



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

20 NOVEMBER 2008

OUR MISSION

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

CORE VALUES OF THE SHIRE

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

Communication

Respect

Integrity

Transparency

Courtesy

DISCLAIMER

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

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

These minutes are unconfirmed.

SHIRE OF BROOME
ORDINARY COUNCIL MEETING
20 NOVEMBER 2008

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NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday 20 November 2008, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards



K R DONOHOE
Chief Executive Officer

10 November 2008

1. OFFICIAL OPENING

The chairperson welcomed members and declared the meeting open at 5.01pm.

2. ATTENDANCE AND APOLOGIES

Attendance	Cr G T Campbell	Shire President
	Cr C R Mitchell	Deputy Shire President
	Cr C M Maher	
	Cr R J Lander	
	Cr S E Eaton	
	Cr M L B Albert	(From 5.03pm)
	Cr V L Wevers	
	Cr P D Matsumoto	
Leave of Absence	Cr E R M Foy	
Apologies	Nil	
Officers	Kenn Donohoe	Chief Executive Officer
	Ingrid Bishop	Director Corporate Services
	Neville Lavey	Director Engineering Services
	Darryl Butcher	Director Development Services
	Trevor Ruland	Acting Director Community Services
	Jo Durbridge	Media & Promotions Officer
	Jillian McMahan	Council Secretary
Public Gallery	Chris Hingston	Broome Advertiser
	Peter Green	Broome Blast
	Emil Habluteel	Cocos Broome
	Mark Ledgerwood	
	Michael Leake	
	Ros Hegarty	
	Nick Belyea	Broome International Airport
	Rob Menzies	Broome International Airport

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page No	Item	Nature of Interest

4. PUBLIC QUESTION TIME

The following questions by John Gaepfen were taken on notice at the Ordinary Council Meeting on 23 October 2008 and are shown below with responses.

Question 1 – John Gaepfen: “The Local Government Property and Public Places Local Law 2003, Part 4, subsection 4.1 states: A person shall not on any local government property or public place within the Broome townsite area, without first having obtained an approval from the local government to do so –

President: Date:

- (a) Consume liquor
- (b) Conduct any function

Can Council advise the community of how many infringement notices have been issued in the past to members of the public who consume alcohol or conduct any function when visiting and using Cable Beach without the appropriate approval?

Can Council give assurances to the community that it will uphold this local law in the future?"

Answer – Manager Heath Services / Manager Emergency, Ranger & Beach Services: To date no infringements have been issued to members of the public who consume alcohol or conduct a function on Shire controlled land without the appropriate approval. Further to this, no-one has proceeded with a function, or the consumption of alcohol, when they have applied for an approval and it has been refused.

Council responds in line with resources that are available and will investigate incidents on a complaint basis as a priority.

Question 2 – John Gaeppen: "The members of this Council have determined what and how many commercial activities are suitable for Cable Beach. Can these same members provide assurances to the current licensed operators that no other unauthorised commercial activity will occur on Cable Beach?"

Answer – Manager Heath Services / Manager Emergency, Ranger & Beach Services: Council Policy's 5.1.3 Commercial Activities on Cable Beach and 5.1.4 Commercial Camel Activities on Cable Beach provides guidance on the approval of commercial activities on Cable Beach and supports six only licences for commercial activities other than camel activities and three licences for commercial camel activities.

Adding to this, Council's Trading, Outdoor Dining and Street Entertainment Local Law 2003 is to provide for the regulation, control and management of outdoor dining areas, markets, trading (including door to door) and street entertainment, in any thoroughfare or public place within the district. Where other activities are identified and are clearly determined to be a contravention of this local law, then Shire officers will investigate these matters.

Whilst recognising the importance of providing the opportunity for businesses or groups to operate commercial activities on Cable Beach, Council has an obligation to ensure that these activities are consistent with public safety and environmental cultural values.

Question 3 – John Gaeppen: "Will the Shire of Broome make it clear to all users of Cable Beach what is and what isn't acceptable in what Council envisages appropriate use?"

*Answer - Shire President: "The question will be taken on notice."
Manager Heath Services / Manager Emergency, Ranger & Beach Services: Council's local laws make clear what is and is not acceptable use of beach areas including all activities commercial or otherwise. These local laws have been gazetted in consultation with the public at their inception and are freely available to the public for their information.*

Adding to this, Shire officers actively provide further information to members of the public regarding these local laws and seek to educate beach users of the requirements.

Question 4 – John Gaepfen: “Does the Shire of Broome support the growing conference and incentive market increasingly visiting Broome? If so how and when has this been demonstrated?”

Answer Manager Heath Services / Manager Emergency, Ranger & Beach Services: The Shire is supporting and working in partnership with the community and other agencies to provide relevant, quality services and infrastructure to meet the aspirations and needs of the community.

The Shire will work with the community and other agencies to encourage appropriate investment and business development to ensure a diverse economic base from which all members of the community may benefit.

* * *

The following questions were presented at the meeting of 20 November 2008 by Mr Michael Leake:

Question 1 – Michael Leake: “With reference to Item 9.3.2, is Council aware there were infrastructure projects on and a shortage of accommodation? As of today on Realestate.com there are many properties on the market to ease the short term accommodation crisis.

Answer – Shire President: “Councillors are aware thank you.”

Question 2 –Michael Leake: “Is Council aware that contrary to the Broome Advertiser article some weeks ago, tourism numbers are down now and that forward bookings are significantly down for the coming year, and there will be much more accommodation available for short term worker requirements?”

Answer – Shire President: – “Councillors would be well aware of the situation regarding accommodation.

Question 3 – Michael Leake: “In regard to Item 9.3.1 and attitudes – Shouldn’t community values be considered for inclusion in the local planning strategy rather than at Stage 3 and the final stage of the strategy?”

Answer – Director Development Services: “The local planning strategy is a joint exercise between the Shire and DPI covering the whole of the Shire area. It’s something that will be drawn from current documentation and is not starting from scratch. It is an ongoing process that will be added to as time progresses.”

Question 4 – Michael Leake: “In regard to the brief on the second last page, is there any report that refers to community values? It also refers to the draft tourism strategy – has that been published?”

Answer – Director Development Services: “I don’t believe there’s a report that has concentrated on community attitudes at this stage however I anticipate there will be a report prepared. There will be an opportunity for public comment as it goes forward. The draft tourism strategy has not yet been published.”

Question 5 – Michael Leake: – “The Broome Community is not identified as a stakeholder?”

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Following the meeting I recently attended in Canberra, the Shire of Broome has an opportunity for infrastructure projects - timelines and criteria, to \$458,000, for completion by 30 September 2009.

7. PETITIONS

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9.

REPORTS

OF

OFFICERS

9.1

LEADERSHIP / GOVERNANCE AND ORGANISATION



OUTCOME

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

Further attachments were tabled at the meeting and form part of these Minutes.

9.1.1 EIGHT (8) YEAR PERIODIC WARD AND REPRESENTATION REVIEW

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: GOB03
AUTHOR: Manager Administration Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 05 November 2008

SUMMARY: This report informs Council on the outcome of the public consultation period for the Ward and Representation Review.

BACKGROUND

Previous Considerations

OCM 24 July 2008 - Item 9.1.3

Under Schedule 2.2 (6)(1) of the *Local Government Act 1995*, a Local Government must review its ward boundaries and the number of offices of Councillor for each ward every eight years. In December 2007 the Local Government Advisory Board wrote to Council advising that Council was due to complete its eight year periodic Ward and Representation Review prior to the October 2009 Local Government elections.

At the Ordinary Council Meeting held 24 July 2008, Council authorised the Chief Executive Officer to conduct a review (as per the Act). Council requested that during the review process, the Chief Executive Officer investigate the notion of gazetting the 'Shire of Broome' to the 'Town of Broome'.

Following the resolution by Council, the review was advertised in the Local Government Notices of the West Australian on Thursday 4 September 2008 and the Public Notices of the Broome Advertiser on Thursday 11 September 2008.

A Discussion Paper concerning the subject and containing relevant background information was prepared by Council staff. The Discussion Paper was made available for public comment from 4 September 2008 to 5 November 2008 and public submissions were invited. Copies of the Discussion Paper were available from 4 September 2008 at the Shire Administration Office, the Broome Library and the Shire website. A copy of the Discussion Paper was previously distributed to Councillors.

The public comment period has now closed and Council is required to make a decision based on the review.

COMMENT

Ward and Representation Reviews are carried out in 'off election' years to allow changes to be phased in. After the consideration of submissions and assessment of options, a President: Date:

review report is prepared for Council’s consideration and recommendation. To ensure that any recommended changes resulting from the current review can be implemented in time for the 2009 local government elections, a report on the 2008 review must be submitted to the Local Government Advisory Board by 31 December 2008.

One public submission was received on 23 September 2008. Proposals from that submission have been included in the analysis following.

When considering changes to Wards and representation, the Act specifies factors that shall be taken into account by a local government as part of the review process:

- Community of interest;
- Physical and topographical features;
- Demographic trends;
- Economic factors; and
- The ratio of councillors to electors in various wards.

These factors have been considered in the following analysis.

The Local Government Advisory Board considers the ratio of electors to councillor to be the most important factor to consider in formalising proposals for changes in representation. It is expected that each local government will have similar ratios of electors to councillors across the wards of its district to ensure fair representation. As far as practicable, the principle of ‘one vote - one value’ is applied.

The Act requires that a local government must have between 6 and 15 councillors. The Shire of Broome currently has nine council members in total, seven (7) in the Broome Ward and two (2) in the Dampier Ward. The following table indicates an increasing imbalance in the Councillor/Elector proportions across the Shire since the last review.

WARD NAME	2000 Review			2007		
	Electors (1999)	Cr/Elector Ratio	%Variance to Ratio	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	4603	1:658	-4.63%	6249	1:893	-6.19%
Dampier Ward	1053	1:526	+16.22%	1317	1:659	+21.67%
TOTAL	5656	1:628		7566	1:841	

As shown, at the 2007 election, the Councillor/Elector ratio is one councillor for every 893 electors in the Broome Ward (Variance -6.19%) and one councillor for every 659 electors in the Dampier Ward (Variance +21.67%), which is outside the accepted deviation. A balanced representation would be reflected in the percentage ratio deviation being within plus or minus 10% of the average ratio for the Shire.

When the last review of wards and number of offices of councillors occurred in 2000 the distribution of electors in each ward was based upon 1999 statistics as shown in the next table. The table also shows the changes to distribution of electors which had occurred by the October 2007 election.

WARD NAME	NUMBER OF COUNCILLORS	ELECTORS 2001	PERCENTAGE ELECTORS 2001	ELECTORS 2007	PERCENTAGE ELECTORS 2007	CHANGE
Broome Ward	7	4603	81.38%	6249	82.59%	+35.75%
Dampier Ward	2	1053	18.62%	1317	17.41%	+25.1%
TOTAL	9	5656		7566		+33.77%

These tables indicate a degree of change in the ratio of electors to councillors has been occurring and that some form of change may be required to the current ward and representation arrangement to ensure the preferred Councillor/Elector ratio balance is achieved.

As a reduction or an increase in the number of councillors will alter the Councillor/Elector ratio, the number of councillors in each ward may need to be considered along side any change to the number of wards or to ward boundaries, in order to achieve a satisfactory and equitable Councillor/Elector ratio. Using current elector numbers and existing boundaries, the following tables demonstrate how an increase or reduction in the number of councillors in the existing wards would impact the Councillor/Elector ratio.

Current number of councillors

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	7	6249	1:893	-6.19%
Dampier Ward	2	1317	1:659	21.67%
TOTAL	9	7566	1:841	

Impact of an increase in the number of councillors

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	8	6249	1:781	-3.24%
Dampier Ward	2	1317	1:659	12.97%
TOTAL	10	7566	1:757	

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	9	6249	1:694	-0.95%
Dampier Ward	2	1317	1:659	4.26%
TOTAL	11	7566	1:688	

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	9	6249	1:694	-10.12%
Dampier Ward	3	1317	1:439	30.37%
TOTAL	12	7566	1:631	

Impact of a reduction in the number of councillors

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	6	6249	1:1042	-10.12%
Dampier Ward	2	1317	1:659	30.37%
TOTAL	8	7566	1:946	

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	6	6249	1:1042	3.64%
Dampier Ward	1	1317	1:1317	-21.85%
TOTAL	7	7566	1:1081	

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	5	6249	1:1250	0.89%
Dampier Ward	1	1317	1:1317	-4.44%
TOTAL	6	7566	1:1261	

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	4	6249	1:1562	-3.24%
Dampier Ward	1	1317	1:1317	12.97%
TOTAL	5	7566	1:1513	

A local government is not required to have wards and some local governments have a system referred to as a district ward, which simply means the Shire is not broken up into wards. Instead, election of all councillors is open to all electors and the councillors are not considered as representing a specific ward or locality.

With this in mind, it is possible that the whole community of the Shire of Broome may be best served if it is not split into a ward structure. This would result in every elector of the Shire of Broome being able to vote for each and every Council position. Currently Dampier Ward residents can vote on two positions, while Broome Ward residents can vote on seven positions.

President: Date:

A reduction of the number of councillors is feasible in a district ward as there is no comparison of Councillor/Elector ratios required. If the Shire were to become a district ward and maintain the current number of councillors, there would be one councillor for every 840 electors. Abolishing of wards also means no future ward and representation reviews are required, and the district can carry up to a 25% councillor vacancy, resulting in fewer extraordinary elections.

For a number of years the Dampier Ward has not elected a representative that resides in Dampier Ward. The Act stipulates that a person need not be an elector of the ward in which they stand though they must be an elector of the district. It is expected that the elected member will have an understanding of the diverse and special needs of the community as defined by the ward structure. Essentially, it is the electors of the ward that decide, in the election process, as to who they believe is the best person to represent their needs on Council. If the resident believes that someone outside of their ward is able to do so, they will vote accordingly.

The term community of interest has a number of elements. These include those parts of a district that share common interests, values, characteristics and issues; a sense of community identity and belonging; and similarities in economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, the use of shopping areas and leisure and library facilities, or the circulation areas of local newspapers.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging. Ideally, suburbs and towns would not be divided between wards.

There has been growth in some suburbs since the last review. Population and housing growth projections in the Broome Ward could result in the single ward being separated into multiple wards that may reflect growth patterns in existing suburbs. The public submission suggests that three (3) separate areas within the Broome Ward could be considered as follows:

- Broome Ward encompassing the town, Old Broome and the Port.
- Cable Beach Ward encompassing part of Minyirr West of Port Drive.
- Djugun Ward encompassing the Airport as its southern boundary and including Bilingurr, Sunset Park and Sunset Rise.

These proposed ward names may be seen to more clearly identify specific areas within the Shire.

The Public Submission document included a Map detailing the boundary changes associated with this proposal (map attached).

By separating the Broome Ward into three wards and increasing the number of elected Councillors to 3 for each of these wards, the Councillor/Elector ratio would fall within the preferred variance.

Current number of councillors and wards

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	7	6249	1:893	-6.19%
Dampier Ward	2	1317	1:659	+21.67%
TOTAL	9	7566	1:841	

Impact of Broome Ward splitting into three wards and an increase the total number of Councillors to eleven (11)

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward (revised boundaries)	3	2228	1:743	-7.97%
Cable Beach Ward (new)	3	2084	1:695	-1.00%
Djugun Ward (new)	3	1937	1:646	+6.13%
Dampier Ward	2	1317	1:659	+4.26%
TOTAL	11	7566	1:688	

A further consideration of this variation is the timing of potential and continued growth in the identified areas. It may be more relevant to revisit this option at the next review in eight years when the actual growth patterns are evident.

It is important to note that the creation of new wards will reduce the number of Council positions that an individual can vote on, as electors can only vote in the ward where they qualify to be an elector. However it may also result in elected representatives focussing on a smaller constituency, enabling a stronger connection between electors and representatives.

External Influences

These may include both natural and man-made features that will vary from area to area such as rivers and major roads, which create an obvious division between areas, and may act as a barrier to movement between adjoining areas.

The external boundaries of the Shire of Broome wards are clearly identified by the physical topographical features such as the coastline and man-made features such as the townsite boundary and boundaries with adjacent Shires.

The Broome Ward comprises all land within the original townsite boundary on the peninsula between the Indian Ocean and Roebuck Bay, less than 0.1 % of the approximately 56,000 square kilometres within the Shire boundaries. The Dampier Ward, comprises all remaining area within the Shire boundaries - a significantly greater, though relatively less populated, geographic area.

President: Date:

An understanding of the future growth patterns of the Shire is required when considering the creation of new wards or a change to existing boundaries. For example, the Broome Ward boundary might be extended to incorporate the area covered by the Town Planning Scheme No 4. This could include areas such as Coconut Wells, Willie Creek, 12 Mile, 16 Mile, Morrell Park and the Crab Creek area.

Attachment Map No 3 shows this alteration to the current ward boundaries.

If the number of councillors remains unchanged, this alteration to boundaries increases the number of electors in the Broome Ward and decreases the number of electors in the Dampier Ward, resulting in an increasingly imbalanced and less satisfactory Councillor/Elector ratio.

In considering changes to ward boundaries, current and projected population characteristics will be relevant, as well as similarities and differences between areas within the Shire. Population size and the distribution of population by age, gender, occupation and location may all be considered. If changes to population and electors in wards has occurred and the trend is likely to continue, changes in representation would be required to achieve a fair balance.

Population growth within the Shire over the next 8 years could be expected to be significant, and to vary between the two wards. Since the 2000 review, the number of electors in the Broome Ward has increased from 4603 in 1999 to 6249 in 2007 an increase of 36%. During the same period, the number of electors in the Dampier Ward increased from 1053 to 1317, a 25% increase. Should this trend continue, the councillor to elector ratio may become increasingly imbalanced.

Changes to population and electors have occurred in both the Broome and Dampier Wards since the previous review. As this trend is forecast to continue, changes in representation may be required to achieve a balanced representation reflected in the % ratio deviation being within plus or minus 10%.

Based on the current number of offices of councillor, there would have to be a marked increase in the number of electors in the Dampier Ward and a minimal increase in the number of electors in the Broome Ward to achieve balanced representation.

The following table demonstrates the impact of such a change on the Councillor/Elector ratio:

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	7	6500	1:929	2.82%
Dampier Ward	2	2100	1:1050	-9.88%
TOTAL	9	8600	1:956	

Should population change result in a marked increase in the number of electors the Broome Ward and a minimal increase in the number of electors in the Dampier Ward, the Councillor/Elector ratio becomes increasingly inequitable. The following table demonstrates the impact of such a change:

WARD NAME	No of councillors	Electors (2007)	Cr/Elector Ratio	%Variance to Ratio
Broome Ward	7	8000	1:1143	-8.27%
Dampier Ward	2	1500	1:750	28.95%
TOTAL	9	9500	1:1056	

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This could include the location of retail hubs and industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

The future of a number of major industrial development projects currently under consideration that will significantly impact on the Shire should they proceed. For this reason, it may be prudent to revisit the ward and representation arrangements once those projects have been confirmed.

Maintain the status quo?

It is possible that the current ward and representation structure is sufficient to serve the Shire of Broome community for at least the next eight years irrespective of major population changes or economic and industry decisions.

Currently there are two Shire of Broome wards, Dampier and Broome. Although much larger geographically and relatively less populated, the Dampier Ward is represented by two councillors and the Broome Ward is represented by seven councillors. Attachment Maps No 1 and 2 show existing boundaries and area of the existing wards.

It might be argued that the residents of Broome Ward have different needs and wants to the residents of the Dampier Ward. The communities within the Broome and Dampier Wards may have varied interests and differing issues of relevance to them and therefore require specific representation on Council to ensure that their views are heard. In that instance, the current number of Councillors and existing Ward Structure may be the most appropriate one and the status quo could be maintained. This was the decision of the previous review in 2000.

Town or Shire?

At the Special Meeting of Council held 19 June 2008, a motion to petition the Minister for Local Government and Regional Development in accordance with section 2.4 of the Local Government Act 1995 to change the status of the district from that of 'Shire' to that of 'Town' was lost. The proposal had been considered as an acknowledgement of, and in recognition of, the 125th Anniversary of Broome on 27 November 2008.

At the Ordinary Council Meeting held 24 July 2008, Council resolved to include an investigation into the notion to gazette the 'Shire of Broome' to the 'Town of Broome' during the Ward and Representation Review.

In itself, a change in name from Shire to Town would not affect the current ward structure within the Shire, nor would it affect the Councillor/Elector ratio.

The public submission suggests that approximately 25% of the Shire population live outside the town boundaries and that a name change from Shire to Town may disenfranchise those residents. No other comment was received.

SUMMARY

Council has the following options available:

- 1. Council recommends to the Local Government Advisory Board that it wishes to maintain the existing ward structure with no change.
- or
- 2. Council make an order under s2.18(3) to designate a change in the number of offices of councillor for the Broome Ward and the Dampier Ward.
- or
- 3. Council make an order under s2.18(3) to designate a change in the number of offices of councillor in one of the existing wards.
- or
- 4. Council make an order under s2.2(1) to abolish the existing ward boundaries to form a single district ward, the name of which is to be determined prior to the recommendation.
- or
- 5. Council make an order under s2.2(1) to separate the existing Broome Ward into three (3) separate wards, and under s2.3(3) to name the new wards.
- or
- 6. Council make an order under s2.2(1) to change the boundary of the existing Broome Ward to reflect the boundary of the Town Planning Scheme.
- or
- 7. Council make an order under the relevant section to effect a combination of one or more of the above options or an option not yet considered.

CONSULTATION

Public submissions were invited.
Local Government Advisory Board

STATUTORY ENVIRONMENT

Local Government Act 1995

Schedule 2.2

- 6. *Local government with wards to review periodically*
- (1) *A local government the district of which is divided into wards is to carry out review of -*
 - (a) *its ward boundaries; and*
 - (b) *the number of offices of councillor for each ward,**from time to time so that not more than 8 years elapse between successive reviews.*

POLICY IMPLICATIONS

There are no relevant policy implications pertaining to this matter.

President: Date:

FINANCIAL IMPLICATIONS

There are no financial implications resulting from this report.

STRATEGIC IMPLICATIONS

People

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr V L Wevers

Seconded: Cr C R Mitchell

That Council recommends to the Local Government Advisory Board that it wishes to maintain the existing ward structure with no change.

CARRIED 8/0 BY ABSOLUTE MAJORITY

[Attachment: 25 pages](#)

9.1.2 COUNCIL AND COMMITTEE MEETING DATES 2009

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: ADM.01
AUTHOR: Council Secretary
CONTRIBUTOR/S: N/A
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 29 October 2009

SUMMARY: To seek Council endorsement of proposed meeting dates for Coastal Park Management Committee and Ordinary Council Meetings to be held in 2009, for the purpose of advertising as required under the Local Government Act 1995.

BACKGROUND

Previous Considerations

OCM 21 December 2006 – Item 9.1.4

OCM 25 October 2007 – Item 9.1.4

In accordance with Regulation 12(1) of the Local Government Act (Administration) Regulations 1996, at least once each year a local government is required to give local public notice of the dates, times and place of its Ordinary Council Meetings and Committee meetings required under the Act to be open to the public. As such, the Shire is required to advertise meeting dates for its Ordinary Council Meetings and Coastal Park Management Committee Meetings for 2009.

COMMENT

Meetings of the Coastal Park Management Committee have in the past been scheduled on the first Thursday of each month at 10.00am. The Committee is in need of a full review with changes currently taking place within the Minyirr Park staffing and lines of reporting, along with some Members and Deputies of Committee having left Broome or working away from Broome. Issues around vesting of Reserves, expenditure allocation, insurance and responsibilities require consideration and there is ongoing dialogue required with the proposed new Peak body representing Native Title interests for the area. Out of the 2008’s ten meetings scheduled to November, only two meetings have resulted in a quorum. A considerable number of the issues proposed for inclusion in Agendas have been operational and those presented to the Committee have often been the subject of much wider deliberations at both Council and Community level and not able to be resolved in the short term.

It is acknowledged that ongoing dialogue is desired however this may be more productively held outside of the Committee of Council forum which is bound by the Local Government Act. It is therefore proposed that the Coastal Park Management Committee meet quarterly in 2009.

It is suggested that this Committee go into recess in January 2009, as this meeting would be scheduled to be held on 3 January 2009 and unlikely to source a quorum. Two of the proposed dates below are scheduled for the second week of the month, avoiding other

President: Date:

Council commitments. As such, the following meeting dates are proposed for the Coastal Park Management Committee for 2009, with meetings commencing at 10.00am:

Recess	January
Thursday	12 February 2009
Thursday	7 May 2009
Thursday	13 August 2009
Thursday	5 November 2009

Should Council wish to continue the monthly Schedule for Coastal Park Management Committee meetings, the following dates are proposed for consideration:

Recess	January
Thursday	12 February 2009
Thursday	5 March 2009
Thursday	2 April 2009
Thursday	7 May 2009
Thursday	4 June 2009
Thursday	2 July 2009
Thursday	13 August 2009
Thursday	3 September 2009
Thursday	1 October 2009
Thursday	5 November 2009
Thursday	3 December 2009

As has been recent practice, Ordinary Meetings of Council are proposed to be held on Thursdays, approximately every four weeks, commencing at 5.00pm. Council resolved last year to recess in January of 2008 allowing staff and Councillors to plan leave during that month. The January recess allows sufficient travel time and releases staff from the early January Agenda preparatory cycle necessary to hold a January Council meeting. Staff not utilising January leave have valuable project review time which is often limited during the year due to staff attrition.

Staff recommend therefore that Council again consider a recess for Ordinary Council meetings in January 2009. The following meeting dates are proposed for Ordinary Council Meetings for 2009, commencing at 5.00pm:

Recess	January
Thursday	19 February 2009
Thursday	19 March 2009
Thursday	16 April 2009
Thursday	14 May 2009
Thursday	11 June 2009
Thursday	9 July 2009
<i>Tuesday</i>	4 August 2009
<i>Wednesday</i>	2 September 2009
Thursday	1 October 2009
Thursday	29 October 2009
Thursday	26 November 2009
<i>Wednesday</i>	16 December 2009

These dates have been proposed, taking into account:

President: Date:

- First week in August is usually Local Government Week
- Shinju Matsuri Festival is scheduled for 4-12 September
- The December meeting has been brought forward to Wednesday to allow for the minutes to be completed and distributed prior to the Christmas break

Should Council wish to retain the January meeting, this would be held on 22 January 2009, however work to prepare and distribute the agenda would need to commence in first week of January.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

5.25. Regulations about council and committee meetings and committees

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

(g) the giving of public notice of the date and agenda for council or committee meetings;

Local Government Act (Administration) Regulations 1996

12. Public notice of council or committee meetings — s. 5.25(1)(g)

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

- 1. *That Council endorses the following Ordinary Council Meeting dates for 2009, with all meetings commencing at 5.00pm:*

Recess January
Thursday 19 February 2009
Thursday 19 March 2009
Thursday 16 April 2009
Thursday 14 May 2009
Thursday 11 June 2009
Thursday 9 July 2009
Tuesday 4 August 2009
Wednesday 2 September 2009
Thursday 1 October 2009
Thursday 29 October 2009
Thursday 26 November 2009
Wednesday 16 December 2009

- 2. *That Council endorses the following meeting dates for the Coastal Park Management Committee, with all meetings commencing at 10.00am:*

Recess January
Thursday 12 February 2009
Thursday 7 May 2009
Thursday 13 August 2009
Thursday 5 November 2009

COUNCIL RESOLUTION

Moved: Cr C M Maher

Seconded: Cr S E Eaton

REPORT RECOMMENDATION

- 1. *That Council endorses the following Ordinary Council Meeting dates for 2009, with all meetings commencing at 5.00pm, at Shire of Broome Council Chambers, with the exception of 2 September 2009 meeting which will be held at Beagle Bay Community at a time suitable to members and Beagle Bay Community representatives:*

Recess January
Thursday 19 February 2009
Thursday 19 March 2009
Thursday 16 April 2009
Thursday 14 May 2009
Thursday 11 June 2009
Thursday 9 July 2009
Tuesday 4 August 2009
Wednesday 2 September 2009 (to be held at Beagle Bay Community)
Thursday 1 October 2009
Thursday 29 October 2009
Thursday 26 November 2009
Wednesday 16 December 2009

2. *That Council endorses the following meeting dates for the Coastal Park Management Committee, with all meetings commencing at 10.00am:*

<i>Recess</i>	<i>January</i>
<i>Thursday</i>	<i>12 February 2009</i>
<i>Thursday</i>	<i>7 May 2009</i>
<i>Thursday</i>	<i>13 August 2009</i>
<i>Thursday</i>	<i>5 November 2009</i>

CARRIED UNANIMOUSLY

[Attachment: 2 pages](#)

With regard to Item 9.1.3 Cr P D Matsumoto disclosed that "I have had an association with Native Title. 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".

9.1.3 BEAGLE BAY SERVICE COORDINATION AGREEMENT

LOCATION/ ADDRESS: Beagle Bay Community
APPLICANT: Department of Indigenous Affairs
FILE:
AUTHOR: Director Development Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 9 November 2008

SUMMARY: An agreement to coordinate housing, infrastructure, essential and municipal services to Beagle Bay has been prepared and Councils participation is requested.

This report recommends DIA be advised Council considers it inappropriate to enter into this agreement at this stage.

BACKGROUND

Previous Considerations

OCM 18 December 2007 – Item 9.1.3

The Department of Indigenous Affairs (DIA) proposed a Beagle Bay Service Coordination Agreement between the Commonwealth and Western Australian Government agencies and Mamabulanjin Aboriginal Corporation (MAC), Nirrumbuk Aboriginal Corporation (NAC), Kimberley Regional Service Provider (KRSP) and the Broome Shire Council for the provision of housing, infrastructure, essential and municipal services to the Beagle Bay community.

A copy of the agreement was provided to the Shire, signed by the Regional Manager Department of Indigenous Affairs (DIA), the Manager Indigenous Coordination Centre (ICC), Director Office of Aboriginal Health (OAH), CEO MAC, Manager Environmental Health Services NAC, and CEO KRSP. It had not been signed by the Regional Manager Department of Housing and Works (DHW) or the President of the Shire of Broome.

It was explained the agreement was underpinned by the *National Framework of Principles for Delivering Services to Indigenous Australians endorsed by the Council of Australian Governments meeting of 25 June 2004. It is consistent with the Bilateral Agreement on Indigenous Affairs between the Commonwealth of Australia and the State of Western Australia (2006-2010). The purpose of the agreement is to ensure that the residents of Beagle Bay have a standard of housing, infrastructure, essential and municipal services that provide a safe environment, complement healthy living practices and contributes to improved health outcomes and quality of life.*

President: Date:

The agreement was not intended to create any legal relationship between the parties and there was provision for parties to withdraw from the agreement with six months' notice. The agreement contained attachments listing the various services, the service providers, the funding sources and the timing of the services.

Council considered the matter of the agreement at its meeting of 18 December 2007 and resolved:

"That Council:

1. *Advises the Department of Indigenous Affairs that it supports the Beagle Bay Service Coordination Agreement but unable to participate in the agreement as:

 - a. *It no longer receives the necessary funding from the Western Australian Department of Health and does not have the resources to provide the services required*
 - b. *The proposed Bilateral Agreement will address this service as well as other services not mentioned in the report.**

2. *Requests through the Bilateral Agreement Committees (through WALGA) how the funding, lifecycle costs and ownership to assets will be managed."*

Following Council's previous consideration of this agreement it has been modified in the light of Council's reduced capacity resulting from the decision not to proceed with the agreement with the Western Australian Department of Health to fund the position of an Aboriginal Environmental Health Officer. The modified document has been signed by all parties except the Shire of Broome and Council is requested to sign the modified document.

COMMENT

Although this service coordination agreement has been modified so that no additional responsibilities would fall to the Shire of Broome, it is not clear about the Shire's responsibility with regard to roads nor does it identify any source of funding. There is no dispute that the Shire has responsibilities in indigenous communities with regard to infrastructure, environmental health, emergency services, building and planning and that there is a real problem with regard to the determination of sustainable levels of service and to the responsible funding and delivery of those services. These issues require coordinated and committed attention from all three levels of government.

It is considered that the current agreement is inadequate in that it focuses only on the Beagle Bay community and says nothing about all of the other indigenous communities in the Shire of Broome. It does not appear to have considered local government to be a responsible partner in the solution to this problem and it does not address the sustainable provision of infrastructure and services to indigenous communities. Rather than address this issue in an ad hoc community by community approach, it is considered preferable to be addressed in an holistic manner through the engagement of local government in the Bilateral Agreement process.

The four Kimberley local authorities are currently investigating the feasibility of delivering municipal services to indigenous communities from a single regional authority.

The Local Government Advisory Board has presented a paper on this matter to the Minister for Local Government and the Minister for Indigenous Affairs. The Ministers are still considering the matter.

It is recommended DIA be advised Council considers it inappropriate to enter into this agreement at this stage.

CONSULTATION

The agreement has been prepared in consultation with all of the parties involved.

STATUTORY ENVIRONMENT

Local Government Act 1995
Health Act 1911
Planning and Development Act 2005

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is no provision in the budget for these services.

STRATEGIC IMPLICATIONS

People

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

Actively consult and work with the Traditional Owner 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

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council advises the Department of Indigenous Affairs:

- 1. *Council agrees in many respects with the proposed agreement and the vital role for local government in this matter; but,*
- 2. *Council is responsible for all the residents of the Shire of Broome and considers this matter has to be dealt with in an holistic manner through the bilateral process to address the sustainable provision of infrastructure and services to the whole community not through piecemeal agreements for sections of the community; and,*
- 3. *Council considers it is inappropriate to enter into an agreement regarding the provision of services to one particular community at this stage.*

COUNCIL RESOLUTION

Moved: Cr P D Matsumoto

Seconded: Cr C R Mitchell

That Council:

- 1. *Advises the Department of Indigenous Affairs that Council agrees in many respects with the proposed agreement and the vital role for local government in this matter, and, provided the agreement does not result in Council becoming liable for the provision of any unfunded services, authorises the Shire President and CEO to engross the agreement on Council's behalf.*
- 2. *Invites the Department of Indigenous Affairs to brief Council on the status of the four point action plan, and in particular governance arrangements for Beagle Bay, as soon as possible.*

AMENDMENT TO MOTION:

Moved: Cr C M Maher

Seconded: Cr S E Eaton

That the words 'provided the agreement does not result in Council becoming liable for the provision of any unfunded services' be removed from point 1, and a further point 3 be added as follows:

- 1. *Advises the Department of Indigenous Affairs that Council agrees in many respects with the proposed agreement and the vital role for local government in this matter, and authorises the Shire President and CEO to engross the agreement on Council's behalf.*
- 3. *That the CEO and Shire President when engrossing the Agreement include a clause, that the Shire is not liable for provision of unfunded municipal services.*

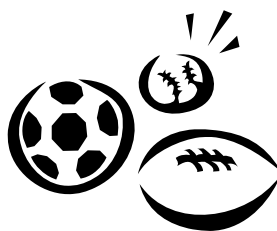
<i>AMENDMENT PUT:</i>	<i>FOR: 6</i> <i>AGAINST: 2</i>	<i>CARRIED</i>
<i>MOTION PUT:</i>		<i>CARRIED UNANIMOUSLY</i>

[Attachment: 24 pages](#)

9.2

COMMUNITY

SERVICES



OUTCOME

To facilitate the social wellbeing and development of the community.

There are no items for this Section (See late item 12.1)

9.3

DEVELOPMENT

SERVICES



OUTCOME

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

9.3.1 PROPOSED WHOLE OF SHIRE LOCAL PLANNING STRATEGY - SHIRE OF BROOME AND THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE

LOCATION/ ADDRESS: Shire of Broome
APPLICANT: Shire of Broome and Department for planning and infrastructure
FILE: PLA 48
AUTHOR: Director Development Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 9 November 2008

SUMMARY: A project brief has been received from the Department for Planning and Infrastructure for the Department and the Shire to work together to prepare a local planning strategy for the whole of the Shire.

This report recommends the project brief be adopted.

BACKGROUND

Previous Considerations

- OCM 19 December 2000 – Item 4.6 Building and Development Committee
- OCM 14 July 2005 – Item 9.3.3
- OCM 3 July 2008 – Item 12.2
- OCM 26 August 2008 – Item 9.3.1

At its meeting on 26 August 2008 Council resolved:

“That Council pursuant to Section 107 of the Planning & Development Act 2005:

- 1. Adopts the Interim Development Order for the land of the Municipality of the Shire of Broome with the exception of the land within current Town Planning Scheme No 4.*
- 2. Requests the Minister for Planning and Infrastructure to approve Interim Development Order No 4.”*

The purpose of an interim development order is to give the responsible authority a measure of planning control while it is in the process of preparing a local planning scheme. The Shire of Broome has had a series of interim development orders over the years but has not managed to progress the preparation of a local planning scheme. The preparation of a local planning scheme for the whole of the Shire is now considered urgent given increasing development pressures in and around indigenous communities, diversification of pastoral leases, the needs of rangeland and coastal management and conservation, and the possibility of industrial development related to Browse Basin gas processing and other resource developments.

Council made provision in the 2008/2009 budget for the preparation of a local planning strategy or both the town area and for the remainder of the Shire. Following an offer of President: Date:

assistance from the Director General of the Department for Planning and Infrastructure (DPI), the issue of how best to proceed with the preparation of these local planning strategies was discussed with DPI staff. In those discussions it was decided the preferable approach was to prepare one local planning strategy for the whole of the Shire leading to a new town planning scheme that will replace Town Planning Scheme No4 and also apply to the whole of the Shire.

The DPI has written indicating it will assist the Shire with the mapping and documentation and will participate in the steering group and technical advisory group for the preparation of the strategy. DPI has submitted a project brief setting out the respective roles and responsibilities with indicative costs. (Attachment 1) It is proposed the Shire will meet a proportion of the mapping costs (50%), costs associated with consultation and the necessary travel costs of DPI staff.

The project proposal is based on a number of assumptions:

1. *DPI's contribution will be in kind by way of a formal agreement with the Shire of Broome stating specific responsibilities and deliverables;*
2. *The Shire of Broome will meet all no salary costs of DPI staff providing assistance where these are directly attributable to the development of the Local Planning Strategy. These will include the cost of travel and accommodation for Perth-based staff required to travel to Broome to progress the strategy, the costs of any consultancy work required and a contribution to the costs of mapping.*
3. *The Shire of Broome will be responsible for public consultation, supported by DPI (not financially);*
4. *The Shire of Broome will be responsible for the administration of the Steering Committee and Technical Advisory Group;*
5. *The Shire of Broome and DPI planning staff will put documents before the Broome Shire Council and the WAPC in a timely manner;*
6. *All information sourced or provided through the process will be available to both the Shire of Broome and DPI.*

The project is proposed to be overseen by a steering group chaired by the Shire President supported by two designated planning officers (Shire and DPI).

It is proposed the project will be initiated by December 2008, the draft strategy will be prepared by April 2009, the public submission period completed by July 2009, and the strategy finalised by October 2009.

The project brief lists a number of issues to be addressed including:

- *Recognising and protecting the environmental, cultural and heritage values of the region and reflecting these values in a rapidly growing Shire;*
- *Providing land for housing and accommodation to meet projected demand;*
- *Providing a range of housing and accommodation options;*

- *Catering for future heavy and light industrial and commercial use;*
- *Catering for rural and pastoral activities, mining and aquaculture, tourism and protecting priority agricultural land and water for agricultural purposes;*
- *Meeting the open space and recreation needs of the community;*
- *Catering for development that will sustain and enhance the local and state economy;*
- *Providing for major transport activities such as freight, port and airport;*
- *Providing for local transport needs including heavy vehicles, cars, pedestrians and cyclists and public transport;*
- *Protection of drinking water resources;*
- *Identification and availability of basic raw materials;*
- *Providing for infrastructure corridors including electricity, natural gas and telecommunications, as well as transport;*
- *Geotechnical constraints to development, especially near the coast;*
- *Recognising the potential impact of climate change (vulnerable areas to be avoided for development).*

There are a number of strategy works in progress that need to be completed before April 2009 for inclusion in the draft LPS. These include the Local Commercial Strategy, Local Housing Strategy, Local Tourism Planning Strategy, and Public Open Space Strategy. It is recognised the Shire does not have a Local Economic Strategy or Local Community Strategy at this stage but it is envisaged that as these and other strategies or studies are completed the LPS can be modified accordingly.

COMMENT

It is considered to be far more advantageous for the Shire to contribute funds to ensure assistance from DPI staff to work with the Shire on this project than it would be to spend funds on consultants. It is considered the budgeted funds are adequate to complete the work in progress strategies, make the estimated contributions to DPI for mapping and travel expenses, provide for a contract project officer and general administration of the project.

It is recommended Council adopt the project brief for the preparation of the Local Planning Strategy.

CONSULTATION

The draft local planning strategy will be required to be made available for public comment before final adoption.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

President: Date:

POLICY IMPLICATIONS

The Local Planning Strategy will provide direction and guidance for Town Planning Scheme 5

FINANCIAL IMPLICATIONS

The 2008 2009 budget contains provision for the preparation of an LPS covering TPS4 area (\$90K), and an LPS covering the remainder of the Shire (\$80).

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

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

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.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council adopts the project brief dated 29 October 2008 for the Shire of Broome Local Planning Strategy for the whole of the Shire of Broome.

COUNCIL RESOLUTION

Moved: Cr R J Lander

Seconded: Cr S E Eaton

That Council adopts the project brief dated 29 October 2008 for the Shire of Broome Local Planning Strategy for the whole of the Shire of Broome and that two additional Councillors, being Councillors R J Lander and S E Eaton (in addition to the Shire President), be included on the Steering Group.

CARRIED UNANIMOUSLY

Reason: *For identification of Councillors on the Steering Group.*

[Attachment: 11 pages](#)

9.3.2 APPLICATION FOR PLANNING APPROVAL – VARIATION OF APPROVAL– USE NOT LISTED (TEMPORARY WORKERS ACCOMODATION) - LOT 1648 FREDERICK STREET, DJUGAN

LOCATION/ ADDRESS: Lot 1648 Frederick Street, Djugun
APPLICANT: Broome International Airport
FILE: FRE-1/LT1653
AUTHOR: Director Development Services
CONTRIBUTOR/S: Manager Planning Services
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 8 November 2006

SUMMARY: On 23 November 2006 Council approved the development of five temporary accommodation units for the construction of the Broome Boulevard Shopping Centre (the Boulevard). Conditions of the approval required that this approval cease when the Boulevard was completed. Property owners Broome International Airport (BIA) have requested that Council extend the duration of this approval for an additional 2 years.

This report recommends approval.

BACKGROUND

Previous Considerations

OCM 23 Nov 2006 - Item 9.3.7

History - Temporary Workers Accommodation Applications

OCM 23 Nov 2006 - Council approved the development of a 20 room temporary workers accommodation (2006/187) on the condition that:

- *Condition 2 - The development the subject of this approval is to cease operation on completion of the Broome Boulevard Shopping Centre extensions, when the approval will lapse and have no further effect*
- *Condition 4 - That units be for the exclusive use of contractors employed in the construction of the Boulevard Shopping Centre*

OCM 25 October 2007 – Council deferred the proposed development of three temporary workers accommodation facilities (each to provide for 20 workers) on Lot 1653 Broome Road until the Airport Development Plan has been finalized and accepted by Council and on the basis that a detailed plan would be provided highlighting elevations, car parking, landscaping and details provided regarding the proposed management plan. The applicant subsequently withdrew the application.

OCM 24 July 2008 - Council approved the development of a proposed workers accommodation on Lot 2 Broome Road Skuthorpe. The approval was for 10 years. Conditions were imposed that required the applicant to submit further details on car parking, water supply, fire breaks, landscaping, stormwater, signage, and the proposed Deed of Agreement that put in management arrangements.

President: Date:

SCM 4 September 2008 - Council deferred the consideration of an application to develop 89 x 1 bedroom self contained units on Lot 3 Lullfitz Drive Cable Beach. The applicant had amended plans during the processing period and Council required that the application be readvertised for an additional period of 30 days.

Site and Surrounds

The site is located to the east of the Boulevard Shopping Centre in of the Broome International Airport. This area of the site is currently accessed from the north east corner of the Boulevard Shopping Centre carpark and along an informal dirt track. The land and surrounding area is cleared of all vegetation.

The facility is contained within a two meter high cyclone wire fence with a lockable gate.

Description of the Proposal

The established camp consists of five transportables each approximate 14 meters by 4.2 meters. Four (4) units provide for 20 individual accommodation units with ensuites.

There is minimal landscaping with two or three clusters of canes established in the centre near the common 'mess' area. There is no private open space and based on a visual inspection from outside the facility residents would only be able to recreate either sitting in front of their unit under limited shade or under a covered area in the middle of the facility.

Broome International Airport (BIA) has advised:

- *BIA through Pearl Coast Properties (PCP) has purchased the facilities in April 2008 accepting the conditions of Planning Approval 2006/187. The extension to the Boulevard was opened in April this year with work outstanding, however this work was completed over the last few months.*
- *Since then PCP has been offering accommodation to workers completing the outstanding works at the Centre and also sub contractors involved in work at the Airport and other projects in Broome who have been unable to source affordable accommodation for the duration of their contracts.*
- *There is an ongoing level of enquiry from contractors and sub-contractors (that) indicate a genuine need for such requirements in Broome.*
- *BIA therefore applies for an extension of the use of the facility for a period of 2 years from 1 September 2008. Subject to Councils' approval the units would be administered by PCP and used by multi-discipline sub contractors.*
- *Tenants of the camp will be required to provide proof of their contractor/subcontractor status and their engagement in Broome Projects.*
- *PCP will have a supervisor on site to ensure the orderly operation of the camp.*

Attachment 1 - Photos of existing facility

Planning Provisions – Shire of Broome Town Planning Scheme No 4 (TSP4)

The site is zoned 'Development Zone' under TSP4. The establishment of the temporary workers accommodation was considered as a 'Use not Listed'. This required Council to consider whether the facility is consistent with the aims and objectives and purpose of the zone in which it is proposed. The proposal was also advertised in accordance with Clause 9.4 prior to consideration.

President: Date:

Planning Provisions – Proposed Airport Area Development Plan (ADP)

The site is located within the Mixed Uses area of the proposed ADP. This is the area to be developed and made available for mixed uses in a manner that accords with the longer term planning for the area – such uses as Showrooms, Warehouse Retail; Offices; Drainage; Road Works and Car Parking are listed as the proposed or potential land uses after the relocation of the airport or when the land is subdivided and rezoned.

The site is within the Australian Noise Exposure Forecast (ANEF) contours to 2015 that show it would be within the 20-25 ANEF and possibly the 25-30 ANEF.

Temporary Workers Accommodation

There has been considerable deliberation on the issue of the supply of temporary workers accommodation in Broome. The lack of workers accommodation has created significant difficulties in the past for all sectors of the economy. While the limited supply of accommodation might have eased slightly with the down turn in the economy and the subsequent listing of over 70 houses within Broome available for rental this is not a long term or sustainable solution for workers who are in Broome for fixed short term contracts.

COMMENT

ANEF Contour System

The use of ANEF contours to predict noise exposure is not precise and there are a range of variables/factors built into this measurement that could be criticized. Notwithstanding the ANEF contours are used throughout Australia to ‘predict’ aircraft noise. They ‘predict’ for a particular future year (usually 10 -20 years ahead) the cumulative exposure to aircraft noise design a specified time period (usually one year) likely to be experience by communities near airports.

The ‘Schedule of Issues, Potential Impacts and Recommended Responses’ as included in The consideration of the Draft Airport development Plan (OCM 13 March 2008 item 9.3.3) identifies on pages 1-3 that there is a limitation number of acceptable uses within the 25-30 ANEF and that the ANEF 20 contour is an area within which special consideration should be given to land uses such as housing motels, schools etc.

This facility was set up to ensure the timely construction of the Boulevard which opened on April 2008 and all construction has now been completed. The ongoing use of this facility as a temporary workers accommodation for another 2 years to 31 August 2010 would need to be considered necessary to meet the ongoing needs for short-term workers accommodation in Broome. It is not considered likely this land will be ready for development for alternative uses within that time.

The facility provides basic sleeping and bathroom facilities with central mess facilities. There is minimal or no landscaping provided and residents have limited access to any private open space. Access to the facility is makeshift and no car parking arrangements have been put in place. The units when established were provided with temporary water and power facilities from the adjoining shopping centre with sewage piped to holding tanks and removed by tanker. Such a servicing arrangement is considered unsatisfactory for the continued use of the facility and no other details have been provided. It is located in a very visible, isolated and un-vegetated section of the Broome International Airport property and its ongoing use for this purpose requires improvement to come up to an acceptable standard.

It is however accepted that there is still a shortage of suitable short term accommodation in Broome and the continued use of this facility would go some way to address the needs of contractors and other employers.

Should Council decide to support the continued use of the facility a number of changes would be required including:

1. The provision of better access through the Broome International Airport site and the removal of any vehicle access from the Boulevard Shopping Centre.
2. Implementation of a management plan providing for an onsite manager.
3. Accommodation being provided only to BIA employees or to employers requiring short-term accommodation for employees (ie. not to individual workers)

On the other hand as the use of the site for temporary accommodation was considered suitable for the duration of the Boulevard Shopping Centre construction, the continued use of the facility in this very exposed location could be considered to be unsuitable now that the Boulevard Shopping Centre is completed and open to the public. There is no question of the site being suitable for long-term residential accommodation and it is questionable whether it is suitable for continued temporary use particularly given its poor vehicular access, parking and services.

Should Council decide not to support the continued use of the facility, it is recommended Council resolve:

That Council refuses to vary Planning Application 2006/09 to extend the Use Not Listed (Temporary Workers Accommodation) on Lot 1648 Frederick Street Broome because:

1. Council had previously considered the use suitable for this location because it was for a very limited period of time for workers employed on the adjoining site.
2. Council does not consider this site to be suitable for the general accommodation of workers in Broome.
3. The vehicular access and car parking provided for the facility is inadequate for its continued use.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No 4

Use Not Listed

4.3 *Interpretation of the Zoning Table*

- 4.3.1 *Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.*
- 4.3.2 *In determining an application for planning approval, if a proposed use of the subject land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of any other use in the Zoning Table, the Council may:*
- (a) determine that the use is consistent with the objectives and purposes of the relevant zone involved in the application, and therefore may be treated as a permitted use; or*
 - (b) treat the use as a use not listed if the Council considers that the use may be regarded as consistent with the objectives and purposes of the zone in which it is proposed and thereafter follow the procedures in relation to a use not listed set out hereafter; or*
 - (c) determine that the use is not consistent with the objectives and purposes of the particular zone in which case the use is to be treated as a use which is not permitted in that zone.*
- 4.3.3 *If the Council determines in connection with an application for planning approval that a use may be treated as a use not listed, the Council may permit the use provided that the application is advertised in accordance with the provisions of clause 9.4 before the final consideration and determination of the application.*
- 9.4 *Advertising of Applications*
- 9.4.1 *Where an application is made for planning approval to commence an 'S' use or a use not listed (subclause 4.3.2) or commence or carry out development which involves an 'S' use or a use not listed, the Council shall not grant approval to that application unless notice is first given in accordance with the provisions of clause 9.4.3.*
- 9.4.2 *Notwithstanding the provisions of clause 9.4.1, where an application is made for planning approval for any other purpose, the Council may require that notice is first given in accordance with the provisions of clause 9.4.3.*
- 9.4.3 *The Council may require the applicant to give notice or may itself give notice of an application for planning approval by any one or more of the following means:*
- (a) notice of the proposed development to be served on nearby owners and occupiers who are likely to be affected by the granting of planning approval stating that submissions may be made to the Council by a specified date being not less than twenty-one days after the service of such notice;*
 - (b) notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council by a specified date being not less than twenty-one days after the publication thereof;*

(c) sign or signs displaying notice of the proposed development in such form as the Chief Executive Officer of the Shire approves to be erected in a conspicuous position on the land for not less than 21 days.

9.4.4 *The notice referred to in clause 9.4.3 (a) and (b) shall be in the form contained in Schedule 7 with such modifications as the circumstances may require.*

9.4.5 *Any person may inspect the application for planning approval referred to in the notice and material accompanying that application.*

9.4.6 *After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the latest, the Council shall consider and determine the application.*

POLICY IMPLICATIONS

Draft Local Housing Strategy

Treat temporary workers accommodation as a use not listed to combat the shortage of accommodation for building construction and other workers.

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 local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council approves the variation to Planning Application 2006/09 for a Use Not Listed (Temporary Workers Accommodation) on Lot 1648 Frederick Street Broome subject to the following additional conditions:

- 1. The approval is for a period of 2 years from the date of this approval.*
- 2. When the use of the land for Temporary Workers Accommodation ceases the site is to be made good for Mixed use Development purposes*
- 3. The development is to accommodate only the employees of Broome International Airport and employees or contractors employed by businesses operating within the Shire of Broome.*
- 4. The facility is to accommodate no more than 20 occupants.*
- 5. Provision of 20 car parking bays including one accessible bay.*
- 6. A detailed plan of the access ways and car parking areas including finished levels, pavement type and drainage details to the satisfaction of the Shire is to be submitted within three months of this approval.*
- 7. Parking areas and access lanes, as shown on the approved plans, must within three months of the approval of the plans be:*
 - a) Constructed to a minimum of prime and two coat standard bitumen seal, drained and kerbed in accordance with the approved plan.*
 - b) Fully drained to the requirements in accordance with the Shire of Broome's guidelines and specification.*
 - c) Line marked and signed in accordance with AS2890 (off street parking) except standard bay sizes to be 2.7m x 5.5m and disabled bays to be 3.2m x 5.5m.*
 - d) Be kept available for these purposes.*
- 8. A stormwater drainage system is to be provided in accordance with the Shire of Broome's guidelines and specification for design and construction of stormwater drainage systems, the system shall be designed and documented by a practicing Civil Engineer to the satisfaction of the Shire.*
- 9. Outdoor lighting must be appropriately designed, and located, to the satisfaction of the Shire.*
- 10. A Management Plan is to be prepared to the satisfaction of the Shire within three months of this approval. The management plan will include (but not be limited to):*
 - a) The provision of an on-site manager.*
 - b) Fire evacuation.*
 - c) Waste Disposal – both refuse and recycling.*
 - d) Provision for persons able to be accommodated in the facility.*
 - e) The removal of the facility at the expiry of the approval.*

Moved: Cr R J Lander

Seconded: Cr C R Mitchell

That Council permits the proponents to answer questions from Council members.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Amended Ordinary Council Meeting 17 December 2008

Moved: Cr V L Wevers

Seconded: Cr C M Maher

That Council refuses to vary Planning Application ~~2006/09~~ 2006/187 to extend the Use Not Listed (Temporary Workers Accommodation) on Lot 1648 Frederick Street Broome because:

- 1. Council had previously considered the use suitable for this location because it was for a very limited period of time for workers employed on the adjoining site.*
- 2. Council does not consider this site to be suitable for the general accommodation of workers in Broome.*
- 3. The vehicular access and car parking provided for the facility is inadequate for its continued use.*

CARRIED UNANIMOUSLY

Reason: *The previous approval lapsed and the purpose for which it was granted has been carried out and other accommodation is available.*

[Attachment: 3 pages](#)

9.3.3 APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL - VARIOUS ITEMS – LOT 23 (NO 12) HAYNES STREET, BROOME

LOCATION/ADDRESS:	Lot 23 (No.12) Haynes Street , Broome
APPLICANT:	Lankester Planning Services for Peter Green
FILE:	HAY 1/12
AUTHOR:	Manager Planning Services
CONTRIBUTOR/S:	Neels Pretorius
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	None
DATE OF REPORT:	6 November 2008

SUMMARY: An application has been made for Retrospective Planning Approval for Sea Containers Storage, Caretakers Dwelling, Covered Storage Shelter and other light industrial activities. It also includes an application for planning approval for an additional second Covered Storage Shelter.

This matter is currently before the State Administrative Tribunal.

The report sets out the associated matters relating to this property and the planning issues pertaining to the development application for Council’s determination and recommends the application be refused.

BACKGROUND

Previous Considerations

OCM 23 Oct 2008 – Item 9.3.3

Site and Surrounds

Lot 12 (No.23) Haynes Street is 2285m² in area. Located within the Light Industrial area there are a number of structures on site including sea containers, office and a caretakers dwelling. The caravan previously located close to the Office building is no longer on site.

Abutting the property to the east is Broomecrete which has open storage areas of products and loading shutes. All Volts Power Solutions is located on the western side. Along Haynes Street many of the industrial activities use their properties for open storage of machinery or products.

Attachment 1 – Locality Plan

History

At the Councils meeting held 23 October 2008 this matter was deferred “*there is a significant amount of information to be taken into account and Council would prefer to allow the administration team time to prepare a further detailed submission for Council’s full consideration*”.

Previous approvals - On 28 Feb 2007 Planning Approval 2006/173 was issued under delegated authority for a Light Industrial Development – Three (3) Factory Units and a Caretakers Dwelling.

Attachment 2 – Planning Approval 2006/173 (4 pages)

Complaints and Actions

17.3.08 - A Shire Environmental Health Officer (EHO) investigated a complaint of spray overdrift and blasting dust being generated from Broome Blast (Lot 23 No 12 Haynes Street). Prior to attending to the matter the officer contacted the Department of Environment and Conservation (DEC) Kununurra to obtain advise about the 'registration' of sand blasting on site and the requirements attached to this registration. See below for DEC details.

18.3.08 - EHO met Peter Green of Broome Blasting and the complainant on site. After both parties discussed their issues Peter Green agreed, within 1 month, to construct a 'make shift blasting chamber'.

23.4.08 - EHO met Peter Green on site and noted that two chambers had been constructed and they were multipurpose – to be used both for abrasive blasting and spray painting with the intention that the chambers are to contain the material on site.

15.05.08 – A letter was received complaining that there was heavy industrial sandblasting and painting business operating in the Light Industrial Area at No 12 Haynes Street.

12.06.08 - A Directions Notice (Planning and Development Act) was signed. It directed the owner of Lot 23 to cease the use of the land and remove the development from the site within 65 days of the notice being served. 'Development' being defined as sandblasting, spray painting, residential and the storage of associated material. A registered letter was posted the same day.

Attachment 3 – Shire of Broome Directions Notice

Attachment 4 – Photos of Site 28/29 August 2008

23.06.08 – The Directions Notice was handed to an employee of Broome Blasting working on site by Shire officers. Peter Green contacted the Shire later in the day and the situation was explained to him. A delivery confirmation of registered letter delivery was confirmed.

Attachment 3 – Directions Notice (2 pages)

Attachment 4 – Photos of Site (9 pages)

27.6.08 to 10.6.08 – Variety of telephone and written communication was exchanged between the Shire and Ms Janet Lankester of Lankester Planning Services (on behalf of Peter Green). This included discussion about whether sand blasting is a prescribed use and subsequent communication confirming actions taken and opinions.

State Administrative Tribunal - Matter DR275 of 2008

12 July 2008 – Ms Janet Lankester on behalf of Peter Green made application for SAT to review the Direction s214 Notice.

8 August 2008 – SAT initial hearing held before Judge Cheney. After hearing verbal submissions and vigorous arguments from both parties the Judge made the following orders:

- Applicant is to lodge a Planning Application with the Shire by 22 August 2008
- Janet Lankester and Manager Planning Services are to meet (without formal SAT mediation) to discuss the application and determine whether the proposal put forward is acceptable to both parties
- Directions Notice is to be stayed till the next hearing on 12 September 2008

29 August 2008 – meeting held between both parties at Shire of Broome Administration Centre. In attendance were Janet Lankester (Planning Consultant and Applicant), Peter Green (Owner), Michelle Teoh (Manager Planning Services) and Neels Pretorius (Planning Officer). The discussion covered details of the application and scheme provisions/ policies. Minutes of the meeting were compiled by Janet Lankester.

10 Sept 2008 – Manager Planning Services – provided Janet Lankester an edited version of the Minutes of Discussion (29 Aug 08) in 'mark up mode' and attached a preliminary technical assessment of the application – it stated:

- The application will require Council consideration
- The caravan must be removed from site
- Written confirmation is required from Peter Green that no sandblasting or spray painting is to be done on site
- Caretakers Accommodation LPP Policy 4.1.2 requires that this be associated with and 200sm Industrial shed. Council's discretion could be sought on what constituted an industrial shed but strong arguments would need to be provided
- Sea containers comply with LPP 4.1.15
- Car parking has to comply with LPP 4.1.8
- Construction of the car park and access areas need to comply with Policy 3.1.4

3 October 2008 – SAT Direction Hearing – matter was relisted to 31 October 2008. This was subsequently vacated and the matter relisted to 28 November 2008.

Requirements of the Department of Environment and Conservation

DEC has registered some machinery operated by Broome Blasting for mobile use. In summary DEC officers advised that the registration of machinery issued under the *Environment Protection Act 1986*:

- Enables the applicant to move to where work is needed
- Defines the activity that is occurring by registering the equipment
- Is a 'once of event' unless there is a change of business name or owners
- Requires that the applicant comply with all relevant environment requirements (eg spray drift/ cleaning up of site after work)

DEC also have responsibility of the Environmental Protection (Abrasive Blasting) Regulation 1998. Shire officers have been advised that this requires the construction of chambers if reasonably possible. If work is done in the open no visible dust should escape or escape to where the public would have access. It also requires that all waste be cleaned up.

DEC officers informed Shire officers that Mr Green informed them he was looking for a site in the Port Area and that the Haynes Street location is temporary.

Description of the proposal

21 August 2008 - an application for Planning Approval was lodged in accordance with the SAT Order issued 8 August 2008. This was for:

1. Existing Sea containers for Storage (6)
2. Existing Caretaker's Dwelling (1)
3. Existing Caravan on Site for Workers Accommodation (1)
4. Existing Office and Ablution facility (1)
5. Land Use Activities – Storage, 10% occasional blast and spray paint vehicles and trailers, Service/Repair of machinery and Equipment and Light Industrial activities
6. Erection of second Covered Work/Containment Shelter

22 August - Elevation and details of the container storage structure were forwarded by the applicant to the Shire of Broome.

Attachment 5 – Planning Application Lodged 21 August 2008 (9 pages)

Attachment 6 – Elevations and Details provided (7 pages)

September 2008 – an amended Application for Planning Approval was lodged. Ms Lankester requested that this matter be considered under delegated authority and approval issued by Friday 12 September 2008. Ms Lankester was advised that this matter will require a Council determination. The details amended were:

1. Delete any reference to 10% Blasting and spray painting on site – as the owner does not wish to continue with the protracted discussion with the Shire, DEC and SAT.
2. The owner will continue to operate within the Broome Town as a mobile service.
3. Lot 23 will continue to be used for caretakers dwelling, storage, office, equipment /vehicle service and repair for Broome Blast mobile service.
4. Delete any reference to Caravan for Broome Worker from the site – the caravan will be removed from the site within the next 3 weeks – and will not longer form part of the application.
5. All other aspects of the application remain the same – that is:
 - Existing and proposed sea containers
 - Existing and proposed covered shelters between the sea containers
 - Industrial storage
 - Service, repair and storage of vehicle and equipment in relation to Broome Blast Mobile service
 - Office
 - Caretakers dwelling/ablution facilities

Attachment 7 – Amended Application Lodged 4 September 2008 (5 pages).

Subsequent to the OCM 23 October 2008 the applicant provided further information that included a plan showing vehicle manoeuvring distances. The letter clarified the following points:

- The caravan is no longer part of the application.

President: Date:

- The Directions Notice requires the development to cease and be removed from site.
- The background information in the OCM 23 October report was not complete as:
 - These were not detailed
 - Service and repair of vehicles and equipment and outdoor storage of Initial visits from Shire Health Service not mentioned
 - SAT Initiated meeting and documented agreements not mentioned
 - Spray painting is removed from application
 - There is no description of the surrounding area
 - No details included about the existing storage shelter and that this was constructed as instructed by the Health Staff
 - The planning rationale that it be refused "because of not enough perceived benefit" is not a planning justification
 - Site plan provided is not the correct one
 - Parking on site is shown on the correct site plan – the details about required parking in the report differs from what was discussed at the Shire meeting of 10 September 2008
 - Sea containers are not 'located all over this site' and there is adequate room for traffic circulation
 - Setback requirements as listed in the report are incorrect and do not acknowledge the intent for this setback
 - The original application also explained the other land uses for which planning approval is sought equipment which relates to the mobile sandblasting/spray painting business .i.e. depot
 - Outdoor storage of vehicle, equipment eg: scaffolds, planks, trestles, stands and other good in addition to storage of tools, paint bags of garnet in the sea containers
 - An office for the business
 - An argument was put forward for a 200sm shed but this was not reported on to the Shire

Attachment 8 – Manoeuvring Details (includes revised car parking arrangements).

The application for Planning Approval before Council involves 2 aspects:

1. Retrospective Planning Approval for Storage, Office (1), Ablution facilities (1), Sea Container (6), Caretakers Dwelling (1) , Industrial Covered Work Shelter (1), Service/repair of machinery and equipment and Light Industrial activities including outdoor storage.
2. Planning Approval for an additional Covered Work Shelter (1).

The areas as interpreted from the plan submitted 4 September 2008 are:

Description	Area (sm)
Existing storage	13.68
Existing storage 14.64 x 2	29.28
Existing enclosure	70.62
Existing storage	29.28
Proposed enclosure	35.38
Proposed storage	14.64
Total storage/enclosure area	192.88

Description	Area (sm)
Existing office	14.64
Total area	207.52

Planning Provisions

The site is within the 'Light and Service Industry' zone. This zone aims to "provide for light service industries and associated uses that are compatible with residential uses".

There are objectives listed which directly address corner stores, bulky warehouses and the size and location of caretaker accommodation.

There are also specific requirements (see statutory section below for scheme provisions) in relation to:

- Setbacks
- Industrial sheds with a minimum area of 200sm
- Landscaping
- Provisions relating to retail and commercial uses
- Offices
- Storage of toxic or hazardous substances
- Multiple factor units
- Caretakers accommodation

Applicants Rationale

The following comments have been provided on the requirements of the application:

200sm Shed

The Town Planning Scheme does not include a definition of 'shed' and it is then common to look at the common dictionary definition. The Oxford Dictionary defines 'shed' as " a roofed shelter for storing things or keeping cattle in or used as a workshop, and ranging from a roof on uprights to a completely walled building". Therefore the sea containers and shelter can be considered as a shed.

I wrote Town Planning Scheme No 4 in 1998 and detailed to you the inclusion of the 200sm shed provision as included at a time when large caretakers dwellings were being established (under the provisions of the former Scheme – TPS No2) with little or no industrial activity evident on site. In many cases some wood, steel was stored or some cars were stored on the site to make it 'appear' that some industrial use occurred..... In many cases there was no other structure on the site other than a large residential dwelling and garden. This contributed to concerns about loss of industrial land/activities for the town. Consequently the Scheme provision for a 200sm shed was established in an attempt to ensure that people residing on industrial land were legitimately undertaking an industrial activity. However there still remained discretion in the Scheme to vary this clause.

The issue therefore is whether or not a legitimate industrial activity exists on my (client's) property. The intent of the Scheme was to ensure an industrial business established on site and not just a caretakers dwelling.

Setbacks

The Scheme deals with side AND rear with one at least of these 6m. The scheme identifies this as a setback for the Development (i.e. Buildings) it is not a mandatory 6m setback along one lot boundary.

The rear setback is complying with 13.5.

Caretakers dwelling has a set back of 3.8m on one side and 19m from the other side boundary.

The sea containers are 0.4 m on one side and a setback on the other side of 25 metres and 7.4 meters.

The office has a setback of 2.1m and 23 m on the other side.

The scheme identifies the intent of this setback and therefore provides the planning reasoning that is to be considered – storage, parking , service areas and Manoeuvring.

COMMENT

Below is a summary of the Planning Application, the respective provision of the scheme, the argument put forward by the applicant and the planning comments:

6 Sea containers and Covered Workspace

- TSP4 states an Industrial shed is to have a minimum size of 200sm.
- Applicant has put forward that these cumulative areas can be considered to be an Industrial shed with an area greater than 200sm and because of her knowledge of the underlying purpose of the scheme provisions application complies with the scheme. Council has the ability to exercise its discretion.
- Comment - The Scheme is specific in its requirements for a minimum 200 m² shed, the application does not comply. It could be considered this is just the sort of situation the Scheme is seeking to avoid.

Caretakers Dwelling

- TSP4 states that such facility has a maximum area of 100m² and 10 % of the site.
- Applicant has shown the Caretakers Dwelling is 28m² and has associated land use by the caretaker that is equivalent to 6.7 % of the site. Complies with the scheme.
- Comment - Complies with TSP4 provided 200 m² shed is located on site.

Setbacks

- TSP4 requires for side or rear setbacks that one setback should provide adequate area to incorporate service areas, storage, parking manoeuvring and other access ways with a minimum of 6 metres.
- Applicant – has put forward the intent of the scheme needs to be considered and that the development as proposed complies.
- Comment - The placement of the buildings does not comply with the scheme and access to the rear of the lot will only be possible through the existing or proposed enclosure. The intent of this provision is to ensure adequate vehicular access to the rear of the lot.

Parking

- TSP4 requires
 - Industry – 1 bay per 50sm floor area
 - Caretakers – 2 bays
 - Office – 1 bay per 30sm floor area
- Applicant has provided (as shown on Attachment No 8 - Manoeuvring Detail's) 2 parking bays for the Caretakers Dwelling and 6 additional parking bays for the Industrial/Office buildings/areas
- Comments – Adequate parking bays are provided. The Planning Application site plan will require amendment.

Conclusion

The main issue to be considered is the definition of Industrial Shed. TSP4 is quite clear that a minimum 200sm shed is to be provided. While the applicant has put forward an argument that the cumulative areas of the existing sea containers and covered workspace can be considered as an Industrial Building this is not considered to be in compliance with the TSP4 and if approved will result in an undesirable development. Approval of a sub standard development is likely to set a precedent for other applications which do not comply with the requirements of the Town Planning Scheme.

It is recommended that the application be refused.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Broome Local Planning Scheme No. 4

Car Parking Policy 4.1.8

Shipping or Storage Containers Policy 4.1.15

Engineering Construction Standards for Planning Applications Policy 3.1.4

Town Planning Scheme No 4

4.19 Light and Service Industry Zone*Aims and Objectives*

The aim of the zone is to provide for light and service industries and associated uses which are compatible with residential uses.

Council's objectives will therefore be to:

- (a) restrict the size and location of corner store/convenience shop in accordance with the Broome Local Commercial Strategy; and*
- (b) allow bulky retail/showroom in the Light and Service Industry zone as an ancillary land use; and*
- (c) Restrict the size and location of caretaker dwelling accommodation in association with an industrial use on site.*

President: Date:

Site and Development Requirements

Setbacks for all development in the Light and Service Industry zone shall have regard to the following:

- (a) primary street - 9 metres; and*
- (b) secondary street - 4.5 metres; and*
- (c) Side and rear - subject to the Building Code of Australia, and with at least one setback which shall provide adequate area to incorporate service areas, storage, parking, manoeuvring and/or access ways with a minimum width of 6 metres.*

A minimum 200m² industrial shed shall be provided.

Landscaping shall be provided and maintained abutting the boundary of all street frontages, to a minimum depth of 3 metres from the boundary.

When considering proposals for retail and commercial land use and development in the form of corner store/convenience shop and showroom/bulky retail within the Light and Service Industry zone, Council will have regard to the Local Commercial Strategy.

Showrooms may be allowed, where the showroom is associated with another 'P' land use.

Offices may be allowed, where the office is associated with another 'P' land use.

The storage and use of toxic and hazardous substances are required to comply with the requirements of relevant Legislation and Government Authorities.

Multiple Factory units may be developed on a lot. A multiple factory development may comprise a building or group of factory buildings. Each factory unit shall have regard to the following:

- (a) a minimum floor area of 200m²; and*
- (b) a minimum of 4 car parking bays per unit; and*
- (c) service area for loading/unloading to each unit; and*
- (d) external storage area for each unit, which is accessible from the service area and/or access way; and*
- (e) all other requirements for setbacks, landscaping, and parking within a Light and Service Industry Zone shall also apply to the total lot area of a multiple factory development*

Caretakers Dwellings

The development of a caretaker's dwelling shall have regard to Council's Caretaker's Dwelling Policy.

A caretaker's dwelling is only permitted in association with a minimum 200m² shed which is approved for light and service industry activities and other 'P' land uses.

Notwithstanding the provisions of the Zoning Table and the Caretaker's Dwelling Policy, a caretaker's dwelling or any other form of residential land use, is not permitted on the south side of Clementson Street, being Lots 2090 to 2101 inclusive, Lot 2432 and Lot 2104 and Lot 2105 Clementson Street.

Subdivision Requirements

Lot areas should not be less than 2,000m² in order to provide for adequate land area for car parking and on site manoeuvring.

Car Parking Policy 4.1.8

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

REPORT RECOMMENDATION

That Council refuses the application for Planning Approval 2008/145 for retrospective Planning Approval for an application for retrospective planning approval - Storage, Office (1), Ablution facilities (1), Sea Container (6), Caretakers Dwelling (1) , Industrial Covered Work Shelter (1), Service/repair of machinery and equipment and Light Industrial activities and Planning Approval for an additional Covered Work Shelter (1) – Lot 23 (No 12) Haynes Street, Broome for the following reasons:

- 1. The development does not comply with the requirements of the Broome Town Planning Scheme.*
- 2. Approval of non complying development is likely to set an undesirable precedent for developments that do not comply with the Town Planning Scheme.*

Moved: Cr C R Mitchell *Seconded: Cr C M Maher*

That Council permits the proponent to answer questions from Council members.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

Moved: Cr S E Eaton *Seconded: Cr C R Mitchell*

That Council refuses the application for Planning Approval 2008/145 for retrospective Planning Approval for an application for retrospective planning approval - Storage, Office (1), Ablution facilities (1), Sea Container (6), Caretakers Dwelling (1) , Industrial Covered Work Shelter (1), Service/repair of machinery and equipment and Light Industrial activities and Planning Approval for an additional Covered Work Shelter (1) – Lot 23 (No 12) Haynes Street, Broome for the following reasons:

- 1. The development does not comply with the requirements of the Broome Town Planning Scheme.*
- 2. Approval of non complying development is likely to set an undesirable precedent for developments that do not comply with the Town Planning Scheme.*
- 3. The Applicant has until 30 June 2009 to remove all non approved buildings, plant and equipment.*
- 4. The Applicant does not carry out any sand blasting or spray painting at this site.*
- 5. Any breach of these conditions will result in the issuing of a further Directions Notice.*

CARRIED UNANIMOUSLY

[Attachments: 38 pages](#)

9.3.4 PROPOSED RESTRICTIVE COVENANT –VARIOUS LOTS – STAGE 4 JANUBURU ESTATE

LOCATION/ ADDRESS: Januburu Estate, Reid Road Cable Beach
APPLICANT: Landcorp
FILE: PLA 38
AUTHOR: Director Development Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 9 November 2008

SUMMARY: This report recommends Council authorises the engrossment of the restrictive covenant documentation to protect drainage lines in Stage 4 of the Januburu estate in Cable Beach.

BACKGROUND

Previous Considerations

- OCM 19 December 2000 – I tem 4.1
- OCM 20 February 2001 – I tem 9.1.7
- OCM 20 March 2001 – Item 9.1.5
- OCM 18 January 2005 – I tem 9.3.6
- OCM 22 March 2005 – Item 9.3.2
- OCM 12 April 2005 – Item 9.3.2
- OCM 24 May 2005 – I tem 9.3.5
- OCM 15 February 2007 – Item 9.3.4
- OCM 7 June 2007 – Item 9.3.1
- OCM 5 July 2007 – Item 9.3.7
- OCM 25 October 2007 – Item 9.3.1

At its meeting on 25 October 2007 Council adopted a revised Development Plan for the Januburu estate providing for a redesign of Stage 4 to the south of the Environmental Cultural Corridor to incorporate additional sites for medium density development.

Following feedback from the completion of the previous stages (1 to 3) of this estate in relation to the extent of earthworks required to enable the lots to drain to the roads, Landcorp has designed Stage 4 to allow rear drainage of the lots where appropriate. This necessitates the construction of drainage lines across what will be private lots and the drainage lines are proposed to be protected by easements and restrictive covenants.

The necessary easements will be created in the approved survey plans however the restrictive covenants require a legal instrument under the Common Seal of the Shire of Broome to be implemented.

COMMENT

The restrictive covenant will prohibit the landowners from allowing the drains to become blocked or building any fence or structure across the drains. In the event of a landowner failing to comply with the restrictive covenant, in addition to the legal implications, the

President: Date:

easements will provide for the Shire to enter the land to ensure the correct operation of the drains.

It is recommended Council authorise the sealing of these documents.

CONSULTATION

The drainage design has been prepared in consultation with Shire staff.

STATUTORY ENVIRONMENT

Local Government Act 1995
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

REPORT RECOMMENDATION

That Council authorises the engrossment of the restrictive covenant documents.

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr M L B Albert

That the Shire President and Chief Executive Officer be authorised to engross the restrictive covenant documents for Januburu Stage 4.

CARRIED UNANIMOUSLY

[Attachment: 1 page](#)

9.3.5 REVIEW OF PLANNING SERVICES SCHEDULE OF FEES, 2008/09

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	PLA 01
AUTHOR:	Neels Pretorius
CONTRIBUTOR/S:	Manager Planning Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	31 October 2008

SUMMARY: To adopt new planning application fees based on Western Australian Planning Commission Planning Bulletin 93 Planning and Development (Local Government Planning Fees) Regulations 2000.

Previous Considerations

Nil

BACKGROUND

Amendments to the Planning and Development (Local Government Planning Fees) Regulations 2000 include changes to the maximum prescribed fees for planning applications set for 2007/2008.

The existing regulations have been amended to correct errors in the schedule and to reflect the Consumer Price Index increase of approximately 3.4 percent. The regulations were gazetted on 10 October 2008 and can be charged from the date once adopted by the local government.

The system of fees is based on the following guidelines and principles:

- A maximum fee structure that enables local governments to charge less or not at all.
- The capacity for local governments to charge a higher fee than the specified maximum or charge when and where there are exceptional circumstances beyond what is normally undertaken by normal local governments; that is for applications which require:
 - Specific assessment (eg environmental assessment studies)
 - Extensive consultation procedures(eg for exceptionally large, unusual or complicated proposals);
 - Technical sources and equipment (eg computer modelling); and/or
 - Specialist skills (eg heritage conservation).

COMMENT

The amount of work required to assess planning applications has become more critical and important as developers and land owners continue to try to maximise the development yield of the land in response to the shortage of developable land in Broome.

President: Date:

The fees and allowances are designed to partly compensate for the cost of assessing these applications.

Attachment 1-(proposed) Schedule of fees part 1 maximum fixed fees.

Attachment 2-(proposed) Schedule of Fees Part 2 Maximum Fees Scheme Amendments)

Attachment 3-A 'summary' comparison of existing and proposed fees.

Development applications

Fees for development applications are based on a sliding scale. A fee of \$127 applies to development applications where the total cost of development is less than \$50 000. Fees are capped at a maximum of \$30,600 for developments with a cost of \$21.5 million or more.

Planning Scheme amendment proposals and structure/development plans

A separate fee for scheme amendments and structure plans applies. These are calculated using the fee calculation table that includes estimated salary cost, direct cost, specialist report costs and documentation costs.

The following provisions also apply to these fees:

- Fees relate only to scheme amendments initiated at the request of the applicant.
- Fees are payable by the applicant at the time of lodgement of the application.
- The local government may permit the applicant to do some of the work.
- Fees may be waived by the Local Government.
- If an applicant is not satisfied that the fees calculated by the local government are reasonable the matter may be referred to the Fees Arbitration Panel for determination.

Subdivision Clearance Fees

A sliding scale of fees applies to applications for subdivision clearances.

Other Fees

A flat fee applies for an application for home occupation, change of use, property settlement questionnaire, zoning certificates and written planning advice.

Fee By Way of Penalty.

Where an application is lodged after the development has started the planning application fee is trebled.

Goods And Services Tax

GST will only apply to fees for property settlement questionnaires and written planning advice, scheme amendments and structure plans.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government s6.16 and s6.19 extract
Planning and Development Act 2005
Planning and Development (Local Government Planning Fees) Regulations 2000

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Place**

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

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

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)*Moved: Cr V L Wevers**Seconded: Cr S E Eaton**That Council:*

1. *Pursuant to section 6.16 of the Local Government Act 1995 imposes the maximum fees as set out in the Western Australian Planning Commissions Bulletin 93 Planning and Development (Local Government Planning Fees) Regulations 2000 in place of the equivalent fees contained in the 2008/2009 Budget papers.*
2. *Gives notice pursuant to section 6.19 of the Local Government Act 1995 that the fees are to be imposed from 15 December 2008.*

CARRIED 8/0 BY ABSOLUTE MAJORITY[Attachment: 3 pages](#)

9.3.6 BUDGET AMENDMENT – SECURITY SYSTEM EXTENSION –SHIRE ADMINISTRATION

LOCATION/ ADDRESS: Shire Administration Building –Council Chambers
APPLICANT: N/A
FILE: COS02-08, CPF01
AUTHOR: Manager Building Services
CONTRIBUTOR/S: Director Development Services
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 21 October 2008

SUMMARY: To advise Council of costs associated with the requested extension of the administration security system to include the entrance to Council Chambers and the Councillors’ Office and to recommend authorisation of the works be carried out.

BACKGROUND

At the start of this financial year council requested that the security system employed for the entrances to the Shire Administration building be extended to include the entrance to Council chambers and the Shire Presidents office doors.

The Shires security system was installed by and is monitored by “Securex Security Systems & Services”. Following the request from Council they were asked to provide quotes for the proposed alterations. The quotations received were as follows.

The cost to providing access control to the two doorways leading to the Councillors’ Office - \$8,222.40 including GST.

The cost to providing access control to the Shire Chambers Foyer double doors - \$5,205.90 including GST.

COMMENT

This work was requested after the budget for this financial year had been completed and as such no funds have been allocated for these “upgrade” works in the capital budget for the Shire Administration Building. If the works are to proceed, a budget amendment will be required to cover the costs.

This work can be dealt with separately and as such could be split over two budgets if so desired. It is however considered that it would be advisable to carry out the works at the same time rather than split over two financial years due to the disruption that will ensue whilst the works are underway.

The Shire’s Purchasing Policy requires that for all works between \$1,000 and \$8,000 a minimum of two prices are required and that for works over \$8,000 up to \$40,000 three written prices are required.

In this situation though it would only be possible to use the Shire’s current security company as it is their system being extended and needs to be carried out by their tradesmen.

President: Date:

CONSULTATION

Securex Security Systems & Services

STATUTORY ENVIRONMENT

Local Government Act 1995

- 6.8. *Expenditure from municipal fund not included in annual budget*
 - (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*
- * Absolute majority required.*

Council Purchasing Policy – Policy No. 2.3.7

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Budget amendment required to account number 142557.

STRATEGIC IMPLICATIONS

People

Actively contribute to well-being and safety.

Place

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

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr C M Maher

That Council authorises:

- 1. Funding of the proposed extension to the administration security system to include the entrance to Council Chambers and the Councillors' Office, by transferring \$14,000 from the Building Reserve Account 142790 to Shire Administration Building Upgrade Account No. 142557.*
- 2. That the works be carried out in the 2008/09 financial year.*

CARRIED 8/0 BY ABSOLUTE MAJORITY

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

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr P D Matsumoto

The accounts for payment for October 2008 as attached, covering Municipal Cheque Vouchers 49493 to 49800 totalling \$966,671.73; EFT Vouchers 5165 to 5313 totalling \$1,255,051.32; and Trust Cheque Vouchers 2993 to 2997 totalling \$13,433.58.

CARRIED UNANIMOUSLY

[Attachments: 14 pages](#)

9.4.2 OCTOBER 2008 MONTHLY FINANCIAL ACTIVITY REPORT

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: FRE 02
AUTHOR: Accountant
CONTRIBUTOR/S: Manager Financial Services, Managers
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 20 November 2008

SUMMARY: Monthly Financial Activity Report of the Shire’s operations for the month of October 2008 includes all budget forecasts in this and previous reports. The result of the cumulative changes, predicts an end of year forecast of a deficit of \$297,633.

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 34%
- Total Operating Revenue 70%
- Total Capital Expenditure 8%
- Total Sale of Assets Revenue 13%
- Total Capital Revenue 7%

Committed expenditure as percentage of forecast budget:

- Parks & Ovals Infrastructure 28%
- Drainage Infrastructure 18%
- Transport Infrastructure 23%

The forecast position of a deficit represents a 1.43% variance when viewed in proportion to operating expenditure excluding depreciation.

The predicted deficit as at 31 October 2008 is \$298K which represents the net result of net budget forecasts made to date. The surplus at 30 June 2008 includes a reduction of \$73K

President: Date:

since last month as a result of the end of year audit and it may still be subject to further auditor adjustments, although no significant changes are expected.

The majority of the change since last month can be attributed to the world economic conditions and the resulting effect on development related fee income. It is recommended that additional discretionary expenditure be avoided and opportunities for savings in expenditure be sought. A budget review has commenced and the results of this will be reported to Council early next year.

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

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

Forecasts

Development Services

a) Building Control

The following budget forecasts were required:

- \$26K decrease in budgeted operating expenditure for consultants and relief staff as a result of the cost of the relief Manager of Building Services being paid as salary instead of as a contracted consultant.
- \$26K increase in budgeted operating expenditure for salary expense being the cost of the relief Manager of Building Services paid as an employee instead of a contractor.
- \$100K decrease in budgeted operating revenue from building permit application fees in response to the current market downturn resulting in less building approval activity.

b) Town Planning and Regional Development

The following budget forecasts were required:

- \$100K decrease in budgeted operating revenue from planning fees in response to the current market downturn resulting in less development applications.

The net result of these budget forecasts will increase the predicted end of year deficit by \$200K.

Waste Management – Sanitation & General Refuse

A budget forecast of \$20K increase in budgeted capital expenditure was required for the purchase of a fire fighting truck and associated spare parts from the Broome Airport in accordance with the resolution of item 9.5.3 OCM 23/10/08. The purchase is to be funded by a corresponding budget forecast of \$20K increase in budgeted funds transferred from the Refuse Site Reserve.

The net result of this budget forecast will have a nil effect on the expected end of year position.

President: Date:

Other Services

a) Tourism Area Promotion

The following budget forecasts were required:

- \$10K increase in budgeted operating income for reimbursements and sundry income being receipt of other reimbursements and an insurance claim for the cost to replace the air conditioner compressors at the New Visitor Centre.
- \$9K increase in budgeted capital expenditure for building and plant renewal of the New Visitor Centre for the cost of replacing the air conditioner compressors.

b) Office Properties Leased

A budget forecast was required of \$15K increase in budgeted capital expenditure for building renewal at the Old Shire Office Building for necessary renewal of the electrical system. This will be offset by a corresponding budget forecast of \$15K increase in budgeted funds transferred from the Building Reserve.

The net result of these budget forecasts will decrease the expected end of year deficit by \$1K.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

6.4. Financial report

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

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

- 1A) *In this regulation —*

“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose.

President: Date:

- 1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - b) *budget estimates to the end of the month to which the statement relates;*
 - c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - e) *the net current assets at the end of the month to which the statement relates.*
- 2) *Each statement of financial activity is to be accompanied by documents containing —*
 - a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - c) *such other supporting information as is considered relevant by the local government.*
- 3) *The information in a statement of financial activity may be shown —*
 - a) *according to nature and type classification;*
 - b) *by program; or*
 - c) *by business unit.*
- 4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - b) *recorded in the minutes of the meeting at which it is presented.*
- 5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

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.

President: Date:

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr P D Matsumoto

That Council:

- 1. Adopts the Monthly Financial Activity Report for the period ended 31 October 2008.*
- 2. Notes the year-end forecasts compared to the original budget.*
- 3. Adopts budget amendments to the following general ledger accounts:*
 - a. Increase of \$20K in GL account 101508 – "Vehicles & Mobile Plant New - Cap Exp – Sanitation Gen Refuse" for the purchase of a second-hand fire fighting truck from the Broome Airport Item 9.5.3 OCM 231008.*
 - b. Increase of \$20K in GL account 101525 – "Transfer from Refuse Site Reserve – Cap Inc to fund purchase of fire fighting truck for the Refuse Site.*
 - c. Increase of \$10K in GL account 132380 – "Reimbursements & Sundry Income – Op Inc – Tourism" for other reimbursements and insurance claim for the New Visitor Centre air conditioner compressors.*
 - d. Increase of \$9K in GL account 132129 – "New Visitor Centre Renewal – Cap Exp" to replace air conditioner compressors funded by insurance claim.*
 - e. Increase of \$15K in GL account 147372 – "Old Shire Office - Renewal – Cap Exp – Office Prop Leased" necessary electrical system renewal.*
 - f. Increase of \$15K in GL account 147355 – "Transfer from Building Reserve – Cap Inc – Leased Offices" for funding of electrical system renewal at the Old Shire Office.*

CARRIED 8/0 BY ABSOLUTE MAJORITY

[Attachments: 20 pages](#)

9.4.3 ORGANISATIONAL DEVELOPMENT: STAFF ATTRACTION AND RETENTION – STAFF HOUSING POLICY REVIEW

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: PEC001
AUTHOR: Manager Human Resources, Manager Finance
CONTRIBUTOR/S: Manager Finance, Director Development Services
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Both authors are recipients of the Staff Housing Subsidy
DATE OF REPORT: 1 October 2008

SUMMARY: This agenda item provides a summary of progress to date on the Staff Housing Policy Review (which commenced in August 2007), plus a broader strategy to reinvest into staff housing assets.

BACKGROUND

Previous Considerations

Circa 2000, following the Pentelow Report, the staff housing strategy shifted from owning staff housing assets to leasing accommodation through the private rental market and setting a fixed subsidy for staff. The subsidy was also made available for staff in privately owned accommodation for a period of five (5) years, or privately rented accommodation.

As a result of rising rental prices, rising housing prices and staff retention concerns the Shire of Broome's Staff Housing Policy was reviewed by Staff in August 2007 with an item presented to Council in September 2007 with the following four (4) recommendations:

1. *increasing the subsidy by CPI*
2. *increasing assistance to encourage homeownership*
3. *removing the five year limit on Mortgage Assistance benefits*
4. *including the Housing Assistance subsidy into the relevant Workplace Agreement.*

The motion lapsed with the following recommendation adopted:

1. *That Council engages an independent and suitably qualified Consultant to review the Staff Housing Assistance Policy to:*
 - *make recommendations on changes to the Policy, and*
 - *review the financial implications for both Staff and Council,*

for the purpose of providing an objective report to Council on the implications of amending the Staff Housing Assistance Policy as soon as practicable.
2. *That the CEO approaches, in the first instance, David Pentelow, author of the previous report to Council on this matter in June 2000.*

Staff engaged Kadar Pearson and Partners (KPP) in October 2007, to undertake a comprehensive review of the existing policy, which began in January 2008 and was completed by the end February 2008.

The completed report was presented to the Shire in March 2008, and was circulated to EMG and Councillors. KPP recommended the following changes:

1. The five year clause be removed.
2. Rental subsidy to be increased by \$50 per week with yearly increments to encourage loyalty/
3. Increase mortgage assistance by \$150 per week with yearly CPI increments to intentionally support homeownership due to the evidence of a relationship between tenure and home ownership in a location.

COMMENT

After reviewing the findings of the independent consultant's report, conducted by KPP, Manager Human Resources, Manager Finance and the Director Development Services are currently investigating the following issues:

1. Strategic Direction of policy
2. Current staff environment
3. Current housing and rental market
4. Future staff growth rates
5. Future demand for housing
6. Land development opportunities
7. Costs and benefits of each option
8. Rental Incomes / charges to staff
9. Lease / Property Management issues
10. KPP Conclusions & Findings on housing assistance

1. Strategic Direction of Policy

The intent of Staff Housing Policy 2.2.2 is to:

1. Attract and retain qualified and experienced staff.
2. Provide an acceptable standard of housing suitable for families, couples and singles.
3. Keep the cost of providing staff housing/housing subsidies reasonable, and
4. Provide flexibility to meet the varying needs of employees.

Pre-2000 the housing strategy involved investing in staff residential housing assets and renting to staff at token rental amounts.

From 2000 the housing strategy shifted to the provision of staff housing by private lease, managed by the Shire, and provided staff with a fixed subsidy as contribution to rent. The fixed subsidy was also available to privately owned accommodation, less FBT, for a period of five (5) years.

Since 2000 Broome has experienced large fluctuations in the supply of accommodation as well as rapid increases in the cost of rent and the price of dwellings, especially in the last three (3) years.

The strategy of relying wholly on the free rental market for staff accommodation has been compromised during times of low housing supply, where the Shire lost the ability to provide staff with the certainty of housing. Also with rapidly escalating rental costs the fixed subsidy has left staff bearing a growing proportion of the rental costs with all the risks of price increases. The Shire has lost the ability to control rental costs to staff.

The affect has been contributing to an already high 40%-45% turnover and/or preventing new staff from accepting positions. This information has been collated from exit interviews and feedback from candidates during the recruitment process.

The previous 3 years average organisational attrition rate is 50% which includes permanent staff turnover doubling from 15% to 30% over this period.

From these observations, it has been recognised that we would be better placed to diversify and move away from being overly reliant on the private rental market for the supply of staff housing. In addition to this, we need to address and provide a level of subsidy relevant to current market conditions in such a way as to slow staff turnover.

Management is currently preparing a preferred policy position for Council consideration whereby the Shire supports a diverse suite of housing options. These options include:

1. The Shire considering investing in staff accommodation ie either building or purchasing accommodation exclusively for accommodation purposes which can be rented by Shire staff;
2. Private lease arrangements supported by an increase in the current rental subsidy; and
3. Staff purchasing their own property supported by an increase in the current mortgage assistance subsidy.

Each of the above options has differing remote area salary packaging options, ranging from the most advantageous being Shire accommodation, through to private rental then home ownership.

2. Current Staff Environment

KPP's 2008 survey of staff receiving housing assistance, found that the typical employee had moved to Broome to work for the Shire, is renting a house rather than a unit or flat (this may reflect the local market), and had 2-3 people living in their household.

Anecdotally the Shire has a staff turnover rate of 40-45%, this is in line with the West Australian Local Government Associations (WALGA) 2007 remuneration survey which indicated a 41.22% turnover for the Shire of Broome (KPP 2008).

An internal analysis of tenure of staff in Council housing was 2.5 years compared to home ownership of 6.4 years. At the time of KPP's 2008 survey, 67% of staff were renting (52% in Council housing) and 33% were owners. For comparison, the length of tenure of total staff at the time (Feb 2008) averaged 3.4 years.

3. Current Housing & Rental Market

The Weekly Median (Middle) advertised rent in Broome for June 2008 was \$525, up 17% from \$450 in June 2007 (Sunday Times and RP Data's Rent Report 22 June 2008). On 23 August 2008 The West Australian quoted Broome First National Real Estate as estimating three-bed, two-bathroom homes to range from \$600-\$650 a week for rental. The Valuer

Generals Office has predicted indicative increases to Gross Rental Values of between 40% - 60% during 2004 – 2008; this compares with 10% between 2000 – 2004.

REIWA median house price figures of \$715,000 were quoted to the end of June 2008 (The West Australian 23 August 2008). If mortgage interest rates are at 7.74% with a loan amount of \$400,000 (this assumes an employee has the financial capacity to outlay a deposit in excess of \$300,000), repayments equate to approximately \$800 per week. (Commonwealth Bank, Loan Calculator, rates effective 12 November 2008).

4. Future Staff Growth Rates

There are a number of factors which impact upon and provide the impetus for growth in the size of the Shire workforce needed to service the Broome community. This includes both direct and indirect factors.

Direct Factors (Shire controlled)

- Future strategic projects of the Shire
- Level of service provision from the Shire

Indirect factors (out of Shire of Broome control)

- Growth of the region due to expansion of the mining industry (eg Browse Basin Gas Projects),
- Population Size: *Director Development Services to provide information on projected population growth for Broome from DPI.*
- Urban development of the town (eg new parks, roads, more planning and building approvals)
- Legislation changes demanding future services be provided by Local Government - Bilateral Agreement (potential creation of a new directorate)

Staff are continuing to analyse factors impacting on the Shires capacity and capability to deliver and will present a Workforce Plan (including predicative modelling) that will outline resources required to meet the needs of a growing community.

5. Future Demand for Housing (Shire staff)

The demand for future staff housing is dependant upon the number of senior managerial staff and professional staff required by the Shire to service the community's needs.

This will be outlined in the Workforce Plan highlighted above.

6. Land Development Opportunities

In 2000, 10 Shire-owned residential properties were sold as an economic rationalisation with Shire-owned staff residential housing being costly, inflexible and not supporting the Council's prospective building expansion. It was deemed more appropriate to lease property and/or provide assistance for private leasing or mortgage assistance for private purchasers loan interest.

In hindsight, it may have been too expensive per unit of accommodation to continue investing in freehold land and residential housing, however the alternative of losing control

over any accommodation options has compromised the Shire in our ability to place staff into affordable and accessible housing especially in times of rental shortages.

To alleviate this situation, strategy can be developed to create a stock of Shire owned accommodation using alternatives that are more cost effective and affordable than purchasing freehold residential land, whilst still providing housing options for staff placements and control over rental pricing.

Future options to be investigated could include:

- Land being allocated to Shire by State Government.
- Other reserve land for development opportunities – Potential partnership opportunities with Foundation Housing Cooperative eg BRAC reserve.

7. Rental Incomes / Staff Charges

Setting favourable staff rentals allows the Shire-owned asset to generate reasonable revenue and makes for clearer disclosure of transactions.

The actual cost of rent to staff is reduced by any housing assistance paid and any salary packaging benefits available. Current rent paid for Shire supplied accommodation can be packaged as fully tax exempt. The example above of \$500 for 3 bedroom accommodation is a net cost of \$205 for staff (\$400 for 2 bed is \$137) after assistance and salary packaging.

8. Lease Property Management Issues

In 2006/2007 it was estimated that the administrative cost of staff housing leases was \$50,000 per annum. The question is how much involvement does the Shire want in private rental administration? If Shire's strategy was to move back into Shire owned accommodation, the need for involvement in private rental leases would phase out. Staff choosing private rental leases would be responsible for their own arrangements but would still benefit from salary packaging benefits.

9. KPP Conclusions & Summary of Findings on Housing Assistance (March 2008)

Employers around Australia are currently feeling the effects of a serious labour and skills shortage, placing a range of pressures on business operations and costs. At the same time, employees are feeling the impacts of rising interest rates and housing stress. These issues are not unique to Broome, but are exacerbated by the town's remoteness and small housing market.

In order to provide the Shire of Broome with a review of the current Staff Housing Policy and recommendations going forward, a comparative analysis with a number of relevant regional Western Australian Shires was undertaken. Key findings conclude that Broome's base salary is around 6% below the average being offered, although the total salary package is around 2.2% higher than the average. However, an assessment of housing affordability relative to salary packages suggests that the Shire of Broome housing and rental assistance has not maintained relativity with the cost of renting property in the town. With a median house price of \$724,000, Broome is now second most expensive location in the state behind Port Hedland. The average weekly rental costs of Broome, at around \$650 - \$750 for a 3 bedroom house, are second only to Karratha. It is evident that the

weekly rental assistance offered to the employees by the Shire has not kept pace with the rapid increase in house and rent prices over the past few years.

It is therefore recommended that the weekly assistance of \$150 be increased immediately.

As part of the comparative review process, an analysis of staff turnover was also conducted and combined with employee exit information collected by the Shire of Broome for employees who have left Broome over the past three (3) years. Findings showed the overall staff turnover for Broome is relatively high at around 40% - 42% but is lower amongst employees affected by the Housing Policy at around 26% - 28% per annum.

The cost of staff turnover amongst those employees impacted by the Housing Policy can be estimated at around \$638,000 per annum. A portion of this turnover is outside the Shire's control as some employees do leave Broome for reasons other than housing affordability, - such as personal and family reasons or employees move to improve their career opportunities. It is worth noting that employees who decide to purchase homes in Broome are more likely to have longer tenure with the Shire. It is clearly in the Shire's interests to target those employees who leave Broome due to the cost of living, particularly housing.

It is therefore recommended that length of employee tenure at the Shire be rewarded and home ownership encouraged through the Shire's Housing Policy.

Specifically, it is recommended that rental assistance be increased to \$200pw immediately and increased each year after two (2) years of employment to a cap of \$325pw after five (5) years.

It is also recommended that housing assistance be increased to \$300pw immediately and be pegged to CPI, and that the five (5) year "sunset clause" on mortgage assistance be removed from the current policy. These recommendations clearly support home ownership, however there is evidence of a relationship between tenure in a location and home ownership. The increased costs associated with the benefits recommended above are outweighed by the savings derived from reduced staff turnover.

It is also recommended that the Shire offers salary sacrifice arrangements to employees to maximise the Federal Government's Remote Housing Benefits. Salary sacrifice is a win-win as the employee reduces taxable income while the Shire reduces its FBT liabilities.

Salary Packaging assists staff by:

- Council staff housing - tax exemption
- Private rental housing – 50% tax exemption
- Home ownership assistance – Concessionally taxed at 30.3%.

The cash cost estimates to Shire's budget for the above recommendations are as follows:

Year 1 – \$146,000 (\$73,000 has been budgeted in 2008/09 budget Jan – June)
 Year 2 – \$152,000
 Year 3 – \$219,000
 Year 4 – \$287,000
 Year 5 – \$324,000

President: Date:

The following figures are forecasted productivity improvements as a result of reduced turnover:

- Year 1 – \$ 31,000
- Year 2 – \$144,000
- Year 3 – \$110,000
- Year 4 – \$165,000
- Year 5 – \$156,000

This is based on actual and hidden costs i.e. advertising costs, loss of productivity when projects are delayed, loss of revenue/increase in expenditure due to delay in implementation etc.

CONSULTATION

KPP Staff Survey

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

Should Council decide to adopt changes, Housing Assistance Policy 2.2.2 will be updated to reflect the relevant changes in due course (in a future Agenda Item).

FINANCIAL IMPLICATIONS

As per attached calculations

STRATEGIC IMPLICATIONS

People

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

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

REPORT RECOMMENDATION

1. *That Council adopts the following Staff Housing Policy 2.2.2. amendments:*
 - *That rental assistance be increased to \$200pw immediately and increased each year after two (2) years of employment to a cap of \$325pw after five (5) years effective 1 January 2009.*
 - *Mortgage assistance be increased to \$300pw immediately and be pegged to CPI, and that the five (5) year "sunset clause" on mortgage assistance be removed from the current policy effective 1 January 2009.*
2. *That Council requests the CEO to continue to investigate options for the Shire to invest in staff accommodation ie either building or purchasing property exclusively for accommodation purposes which can be rented by Shire staff at competitive rates*
3. *That a subsequent Staff Housing Policy Review Agenda Item is presented to Council in full by April 2009 outlining strategic, economic and organisational impact and financial implications for the Long Term Financial Plan.*

COUNCIL RESOLUTION

Moved: Cr C R Mitchell

Seconded: Cr V L Wevers

That the matter be deferred to workshop with Councillors and be brought back to the next full meeting of Council, and that Council be provided with a full financial analysis of the costs and benefits.

CARRIED 8/0 BY ABSOLUTE MAJORITY

Reason: *There are a number of inconsistencies when comparing local and state government conditions which need exploration, and full costs and benefits to Council need to be established.*

9.4.4 REVIEWED POLICIES – 1.1.4-COUNCILLOR FEES; 1.1.5-FORMAL COMMUNICATION POLICY ELECTED MEMBERS AND STAFF; 1.1.8-COUNCILLOR INFORMATION TECHNOLOGY PROVISION, SERVICE AND USE

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: ADM.28
AUTHOR: Council Secretary
CONTRIBUTOR/S: Manager Finance Services
 Manager Information Technology
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 1 February 2007

SUMMARY: To seek Council endorsement to amend the following Policies:

- Policy 1.1.4 – Councillor Fees
- Policy 1.1.5 – Formal Communication Policy – Elected Members and Staff
- Policy 1.1.8 – Councillor Information Technology (IT) Provision, Service and Use

Their review and amendment is requested so that they align with the Shire of Broome’s Code of Conduct and current Councillor fee payments structure.

BACKGROUND

Previous Considerations

- OCM 24 July 2008 – Item 9.1.2 (IT and Councillor Fees)
- OCM 8 June 2006 – Item 9.4.5 (IT)
- OCM 25 November 2003 - Item 9.1.9 (Communication)
- OCM 25 February 2003 – Item 9.1.6 (Councillor Fees)

Council adopted a new Code of Conduct in June this year and as such, the abovementioned policies require updating to reflect the details contained within the Code.

Policy 1.1.4 (Councillor Fees) and Policy 1.1.8 (IT) require further amendment to reflect Council’s Resolution of 24 July 2008 as follows:

“1. That Council adopts the following amounts for member sitting fees and allowances for 2008/2009;

<u>Fee/Allowance</u>	
<i>Sitting Fee – President</i>	<i>\$14,000</i>
<i>Sitting Fee – Councillors (8)</i>	<i>\$ 7,000</i>
<i>Allowance – President</i>	<i>\$24,800</i>
<i>Allowance – Deputy President</i>	<i>\$ 3,100</i>
<i>Allowance – Telecommunications</i>	<i>\$ 2,400</i>
<i>Allowance – Information Technology</i>	<i>\$ 1,000</i>

President: Date:

- 2. *That all fees are paid quarterly in advance.*
- 3. *That Councillors provide all their own Information Communication Technology requirements from 1 July 2008 and return all Shire equipment by 1 August 2008."*

COMMENT

Draft Policies 1.1.4 (Councillor Fees) and 1.1.8 (Councillor Information Technology Provision, Service and Use) have minor amendments to reflect Council's July 2008 Resolution. Draft Policy 1.1.5 (Formal Communication Policy – Elected Members and Staff) now includes both Elected Members AND Staff as the Code of Conduct also applies in part to staff.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

- 2.7. *The role of the council*
 - (1) *The council —*
 - (b) *determine the local government's policies.*

POLICY IMPLICATIONS

Amendments to existing Policies of Council 1.1.4, 1.1.5 and 1.1.8.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

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 endorses the amended policies as attached:

- *Policy 1.1.4 - Councillor Fees*
- *Policy 1.1.5 - Formal Communication Policy – Elected Members and Staff*
- *Policy 1.1.8 - Councillor Information Technology Provision, Service and Use*

COUNCIL RESOLUTION

Moved: Cr C M Maher

Seconded: Cr C R Mitchell

That Council:

1. *Endorses the amended policies as attached:*
 - *Policy 1.1.4 - Councillor Fees*
 - *Policy 1.1.5 - Formal Communication Policy – Elected Members and Staff*
 - *Policy 1.1.8 - Councillor Information Technology Provision, Service and Use*
2. *Adds a clause to Policy 1.1.8, that the CEO be authorised to approve a one off annual payment if requested.*

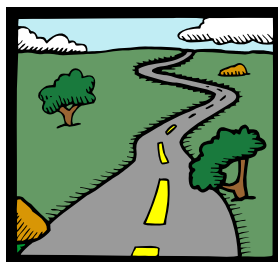
CARRIED UNANIMOUSLY

[Attachments: 8 pages](#)

9.5

ENGINEERING

SERVICES



OUTCOME

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

9.5.1 PROPOSED PROCLAMATION OF BROOME HIGHWAY

LOCATION/ ADDRESS:	Broome Highway and Gubinge Road, Broome
APPLICANT:	Main Roads WA
FILE:	BRO-1/GEN, GUB -1/GEN
AUTHOR:	Director Engineering Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Engineering Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	16 October 2008

SUMMARY: This report advises Council of a request from Main roads for a formal endorsement of a plan detailing the proposed Proclamation for the Broome Highway Re-alignment. The report identifies responsibility for maintenance on the old and new routes and recommends Council’s support.

BACKGROUND

Previous Considerations

OCM 25 April 2007.

MRWA and Council “agreed in principle” to the formal proclamation of the new Gubinge Road (Broome Highway re-alignment) and de-proclamation of the various roads through Broome township as required.

OCM 14 February 2008

MRWA and Council agreed to the dates of opening of the new Gubinge Main Road to traffic, of hand-over of maintenance responsibility and of the process to be used. It was noted that formal proclamation and de-proclamation would occur in due course.

COMMENT

By letter dated 1 October 2008, Main Roads Western Australia (MRWA) has requested Council’s formal endorsement of road responsibility changes shown on MRWA Drawing Number 9522-197-01 in order for the Commissioner of Main Roads to recommend to the Honourable Minister for Transport to proclaim the new road as “highway” and to de-proclaim the old route in accordance with Section 13 of the Main Roads Act.

MRWA Drawing Number 9522-197-01 is attached for Council’s information and formal endorsement.

Council should note that Proclamation of the road as “highway” does not relieve Council of all responsibility for maintenance on the new route. The letter advises of the split up in maintenance responsibilities to be applied on the new road.

Where footpaths exist they will be excluded from the proclamation and will therefore be the responsibility of the Council.

President: Date:

The letter says that the new road will become a "delegated" area. In such areas this means that MRWA are only responsible for the pavement (including shoulders), associated drainage from the paved area, and traffic signs. MRWA also retains management of road closures, driveway access, placement of public utilities, placement of pedestrian crossings and erection of traffic signs.

Other management responsibilities in the "delegated" area are to remain with Council and include all general verge maintenance activities on footpaths, kerbing, burning, mowing, clearing, herbicide spraying, pest control, advertising signs less than 0.25m² in area, verge parking, roadside vending, planting of trees and preservation of flora.

Any external drainage infrastructure servicing other than drainage from the pavement is also Council's responsibility.

Should Council not be supportive of the changes, an objection may be lodged with the Commissioner under Section 13A (2) of the Main Roads Act.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Main Roads Act 1930

13. Proclamation of highways and main roads

(1) *On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be —*

(a) a highway; or

(b) a main road,

or shall cease so to be and may by the same or a subsequent proclamation declare that the footpaths of any such road shall, or shall not, be excluded from the road.

(2) *In considering whether to make any recommendation to the Governor that a road should be declared to be a highway, the Commissioner shall take into account —*

(a) the moneys available or likely to be available for highways;

(b) whether the road is or will be the direct connection between the capital of this and any other State;

(c) whether the road is or will be the principal route between the capital and the major producing regions of the State;

(d) whether the road is or will be the principal route between 2 or more of the major producing regions or major centres of population of the State; and

(e) whether the road is or will be the principal route for high volume traffic movements within large urban areas.

(3) *In considering whether to make any recommendation to the Governor that a road should be declared to be a main road, the Commissioner shall take into account —*

(a) the moneys available or likely to be available for main roads;

(b) whether the road is or will be the main route connecting any large producing area, or any area capable of becoming in the near future a large producing area, with its market or closest port or railway station;

- (c) *whether the road is or will be the main route of intercommunication between 2 or more large producing areas, or areas capable of becoming in the near future large producing areas, or between large centres of population; and*
- (d) *whether the road is or will be a major route for high volume traffic movements within large urban areas.*
- (4) *All highways and main roads shall, for the purposes of the Road Traffic Act 1974, be deemed to be Government roads.*
- (5) *A declaration under this section may be revoked or varied by the Governor on the recommendation of the Commissioner.*
[Section 13 inserted by No. 96 of 1975 s.9.]

13A. Local government to be consulted

- (1) *The Commissioner shall cause the local government of each district in which the road is situated to be notified in writing of the details of any proposed permanent improvements to any highway or main road before commencing the improvements.*
- (2) *Before making any recommendation to the Governor —*
 - (a) *that any road be declared to be a highway or main road; or*
 - (b) *that the plans of any proposed new highway or main road or deviation from an existing highway or main road be approved,**the Commissioner shall cause a notification to be given in writing to the local government of each district in which the road so to be declared is situated or the new road or deviation is proposed to be made of his intention to make the recommendation and shall inform the local government of a date, being not less than 30 days from the date of the notification, before which any objections by that local government may be made, and any such objection shall be considered by the Commissioner and responded to by him before making his recommendation.*
- (3) *Any local government which feels aggrieved by any recommendation may, within 30 days after notification of the response of the Commissioner following his consideration of that local government's objections, appeal to the Minister, who may vary or disallow the proposed recommendation.*
[Section 13A inserted by No. 96 of 1975 s.10; amended by No. 14 of 1996 s.4; No. 57 of 1997 s.84(1).]

14. Power to provide highways and main roads

- (1) *The Governor, on the recommendation of the Commissioner, may authorize and empower the Commissioner to provide highways and to provide main roads, and where such a road is provided it shall be deemed to have been proclaimed when it is opened to traffic as such.*
- (2) *Before making any such recommendation the Commissioner shall take into account such matters as are mentioned in subsection (2) or subsection (3), as the case may require, of section 13.*
[Section 14 amended by No. 96 of 1975 s.11.]

15. Property in and control of main roads

- (1) *The absolute property in the land over which a highway or main road is declared shall vest in the Crown.*
- (2) *The Commissioner shall have the care, control and management of the land over which a highway or main road is declared.*
- (3) *The property in —*

- (a) the materials of all highways and main roads, and all live and dead timber and vegetation thereon, and all matters and things appurtenant thereto; and*
 - (b) all buildings, fences, gates, posts, boards, stones, erections, and structures placed upon any highway or main road; and*
 - (c) the scrapings of any highway or main road and all gravel, sand, and other material on any highway or main road,*
shall vest in the Commissioner.
- [Section 15 inserted by No. 35 of 1972 s.3; amended by No. 96 of 1975 s.12.]*

POLICY IMPLICATIONS

Shire policies, Local Laws and the Planning Scheme documents and plans will need to be reviewed to reflect this change in road assets.

FINANCIAL IMPLICATIONS

Council has accepted asset ownership and maintenance responsibility for the “de-mained” section of Broome Highway, Hamersley Street, Frederick Street and Port Drive from 16 December 2007. With the proclamation, Main Roads will accept ownership of assets and maintenance responsibility for the pavement and shoulders of the new Broome Highway (Gubinge Road), but a significant amount of maintenance responsibilities on the verge areas (see above) will become Council’s responsibility under delegation.

Council also picks up the remaining 50% of lighting costs on the old route and also 50% of the new lighting costs on the new route.

STRATEGIC IMPLICATIONS

People

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

Place

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

Cr R J Lander departed the meeting at 6.29pm.

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr R J Lander

That with respect to the request from Main Roads Western Australia for Council's formal endorsement of the proposed proclamation of the new Broome Highway alignment (Gubinge Road) as a 'highway' and the "de-proclamation" of the old route as detailed in Main Roads Western Australia Plan Number 9522-197-01, Council agrees to support the proposal

CARRIED UNANIMOUSLY (7/0)

[Attachment: 1 page](#)

9.5.2 CHANGE TO OFFICAL ROAD NAME – DJAIGWEEN ROAD

LOCATION/ ADDRESS: Cable Beach
APPLICANT: N/A
FILE: DJA-1/GEN
AUTHOR: Director Engineering Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director Engineering Services
DISCLOSURE OF ANY INTEREST:
DATE OF REPORT: 2 October 2008

SUMMARY: This report advises Council of an error in the spelling of the family name which is the origin for the spelling of Djiagween road and recommends that Council approach the Geographic Names Committee to have it corrected.

BACKGROUND

A road situated off Gubinge Road is named officially "Djaigween" Road by the Geographic Names Committee and signed with that spelling on Gubinge Road by Main Roads.

However, The Shire President has been alerted by family members that this is an incorrect spelling of their name which is Djiagween. Letters requesting the error be corrected have been received from Maria Djiagween and Cecilia Djiagween.

A check with the Geographic Place Names Committee reveals that their official records show the spelling to be "Djaigween".

COMMENT

Whilst the geographic place names committee has an official spelling of Djaigween for this road, this is not the spelling of the family name upon which it is supposed to be based. This has been checked with family members and it has been found that it should be spelled "Djiagween". This is also the name recorded by family members in the phone book. There are no entries with the alternative spelling.

It is considered that it would be appropriate for Council to approach the Geographic Place Names committee to change the spelling of road No 110 from "Djaigween" to "Djiagween" road. This is consistent with the objectives of the Place Names Committee which is that the spelling should reflect the origins of the name.

Once approved by the Place Names Committee Main Roads will be requested to replace the sign with the correctly spelled sign.

CONSULTATION

With Lynne Smith, Cartographic Section, Landgate, DPI
Elaine Hansen, Maria Djiagween and Cecilia Djiagween

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

All relevant documents and plans will need to be reviewed to reflect this change in the official road asset name.

FINANCIAL IMPLICATIONS

N/A

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.

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

Place

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

VOTING REQUIREMENTS

Simple Majority

Cr R J Lander returned to Chambers at 6.31pm.

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr S E Eaton

Seconded: Cr C R Mitchell

That with respect to Road No. 110 on Council's Roads database, Council agrees to rename the road from Djaigween to "Djiagween" Road to properly reflect the true origins of the name and to write to the Geographic Place Names Committee to request that the spelling be corrected to "Djiagween" Road.

CARRIED UNANIMOUSLY

[Attachment: 1 page](#)

9.5.3 DISPOSAL OF LOT 312 GUY STREET

LOCATION/ ADDRESS: Guy Street
APPLICANT: N/A
FILE: GUY-1/GEN; GUY-1/14F
AUTHOR: Director Engineering Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director Engineering Services
DISCLOSURE OF ANY INTEREST:
DATE OF REPORT: 5 November 2008

SUMMARY: This report advises council of the outcomes of public advertisement of the proposed sale of lot 312 and recommends on sale of the property.

BACKGROUNDPrevious Considerations

Council considered a report on this matter at the Ordinary Council Meeting held on 21 August 2008. It was resolved:-

"That with respect to the irrigated section of the Guy Street road verge between Hamersley and Dora Streets, Council:

1. *Authorises staff to terminate the irrigation of the verge and to disconnect the bore and electrical controls.*
2. *Advise the residents by letter drop that Council will no longer be maintaining the verge in their area and that they will now be responsible to carry out routine maintenance of the verge.*
3. *Authorise the Chief Executive Officer to dispose of Lot 312 on DP47371 owned by Council and the bore there-on, and in particular:*
 - *Advertise the proposed sale in accordance with the Act*
 - *Obtain a market valuation of the land*
 - *Consider any submissions made*
 - *Report back to Council for decision*

COMMENT

A formal Report and Valuation of the property was prepared for Council by Kimberley Property Valuers on 15 September 2008. The allotment of land was valued at *"between \$8,000 and \$17,000"*.

A written offer was received from Hutchinson Real Estate dated 13 October 2008 in the sum of \$5,000 including GST on behalf of Remvale Holding Pty Ltd, Dalcross Holding Pty Ltd and Keychime Investments Pty Ltd as joint owners of adjoining Lot 301 DP 47371.

An Advertisement was placed in the Broome Advertiser on 23 October 2008, including both the valuation amount and the offer received and requesting submissions in relation to the proposed sale. Submissions closed on 7 November 2008. No submissions were received.

President: Date:

CONSULTATION

N/A

STATUTORY ENVIRONMENT*3.58. Disposing of property*

- (d) In this section —*
“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;
“property” includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —*
(a) the highest bidder at public auction; or
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) it gives local public notice of the proposed disposition —
(i) describing the property concerned;
(ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
(a) the names of all other parties concerned;
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —*
(a) a disposition of land under section 29 or 29B of the Public Works Act 1902;
(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
(d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

N/A

President: Date:

FINANCIAL IMPLICATIONS

The sale of this property will gain a consideration of \$5000, possibly increase the rates receivable slightly and reduce Council’s maintenance responsibilities.

The offer is significantly below the Valuation but considering the size of the lot which is very small and the location where it can sensibly only be utilised by the adjoining land holder, there does not appear to be many other options. An enquiry to both Watercorp and Horizon Power did not generate any interest.

STRATEGIC IMPLICATIONS

People

Actively contribute to well-being and safety.

Place

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

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C M Maher

Seconded: Cr C R Mitchell

Under Section 3.58 (3) and (4) of the Local Government Act 1995, Council:

- 1. Authorises the Chief Executive Officer to proceed with the sale of Lot 312 on DP47371, No 14F Guy Street, Broome.*
- 2. Authorises the Chief Executive Officer to transfer Lot 312 conjointly to Remvale Holdings Pty Ltd, Dalcross Holdings Pty Ltd and Keychime Investments Pty Ltd of WA, for a consideration of Five Thousand Dollars (\$5000) including GST.*
- 3. That necessary documentation be engrossed by the Shire President and the Chief Executive Officer.*

CARRIED 8/0 BY ABSOLUTE MAJORITY

[Attachment: 1 page](#)

9.5.4 INSTALLATION OF SIGNS FOR WARLU WAY

LOCATION/ ADDRESS: Hamersley Street at BVC and at Eighty Mile Beach
APPLICANT: N/A
FILE: APR07.01
AUTHOR: Director Engineering Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 21 October 2008

SUMMARY: This report advises Council of a proposal by Australia’s North West Tourism to have two (2) Warlu Way interpretive signs erected within the Shire and recommends Council’s endorsement of the proposal.

BACKGROUND

Australia’s North West Tourism (ANW) has been working toward the creation of the Warlu Way tourist route for some time. This route will run from Coral Bay in the south to Broome. It will complement the Savannah Way tourist route from Cairns to Broome.

COMMENT

Australia’s North West Tourism (ANW) has been working toward the creation of the Warlu Way tourist route and to provide interpretive signage for the tourist market. They propose to install two (2) Warlu Way interpretive signs within the Shire. The signs are each 800 x 1200 mm in size.

One is proposed to go at Eighty Mile Beach and one is proposed to go on the edge of the carparking area at the BVC. Prior to having the signs manufactured, they seek Council’s approval of the signs, their installation and ongoing maintenance.

A copy of the two signs is included at Attachment A whilst the proposed locations are identified in Attachment B.

ANW seeks approval for:

- The layout of each sign;
- The installation of a sign at the Broome Visitor Centre by Shire of Broome at no cost to ANW;
- The installation of the sign at 80 Mile Beach Caravan Park by others. ANW to arrange freight and pay for the installation by others;
- Council to accept responsibility for maintenance of the signs;

ANW will have the signs made up following approval by Council.

They have also advised that if the proposed site at the BVC is unacceptable to Council their preferred second option would be at the information bay on the Broome Highway at about the 12 km mark along side the Savannah Way Sign.

They have requested Council sign an MOU to agree to install the signs within a reasonable time frame and to maintain them.

CONSULTATION

With Australia's North West Tourism staff members.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

The estimated cost of installation of the sign at the BVC is estimated to cost about \$500. This can be funded from Council's Roads operational budget.

Ongoing maintenance costs will also come from future roads maintenance budgets.

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.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C M Maher

Seconded: Cr S E Eaton

That with respect to the installation of two (2) interpretive signs required by Australia's North West Tourism for its Warlu Way Tourist Route, Council agrees to:

- 1. Endorse the artistic layout and content of the signs.*
- 2. Install a sign at the BVC at no cost to the ANW.*
- 3. The installation of a sign at the Eighty mile Beach by others.*
- 4. The on-going maintenance of the signs.*

CARRIED UNANIMOUSLY

[Attachments: 4 pages](#)

9.5.5 PLANT REPLACEMENT PROGRAM 2008/09

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: EPL/GEN; EPL01
AUTHOR: Engineering Administration Officer
CONTRIBUTOR/S: Engineering Staff
RESPONSIBLE OFFICER: Director Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 10 October 2008

SUMMARY: This report advises Council of adjustments required to the adopted 2008/2009 Plant Replacement Program and makes recommendations in that regard.

BACKGROUND

Previous Considerations

Council adopted its 2008/2009 budget on 24 July 2008 including a Plant Replacement Program.

COMMENT

Some inconsistencies have been discovered in the adopted plant replacement program. These require correction before further progress can be made on this year’s plant acquisitions. These inconsistencies are generally related to the identified plant numbers not coinciding with the appropriate plant information in the budget document. This has caused some recommendations for the replacement program to be flawed and has apparently arisen due to changes in staffing and the lack of a consistent approach to updating and quality assuring plant asset information.

The plant database has now been carefully reviewed in the preparation for this report and the outcomes are detailed on the attached spreadsheet. (Refer Attachment A).

This spreadsheet highlights where inconsistencies have been discovered in the 2008/09 Plant Replacement program, corrects the entries, highlights whether the acquisition is still required and proposes a new Plant Acquisition Program for 08/09.

The first line of each entry is ‘as per the Plant Replacement 08/09 Budget Report’. If the entry is correct it is recorded in **Bold**. If the entry is incorrect it is recorded in *“italics”*, and a second line appears in **Bold** which is the corrected entry as required. Generally this is an updated plant number, year of purchase etc due to corrections required in the existing plant database.

The entries in **Bold and highlighted in grey** are acquisitions that are required in the 2008-2009 financial year.

There were three items in which the plant information used required correction. These were as follows:

1. Renewal P6904 Mower John Deere 1445 – Parks and Gardens: this item was replaced in the 07/08 financial year. The plant number should read P10504 which is also a John Deere 1565 4WD Front Deck mower and needs replacement in this financial year.
2. Renewal P11505 Utility 2WD Extra Cab – Retic 3 – Parks and Gardens: this item arrived in 2006, the plant number is actually P11506 and is due for the replacement in this financial year due to high utilisation.
3. Renewal P2903 Utility 4WD Single Cab Spray – Parks and Gardens: this item has not been updated in the database since it was last replaced in 2006. It should read P2906 Utility Holden Rodeo 2WD Extra Cab Spray and is due for replacement in this financial year.

There are four other entries identified as not requiring to be replaced in 08/09 as follows;

1. Renewal P1099 Truck Isuzu FRR 500 Crew Cab – Parks and Gardens: this item was purchased in 2006, is now P1006 and will not need replacing until 2012.
2. Renewal P2703 Utility 2WD Single Cab – Mowing Team 1 - Parks and Gardens: this item was incorrect and should have been P2503 Utility 2WD Extra Cab – Retic 2, however this plant was replaced in 2007, making the plant number in fact P2507. It has travelled less than 10 000km and is not due for replacement until 2010.
3. Upgrade P89595 Mower Tractor Mounted Jarrett TS360 to replace Mower Reel Type Howard Procut MK2: This plant was purchased in the last financial year but arrived in August 2008 and was carried forward in the Plant Replacement 08/09 budget. The new plant number is P6708 and it is due for replacement in about 2013.
4. Renewal P499 Wheel Loader CAT 938G – Refuse Site: Similarly this item was tendered in the 07-08 program but was received on 1 July 2008 and was carried forward in the Plant Replacement 08/09 budget. The new Plant number is P408 and is due for replacement in about 2014.

SUMMARY

It is apparent that there has been some confusion in the past between Operations and the Finance Department in accurately updating plant information in the Plant database from year to year. This database needs to be kept accurately up-to-date in line with plant purchasing and disposal activities.

It is an essential element of sound asset management that the database is maintained up-to-date with accurate information for use in asset management and the budget process.

CONSULTATION

Not required

STATUTORY ENVIRONMENT

Local Government Act 1995

- 6.2. *Local government to prepare annual budget*
 - (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

President: Date:

** Absolute majority required.*

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
- (a) the expenditure by the local government;*
 - (b) the revenue and income, independent of general rates, of the local government; and*
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate —*
- (a) particulars of the estimated expenditure proposed to be incurred by the local government;*
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) the amount it is estimated will be yielded by the general rate; and*
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*
 - (c) the fees and charges proposed to be imposed by the local government;*
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;*
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;*
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) such other matters as are prescribed.*
- (5) *Regulations may provide for —*
- (a) the form of the annual budget;*
 - (b) the contents of the annual budget; and*
 - (c) the information to be contained in or to accompany the annual budget.*
- [Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]*

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) is authorised in advance by resolution*;* or
 - (c) is authorised in advance by the mayor or president in an emergency.*
- * Absolute majority required.*
- (1a) *In subsection (1) —*
- “additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.*
- (2) *Where expenditure has been incurred by a local government —*
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

[Section 6.8 amended by No. 1 of 1998 s. 19.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council budgeted \$641,000 for the 2008/09 Plant Replacement Program in the General Fund.

With the recommended changes in the General Fund only, there is a net saving of \$79,500 in the proposed program.

The Waste Management Fund Plant replacement program is not changed.

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 the growing community.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr P D Matsumoto

That Council agrees to the revised 2008/09 Plant Replacement Program in accordance with the spreadsheet in Attachment A.

CARRIED 8/0 BY ABSOLUTE MAJORITY

[Attachment: 2 pages](#)

9.5.6 PLANT REPLACEMENT PROGRAM 2008/09 - ADDITIONAL PLANT REQUIREMENTS

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: CONTRACT 006/08, 009/08, EPL-01
AUTHOR: Engineering Administration Officer
CONTRIBUTOR/S: Engineering Staff
RESPONSIBLE OFFICER: Director Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 10 October 2008

SUMMARY: This report advises Council of considerations regarding a vehicle for the Works Supervisor, the use of the existing vehicle by the new Manager Recreation Services instead of trading it in and an emergent replacement of an air compressor unit at the workshop/depot. All details, evaluations and recommendations are included in the attached confidential report for Councillors information only.

BACKGROUND

Previous Considerations

Funding for the purchase of the following items were not included in the 2008/09 budget, but recommended revisions to the Plant Acquisition Program of even date, if approved by Council, would result in additional funds accumulating in the Plant reserve Fund.

COMMENT

A more appropriate vehicle is required for the Works Supervisor. This officer regularly carries out inspections on the more remote, unsealed and corrugated roads in the shire. The existing vehicle requires refurbishment of the suspension in the near future as a direct result of its inability to cope with the corrugated roads it is required to travel on. The age of the vehicle is one (1) year and it has done 35,000km.

It is considered that it is light weight of this vehicle which directly contributes to driver fatigue and safety. From an Occupational Safety and Health perspective Council is obliged to provide a safe workplace and a vehicle more suited to these conditions is required. This will help reduce driver fatigue and assist achieve a reasonable life-cycle cost for the vehicle.

The Department of Community Services is in the process of appointing the new Recreation Services Manager. This position requires a vehicle to be provided as part of the conditions. It is proposed to renew the suspension of the existing vehicle above and transfer it for utilisation by the new Manager Recreation Services.

The twenty-four (24) year old compressor at the Workshop/Depot has recently failed and will require a major rebuild. As this compressor is used daily by workstaff and is 24 years old, emergent replacement is recommended.

All details, evaluations and recommendations are included in the attached confidential report for Councillors information only.

President: Date:

Quotations for the acquisitions are detailed in the attached confidential report for Councillors only. Once any quote is accepted by Council, the details of the accepted quote will be included in the Minutes of the meeting and made public, in accordance with the accepted WALGA Guidelines.

CONSULTATION

Not required as the vehicle will be purchased under the State Government Acquisitions purchasing contract and the acquisition of the Compressor will be undertaken following the requirements of Council's Purchasing Policy.

STATUTORY ENVIRONMENT

Local Government Act (Tender Regulations)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The above items were not included in the approved 08/09 budget as adopted by Council. Sufficient funds however exist from the review conducted of the 2008/09 Plant Acquisition budget to enable funding from the Plant Reserve Fund, if approved by Council. The recommended funding for these items of plant are discussed in more detail in the confidential report.

STRATEGIC IMPLICATIONS

People

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

Place

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

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr P D Matsumoto

Council agrees:

- 1. With respect to purchase PES 006/08 for the Supply and Delivery of a suitable Utility Dual Cab Turbo Diesel 4x4 with Tray (Works Supervisor), to accept the quotation from Broome Toyota of \$42,925.55 to supply and deliver a Toyota Hilux SR 4WD Dual Cab Chassis with Steel Tray, and agrees to re-allocate funds from the Plant Reserve Fund for the purpose.*
- 2. That with respect to purchase PES 006/08 to the use of the Trade in Vehicle – Utility Mitsubishi Triton 4WD by the new Manager Recreation Services until a new plant can be budgeted for in the 2009/2010 financial year.*
- 3. In principle to the purchase of an appropriate Air Compressor that meets the workshop and depot requirements to the value of approximately \$10 000, and authorises the transfer of sufficient funds from the Plant Reserve Fund for this purpose, with respect to Contract PES 009/08.*

CARRIED 8/0 BY ABSOLUTE MAJORITY

Confidential Attachment – to Councillors & Directors Only: 6 pages

9.5.7 BROOME-CAPE LEVEQUE ROAD WET SEASON CLOSURE – SECOND REPORT

LOCATION/ ADDRESS: Broome - Cape Leveque Road
APPLICANT: N/A
FILE: BRO-3/GEN - ENR 01
AUTHOR: Director Engineering Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 5 November 2008

SUMMARY: This report advises Council of the outcome of a recent advertisement proposing a partial road closure on the Broome Cape Leveque Road for the 2008/09 wet season and recommends partial road closure of the road.

BACKGROUND

Previous Considerations

- OCM 25 November 2003 - Item 9.5.1
- OCM 23 November 2006 – Item 9.5.1
- OCM 18 December 2007 – Item 9.5.1
- OCM 25 September 2008 - Item 9.5.1

Normal Wet Season Restrictions

Each year Council considers a partial closure to traffic for the duration of the wet season, for the Broome Cape Leveque Road, under the Local Government Act 1995.

This involves advertising the proposed closure, and inviting and then considering submissions received. A copy of Council’s decision is then forwarded to the Commissioner of Main Roads.

An advertisement was placed in the Broome Advertiser on 9 October 2008 inviting submissions from the public by 31 October 2008.

COMMENT

No public submissions were received in response to Council’s advertisement placed on 9 October 2008.

Council can now declare the partial closure of the road in accordance with the previous report to Council.

CONSULTATION

Partial Road Closure to be publicly advertised, prior to a report to Council for the 2008/09 wet season.

STATUTORY ENVIRONMENT

Section 3.50 Local Government Act, 1995

President: Date:

Subdivision 5 — Certain provisions about thoroughfares

[3.49. Repealed by No. 64 of 1998 s. 14(1).]

3.50. Closing certain thoroughfares to vehicles

(1) *A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*

(1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*

(2) *The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*

[(3) repealed]

(4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —*

(a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*

(b) *give written notice to each person who —*

(i) *is prescribed for the purposes of this section; or*

(ii) *owns land that is prescribed for the purposes of this section; and*

(c) *allow a reasonable time for submissions to be made and consider any submissions made.*

(5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*

(6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*

[(7) repealed]

(8) *If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*

(9) *The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.*

[Section 3.50 amended by No. 1 of 1998 s. 11; No. 64 of 1998 s. 15; No. 49 of 2004 s. 26.]

3.50A. Partial closure of thoroughfare for repairs or maintenance

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

(a) *is for the purpose of carrying out repairs or maintenance; and*

(b) *is unlikely to have a significant adverse effect on users of the thoroughfare.*

[Section 3.50A inserted by No. 64 of 1998 s. 16.]

Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

(1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) *A fee or charge may be imposed for the following —*

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.
- * Absolute majority required.

Section 92 Road Traffic Act, 1974

92. Roads may be closed

- (1) The Minister may, if he considers any road unsafe for public traffic, cause the same to be closed for such period as he considers necessary.
 - (2) A local government for a period of one month may exercise a similar power with regard to any road under its control, but the exercise of such power shall not extend beyond such period, except with the approval in writing of the Minister.
 - (3) No person shall drive, take, or use any vehicle on to or on any road while such road is closed under this section.
- [Section 92 amended by No. 14 of 1996 s. 4.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

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

Place

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

Prosperity

Support business and economic development.

President: Date:

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr S E Eaton

Seconded: Cr P D Matsumoto

That Council:

1. *With respect to vehicle restrictions on the Broome - Cape Leveque Road, determines that a Partial Road closure shall apply to the section of the Broome - Cape Leveque Road from the end of the bitumen south of the Manari Road turn-off to the start of northern sealed section south of Beagle Bay to all classes of vehicles of gross vehicle mass (GVM) 11 tonnes or more for the 2008/09 wet season, for the period from 1 December 2008 to 31 March 2009.*
2. *Delegates authority to the Chief Executive Officer to grant permits, in accordance with the previous report to Council.*
3. *Advises the Commissioner of Main Roads of this Decision.*

CARRIED 8/0 BY ABSOLUTE MAJORITY

[Attachments: 1 page](#)

9.5.8 ROADS TO RECOVERY – FINAL ALLOCATION 2008/09

LOCATION/ ADDRESS: Cable Beach
APPLICANT: N/A
FILE: ENG19
AUTHOR: Director Engineering Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 6 November 2008

SUMMARY: This report advises Council about the allocation of the remaining \$58,520 of funds in the current Roads to Recovery Program.

BACKGROUND

This is the final year of the current Roads to Recovery Program supported by the Federal Government through the Department of Infrastructure, Transport, Regional Development and Local Government.

The required annual audited financial reports have been submitted for the 2007/08 financial year. The September quarterly report has also been submitted.

COMMENT

When completing the quarterly report for September, it was noted that there was an amount of \$58,520 which had not been allocated to a particular project, but which was allocated to Council.

To avoid losing these funds it was necessary for them to be allocated to a particular project and submitted in the Quarterly Report.

In consultation with the Shire President, the Director Engineering Services has included an additional project to extend the existing McGuigan Road reconstruction project by this amount. This should result in approximately 150m of additional sealed roadway.

The project is defined as Sched ID 28 McGuigan Road - McGuigan Road SLK 2.5 to 2.65 (Sealing). It is for \$58,520 which is 100% Roads to Recovery funding. This project continues on immediately from Sched ID 17 McGuigan Road - McGuigan Road SLK 1.6 to 2.5 (Reconstruction, rehabilitation and widening) which is funded \$120,000 by Roads to Recovery and \$233,333 from Regional Roads Group.

The work must be completed and claimed by 30 June 30 2009.

CONSULTATION

Consultation occurred with the Shire President.

STATUTORY ENVIRONMENT

Local Government Act 1995

President: Date:

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

These funds are a 100% grant under the Roads to Recovery Program and must be spent on the stated project by 30 June 2009.

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.

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

Place

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr C M Maher

That Council endorses the actions of the Director Engineering Services for the remaining \$58,520 in the Roads to Recovery Program 2008/09, to a further small project which effectively extends the budgeted McGuigan Road Project.

CARRIED UNANIMOUSLY

9.5.9 VERGE MAINTENANCE POLICY - SECOND REPORT

LOCATION/ ADDRESS: Town of Broome
APPLICANT: N/A
FILE: ENG01; ENG08
AUTHOR: Director Engineering Services
CONTRIBUTOR/S: Supervisor Parks and Gardens
Contract Engineer (Chris de Lange)
RESPONSIBLE OFFICER: Director of Engineering
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 5 November 2008

SUMMARY: Council directed that the Draft Verge Maintenance Policy be advertised for public comment prior to again being considered by Council. This report advises of comments received and recommends adoption of the policy by Council.

BACKGROUNDPrevious Considerations

1. *Local Government Property and Public Places Local Law 2003.*
2. *Council considered a report on the Verge Maintenance Policy at the Ordinary Council Meeting held on 25th September 2008 , where it was resolved:*

"That Council advertises the draft Street Verge Maintenance Policy for 21 days to allow for public comment prior to consideration by Council".

COMMENT

An advertisement was placed in the Broome Advertiser on 9 October 2008 inviting submissions from the public in relation to the proposed Verge Policy by 30 October 2008.

No formal submissions were received and only one (1) informal (verbal) submission was received from a Mr Bill Wigley requesting that Council consider the Golden Shower (Cassia Fistula) as the official verge tree along Robinson Street on the basis that they look beautiful when flowering.

This recommendation is contrary to the proposed verge policy which calls for indigenous species only to be supported by Council. This does not prevent Mr Wigley from planting a Golden Shower tree but he would have to maintain it.

CONSULTATION

The general public were consulted by Advertisement in the Broome Advertiser on 9 October 2008.

STATUTORY ENVIRONMENT

Local Government Property
Public Places Local Law 2003

President: Date:

POLICY IMPLICATIONS

When adopted, the proposed Verge Maintenance Policy will become a new Policy of Council.

FINANCIAL IMPLICATIONS

By adopting the draft policy, Council will clarify responsibilities for verge maintenance, help reduce street tree/infrastructure life-cycle costs in the long term, and move towards an attractive and consistent street-tree selection option for Broome.

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C M Maher

Seconded: Cr M L B Albert

That Council formally adopts the Verge Maintenance Policy as attached to the report to the 25 September 2008 Ordinary Council Meeting entitled “Verge Maintenance Policy”.

CARRIED UNANIMOUSLY

[Attachment: 1 page](#)

10.

REPORTS

OF

COMMITTEES

There are not items for this Section.

11. NOTICES OF MOTION

With regard to Item 11.1 Cr P D Matsumoto disclosed that "I have had an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

11.1 PRESERVATION AND PROTECTION OF NESTING TURTLE SPECIES ON CABLE BEACH

The following Notice of Motion has been submitted by Cr C M Maher with officer comment provided by the Acting Director community Services.

"That Council responds to Rubibi's concerns and recommendation regarding turtle nesting on Cable Beach raised at the March 2008 meeting of the Coastal Park Management Committee and authorises the CEO to immediately explore strategies to restrict vehicle access on the beach between Gantheaume Point and Coconut Wells between Sunset and Sunrise, 1 November to 31 March each year to begin as soon as possible."

BACKGROUND

At the Ordinary Council Meeting (OCM) of 24 July 2008 action on Rubibi's request was deferred. Council was to seek independent advice from the State Agency for Environment and Conservation (DEC) in relation to the impacts of vehicles on turtle and bird activity on Cable Beach in order that an unbiased and professional report may be provided to Council.

At the OCM of 24 July 2008 Council Acknowledged that Cable Beach is iconic and internationally renowned with a range of significant values that must be protected. These values include environmental, heritage, economic and social values.

On 30 October 2008 during a meeting with the Minister for the Environment, DEC officials accompanying the Minister were asked if they could provide the Shire with any scientific research in relation to the impact of vehicles on beaches where turtles are known to nest.

On 5 November 2008 Alan Byrne from DEC emailed 3 reports as attached and stated in the text of his email *"DEC is currently not in a position to undertake the research specific to the Cable Beach area however it would be acceptable to transfer or extrapolate the information from the attached research papers to Cable Beach"*.

In the Report Titled "Marine Turtle Recovery Plan for Western Australia" page 41 describes a practice already occurring on 80 Mile Beach in the Shire of Broome where vehicle access to the beach is restricted between sunset and sunrise during turtle nesting times.

OFFICER COMMENT

The proposal put forward by Cr Maher has merit in respect to protection for the turtles during the nesting period and may also have some benefit to certain species of shore birds.

The time frame put forward differs slightly from the advice received from DEC in that they suggest that the beach be closed from 1 October through to the end of February.

Closure times could be the same as used at Eighty Mile Beach being from 7.00pm through to 7.00am and in addition closures during the days when the high tide exceeds 8 metres should be considered to ensure vehicles do not disturb turtle nests which are above high water mark. A tide above 8 metres occurred on 29 days during the last turtles nesting season.

The arbitrary 7.00pm closure would need to be managed in line with sunset times to allow vehicles sufficient time to exit the beach after sunset and taking into account matters such as daylight saving.

The physical closure would not be difficult at the Cable Beach end however some difficulties can be foreseen at the Gantheaume Point end where many private boat owners and commercial owners beach launch craft and service Charter Boats from this area. This area is within the Broome Port Reserve but access control rests with Council to an extent. In addition it is understood that vehicle access for servicing of boats at approved Port Authority Moorings may continue regardless.

It is also believed that the proposed closure will see people seek the use of alternate access to the beach through the many tracks in Minyirr Park, from Lullfitz Road and from the Coconut Well end. This activity will need to be strictly managed with physical barriers erected.

It may also put pressure on other beach areas such as Roebuck Bay and this would need to be monitored.

This then brings added problems in the enforcement of the closures and also the closing and opening of the gates. There would also be some cost in respect to the installation but this should not be excessive.

COUNCILLOR RECOMMENDATION

“That Council responds to Rubibi’s concerns and recommendation regarding turtle nesting on Cable Beach raised at the March 2008 meeting of the Coastal Park Management Committee and authorises the CEO to immediately explore strategies to restrict vehicle access on the beach between Gantheaume Point and Coconut Wells between Sunset and Sunrise, 1 November to 31 March each year to begin as soon as possible.”

COUNCIL RESOLUTION

Moved: Cr C M Maher

Seconded:

- 1. That Council responds to Rubibi’s concerns regarding turtle nesting on Cable Beach raised at the March 2008 meeting of the Coastal Park Management Committee and authorises the CEO to immediately explore and implement appropriate strategies to limit the impact of vehicles on nesting turtles.**

- 2. *The strategies should be developed in consultation with DEC and Minyirr Park personnel and include, but not necessarily be limited to:*
 - *A public education program*
 - *The annual seasonal restriction of vehicles between Gantheaume Point and Coconut Well during key times, tides and dates.*
- 3. *Strategies should be put in place as soon as is practicably possible.*

FOR:
AGAINST:

Cr C M Maher's tabled motion was different from the Notice of Motion presented under clause 3.10 of the Shire of Broome Standing Orders Local Law 2003, and as such, the Shire President ruled that the motion be disallowed. Cr C M Maher then moved his original motion.

COUNCIL RESOLUTION

Moved: Cr C M Maher

Seconded: Cr V L Wevers

That Council responds to Rubibi's concerns and recommendation regarding turtle nesting on Cable Beach raised at the March 2008 meeting of the Coastal Park Management Committee and authorises the CEO to immediately explore strategies to restrict vehicle access on the beach between Gantheaume Point and Coconut Well between Sunset and Sunrise, 1 November to 31 March each year to begin as soon as possible.

FOR: 4
AGAINST: 4

VOTING TIED

There being a tie, the Presiding Member cast a second vote against the resolution as permitted under Section 5.21 (3) of the Local Government Act 1995.

FOR: 4
AGAINST: 5

MOTION LOST

Attachment: 273 pages

[DEC Report – Sept 08](#)

[Environment Australia – July 03](#)

[University of Florida –2006](#)

[National Marine /USA Fish – August 2007](#)

Moved: Cr C R Mitchell *Seconded: Cr C M Maher*

In accordance with Local Law 3.12 of the Shire of Broome Standing Orders, that items 12.1, 12.2 and 12.3 be accepted as urgent business.

CARRIED UNANIMOUSLY

12. LATE ITEMS

12.1 BROOME PERFORMING ARTS CENTRE

LOCATION/ ADDRESS: N/A

APPLICANT: Director Community Services

FILE: CTE36

AUTHOR(s): Director Community Services
Project Officer, Broome Performing Arts Centre

CONTRIBUTOR/S: Project Officer, Broome Performing Arts Centre

RESPONSIBLE OFFICER: Director Community Services

DISCLOSURE OF ANY INTEREST: Contracted Project Officer, Broome Performing Arts Centre

DATE OF REPORT: 5 November 2008

SUMMARY: Approval is sought from Council to endorse the report recommendations.

BACKGROUND

Previous Considerations

OCM 5 June 2008 Item 9.2.2
OCM 25 September 2008 Item 9.2.1

Following the 5 June 2008 OCM, Council granted a further 6 month extension to the project officer position which initially commenced in March 2008. The current term is due to expire on 31 December 2008. At the 25 September 2008 OCM, Council resolved a number of tasks for the project officer according to the Advisory Group's recommendations.

Council resolved as follows:

OCM 25 September 2008 - Item 9.2.1.

- 1. That a feasibility study and design concept is to be developed for Option 1A only for consideration in conjunction with a staged feasibility study and design concept for Option 1A to 1C.*
- 2. Three written quotes (fee proposal) are obtained due to the amount of the feasibility study as per Purchasing Policy 2.3.7.*

President: Date:

- 3. *That the Advisory Group is advised of the additional quotes (fee proposal) and prepares a recommendation for Council consideration regarding the next stage.*
- 4. *The BPAC project officer continues to liaise closely with the Department of Culture & Arts project manager and project team.*
- 5. *The Shire President (or other elected representative) and the Chief Executive Officer liaise with the Minister for Culture and the Arts in regard to progress to date and, in anticipation of an agreeable feasibility fee proposal being received, seeks the Minister's approval to release further funds from Treasury (anticipated works will include schematic design, a site visit from an architect project team, building condition surveys and draft business case).*

COMMENT

Significant progress has and is being made to fast track the project and as such it is now at its most tangible since 2000. The project officer is currently working through Council's OCM resolutions of 25 September 2008 and accordingly an extension to the position is requested.

In summary, the project officer has listed the work in progress from the OCM items above.

Items 1, 2, 4

Research and development is being done to plan advice on the project's strategy before undertaking fee proposals for the design brief. This work is essential to minimise risk and to stabilise the project's administrative process and values. This work will include regular discussion with the Department Culture and Arts.

Item 3

Currently in progress (preliminary example quotes attached).

Item 5

Currently in progress.

Following a teleconference facilitated by the Project Officer with Acting Director Community Services and Department Culture and Arts the suggestions of the project officer have been supported as follows:

Terminology

The words "feasibility study" should be replaced with "design brief". The Department agrees ARM's concept report proves it is feasible to adopt 1A based on the current budget and could be staged to include 1C when further funding is available. In taking the project information to the public, reference to a design brief concept will install confidence and demonstrate that the concept is indeed being developed and that the community consultation outcomes undertaken previously still underpin the primary needs for the venue.

The Department is currently not aware of any discussions regarding the award of further funding to the initial \$5m.

Financial and Strategic Planning

The Department agrees that professional consultation must be undertaken immediately to adopt a project strategy. The Department does not have any resources to offer in this regard other than the advice to proceed with engaging the relevant professional(s). The consultation process will produce the overall project strategy and must occur prior to acquiring fee proposals from architects for a design brief for tender. The Department agreed the strategy should produce at least 4 fully costed milestones.

The Department has agreed to pre-approve the milestones so that the funds required will be made available to the Shire prior to the milestone works being undertaken.

Capabilities and Limitations of Council

In the planning works above, the Department agrees that work has to be done by the Shire to develop a budget that will prove its commitment to the ongoing operational costs of the project and completed venue: (a) on start-up; and (b) over time. This work could be included in the strategy and planning consultation referred to above.

Minutes of the meeting prepared by the Department Culture and Arts attached.

The collective works above will prove a tender date for the design brief by late 2008 – early 2009, closure of the Civic Centre should be implemented as soon as possible and the necessary publicity undertaken so the community is properly informed. The closure will also indicate to the community that Council is committed to provision of a Performing Arts Centre.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Based on the advice from former Premier Dr Geoff Gallop costs for the employment of the Project Officer will be supported by the State (copy of letter attached).

This would impact on the funds available for the construction of the Performing Arts Centre. Part of the recommendation is for the \$45,000 currently set aside to provide a limited refurbishment of the existing Civic Centre to be transferred to the Performing Arts Centre Project.

STRATEGIC IMPLICATIONS

People

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

Place

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

President: Date:

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council adopts the recommendations of the Director Community Services as follows:

1. *Approves the contracted position and its required budget in order to complete the current planning works (as commenced by the present project officer) for an estimated further six months from the current project officer end date (31 December 2008) through to 30 June 2009 with extension review in May 2009.*
2. *That the CEO delegate the Director Community Services to continually monitor the availability of additional funding opportunities for the Broome Performing Arts Centre.*
3. *Adopts the terminology "design brief" instead of "feasibility study" in all future references.*
4. *Approves the closure of the Civic Centre and that closure be managed by the Department Community Services.*
5. *That the CEO or delegate authorise money set aside for Civic Centre repairs be assigned to the Broome Performing Arts Centre project.*

COUNCIL RESOLUTION

Moved: Cr V L Wevers

Seconded: Cr G T Campbell

1. *Approves the contracted position and its required budget in order to complete the current planning works (as commenced by the present project officer) for an estimated further six months from the current project officer end date (31 December 2008) through to 30 June 2009 with extension review in May 2009.*
2. *That the CEO delegate the Director Community Services to continually monitor the availability of additional funding opportunities for the Broome Performing Arts Centre and that submissions for funding be made to:*
 - *Royalties for Regions funding*
 - *National Infrastructure fund for local Councils announced by the Prime minister this week*

- 3. *Adopts the terminology "design brief" instead of "feasibility study" in all future references.*
- 4. *That \$5,000 be retained in Civic Centre repairs to cover repairs and maintenance, cleaning and closure costs and that the closure be managed under delegated authority by the CEO.*
- 5. *That the \$40,000 be used to establish a Broome Performing Arts Centre Trust fund via the Western Australian Community Foundation for the purpose of establishing a fund to assist in ongoing capital infrastructure for the Broome Performing Arts Centre. This fund will provide leverage to attract further government and private sector funding for the Broome Performing Arts Centre.*

CARRIED 8/0 BY ABSOLUTE MAJORITY

Confidential Attachment – to Councillors and Directors Only: 5 pages

12.2 PROPOSED RESTRICTIVE COVENANT –VARIOUS LOTS – STAGE 12A ROEBUCK ESTATE

LOCATION/ ADDRESS: Roebuck Estate
APPLICANT: Roebuck Estate Development Pty Ltd
FILE: PLA
AUTHOR: R J Menzies
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: The Author is the Applicant’s Consultant
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 18 November 2008

SUMMARY: This report recommends Council authorises the engrossment of the restrictive covenant documentation to restrict vehicular access between particular points along the boundaries of certain lots to the abutting roads in Stage 12A of Roebuck Estate, Broome.

BACKGROUND

Previous Considerations

The land subject to the restrictive covenant has current conditional approval from the Western Australian Planning Commission to subdivide the land. All infrastructure for Stage 12A has been constructed and all WAPC conditions applicable to the Shire have been fulfilled and clearances issued.

The Shire and the Developer have agreed that vehicular ingress and egress from abutting roads to certain lots will not be permitted where it is considered unsafe to do so. These lots are at, or in the vicinity of, intersections and roundabouts and the restrictions of access will be protected by restrictive covenants.

The necessary restrictions will be created in the approved survey plans however the restrictive covenants require a legal instrument under the Common Seal of the Shire of Broome to be implemented.

COMMENT

The restrictive covenant will prohibit the landowners of certain lots accessing the abutting roads between particular points shown in the approved survey plans.

It is recommended Council authorise the sealing of these documents.

CONSULTATION

The location of the points between which access to certain lots is not permitted has been prepared in consultation with Shire staff.

STATUTORY ENVIRONMENT

Local Government Act 1995
 Planning and Development Act 2005

President: Date:

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

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr S E Eaton

That the Shire President and Chief Executive Officer be authorised to engross the restrictive covenant documents.

CARRIED UNANIMOUSLY

[Attachment: 1 page](#)

12.3 PROPOSED RESTRICTIVE COVENANT –VARIOUS LOTS – STAGE 9A SUNSET RISE

LOCATION/ ADDRESS: Sunset Rise
APPLICANT: Sunset Park Estate Pty Ltd
FILE: PLA
AUTHOR: R J Menzies
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: The Author is the Applicant’s Consultant
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 18 November 2008

SUMMARY: This report recommends Council authorises the engrossment of the restrictive covenant documentation to restrict vehicular access between particular points along the boundaries of certain lots to the abutting roads in Stage 9A of Sunset Rise, Broome.

BACKGROUND

Previous Considerations

The land subject to the restrictive covenant has current conditional approval from the Western Australian Planning Commission to subdivide the land. All infrastructure for Stage 9A has been constructed and all WAPC conditions applicable to the Shire have been fulfilled and clearances issued.

The Shire and the Developer have agreed that vehicular ingress and egress from abutting roads to certain lots will not be permitted where it is considered unsafe to do so. These lots are at, or in the vicinity of, intersections and roundabouts and the restrictions of access will be protected by restrictive covenants.

The necessary restrictions will be created in the approved survey plans however the restrictive covenants require a legal instrument under the Common Seal of the Shire of Broome to be implemented.

COMMENT

The restrictive covenant will prohibit the landowners of certain lots accessing the abutting roads between particular points shown in the approved survey plans.

It is recommended Council authorise the sealing of these documents.

CONSULTATION

The location of the points between which access to certain lots is not permitted has been prepared in consultation with Shire staff.

STATUTORY ENVIRONMENT

Local Government Act 1995
 Planning and Development Act 2005

President: Date:

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

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr S E Eaton

That the Shire President and Chief Executive Officer be authorised to engross the restrictive covenant documents.

CARRIED UNANIMOUSLY

[Attachment: 2 pages](#)

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

Nil

14. MATTERS BEHIND CLOSED DOORS

Nil

15. MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 7.27pm.