconded: Cr C R Mitchell

- A. **That Council is unable to make an informed decision on the development proposal for the Maret Islands at this time for the following reasons:**
1. **No information has been provided from Inpex to support this agenda item.**
 2. **The Shire needs to assess the impacts of benefits and costs to the community.**
 3. **The Shire needs to assess the impacts of benefits and costs on the commercial and industry sectors in Broome; advice should be received from the Broome Port Authority, Broome Chamber of Commerce and Australia's North West Tourism Association at the very least.**
 4. **The Northern Australia Taskforce has not yet reported on its research into gas production / development of a resources supply base/hub in the Kimberley.**
 5. **The Broome Planning Advisory Committee should provide advice to Council to ensure planning for residential and light and heavy industrial areas will be able to accommodate large increases in people and commercial/industrial activity.**
 6. **The Shire has not yet engaged with the State Government on the capital infrastructure and services required as these will be extensive.**
 7. **As this development will be based in the Shire of Wyndham East Kimberley, that Shire should be asked to brief the Shire of Broome on any plans it has associated with this proposal.**
 8. **Environmental and Social planning and approvals have yet to be completed by Inpex.**

9. The consequences of damage to the cultural and heritage values and to the environmental 'wilderness' values of the Kimberley are yet to be assessed.

B. That the Shire President and Deputy Shire President not support the motion at Agenda Item 5.4 WALGA Kimberley Country Zone Meeting to be held 25 November, 2007 in Darwin and that they should advise the Kimberley Country Zone that Council will reconsider the issue when the above information becomes available.

CARRIED UNANIMOUSLY

Reason for Alternate Motion: Council does not have the relevant information in order to make an informed decision.

9.2

COMMUNITY DEVELOPMENT SERVICES



OUTCOME

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

9.2.1 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: AFC01
AUTHOR: Manager Emergency, Ranger & Beach Services
CONTRIBUTOR/S: N/A
RESPONSIBLE OFFICER: Director Community Services
DISCLOSURE OF ANY INTEREST: Author is one of the recommended appointee's
DATE OF REPORT: 1 November 2007

SUMMARY: A report to Council recommending the appointment of Mr Doug Van Bavel as Chief Bush Fire Control Officer and Mr Kevin Bearcroft as Deputy Chief Bush Fire Control Officer for the Shire of Broome.

BACKGROUND

Previous Considerations

OCM 15 March 2007 – Item 9.2.1

At the Ordinary Council Meeting of 15 March 2007, the appointment of Bush Fire Control Officers was resolved. With the departure of some staff from the organisation it is timely to revisit the appointment of Bush Fire Control Officers (BFCO's) and the issue of bush fire management within the Shire of Broome.

The appointment of a replacement CBFCO, DCBFCO will increase Council's capacity to better manage the threat of bush fire in the Shire of Broome and to ensure the strategy for bush fire management as identified in the fire management plan (to be developed), is progressed in a timely fashion.

These appointments will complement the one current (Beach Inspector) and three new BFCO's that will be appointed by virtue of their position as an Authorised Officer (Ranger) when recruitment of these positions have been completed.

COMMENT

Section 38 (2)(c) of the Bush Fires Act 1954 states that the Local Government shall fill any vacancy occurring in the office of CBFCO or DCBFCO within one month after the vacancy occurs and if the Local Government fails or neglects to do so within that time FESA may, by notice in writing require the Local Government to appoint a person to the vacant office within one month after service on it of such notice.

Section 38 (1) of the Bush Fires Act 1954 states that a Local Government may from time to time appoint such persons as it thinks necessary to be its BFCO's and from these appoint the CBFCO and the DCBFCO.

The BFCO's main duties relate to fire prevention (Section 39 of the Bush Fires Act 1954). They are the officers through whom Local Government works to control the use of fire and certain machinery and operations, at such times of the year as could lead to bush fires. The BFCO's have an advisory function on general fire safety and may have suppression duties that involve the direction of volunteers and brigades.

President: Date:

The BFCO's can impose limitations, conditions and restrictions on activities that are in breach of the Bush Fires Act, the Shire of Broome Bush Fire Management Plan and Local Laws.

The CBFCO and the DCBFCO's are the most senior Bush Fire Control Officers appointed by a Local Government Authority (LGA) and have powers and responsibilities conferred by the Bush Fires Act and Regulations.

As the senior officers of the Shire of Broome's Bush Fire Organisation, they may, under exceptional circumstances (absence of officers from the Broome Regional Bush Fire Brigade), take overall charge of fire fighting in the Shire of Broome area of responsibility. The role of the CBFCO (in his absence the next senior Deputy) includes, but is not limited to, the following functions:

- Providing leadership to the Shire of Broome BFCO's and Bush Fire organisation;
- Monitoring the Shires' fire resourcing, equipment (including protective clothing) and training levels, and providing regular reports to Council via the Councils Bush Fire Advisory Committee;
- Liaising with Council concerning fire prevention/suppression matters generally, and any directions which it may be appropriate for Council to issue to BFCO's or brigades/brigade officers;
- Ensuring that any brigades and its officers are registered with the Shire of Broome and those lists of registered brigade members are maintained.

The CBFCO also provides coordination between the various parts of the organisation as well as an important link between the Shire of Broome and other fire protection agencies such as the Department of Environment and Conservation (DEC) and the Fire and Emergency Services Authority (FESA).

Given the responsibility of the position of CBFCO and the requirement for the appointee to expend Council revenue if required it is felt that the position be vested with a Council employee to ensure accountability.

Mr Doug Van Bavel is currently Council's 1st Deputy Chief Bush Fire Control Officer. Mr Van Bavel has had extensive experience as a Bush Fire Control Officer throughout his 8 years working for Local Government and has completed all relevant training as it relates to bush fire suppression and management.

Mr Kevin Bearcroft has experience in bush fire suppression and management in his capacity as a member of the Broome Regional Volunteer Bush Fire Brigade and has completed relevant training within the brigade.

Training for Bush Fire Control Officers has been identified and will be provided by FESA.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Bush Fires Act 1954

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In accordance with the Bush Fires Act 1954 Section 38 (2)(a), advertising in a local newspaper circulating the district will be undertaken.

STRATEGIC IMPLICATIONS

People

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

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

Place

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

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council:

1. *Appoints Mr Doug Van Bavel to the position of Chief Bush Fire Control Officer for the Shire of Broome.*
2. *Appoints Mr Kevin Bearcroft to the position of Deputy Chief Bush Fire Control Officer for the Shire of Broome.*

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr M L B Albert

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

Cr G T Campbell declared an interest in Item 9.2.2 due to his ownership of an adjacent property and departed the Council Chambers at 5.29pm. Cr C R Mitchell assumed the Chair.

9.2.2 BROOME RECREATION AND AQUATIC CENTRE (BRAC)

APPLICANT: N/A
FILE:
AUTHOR: Director Corporate Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 9 November 2007

SUMMARY: This item provides a response to the BRAC Review of Operations - Final Report and seeks Council endorsement for a temporary amendment to fees and charges for a specific BRAC service.

BACKGROUND

Previous Considerations

OCM 18 January 2007 – Item 9.2.1
 OCM 22 December 2005 – Item 9.2.2

In May 2006 the Shire of Broome engaged A Balanced View (ABV) Leisure Consultancy Services to undertake an Operational Review of BRAC (refer attachment 1 - Executive Summary of Report). The aim of the review was:

“To provide the Council with a comprehensive review of the operations of BRAC and to provide strategies to deliver ‘best practice’ results for the management of BRAC in the context of the future development of the sport and recreation precinct, of which BRAC is stage 1 of a three stage process”

COMMENT

Director Corporate Services has reviewed the report in conjunction with overseeing the facility for the past two months and will in due course, present a detailed BRAC Plan of Action in response to the recommendations (refer attachment 2), which will include financial and resource implications. The Report has highlighted key areas of focus being:

- Strategic Positioning
- Management Practices
- Community Liaison/Relations
- Staff structure
- Operations
- Facility Design
- Bar and Kiosk
- Financial Management and Benchmarking

To further support the development of the BRAC Plan of Action, three additional initiatives are progressing which will inform and, where applicable, be integrated into the plan.

President: Date:

1. development of the Shire of Broome Sport and Recreation Plan (which forms part of the overarching Community Development Plan).
2. identification and mapping of all sport, recreation and community assets across the Shire of Broome. This includes infrastructure, groups, agencies, organisations etc
3. development of a Department of Sport and Recreation regional plan (driven by DSR)

It is proposed to have a draft Plan of Action completed by March 08.

AMENDMENT TO FEES AND CHARGES

The BRAC Review of Operations - Final Report discusses issues associated with product development and pricing. Resolution of this issue should be a high priority as the accessibility and affordability of services to the community is essential for BRAC to be able to provide a high level of customer service and satisfaction.

A review of fees, charges and membership structure will be undertaken in line with product development however, in the interim, it has been noted that some services do not have an appropriate fee structure applied, with the Shire receiving written complaints supporting this issue of unaffordable services.

For example, one such service is the Aqua Aerobic Lite Pace. Predominately utilised by retired females, this service attracts a fee per session of \$6.30. A local group attend three times a week to a cost of \$18.90 pw. BRAC does not offer pensioner concessions or discount. This service has now become unaffordable and is not considered a viable form of exercise for some citizens. This raises the following concerns:

- cessation of exercise for the individual, with potentially no regular exercise being undertaken
- possible loss of social contact for the individual with the exercise group
- poor customer service and satisfaction
- loss of revenue for BRAC

Acknowledging the above and the pending review of fees, charges and membership structure, it is recommended that fees for the Aqua Aerobic Lite Pace program revert to 06/07 fees until further notice, which although equates to a nominal reduction, does indicate Councils commitment to accessibility and affordability.

CONSULTATION

Consultation has been undertaken via the BRAC Review of Operations – Final Report which included BRAC staff, BRAC users, elected members and sporting clubs. Further consultation will be undertaken.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Possible amendment to Fees and Charges Schedule.

President: Date:

FINANCIAL IMPLICATIONS

Potential future financial and resource implications will be identified through the planning process, which will be escalated to Council for consideration.

STRATEGIC IMPLICATIONS**People**

The community engaging with the Shire and contributing to an enhanced quality of life.

Community Services, Community Development Programs and Community Infrastructure delivered by the Shire and/or in partnership with other agencies, are accessible and affordable and contribute to the well-being and safety of the community.

Place

The built environment is effectively maintained, developed and managed to achieve positive long term economic, social and environmental benefits.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council

1. *Notes the response regarding the BRAC Review of Operations – Final Report and the supporting planning activities being undertaken.*
2. *Agrees to amend the fees for the Aqua Aerobic Lite Pace from \$6.30 per session to 06/07 fee of \$5.30.*
3. *Gives public notice of the intention to set fees in accordance with Section 6.19 of the Local Government Act 1995.*

COUNCIL RESOLUTION

Moved: Cr V L Wevers

Seconded: Cr S E Eaton

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 12 pages](#)

Cr G T Campbell returned to the Chambers at 5.33pm and resumed the Chair.

President: Date:

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.

The Shire President invited the Chief Executive Officer to introduce the Shire's new Director of Community Services, Mr Chris Jackson.

With regard to Item 9.3.1 Cr E R M Foy disclosed that "I have had an association with a Native Title claim. 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". Cr E R M Foy departed the Chambers at 5.34pm.

9.3.1 PROPOSED AMENDMENT TOWN PLANNING SCHEME NO 4 - CLOSED ROAD TO 'SPECIAL USE - CARAVAN PARK AND CAMPING'

LOCATION/ ADDRESS:	Closed Road adjoining Lot 1207(14) Wattle Drive, Broome.
APPLICANT:	Andrew Pawluck on behalf of Graham and Donna Sutherland
FILE:	WAT-1/14
AUTHOR:	Manager Planning Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	31 October 2007

SUMMARY: This report recommends that Council amends Town Planning Scheme No 4 to rezone the closed road adjoining Lot 1207 Wattle Drive from 'General Rural' to 'Special Use - Caravan Park and Camping'.

BACKGROUND

Previous Considerations

OCM - 12 August 2003 Item 9.2.8
 OCM - 13 April 2004 Item 9.2.11
 OCM - 30 November 2004 Item 9.2.1
 OCM - 21 December 2006 Item 9.3.7
 OCM - 11 April 2007 Item 9.3.1

Site and Surrounds

The closed road portion, which abuts Lot 1207, has a total area 1.6845ha. The adjoining land, lot 1207 Wattle Drive, contains the Broome Caravan Park.

At the meeting 11 April 2007 Council supported the closure of the subject portion of road reserve in the knowledge that the land would be amalgamated with the Broome Caravan Park lot and used for caravan park purposes.

The subject portion is shown on Deposited Plan 47437 as prepared by Department for Planning and Infrastructure. While the plan shows also Portion Pt Lot 67 of Unallocated Crown Land this area is subject to Native Title Global negotiations and is not part of this proposal. (See plan attached)

The proponent has signed the Offer and Acceptance letter prepared by State Land Services and made all the necessary payments. State Land Services are now proceeding
 President: Date:

to undertake/co-ordinate the process to close the road; instructions have been issued to surveyors, which will lead to the preparation of amalgamation plans.

The proponents intend to extend the caravan park and have advised that Stage 1 will include that portion of the 'road closure' only. Currently issues relating to the number of ablutions blocks and details of the sewerage treatment system are being investigated. In the event that the purchase of portion PT Lot 67 does not proceed at a future date Stage 1 will be fully integrated into the existing caravan park.

As the scheme amendment process normally takes 9 to 12 months the Council has been asked to initiate the amendment process.

COMMENT

Council has supported the road closure on the understanding that it would be amalgamated with the existing caravan park. The proponent has been working with State Land Services and the process of amalgamation has commenced.

The portion of closed road reserve is currently owned by the Crown and is under the administrative control of State Land Services who have authorised the rezoning request.

Over the short term there is likely to be a shortage of caravan bays in Broome yet the demand for caravan and camping bays during the tourist season continues to grow. The extension of an existing establishment will relieve some of this shortfall.

As no development will be permitted on the closed road until the scheme amendment process is concluded it is recommended that the proposed amendment be supported.

CONSULTATION

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proponent will meet costs associated with the amendment

STRATEGIC IMPLICATIONS

Our Place

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

President: Date:

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

LOCATION/ ADDRESS: Lot 1370 (36) Orr Street, Broome
APPLICANT: Scribe Design Group for Opal Rise Pty Ltd.
FILE: ORR-1/36
AUTHOR: Andrew Pawluk – Contract Planner
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 2 November 2007

SUMMARY: Council has received a request to recode Lot 1370 Orr Street Broome from R10/20 to R50.

This report recommends that Council amends Town Planning Scheme No. 4 to recode the subject lot from R10/20 to R50.

BACKGROUND

Previous Considerations

Nil

The Site and Surrounds

The site is 1015m² in area and contains a brick house with metal decking roof constructed in the early 1980's. The house is basically a square box with low-pitched skillion verandahs on all sides. The design provides minimal ventilation and does not suit Broome's climatic conditions. The property has been very poorly maintained both internally and externally.

The lot is a 180m walk to Guy Street, which is serviced by the local public bus service. The Clementson/Hunter Street Light Industrial Area is located 150m to the west of the lot. Refer to Location Plan Attached.

The site is connected to mains sewer.

The adjacent lots have areas of approximately 1000m² and appear to have been developed during the late 70's and 80's. There has been little re-development in this area of Broome.

Description of the Proposal

The request for an amendment to recode the site to R50 is sought to allow the development of 4 grouped dwellings comprising two, two storey three bedroom townhouses fronting Orr St and two, single storey two bedroom units at the rear.

See attached plans.

The applicant has provided a detailed description of the merits of the design these are summarised as follows:

President: Date:

- The structure addresses the streetscape
- With the two storey element located at the front of the development overlooking and privacy issues are reduced
- A group dwelling development will maximize private outdoor living areas
- Car parking located at the rear improves security for residents and improved elevations
- The separation between units improves cross flow breezes, privacy and amenity;
- Timber decking maximises underfloor ventilation and minimises radiant heat;
- The materials used and the design is 'contemporary Broome'; and
- The development is designed in accordance with the R50 requirements of the Residential Design Codes.

Applicants Rationale in Support of the Recoding to R50

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

- 1) The site is located within the area identified as having potential for higher residential density codings.
- 2) Research indicates there is increasing demand for 2 and 3 bedroom homes on smaller, more manageable sites that still take advantage of the local climatic conditions and prevailing winds.
- 3) There is limited land available in Broome and as a result the rapid increase in existing and new home prices is preventing many people from entering the market or becoming part of the Broome community. Allowing developments at increased densities provides a mechanism to produce more affordable housing.
- 4) The Old Broome housing stock is generally of stud framed construction with metal wall and roof cladding in generally poor condition - ideal for redevelopment.
- 5) This property is ripe for demolition and redevelopment with new architecturally designed residences that address the climate and lifestyle of the Broome Residents. This will rejuvenate the area and enliven a neglected portion of Broome.

Planning Provisions

The Lot is zoned Residential R10/20. Group dwelling development is a 'D' use, within a Residential R10/20 zone. The current zoning would allow the development of a maximum of two units. Accordingly, a request to re-code the site to R50 to facilitate medium density residential development as proposed in the design plans, has been submitted to the Shire.

COMMENT

There has been considerable deliberation on the issue of the supply of affordable housing within Broome and whether parts of 'Old Broome' should be considered for recoding to allow redevelopment at a higher density. It is widely recognised that the high demand for new residential development and the relatively low density codings applied with the introduction of Town Planning Scheme No. 4 has resulted in Broome's housing stock being dominated by single storey detached dwellings.

President: Date:

Orr Street is within the area generally considered to be appropriate for recoding in the Local Housing Strategy Review.

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

The design of the four units incorporates many of the measures included in the draft Medium Density Design Guidelines being developed with the Local Housing Strategy.

The Coding of the site to R50 would potentially allow up to 5 units to be constructed on the site. Only four units are proposed to be constructed in accordance with the submitted 'Preliminary Design' plans.

The application of R50 will be consistent with the coding proposed to be applied to selected areas within Old Broome under the Local Housing Strategy Review.

Appropriateness of the Site for Medium Density Development

The applicant has provided several arguments in favour of the increased density coding to R50 and most are generally supported. The existing house is not considered exceptionally worthy of retention nor does it possess any 'Old Broome' qualities.

The subject site enjoys the benefit of being located within the walkable catchment of the local bus route and the Saville Street local centre (Fong's Store, Macca's Takeaway) and within walking distance of employment opportunities within the Clementson Street light industrial area.

The large size of the lot facilitates the design of a climate sensitive housing design. It is agreed, as stated by the applicant that such new development will stimulate further regeneration of existing houses in the local area.

CONCLUSION

The lot is large and provides an opportunity to increase housing diversity within an undeveloped area of Broome. The proposed (architectural) design provided in support of the rezoning is of a high standard and provides a good example of climatic responsive design. Such design standards will be enforced in any development application pursuant to the Shire's Medium Density Design Guidelines (once adopted).

On the basis that the subject lot is large, is located close to public transport, local shops and employment opportunities, it is recommended the recoding be supported.

CONSULTATION

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

STATUTORY ENVIRONMENT

Planning and Development Act 2005

President: Date:

9.3.3 APPLICATION FOR PLANNING APPROVAL – SATELLITE TELEPHONE SERVICE – YANDARINA OUT-STATION – GREAT NORTHERN HIGHWAY

LOCATION/ ADDRESS: Lot 37, Great Northern Highway.
APPLICANT: Karajarri Lands Association
FILE: PAR
AUTHOR: Andy White
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 5 November 2007

SUMMARY: An application for planning approval has been received, dated 16 July 2007 for a customer satellite telephone service at Yandarina out-station.

The application is referred to Council for consideration as the land comes under the control of the Shire's Interim Development Order No. 3 (IDO3), and a Community Layout Plan relating to the land has not been prepared.

This report recommends approval.

BACKGROUND

Previous Considerations

Nil

Site and Surrounds

Yanderina out-station is located approximately 135km south east of Broome and 6.3 kilometres west of Great Northern Highway. See location plan attached.

The out-station consists of 2 houses, ablutions, a solar farm a water tank and 2 ancillary sheds.

Description of the Proposal

The proponent proposes to establish a 10.5m high communications mast with a solar panel and an equipment shelter/housing at the base of the mast feeding into the western house at the homestead. See plans attached.

The application includes structural engineers certification for the structure.

Approvals

The Shire has not issued any previous local planning approvals or building licences over the land.

The land is included in Interim Development Order No.3 (IDO3) and does not fall within an adopted community layout plan, therefore Council's approval is required.

President: Date:

COMMENT

The proposed development will increase the communication capacity of Yandarina out station. It is considered that the proposal is appropriate for the location.

It is recommended that the application is granted planning approval with appropriate conditions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Interim Development Order No.3
Planning and Development Act 2005

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Place

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

VOTING REQUIREMENTS

Simple Majority

<p><u>REPORT RECOMMENDATION</u></p> <p><i>That Council approves application for planning approval 2007/58 for a customer satellite telephone service at Yandarina out-station, Lot 37 Great Northern Highway, subject to the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Development must be carried out in accordance with the plans stamped received and dated 16 July 2007 submitted with the application as approved by Council.</i> <i>2. If the development the subject of this approval is not substantially commenced within a period of 3 years from the date of the approval, the approval will lapse and be of no further effect. Where an approval has lapsed, no development must be carried out without the further approval of the Council</i>
--

COUNCIL RESOLUTION

Moved: Cr E R M Foy

Seconded: Cr C R Mitchell

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 7 pages](#)

9.3.4 APPLICATION FOR PLANNING APPROVAL – VHF RADIO HUT - GOOJARR GOONYOOL COMMUNITY

LOCATION/ ADDRESS: Aboriginal Lands Trust (ALT) Reserve No 1012.
APPLICANT: Paul Fife for Goojarr Goonyool Community
FILE: WAT-1/14
AUTHOR: Manager Planning Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 2 November 2007

SUMMARY: An application for planning approval has been lodged to construct a VHF radio hut at the Goojarr Goonyool Community.

The application is referred to Council for consideration, as the land is included within the Shire's Interim Development Order No 3(IDO3). The area is not covered by a Community Layout Plan.

It is recommended that Council approve the application.

BACKGROUND

Previous Considerations

Nil

Site and Surrounds

The site is located within an existing community

Description of the Proposal

The applicant proposes to construct a 7.1m x 3.6m VHF radio hut. Constructed out of precast concrete panels with a colour bond roof it will be fitted out inside to include a small ablution and kitchen area.

The structure has been adapted from a cyclone refuge facility and could, in an emergency, also be used for this purpose.

Planning Provisions

The land is included within the Shire's Interim Development Order No 3 (IDO3) and Council's approval is therefore required.

COMMENT

The VHF radio hut will provide an uninterrupted coastal radio coverage that will be utilised by Emergency Management Australia in times of need. Community personnel will staff the facility.

It is recommended that Council approve the proposal.

President: Date:

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Interim Development Order No 3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proponent will meet costs associated with the amendment

STRATEGIC IMPLICATIONS

Place

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council approves application for planning approval to construct a VHF radio hut on Aboriginal land Trust Reserve No 1012 In the locality of the Goojarr Goonyool community subject to the following conditions:

1. *Development must be carried out strictly in accordance with the plans stamped received and dated 26 October 2007 submitted with the application approved by the Shire of Broome.*
2. *The development is incidental to the residential and community uses of the Goojarr Goonyool Community and is not to be used for any other purpose, including residential purposes unless otherwise approved by Council in a separate application for planning approval.*

COUNCIL RESOLUTION

Moved: Cr E R M Foy

Seconded: Cr R J Lander

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 4 pages](#)

9.3.5 APPLICATION TO TRADE IN PUBLIC – CABLE BEACH GRASSED AREA

LOCATION/ ADDRESS: Cable Beach Grassed Area
APPLICANT: Clive Arthur Galletly
FILE: ENH 22
AUTHOR: Manager Health Services
CONTRIBUTOR/S: N/A
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 2 November 2007

SUMMARY: An application to operate a relaxing and remedial massage business from a temporary gazebo erected at the grassed area at Cable Beach from 9.00am to sunset daily.

BACKGROUND

The applicant has applied to operate a relaxing and remedial massage business from a temporary gazebo erected at the grassed area at Cable Beach from 9.00am to sunset daily. This location provides a flat grassy area with access to public toilets and is where there is pedestrian traffic.

The applicant has been operating a remedial massage service on the beach in Rockingham and would like to relocate to Broome and run the business here. The service provided would be popular to tourists and locals. The applicant has two Diplomas in Remedial Massage and is a member of the Association of Remedial Massage.

The applicant will work solo until such time that an assistant may be required. The set up includes a temporary gazebo, massage chair, massage table, one A frame sign and personal effects such as a chair and esky.

Since the applicant is proposing to be at the beach all day, every day, he is willing to act as a tourist information guide.

COMMENT

This application does not fall within the realms of the previous Shire of Broome Commercial and Tourism Activities on Cable Beach policy. This policy lists activities allowed on Cable Beach. This activity is not included and therefore is considered inappropriate.

Currently no approval has been awarded to allow business activities on the grassed area at Cable Beach. To award approval to this applicant would be setting a precedent to allow other businesses to operate at the same location and for other activities to operate on the beach. This may compromise the balance between providing business opportunities and sustaining the environmental, cultural and social aspects of Cable Beach.

Should Council decide not to approve the application, the Shire of Broome Trading Outdoors Dining and Street Entertainment Local Law 2003 requires the Shire to provide a reason for the refusal to the applicant.

President: Date:

9.3.6 PROPOSED NEW FEES AND CHARGES - REPLACEMENT REFUSE AND RECYCLING SULO RECEPTACLES

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: ENH14
AUTHOR: Natasha Horsham
CONTRIBUTOR/S: N/A
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 10 October 2007

SUMMARY: A report recommending that Council includes in the fees and charges a charge for the replacement of refuse and recycling sulo bins.

BACKGROUND

Previous Considerations

N/A

COMMENT

The Shire provides refuse and recycling sulo receptacles when a new service/collection is requested. Under the Health Local Laws 2006, an owner or occupier of a premise shall maintain the receptacle provided by the Shire. It is to be kept behind the building line of the property except on collection day (6am – 7pm), and is not to be removed from the property.

Health Services have tried a number of methods for dealing with the replacement of refuse and recycling sulo receptacles, each of these methods having advantages and disadvantages. At one stage residents were being charged for replacement receptacles unless they could show that they had taken all care with them. Because of the difficulty in making this determination, it was decided to have a trial period of providing all replacement receptacles free of charge. Since the introduction of this trial, there has been a considerable rise in requests for replacement receptacles. Consequently it is proposed to introduce a charge for the cost of the replacement receptacles.

Kimberley Waste Services charges the Shire of Broome \$108.15 (inc GST) for each receptacle (new or replacement) provided.

There is an administration cost involved of ten (10) percent of this cost. Council has the option of charging the full cost for provision of a receptacle or of subsidising the cost to some degree.

It is recommended that Council set the fee of \$119 per replacement receptacle (including a ten (10) percent administration charge).

Normally fees are set during the annual budget but may be set at other times by a resolution carried by an absolute majority of Council.

Section 6.19 of the Local Government Act 1995 states:

President: Date:

'If a local government wished to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

(a) It's intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.'

Public notice of at least seven days must be given of Council's intention to set the fee and the date from which it is to apply. It is recommended that the fee applies from 17 December 2007.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995
Shire of Broome Health Local Laws 2006

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cover the cost of the bins and administration costs for the provision of replacement bins.

STRATEGIC IMPLICATIONS

Place

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

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council:

1. Adopts a replacement fee of \$119 for the replacement of refuse or recycling receptacles under section 6.16 (2)(e) of the Local Government Act;
2. Gives public notice of the intention to set fees in accordance with Section 6.19 of the Local Government Act 1995, and
3. Imposes the fee to receptacles replaced after 17 December 2007.

COUNCIL RESOLUTION

Moved: Cr V L Wevers

Seconded: Cr S E Eaton

That the Report Recommendation be adopted with the additional point that "Should the bin be damaged by the Contractor then staff provide advice to Council about who will cover replacement costs".

FOR: 4
AGAINST: 3

Absolutely Majority of 5 votes was not achieved, therefore the MOTION LOST

Moved: Cr V L Wevers

Seconded: Cr S E Eaton

That the item be deferred and the Director Development Services provide further advice to Council regarding this issue.

CARRIED UNANIMOUSLY

9.3.7 WASTE MANAGEMENT ADVISORY COMMITTEE

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: ENH87
AUTHOR: Manager Health Services
CONTRIBUTOR/S: N/A
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 5 October 2007

SUMMARY: A report recommending that Council confirms the appointment of members to the Waste Management Advisory Committee (WMAC).

BACKGROUNDPrevious Considerations

SCM 1/8/2007 – Item 9.3.13

At the Ordinary Meeting of Council 1 August 2007, it was resolved that Council endorses the reformation of the Waste Management Advisory Committee (WMAC).

Councillor Wever's membership to this advisory committee was confirmed along with the Director Development Services, Manager Health Services and the Manager Operations. Two additional Councillors, Councillor Maher and Councillor Lander were appointed.

It was resolved that an invitation be extended to a representative from the Water Corporation and the Department of Environment and Conservation. In addition an expression of interest was included for community representatives.

COMMENT

An invitation was extended to the Water Corporation and the Manager Mr Anthony Bodycoat has agreed to be a member of the committee.

An invitation was extended to the Department of Environment and Conservation and the Senior Project Coordinator Mr Alistair Bain has agreed to be a member of the committee.

A call for an expression of interest for three community members was conducted and only one nomination was received from Mr Michael Leake.

It is recommended that Council appoints these members to the committee.

The Waste Management Advisory Committee will meet once every three months;

Thursday 7 February 2008
 Thursday 1 May 2008
 Thursday 7 August 2008
 Thursday 30 October 2008

President: Date:

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Environmental Protection Act, 1994
Local Government Act, 1995
Health Act 1911
Waste Avoidance and Resource Recovery Bill (The WARR Bill)

POLICY IMPLICATIONS

Policy 1.1.7 - Advisory Committees

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

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

Place

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

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Confirms the membership of Mr Anthony Bodycoat as the representative from the Department of Environment and Mr Alistair Bain as the representative from the Department of Environment and Conservation.*
2. *Confirms the membership of Mr Michael Leake as the community representative on the Waste Management Advisory Committee.*
3. *Confirms the meeting dates.*

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr R J Lander

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

9.4

CORPORATE

SERVICES



OUTCOME

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

9.4.1 ACCOUNTS FOR PAYMENT

REPORT RECOMMENDATION

The accounts for payment for October 2007 as attached, covering Municipal Cheque Vouchers 46583 – 46811 totalling \$635,507.55 and EFT Vouchers 3868 – 3974 totalling \$1,738,237.06 and Trust Cheque Vouchers 2813 – 2869 totalling \$115,761.38 be passed for payment.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr M L B Albert

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 13 pages](#)

9.4.2 OCTOBER 2007 MONTHLY FINANCIAL ACTIVITY REPORT

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: FRE 02
AUTHOR: Accountant
CONTRIBUTOR/S: Senior Officers
RESPONSIBLE OFFICER: Manager Of Financial Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 22 November 2007

SUMMARY: Monthly Financial Activity Report of the Shire's operations for the month of October 2007 includes all budget amendments in this and previous reports. The result of the cumulative changes, predicts an end of year forecast of a surplus of \$189,403.

BACKGROUND

Previous Considerations

Nil

COMMENT

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

- Budget Year elapsed 33%
- Total Operating Expenditure 33%
- Total Operating Revenue 71%
- Total Capital Expenditure 36%
- Total Sale of Assets Revenue 68%
- Total Capital Revenue 48%

The forecast position of a surplus represents a 0.98% variance when viewed in proportion to operating expenditure excluding depreciation.

The predicted surplus as at 31 October 2007 is \$189K, which is an increase of \$80K from last month. This amount represents the net result of this month's net budget amendments increasing the surplus by \$80K.

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

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

President: Date:

Amendments

The following budget amendments are identified:

Governance

A budget amendment of \$5K was required this month within the Governance function to recognise the cost of completing the design for the Short St/Broome Highway reconciliation garden and roundabout. This project commenced in the 2006/07 financial year and was not originally budgeted for this year.

The result of the budget amendment will decrease the expected surplus by \$5K.

General Purpose Income – Rates

Budget amendments totalling \$95K were required this month to recognise the receipt of more rates than originally budgeted for. This is a result of increased rates received from interim rates generated by revaluations, plus instalment income.

The result of the budget amendments will increase the expected surplus by \$95K.

Other Services – Other Community Amenities

A budget amendment of \$10K was required to recognise expenditure for insurance coverage for headstone restoration at the Japanese Cemetery, which was not originally budgeted for.

The result of the budget amendment will decrease the expected surplus by \$10K.

Broome Recreation and Aquatic Centre – Investment Income & BRAC Reserve

Budget amendments were required to recognise additional investment income received on BRAC Reserve funds. Funds held in the BRAC Reserve were expected to be drawn down by 30th June 2007 but has not occurred. Budgeted BRAC investment income and budgeted transfers to BRAC Reserve have been increased by \$20K respectively.

The net result of these budget amendments will have a nil effect on the expected surplus.

Roads, Drainage, Footpaths & Lighting – McGuigan Road Construction Capital Expenditure

In accordance with Item 9.5.2 in the minutes of the Ordinary Council Meeting held on 25th October 2007, the following net budget amendments of \$26.9K for the construction of McGuigan Road were enacted:

- \$228K budgeted capital expenditure transferred from McGuigan Road Upgrade to McGuigan Road New Construction, which was not originally budgeted for.
- \$57K deferral of Walcott Street Upgrade budget to 2008/2009.
- \$311.9K reallocation of budgeted capital expenditure consisting of the above transfer from McGuigan Road Upgrade project of \$228K, plus \$83.9K from OCM Item 9.5.2 - 25 October 2007.

The net result of these budget amendments will decrease the expected surplus by \$26.9K before offsetting budget amendments elsewhere.

President: Date:

Road Reserve

The McGuigan Road budget amendments are offset by the following budget amendments executed for the Road Reserve funds:

- \$67.5K increase in budgeted funds transferred from Road Reserve and allocated to the McGuigan Road New Construction capital expenditure.
- \$40.6K increase in budgeted funds transferred to Road Reserve resulting from the deferral of the Walcott Street Upgrade capital expenditure to 2008/2009.

The net result of these budget amendments will increase the expected surplus by \$26.9K but are offset by the budget amendments completed for the McGuigan Road construction project.

CONSULTATION

Internal Staff

STATUTORY ENVIRONMENT

Local Government Act
Financial Management Regulations

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

These are detailed above and in the attachment.

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by providing information.

Place

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

Prosperity

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

Governance

Provide open, transparent and good governance to the community.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Receives the Monthly Financial Activity Report for the period ended 31 October 2007.*
2. *That Council notes the year-end projections compared to the original budget.*

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr S E Eaton

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 14 pages](#)

9.4.3 RISK MANAGEMENT STRATEGY

APPLICANT:	N/A
FILE:	
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	9 November 2007

SUMMARY: This item seeks endorsement from Council for Corporate Services to progress the development of the Shire of Broome Risk Management Framework, proposed resource requirements and the Local Adaptation Pathways Application Project.

BACKGROUNDPrevious Considerations

Nil

Risk Management is an integral part of good business practice and works in tandem with strategic and financial planning. Developing and maintaining a Risk Management Framework is an effective way to identify, manage and respond to risks within an organisation.

An enterprise wide Risk Management Framework considers all facets of an organisation's activities and aims to identify and deal with risks the organisation may face strategically and in its day to day operations. Risk Management is the process of thinking about the possible risks an organisation faces either before they happen or as a result of an incident or outcome and setting up treatments that will avoid the risk or minimise the impact of the risk.

COMMENT

The Shire of Broome is currently developing a Risk Management Framework that will be holistic in approach and broken down into key areas of: identify, assess, treat, consult, communicate, monitor and review and will be developed in accordance with the Australian and New Zealand Standard for Risk Management – AS/NZS 4360:2004.

Risk Management allows for systemic change and continuous improvement in planning, resource allocation, decision making and processes and delivers outcomes such as:

- Improved asset management
- Improved planning, performance and effectiveness
- Accountability and sound governance
- Protecting the organisation from legal liability
- Reducing insurance premiums
- Improved community perception of the Shire/Council
- Capacity to respond to new opportunities
- Improved prioritization of activities and projects
- Improved project outcomes and reporting

Once collated and assessed, risks are housed within a Risk Register, which facilitates the ongoing management of risks and provides an overall Shire risk profile and reporting mechanism.

An enterprise wide focus on risk will encapsulate all facets of strategy and operations and support the ongoing development and implementation of the Plan For The Future. Strategies supporting the Triple Bottom Line approach of *Our People Our Place Our Prosperity* will be enhanced and refined through this process.

RESOURCING ENTERPRISE WIDE RISK MANAGEMENT

Two opportunities have arisen which will accelerate the development of the Risk Management Framework.

Firstly, LGIS (Local Government Insurance Services) have recently advised that due to the financial performance of LGIS and the achievement of market capitalisation targets, LGIS have for the first time, distributed 'dividends' to members. The Shire of Broome has received \$29,080-70 in cash and will also be able to access \$14,539-80 in entitlements for 07/08.

It is recommended that Council utilise the funds available immediately and inject this back into strategic risk management through the purchase of resources (short term project position or consultant) to develop the Risk Management Framework. It is proposed that once the initial developmental work is undertaken, Corporate Services can co-ordinate and drive continuous improvement.

Secondly, Commonwealth funding has become available to selected Local Governments to support the identification and response to risks associated with climate change. Initial scoping work carried out by the Commonwealth's Australian Greenhouse Office has identified relevant functions of Local Government that are likely to be effected by the impacts of climate change. Local Government has a wide range of responsibility, including planning and development, provision of basic services, management of natural resources, property and infrastructure and health and recreational facilities. The role in managing the impacts of climate change is critical because many of the impacts cut across these areas of responsibility.

Some of the key issues identified by the Commonwealth have included the inadequacy of the resources available to Local Governments in their role as key sectoral players in implementing planning and development, the shortage of skills among planning professionals and the need for extra resources for implementing actions to adapt to climate change and for development of the decision support tools required.

The Department of Environment and Conservation have funds available and contracted a consultant to help 10 selected WA Councils to complete an application for the Local Adaptation Pathways Programme funding. This programme provides a grant of \$50, 000 to Local Governments to develop a risk assessment and action plan and an adaptation strategy for climate change.

The Department has asked WALGA to assist with the project and to liaise with selected Councils. The deadline for the funding is the 3rd of December and a letter of support from Council is required. This process is only designed to assist Local Governments to create an application for funding – it does not guarantee funding through the AGO.

The Shire of Broome has been selected as one of ten Shires invited to participate. Timing is right for the Shire as we are developing an overarching Risk Management Framework

President: Date:

and, if successful, the Local Adaptation Pathways Programme would integrate into this system – specifically within the Plan For The Future key result area of *Our Prosperity*.

Staff would like to highlight that although very supportive of the programme, resourcing is a significant issue and poses a real threat to the ongoing viability of the programme. To further support the delivery of The Plan For The Future, the CEO has had preliminary discussions with Ms Shelley Archer MLC seeking financial support to develop an Environmental Plan for the Shire of Broome. If successful, the Local Adaptation Pathways Programme would integrate into this project.

CONSULTATION

To be undertaken as per the Local Government Act

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Risk Management policy to be developed.

FINANCIAL IMPLICATIONS

Potential future financial and resource implications will be identified through the risk management process, which will be escalated to Council for consideration.

STRATEGIC IMPLICATIONS

People

The community engaging with the Shire and contributing to an enhanced quality of life.

Community Services, Community Development Programs and Community Infrastructure delivered by the Shire and/or in partnership with other agencies, are accessible and affordable and contribute to the well-being and safety of the community.

Place

The natural environment and cultural heritage of Broome are protected and enhanced.

The built environment is effectively maintained, developed and managed to achieve positive long term economic, social and environmental benefits.

Prosperity

Broome's diverse and growing economy provides long-term, employment and economic benefit for current and future generations.

The economic environment is conducive to investment whilst maintaining lifestyle affordability.

VOTING REQUIREMENTS

Absolute Majority

President: Date:

REPORT RECOMMENDATION

That Council:

1. *Endorses the ongoing development of the enterprise wide Risk Management Framework.*
2. *Confirms the allocation of approximately \$43,619.00 received from LGIS to resourcing a short term project position or consultant to assist in the development of the enterprise wide Risk Management Framework.*
3. *Supports the development of a DEC funding application in partnership with WALGA for the Local Adaptation Pathways Programme.*

COUNCIL RESOLUTION

Moved: Cr R J Lander

Seconded: Cr C R Mitchell

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

9.4.4 DELEGATIONS TO COMMITTEES

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM.01
AUTHOR:	Manager Administration Services
CONTRIBUTOR/S:	Nil.
RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 November 2007

SUMMARY: Following the outcome of the recent local government Elections, Council is now required to consider its representation on various Council and community Committees.

BACKGROUND

Previous Considerations

OCM 24 May 2005 - Item 9.4.7

Following local government Elections, the Council is required to consider its delegations and representation on various community and Council Committees.

COMMENT

Councillors are taking an active role in the strategic and future planning for local government and consider issues at community, regional and State levels.

Following is a list of Committees and Working Groups that Council currently has delegated representation to. The list includes information on the Committee or Group, the representation requirements and any other relevant information:

Committee		Council Delegates	Deputy	Implemented / Last Meeting
Aboriginal Community Planning Project Community Committee	No information available	X 1	X 1	Nil
Access and Inclusion Committee (Previously Disability Services Committee)	The purpose of the Committee is to provide advice to Council on the development, implementation, review and evaluation of the Disability Access and Inclusion Plan to ensure Council meets its obligations under the Disability Services Act 1993, (revised 2004)	X 1	X 1	10 August 2007
Audit Committee	Primary objective of the Audit Committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.	X 3		10 May 2007
BRAC Development Advisory Committee	Acts as liaison between Shire, BRAC Staff and User Groups	X 2	X 2	Meets as required
Broome Arts Centre Advisory Committee	Development of a centre for the arts in Broome	X 2	X 1	9 July 2007
Broome Cemetery Advisory Committee	Provides advice to the Council on the management and operation of the Broome Cemetery, taking into consideration the religious and cultural requirements of the various communities represented in the Cemetery and the future requirements of the Broome Community.	X 1	X 1	8 October 2007
Broome Coastal Land Conservation District	Appointed by the Commissioner of Soil and Land Conservation. Recommend this Committee be deleted.	No Councillor Delegate		Term of appointment expired 2003
Broome Planning Advisory Committee	To advise and contribute to the preparation of a local planning strategy for the area address by the Broome Town Planning Steering Committee in its 2005 Report as a precursor to reviewing Town Planning Scheme No 4 (townsite) and initiating Town Planning Scheme No 5 (Whole of Shire)	X 3		2 Feb 2007 Workshop 24 August 2007
Broome Planning Steering Committee	Disbanded at the end of 2005 prior to the formation of the	X 3)	X 1	

President: Date:

Committee		Council Delegates	Deputy	Implemented / Last Meeting
	Broome Planning Advisory Committee			
Broome Visitors Centre Advisory Committee	Disbanded	X 2	X 1	Disbanded at OCM 30/8/2007
Broome Visitors Centre Committee	Meeting of the Board of the Broome Visitor Centre	X 1	X 1	13 September 2007
Bushfire Advisory Committee	Formed under the provision of the Bush Fires Act 1954, implementation and review of the Shire of Broome Bush Fire Management Plan	X 1	X 1	13 June 2007
Cable Beach Motor Vehicle Management Advisory Committee	To contribute to the collation and development of information to inform the debate by Council on whether it "will allow vehicles on the beach or not".	X 2		19 July 2007
Coastal Park Management Committee	Has delegated authority over Reserve 19289 and provides advice to Council on other coastal matters	X 4	X 4	6 September 2007
Community Development Strategy Taskforce	Implemented at OCM 25.10.2007 For the purpose of developing and implementing a Community Development Strategy for the Broome Shire and to ensure the participation of a range of stakeholders.	X 2	X 2	New Committee
Dampier Peninsular Steering Committee	Implemented at OCM 27 September 2007 Initiated by DPI following the preparation of the Dampier Peninsular Land Use and Infrastructure Plan	X 1	X 1	New Committee
EPA Reference Group	No recent information available	X 1	X 1	Nil
Kimberley Fire Management Committee (Kimberley Zone)	Kimberley Regional Fire Management Group Group has disbanded due to lack of funding.	X 1	X 1	
Kimberley Regional Road Group	In conjunction with all other Kimberley Local Governments	X 1	X 1	18 October 2007

President: Date:

Committee		Council Delegates	Deputy	Implemented / Last Meeting
Kimberley Zone (WALGA) Committee	WALGA Committee	Shire President + 1		
La Grange Ground Water Committee	Community Concerns regarding groundwater resources	X 1	X 1	9 April 2003
Liquor Accord Committee	Shire staff provide representation on committee.	No Councillor Delegate		
Local Emergency Management Committee	The Emergency Management Act 2005 was proclaimed in December 2005 and provides for the prompt and coordinated management of emergencies in WA.	X 1	X 1	8 May 2007
North West Mental Health Committee	Request for representative received 1 November 2007 To provide advice and support to the WA Country Health Service on the development of appropriate mental health infrastructure in the Kimberley region within a given budget allocation based on an agreed health service plan.	X 1	X 1	New Committee
R Codes Builders Review	No recent information available	X 1	X 1	Nil
Rangelands Co-ordinating Group	The Rangelands (Natural Resource Management) Co-ordinating Group Inc. intends to utilise \$500,000 in funding from The Natural Heritage Trust to fund a project to improve fire management in the Kimberley. As an integral part of this project a steering committee is being developed to manage the strategic development of the project including the appointment of a project manager. The Shire of Broome's support is being sought to be a part of the project.	X 1		Implemented by Council at 6 July 2006
Roebuck Bay Working Group	Established in 2004, Roebuck Bay Working Group is a collaboration between many group – organizations, agencies and individuals – and interests, striving for a community based management plan to sustain the bay and its outstanding values into the future.	X 1	X 1	7 June 2007

Committee		Council Delegates	Deputy	Implemented / Last Meeting
Shinju Matsuri Art Prize	Refer to Shire of Broome Policy 1.1.3 - Delegate Nominated each Year	X 1		September 2007
Tramway Steering Committee	Implemented at OCM 25.10.2007 The construction of an operating Tramway Facility in Broome to act as a historical feature and a viable transport link between tourism interest points.	X 1	X 1	New Committee
Triple J Advisory Committee	This Committee was implemented to transmit Triple J Radio and Classic FM to the townsite. Project has been achieved and the Committee should now be disbanded.	X 2	X 1	3 August 2006
Waste Management Advisory Committee	To provide strategic advice on waste management issues in Broome.	X 3	X3	New Committee
Workplace Agreement Committees	Outside WPA has been finalised and Inside WPA is almost finalised. The Committee will not meet again unless further negotiations are required.	X 2		2 November 2007

President: Date:

In many cases, there is little or no information available and it has been difficult to ascertain the status of some committees as it does not appear that they have met recently and there is limited information on contact agencies.

CONSULTATION

Councillors were asked to provide expressions of interest regarding delegation to Committees. Information received has been collated and is attached.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

Place

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority Required 1 & 21
Absolute Majority required 2 – 20 & 22

REPORT RECOMMENDATION

1. That Council notes that the following Committees have been disbanded or are no longer required:

- Aboriginal Community Planning Project Community Committee
- Broome Coastal Land Conservation District
- Broome Planning Steering Committee
- Broome Visitor Centre Advisory Committee
- EPA Reference Group
- Kimberley Regional Fire Management Committee
- La Grange Ground Water Committee
- R-Codes Builders Review

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr R J Lander

That this item be deferred pending the return of Councillors on Leave of Absence, and to allow for a meeting of Councillors in regard to the Code of Conduct legislation.

CARRIED UNANIMOUSLY

REPORT RECOMMENDATION

2. That Councillors _____ and _____ be nominated to the Access and Inclusion Committee and that Councillors _____ and _____ be nominated as their deputies.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

3. That Councillors _____, _____ and _____ be nominated to the Audit Committee and Councillors _____, _____ and _____ be nominated as their deputies.

COUNCIL RESOLUTION

Moved: _____ **Seconded:** _____

FOR: _____
AGAINST: _____

REPORT RECOMMENDATION

4. That Councillor _____ and Councillor _____ be nominated to the BRAC Development Advisory Committee and that Councillor _____ be nominated as their deputy.

COUNCIL RESOLUTION

Moved: _____ **Seconded:** _____

FOR: _____
AGAINST: _____

REPORT RECOMMENDATION

5. That Councillors _____ and _____ be nominated to the Broome Arts Centre Advisory Committee and that Councillor _____ be nominated as their deputy.

COUNCIL RESOLUTION

Moved: _____ **Seconded:** _____

FOR: _____
AGAINST: _____

REPORT RECOMMENDATION

6. That Councillor _____ be nominated to the Broome Cemetery Advisory Committee and that Councillor _____ be nominated as their deputy.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

7. That Councillors _____, _____ and _____ be nominated to the Broome Planning Advisory Committee.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

8. That Councillor _____ be nominated to the Broome Visitor Centre Committee and that Councillor _____ be their deputy.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

9. That Councillor _____ be nominated to the Bushfire Advisory Committee and that Councillor _____ be nominated as their deputy.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

10. That Councillors _____ and _____ be nominated to the Cable Beach Motor Vehicle Management Advisory Committee and that Councillors _____ and _____ be nominated as their deputies.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

11. That Councillors _____, _____, _____ and _____ be nominated to the Coastal Park Management Committee and that Councillors _____, _____ and _____ be nominated as their deputies.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

12. That Councillors _____ and _____ be nominated to the Community Development Taskforce and that Councillors _____ and _____ be nominated as their deputies.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

13. That Councillor _____ be nominated to the Dampier Peninsular Steering Committee and that Councillor _____ be nominated as their deputy.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

14. That Councillor _____ be nominated to the Kimberley Regional Road Group and that Councillor _____ be nominated as their deputy.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

15. That the Shire President, Cr G Campbell and Councillor _____ be nominated to the Kimberley Zone (WALGA) Committee.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

16. That Councillor _____ be nominated to the Local Emergency Management Committee and that Councillor _____ be nominated as their deputy.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

17. That Councillor _____ be nominated to the North West Mental Health Committee and that Councillor _____ be nominated as their deputy.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

18. That Councillor _____ be nominated to the Rangelands Co-ordinating Group.

COUNCIL RESOLUTION

Moved: _____ **Seconded:** _____

FOR:
AGAINST:

REPORT RECOMMENDATION

19. That Councillor _____ be nominated to the Roebuck Bay Working Group and that Councillor _____ be nominated as their deputy.

COUNCIL RESOLUTION

Moved: _____ **Seconded:** _____

FOR:
AGAINST:

REPORT RECOMMENDATION

20. That Councillor _____ be nominated to the Tramway Steering Committee and that Councillor _____ be

COUNCIL RESOLUTION

Moved: _____ **Seconded:** _____

FOR:
AGAINST:

REPORT RECOMMENDATION

21. That the Triple J Advisory Committee be disbanded, with the last meeting of that Committee being the one held 3 August 2006 and that correspondence be forwarded to all members thanking them for their participation.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

REPORT RECOMMENDATION

22. That Councillors _____, _____ and _____ be nominated to the Waste Management Advisory Committee and the Councillors _____, _____ and _____ be nominated as their deputies.

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 2 pages](#)

With regard to Item 9.4.5 Cr E R M Foy disclosed that "I have had an association with a Native Title claim. 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". Cr E R M Foy departed the Chambers at 6.08pm.

9.4.5 RESERVE 43206 - EXCISION, CHANGE OF PURPOSE AND CREATION OF RESERVE 49242

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: RES 43206; RES 49242
AUTHOR: Manager Administration Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 7 November 2007

SUMMARY: To advise Council of the creation of Reserve 49242 for "Community Purposes" and to seek approval to commence negotiations with the Unit Committee of TS Broome to lease the land.

BACKGROUND

Previous Considerations

OCM 31 August 2006 - Item 9.3.3
 OCM 15 February 2007 – Item 9.3.6

Council has been requested by the Unit Committee of TS Broome to assist in locating a new property on which to develop a new facility for the Australian Navy Cadets. As previously indicated a peppercorn lease would be applicable.

At the Ordinary Meeting of Council held 15 February 2007, Council resolved:

"C *Advises the Department of Land Information that the western portion of Reserve 43206 is surplus to Shire requirements for drainage purposes, and should be reserved partly for Community Purposes, and that a 10 metre wide portion of the land may be transferred for amalgamation with the adjoining property at Lot 2090 (No 2) Clementson Street, with all costs to be by the proponents.*"

COMMENT

Following Council's resolution, a request was sent to the Department of Planning and Infrastructure for the changes to be effected, with correspondence being received from this organisation on 8 October 2007, advising:

"Documentation has been lodged and is being processed for Reserve 3206 and Reserve 49242 comprising –

- *The amendment of the reserve 43206 to now comprise Lot 2824 on Deposited Plan 218274 and Lot 500 on Deposited Plan 57639.*

President: Date:

- The creation of Reserve 49242 to comprise Lot 501 on Deposited Plan 57639.
- The issuing of a new Management Order over Reserve 49242 for the purpose of "Community Purposes" to the Shire of Broome for 21 years with the power to lease."

Please see attachment showing the new Reserve.

Disposals of property by lease such as this would normally be required to under a disposal process in accordance with section 3.58 of the Local Government Act 1995, however given this group could be considered exempt as it would be considered "educational", "recreational" and "sporting" under Regulation 30 of the Local Government (Functions and General) Regulations 1996, and therefore no disposal process would be required.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions & General) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

The community engaging with the Shire and contributing to an enhanced quality of life.

Place

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council notes the creation of Reserve 49242 for "Community Purpose" and that the Chief Executive Office undertake negotiations with the Unit Committee of TS Broome to lease the site (peppercorn lease) for the purposes of developing a facility for use by the Australian Navy Cadets, with the terms and conditions of the lease being presented to Council for final endorsement.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr V L Wevers

That the Report Recommendation be adopted with the addition of the words "delegates authority to the CEO" to follow the words "...Community Purpose" and ..." to read as follows:

That Council notes the creation of Reserve 49242 for "Community Purpose" and delegates authority to the CEO to undertake negotiations with the Unit Committee of TS Broome to lease the site (peppercorn lease) for the purposes of developing a facility for use by the Australian Navy Cadets, with the terms and conditions of the lease being presented to Council for final endorsement.

CARRIED UNANIMOUSLY

[Attachment: 1 page](#)

Cr E R M Foy returned to the Chambers at 6.11pm.

9.4.6 COMMUNITY SPONSORSHIP AND DONATIONS PROGRAM

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	FIS.04
AUTHOR:	Manager Administration Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	5 November 2007

SUMMARY: To advise Council on the progress in reviewing the annual sponsorship and donation program and to seek endorsement to advertise for submissions for sponsorship and funding during 2007/2008.

BACKGROUNDPrevious Considerations

OCM 13 April 2006 - Item 9.4.6

The Donation and Sponsorship Program was last considered in its entirety at the Ordinary Meeting of Council held 13 April 2006. Following resolutions on the allocation of funding for the forthcoming financial year, Council resolved:

"That the Donation and Sponsorship programs of the Shire of Broome be reviewed and a proposal be workshopped with Council to provide guidelines to align this process to the Strategic Vision and budget of the Shire."

The Plan for the Future was endorsed by Council at its Ordinary Meeting held 5 July 2007.

COMMENT

For many years, the Shire has provided financial and in-kind contributions to various community groups, service organizations, charitable groups, performing and visual arts groups, schools and other worthwhile groups and causes.

Requests for assistance have grown substantially and the introduction of Standing Donations some years back has resulted in some groups and organisations becoming reliant on funds provided by the Shire each year.

In addition to this, requests for assistance are received on an increasing basis each year and are required to be presented to Council, often with little opportunity for funding or support as budgets allocated to this purpose have already been expended.

Council has three current policies to deal with sponsorship, donations and support

- Policy 2.3.1 - Financial Assistance to Schools
- Policy 2.3.2 – Sundry Donations
- Policy 2.3.3 – Event Sponsorship

These policies were implemented in 1997. 1999 and 2003 respectively, with all policies being last reviewed in 2005.

It is considered that these policies no longer adequately address the provision of financial dominations and contributions to the community nor relate to the strategic objectives of the Shire of Broome.

Issues associated with the Sponsorship and Donations have been broken down into five areas to be addressed:

- Policy

Given the recent development of the Plan for the Future, it is timely to bring this program into line with the values and objectives of that Plan and strategically align the categories, for example why does the Shire have a specific program for schools, but not one for economic development.

The policies are not clear in the objective that Council is seeking to achieve by providing the grants.

In achieving the Mission and Vision of Council , it is considered appropriate to set an annual funding level, with applications being assessed and accepted until the funding level is reached.

- Target Groups

Clarification on whether or not we should be supporting unincorporated bodies and government departments and organisations, if their submissions meets the objectives of the Shire and the Sponsorship Program.

- Submission Process

Development of a panel of staff and Councillors for the assessment of funding submissions.

In kind contributions as a whole are administratively time consuming and not always the best use of resources. Also the current practice to provide in-kind venue hire is not in line with Council policy.

Strategic alignment of categories and more concise criteria will mean better opportunities for funding and for Council to meet its objectives of the Plan for the Future.

The current timing of close of submissions in April each year to meet budget process requirements means that applicants may be required to make application up to 18 months in advance and this is a difficult timeframe to meet. Often sponsorship is provided outside the process and there can be potentially no limit on funding

- Assessment Process

Need to have clearer, strategically aligned criteria for assessment of funding requests and all requests for sponsorship, donations or support should be considered under the same criteria.

- Acquittal Process

Whilst many recipients of funding provide acquittal information there is a lack of a formal acquittal process, and many groups lack the understanding of what is required.

As part of the review process, sponsorship and donation programs from several other Local Governments were considered and the following changes to the current process are suggested:

1. That the current three funding streams (Sundry, Schools, Festival and Events) be discarded and a single "Community Sponsorship Program" be implemented.
2. In order to provide a set budget, it is suggested that Council allocate an annual percentage of the General Purpose funds to the Community Sponsorship Program.

Based on the 2006/2007 program, Council allocated approximately 0.85% of its General Purpose Funding to community sponsorship, donations and support. This did not include sponsorship of "standing arrangements" such as those with:

- Shinju Matsuri Festival and Art Prize
- St Johns Ambulance
- Coastal Park
- Surf Life Saving
- Broome Visitor Centre
- Broome Volunteer Sea Rescue
- Australia's North West
- NAIDOC

The sponsorship allocated to these events was an addition 3.36% of General Purpose Revenue.

Each year, prior to the budget process, staff would provide advise to Council on previous allocations, standing arrangements, any changes and recommend a percentage of general revenue to be set aside for the Community Sponsorship Program.

3. That the funding categories within the Community Sponsorship Program be aligned to the Plan for the Future as follows:

Our People

- Youth/Aged/ Family
- Sport & Recreation
- Reconciliation

Our Place

- Care and Preservation of the Natural Environment

Our Prosperity

- Economic Development
- Tourism

4. That funding submissions be accepted in two streams:
- Annual program to be opened after the budget process, assessed by a panel (two staff and two Councillors) and presented to Council for final endorsement.
 - Ad Hoc Funding subject to funding being available once submissions to the Annual program have been allocated. Ad Hoc Funding would be accepted anytime with a maximum of \$1,000 being allocated at the discretion of the CEO under delegated authority. Ad Hoc Funding would still need to fit the criteria and sub programs of the Community Sponsorship Program.

It should be noted that the Community Sponsorship Program has been designed to deal with Sponsorship up to \$10,000. Applications over this amount would need to be considered separately.

5. That existing standing arrangements for funding be reviewed and where practical these be deleted and included in the Community Sponsorship Program.
6. That "in-kind" contributions no longer be accepted and that groups and organisations be encouraged to apply for the equivalent amount in funding.
7. That acquittal documents be developed for distribution to recipients successful in obtaining funding.
8. That information on other avenues for funding and assistance be collated and distributed through existing mechanisms to individuals, groups and organisations.

A Discussion Paper on the Review of the Sponsorship and Donation Process has been distributed under separate cover and contains draft new documentation for the proposed Community Sponsorship Program.

The 2007/2008 budget provides \$97,500 from cash and \$15,000 in-kind funding across the three programs.

As the Sponsorship and Donation Program has been under review, it was not opened for submission this year and funding has been allocated to priority requests by resolution of Council.

However there is still a significant amount of funding available and an expectation from the community that there will be an opportunity to make submission to the Shire for funding during this financial year.

It is suggested that 2007/2008 be used as a transition to the proposed new Community Sponsorship program, with the application period being opened, and submissions being accepted based on the guidelines and documentation prepared for the new program and that a panel of two Councillors and two staff members being appointed to assess submissions and make recommendation to Council on successful funding submissions.

Using the assessment experience, it is recommended that the same panel be designated to undertake a review of the current sponsorship and donation policies and draft a new policy for the Community Sponsorship Program and refine the new proposed process.

CONSULTATION

Informal discussions with Councillors and the draft Discussion Paper was presented to the informal meeting of Council and Directors held 31 October 2007.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Will require the review and redrafting of existing policies of Councils.

FINANCIAL IMPLICATIONS

There are funds available for sponsorship and funding in the 2007/2008 budget.

STRATEGIC IMPLICATIONS

People

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

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

Place

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

Prosperity

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

Support business and economic development

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

1. That the Annual Sponsorship and Donation program be opened for a four week submission period, utilising the guidelines and documentation for the proposed new "Community Sponsorship Program" as contained in the Annual Sponsorship and Funding Discussion Paper.
2. That Councillor, Councillor....., the Director Corporate Services and the Manager Administration Services be appointed to a panel to assess the 2007/2008 submissions for sponsorship and the recommendations of the panel be presented to Council for final endorsement.
3. That the Sponsorship Assessment Panel review the existing sponsorship policies:
 - Policy - 2.3.1 - Financial Assistance to Schools
 - Policy - 2.3.2 – Sundry Donations
 - Policy - 2.3.3 – Event Sponsorship

and draft a new policy for the Community Sponsorship Program and refine the new proposed process and these be presented to Council for final endorsement and implementation as part of the 2008/2009 budget process.

COUNCIL RESOLUTION

Moved: Cr V L Wevers

Seconded: Cr M L B Albert

1. That the Annual Sponsorship and Donation program be opened for a four week submission period 3 December 2007 to 31 December 2007, utilising the guidelines and documentation (to be further simplified for small grants) for the proposed new "Community Sponsorship Program" as contained in the Annual Sponsorship and Funding Discussion Paper.
2. That Cr C R Mitchell, Cr S E Eaton, the Director Corporate Services, the Director Community Services and the Manager Administration Services be appointed to a Sponsorship Assessment Panel to assess the 2007/2008 submissions for sponsorship and the recommendations of the panel be presented to Council for final endorsement at the February 2008 Ordinary Council Meeting.
3. That unspent funds to date of up to approximately \$65,000 be distributed 1 March 2008 to 30 June 2008.
4. That the Sponsorship Assessment Panel conduct a review of the proposed draft policy and procedures including a review of existing sponsorship policies:
 - Policy - 2.3.1 - Financial Assistance to Schools
 - Policy - 2.3.2 – Sundry Donations
 - Policy - 2.3.3 – Event Sponsorship

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

CARRIED UNANIMOUSLY

With regard to Item 9.4.7 Cr R J Lander disclosed that "I have had an association with the Broome Christian Fellowship. 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".

9.4.7 DONATION - CAROLS BY CANDLELIGHT 2007

LOCATION/ ADDRESS:	N/A
APPLICANT:	Broome Christian Fellowship
FILE:	FIS.02
AUTHOR:	Manager Administration Services
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 November 2007

SUMMARY: To advise Council of a request for financial and in-kind donations toward the Carols by Candlelight event to be held on 16 December 2007.

BACKGROUND

Previous Considerations

OCM 1 December 2005 – Item 9.4.4

OCM 13 April 2006 - Item 9.4.9

Since 2004, the Shire of Broome has supported the annual Christmas Carols by Candlelight hosted by the Broome Christian Fellowship at the Cable Beach Amphitheatre.

COMMENT

The Sponsorship and Donation program is currently under review, and has not been opened for submissions at this stage.

Written correspondence has been received from the Broome Christian Fellowship seeking financial and in-kind support for this year's event, scheduled to be held on Sunday 16 December 2007.

Hire fees for the amphitheatre are \$660.00 and it has been the practice of the Shire in previous years to waive the hire fees associated with the event, however the venue hire bonds must be paid.

In addition to the waive of the fee, the Fellowship is seeking \$2,200 (including GST) towards this event, again, this is in line with previous support provided.

The event attracts a significant portion of the community.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

The Shire of Broome Policy 1.3.4 Festivals and Events applies.

FINANCIAL IMPLICATIONS

The Shire has funding available in the 2007/2008 budget to support events.

STRATEGIC IMPLICATIONS

People

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

The community engaging with the Shire and contributing to an enhanced quality of life.

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council endorses the financial support of \$2,200 (including GST) to the Broome Christian Fellowship for the Carols by Candlelight Event to be held on Sunday 16 December 2007 and the venue hire fees associated with the use of the amphitheatre on this day be waived, however associated venue hire bonds must be paid.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr S E Eaton

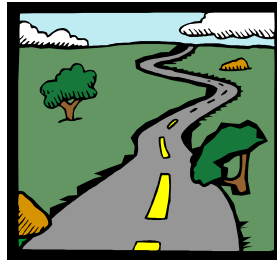
That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

9.5

ENGINEERING

SERVICES



OUTCOME

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

9.5.1 INTERCITY BUS SET-DOWN RELOCATION REQUEST

LOCATION/ ADDRESS: Chinatown - Carnarvon Street and Broome Highway
APPLICANT: N/A
FILE: RES 38458, RES8176
AUTHOR: Director Engineering Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director of Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 6 November 2007

SUMMARY: Council has received a written request from Greyhound Australia for permission to use an existing bus set down facility on the Broome Highway adjacent the Broome Visitors Centre, for the pick up and drop off of passengers. This report recommends approval of the request.

BACKGROUND

Previous Considerations

There have been previous discussions between Greyhound Australia and Council. Greyhound used to use the old BVC as a terminal. However the company has reduced its funding of such manned facilities nationwide and now generally rely upon agency bookings and driver ticketing. The new BVC is an agent for Greyhound passenger ticketing, but not for freight. Greyhound Australia currently use the Tourist Coach bay in Carnarvon Street.

COMMENT

A letter dated 26 October 2007 has been received from Greyhound Australia requesting permission for that company to change the location of its approved coach pick up and set down point in Carnarvon Street to another location outside BVC at the Broome Highway. Greyhound Australia is the only Intercity Coach company operating through Broome, other than the Derby Bus Company.

The company does not cite a reason in their letter except that they will pick up and set down passengers outside normal business hours so there would be no impact on normal Broome Visitor Centre (BVC) trading and this would give passengers a pleasant and comfortable place to arrive at and depart from in Broome.

Greyhound coaches currently pick up and drop off at the bus set down area in Carnarvon Street adjacent Male Oval. In discussions with Director Engineering Services they have indicated that this location has proven to be unsatisfactory.

From observation of the bus bay proposed as the new coach interchange area, it does not appear that there would be any adverse effect from this change, given the times Greyhound will use it, except that there may be increased pressure for an additional public toilet block nearby, and that other local companies may then also wish to change their pick up and set down location from Carnarvon Street to this location. Rubbish bins will also need to be installed at this location.

CONSULTATION

Broome Visitor Centre Board.

They advised the following informal views:

- 75% tickets are for Regional Travel to such places as Derby, Fitzroy Crossing and Halls Creek;
- 25% would be for Interstate Travel (backpackers) to such places as Darwin or Perth;
- Buses depart 7.00pm each day and arrive 8.00am;
- At those times BVC is closed and there are no facilities available;
- BVC only makes money from Greyhound from ticket sales within BVC;
- Passengers can buy tickets either from BVC or direct from the driver;
- Issues already with use of toilets at BVC;
- Will moving the bus pick up point bring more people to BVC who are "waiting for the bus";
- The outside deck is a large covered area suitable for sheltering in the event of rain;
- If bus stop moved it would be even further away from the only public toilets which are in China Town;
- A new Public Toilet Block is definitely required if the bus stop is relocated.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

There may be significant financial implications for Council if a new public toilet block is required at the bus stop on Broome Highway near BVC.

STRATEGIC IMPLICATIONS

People

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

Place

Ensure that the Shire's Assets are strategically planned and managed.

Prosperity

Support Businesses and Economic development.

VOTING REQUIREMENTS

Simple Majority

President: Date:

REPORT RECOMMENDATION

That with respect to a request from Greyhound Australia Pty Ltd to relocate their bus services pick-up location to an existing bus bay on Broome Highway adjacent the Broome Visitor Centre Street, Council resolves:

1. To advise Greyhound Australia that their request is granted; and
2. That a rubbish bin be installed in the vicinity of the bus shelter at this location.
3. Seek funding for a suitable amenities block in the vicinity.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr S E Eaton

That the Report Recommendation be deferred pending a report from Greyhound Australia Pty Ltd regarding their contribution towards facilities and/or utilisation of parking in the Broome Visitor Centre (BVC) car parking area, whilst also including consultation with the BVC management and Board.

CARRIED UNANIMOUSLY

The Chief Executive Officer declared an interest in Item 9.5.2 due to his tender bid for one of the Contracts and departed the Council Chambers at 6.28pm.

9.5.2 DISPOSAL OF VEHICLE TENDERS 2007/08

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	EPL Contract No's 07/37, 07/38, 07/39, 07/40, 07/41, 07/42 & 07/43
AUTHOR:	Engineering Administration Officer
CONTRIBUTOR/S:	Engineering Staff
RESPONSIBLE OFFICER:	Director Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	07 November 2007

SUMMARY: Tenders were called for the disposal of vehicles replaced as part of the annual plant replacement program. Full details, tender evaluations and recommendations are included in the attached CONFIDENTIAL report for Councillors information only.

BACKGROUND

Previous Considerations

Nil

Tenders were called for the disposal of various vehicles, as part of the approved plant replacement program for 07/08. The replacement vehicles have all been ordered under the WA State Government Acquisition Contract. All but one have arrived.

- Tender 07/37 Sale of Single cab-chassis 4x4
- Tender 07/38 Sale of Crew cab 4x4 utility
- Tender 07/39 Sale of Station wagon 4x4
- Tender 07/40 Sale of Crew cab 4x4 utility
- Tender 07/41 Sale of Crew cab 4x4 utility
- Tender 07/42 Sale of Crew cab 4x4 utility
- Tender 07/43 Sale of Space cab 4x4 utility

All seven [7] of these tenders are considered in this report.

COMMENT

No tenders were received for Tender 07/37. A number of tenders were received for the rest as detailed in the attached confidential report. Once tenders are accepted by Council, the details of the accepted tender will then be included in the Minutes of the meeting and be made public, in accord with accepted WALGA Tender guidelines.

CONSULTATION

These vehicles were all advertised in the West Australian on 13 October 2007 and in the Broome Advertiser 18 October 2007 and offers closed 31 October 2007.

President: Date:

STATUTORY ENVIRONMENT

Local Government Act (Tender regulations)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

All items were included in the approved 07/08 budget as adopted by Council. An overall summary of recommended tenders is included in the confidential tender assessment.

STRATEGIC IMPLICATIONS

Place

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council resolves to accept the recommendations as contained in the separate confidential reports.

COUNCIL RESOLUTION

Moved: Cr V L Wevers

Seconded: Cr S E Eaton

That the Confidential Report Recommendations be adopted as follows:

TENDER 07/37

1. **That for Tender 07/37, it be closed with no sale made.**
2. **That the vehicle from this Contract, Plant number 7504, be transported to Perth and sold at auction with a reserve price of \$15,909.09 excluding GST, and**
3. **That if the reserve price is not achieved on the day of the auction, negotiation with the highest bidder, for a higher offer, but not necessarily as high as the reserve price, be entered into.**
4. **If a reasonable price is still not achieved, the vehicle will be held at the auction house and put up again at the next available auction using the same process, until an acceptable sale is achieved.**

TENDER 07/38

That the highest private offer of \$19,363.64 (not including GST) be accepted from Peter Johnston, for the purchase of the Shire trade-in unit 7405 Holden Rodeo crew cab 4wd utility, licence number BM0.

TENDERS 07/39, 07/40, 07/41, 07/42, & 07/43

1. **That for Tenders 07/39, 07/40, 07/41, 07/42 & 07/43 be closed with no sale made.**
2. **That the vehicles from these Tenders, be transported to Perth and sold at auction with a reserve price of \$29,363.63 for Plant No. 7605, \$17,000 for Plant No.'s 4405, 11305 & 3805 and \$24,181.82 for Plant No. 3006, and**
3. **That if the reserve prices are not achieved on the day of the auction, negotiation with the highest bidders, for a higher offer, but not necessarily as high as the reserve price, be entered into.**
4. **If a reasonable price is still not achieved, the vehicle(s) will be held at the auction house and put up again at the next available auction using the same process, until an acceptable sale is achieved.**

CARRIED UNANIMOUSLY

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

The Chief Executive Officer returned to the Chambers at 6.30pm.

President: Date:

9.5.3 BROWN COURT - REID ROAD - PROPOSAL TO FENCE OFF UNALLOCATED CROWN LAND

LOCATION/ ADDRESS:	Brown Court/Reid Road/Palmer Road
APPLICANT:	State Land Services
FILE:	BRO-2/20; BRO-2/GEN; REI-1/GEN; REI-1/2
AUTHOR:	Director of Engineering
CONTRIBUTOR/S:	Director Corporate Services
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	2 November 2007

SUMMARY: State Land Services have written to Council requesting comment on a request by a resident Mr Michael Schenck to erect gates on adjoining unallocated crown Land between Reid Road and Brown Court, with the purpose of reducing the impact of anti-social behaviour. This is part of a broader long-standing issue, which requires a big picture response. This report recommends that Council does not support the erection of gates and fences, but also outlines a possible way forward toward an acceptable solution in the broader context.

BACKGROUND

Previous Considerations

This issue has been long standing since before Michael Schenck purchased his property:

- 19 March 1997 - letter to DOLA from Council requesting a subdivision of unallocated crown land adjacent to 2 Reid Road;
- 7 Oct 1997 – Letter from DOLA advising that a proposed 2 lot subdivision could not proceed on the basis of social implications and desirability;
- 19 March 2001 – Letter to DOLA advising Council was in receipt of a request to review the potential of initiating 2 lot subdivision of vacant crown land off Reid Road;
- 5 June 2001 – Letter to DOLA from Council advising that the subject land is zoned "Residential";
- 28 June 2002 - Letter to DOLA asking if Council required a pedestrian accessway as well as the drainage and power line easement over the land;
- 15 July 2002 - Letter to DOLA from Council advising Council supports the 2-lot subdivision of this land with the proviso that an accessway be provided between Brown Court and Reid Road and that the balance land be vested in Council as a drainage reserve.
- 11 April 2003 – Letter from DOLA advising that the subdivision of this land was impossible at present due to the Native Title Process being followed, that anti-social behaviour might be transferred to the accessway and that fencing off the land was the only short term solution.
- Purchase of property by Michael Schenk 28/05/03;
- 26 August 2003 - Letter to Michael Schenk requesting fence built on road reserve boundary – asked to shift it back onto boundary.
- 3 October 2003 – petition from 15 residents of Brown Court requesting it be closed;
- 20 October 2003 - Official Complaint from Michael Schenk;
- 21 October 2003 - Letter from Council to Michael Schenk advising that most issues are police matters;

President: Date:

- 23 March 2004 OCM Minutes – Council resolved et al to close the end of Brown Court and Nightingall Drive with colour bond sheet fencing. This work has been done;
- 17 May 04 - Official Complaint from Michael Schenk about several issues including vandalism from vacant Crown Land adjacent;
- 25 October 2004 – Official Complaint from Michael Schenk;
- 22 November 2004 – Letter from Council to Michael Schenk advising vandalism was a police matter, that Native Title was still an issue and that fencing was the only real option in the short term;
- 8 February 2005 – Official Complaint from Michael Schenk;
- 21 March 2007 - Official Complaint from Michael Schenk;
- 5 April 2007 - Letter from Council to Michael Schenk referring him to a previous response from Council;
- 26 October 2007 – Letter from State Land Services requesting Council comment on a proposal to close off a section of UCL between Reid Road and Brown Court.

COMMENT

State Land Services has asked for a comment from Council in relation to the erection of gates (and presumable fencing) on Unallocated Crown Land (UCL) between Reid Road and Brown Court.

However, this is not a localised issue, but is part of a much wider issue for Broome.

Anti-social behaviour of pedestrians around Broome's residential precincts has been an issue for residents in many areas for quite some time and especially at night.

These pedestrians are often people from outside the immediate subdivisional precinct who utilise the stormwater drainage reserves, Public Open Space (POS) and UCL as unofficial pathways. Some occasionally and all too often engage in anti-social behaviour such as drinking, vandalism and abusive behaviour toward residents from the relative safety of these areas. These routes are largely undeveloped, over grown, unlit and users are not easily seen. Police would find it difficult to follow suspects on these pathways and these areas of land have therefore been seen as contributing to public nuisance and illegal activities.

To date in many instances Council has decided to permit closing off of an offending pathway by fencing to prevent extraneous pedestrians from entering a particular residential precinct and so improve the amenity for residents. This fencing is often located at the ends of culs-de-sac, and has the effect of limiting movement for all residents. This is contrary to good town planning practice of endeavouring to achieve efficient pedestrian permeability through residential subdivisional areas.

For example, such fencing has been installed at Nightingall Drive, Crawford Place, Howard Place (Council resolved 2007 work yet to be done), between Guy and Anne Streets, at Brown Place and so on. This action has in effect created "gated" communities and also has simply moved a "problem" to the next street, whose residents then also want to have the area fenced off.

What this is also doing is reducing the ability for all residents to move efficiently about the suburbs and will result in the use of alternative routes (shifts the problem and increases travel distances) or the use of different modes of transport (increases the use of cars).

This is a considerable problem to resolve and it is proposed that it be tackled on a holistic community basis.

An analysis is required to identify the demographics of the pedestrian groups, and their needs. Primary "desire" lines along which pedestrians wish to travel to and from desired destinations by day and by night should be identified. Are people simply looking for somewhere to hang out or for something to do or are they heading somewhere to be away from it all?

As result it should be possible to identify significant footpath routes and possibly destinations which Council can then look at improving in terms of amenity and or other attractions suitable to the needs of the users. Over time, Council would be able to apply the principles of "Designing out Crime"* to the pathway routes and destinations.

"Designing out Crime" is a process that applies to the urban landscape. It includes such principles such as:

- Clear Sight lines and natural surveillance;
 - Appropriate landscaping which does not obscure lines of sight eg low vegetation to 700mm, and broad canopy trees with canopy 2.4 m above ground providing shade and amenity;
 - Visually permeable fencing;
 - Effective lighting (AS 1158 or better);
- Safe Movement, good connections and access;
 - Signage
 - Appropriate and integrated lighting of pathways and public open space
 - Well maintained landscaping and pathways through on-going quality maintenance commitment to ensure a "sense of ownership" and order is sustained
 - Elimination or entrapment spots
 - Continuous, accessible and dual use (peds/cyclists) paths
- Ownership that is clear;
 - Clear delineation between public and private ownership of space;
 - "entry statements" to delineate ownership of space;
 - landscaping and clearly defined pathways;
- Mixed Use activities that promote public use;
 - Buildings fronting onto public open space;
 - Activity generators eg cafes, markets and all-hour service;
 - Diversified use of space particularly at vulnerable times;

Improved pedestrian amenity could include such elements as improved surfacing, lower gradients (easier walking), improved lighting, water-fountains, seats, shade trees, and bush-tucker plantings, and serviced bush camps. The inclusion of areas attractive to youth involvement such as BMX facilities, skate-board bowls, football fields, basketball courts or others could be considered.

* Designing out Crime – State Designing out Crime Strategy

To facilitate a successful outcome the support and involvement of the established local youth organisation HYPE will be critical to gain an in depth understanding of the pedestrians and issues involved. This group could reach a high percentage of the people involved.

The HYPE youth workers spend considerable time each week in the proposed area dealing with anti-social behaviour from local youth. It could be an option that consultation is undertaken with the youth by the HYPE workers over the coming weeks seeking input from them in relation to what they would like to see happen. HYPE workers are currently developing a list of projects to undertake over the next few months so there is capacity for this highly visible and relevant engagement to take place. Minutes of the HYPE meetings confirm this anti-social behaviour including a recent event whereby up to 80 youth were congregating in the area. It should also be noted that HYPE workers are not viewed as intimidating or authoritative and are well received by local youth.

The problem of anti-social behaviour by some pedestrians at night is long standing and calls for a careful consultation and consideration of the reasons for it and canvassing of many possible solutions. The best solution will probably be a combination of improved walkways, fencing, targeted attractions, selected development and education.

Erecting fencing and gates at the UCL between Reid Road and Brown Court will only provide a short-term fix and may simply shift the problem to an adjoining area. It is considered that by identifying overall desire lines, and providing improved pedestrian amenity on these routes that Council may be able to attract pedestrians to more frequently use these improved routes.

Whilst it may appear to be a better option if the originally proposed two lot subdivision as shown in the attachment could be again proceeded with, this could well be on a pedestrian desire line and hence should not be proceeded with until an overall concept for pedestrian movement about the area is fully understood.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995
Native Title Act

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire has not budgeted for any work in this regard. If gates (and fencing) were to be agreed to it should be at the full cost of the proponent.

It is not envisaged that there would be any unbudgeted costs involved if HYPE undertakes the consultation.

STRATEGIC IMPLICATIONS

People

Actively contribute to well-being and safety.

President: Date:

Place

Ensure that the Shire's Assets are strategically planned and managed.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That in relation to a request for comment from State Land Services regarding the installation of gates on UCL between Reid Road and Brown Court, Council resolves to:

1. *Advise State Land Services that the erection of gates or fencing is not favoured by Council.*
2. *Make an approach to HYPE to undertake a detailed pedestrian needs analysis along the lines outlined in this report.*
3. *Request that a further report be brought back to Council following the consultation process with a view to adopting a program to improve the pedestrian pathways in the future.*

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr V L Wevers

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

[Attachment: 1 page](#)

- 6. It would be possible to limit capital costs by shaping the sealed carpark on BIA land to act as a wide swale, so long as it did not have negative impact on the area of commercial floor space achievable. It may be possible to include part of the drain as landscape component.
- 7. PCP would engage external planning consultants to advise of development potential.
- 8. The Shire President requested that this matter be put to Council in November 2007.

Subsequent to the above letter and as undertaken at the above meeting, BIA lodged estimates from two contractors, BGC and from Jetridge Holdings, for the section of drain along Frederick Street. This figure of just over \$2.0M was based upon quantities prepared by KBR.

Council previously engaged Halliburton KBR Pty Ltd to undertake a strategic stormwater drainage exercise over the Frederick Street catchment. This study included an existing open unlined drain on airport property along Frederick Street and was entitled the "Frederick Street Drainage Study", 8 November 2005.

COMMENT

GENERAL

At the above meeting conducted on 25 September 2007 between BIA and Council it was generally agreed that BIA and Council would work cooperatively to resolve drainage and land issues associated with developing the designated land fronting Frederick Street as commercial space, on the basis that both parties wished to see the development proceed.

EXISTING SITUATION

A large developed catchment consists of two significant sub-catchments. One extends onto airport land past BRAC and over Cable Beach road to the west parallel to Port Drive to about Reid Street. It is conjoined at the High School by another sub-catchment from the west which extends from Frederick Street, extending to Port Drive and back to about Haynes Street. The section of drain under consideration is a small part of a major trunk drain which is discharged to the sea via a culvert under the Broome Highway at the end of the airport.

From a purely drainage point of view the open grass/bush lined drain, which exists along Frederick Street functions reasonably satisfactorily at present and is environmentally stable with established native grasses, small shrubs and other vegetation. The only reason the drainage infrastructure needs to change at this point in time is to accommodate the proposed development.

This drain partly lies on Airport land. Council has a monthly renewable license over the drain, which was originally gained from the Commonwealth. However the parent lease is now owned by BIA. This license can be terminated by one months notice from either side.

When the license was negotiated it is probable that the parties involved did not contemplated at the time that the commonwealth would want to develop the land on which the drain existed or that it would want to end the license agreement precipitously. Legal opinion may be required to clarify where Council stands in this regard.

DEVELOPMENT

From the development point of view, this drain would ideally be covered or relocated elsewhere to gain better exposure for the commercial development contemplated. This would also allow more options for access, increase land availability for development purposes, reduce public risk, and make the development more commercially desirable.

Council is also keen to see development proceeds in this area to consolidate commercial activities and provide more retail space in a desirable location.

If the drain is to lie on Airport Land, Council will also need to have it protected by way of an easement for drainage purposes to guarantee Council's ability to discharge its maintenance responsibilities.

FREDERICK STREET TRANSPORT CORRIDOR

Frederick Street has been identified as possibly needing to be a 4-lane road at some time in the future. It is also likely there will be increased pressures for other transport modes to be provided within the same road reserve and corresponding demand on space. Accordingly, it would be unwise to install a new underground drain and surface swale within the road reserve and rely on that into the future. The option of locating the drain on an easement inside the BIA land is therefore preferable to preserve long-term roadway usage flexibility.

DRAINAGE STRATEGY

The Frederick Street Drainage Study by KBR identified 3 viable Options. They were:

1. Option 5a 1x2400x2100 RCBC plus compensating basin of 110x110x1.3m;
2. Option 6a 1x2400x1800 RCBC plus compensating basin of 180x180x1.3m;
3. Option 6b 3x1500 RCPs plus compensating basin of 180x180x1.3m;

All of these options ensure that the Q100 flow is fully contained within the retention basin and the underground drainage system. However, the performance of this system ultimately will depend on the final storage capacity that can actually be realized at the BRAC basin. The existing basin is 80x80x1.3 capacity and this will need to be significantly enlarged or alternative additional retention storage found to achieve the strategy size identified.

Assuming the full 180mx180mx1.3m basin equivalent is achievable at BRAC, the favoured Option 2. calls for a 2400x1800 RCBC, which will contain the entire flow underground up to Q100. ie this provides a level of service such that the area will only be flooded once every 100 years on average or put another way, there is a 1% Annual Exceedance Probability (AEP) - probability of flooding occurring in any one year.

Council may consider this Level of Service to be excessive and that it may be reasonable to consider a slightly lower Level of Service. If it can be agreed with BIA that the development will include an extensive carparking area along the front of the development (between the road reserve and the front of the buildings), a further option to reduce the trunk drainage pipe size (and costs) would be to permit some surcharged overland flow to occur via this carparking area.

In such events the entire Q100 flow (after retention at the BRAC Basin) is contained within both the carparking area and the underground system. This level of service should still be quite acceptable to Council provided the flow "d.v" product is limited to say 0.6 within the car parks for public safety. In this case, the easement for drainage purpose should also

extend over the car park so that Council can gain access to carry out its drainage maintenance responsibilities.

As part of the detailed design modelling to be undertaken, the need for the BIA development site to provide on-site stormwater retention needs to be carefully examined. It may be appropriate to minimise the impact upon catchment peak flows within the trunk drain, that the BIA site not provide compensation on site, but to let the run-off occur and get away as quickly as possible. Consideration of this aspect should be included in design modelling analysis to be undertaken at this time.

Consideration should also be given for BIA to fund its proportion (but now based on the overall catchment area i.e. a lesser proportion to BIA) of the downstream drainage requirements to the legal point of discharge.

Although there may be limited scope for environmental aspects in this work, the requirements of the Western Australian Stormwater Management Manual should be taken into account. This includes consideration of water quality management improvement items such as pollutant, sediment and litter traps, grassed swales, recharge areas and nutrient removal ponds and wetlands.

PRELIMINARY COSTS

PCP advise that the estimated cost of the section of drain in front of the subject land is approximately \$2.0M - \$2.1 M which has been prepared on the basis of a 2.4x1.8m RCBC.

However this estimate neglected any work associated with enlargement of the compensation basin upstream, which is required to drop the flow rate down to suit this pipe size. This is an integral part of the work and the costs involved should be considered as part of the cost of this project.

PCP have also advised they are prepared to contribute 10% - 20% of the cost of the drain at this point. However, drainage contribution calculations are normally based upon benefit derived, which is based upon the run-off generated by the particular type of development. This is dependent on area and run-off coefficients. As this is commercial land the run-off will be based on at least a run-off coefficient of 90%. Broome's Drainage manual states that Residential land has a run-off coefficient of 70% and vegetation/ bushland 40%.

Accordingly, further consideration of costs and contributions will need to take account of these aspects, although it is unlikely to exceed BIA's offer of funding up to 20% of the cost.

LEGAL CONSIDERATIONS

Whilst Council has indicated that it is supportive of development in this area, it is important that Council does not fund more than its fair share legally. It may be necessary to obtain legal opinion from time to time.

WHERE TO FROM HERE

It is considered that it would be appropriate that Council now commission suitable consultants to undertake the detailed design of:

- the compensation basin at BRAC (maximize retention size possible); and
- the Q100 trunk drainage system from the basin downstream and passed the BIA land to the outlet under Broome Highway, such drain to be a "swale" type wherever possible with sufficient space for maintenance access;

President: Date:

- Minimise the underground conduit size by accommodating some overland flow in the sealed carpark space on BIA land;
- Whether the BIA site should provide on-site retention or not (in terms of the over-all catchment drainage efficiency;

Once the detailed design is completed, Council will know exactly what it is dealing with including exact land requirements for the easement over the underground and surface drainage system and costs can then be established with accuracy.

Having completed this work BIA and Council can then settle on the necessary Drainage easement required over the trunk drainage system on BIA Land.

CONSULTATION

BIA

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

CURRENT FUNDS AVAILABLE

The only funds available within Budget for work in this catchment are \$50,000 in Budget Item No. 104691 Frederick Study and Study upgrade works - Capital works on Compensation basin. It is considered that it is inappropriate to expend this money on any work without first having a detailed design to guide the work. Accordingly Council could utilise these funds to assist cover the cost of the detailed design work.

BIA have cooperated in the past by contributing on a 50:50 basis with Council for the KBR Strategic Drainage Report. As this is a cooperative approach they may well be prepared to contribute to detailed design costs on the same basis.

COSTS

With respect to the construction of the major trunk drainage work, there are significant financial implications for Council.

If Council had an adopted Drainage Strategy over the catchment at the commencement of development and Drainage Headworks Charges were collected, Council would now have collected significant specific for construction of this major trunk drainage work. However this is not the case and council will now have to fund a considerable proportion of the trunk drainage infrastructure costs by way of a loan and developer contributions.

BIA has offered to pay up to 20% of the cost of the drain passed the development site. However it should be noted that the size of the drain passed the development is dependent on having a fully constructed compensation basin upstream. The compensation basin has only been partly constructed. It requires extending. The completed basin is an integral part of the drainage infrastructure required for the

development. Accordingly the cost of extension of the compensation basin should be included in the sum on which the contribution is based.

Even with the BIA contribution there are still significant remaining costs to be funded by Council and this is likely to be in the order of \$2.0 M.

Further, this development benefits from the discharge of developed flows downstream to the receiving waters and any water quality improvements devices required will benefit the development.

To provide an example of the impact on Council only, and based upon the initial indicative costs provided by BIA plus an allowance for augmentation of the compensation basin the total cost may be around \$2.5M. Assuming BIA fund 20% as they have suggested, Council's remaining cost will be about \$2M. If further trunk drainage work is required the over all cost will go up accordingly.

Assuming the following for the example in question, if funded by way of a loan raised by Council the impact on Council's budget by way of repayments will be in the order of:

- Amount: \$2,000,000
- Term: 20 years, monthly repayments at a Rate of 8.5%
- The annual loan repayments will be approximately: \$208,278 per annum

(Note: The Department of Corporate Services would examine all possible options and advise on the best option available to Council).

Accordingly, for this project to proceed Council would have to fund Approx \$210,000 per year from its capital works budget every year for 20 years.

As no Stormwater Headwork charges have been collected, Council can only seek to fund this annual repayment through:

- General rates revenue (everybody pays);
- "Special" rates revenue over the catchment (i.e. User Pays - ratepayers within the benefited area pay);

Council could attempt to acquire grant monies to assist with the stormwater drainage work but this avenue is considered unlikely to provide the funding required as it is now generally tied to environmental benefits, recycling/re-use and sustainability outcomes, rather than undergrounding to accommodate development.

Once a detailed design has been completed more precise estimates of cost can be costs cannot be ascertained.

STRATEGIC IMPLICATIONS

People

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

Place

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

Ensure that the Shire's Assets are strategically planned and managed.

Prosperity

Support Businesses and Economic development.

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

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That with respect to a request from BIA to convert a drainage license over Lot 654 to an easement and the proposed undergrounding of the existing trunk drain in Frederick Street for development purposes, Council resolves that:

1. It proceeds to work in conjunction with BIA in the completion of trunk drainage infrastructure in Frederick Street.
2. Legal advice be sought in relation to the existing drainage license and responsibilities for infrastructure provision.
3. BIA through Pearl Coast Properties be approached to work in conjunction with Council in sharing the costs of all detailed design work on a 50:50 basis.
4. Suitable consultants be commissioned to carry out a detailed design of the proposed basin at BRAC and the trunk drain system downstream from the basin to the discharge point under the Broome Highway to determine exact requirements.
5. The consultant's commission is to include optimising the overall system by maximising the retention basin on BRAC, consideration of deleting on-site retention on the BIA development and downstream land, permitting surcharge flow in future car parks on the BIA development and using grassed swales wherever possible.
6. The proposed underground trunk drain in Frederick Street be situated immediately inside BIA land to preserve future transport corridor flexibility.
7. That a suitable width easement be identified over all Airport land upon which the Q100 trunk drain must be located at the time of Developmental approval.
8. The Broome Airport Authority and Pearl Coast Properties be advised of the above decision.
9. That a further report be brought back to Council with detailed design and cost estimate for the works required to underground the required drainage infrastructure in front of the BIA land in Frederick Street.

COUNCIL RESOLUTION

Moved:

Seconded:

**FOR:
AGAINST:**

[Attachment: 16 pages](#)

Cr G T Campbell declared an interest in Item 9.5.5 due to his ownership of adjacent property and departed the Council Chambers at 6.35pm.

9.5.5 CONTRACT 07/52 BRAC STAGE 2A THE SUPPLY AND INSTALLATION OF ELECTRICAL SUB MAINS CABLES TO BUILDING 2

LOCATION/ ADDRESS: Broome Recreation & Aquatic Centre, Cable Beach Road East, Broome

APPLICANT: N/A

FILE: Contract 07/52

AUTHOR: Manager of Asset & Design

CONTRIBUTOR/S: Director Engineering Services

RESPONSIBLE OFFICER: Director Engineering Services

DISCLOSURE OF ANY INTEREST: Nil

DATE OF REPORT: 1 November 2007

SUMMARY: Consideration of tenders as received for the supply and installation of Electrical SubMains Cables to proposed Building 2 as part of the BRAC Stage 2A project, and to seek endorsement of the recommendation contained in the confidential tender evaluation report.

BACKGROUND

Previous Considerations

OCM 6 July 2006- Item 9.5.2 Contract 06/10 BRAC Stage 2A Water, Effluent Main & Service Corridor works.

SCM 30 November 2006 – Item 9.5.1 Broome Recreational & Aquatic Centre Works – Stage 2A

SCM 30 November 2006 – Item 9.5.2 Contract 06/22 BRAC Stage 2A Supply & Installation of Electrical Services & Floodlights

SCM 30 November 2006 – Item 9.5.3 Contract 06/23 BRAC Stage 2A The Construction of Automatic Effluent Reticulation System with Freshwater Flushing (Separable Portions A & B)

OCM 15 February 2007- Item 9.5.1 Contract 06/26 BRAC Stage 2A The Construction of Automatic Effluent Reticulation System with Freshwater Flushing Feature Playing Field 2

SCM 21 February 2007- Item 9.5.1 Contract 06/26 BRAC Stage 2A The Construction of Automatic Effluent Reticulation System with Freshwater Flushing Feature Playing Field 2

OCM 1 Aug 2007- Item 9.5.1 Contract 07/34 BRAC Stage 2A The Supply & Installation of Effluent Reticulation on Playing Field 3

The BRAC Stage 2A project is proposed to provide two new playing fields (2 & 3) with full effluent reticulation to both areas and floodlighting to playing field 2 only. The purpose of this agenda item is to award the final contract associated with this stage of the project for installation of electrical sub mains cables from the existing main switchboard to the site of the proposed pavilion / changerooms (Building 2) the current status of the project is as follows:

President: Date:

- Contract 06/10 BRAC Stage 2A Water, Effluent Main & Service Corridor works is fully completed and installed with the effluent ring main around both playing fields 2 and 3, as well as installation of all electrical conduits, water services and sewer installation for future change rooms.
- Earthworks on playing field 2 are fully complete.
- Contract 06/22 BRAC Stage 2A Supply & Installation of Electrical Services & Floodlights is approximately 90% complete with all mains power to the BRAC site installed, cables run to all the pole locations and the installation of 7 out of the 8 poles completed and ready for commissioning. Still to be sorted out are structural footing design issues associated with the presence of extreme contaminated fill located below the footings of light column number 4. Shire Engineering staff are working with the contractor to come up with a design solution to the contaminated fill problem so as to finalise the contract and have the last light pole erected.
- Contract 06/26 BRAC Stage 2A The Construction of Automatic Effluent Reticulation System with Freshwater Flushing Feature Playing Field 2 consisted of the construction of new freshwater tank with associated pumps and control station and full effluent reticulation to the playing field surface. This is now fully completed with the commissioning, handover and training phase underway.
- Earthworks on playing field 3 are 100% complete. As part of our continuing partnership with the Water Corporation, they have funded and installed a second effluent tank (approx \$110,000) to enable playing field 3 to be efficiently irrigated allowing full utilisation of the BRAC site for effluent dispersal. All other associated infrastructure to enable the irrigation of playing field 3 is already installed in prior contracts.
- Contract 07/34, The Supply and Installation of Effluent Reticulation on Playing Field 3 is to allow the previously installed Shire infrastructure and the new Water Corporation supplied tank to all be used to fully irrigate playing field 3. This contract has been awarded and is 20% complete.
- Application of turf to Playing Field 2 is well underway.

The original concept and scope of works for BRAC Stage 2A included the construction of a pavilion / changerooms (Building B2). As all the other aspects of the project increased (earthworks, reticulation lighting etc.) in cost, the budgets and scope allowed for the pavilion were decreased to compensate, as this was deemed by Shire officers a lower priority.

At a meeting held on 17 April 2007, attended by the CEO, Director Engineering Services, Manager Asset and Design, Manager Recreation Services, Regional Manager DSR and CSRFF Consultant DSR, the CSRFF Consultant indicated that downsizing the Clubroom component and redirecting funds to the reticulation of Field 3 was considered a 'Change of Purpose' and would not be acceptable under the conditions of the CSRFF grant.

Furthermore, given the difficulty in obtaining builders, it would be unlikely that any form of clubroom would be completed, even with a 12 month extension.

To meet the conditions of the grant, the CSRFF Consultant recommended the Clubroom component of the budget for Stage 2A be relinquished (less expenditure to date). It is to be noted that included and agreed by CSRFF in the expenditure to date was the costs

President: Date:

associated with the installation of the electrical sub mains to the pavilion/changerooms site, the subject of this tender.

This allowed Shire funds to be redirected to complete the reticulation of field 3 in 2007/2008. The Clubroom component could then be included in a future grant application for Stage 2B.

In their correspondence of 11 July 2007, DSR confirmed the extension of the project to 31st December 2007, the relinquishing of the Clubroom component from the grant and has acknowledged that expenditure to date for the Clubroom will be recognised including the electrical sub mains cable.

COMMENT

Several tender packs were issued prior to the closing date three (3) tenders received from three (3) tenderers. The tender details and an assessment schedule are provided to Council under separate confidential cover.

CONSULTATION

The contract was advertised in the West Australian Local Government Tenders sections on 13 October 2007 and the Broome Advertiser on 18 October 2007.

STATUTORY ENVIRONMENT

Local Government Act [Tender Regulations]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost of tender supply is provided for in 07/08 budget.

STRATEGIC IMPLICATIONS

Place

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council endorses the recommendations as contained in the confidential tender assessment report for Contract 07-52 BRAC Stage 2A The supply & Installation of Electrical Sub Mains Cables To Building 2.

COUNCIL RESOLUTION

Moved: Cr V L Wevers

Seconded: Cr R J Lander

That the tender of CableWest Pty Ltd for \$166,334.00 excluding GST for the Supply & Installation of Electrical Sub Mains Cable to Building 2 be accepted, on the basis of that tender scoring the highest overall under the evaluation criteria assessment as set out in the tender details.

CARRIED UNANIMOUSLY

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

Cr G T Campbell returned to the Chambers at 6.37pm.

Dale Miller - Broome Advertiser, departed the Council Chambers and did not return. Cr G T Campbell acknowledged Dale for his work in reporting business of Council and wished him luck in his new endeavours in Perth.

With regard to Item Cr E R M Foy disclosed that "I have a proximity interest living in Millington Road". 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". Cr E R M Foy departed the Chambers at 6.38pm.

9.5.6 CONTRACT 07/51 PROPOSED DRAINAGE INSTALLATION MILLINGTON ROAD BROOME, SEPARABLE PORTION (1) & SEPARABLE PORTION (2)

LOCATION/ ADDRESS: Millington Road Cable Beach Broome
APPLICANT: N/A
FILE: Contract 07/51
AUTHOR: Manager of Asset & Design
CONTRIBUTOR/S: Director Engineering Services
RESPONSIBLE OFFICER: Director Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 2 November 2007

SUMMARY: Consideration of tenders as received for the supply and installation of new underground drainage in Millington Road Cable Beach as specified in Separable Portion (1), and to seek endorsement of the recommendation contained in the confidential tender evaluation report.

BACKGROUND

Previous Considerations

OCM 28 September 2004 – Item 9.5.4 Cable Beach Tourist Area Drain
 OCM 12 April 2005 – Item 9.5.1 Contract 05/12 – Proposed Drainage Installation At Millington Road Cable Beach Stage 1 (Ch 0.00 to 477.8 Pit 9)

In 2004 it was identified that in the Cable Beach Tourist precinct (Lullfitz Drive, Millington Road and Sanctuary Road) there was basically no drainage infrastructure to cope with large storm events that was creating flooding in these road reserves. Due to the proposal to develop the new Frangipani Development and assoc subdivision, the first of many resorts planned for the precinct it was decided that an overall drainage strategy was required to accommodate the flows coming off these developed lots and to minimise the existing flooding.

To that end KBR consulting engineers were engaged to look at the whole precinct and design a system that would provide drainage outlets for each of the resort sites conforming to the Shire Drainage Development Guidelines. The basis of the strategy identified the pre and post development flows that would result from each site and then provide an allowable compensated flow from each of the sites internal systems into a main spine underground drainage system that would take these flows separate from the storm water in the road network to the main outlets at Cable Beach. The main spine pipe network would be designed for a 1:50 storm event. The draft strategy design was then utilized to help identify overall costs associated with the proposed drainage development and provide some basis for a revised drainage headwork's charge to be allocated to each development (now @ \$11,500/ha). Unfortunately these contributions were based on underestimated amounts. It is now evident when comparing with costs for recent drainage contracts, the headwork's charges identified are grossly inadequate to fund the required drainage infrastructure for the Cable Beach Tourist Precinct.

President: Date:

There were 3 main piped drainage systems proposed:

(A) System running from Lullfitz to the Broome Camp School existing outlet via Millington Road.

(B) System running from the southern boundary of the Cable Beach Caravan Park to Broome Camp School existing outlet via Millington Road (subject of this tender).

(C) System running from the eastern end of Sanctuary Road along the full length of the road to the Cable Beach outlet basin on Cable Beach Road.

System (A) was completed up to the eastern boundary of the new Pearl Resort approx. 12 months ago and is now operational with both the Frangipani and Pearle resorts fully connected. After lengthy negotiations this system was eventually funded by a Shire loan with the developer paying headworks and also covering the total interest on the loan over a ten year period. The concept for this type of funding model was that over time when all developments occur in the catchment, Council would eventually recoup its funds through the headworks.

When the tender prices were awarded for System (A) it became evident that the original prices used for determining headwork's were grossly underestimated and as some of the lots in the catchment are unlikely to develop in the short to medium term, the Shire has ended up carrying the financial burden of developer required drainage. A better system for funding future drainage installations for Systems (B) &(C) could be based on a developer pays model, with individual drainage charges calculated for each discrete catchment and all costs to be borne by the developer with the Shire to act as a coordinator and project manager for the installations.

Drainage System (B), the subject of this tender is already partly funded on this user pays model and was identified in the strategy to provide dedicated stormwater outlets for only two lots:

- Catchment (n) 4.17ha formerly (Lot 997) owned by Forrest Creek and now strata developed into the Sanctuary Resort, after internal compensation it has an allowable Q50 flow rate of 510 l/s.
- Catchment (q) 2.88 ha part of large (lot 2245 & 6) owned by the Hawaiian Group on corner of Millington and Sanctuary and identified for future development, after internal compensation has an allowable Q50 flow rate of 400 l/s. Note that the balance of this lot is 5.1 ha and it flows towards Sanctuary Road and will need to be accommodated in System (C).

The proposed piped drainage system is therefore designed to take 56% capacity from the Sanctuary Resort catchment and 44% capacity from the Hawaiian catchment, the funding of the installation should also be based on this 56% / 44% split.

The Sanctuary resort is now fully complete and as part of their clearances the Shire at that time determined that they pay a contribution of 56% of nominal cost of pipe installation and that they also pay drainage headwork's on the 4.17ha. These funds are now located in the Drainage Reserve and nominated for expenditure on this project in this years budget. Even though the contract rates estimated at the time were low, with the additional drainage contributions taken, there is enough funds to cover 56% of the project costs.

It is therefore proposed that a more accurate method of funding the balance of System

President: Date:

(B) and to be used as a model for funding System (C) be now employed based as follows:

- That costs to determine cost sharing arrangements are based on accurate estimates or actual tender amounts and that they include amounts for survey, design & project management.
- That these be then shared proportionally among all the developers based on proposed flow rates from each development, with no actual costs being borne by the Shire of Broome.
- That the Shire of Broome acts as the coordinator of the drainage installations, and installations be carried out as soon as possible to minimise cost escalations. Prefunding from developers may be required prior to actual developments taking place.
- That all headwork's charges currently rated at \$11,500 / ha not be applied as long as the developers proportional cost is greater than the headwork's applicable.

The Hawaiian Group was contacted through their coordinating engineer Rob Menzies on 17 October 2007 and requested that consideration be given by the Hawaiian Group to prefund their 44% proportion of the installation plus 44% survey design and contract management costs, prior to any development of their lot. It was offered to the Group that prefunding now would save on escalating drainage costs and allow for an efficient drainage connection to be installed in place for when their development does occur.

The offer made to the Hawaiian Group to prefund their proportion was:

- Actual tender cost for Contract 07/51 Separable Portion (1) plus design, survey & project management costs of 15%. (Plus GST)
- That current headworks charges for the area involved 2.88 ha x \$11,500 / ha = \$33,120 plus GST not applied at time of development or subdivision.

At the time of writing this agenda item the Hawaiian Group have provided verbal agreement of the proposed concept of prefunding and this will be worked through over the next few weeks to obtain a firm commitment in writing.

COMMENT

Several tender packs were issued prior to the closing date with two (2) tenders received from two (2) tenderers. The tender details and an assessment schedule are provided to Council under separate confidential cover. Due to the Shire only having 56% of the projects cost in Reserve and without commitment from the Hawaiian Group for the remaining 44% at time of going to tender, the project was tendered in two Separable Portions.

Separable Portion (1) included the whole drainage system as designed and specified. Separable Portion (2) was basically half the system as designed and specified.

The inclusion of Separable portion (2) was included as a worst case scenario only, to be used should all avenues of funding the 44% balance be exhausted, from a best practice engineering perspective the most efficient outcome is to install the whole drainage system in one installation in the current financial year.

CONSULTATION

The contract was advertised in the West Australian Local Government Tenders sections on 13 October 2007 and the Broome Advertiser on 18 October 2007.

STATUTORY ENVIRONMENT

Local Govt Act [Tender Regulations]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A proportion of the costs of tender supply are provided for in 07/08 budget transferred from the Drainage Reserve from previous contributions towards the system from the Sanctuary Development. The balance is proposed to be prefunded by the Hawaiian Group (\$60,100.00) based on the offer as noted above, with verbal agreement reached to the prefunding from the Group at time of writing agenda item.

The contract will therefore be fully funded by Developer drainage contributions.

STRATEGIC IMPLICATIONS

Place

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council :

1. Acknowledges that in addition to existing developer funds available for this project that it is proposed that the Hawaiian Group prefund the balance of the contract to the value of \$60,100.00 Exc GST (\$66,110.00 Inc GST) and upon payment of this amount all liability for drainage contributions towards the drainage system the subject of this tender 07/51 Separable Portion (1), will have been paid in full.
2. Endorses the recommendations as contained in the confidential tender assessment report for Contract 07-51 Proposed Drainage Installation at Millington Road Broome Separable Portion (1).

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr M L B Albert

That the tender of Jetridge Holdings Pty Ltd for \$119,661.62 excluding GST for the Proposed Drainage Installation Millington Road Broome Separable Portion (1) be accepted, on the basis of that tender scoring the highest overall under the evaluation criteria assessment as set out in the tender details.

CARRIED UNANIMOUSLY

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

Cr E R M Foy returned to the Chambers at 6.39pm.

9.5.7 WEED TREE ERADICATION - CHINATOWN

LOCATION/ ADDRESS: Broome Township
APPLICANT: N/A
FILE: RES 38458, RES 8176
AUTHOR: Manager Operations
CONTRIBUTOR/S: Director of Engineering Services
RESPONSIBLE OFFICER: Director of Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 6 November 2007

SUMMARY: There has been some concern expressed regarding the removal of two Neem trees from Dampier Terrae and the trimming of eucalypts on Male oval under Council's Policy 3.1.12 "Environmental Weed Management – Broome Township". This report advises Council of the processes used and proposes an improved process for future usage.

BACKGROUND

Previous Considerations

At the OCM of 28 Sept 2004, Council considered and endorsed a draft Environmental Weed Report for the Township of Broome, with a recommendation:

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

This draft report was put out for public comment but no comments were forthcoming.

At the OCM of 26 May 2006, Council considered a report and Council resolved:

- “1. That the Draft Environmental Weed Report be received by Council and be used as the basis for a new Weed Management Strategy; and
- 2. That the Weed Management Policy be adopted by Council and its actions be implemented as funding and resources allow.”

Council has budgeted \$47,000 in 2007/08 specifically for weed management plus additional funds within other maintenance votes for this work.

COMMENT

RECENT EVENTS

Recent actions by Parks and Gardens Staff in the removal of two (2) Neem trees on Dampier Terrace at the foreshore carpark adjacent the Luggers museum, and the lopping
 President: Date:

of eucalypts on Male oval, both on or about the 5th November 2007, has prompted some concern from some members of the community.

This work was done as part of a routine on-going operation, which progressively moves about the Township, removing weed species (Neem trees and others listed in Council's "Weeds of Broome" brochure), trimming potentially hazardous branches and excess foliage and reshaping street-trees prior to the growth and cyclone season.

The two (2) Neem trees were removed because they were an identified weed species. It is planned to replace these trees with suitable shade trees and other plantings in the near future. The intention is to plant Terminalia platyphylla as these are a native tree, which will handle the salt winds and soil conditions well.

The two (2) Eucalypt trees in Male oval were lopped/trimmed for safety reasons. Council owes a duty of care to all residents and visitors to ensure potential risks of injury from falling branches are minimised. As people often sit under these trees enjoying the shade, the potential risk was high.

Both actions were carried out under budgeted funds in accordance with Council's adopted policy and sound risk management principles. It is the responsibility of the Parks and Gardens Section of Council's Engineering Department to carry out.

REMAINING NEEM TREE REMOVAL

It is noted that two (2) further Neem Trees have been identified in a raised garden bed in Short Street near Fong Sam's in Chinatown. These two trees are very attractive and well-established shade trees and it will be a shame to lose them.

However to give effect to Council's policy to remove pest species they will need to be removed and replaced in due course.

It will also be desirable to replace them immediately with advanced juvenile shade species so that the value of the shade in this location is replaced as soon as possible. This should occur prior to a wet season so that replacement trees have the benefit of an immediate growth season.

Staff have been requested to identify suitable replacement shade tree stock, produce a safe work method plan, a traffic management plan, carry out a risk assessment prior to any work occurring and prepare and execute a communication strategy for the project. It is proposed that this process be undertaken with considerable care.

LEARNINGS

Community concerns regarding the actions of Council's staff have arisen because they were carried out without any public information being made available about Council's intentions. It was therefore to be expected that people would be concerned about what else might be about to happen.

Accordingly, future works in high profile areas, should be preceded by some form of public information about Council's intentions prior to the event.

SPECIFIC COMMENTS

In relation to the work which was undertaken it is advised that:

President: Date:

- Neem trees have been identified as a problem plant and given priority, along with other plant specie for treatment/removal
- The Shire of Broome Weed Brochure has now been available to the public for some time and highlights Neem Trees as a problem.
- On several occasions we have included Neem Trees in the Shire's News newspaper articles to explain why we are removing and asking residents to remove from their own properties. (articles ran in July 2006 & January 2007).
- Parks staff have been identifying and removing trees found on our land systematically when resources are available.
- The latest removals in Dampier Terrace have been listed for removal for approx 3months and were not considered to be in a "sensitive" location. It should also be noted that the trees were in an "ordinary state".
- Removal is based solely on the identification of the tree and not social issues.
- General public understanding of our work has been good with no previous negative reactions to removals undertaken.
- We will need to facilitate a strategy for any future removals at sensitive site locations (eg. Fong Sams).

CONSULTATION

Councillor Elsta Foy

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

Place

Ensure that the Shire's Assets are strategically planned and managed.

Prosperity

Support Businesses and Economic development.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That with respect to the removal of Neem Trees from public land and road reserves in all areas of Broome, Council resolves to:

1. Re-affirm actions taken by staff under its policy for the removal of weed species.
2. Require that the removal of any weed tree species in high profile areas be carried out under a fully project managed replacement plan, including a public communication strategy.

COUNCIL RESOLUTION

Moved: Cr V L Wevers

Seconded: Cr S E Eaton

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

10.

REPORTS

OF

COMMITTEES

There are no items for this Section.

A letter from PCP (dated 5 October 2007) confirmed agreements from the discussion. They were:

1. Council would like to see the drainage license issue resolved;
2. PSP would contribute 10% of the cost of undergrounding the drain;
3. PCP is prepared to increase this funding up to a maximum of 20%;
4. Any resolution of the drain issue must be for the entire drain and Council would require a drainage easement over the drain. PCP will retain control over access to the airport land.
5. The estimated cost of undergrounding the section of drain along Frederick St is \$2.0M
6. It would be possible to limit capital costs by shaping the sealed carpark on BIA land to act as a wide swale, so long as it did not have negative impact on the area of commercial floor space achievable. It may be possible to include part of the drain as landscape component.
7. PCP would engage external planning consultants to advise of development potential.
8. The Shire President requested that this matter be put to Council in November 2007.

Subsequent to the above letter and as undertaken at the above meeting, BIA lodged estimates from two contractors, BGC and from Jetrige Holdings, for the section of drain along Frederick Street. This figure of just over \$2.0M was based upon quantities prepared by KBR.

Council previously engaged Halliburton KBR Pty Ltd to undertake a strategic stormwater drainage exercise over the Frederick Street catchment. This study included an existing open unlined drain on airport property along Frederick Street and was entitled the "Frederick Street Drainage Study", 8 November 2005.

COMMENT

GENERAL

At the above meeting conducted on 25 September 2007 between BIA and Council it was generally agreed that BIA and Council would work cooperatively to resolve drainage and land issues associated with developing the designated land fronting Frederick Street as commercial space, on the basis that both parties wished to see the development proceed.

EXISTING SITUATION

A large developed catchment consists of two significant sub-catchments. One extends onto airport land past BRAC and over Cable Beach road to the west parallel to Port Drive to about Reid Street. It is conjoined at the High School by another sub-catchment from the west which extends from Frederick Street, extending to Port Drive and back to about Haynes Street. The section of drain under consideration is a small part of a major trunk drain which is discharged to the sea via a culvert under the Broome Highway at the end of the airport.

From a purely drainage point of view the open grass/bush lined drain, which exists along Frederick Street functions reasonably satisfactorily at present and is environmentally stable with established native grasses, small shrubs and other vegetation. The only reason the drainage infrastructure needs to change at this point in time is to accommodate the proposed development.

This drain partly lies on Airport land. Council has a monthly renewable license over the drain, which was originally gained from the Commonwealth. However the parent lease is now owned by BIA. This license can be terminated by one months notice from either side.

When the license was negotiated it is probable that the parties involved did not contemplated at the time that the commonwealth would want to develop the land on which the drain existed or that it would want to end the license agreement precipitously. Legal opinion may be required to clarify where Council stands in this regard.

DEVELOPMENT

From the development point of view, this drain would ideally be covered or relocated elsewhere to gain better exposure for the commercial development contemplated. This would also allow more options for access, increase land availability for development purposes, reduce public risk, and make the development more commercially desirable.

Council is also keen to see development proceeds in this area to consolidate commercial activities and provide more retail space in a desirable location.

If the drain is to lie on Airport Land, Council will also need to have it protected by way of an easement for drainage purposes to guarantee Council's ability to discharge its maintenance responsibilities.

FREDERICK STREET TRANSPORT CORRIDOR

Frederick Street has been identified as possibly needing to be a 4-lane road at some time in the future. It is also likely there will be increased pressures for other transport modes to be provided within the same road reserve and corresponding demand on space. Accordingly, it would be unwise to install a new underground drain and surface swale within the road reserve and rely on that into the future. The option of locating the drain on an easement inside the BIA land is therefore preferable to preserve long-term roadway usage flexibility.

DRAINAGE STRATEGY

The Frederick Street Drainage Study by KBR identified 3 viable Options. They were:

1. Option 5a 1x2400x2100 RCBC plus compensating basin of 110x110x1.3m;
2. Option 6a 1x2400x1800 RCBC plus compensating basin of 180x180x1.3m;
3. Option 6b 3x1500 RCPs plus compensating basin of 180x180x1.3m;

All of these options ensure that the Q100 flow is fully contained within the retention basin and the underground drainage system. However, the performance of this system ultimately will depend on the final storage capacity that can actually be realized at the BRAC basin. The existing basin is 80x80x1.3 capacity and this will need to be significantly enlarged r alternative additional retention storage found to achieve the strategy size identified.

Assuming the full 180mx180mx1.3m basin equivalent is achievable at BRAC, the favoured Option 2. calls for a 2400x1800 RCBC, which will contain the entire flow underground up to Q100. ie this provides a level of service such that the area will only be flooded once every 100 years on average or put another way, there is a 1% Annual Exceedance Probability (AEP) - probability of flooding occurring in any one year.

Council may consider this Level of Service to be excessive and that it may be reasonable to consider a slightly lower Level of Service. If it can be agreed with BIA that the development will include an extensive carparking area along the front of the

development (between the road reserve and the front of the buildings), a further option to reduce the trunk drainage pipe size (and costs) would be to permit some surcharged overland flow to occur via this carparking area.

In such events the entire Q100 flow (after retention at the BRAC Basin) is contained within both the carparking area and the underground system. This level of service should still be quite acceptable to Council provided the flow "d.v" product is limited to say 0.6 within the car parks for public safety. In this case, the easement for drainage purpose should also extend over the car park so that Council can gain access to carry out its drainage maintenance responsibilities.

As part of the detailed design modelling to be undertaken, the need for the BIA development site to provide on-site stormwater retention needs to be carefully examined. It may be appropriate to minimise the impact upon catchment peak flows within the trunk drain, that the BIA site not provide compensation on site, but to let the run-off occur and get away as quickly as possible. Consideration of this aspect should be included in design modelling analysis to be undertaken at this time.

Consideration should also be given for BIA to fund its proportion (but now based on the overall catchment area i.e. a lesser proportion to BIA) of the downstream drainage requirements to the legal point of discharge.

Although there may be limited scope for environmental aspects in this work, the requirements of the Western Australian Stormwater Management Manual should be taken into account. This includes consideration of water quality management improvement items such as pollutant, sediment and litter traps, grassed swales, recharge areas and nutrient removal ponds and wetlands.

PRELIMINARY COSTS

PCP advise that the estimated cost of the section of drain in front of the subject land is approximately \$2.0M - \$2.1 M which has been prepared on the basis of a 2.4x1.8m RCBC.

However this estimate neglected any work associated with enlargement of the compensation basin upstream, which is required to drop the flow rate down to suit this pipe size. This is an integral part of the work and the costs involved should be considered as part of the cost of this project.

PCP have also advised they are prepared to contribute 10% - 20% of the cost of the drain at this point. However, drainage contribution calculations are normally based upon benefit derived, which is based upon the run-off generated by the particular type of development. This is dependent on area and run-off coefficients. As this is commercial land the run-off will be based on at least a run-off coefficient of 90%. Broome's Drainage manual states that Residential land has a run-off coefficient of 70% and vegetation/ bushland 40%.

Accordingly, further consideration of costs and contributions will need to take account of these aspects, although it is unlikely to exceed BIA's offer of funding up to 20% of the cost.

LEGAL CONSIDERATIONS

Whilst Council has indicated that it is supportive of development in this area, it is important that Council does not fund more than its fair share legally. It may be necessary to obtain legal opinion from time to time.

WHERE TO FROM HERE

It is considered that it would be appropriate that Council now commission suitable consultants to undertake the detailed design of:

- the compensation basin at BRAC (maximize retention size possible); and
- the Q100 trunk drainage system from the basin downstream and passed the BIA land to the outlet under Broome Highway, such drain to be a "swale" type wherever possible with sufficient space for maintenance access;
- Minimise the underground conduit size by accommodating some overland flow in the sealed carpark space on BIA land;
- Whether the BIA site should provide on-site retention or not (in terms of the over-all catchment drainage efficiency);

Once the detailed design is completed, Council will know exactly what it is dealing with including exact land requirements for the easement over the underground and surface drainage system and costs can then be established with accuracy.

Having completed this work BIA and Council can then settle on the necessary Drainage easement required over the trunk drainage system on BIA Land.

CONSULTATION

BIA

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

CURRENT FUNDS AVAILABLE

The only funds available within Budget for work in this catchment are \$50,000 in Budget Item No. 104691 Frederick Study and Study upgrade works - Capital works on Compensation basin. It is considered that it is inappropriate to expend this money on any work without first having a detailed design to guide the work. Accordingly Council could utilise these funds to assist cover the cost of the detailed design work.

BIA have cooperated in the past by contributing on a 50:50 basis with Council for the KBR Strategic Drainage Report. As this is a cooperative approach they may well be prepared to contribute to detailed design costs on the same basis.

COSTS

With respect to the construction of the major trunk drainage work, there are significant financial implications for Council.

If Council had an adopted Drainage Strategy over the catchment at the commencement of development and Drainage Headworks Charges were collected, Council would now have collected significant specific for construction of this major trunk drainage work. However this is not the case and council will now have to fund a

considerable proportion of the trunk drainage infrastructure costs by way of a loan and developer contributions.

BIA has offered to pay up to 20% of the cost of the drain passed the development site. However it should be noted that the size of the drain passed the development is dependent on having a fully constructed compensation basin upstream. The compensation basin has only been partly constructed. It requires extending. The completed basin is an integral part of the drainage infrastructure required for the development. Accordingly the cost of extension of the compensation basin should be included in the sum on which the contribution is based.

Even with the BIA contribution there are still significant remaining costs to be funded by Council and this is likely to be in the order of \$2.0 M.

Further, this development benefits from the discharge of developed flows downstream to the receiving waters and any water quality improvements devices required will benefit the development.

To provide an example of the impact on Council only, and based upon the initial indicative costs provided by BIA plus an allowance for augmentation of the compensation basin the total cost may be around \$2.5M. Assuming BIA fund 20% as they have suggested, Council's remaining cost will be about \$2M. If further trunk drainage work is required the over all cost will go up accordingly.

Assuming the following for the example in question, if funded by way of a loan raised by Council the impact on Council's budget by way of repayments will be in the order of:

- Amount: \$2,000,000
- Term: 20 years, monthly repayments at a Rate of 8.5%
- The annual loan repayments will be approximately: \$208,278 per annum

(Note: The Department of Corporate Services would examine all possible options and advise on the best option available to Council).

Accordingly, for this project to proceed Council would have to fund Approx \$210,000 per year from its capital works budget every year for 20 years.

As no Stormwater Headwork charges have been collected, Council can only seek to fund this annual repayment through:

- General rates revenue (everybody pays);
- "Special" rates revenue over the catchment (i.e. User Pays - ratepayers within the benefited area pay);

Council could attempt to acquire grant monies to assist with the stormwater drainage work but this avenue is considered unlikely to provide the funding required as it is now generally tied to environmental benefits, recycling/re-use and sustainability outcomes, rather than undergrounding to accommodate development.

Once a detailed design has been completed more precise estimates of cost can be costs cannot be ascertained.

STRATEGIC IMPLICATIONS

People

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

Place

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

Ensure that the Shire's Assets are strategically planned and managed.

Prosperity

Support Businesses and Economic development.

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

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That with respect to a request from BIA to convert a drainage license over Lot 654 to an easement and the proposed undergrounding of the existing trunk drain in Frederick Street for development purposes, Council resolves that:

1. It proceeds to work in conjunction with BIA in the completion of trunk drainage infrastructure in Frederick Street.
2. Legal advice be sought in relation to the existing drainage license and responsibilities for infrastructure provision.
3. BIA through Pearl Coast Properties be approached to work in conjunction with Council in sharing the costs of all detailed design work on a 50:50 basis.
4. Suitable consultants be commissioned to carry out a detailed design of the proposed basin at BRAC and the trunk drain system downstream from the basin to the discharge point under the Broome Highway to determine exact requirements.
5. The consultant's commission is to include optimising the overall system by maximising the retention basin on BRAC, consideration of deleting on-site retention on the BIA development and downstream land, permitting surcharge flow in future car parks on the BIA development and using grassed swales wherever possible.
6. The proposed underground trunk drain in Frederick Street be situated immediately inside BIA land to preserve future transport corridor flexibility.
7. That a suitable width easement be identified over all Airport land upon which the Q100 trunk drain must be located at the time of Developmental approval.
8. The Broome Airport Authority and Pearl Coast Properties be advised of the above decision.
9. That a further report be brought back to Council with detailed design and cost estimate for the works required to underground the required drainage infrastructure in front of the BIA land in Frederick Street.

COUNCIL RESOLUTION

Moved: Cr M L B Albert

Seconded: Cr C R Mitchell

That Standing Orders be suspended at 6.43pm in order for Councillors to read late legal advice received just prior to the Council meeting.

CARRIED UNANIMOUSLY

Moved: Cr V L Wevers

Seconded: Cr C R Mitchell

That Standing Orders be reinstated at 7.39pm.

CARRIED UNANIMOUSLY

Moved: Cr V L Wevers

Seconded: Cr C R Mitchell

ALTERNATE MOTION

That Council is keen to progress this matter urgently and in an amicable fashion with BIA. However, Council will further investigate the financial implications of all options including the land tenure and conceptual designs, in order for an informed decision to be made, and for the matter to be brought back to Council for resolution.

FOR: 6

AGAINST: 1

MOTION CARRIED

Cr G T Campbell requested his vote be recorded in the negative.

Reason for Alternate Motion: To undertake due diligence following legal advice received.

[Attachment: 16 pages](#)

The Shire President reopened the meeting to the public and read aloud the Resolution of Council in regard to Item 9.5.4.

15. MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 7.42pm.