

**SHIRE OF BROOME**  
**ANNUAL ELECTORS MEETING**  
**27 JANUARY 2011**

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## NOTICE OF MEETING

Dear Council Member

The next Annual Electors Meeting of the Shire of Broome will be held on Thursday 27 January 2011, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 6:00pm.

Regards



K R Donohoe  
Chief Executive Officer

13 January 2011

# Shire of Broome

## AGENDA ANNUAL ELECTORS MEETING

To be Held in the Council Chambers  
Thursday 27 January 2011  
Commencing at 6.00pm

### 1. OFFICIAL OPENING/WELCOME BY THE SHIRE PRESIDENT

The Chairperson welcomed members and electors and declared the meeting open at 6.01pm.

### 2. ATTENDANCE AND APOLOGIES

|                       |                        |                                       |
|-----------------------|------------------------|---------------------------------------|
| Attendance:           | Cr G T Campbell        | Shire President                       |
|                       | Cr C R Mitchell        | Chairperson, Deputy Shire President   |
|                       | Cr D M Male            |                                       |
|                       | Cr R J Lander          |                                       |
|                       | Cr J Bloom             |                                       |
|                       | Cr P D Matsumoto       |                                       |
|                       | Cr E R M Foy           |                                       |
| <br>Leave of Absence: | Nil                    |                                       |
| <br>Apologies:        | Cr R de Wit            |                                       |
|                       | Cr E Yu                |                                       |
|                       | Darryl Butcher         | Director Development Services         |
| <br>Officers:         | Kenn Donohoe           | Chief Executive Officer               |
|                       | Peter Naylor           | Director Corporate/Community Services |
|                       | Neville Lavey          | Director Engineering Services         |
|                       | Bridget Visser         | Media & Promotions Officer            |
|                       | Jillian McMahon        | Council Secretary                     |
|                       | Nicole Casement        | Customer Services Officer             |
|                       | Michelle Green         | Manager Administration Services       |
| <br>Electors:         | Amy Williams           | Broome Advertiser                     |
|                       | Chris Maher            |                                       |
|                       | Nik Wevers             |                                       |
|                       | Louise Middleton-Ullah |                                       |
|                       | Phillip Roe            |                                       |
|                       | Darryl Butcher         |                                       |
|                       | David Galwey           |                                       |
|                       | Kevin Smith            |                                       |
|                       | Connie Grohmann        |                                       |
|                       | Roger Grohmann         |                                       |
|                       | Craig Phillips         |                                       |
|                       | Carmel Leahy           |                                       |
|                       | Tony Proctor           | Broome Chamber of Commerce            |

Louise Beames  
David Dureau  
Deborah Vincent  
Pam Jennings

### 3. SHIRE PRESIDENT REPORT

[http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127\\_aem\\_sp.pdf](http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127_aem_sp.pdf)

The Shire President summarised his report as appears in the Annual Report.

### 4. CHIEF EXECUTIVE OFFICER REPORT

[http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127\\_aem\\_ceo.pdf](http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127_aem_ceo.pdf)

The Chief Executive Officer advised of the location of the CEO report (also attached to the Agenda).

### 5. ANNUAL REPORT

*Moved: David Galwey*

*Seconded: Cr C R Mitchell*

*That the Annual Report for the financial year ended 30 June 2010 be received.*

**CARRIED UNANIMOUSLY**

Website links:

- 2009/10 Annual Report  
[http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127\\_aem\\_AR0910.pdf](http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127_aem_AR0910.pdf)
- Previous Annual Electors Meeting 28 January 2010  
[http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127\\_aem\\_20100128m.pdf](http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127_aem_20100128m.pdf)
- Ordinary Council Meeting Minutes Extract re Annual Electors Meeting Minutes – 18 February 2010  
[http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127\\_aem\\_20100218om.pdf](http://www.broome.wa.gov.au/council/pdf/attach/Jan/20110127_aem_20100218om.pdf)

### 6. GENERAL BUSINESS

#### 6.1 Questions Submitted Prior to 19 January 2011

##### Questions submitted by David Galwey

*Question 1: "How many ratepayers are there in the Broome Shire?"*

*Answer 1 – Director Corporate & Community Services: 5,931 rate assessments levied in 2010/2011.*

*Question 2: "How many dollars does each of those ratepayers contribute to the Shire's wage and salary costs including costs associated with rental assistance, mortgage assistance, superannuation, workers compensation, vehicles for personal use etc?"*

Answer 2 - Director Corporate & Community Services: Total rate income budgeted for 2010/2011 \$14M; total budgeted employee costs \$11.9M. Rate income is included as part of general revenue of the Shire and not accounted for separately in terms of allocation against specific expenditure items.

Question 3: "What percentage of the budget is taken up with employee costs?"

Answer 3 - Director Corporate & Community Services: Total budget for 2010/2011 (operating & capital) is approximately \$40M; total employee costs \$11.9M; this represents ratio of about 26%.

\* \* \*

## 6.2 Questions From the Floor as Accepted by the Shire President

### Questions submitted by Kevin Smith

"Three wet seasons ago a combination of big tides and storm activity caused substantial damage to the Cable Beach vehicle access ramp at the Cable Beach amphitheatre. It was noted that the Shire moved very quickly to install a bigger, better, stronger, deeper ramp. This wet season a combination of big tides and heavy rainfall has caused sand to be washed away from the base of the access ramp. The Shire's response has been to use earth-moving vehicles to push the sand back around the base of the ramp. Having regard for Commoner's Third Law of Ecology, Nature Knows Best (sometimes written as Nature Always Bats Last), and the activities and observations of a medieval king by the name of Canute, I ask the following:

Question 1: Quite apart from the tacit message of approval, if not encouragement, of the types of illegal driving activity evidenced by increasing numbers of vehicle tracks in and around the dune system and across sensitive turtle-nesting areas, does the Shire believe that using its staff and assets in a constant and ultimately futile battle with the forces of nature is an effective and efficient use of ratepayers' funds? Would ratepayers not be better served if Shire funds and resources were applied to developing the necessary infrastructure needed to implement its July 2008 motion that determined "Cable Beach should be vehicle free and restricts vehicles from the beach when the necessary infrastructure enabling effective access has been developed?"

Answer 1- Chairperson: "There are quite a number of issues associated with management and control of such areas including the intertidal zone and involving parties including Department of Environment and Conservation, Yawuru, the Park Council and the Shire. We will take this question on notice and have a detailed response prepared."

Question 2: "When asked by a community member why this work was being done, a Shire employee responded that the Ranger needs to be able to access the beach. Bearing in mind that:

- Ranger vehicle tyre tracks are just as capable of trapping a turtle hatchling and causing other damage to the ecosystem as any other vehicle;
- There are a number of pedestrian access points to Cable Beach;
- If urgent or emergency access is required to Cable Beach there are perfectly serviceable vehicle access ramps at the Surf Club and Gantheaume Point;

*Why is it necessary for so much Shire time, effort, resources and money to be spent on the aforementioned battle with nature?"*

Answer 2 - Chairperson: *"This question will be taken on notice."*

Question 3: *"Is the Shire the authority responsible for policing the ever-increasing vehicle access and parking on the beaches at Entrance Point and, if so, does it have any plans to start exercising this responsibility? As a first step, will it install signage regarding the parking restrictions that can be clearly seen and understood from the driver's seat of a vehicle, rather than the very small symbol lost amongst all the other symbols on the existing signs (the cost of which would probably be very easily covered by one weekend's worth of infringement notices)?"*

Answer 3 - Chief Executive Officer: *"The Port Authority and the Shire do work closely together however this generic area is under the control of the Port Authority who are also authorised to administer the Off Roads Vehicle Act. Signage at the area will be reviewed with the Port Authority.."*

\* \* \*

### **Questions submitted by David Dureau**

Question 1: *"I wish to take this opportunity to congratulate the Shire gardening staff for their outstanding achievements of landscaping and presenting the formal areas of the town for both the residents of and the visitors to Broome."*

*However, all their good work presenting the pleasing and attractive façade of Broome is being insidiously undermined, behind the façade, by an unchecked invasion of smothering weeds replacing our natural bushland areas which in turn supports our town's bird life, fauna, insects, bush tucker and medicines within the coastal parks, drainage and road reserves, environmental cultural corridors and seasonal wetlands. No bush, no fauna and flora and bush tucker.*

*In 2008/09 Broome Shire Council recognised the urgent need to combat the burgeoning weed invasion with a budget of \$10,000 (?) and passed recommendations to "wage war on weeds". Mr Graham Campbell, Shire President, personally endorsed the project announcing in the local press, the Broome Shire Council staff would focus firstly on Neem trees removing all weeds from Broome Shire Council property and inviting private owners to collaborate and remove Neem's on their land. Broome Shire Council offered as an incentive to mulch all trees free of charge and supply suitable seedling replacements. One wag observed that Mr Graham Campbell would for evermore be known by colleagues as Mr "Green" Campbell, the staunch advocate for the environment. Broome green euphoria was short lived.*

*(Vale – Broome Shire Council & President Mr "Green" Campbell's commitment to removing Neem's in Broome foundered months later after initial success on public criticism for cutting down shady trees and the financial crisis.)*

*There is an old aboriginal saying "If you look after country, country will look after you." Well, with that advice in mind let us all pull together and get on with it – look to see what weeds we can remove each day to make country healthy!!*

*The Broome Shire Council, after consultation, can show vision, leadership and good management of our environment by publishing a list of declared weeds for Broome townsite along with adopting a practical, realistic programme for their removal to be in close collaboration with government departments and private land owners.*

*Broome Shire Council to set long term goal to remove all the weeds in Broome over a 20-year period with budgets and species focus starting with Neem's, Luecaena, Seratro, Merimia and Belly Ache Bush!!*

*As a member of the Broome community and an advocate for natural landscapes and bushland in Broome I look forward to contributing and joining your forecasted program."*

*Answer: Chairperson: "It was actually a Shire commitment to remove Neem trees. The Shire did continue to remove them and did receive some negative feedback regarding removal as they were some of Broome's larger shady trees. It is my understanding that some of these weeds (Luecaena) have not been declared as weeds even though they do cause a lot of problems. As you have previously mentioned, there may be an opportunity under Local Law provisions to declare weeds within the Broome townsite and we shall look at this and acknowledge your offer of participation and assistance."*

\* \* \*

#### **Questions submitted by Craig Phillips**

*Question 1: "The proposed LNG Gas Plant at James Price Point would emit toxic carcinogenic gases such as benzene which has been known to drift in the atmosphere for over 200km and will most definitely poison large areas of the Shire, including the Broome town site. Have the Councillors discussed this issue, are you aware of the dangers and what have you done or can you do, to stop this from happening? Thank you for this opportunity."*

*Answer: Chairperson: "Councillors have not discussed this as a collective. The Council's Karratha site visit brought up some questions on this subject such as Environmental Protection Authority issues in terms of controls, and there are morality issues which Council needs to address. Council met recently with the Director General of the Department of State Development and Department of Planning and Infrastructure. The State has control of this process and Council has an opportunity to comment via the SAR and SIA. When the State is in a position to advise of planning, policy and strategy issues the Council will be advised. Council was quite aggrieved at the position it has been placed, so we can only apologise as we don't have as much influence on these issues as we initially thought. Council currently has a tender re communications on LNG issues, and also has SIA and SAR review in process. We will be asking questions regarding such issues."*

\* \* \*

#### **Questions submitted by Nik Wevers**

*Question 1: "Will Council be making a submission to the Strategic Assessment Report (SAR) for the proposed LNG precinct and if so how will Council determine its and the community's position? Will Council's submission be made available to the general public?"*

Answer 1 – Chief Executive Officer: “A Specialist is required to do a critique of the current volumes. Once received, the report will be presented to Council for consideration. With regard to community consultation and communications, there is an advertisement calling for tenders in today’s local paper to appoint a consultant to prepare a Community Consultation Strategy.”

Question 2: “I note that the Strategic Infrastructure Assessment (SIA) is part of the Strategic Assessment Report (SAR) and the SIA will be an assessment by the State Government which is also the proponent. Do you do two submissions?”

The SIA Report section of the Strategic Assessment Report for the proposed LNG precinct says that the Broome Airport will not be moving and Council’s position has been for some time, that the airport will move within 15 years (this from 2005)? How do you explain this inconsistency and what will Council do about this?”

Answer – Chairperson: “This is an error in the SAR. Council has made submissions to Government on this and the vesting status is that it remains unvested. Protection of the site is vital and Council’s position is that the airport will need to move, and sooner than planned if noise becomes problematic. Council’s position has not changed.”

Question 4: “Kimberley Regional Planning Commission – Where will the Shire fit in with this?”

Answer 4 – Chairperson: “I am on this committee and this has not been a consideration by the committee at this stage.”

Answer 4 – Chief Executive Officer: “The Council’s 2005 Strategy identifies the new airport area. The Interim Five Year Strategic Plan to be presented to Council in February/March this year will look at these particular issues.”

Question 5: “I have questions regarding the location of the construction camp?”

Answer 5 - Chairperson: “An application may come to Council in a short timeframe as there has been discussion about this site as it is one of the four sites being considered.”

Question 6: “Did Council make a submission to the Notices of Intention to Take Land at James Price Point which closed on 23 December 2010? What was the content of the submission and will it be made available to the general public?”

Answer 6 - Chairperson: “Council didn’t make a submission however at the last Council meeting Council’s position was that any agreement at James Price Point should be done without compulsory acquisition. This was conveyed to the Department of State Development and others.”

\* \* \*

#### **Motion submitted by Chris Maher**

The following motion was presented to the Annual Electors Meeting of 2010r and was not supported by Council on the advice of the Chief Executive Officer. Mr Maher believed the advice was flawed and that the number of occurrences for recording votes to be minimal, asking Council to reconsider in 2011.



**ELECTOR MOTION****Moved: Mr Chris Maher****Seconded: Louise Middleton-Ullah*****"That Council amend its standing orders to include mandatory recording of Councillors votes on all items."*****CARRIED UNANIMOUSLY**

\* \* \*

**Questions put by Louise Middleton-Ullah**

Question 1: *"There was a Deputation to Council in December last year and I was wondering when it will appear on the Shire's website?"*

Answer 1 – Chief Executive Officer: *"We have received responses to questions raised from Woodside and the Department of State Development and once Council information has been included it will be put on the web."*

Question 2: *"Has the Strategic Assessment Report been presented to major Universities?"*

Answer – Chief Executive Officer: *"Quotations have been sought from WA based Universities and other providers to provide quotes."*

*Louise Middleton-Ullah: "Most Universities have been compromised as they are sponsored by Chevron and Woodside Petroleum. There is a conflict of interest within WA Universities and even the WA Museum accept corporate funding."*

*I am also concerned that the Shire has been sidelined in the discussions regarding the hub. I would like the Shire to strongly advocate on behalf of the Community on all the issues that make Broome an icon. Gas plant emissions cause immense health problems. Why was there no media release about the position the Shire has been put as the Shire is a major stakeholder and as Shire President and the elected representative you need to come out of the corner and fight for the Community of Broome. It is very distressing that you are our representative and are not representing our concerns."*

Chairperson/Shire President: *"Thankyou for your comments."*

\* \* \*

**Questions put by Tony Proctor**

Question 1: *"Regarding information in the Minutes of the October/November meeting, I asked a question on the number of non rateable properties in Broome and contribution they would have made to the rate base if they were rateable. I recollect a large number of exempt bodies and if they were rateable it would add 1.5%. What work has the Shire done to bring those non rateable bodies forward and strategies for future rates to be minimised?"*

Answer 1 – Chairperson: *"The Western Australian Local Government Association (WALGA) is lobbying on these issues (eg City of Stirling has challenged Church*

*housing where the Church receives rent or where the Church is acting as a property developer under rate exemption status)."*

*Answer 1 – Chief Executive Officer: "There are some very specific concerns in the north west, one being statutory requirements. For example properties under the control of LandCorp are rate exempt until such time as the property is sold to a third party. This situation has been referred to the Minister for Lands who referred this to the Treasurer and as yet we have had no response. Section 6.26 of the Local Government Act refers to Charitable Institutions being exempt; there are some cases where certain charitable operations are acting as quasi business operations and the Courts have made rulings on such issues. Some government agencies have Acts in place stating they are to equate for rates, and those rate equivalent amounts go to the State's consolidated revenue and not the Shire, an example being the Port Authorities in WA. Local government has been lobbying the State to resolve this issue."*

*Answer 1 – Chairperson: "Yawuru in their dealings have acknowledged they wish to pay rates however this is quite inequitable when LandCorp pay no rates. We have also issued rate notices to various charitable bodies that are possibly border line and some of these bodies have paid rates and others have challenged the notices."*

## **7. MEETING CLOSURE**

*The Chairperson invited electors to partake in a light supper, and declared the meeting closed at 7.06pm.*