



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 A

SPECIAL MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS AT 4.00PM

24 March 2009

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

SPECIAL MEETING OF COUNCIL
24 MARCH 2009

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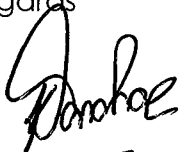
NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome Council will be held on Tuesday 24 March 2009 at 4.00pm in the Council Chambers, for the purpose of considering:

- Royalties for Regions Grant Submissions
- West Kimberley Football League – Outstanding Invoices
- Application For Planning Approval – Two Roof Signs And A Pylon Sign – Lot 2/1642, No.158 Frederick Street
- Minutes –Audit Committee Meeting 20 March 2009

Regards



KR Donohoe
Chief Executive Officer

1. OFFICIAL OPENING

The Chairperson welcomed members and declared the meeting open at 4.00pm.

2. ATTENDANCE AND APOLOGIES

Attendance	Cr G T Campbell Cr C M Maher Cr R J Lander Cr V L Wevers Cr P D Matsumoto	Chairperson, Shire President
Leave of Absence	Cr C R Mitchell Cr M L B Albert Cr S E Eaton	Deputy Shire President
Apologies	Cr E R M Foy	
Officers	Kenn Donohoe Ingrid Bishop Neville Lavey Darryl Butcher Denisa Konecny Les Mainwaring Jo Durbridge Jillian McMahon	Chief Executive Officer Director Corporate Services Director Engineering Services Director Development Services Director Community Services Financial Services Media & Promotions Officer Council Secretary
Public Gallery	Chris Hingston Rod McGrath	Broome Advertiser Shire

3. DECLARATIONS OF FINANCIAL INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. CONFIRMATION OF MINUTES

N/A

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil

7. PETITIONS

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

Chairperson: Date:

9.

REPORTS

OF

OFFICERS

9.1

LEADERSHIP / GOVERNANCE

AND

ORGANISATION



OUTCOME

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

9.1.1 ROYALTIES FOR REGIONS 2009 GRANT SUBMISSION – COUNTRY LOCAL GOVERNMENT FUND

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: GPC 02
AUTHOR: Director Corporate Services
CONTRIBUTOR/S: Director Engineering Services, Director Community Services
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 18 March 2009

SUMMARY: This report seeks Council approval to submit recommended projects for the State Government 2009 Royalties for Regions – Country Local Government Fund.

BACKGROUND

OCM 17 December 2008

The primary objective of the Royalties for Regions’ Country Local Government Fund (CLGF) is to address infrastructure backlogs across the country local government sector.

The Fund provides the country Local Government sector with additional money for the purpose of infrastructure provision and renewal. Funding in 08/09 is provided to individual country Local Government’s to promote efficient infrastructure development and asset preservation and renewal.

Allocation will be approved for individual local governments’ infrastructure asset renewal and/or asset creation and will be tied to the following LG asset classes of:

- Building
- Infrastructure
 - Roads
 - Bridges
 - Drainage
 - Parks, gardens and reserves
 - Footpaths and cycle-ways
 - Airports
 - Sewerage
 - other

Grants cannot be utilised for non-infrastructure items such as purchasing plant, employing staff or consultants, retiring debt or routine maintenance.

COMMENT

Following the recent Council submission to DITRDLG for the \$458,000 Regional and Local Community Infrastructure Program (RLCIP), approval has been received from the Department confirming expenditure allocation (refer Annexure 1).

Chairperson: Date:

The recent Royalties for Regions CLGF submission has been developed to complement the RLCIP projects. Table 1 outlines projects for consideration:

TABLE 1:

PROJECT TITLE	ESTIMATED TOTAL COST	PROJECT DETAILS	LIFE-CYCLE COSTS (varies due to type of project) Includes depreciation	CATEGORY
Engineering:				
DEPOT - Additional toilet	\$15K	OHS Notice. Following a workplace inspection from WorkSafe, the need to install an additional toilet was identified as an OSH issue.	\$200K Annual costs \$9.2K	Building Upgrade
DEPOT - Additional Office space and fit-out	\$150K	To ensure that teams are aligned with their Managers, senior staff (x4 initially), are to be relocated to the Depot. This will improve roster and labour issues, staff communication and productivity. Costs include: Fit-out: desks, chairs, kitchenette, computers, cabling, switchboard, telephones, floor coverings etc. This project will also create available accommodation space for Administration Staff as there is no space remaining in the Administration Building.	\$983K Annual costs \$41K	Building - New
DEPOT - Pump Station and Sewerage Works	\$100K	Existing trenches are not operating satisfactorily (covered by seal). Renewal of plant required. Install Pump Station at Depot and new Rising Main (pipeline) to connect to sewer at Palmer Road.	\$554.6K Annual cost \$11.3K	Other Infrastructure - Renewal
DEPOT - Rear Fence and Signage	\$20K	Secure yard and secure signage in cyclone season. Replace back fence at Depot & construct new compound for signs.	\$68.4K Annual costs \$2.4K	Other Infrastructure - Renewal
Overhead Hamersley Road Banner	\$20K	Installation of upgraded overhead signage structure.	\$86K Annual cost \$3.3K	Other Infrastructure - Upgrade

Chairperson: Date:

PROJECT TITLE	ESTIMATED TOTAL COST	PROJECT DETAILS	LIFE-CYCLE COSTS (varies due to type of project) Includes depreciation	CATEGORY
Street Lighting	\$20K	Pedestrian safety. Install Street Lighting at Boulevard crossing point near Lyons Street & surrounding area.	\$73.4K Annual cost \$2.7K	Roads Upgrade
Town Beach Lighting	\$240K	Popular area for markets and Stairway to the Moon. Additional amenities will also complement Water Park project and local activity.	\$1004M Annual costs \$38.2K	Other Infrastructure New
Community Services:				
BRAC Pool Shade - upgrade	\$30K	OSH Notice issued.	\$93.5K Annual cost \$6.4K	Other Infrastructure - Upgrade
BRAC fields fencing	\$480K	Fencing required for new ovals. This will deter vandalism and assist in revenue collection.	\$100K	Other Infrastructure - New
BRAC Pavilion	\$365K	Funds sought will be combined with other revenue streams for development and construction of new Pavilion - toilets, showers etc.	tbc - concept and modelling pending.	Building - New
Water Park - Engineering Works	\$120K	Water Park electrical upgrade, filtration system and fencing.	\$600K (over 15 yrs - \$40k pa)	Other Infrastructure - Upgrade
Public Shade Structure	\$30K	Currently in Council Plan.	\$93.5K Annual cost \$6.4K	Building - New
TOTAL	\$1.590M		\$3.856M Lifecycle costs include design, construction, maintenance, upgrade and where possible, disposal with life time of	Other than the Lighting at the Boulevard crossing, all projects are linked to <u>existing</u> projects or infrastructure.

Chairperson: Date:

PROJECT TITLE	ESTIMATED TOTAL COST	PROJECT DETAILS	LIFE-CYCLE COSTS (varies due to type of project) Includes depreciation	CATEGORY
			project varying from project to project.	

Following the work undertaken through the WA Asset Management Improvement Plan (WAAMI), financial modelling and true costs regarding capital works and the long term financial implications are being identified. This level of detail has not been achieved for Council’s asset classes to date and is being addressed at the OCM 19/3/09 via the Asset Management Improvement Plan and Asset Management Policy. As data is captured and reviewed, long term financial implications resulting from upgrade, renewal and new capital works will be modelled into Councils short and long term financial plans and strategic direction.

Staff have only recommended infrastructure projects that support or enhance existing capital works so that projects can be completed in full. Staff are not recommending initiation of new works due to the quantum of work, available resources and time lines associated with grants.

CONSULTATION

Nil. Reference has been made to current works only.

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.*
 - (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.*
- * Absolute majority required.*

Financial Management Regulations

- 34 *Financial activity statement report — s. 6.4*
 - 1A) *In this regulation —*

Chairperson: Date:

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

- 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.*

The Local Government must abide by the powers under the LG Act 1995 regarding audit, acquittal and compliance investigation.

POLICY IMPLICATIONS

Projects must align to the criteria of Local Government asset classes according to the LG Accounting Manual.

FINANCIAL IMPLICATIONS

With the introduction of Asset Management Guidelines and Practices, more robust financial data will become available. Modelling on the current RLCIP and CLGF projects will continue and be included in the Long Term Financial Plan and annual budgets. Future asset management modelling will form part of the Council’s standard Agenda Items with detailed renewal and lifecycle costs highlighting current and future financial implications.

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by providing information.

Place

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

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

The Media and Public Relations Officer departed the Chambers at 4.03pm and returned at 4.04pm.

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C M Maher

Seconded: Cr R J Lander

That Council notes the financial implications of the grant submission and:

- 1. Adopts the recommended projects outlined in Table 1 and authorises the Chief Executive Officer to submit the Royalties for Regions Country Local Government Fund Acceptance Form by 30 March 2009.*
- 2. Requests the Chief Executive Officer provides six monthly updates to Council regarding the progress and performance of the Regional and Local Community Infrastructure Program and Country Local Government Fund projects.*
- 3. Requests the Chief Executive Officer have all financial data included in the Long Term Financial Plan and pending budget.*

CARRIED 5/0 BY ABSOLUTE MAJORITY

[Attachments: 1 page](#)

9.2

COMMUNITY

SERVICES



OUTCOME

To facilitate the social wellbeing and development of the community.

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

9.2.1 WEST KIMBERLEY FOOTBALL LEAGUE – OUTSTANDING INVOICES

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: ONG06
AUTHOR: Manager Recreation Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Community Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 20 March 2009

SUMMARY: This report provides recommendations in response to the current outstanding debt by the West Kimberley Football League Incorporated.

BACKGROUND

Previous Considerations

- OCM 11 April 2007 – Item 9.2.2
- OCM 19 March 2009 – Item 9.2.1

The West Kimberley Football League Inc (WKFL) is the association for the organisation of senior competition Australian Football played in the township of Broome.

The WKFL in 2008 was an association of seven clubs and in 2009 the competition is expected to grow with the addition of a team from Derby playing in the competition. Three of the existing eight clubs include players in their teams who live outside of Broome and play regularly within their clubs in this competition. These clubs are Looma, Bidyadanga and Peninsular Bombers.

The WKFL has a strong regional focus for Australian Football and provides an opportunity for senior-age players (and also some junior-age players) to train and play in a competitive environment.

Additionally, the sport of Australian Football played locally at the senior level provides a great deal of enjoyment for many people in Broome as well as from other parts of the West Kimberley region.

The WKFL has consistently had financial difficulties in paying outstanding invoices to the Shire and presently owes \$34,845.75. This debt includes outstanding fees for the use of Haynes Oval for competition games; half-yearly loan repayments for monies borrowed from the Shire towards the construction of the Haynes Oval pavilion, and the repayment of the cost for the annual property insurance which the Shire organises on behalf of the WKFL for the Haynes Oval pavilion

At the April 2007 Ordinary Council Meeting, there was a report concerning the WKFL’s then debt of \$20,100 that was owed to the Shire for fees outstanding from the 2005 and 2006 competition seasons. The Council resolved that the WKFL be given time to pay that debt over the next ten years. Last year, the WKFL was able to pay, in full, these outstanding fees.

Chairperson: Date:

COMMENT

The Shire has worked to assist the WKFL in a number of ways, particularly in relation to the development of the association and improved governance.

Over the past two years, the Shire has instigated and/or supported a number of meetings with representatives of the WKFL to discuss and work through matters so as to have a better governance structure put in place. The Shire will be further assisting the WKFL's operations this year following support for the installation of fencing at Haynes Oval.

Since the Annual General Meeting of the WKFL in January of this year, the five new members of the Management Committee have been working diligently to improve the governance and organisation of the WKFL.

Whilst it is recognised that the WKFL has made significant moves for the betterment of the association, there remains the issue of the WKFL's outstanding debt to the Shire which has been raised publicly in both print and television media.

It is recognised that all sporting groups need to be treated equitably with regards to outstanding debts that might arise with the Shire and that, if necessary, arrangements need to be put in place to pay these monies.

At the present time the Shire has written to the WKFL and asked that a number of matters need to be attended to before the Shire will approve a venue hire agreement for the use of the Shire's ovals/fields in 2009 to enable the WKFL to play competition games.

The Shire's Manager Recreation Services has had ongoing discussions with the WKFL about the need for the association to have better governance practices put in place in order to sustain its operations into the future and to avoid the problems of the past.

Specifically, in order for the WKFL to be able to hire venues from the Shire to have competition games played in 2009, the WKFL has been asked to:

- Provide audited financial accounts for the 2008 year
- Outline how it proposes to pay outstanding debts to the Shire
- Produce a cash flow statement for the 2009 year that outlines how it will pay its expenses when they become due for payment

At the 19 March 2009 Ordinary Council Meeting, Council considered a report on the WKFL,

While unaudited financial accounts for the WKFL for the 2008 year had been provided to the Shire, the Shire's Chief Executive Officer informed the meeting that Item 9.2.1 be deferred until 24 March 2009 Special Meeting of Council in order for the WKFL to provide a completed audited financial accounts for 2008 which will then enable Council to give consideration to the financial situation of the WKFL. and the association's use of Shire facilities in 2009.

The WKFL provided to the Shire on 17 March 2009, a comprehensive document for the 2009 calendar year which was prepared by local accounting firm, GWB Accounting. Included in this documentation for the WKFL in reference to 2009 was:

- Projected Statement of Cash Flows
- Projected Profit and Loss
- Income Data
- Costs Summary

Chairperson: Date:

The WKFL has approached the Shire with a proposed repayment schedule (attached) which outlines League payments to the Shire of outstanding invoices amounting to \$34,845.75 in the following repayment schedule as proposed by the WKFL: \$13,923.60 in 2009; \$13,948.10 in 2010; and \$6,974.05 in 2011.

On 19 March, 2009, the WKFL paid to the Shire an amount of \$6,974.05 which was for an invoice dated 5 February 2009 relating to a loan repayment.

The WKFL is aware that this matter is to be considered at the Special Meeting of Council on 24 March 2009.

CONSULTATION

West Kimberley Football League
West Australian Country Football League

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The total amount of \$34,845.75 presently outstanding from the WKFL consists of \$27,896.20 (made up of four loan repayments of \$6,974.05); \$1,737.65 for the reimbursement of property interest; \$500 for oval hire charges for the 2008 WKFL Lighting Pre-Season Carnival; and \$4,711.90 remaining for the hire of Haynes Oval for the 2008 season (invoice was \$8,280).

Organisations using Shire facilities are required to pay invoices in a timely manner.

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by encouraging participation.

Place

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

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

- A. *That Council endorses requests for the following items from the West Kimberley Football League (WKFL) before the Shire is able to approve a venue hire agreement for the WKFL's competition games in 2009:*
1. *Provides audited financial accounts for the 2008 year.*
 2. *Produces a cash flow statement for the 2009 year that outlines how it will pay its expenses when they become due for payment.*
- B. *That Council approves a repayment schedule for the West Kimberley Football League to pay outstanding invoices from the Shire totalling \$34,845.75 in the following timetable:*
- *\$13,923.60 in 2009;*
 - *\$13,948.10 in 2010; and*
 - *\$6,974.05 in 2011.*

Moved: Cr R J Lander

Seconded: Cr C M Maher

- A. *That Council endorses requests for the following items from the West Kimberley Football League (WKFL) before the Shire is able to approve a venue hire agreement for the WKFL's competition games in 2009:*
1. *Acknowledges receipt of audited financial accounts for the 2008 year.*
 2. *Acknowledges receipt of the cash flow statement for the 2009 year that outlines how it will pay its expenses when they become due for payment.*
- B. *That Council approves a repayment schedule for the West Kimberley Football League to pay outstanding invoices from the Shire totalling \$34,845.75 in the following timetable:*
- *\$13,923.60 in 2009;*
 - *\$13,948.10 in 2010; and*
 - *\$6,974.05 in 2011.*

CARRIED UNANIMOUSLY

[Attachment: 12 pages](#)

9.3

DEVELOPMENT

SERVICES



OUTCOME

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

9.3.1 APPLICATION FOR PLANNING APPROVAL – TWO ROOF SIGNS AND A PYLON SIGN – LOT 2/1642, NO.158 FREDERICK STREET

LOCATION/ ADDRESS: Strata Lot 2 of Lot 1642 No. 158 Frederick Street, Broome

APPLICANT: B K Signs for Verdant Holdings and PM Schwob

FILE: FRE -1/158-2

AUTHOR: Neels Pretorius

CONTRIBUTOR/S: Manager Planning Services

RESPONSIBLE OFFICER: Director Development Services

DISCLOSURE OF ANY INTEREST: Nil

DATE OF REPORT: 26 February 2009

SUMMARY: An application has been received for two roof signs and a pylon sign to advertise Auto 1. The Local Law Relating to Signs, Hoardings and Bill Posting state the approval for a roof sign requires the approval of Council.

This report recommends approval.

BACKGROUND

Previous Considerations

Nil

Site and Surrounds

Strata Lot 2 of Lot 1642 is located on the north – eastern corner of the Frederick Street and Cable Beach Road East intersection. Showrooms have been constructed in accordance with planning approval 2006/30 dated 13 April 2006. The adjacent verge is landscaped. The property has a high profile street frontage to Frederick Street and Cable Beach Road East which are district distributors

Strata Lot 2 is one lot of five strata lots within the site that has a six metre wide internal access road (being a Right of Way) that services the lots. A veterinary hospital, an outdoors camping store, two houses and two vacant lots presently exist in the strata.

Attachment 1 – Site plan

Description of the Proposal

Roof Sign 1

This is an illuminated roof sign to be positioned 4000mm above ground level on the roof of the building facing the internal private road, Jewell Street. The size of the sign is to be 1200mm high by 11000mm wide. The sign will advertise “Auto One”.

Attachment 2 – Location and Elevation of Roof Sign 1

Roof Sign 2

This is an illuminated roof sign is positioned 5500mm above ground level on the roof of the building facing Frederick Street. The size of the sign is to be 900 mm high by 24000mm wide. The sign advertise “Auto One” and it has already been erected.

Chairperson: Date:

Attachment 3 – Location and Elevation of Roof Sign 2

Pylon sign

This is an existing infill of an existing illuminated pylon sign located adjacent to Jewell Street the entrance to the subdivision, facing Cable Beech Road. The infill is 1200mm high by 1200mm wide and advertises “Auto One” with a surface area of 1.44m².

The top section of the pylon sign advertises Kimberley camping (1.44 m² sign) and the Broome Vet (2.88 m² sign). The top section of the pylon sign has a combined area of 5.76m².

The sign for the Broome Vet is bigger than the other two signs because it has been erected first, and at that stage it was not anticipated that more signs will be erected as part of the Pylon sign.

Attachment 4 – Location and Elevation of Pylon Sign

Planning Provisions

Lot 2/1642 (No 158) Guy Street is zoned ‘Development’.

The general development requirements require particular consideration be given to the character and amenity of the locality.

Local Law Relating to Signs, Hoardings and Bill Posting - The proposed signs comply with the provisions of the SLL, but roof signs require Council approval.

COMMENT

The lot is in the ‘Development’ Zone. The area has a number of existing businesses; Auto One is the first tenancy to occupy a showroom on lot 2/1642 which has approval for two tenancies.

The second tenancy is also in the process of applying for planning approval and a sign license. In terms of the Sign Local Law there is no maximum number of signs per lot.

Council approval is required for the erection of a sign on a roof of a building. The proposed roof signs will be advertising Auto One. They comply with the provisions of the SLL as indicated in the table below.

Roof Sign Requirements	Roof Sign 1	Roof Sign 2
Not at any point extend above the ridge line of the roof;	Comply with requirement.	Comply with requirement.
Not at any point be within 3 m of the ground;	Comply with requirement.	Comply with requirement.
Not extend laterally beyond the external walls of the building;	Comply with requirement.	Comply with requirement.
The maximum height of a sign between 4m and 6m is 1.8m.	Comply with requirement. Sign 1.2m in height.	Comply with requirement. Sign 0.9m in height.

The proposed pylon sign comply with the requirements of the Sign Local Law as indicated in the following table.

Chairperson: Date:

Pylon Sign Requirements	Pylon sign
Not have any part thereof less than 2.75 m or more than 6 m above the level of the ground immediately below it; Not exceed 2.6 m measured in any direction across the face of the sign or have a greater superficial area than 4 square metres;	Comply with requirement.
Not project over any adjacent street	Comply with requirement.
Be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size, strength and construction to support the sign and to comply with the Wind Loading Code AS 1170.2;	Comply with requirement.
Where supported by two or more piers or columns, the space between the piers or columns not be wholly or partly filled in with any material below 2.75 m above ground level;	Comply with requirement.
Not be within 2 m of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right of way, in which case the Council may authorise the erection of a sign at a lesser distance than 2 m;	Comply with requirement.
Not have any part thereof less than 6 m from any part of another sign erected on the same lot.	Comply with requirement.
The total area of the infill signs specified under sub By-law 5.12.1 (b) may be increased by up to a maximum of 10 square metres.	Area of the combined signs 5.76m ² . Comply with requirement.

It is recommended that Council approve the application for all three the signs with conditions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Broome Town Planning Scheme No.4

5.13.3 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for approval to erect, place or display a sign, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

Local Law Relating to Signs, Hoardings and Billposting

3.1.5 Notwithstanding that a sign or advertising device complies with the provisions of these Local Laws, the Council may refuse a licence if:

to the amenity or natural beauty or safety of the locality,

Chairperson: Date:

5.12 Pylon Signs

5.12.1 A pylon sign shall:

- (a) not have any part thereof less than 2.75 m or more than 6 m above the level of the ground immediately below it;
- (b) not exceed 2.6 m measured in any direction across the face of the sign or have a greater superficial area than 4 square metres;
- (c) not project over any adjacent street;
- (d) be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size, strength and construction to support the sign and to comply with the Wind Loading Code AS 1170.2;
- (e) where supported by two or more piers or columns, the space between the piers or columns not be wholly or partly filled in with any material below 2.75 m above ground level;
- (f) not be within 2 m of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right of way, in which case the Council may authorise the erection of a sign at a lesser distance than 2 m;
- (g) not have any part thereof less than 6 m from any part of another sign erected on the same lot.

5.12.2 Where more than one pylon sign is proposed to be erected on a lot on which unit factories or small shops are erected, or are to be erected, Council may require all the pylon signs to be incorporated into one sign in which event:

- (a) initial approval shall be given to the pylon sign framework together with one or more sign infills;
- (b) an application is to be submitted and approval given for each additional infill;
- (c) all infills are to be an equal size and space is to be provided to the sign for one infill for each shop or unit on the lot;
- (d) the total area of the infill signs specified under sub By-law 5.12.1 (b) may be increased by up to a maximum of 10 square metres.

5.12.3 Notwithstanding the provisions of sub Local Law 5.12.1 and 5.12.2, approval for the erection of a pylon sign that does not meet the requirements of these Local Laws may only be granted by the resolution of the Council.

5.13 Roof Signs

5.13.1 Approval for the erection of a sign on a roof of a building shall only be granted by resolution of the Council and where approval has been so granted, a roof sign shall:

- (a) not at any point extend above the ridge line of the roof;
- (b) not at any point be within 3 m of the ground;
- (c) not extend laterally beyond the external walls of the building;
- (d) comply as regards height above ground and height of sign with the following table:

<i>Height of main building above ground level at point where sign is to be fixed</i>	<i>Maximum height of size</i>
--	-----------------------------------

<i>3 m and under 4 m</i>	<i>1.0 m</i>
<i>4 m and under 6 m</i>	<i>1.8 m</i>
<i>6 m and under 12 m</i>	<i>2.0 m</i>
<i>12 m and under 18 m</i>	<i>2.5 m</i>
<i>18 m and over</i>	<i>3.0 m</i>

5.13.2 When ascertaining the height of the main building above ground level for the purpose of this Local Law, any part of the roof at the point where the sign is to be erected, that is provided solely for the purpose of architectural decoration, shall be disregarded.

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 approves the application for planning approval 2008/176 and authorises the issue of a sign licence for two roof signs and a infill pylon sign on Strata Lot 2 of Lot 642, No.158 Frederick Street, Broome subject to the following conditions:

- 1. Development must be carried out in accordance with the plans stamped received and dated 11 November 2008 submitted with the application as approved by Council/*
- 2. If the development the subject of this approval is not substantially commenced within a period of 3 years from the date of the approval, the approval will lapse and be of no further effect. Where an approval has lapsed, no development must be carried out without the further approval of Council.*

COUNCIL RESOLUTION

Moved: Cr C M Maher

Seconded: Cr R J Lander

A. That Council approves the application for planning approval 2008/176 and authorises the issue of a sign licence for two roof signs and a infill pylon sign on Strata Lot 2 of Lot 642, No158 Frederick Street, Broome subject to the following conditions:

- 1. Development must be carried out in accordance with the plans stamped received and dated 11 November 2008 submitted with the application as approved by Council.*
- 2. If the development the subject of this approval is not substantially commenced within a period of 3 years from the date of the approval, the approval will lapse and be of no further effect. Where an approval has lapsed, no development must be carried out without the further approval of Council.*

B. The Strata owners of Lot 642 be advised that Council is not prepared to consider any further applications for signs other than those required for the existing vacant lettable area, until a suitable modification to the development plan has been considered and approved by Council.

CARRIED UNANIMOUSLY

Reason: *An alternative Officer Recommendation was presented to Council.*

[Attachment: 4 pages](#)

10.

REPORTS

OF

COMMITTEES

10.3 AUDIT COMMITTEE MINUTES – HALF YEARLY REVIEW REPORT – DECEMBER 2008 AND COMPLIANCE AUDIT RETURN 2008

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	FRE 02 and ADM 022
AUTHOR:	Manager of Financial Services
CONTRIBUTOR/S:	Manager Administration Services
RESPONSIBLE OFFICER:	Director of Corporate Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	20 March 2009

SUMMARY: To advise Council of the outcome of the Audit Committee’s examination of, and to recommend adoption of, the Half Yearly Review report and the Compliance Audit Return.

BACKGROUND

Previous Considerations

Nil

The terms of reference of the Audit Committee includes a review of the half yearly financial results compared to budget and to review the Compliance Audit Return, then make recommendations to Council.

Both reports are required by legislation to be reviewed by Council no later than 30 March of each financial year.

COMMENT

Half Yearly Budget Review

The review is in four sections, these being:

- Revenue – Income to the Council from external sources.
- Expenditure – Payments by Council to external sources.
- Financial Management – Movement of funds to/from restricted areas as a result of variations in operating revenue or expenditure.
- Capital Budgets – Summary of project completion.

The review methodology compares the amended budget to likely actual values and recommends budget amendments where appropriate. The threshold that has been used is in accordance with Finance Policy 2.1.1 for revenue, expenditure and financial management items. The threshold is applied to individual items or an area of similar activity such as road maintenance and if appropriate an estimate will be recommended as a budget amendment through the Monthly Financial Activity Report.

Potential affect on the current forecast from the accumulation of all revenue and expenditure estimates is an operating deficit of \$111,400.

The Audit Committee examined the Half Yearly Review Report.

Chairperson: Date:

The Audit Committee recommended that Council:

1. *Receives the Half Yearly Review Report for the period ended 31 December 2008.*
2. *Adopts the budget recommendations for the period ended 30 June 2009.*
3. *Considers the appointment of a consultant financial analyst to review Council's financial and systemic approach to financial management with a view to providing a report to Council in the 2009/2010 financial year assessing future economic circumstances.*

Compliance Audit Return

The Compliance Audit Return is a self assessment covering a set of questions prepared by the Department of Local Government (DLGRD). Questions cover compliance related obligations for local government across a range of legislation. The number and type of questions change from year to year according to DLGRD priorities. The current return contained 311 questions with a 99.4% self assessed compliance rating.

A comparison of questions and compliance from previous years indicates a positive trend of compliance over the past 5 years:

2008 – 311 – 99.4%;
2007 – 271 – 96.1%;
2006 – 271 – 92.3%;
2005 – 306 – 92.5%;
2004 – 147 – 87.8%.

Underpinning this positive trend has been the substantial progress made toward developing and documenting a range of Business Operating Procedures to guard against the loss of corporate knowledge through high turnover or recruitment from external industries.

Compliance questions are sourced from legislation such as the Caravan Parks and Camping Act 1995, Cemeteries Act 1986, Local Government Act 1995, Local Government (Functions & General) Regulations 1996, Local Government (Administration) Regulations 1996, Local Government (Financial management) Regulations 1996, Local Government (Audit) Regulations 1996, Local Government (Miscellaneous Provisions) Regulations 1996. The Audit Committee has examined the Compliance Audit Return.

The Audit Committee recommended that Council:

1. *Receives the Compliance Audit Return 2008 Summary listing areas of non-compliance and future actions.*
2. *Adopts the Compliance Audit Return 2008 as the official return for the Shire of Broome.*
3. *That Council commends staff on the work that has been achieved to improve the level of compliance compared to previous years.*

CONSULTATION

Nil

STATUTORY ENVIRONMENTHalf Yearly Review*Local Government (Financial Management) Regulation 33A**Review of budget*

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]

Compliance Audit Return*Local Government (Audit) Regulations 1996*

14. *Compliance audit return to be prepared*
 - (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
 - (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
 - (3) *A compliance audit return is to be —*
 - (a) *presented to the council at a meeting of the council;*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5.]
15. *Completion of compliance audit*
 - (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
 - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*

- (2) *In this regulation —*
“certified” in relation to a compliance audit return means signed by —
(a) the mayor or president; and
(b) the CEO.
[Regulation 15 inserted in Gazette 23 Apr 1999 p. 1725.]

POLICY IMPLICATIONS

Materiality in Financial Reporting
Policy and procedural changes will be required and noted on the Compliance Audit Return Action Plan.

FINANCIAL IMPLICATIONS

Half Yearly Review

Potential affect on current forecast from the accumulation of all estimates is a deficit of \$111,400. This is a budget review of forward estimates for information purposes; any revisions to forecasts will be detailed in the next monthly financial activity report.

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by providing information.

Place

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

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council:

1. *Receives the Half Yearly Review Report for the period ended 31 December 2008.*
2. *Adopts the Half Yearly Review budget recommendations for the period ended 30 June 2009.*
3. *Considers the appointment of a consultant financial analyst to review Council's financial and systemic approach to financial management with a view to providing a report to Council in the 2009/2010 financial year assessing future economic circumstances.*
4. *Receives the Compliance Audit Return 2008 Summary listing areas of non-compliance and future actions.*
5. *Adopts the Compliance Audit Return 2008 as the official return for the Shire of Broome.*
6. *Commends staff on the work that has been achieved to improve the level of compliance compared to previous years.*

COUNCIL RESOLUTION

Moved: Cr R J Lander

Seconded: Cr P D Matsumoto

That Council:

1. *Receives the Audit Committee Minutes of 20 March 2009.*
2. *Receives the Half Yearly Review Report for the period ended 31 December 2008.*
3. *Adopts the Half Yearly Review budget recommendations for the period ended 30 June 2009 with the exception of Community Sponsorship being removed and clarification sought.*
4. *Considers the appointment of a Consultant financial analyst to review Council's financial and systemic approach to financial management with a view to providing a report to Council in the 2009/2010 financial year assessing future economic circumstances.*
5. *Receives the Compliance Audit Return 2008 Summary listing areas of non-compliance and suggests the following actions to address these areas of non-compliance:*
 - *Commercial Enterprises by Local Governments – No 13: Regarding exercising of delegated power and written records: Action – Acknowledges the recently implemented operating procedure.*
 - *Meeting Process – No 19: Regarding Minutes: Action - That the Chief Executive Officer provides a Committee's Booklet in relation to formal Committee Guidelines to reduce errors of non-compliance.*

- *Council notes that in relation to differential rating, the financial advice provided with the rates advertising is different to the previous year.*

6. *Adopts the Compliance Audit Return 2008 as the official return for the Shire of Broome.*
7. *Commends staff on the work that has been achieved to improve the level of compliance compared to previous years.*

CARRIED 5/0 BY ABSOLUTE MAJORITY

Note: The Chief Executive Officer advised Council that a report regarding a financial consultant be presented to the April Ordinary Council Meeting for financial consideration.

[Attachment: 95 pages](#)

10. MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 5.14pm.