

"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."

AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

28 SEPTEMBER 2006

OUR MISSION

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

CORE VALUES OF THE SHIRE

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

Communication

Respect

Integrity

Transparency

Courtesy

SHIRE OF BROOME**ORDINARY COUNCIL MEETING
28 SEPTEMBER 2006****INDEX - AGENDA**

1.	OFFICIAL OPENING.....	5
2.	ATTENDANCE AND APOLOGIES	5
3.	DECLARATIONS OF FINANCIAL INTEREST.....	5
4.	PUBLIC QUESTION TIME.....	5
5.	CONFIRMATION OF MINUTES	5
6.	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION	5
7.	PETITIONS.....	5
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED	5
9.	REPORTS OF OFFICERS	6
9.1	LEADERSHIP / GOVERNANCE AND ORGANISATION.....	7
	9.1.1 COMMON SEAL REPORT	8
	9.1.2 AUGUST 2006 MONTHLY FINANCIAL ACTIVITY REPORT	9
	9.1.3 FEES AND CHARGES - CORRECTION.....	12
9.2	COMMUNITY DEVELOPMENT SERVICES.....	16
	9.2.1 EMERGENCY, RANGER AND BEACH SERVICES	17
9.3	DEVELOPMENT SERVICES.....	22
	9.3.1 APPLICATION FOR PLANNING APPROVAL – TOURIST DEVELOPMENT AT LOT 40 MCGUIGAN ROAD, COCONUT WELL.....	23
	9.3.2 VARIATION TO PLANNING APPROVAL - TOURIST RESORT (PINCTADA) - LOT 2235 NO. 10) MURRAY ROAD, CABLE BEACH.	28
	9.3.3 APPLICATION FOR PLANNING APPROVAL - TIMBER PLANTATION - COUNTRY DOWNS STATION.....	34
	9.3.4 FEES AND CHARGES REVIEW - PLANNING SERVICES	38
	9.3.5 REPORT ON THE OPERATION OF CONDOM TREES IN BROOME.....	43
	9.3.6 ASSESSMENT CABLE BEACH TRADING TENDER BROOME AND SOUTH PERTH PARASAILING	48
	9.3.7 HEALTH LOCAL LAW 2006.....	52
	9.3.8 EATING HOUSE LOCAL LAW 2006.....	56
9.4	CORPORATE SERVICES.....	58
	9.4.1 ACCOUNTS FOR PAYMENT	59
9.5	ENGINEERING SERVICES.....	60
	9.5.1 LULLFITZ DRIVE REOPENINGS AND ASSOCIATED NAME CHANGES	61
	9.5.2 PARKS AND RESERVE NAMES.....	64
	9.5.3 EXPRESSIONS OF INTEREST - CO-USE OF SHIRE RADIO TOWER	67
10.	REPORTS OF COMMITTEES	69
11.	NOTICES OF MOTION	70
12.	LATE ITEMS	70
13.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	70
14.	MATTERS BEHIND CLOSED DOORS	70
15.	MEETING CLOSURE	70

NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday 28 September 2006, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards

Ian Bodill
Chief Executive Officer

18 September 2006

9.

REPORTS

OF

OFFICERS

9.1

LEADERSHIP / GOVERNANCE

AND

ORGANISATION



OUTCOME

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

9.1.1 COMMON SEAL REPORT

DATE	DETAILS
29 August 2006	Shire of Broome & Kullan Employment KRO Lease (x 3 copies)
29 August 2006	Shire of Broome & Derby Shire Skill Share Lease KRO (x 3 copies)

REPORT RECOMMENDATION

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

COUNCIL RESOLUTION

Moved: _____

Seconded: _____

FOR: _____

AGAINST: _____

9.1.2 AUGUST 2006 MONTHLY FINANCIAL ACTIVITY REPORT

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: FRE 02
AUTHOR: Accountant
CONTRIBUTOR/S: Senior Officers
RESPONSIBLE OFFICER: Manager Of Financial Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 28 September 2006

SUMMARY: Monthly Financial Activity Report of the Shires operations for the month of August 2006 includes all Budget Amendments in this and previous reports. The result of the cumulative changes predicts an end of year result is a \$431,520 deficit, however the recommended course of action will return the forecast to a balanced position.

BACKGROUND

Previous Considerations

Nil

COMMENT

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

Budget Year elapsed 17%

Total Operating Expenditure 13%

Total Operating Revenue 62%

Total Capital Expenditure 8%

Total Sale of Assets Revenue 0%

Total Capital Revenue 8%

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

Restricted cash refers to cash and investments held for a specific purpose or income received in advance during the previous year that is to remain unspent at the close of the year. An example being capital grants for roads to recovery remaining unspent at the close of the year.

Capital grants of \$118K and \$314K were received in the very last days of June 2006 for the following years roads to recovery program. The \$432K became included in the 2006/2007 budget funding however because of the timing the capital expenditure items had not been added to the then finalised roads expenditure program.

Adding the capital items into the roads program now, will cause the closing budget to move into deficit unless we revisit some of the late items added to this year's budget. The advantage of recognising this problem early is that we have time to make the necessary adjustments before progressing too far into the financial year.

Suggested course of action could be;

\$220K reduction in New BVC car park lighting (to \$0)

\$124K reduction in Community Enhancement Fund (to \$100K)

\$50K reduction in BRAC effluent water installation loan, 1st instalment due Aug 2007 (to \$0)

\$25K recognition of WKFC balance of CSRFF grant due 05/06 but received in August 2006.

The result of these actions would bring the closing budget position back within \$13K of balance and can be recorded in the September financial activity report.

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

Budget Amendments

The following budget amendments are identified:

Kimberley Inclusion Professional Support Service Program Revision(Community Services)

Expenditure has been increased to satisfy all Grant funding requirements this financial year. The budget amendments will increase the net expenditure by \$24K. However this is fully offset by decreasing the unspent grant restricted cash from previous years resulting in no net effect on the final result in 2006/2007.

Additional Aboriginal Access Roads Construction(Engineering Services)

Expenditure has been included for an additional \$108K as a result of Roads to Recovery Grant funding of \$118K received late June 2006. The \$10K remainder of the grant will be carried over as restricted cash to the following year 2007/2008.

The budget amendments will impact on the closing position for 2006/2007 given that the \$118K grant funding was included as part of the carried forward position in the budget.

Chinatown Roads, Broome Road/Short Street Roundabout & Cape Leveque Road (Engineering Services) &(Corporate Services)

Expenditure has been included for \$214K in projects as a result of Roads to Recovery Grant funding of \$314K received late June 2006. The \$100K remainder of the grant will be carried over as restricted cash to the following year 2007/2008.

The budget amendments will impact on the closing position for 2006/2007 given that the \$314K grant funding was included as part of the carried forward position in the budget.

CONSULTATION

Internal Staff

STATUTORY ENVIRONMENT

Local Government Act

Financial Management Regulations

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

These are detailed above and in the attachment.

STRATEGIC IMPLICATIONS**1. Social**

Nil

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Receives the Monthly Financial Activity Report for the period ended 31 August 2006.*
2. *That Council notes the amendments to the original budget.*
3. *That Council endorses the following actions;*
 - a) *Reduction in New BVC car park lighting to \$0*
 - b) *Reduction in Community Enhancement Fund to \$100K*
 - c) *Reduction in BRAC effluent water installation loan, first instalment due Aug 2007to \$0*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 13 pages](#)

9.1.3 FEES AND CHARGES - CORRECTION

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ACC01
AUTHOR:	Manager Financial Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	14 September 2006

SUMMARY: Correction to fees and charges adopted 15 August 2006

BACKGROUNDPrevious Considerations

SM15 August 2006 – Item 9.1.4

COMMENT

1. A change has been requested to page 35, Amphitheatre Hire, to provide one uniform charge of \$600/night (an increase from \$540 in 2005/2006).

This replaces the adopted fees of \$2,000 Large events; \$1,000 Medium events and \$600 for Small events.

2. An error was detected on page 40 of the schedule of fees and charges within the Broome Recreation and Aquatic Centre Group Fitness section and page 41 within the Aquatic Centre General Admission Fees.

The fees for 2006/2007 should read:

Group Fitness per class	\$7.80
Book x 10 (3 Month Expiry)	\$70.20
Lite Pace per class	\$5.70
Book x 10 (3 Month Expiry)	\$51.30
General Entry Child 5-16	\$2.30 (BRAC member)
General Entry Adult 17yrs +	\$3.60 (BRAC member)
General Entry Pensioner	\$2.60 (BRAC member)

Instead of:

Group Fitness per class	\$7.80
Book x 10 (3 Month Expiry)	\$51.30
Lite Pace per class	\$7.80
Book x 10 (3 Month Expiry)	\$70.20
General Entry Child 5-16	\$2.20 (BRAC member)
General Entry Adult 17yrs +	\$3.40 (BRAC member)
General Entry Pensioner	\$2.50 (BRAC member)

There are a number of Acts that guide and in some circumstances set the level of fees and charges. In the fees and charges schedule the respective empowering legislation is

noted. Under the Local Government Act Council may impose a fee or a charge. The respective section is reproduced here for Councillors information.

"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, authorization 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.*

6.17. Setting the level of fees and charges

1. *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
 - a) *the cost to the local government of providing the service or goods;*
 - b) *the importance of the service or goods to the community; and*
 - c) *the price at which the service or goods could be provided by an alternative provider.*
2. *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
3. *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
 - a) *under section 5.96;*
 - b) *under section 6.16(2)(d); or*
 - c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
4. *Regulations may —*
 - a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - b) *limit the amount of a fee or charge in prescribed circumstances."*

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act, 1995 and associated Regulations
Town Planning Act and associated Regulations
Health Act 1911 & associated Regulations
Freedom of Information Act & associated Regulations
Litter Act & associated Regulations
Dog Act & associated Regulations

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Planned increase in fees and charges revenue.

STRATEGIC IMPLICATIONS

1. Social

Nil

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council:

1. Adopts a fee of \$600/night for Amphitheatre Hire.
2. Adopts the following fees and charges at the Broome Recreation and Aquatic Centre;

Group Fitness per class	\$ 7.80
Book x 10 (3 Month Expiry)	\$70.20
Life Pace per class	\$ 5.70
Book x 10 (3 Month Expiry)	\$51.30
General Entry Child 5-16	\$ 2.30 (BRAC member)
General Entry Adult 17yrs +	\$ 3.60 (BRAC member)
General Entry Pensioner	\$ 2.60 (BRAC member)

Moved:

Seconded:

FOR:

AGAINST:

9.2

COMMUNITY DEVELOPMENT SERVICES



OUTCOME

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

9.2.1 EMERGENCY, RANGER AND BEACH SERVICES**LOCATION/ ADDRESS:****APPLICANT:**

N/A

FILE:**AUTHOR:**

Director Community Services

CONTRIBUTOR/S:

Chief Executive Officer

RESPONSIBLE OFFICER:

Director Community Services

DISCLOSURE OF ANY INTEREST:

N/A

DATE OF REPORT:

13 September 2006

SUMMARY: This report proposes an organisational restructure within Community Services to better accommodate the functions of Emergency Services, Ranger Services and Beach Services. It is recommended that the Council approves the proposal for implementation commencing 1 January 2007.

BACKGROUNDPrevious Considerations

OCM 8 June 2006 – Item 9.5.1

The Emergency Management Act 2005 outlines the Shire's responsibility in emergency management. This was the subject of a report to the Council on 8 June 2006. The Bush Fires Act 1954 outlines the Shire's responsibilities in bush fire management. The Shire has a significant role to play in both emergency and bush fire management as well as enforcement of a number of Statutory Laws and Regulations including the Control of Vehicles (Off Road Areas) Act, Dog Act, Litter Act, local laws, etc. The Shire's beach inspectors/lifeguards play an important role particularly through the dry-season when Cable Beach swimming area is patrolled.

The existing Organisational Structure is at Attachment A. This Structure identifies the future position of Emergency Services Officer reporting to the Senior Ranger. Funding for the position is currently identified in the 2007/08 budget at Level 3, valued at \$52,000 per annum.

An additional ranger position has been funded for six months in the 2007/07 year and is scheduled to commence in January 2007. This position is funded to Level 4, valued at \$29,000 this financial year and \$58,000 per annum thereafter.

COMMENT

There is much debate as to the level of Local Government responsibility under the new Emergency Management Act 2005 and the Bush Fires Act 1954.

Regardless of the outcome of such debate, the Shire as a Local Government does and will have a level of responsibility, particularly in the areas of prevention and recovery.

Currently the Director Engineering Services is the Executive Officer for the Local Emergency Management Committee. (LEMC).

Ranger and Beach Services sit within Community Services and come under the direction of the Director Community Services. Ranger Services have primary responsibility for bush fire management on behalf of the Shire with rangers being authorised Bush Fire Control

Officers. The Senior Ranger is responsible for liaising with other organisations, eg Police, Volunteer Bush Fire Brigades, Broome Fire and Rescue Service, CALM, FESA, SES, etc, in the control, suppression and extinguishment of bush fires.

The level of staffing for Ranger and Beach Services, is currently way under-resourced, which places the Shire at risk in terms of how it manages its responsibilities in the areas of bush fire management and enforcement overall.

The Shire does not have a dedicated resource to determine the Shire's responsibilities in emergency management, nor to prepare an emergency management plan for the Shire as an organisation, provide input into a whole of Shire plan in conjunction with other agencies, and play a significant role should an emergency take place both at the time of emergency and in recovery from that emergency.

Neither the Director Community Services nor the Director Engineering Services can dedicate significant time to developing and managing the Shire's role in Emergency or Bush Fire Management.

This report proposes a restructure within Community Services to better accommodate the functions of Emergency Services, Ranger Services and Beach Services.

The section needs to be restructured and positions reviewed to ensure the engagement of officers with appropriate levels of skills and experience. In particular, the proposal includes a Manager Emergency, Ranger and Beach Services; and a Chief of Ranger Services.

The day-to-day operations of the Rangers require 4 full time officers to cover the 12 hours per day/seven days per week roster; as well as undertake the extent and range of work required.

The restructure includes a Rangers Team Leader, as part of the rostered team, who will provide leadership and mentoring for the operational team.

Two years ago, the Manager Environmental Health managed Ranger Services. Administration officers of that department assisted them. The section now includes Beach Services with administration assistance being performed by the front office receptionists, the switchboard operator and the Community Services administration and project officer. As well, the rangers and beach officers undertake a range of administrative functions that should be performed by a dedicated administration officer. The current situation is neither efficient nor effective.

With the proposed inclusion of emergency management, the section requires a full time dedicated administration officer of its own. This will greatly relieve pressure on all concerned and allow officers to dedicate themselves more fully to relevant operations.

The proposed Organisational Structure is at Attachment B.

With the position of a new ranger identified to commence in January 2007 and an emergency services officer identified for commencement in July 2007, only one new position in effect is required in the restructure, this being an administration officer. However, both of these positions are required to be at levels above what the Financial Plan shows.

An analysis of the competency and skills required to manage both Emergency Services and Ranger and Beach Services reveals the need for extensive skills and experience which the Shire does not currently have. The proposed positions have been designed to

ensure those skills and competencies can be acquired. The relevant positions are described in brief below.

POSITION	KEY FUNCTIONS
Manager Emergency, Ranger and Beach Services Level 7	Develop the strategic direction, programs and operations of Emergency Services and manage and coordinate the Shire's role in Emergency Services to ensure legislative requirements are met. Oversee the management of Ranger and Beach Services, including bush fire management, to ensure legislative requirements are met.
Chief Ranger and Beach Services Level 6	Develop and manage the strategic direction, programs and operations of Ranger and Beach Services, including the Shire's role in bush fire management, and manage the services to ensure legislative requirements are met and community compliance is promoted.
Team Leader Ranger Services Level 4 with over-award equivalent to housing allowance.	Supervise and mentor rangers, and coordinate the day-to-day operations of Ranger Services to ensure quality Ranger Services to the residents, ratepayers and visitors to the Shire and to ensure that equitable and transparent enforcement is carried out. Provide input into planning and developing Ranger Services.
Rangers (x3) Level 4	Provide a coordinated, efficient and quality Ranger Service to the residents, ratepayers and visitors to the Shire and to ensure that equitable and transparent enforcement is carried out.
Administration Officer Level 3	Provide administration assistance to the Emergency, Rangers and Beach Services team.

Beach Services

Beach Services also need additional resources equivalent to 25 hours per week. One officer is required year round, with another full time equivalent for 6 months of the year along with a part time/casual officer for peak season, school holidays and periods of high spring tides. This would mean another 25 hours a week for 6 months of the year. Currently there is \$5,000 in the Strategic Financial Plan for 2007/08. A further \$7,500 is required.

Implementation

It is recommended that the positions of Manager Emergency, Ranger and Beach Services along with the position for Chief of Ranger and Beach Services be advertised immediately to address urgent competency and skill requirements.

It is recommended that an administration officer and additional Beach Services hours be provided at the commencement of the 2007/08 financial year.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Local Government Act 1995
Emergency Management Act 2005
Bush Fires Act 1954

Control of Vehicles (Off Road Areas) Act 1978
 Dog Act 1976
 Others as applicable to Ranger Services

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Taking into account salary and on-costs, Broome allowance and housing allowance where applicable the implication of introducing the proposal in this financial year from 1 January 2007 would be as follows:

Cost Centre	Variation	Comment
Manager Emergency, Ranger and Beach Services (including recruitment, allowances, on-costs)	\$ 46,000	Position planned for 07/08 brought forward to 1 Jan 07. Level change
Initial vehicle purchase (capital)	\$ 40,000	New vehicle
Operational costs	\$ 8,000	New operational costs
Chief Ranger and Beach Services	\$ 6,000	Change from Level 5 to 6
Team Leader Rangers	\$ 4,000	Housing allowance allocation
Total	\$104,000	

Variation to the Strategic Financial Plan for 2007/08 would be as follows:

Cost Centre	Variation	Comment
Manager, Chief, and Team Leader (variation)	\$ 36,000	All variations due to changes in Levels
Administration Officer	\$ 51,000	Proposed new position
Beach Inspector	\$ 7,500	Variation due to increase in hours
Vehicle (trade in)	\$ 15,000	Change over value of vehicle
Operational costs	\$ 20,000	Telephone, fuel, etc
Total	\$129,500	

Funding assistance may be available to assist the Shire to implement the above. Discussions have commenced with FESA and will be further investigated. It is unknown at this point the extent of what this funding may be and when it may be available.

STRATEGIC IMPLICATIONS

1. Social

The Shire of Broome Strategic Action Plan 2004 – 2005 identifies the following Action:

Continue support for the Emergency Management roles and responsibilities (for LEMC and DEMC). Complete the risk analysis and update of the LEMC plan.

2. Environmental

Prepare an environmental Health Plan to address service priorities and to incorporate the Environmental Health Disaster and Emergency Plan.

3. Economic

Sound emergency and disaster management is important in terms of the social, environmental and economic wellbeing of the community.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council:

1. *Approves a restructure of the organisation to include a Manager Emergency, Ranger and Beach Services, a Chief of Ranger and Beach Services and Administration Officer.*
2. *Approves a variation in the 2006/07 budget of \$104,000 to allow for the immediate advertising and appointment of the Manager Emergency, Ranger and Beach Services, and the Chief of Ranger and Beach Services.*
3. *Approves a variation in the Strategic Financial Plan of \$127,500 for the 2007/08 financial year that includes the ongoing employment of the above officers, the employment of an administration officer and an additional 25 hours for beach services.*
4. *That the Shire continues to seek funding to assist with offsetting the costs of implementing the above.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 2 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 – TOURIST DEVELOPMENT AT LOT 40 MCGUIGAN ROAD, COCONUT WELL

LOCATION/ADDRESS:	Lot 40 McGuigan Road, Coconut Well
APPLICANT:	M and T Higgins
FILE:	MCG-1/LT 40
AUTHOR:	Manager Planning Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 September 2006

SUMMARY: An application for planning approval has been lodged for a tourist development on land in Coconut Well.

The application is recommended for REFUSAL.

BACKGROUND

Previous Considerations

OCM 29 April 2003 - Item 9.2.8
 OCM 22 December 2005 - Item 9.3.4
 OCM 8 June 2006 – Item 9.3.3

Relevant History

Lot 40 was originally part of Waterbank Station, and was included in the Coastal Park Reserve at the gazettal of Town Planning Scheme No.4, in 1999. Prior to this, the property was zoned Rural under Town Planning Scheme No.3.

The Coastal Park Reserve includes most of the foreshore area in the Town Planning Scheme, extending around Roebuck Bay to Coconut Well. It is a key part of Broome's open space network. The designation of the reserve is in line with the Waterbank Structure Plan 2000.

At its meeting of 29 April 2003, Council approved the development of a single dwelling on the land. At the request of the landowner, Council also resolved to rezone the land from Coastal Park Reserve to Rural Living Zone, and to include the land as part of the Coconut Well precinct.

The amendment (amendment 30) was subsequently initiated following a report to Council on 22 December 2005. The amendment was advertised over February and March of this year; within which time no opposing submissions were received.

Council considered the adoption of the amendment at its June meeting, at which time, the proponent lodged a request to change the zoning to permit 'low key tourism'. Council resolved, however, to proceed with the amendment as advertised. The amendment documentation was forwarded to the Minister for Planning and Infrastructure on 13 June 2006, for approval.

The Shire has advised the applicant that the land would need to be further rezoned to permit a tourist development, but that this may be premature given the Shire's intention to

carry out a review of tourist accommodation this financial year. Otherwise, any proposal would lack a strategic justification.

Approval of amendment 30 is considered to be imminent.

Site and Surrounds

The property is located approximately 3 kilometres south of the main subdivision at Coconut Well, and around 5 kilometres west of the Cape Leveque Road turn-off into McGuigan Road. It has an area of 3.1545 hectares.

The land contains a dwelling.

The Minister for Lands granted a right of access to the property from McGuigan Road in October 1995; a pindan track with an approximate length of 1.6 kilometres.

The surrounding land is Unallocated Crown Land. The properties to the north, being inclusive of the Coconut Well precinct, are zoned Rural Living. They are used mostly for small farms and rural residential, but includes a Bed and Breakfast accommodation, at Coco Eco.

Description of the Proposal

The applicant proposes to locate two self-contained cabins close to the southern boundary of the land. Each cabin would have two bedrooms, and would be available for short-term tourist accommodation. The cabins would each have an approximate area of 50 square metres.

The accommodation proposed would exceed that for a bed and breakfast establishment, which, under Council Policy, allows for a maximum of three rooms and six persons, and which can't be self-contained.

Vehicular access to the cabins would be via the existing access track to McGuigan Road. There is another track within the site, which would connect to the two cabins.

No on-site parking is shown on the site layout plan although it would appear that ample space would be available for this purpose.

No finished floor levels have been provided, and the cabins would be setback from the rear (southern boundary) at 42 and 20 metres respectively.

No vegetation is proposed to be removed to site the cabins, and no other change of use is proposed for the balance of the land.

The applicant has indicated that the cabins would utilise the existing water and power supply.

Copies of the plans are provided as an attachment.

Planning Provisions

Clause 3.3 of the Town Planning Scheme provides Council with the ability to approve development within a reserve, subject to addressing the matters listed at Clause 10.2 (Matters to be considered by Council), and having regard to the ultimate purpose and aims of the Reserve.

The aims of the Coastal Park Reserve are to:

- *Recognise and protect the environmental integrity of the coastal foreshore and immediate hinterland.*
- *Ensure public access is provided to the coastal foreshore.*
- *Protect and promote Aboriginal culture and heritage associated with coastal areas.*
- *Protect coastal areas of landscape significance, amenity value, scientific and educational importance.*
- *Provide for compatible recreation opportunities and related development.*

There are no site or development requirements for the Coastal Park Reserve, as development, other than that normally permissible in the reserve, is not anticipated. Clause 10.2 does, nevertheless provide some basis for Council to evaluate physical aspects of the proposal, namely:

10.2(j) *Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*

10.2(m) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*

10.2(p) *Whether public utility services are available and adequate for the proposal;*

Other matters relevant in Clause 10.2, with respect to the appropriateness of developing within the reservation include:

10.2(a) *The aims and provisions of this Scheme and any other relevant town planning Scheme(s) operating within the District;*

10.2(b) *The Scheme Report – Local Planning Strategy;*

10.2(c) *The requirements of orderly and proper planning including any relevant proposed new town planning scheme that has been adopted by the Council pursuant to the Town Planning Regulations 1967.*

Proposed Zoning

Amendment 30 to the Town Planning Scheme is a seriously entertained proposal and its approval is imminent. The application should therefore also be considered on the basis of the context of the proposed controls, not on the basis of what has already been determined by Council to be an inappropriate reservation. Tourist development is, nonetheless, not permitted in this zone.

Car parking would be at Council's discretion, as Council's policy for tourist development does not anticipate this type of proposal outside the Tourist or business zones.

COMMENT

Conflict with Coastal Park Reserve

The proposal is at odds with the aims of the Coastal Park Reserve. It provides no basis for either the recognition or protection of the foreshore. Neither does it seek to protect any environmental or culturally significant areas, or provide an environmental or public benefit.

The applicant has not provided the Shire with any information in relation to the suitability of the property to tourist development, having regard to the close proximity of the land to adjoining wetlands and surrounding native bush.

The proposal would intensify development in what is a fragile ecological environment, particularly increasing vehicular traffic across the coastal park via the existing access connecting to McGuigan Road. The property may be subject to both flood and fire risk, with access via only a narrow track.

The proposed use is not compatible with any recreational use of the Coastal Park. To date, the Shire has approved only minor proposals in the reserve, generally for shelters and ablution facilities, which are available to the general public. The development, furthermore, is remote from most services and any complementary tourist or recreational facilities.

Conflict with the Rural Living Zone

Approval of the use would establish a use contrary to the purpose of the Rural Living zone, which was considered by Council in choosing to rezone the land, to be the best fit for the property.

Tourist development is a prohibited use in the Rural Living zone. Approval of the proposal would therefore establish a prohibited use.

Only small scale tourist related activities are anticipated for the Rural Living zone, such as bed and breakfast. Shire Officers have advised the applicant of this option.

Approval of the proposal would not be considered orderly and proper planning. A more appropriate mechanism would be to apply to rezone the land for this purpose, in which case Council will be able to better evaluate the merits of the proposal. The applicant has also been advised of this option.

Summary

The proposal is contrary to the aims and provisions of the Town Planning Scheme, having regard to the purposes of the Coastal Park Reserve and in relation to the permissible uses in the Rural Living zone. Approval of the use would be contrary to sound planning principles and would have the effect of creating a non-conforming (prohibited) use, thereby also conferring rights to apply for further extensions and changes to the proposal.

The proposal is also inadequate in relation to physical aspects of the development, with poor access and site suitability for a tourist development.

The application is recommended for refusal.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No.4

POLICY IMPLICATIONS

Local Planning Policy 4.1.8 – Car Parking Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**1. Social**

Ensure sustainable, orderly and proper town planning.

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council refuses application for planning approval 2006/171 for tourist development at Lot 40 McGuigan Road, Coconut Well, for the following reasons:

- 1. The proposal for tourist development is contrary to the aims and provisions of the Town Planning Scheme, for both the existing Coastal Park Reserve and the proposed Rural Living zone.*
- 2. The land is considered unsuitable for tourist development having regard to vehicular access and the distance to services and tourist attractions.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 8 pages](#)

9.3.2 VARIATION TO PLANNING APPROVAL - TOURIST RESORT (PINCTADA) - LOT 2235 NO. 10) MURRAY ROAD, CABLE BEACH.

LOCATION/ ADDRESS:	Lot 2235 (No. 10) Murray Street, Cable Beach.
APPLICANT:	Civic North Pty.Ltd.
FILE:	MUR-1/10
AUTHOR:	Simon Lenton
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 September 2006

SUMMARY: An application for a variation to a planning approval has been lodged for the proposed tourist resort (Pinctada) located at Lot 2235 Murray Street, Cable Beach.

The proposed variation would result in two buildings being 8.5 metres high accommodating three storeys.

This report recommends approval.

BACKGROUND

Previous Considerations

OCM 19 July 2000 – Item 9.3.1

OCM 6 July 2004 – Item 9.2.11

OCM 14 July 2005 – Item 9.3.7

Current Approval

Council, at its meeting of 14 July 2005, approved a tourist development on this land. The development comprised fifty-eight accommodation units, day spa, café and reception building. Seventy-three car parking spaces were proposed, inclusive of six boat bays. A proportion of the car bays were proposed to be located on the adjacent lot, which is also owned by the same owner and is to be the location of stage two of the Pinctada development. A subsequent variation to the development was approved, under delegation, on 29 September 2005, for only minor changes being:

- The positioning of one building was changed to move it further away from the northern lot boundary;
- The stairwells were redesigned; and
- The day spa facility was reduced from 11 treatment rooms to seven treatment rooms, which also resulted in a reduction in the parking bay requirement of six (6) bays.

Variation Sought

The applicant is seeking a variation with respect to the main accommodation buildings, which would see the deletion of one building and the replacement of that accommodation on two of the approved two storey buildings, thereby making them three storey. The buildings would have a maximum wall height of 8.5 metres. It is also requested that the approved parking layout be amended so that all the required car-parking bays are to be located on the same lot as the proposed buildings.

The applicant has indicated that the variation has been sought to reduce the building footprint on site and thereby allow a greater area for landscaping and other amenities directly associated with the operation of the facility.

The application is being referred to Council in response to this change to the height of two of the buildings.

Copies of the currently approved plans, as well as for the variation are attached.

Site and Surrounds

The subject site is located on the north side of Murray Road, approximately 100 metres from the intersection with Gubinge Road.

The site is undeveloped and is densely covered with bushes and small trees, although none of the vegetation is considered to be significant.

Planning Provisions

The land is zoned 'Tourist' under the provisions of Town Planning Scheme No. 4. Other provisions relevant to the proposal include:

- | | |
|-----------------------------------|---|
| <i>Clause 4.17</i> | <i>Tourist Zone – requires Council to have regard to the relevant policies relating to the Tourist Zone. It specifies a requirement for a three metres of landscaping in the front setback area and for the adequate provision of parking for buses and vehicles.</i> |
| <i>Clause 5.3.5 Car Parking</i> | <i>Car Parking must be provided consistent with Council's policy 4.1.10 – Tourist Accommodation Developments (Excluding Caravan Parks) within the Tourist Zone.</i> |
| <i>Clause 5.6 Service Areas</i> | <i>All commercial development must make provision on-site for storage areas and loading and unloading areas. These service areas must not conflict with on-site parking and manoeuvring for staff and patrons and must be suitably screened.</i> |
| <i>Clause 5.9 Building height</i> | <i>The height of the buildings within the Scheme area shall be no more than two storeys or a maximum height of 10 metres.</i> |
| <i>Clause 5.10 Architecture</i> | <i>The style of the building must match the 'Broome style' of architecture, which reflects a low scale of building bulk and has regard to local climatic conditions and traditional architecture. Features of this style include pitched roof, Colorbond walls etc.</i> |
| <i>Clause 5.11 Landscaping</i> | <i>A landscaping plan is required and must show existing and proposed plantings, plus a maintenance program.</i> |

COMMENT

Compliance with the Town Planning Scheme Provisions

Car Parking

This proposal meets the requirements for car parking. The proposed development has a total car-parking requirement of 73 Bays, which includes parking for the day spa facility, and for boat bays. The car parking calculation for this development is outlined in the following table.

Land Use	Required Number of Bays	Number of Bays Provided
Resort Villa – single story buildings (12)	6 bays (1 bay per 2 villas)	6 bays
Tourist Unit (47)	23.5 bays (1 bay per 2 units)	23 bays
Visitor Parking	11.8 bays (1 per 5 short stay accommodation units)	12 bays
Managers Unit	1 bay	1 bay
Day Spa Facility	18 bays (1.5 bays per treatment room)	18 bays
Cafe	6.54 bays (1 bay per 6m ² of seating area + 1 staff bay)	6 bays
Boat Parking	5.9 bays (1 boat bay per 10 rooms)	7 bays
TOTAL	72.74 bays = 73 bays	73 bays

The plans also demonstrate the required set down and parking area for buses in the road reserve in front of the lot, the same as is shown on the currently approved plans.

Seventy-three car parking spaces are required for the development, inclusive of boat and visitor bays.

Building design

The buildings demonstrate the required elements of Broome Style Architecture. The proposed buildings will not detract from the visual amenity of the location or have a negative effect on the streetscape.

Landscaping

The decrease to the building site coverage means that additional areas can be provided for landscaping, which will complement the already extensive landscaping proposed.

Drainage

The drainage design for this development came as a result of extensive consultation with Shire staff in order to ensure that an effective drainage system is put in place.

Building Height

The proposed building height of 8.5 metres complies with the provisions at Clause 5.9 of the Town Planning Scheme. It is not considered that the 8.5 metre component of this development will have a negative effect on either the amenity of any of the surrounding lots or the streetscape. The site is setback a long way from Cable beach Road and is not situated within any dominant viewline or vista.

No change in the height of the buildings at the rear of the site is proposed.

Summary

The proposed variation is considered to be very minor in nature and will not result in this development having a negative effect on the streetscape or the amenity of the area. It is recommended that Council support this application with appropriate conditions relating to car parking, landscaping, drainage and general development conditions.

CONSULTATION

The proposal was not required to be advertised.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No. 4.

POLICY IMPLICATIONS

Local Planning Policy 4.1.10 - Tourist Accommodation Developments (Excluding Caravan Parks) within the Tourist Zone

Local Planning Policy 4.1.8 – Car Parking

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

1. Social

Ensure sustainable, orderly and proper Town Planning

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council approves application for a variation to planning approval 2005/71 for a Tourist development at Lot 2235 (No. 10) Murray road, Cable Beach, subject to the following conditions:

- 1. Development must be carried out strictly in accordance with the plans stamped received dated 6 September 2006 submitted with the application as approved by the Shire.*

2. A minimum of 73 car parking bays must be provided for the development, inclusive of a minimum of 6 boat bays and 12 dedicated visitor bays.
3. Prior to occupation of the development, areas set aside for parked vehicles and access lanes, as shown on the approved plans, must be:
 - a) Constructed to the satisfaction of the Shire.
 - b) Properly formed to appropriate levels.
 - c) Paved to the satisfaction of the Shire.
 - d) Drained and maintained to the satisfaction of the Shire.
 - e) Line-marked to indicate each car bay and all access lanes to the satisfaction of the Shire, in accordance with the Building Code of Australia and AS1428.1 – 2001 Design for Access and Mobility, Part 1 – General Requirements for Access – Buildings. All parking bays must be line marked and signed in accordance with the Traffic Codes WA 2001 and AS 2890 (off street parking) except standard bay sizes must be 2.7m X 5.5m and disabled bays must be 3.2m x 5.5m.
4. There must be provision for motor scooter and bicycle parking.
5. All on-site and off-site car parking, public access areas and footpaths to be appropriately lit with all floodlighting being designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be where possible internally directed not to overspill into nearby lots.
6. For works within the adjacent road verge, the proponent must:
 - a) take out and maintain with an insurer, approved by the Shire, public liability insurance to the sum of not less than \$10 million;
 - b) prepare and register a notification under Section 70A of the Transfer of Land Act, in a form acceptable to the Shire, giving notice of the landowner(s) responsibility for maintenance of the verge(s), prior to occupation of the development
7. The proponent must lodge detailed landscape plans, to the satisfaction of the Shire, for the development of the site prior to any landscaping works commencing. This plan must be dimensioned and drawn to scale and show the following:
 - a) the location and type of any existing vegetation to be retained.
 - b) All new planting, including lawns.
 - c) Irrigation method.
8. All landscaping must be completed prior to the commencement of the use.
9. A Drainage Plan must be submitted to and approved by the Shire prior to any construction or works starting on-site. The Drainage Plan must ensure that stormwater runoff is disposed of to a legal discharge point and should accord with the principles of water sensitive design. This plan must be approved by the Shire prior to any works commencing.

10. *A suitably screened refuse bin storage area is to be provided in accordance with the Shire's Health Local Laws and to cater for commercial skip bins for the development and the Shire's 'Sulo' type recycling bins. Plans shall be submitted prior to the commencement of any development for a suitably located and screened facility to cater for the whole development. Such facility shall be accessible by the Shire's approved waste contractor's trucks and shall be to the satisfaction of the Shire.*
11. *All vehicle crossovers being designed and constructed (sealed, brick paving, bitumen, concrete) to Council's standard crossover specification.*
12. *The payment of drainage headworks charges to the Shire of Broome in accordance with Shire policy.*
13. *The payment of a cash contribution for the installation, upgrade or additional public street lighting at the property in accordance with the Shire Policy prior to the commencement of construction.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 10 pages](#)

9.3.3 APPLICATION FOR PLANNING APPROVAL - TIMBER PLANTATION - COUNTRY DOWNS STATION

LOCATION/ ADDRESS:	Lot 258 Country Downs Station, Cape Leveque Road
APPLICANT:	Tropical Timber Plantations Pty Ltd
FILE:	COU
AUTHOR:	Chris Sayer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	8 September 2006

SUMMARY: An application for planning approval has been lodged for the development of a Timber plantation on a portion of Lot 258 Country Downs Station, Cape Leveque Road.

This report recommends that Council support the proposal subject to a suitable agreement on the upgrade of the Cape Leveque Road.

BACKGROUND

History

Tropical Timber Plantations Pty Ltd had previously proposed a timber plantation on the Beagle Bay Reserve. In 2001 a trial plot was planted on a 25 hectare site within the Beagle Bay Reserve. The Shire sent correspondence to the applicant on 7 April 2003 in regard to the proposal for a larger plantation following the trial. This included advice concerning the future maintenance of the Cape Leveque Road and general information on access to the site.

The Minister for Environment conditionally approved, on 31 August 2006, the establishment of a 5000 hectare plantation on land within Reserve 1834, Beagle Bay, which is adjacent to the Country Downs Station. The proposal has been subject to an environmental review carried out by the Environmental Protection Authority (EPA).

Because of difficulties in securing access to this land the applicant has proposed an alternate location. The new location the subject of this application for planning approval is within the boundaries of the Country Downs Station.

Site and Surrounds

Country Downs Station is located approximately 100km from Broome. The station has an area of approximately 150,540 hectares and is used for pastoral purposes.

The proposed plantation is to be situated in the northwest corner of the Country Downs Station, approximately 14km south of the Beagle Bay Community and 6km east of the Cape Leveque Road (see attachment). The proposed site is a 1320 hectare area of land to be leased from the Country Downs Station. The dimensions of the lease area are proposed to be 6000m x 2200m. There is presently no constructed access road from Cape Leveque Road to the proposed site.

The proposed lease area contains largely undisturbed native vegetation. There are no buildings or structures on the site.

Description of the Proposal

The proponent proposes to establish a timber plantation growing Sandalwood, Indian Rosewood and Teak, with associated service roads and fire buffer zones.

Existing vegetation would need to be removed as required, which would be subject to a separate application to the Department of Environment and Conservation.

The applicant has indicated that the plantation is a long term business prospect whereby trees will not be harvested until six to eight years into the operation. Upon the trees having reached the marketable stage of growth, pruning (6-8years) and lopping (15 years) of trees for saleable products will be undertaken. The product would then be transported to the Broome Port.

Water for the plantation would be drawn from on site bores and distributed through reticulated irrigation systems, which can also administer fertiliser and other additives.

A number of buildings are proposed to be constructed. The buildings would be used for storage, workshops, offices and for the accommodation of staff. The arrangement of the buildings can be seen in the attachments. None of the buildings would be visible from Cape Leveque Road.

The proponent has listed a number of reasons for accommodating up to 20 employees on site. The proponent considers it essential for risk management. It would allow for immediate response capabilities in the event of fires and equipment failure.

The applicant has indicated that approximately 72 single trailers would be required to transport plant and equipment (for proposed buildings, land clearing, bores and irrigation installation) to the site, over the nine month initial development phase. No information has been provided in regard to estimated vehicle numbers using Cape Leveque Road following this initial development phase.

Planning Provisions

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

The Environmental Protection Authority (EPA) has determined that the proposal must be subject to the Public Environmental Review (PER) process. The EPA on 31 August 2006 published a Ministerial Statement of conditional approval for the Beagle Bay site. This approval imposes numerous conditions so that environmental impact minimisation techniques are put in place and monitored throughout the lifetime of the plantation.

Separate approval is also required from the Department of Environment and Conservation for the clearing of native vegetation. Also, a separate license is required from the Department of Water for the placement and use of bores.

COMMENT

Environmental Aspects

Environmental issues will be addressed through the environmental assessments being coordinated by the EPA. These issues will include: weeds, fire management, feral animals, withdrawal of groundwater from the area, local wetland ecosystems, appropriateness of the species of trees to be grown and the eventual rehabilitation of the site.

Vehicular Access

Access is the major issue for Council to consider in regard to this proposal.

The proposal will create greater volumes of heavy vehicle traffic on Cape Leveque Road especially during times of clearing and development, pruning and harvesting of trees for sale. The length of road that will be used by these vehicles is for a large portion unsealed and quite inadequate for heavy vehicles. The application does not in any way address the issue of improvements to the existing access.

Council has recently resolved to write to a number of key agencies in relation to concerns of adhoc development occurring on the peninsula and the inability of the Cape Leveque Road to cater for increases in traffic. This application further underpins the need for coordinated land use and access plan for the future development of the peninsula.

There are implications in approving further development on the peninsula in regard to the lack of an overarching plan for development and access. There are also implications in refusing further applications for development on the peninsula.

The road is presently in no condition to accept higher volumes of traffic and particularly heavy vehicle traffic. Should the road remain in its present condition and accommodate increased volumes of traffic the road will further deteriorate and there may be serious implications for all users. Freight to communities is already becoming problematic. Investment in tourist and commercial development would be hindered by continued lack of uncertainty in regard to access to sites. Access for emergency vehicles responding to emergency events in the area may be severely hampered.

Refusal of all development on the peninsula would clearly signal the Shire's great concern in relation to maintenance and upgrading of the only access road to the area. The downside of such a decision would nevertheless inhibit development across a range of uses and would particularly impact Aboriginal communities.

An alternative approach would be for the Shire to establish a fund for the upgrade of the road, which may be a condition of any new proposal approved by the Shire. This would mean that the Shire could begin to apportion some of the cost for maintenance and upgrades direct to users. There are of course inherent inequities in such an approach, given the level of settlement already in the peninsula, and it will be difficult to accurately apportion an appropriate contribution from developers. In this instance, and in order not to hinder what may be an important economic driver and employer for the Shire, it is suggested that a contribution be sought from the proponent – to be negotiated prior to the commencement of the use.

Summary

It is considered that the proposal is appropriate for the location, having regard to the environmental safe-guards which will be applied and administered by the Environmental Protection Authority, however it is completely inappropriate in relation to the current condition of the access road.

It is recommended that the application not be approved at this stage but negotiations be conducted to provide for proportional contributions to the upgrade and maintenance of the Cape Leveque Road. The application can be further considered once a suitable agreement has been reached.

CONSULTATION

The proposal was not required to be advertised.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 (Interim Development Order 3)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**1. Social**

Ensure sustainable, orderly and proper town planning.

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTSREPORT RECOMMENDATION

That Council:

1. *Advises Tropical Timber Plantations Pty Ltd that while Council is supportive of the proposal it is not prepared to approve it at this stage given the poor condition of the Cape Leveque Road.*
2. *Invites Tropical Timber Plantations Pty Ltd to engage in negotiations regarding arrangements for contributions to the further upgrading and maintenance of the Cape Leveque Road.*
3. *Considers the application for a timber plantation on Country Downs Station further, following suitable agreement being reached with regard to contributions for the further upgrading and maintenance of Cape Leveque Road.*

Moved:

Seconded:

**FOR:
AGAINST:**

[Attachment: 7 pages](#)

9.3.4 FEES AND CHARGES REVIEW - PLANNING SERVICES

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: ACC01
AUTHOR: Manager Planning Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 11 September 2006

SUMMARY: A review has been undertaken of Fees and Charges relevant to the operation of the Shire's Planning Services Unit. As a result of that review, a number of minor changes are recommended.

BACKGROUND

Previous Considerations

- OCM 21 November 2000 - Item 4.1
- OCM 26 November 2002 - Item 9.2.2
- OCM 8 April 2003 - Item 9.1.3
- OCM 16 August 2004 - Item 5.1.4
- OCM 1 December 2005 - Item 9.3.5
- SCM – 15 August 2006 - Item 9.1.4

History

Fees for planning services were first established by Council in 2000, in line with the publishing of the Town Planning (Local Government Planning Fees) Regulations 2000. Those fees included charges for planning applications, subdivision clearances and amendments and structure plans – strictly in line with the schedule accompanying the Regulations. The Shire's schedule of fees has subsequently been amended since that time to include additional charges for residential applications, advertising signs, compliance inspections, and fees for variations and reconsiderations. As a result, the Shire's current schedule of fees, as indicated in the adopted Fees and Charges bears little resemblance to the original fee structure.

Fees and charges for the current financial period were adopted by Council at a Special Meeting on 15 August 2006. Subsequent to this, a review has been undertaken by the Planning Services Unit, which has identified a number of proposed changes.

Suggested changes to the Fees and Charges, relevant to the operation of the Planning Services Unit are documented in the following Table:

Table of changes to Planning Unit Fees and Charges

Change	Current wording	Suggested wording	Reason
Amend wording of heading to 'fee schedule for planning applications'	Determination of development application (other than for an extractive industry or	Determination of development application (other than for an extractive industry)	The wording is incorrect. The Shire does not consider applications for R Code variations. In

Change	Current wording	Suggested wording	Reason
	R Code variation) where the estimated cost of development is-	where the estimated cost of development is:	any case, the wording also included a spelling error.
Delete fees in relation to applications for variations to R Code requirements	Determination of development application for a variation to the Residential Design Codes of WA (R- Codes)	Wording deleted	<p>The Shire processed 39 applications for residential development last financial year of which 19 were specifically for proposals, which did not comply with the Acceptable Development provisions of the R-Codes – mostly for side and rear setbacks.</p> <p>The Minister for Planning has approved regional variations in relation to privacy.</p> <p>No variation to the R-Codes for boundary setbacks is however available to the Shire.</p> <p>It is not considered that the Shire should provide a separate fee for this type of proposal as it is able to be readily complied with and should be considered the same as any other planning proposal.</p>
Delete signage fee and minor rewording	Determination of development application for signage (includes the sign Licence Application Fee) within TPS4	Determination of an application for Signage (includes the Sign Licence application fee)	Council had resolved to levy one fee. The current fees are a double up on the fees for advertising signage and only one fee is ever charged.
Delete renewal fee for Home	N/a	N/a	The Shire has never issued an approval

Change	Current wording	Suggested wording	Reason
Occupations			that requires a renewal.
Amend wording in relation to Change of use	Change of use (including home businesses) or for change or continuation of a non conforming use, plus advertising cost	Application for change of use or for change or continuation of a non-conforming use.	Ensures that the wording conforms to the Town Planning Regulations. Wording simplified.
Amend wording in relation to advertising of applications, and delete flat fee of \$250 in favour of an 'at cost' charge.	Advertising (in newspaper) - for : Use not listed, Home Business, Non Conforming Uses, "S" Uses plus Application Fee	Advertising (in newspaper) - for: Use not listed, Home Business, Non Conforming Uses.	The Shire charges fees for advertising at cost. A flat fee is not appropriate given that the newspaper charges may rise, and there may be differences between the costs of the advertisement.
Combine fees for Reconsiderations of conditions and Variations to approvals. A flat fee of \$500 would be adopted for each application.	Reconsideration of Planning Conditions	Requests for variations to planning approvals and for reconsideration of conditions.	The Shire receives very few applications for 'minor' variations with most proponents choosing to lodge a fresh application. The fees and the processes for dealing with requests are very similar and would incur the same cost to the Shire.
Delete fees for extensions of planning approvals	N/a	N/a	All new approvals will be issued with a 3 year, not 2 year start time. If a development is not started within 3 years of the approval, a fresh application will need to be lodged.

Change	Current wording	Suggested wording	Reason
Change fee structure for Scheme Amendments	Use fee calc table	At cost (Note: \$2,000 initiation fee)	Council at its meeting of 1 December 2005 decided to adopt a flat initiation fee for Scheme Amendments. Fees will still be determined as per the set schedule of fees.

An extract from the Shire's Fees and Charges schedule relevant to the Planning Services unit, with changes, is attached, along with the existing schedule, with changes highlighted.

COMMENT

The changes proposed would bring the Shire's Schedule of Fees more in line with the Town Planning Regulations, and better reflect the actual services provided by the Planning Services Unit. They also correct some misspellings and other minor errors.

It is not expected that the changes proposed would incur any additional expense for proponents or have any notable financial implications for the Shire.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 and associated Regulations
 Planning and Development Act 2005
 Town Planning (Local Government Planning Fees) Regulations 2000

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

1. Social

Nil

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That the proposed Fees and Charges for Planning Services be adopted for 2006/2007.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 4 pages](#)

9.3.5 REPORT ON THE OPERATION OF CONDOM TREES IN BROOME

LOCATION/ ADDRESS:	Various
APPLICANT:	N/A
FILE:	ENH07
AUTHOR:	Manager Health Services
CONTRIBUTOR/S:	Kimberley Public Health Unit
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	8 September 2006

SUMMARY: A report on the Condom Tree program with a recommendation that Council continues to support the program and requests staff to publish, in the Information Bulletin, a report detailing complaints regarding the Condom Tree program.

BACKGROUNDPrevious Considerations

OCM 9 February, 2006 - Item 9.3.6

At the above OCM it was resolved that Council:

1. *Approves and supports on a trial basis for a period of 6 months with a report period of 5 months the concept to locate condom trees at locations within the Shire,*
2. *That the Kimberley Public Health Unit and the Broome Regional Aboriginal Medical Service both be asked to supply a full report after the end of the three month period on the relevant success or otherwise of the program, and further in the interim period, advise Council of the programs in place addressing such issues as needle sharing, early treatment of sexually transmitted infections and the promotion and support of one partner relationships.*
3. *The CEO to instruct staff to supply in the same period a report outlining the issues relating to refilling, cleaning and attending to the dispensing units.*

The report has been prepared and a copy is attached.

COMMENT

The report has been prepared jointly by Kimberley Aboriginal Medical Service (KAMS), Broome Regional Aboriginal Medical Service (BRAMS) and the Kimberley Public Health Unit (KPHU).

Complaints

Over the period of the trial three complaints were received by the Shire's Health Department.

One complaint was from Shire workers who asked if the condom tree could be relocated further away from the reticulation box at Town Beach because the people in the vicinity

were a cause of harassment. The complaint was passed onto the KPHU and no further complaints have been received.

The second complaint was anonymous from someone residing in the vicinity of the Anne Street condom tree and related to large numbers of youths gathering in the area as a result of the location of the condom tree.

This complaint was discussed with the HYPE workers who indicated that the condom tree was not the cause of the problem. There had been no change in the behaviour patterns in that area, youths had been gathering in that area regularly long before the condom tree was installed.

More recently a complaint was received regarding the litter associated with the condom tree located off Short Street. At the time of this report the complaint was still being investigated but the KPHU has been advised of the situation and requested to have the area cleaned daily.

The table below shows the number of packets distributed and the litter collected in the vicinity that was associated with the condom tree.

SITE	CONDOM PACKETS TAKEN	ASSOCIATED LITTER
Short Street	945	70
Kennedy Hill	422	8
Town Beach	47	4
Anne Street	1590	76
Dakas Street	1193	70
TOTAL	4197	228

Success of the Program

The condom trees were installed in May and the results provided show that there was an increase from 15 notified sexually transmitted infections (STI's) in the months of March and April to 22 notifications in May. However, the number of notifications dropped from 22 in June and 14 in July.

The success of the program is difficult to assess, typically these programs need to be operating for much longer periods to more accurately gauge the level of success. A more accurate assessment would be the comparison with corresponding months in 2007.

Another factor that can distort comparisons on a month by month basis is any increase or decrease in the level of testing, contact tracing of positive contacts or awareness campaigns in schools and youth groups. In this case there had been an increase in these programs in the months leading up to May.

Needle Sharing (Needle and Syringe Programs)

Needle and Syringe programs (NSP's) have prevented thousands of cases of HIV and Hepatitis C infection among people who inject drugs and in turn have protected the wider community.

The KPHU operates a free fixed site NSP from every hospital in the Kimberley. Additionally fit packs can be purchased from the three pharmacies in Broome and one in Kununurra. Equipment supplied in the NSP include:

- Fit packs, which contain 5 sterile syringes in a hard case "sharps container for the safe disposal of injecting equipment. Once the used needles are locked into the container, they cannot be retracted and the container can be closed and discarded in household rubbish bins.
- Additional equipment is the inclusion of sterile water, alcohol swabs and an educational pamphlet.

NSP coordinators at every hospital undergo training in Perth and all new staff in Kimberley hospitals are orientated about the program regardless of whether they are nursing staff, doctors, cleaners, orderlies etc.

It is important for all staff to have a non-judgemental, friendly approach to ensure clients are treated respectfully, as often this is their first point of contact to seek help.

Promotion and Support of One Partner Relationships

Preventative education in school and youth groups is an important element of a comprehensive strategy to reduce rates of sexually transmitted infections. There are many programs that are designed by Aboriginal people in the community and service providers and they include:

The Mooditj Program:

This program was designed by Family Planning WA in one of the largest Aboriginal community consultations processes held in WA. The program is aimed at indigenous children 11-14 years and looks at topics such as puberty, relationships, positive lifestyle, sexually transmitted infections, teenage parenting, future goals and dreams, how to achieve them and protective behaviours.

Mooditj programs are held throughout the Kimberley including Broome.

Lets Talk About Sex:

Perth Population Health designed this program with young Aboriginal youths acting in the video, which is accompanied with an easy to follow manual and looks at sexually transmitted infections and relationships.

Growing and Developing Healthy Relationships:

The Department of Health developed this program as curriculum support material for school-based education. The program consists of three phases:

1. Early Childhood builds foundations for healthy relationships,
2. Middle Childhood enhances healthy relationships,
3. Early Adolescence addresses healthy relationships and sexual health.

The policy framework for implementation is based on three key principles:

1. Promoting abstinence and postponement of sexual activity for young people.
2. Supporting sexual activity in the context of respect, intimacy, readiness and love.
3. Encouraging harm reduction strategies for those young people who are sexually active.

Relationship education aims to ensure young people have accurate information that will enable them to make informed decisions.

Family Life Education (FLE):

This program is run in the Catholic schools in Broome.

One on One Education:

There are many service providers within the Broome area that utilise opportunities to educate young people about sexual health, including STI prevention. Services which are accessible and acceptable to young people are critical in encouraging attendance for both health and illness checks, and for promoting all aspects of health and well-being – sexual health included.

One of the issues that young people discuss with health professionals on a regular basis is the accessibility and affordability of condoms. Young people are mostly having sex at night when there is no health service open. This is a barrier to accessibility of condoms. Also not all young people have access to money to be able to buy the condoms from the chemist.

Issues Relating to Refilling Dispensing Units

When the program commenced it was proposed that the Shire "Fly Gang" would restock the canisters. However, because of the restricted hours these employees work it proved too time consuming and the KPHU unit were requested to restock the canisters.

General

It is too early to determine the success of the condom tree program, nevertheless it has demonstrated that over 4000 condom packs have been distributed and this alone indicates the need for such an initiative.

As stated previously one of the issues young people regularly discuss with health professionals is the accessibility and affordability of condoms. Their cost, inaccessibility and exposure when purchasing condoms are barriers to young people using condoms.

Therefore, it is suggested that Council continue to support the program.

So Councillors can be informed it is proposed that a table be prepared monthly detailing all complaints relating to the program and that this table be published in the Information Bulletin to Councillors.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**1. Social**

Ensure that the Shire of Broome is a safe and healthy place to live, work and visit.

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Continues to support the program; and*
2. *Requests staff to publish in the Information Bulletin a report detailing complaints regarding the Condom Tree program.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 10 pages](#)

9.3.6 ASSESSMENT CABLE BEACH TRADING TENDER BROOME AND SOUTH PERTH PARASAILING

LOCATION/ADDRESS: APPLICANT:	Cable Beach
FILE:	N/A
AUTHOR:	ENH22
CONTRIBUTOR/S:	Manager Health Services
RESPONSIBLE OFFICER:	Nil
DISCLOSURE OF ANY INTEREST:	Director Development Services
DATE OF REPORT:	Nil
	6 September 2006

SUMMARY: This is a report to Council on the tender received from Broome and South Perth Parasailing for \$2,000.00 for the first year of a five-year licence to conduct parasailing at Cable Beach.

BACKGROUND

Previous Considerations

- OCM 1 August 2006 – Item 9.3.10
- OCM 13 April 2006 – Item 9.3.7
- OCM 6 October 2005 – Item 9.3.7
- OCM 14 July 2005 – Item 9.3.12
- OCM 8 February 2005 – Item 9.3.6

The tenders for licences to trade on Cable Beach for five (5) years from 1 January 2007 closed at 2.00pm 5 September 2006 and a tender of \$2,000.00 to conduct parasailing was received from Broome and South Perth Parasailing.

This was the only tender received for this activity.

COMMENT

Council at the OCM 6 October 2005 endorsed the Shire of Broome Policy - Commercial and Tourism Activities on Cable Beach (the Policy).

The Policy included the "Invitation to Tender" document which set out the criteria for the selection of a successful tenderer and this criteria is set out below:

CRITERIA

The Shire is seeking tenders from interested operators. The Shire will base its selection on a two-stage criteria basis. Applicants submitting tenders will have to meet the following essential criteria before they are eligible for assessment against the weighted criteria. The Shire will score all eligible applicants against the weighted criteria and select those that best satisfy the criteria.

Essential Criteria

Applicants must satisfy these essential criteria before they will be considered against the weighted criteria below.

Approvals

Applicants must show that they have, or are capable of obtaining, all necessary approvals for the proposed activity from all relevant authorities. This must include, but may not be limited to, State Government agencies.

Town Planning and Development Act

Applicants must show that they have access to appropriately zoned land and that all approvals have been obtained for premises from which they will operate any aspect of their business connected with the proposed activity, other than minor ancillary activities such as bookwork and parking of a motor vehicle.

If the applicant is unable to meet this requirement the Shire at its discretion may accept the submission for assessment but will not grant a license until the requirement can be met.

Insurance

The Shire has determined that the level of public risk insurance appropriate to the risk involved is \$10 million.

Applicants must provide a certificate of currency demonstrating public liability insurance cover to \$10 million. This cover must include cover for maritime risks where applicable.

Weighted Criteria

The Shire will score all the applicants who have met the essential criteria against all of the following weighted criteria.

Price - 50%

Applicants must submit a price for the annual licence fee that they are willing to pay the Shire in order to be able to conduct the proposed activity on Cable Beach.

Equipment - 15%

Applicants must submit a schedule describing the equipment and/or camels that they will be using to conduct the approved activity. This schedule must include a description of each piece of equipment, specifications and any other relevant information such as training, experience and suitability for purpose of animals to be utilised.

The equipment that must be specified includes (as appropriate to the proposed activity):

- The vessel that will be used to conduct the activity;
- Any other vessels that may be used as part of the operations;
- The equipment to be used;
- The maximum number of camels proposed and their availability and training/experience; and
- Any vehicles to be used to transport the vessels and equipment.

Experience - 20%

Applicants must provide details of their experience in conducting the activity or other similar operations.

Applicants must also provide relevant details and the experience of any key people that will be involved in the conduct of the activity. The Shire also expects that applicants will provide details of referees that the Shire can contact about previous operations.

Operational planning – 10%

Applicants should submit documentation to allow the Shire to assess their approach to operating the proposed activity. Depending upon the scale and sophistication of the operation this may include:

- Risk analysis and risk management plan;
- Occupational Health and Safety plan;
- Environmental impact assessment and management plan;
- Marketing and promotion strategy;
- Industry accreditation;
- Quality control plan;
- An operational plan addressing how, when (months of the year) and what times the activity is to be operated, both at the beach and in travelling to and from and accessing Cable Beach; and
- Any other supporting documentation which the applicant wishes to submit so that Shire has a complete understanding of how it is intended the activity will be operated.

Value Adding – 5%

The applicant may demonstrate how they believe their proposed service, the particular skills or experience of the nominated personnel, the applicant's contribution to the community or any other fact they believe adds value to the Shire's objectives for Cable Beach.

Tender Information

It has been determined that Broome and South Perth Parasailing fulfils the requirements of the Essential Criteria set out above.

As there was only one tender received to conduct parasailing and they fulfil the requirements of the Essential Criteria there is no need for a formal assessment of the Weighted Criteria as this is used to assess and compare competing tenders when more than one tender, for the same activity, is received that satisfies the Essential Criteria.

Broome and South Perth Parasailing has submitted a tender that addresses all the issues in the Weighted Criteria.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995.

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Depend upon the Council resolution there will be income to the Shire of \$2,000.00 in the 2006/2007 financial year and this value will increase in accordance with CPI in the subsequent four financial years of the licence.

STRATEGIC IMPLICATIONS

1. Social

Maximise the social, recreational and cultural opportunities for our community.

2. Environmental

Nil

3. Economic

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council accepts the tender to conduct parasailing at Cable Beach for five years submitted by Broome and South Perth Parasailing and issues a licence commencing 1 January 2007 in accordance with that tender and compliance with The Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003 and The Shire of Broome Policy - Commercial and Tourism Activities on Cable Beach.

Moved:

Seconded:

FOR:

AGAINST:

9.3.7 HEALTH LOCAL LAW 2006

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	BYL.04
AUTHOR:	Manager Administration Services
CONTRIBUTOR/S:	Manager Health Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	30 August 2006

SUMMARY: To seek Council endorsement to formally commence the process to create the Shire of Broome Health Local Law 2006.

BACKGROUNDPrevious Considerations

OCM 20 March 2001 - Item 12.4.1

The Shire of Broome Health By-Laws were gazetted in August 1995, by reference to the City of Perth By-law 1993.

This was a cumbersome process adopted at the time and was not user friendly.

It entailed obtaining a hard copy of the parent local laws (by-laws as they were referred to in those times) and only publishing in the Government Gazette the amendments necessary to tailor the local laws to suit the Broome situation.

The gazetted amendments were inserted in a hand written form into each local law to save continually having to refer to photocopied pages of the Government Gazette.

For this reason it has not been possible to reproduce the existing local laws as an attachment for Council however, a copy of these amendments are attached.

During 2001 and 2002, an attempt to review these local laws was undertaken, however the format would have again been gazettal by reference.

Due to unique requirements of the Kimberley, it was decided to produce a local law based entirely on the needs of the Shire of Broome without reference to an existing local law.

The advantage of adopting the method currently before Council is that:

1. The local laws will be published in the Government Gazette in their entirety;
2. There will be an electronic copy available for easy of making any subsequent amendments that may be necessary; and
3. The can be placed on the Shire website.

COMMENT

The existing Shire of Broome Local Law has been completely revised and redrafted to reflect the needs of the Shire of Broome.

The effect of the new Local Law is to ensure that adequate public health standards are maintained within the Shire of Broome.

Although as stated above the local laws have been redrafted and revised there have not been any significant changes. This is because there have been no significant changes to the Health Act which is very restrictive as to what Health Local Laws can address.

Many of the changes are cosmetic and are based around the:

- Changes in terminology i.e. Principal Environmental Health Officer is now Manager Health Services;
- Inclusion of new and deletion of old Australian Standards; and
- Changes in Regulations made under the Health Act.

Changes of note include:

- The removal of much of the section on "Outdoor Festivals" because this is now covered by a state model policy "Guidelines for Concerts, Events and Organised Gatherings" put out by the Health Department under the Health (Public Building) Regulations 2002. Council has adopted this Policy.
- The removal of the section covering Tattooing Establishments as the "Code of Practice for Skin Penetration Procedures" called up by the Health (Skin Penetration) Regulations has superseded this section.
- The removal of the section dealing with the fees to deposit rubbish at the Shire Waste Management Facility. These fees can be set under either the Health Act or the Local Government Act. If the Health Act is used, the fees are required to be published in the Government Gazette however; by using the Local Government Act they are set annually as part of the budget process and do not require gazettal. Most local authorities now use this method, as it is a far simpler process.
- The removal of the section covering eating-houses and creating separate "Eating House Local Laws". The reason for this is outlined in the item in this agenda covering these local laws.

The purpose of the new local law will be to:

- Ensure that sanitary facilities are provided and maintained to acceptable standards of public hygiene.
- Provide for acceptable construction and maintenance of dwellings, including requirements for sanitation, ventilation and drinking water supplies.
- Control the spread of pests, vectors of disease and infectious diseases.
- Ensure efficient control of refuse, liquid waste and other noxious substances.
- Ensure that animals are kept in an appropriate manner, so as not to cause disease or nuisance to the community
- Ensure lodging houses meet acceptable standards; and
- Manage the extent and impact of trades deemed to be offensive trades under the Health Act 1911.

It should be noted that the creation of the new Shire of Broome Health Local Law 2006 will require the repeal of the Shire of Broome Health By-Laws 1995.

CONSULTATION

As part of the Local Law creation process required under the Section 3.12 of the Local Government Act 1995, the community and other relevant stakeholders will be given a six week submission period in which to comment on the proposed new local law.

The local laws were sent to the Department of Health for comment prior to presentation to Council.

They will need to go back to that Department for approval prior to final gazettal however; by taking this approach it is hoped to eliminate the need for the local laws to be put back to Council because sections are illegal.

The proposed Shire of Broome Health Local Laws 2006 are attached.

STATUTORY ENVIRONMENT

Health Act 1911
Local Government Act 1995
Shire of Broome Health Local Law

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

1. Social

1. Deliver high standard Population and Environmental Health Service.
2. Ensure that the Shire of Broome is a safe and healthy place to live, work and visit.

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

Council endorses the proposal:

1. to repeal the existing Shire of Broome Health Local Law; and
2. to commence the process to make the Shire of Broome Health Local Law 2006 as attached

and invites public comment on the proposed new local law for a period of six weeks.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 61 pages](#)

9.3.8 EATING HOUSE LOCAL LAW 2006

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	BYL.04
AUTHOR:	Manager Administration Services
CONTRIBUTOR/S:	Manager Health Services
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	30 August 2006

SUMMARY: To seek Council endorsement to formally commence the process to create the Shire of Broome Health Eating House Local Law 2006.

BACKGROUNDPrevious Considerations

OCM 20 March 2001 - Item 12.4.2

As part of the original review of the Shire of Broome Health By-Laws during 2001, the need for separate Eating House Local Law was identified.

The Eating House Local Laws would normally been included within the Health Local Laws, however a separate local law for Eating Houses has been suggested as a National Food Act was enacted almost four years ago. At this stage Western Australia is the only state not to adopt this Act however, when it is adopted by Western Australia it will supersede the Eating House Local Law.

The repeal process of this local law, upon the adoption of national legislation, is easier than amending the Health Local Laws.

COMMENT

A new Shire of Broome Eating House Local Law 2006 has been drafted.

The purpose of the new local law will be to register eating houses and licence proprietors of these establishments.

The effect of the new Shire of Broome Eating House Local Law 2006 is that Shire Officers will have a register of eating establishments and their proprietors for administrative purposes and as a tool to ensure that premises comply with the Health Act 1911

CONSULTATION

As part of the Local Law creation process required under the Section 3.12 of the Local Government Act 1995, the community and other relevant stakeholders will be given a six week submission period in which to comment on the proposed new local law.

The proposed Shire of Broome Health (Eating Houses) Local Laws 2006 are attached.

STATUTORY ENVIRONMENT

Health Act 1911
Local Government Act 1995
Shire of Broome Health (Eating Houses) Local Law

POLICY IMPLICATIONS

The creation of this local law may require the review of existing policies and/or the creation of new supporting policies.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**1. Social**

1. Deliver high standard Population and Environmental Health Service.
2. Ensure that the Shire of Broome is a safe and healthy place to live, work and visit.

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council makes the Shire of Broome Eating House Local Law 2006 as attached and invites public comment on the proposed new local law for a period of six weeks.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 4 pages](#)

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 PAYMENTREPORT RECOMMENDATION

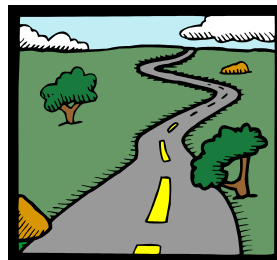
That the accounts for payment for August 2006 as attached, covering municipal cheque vouchers 42950 to 43201 totalling \$1,086,607.25 and EFT vouchers 2775 – 2850 totalling \$1,018,239.34 and trust cheque vouchers 2501 – 2526 totalling \$11,886.88 be passed for payment.

COUNCIL RESOLUTION**Moved:****Seconded:****FOR:****AGAINST:**[Attachments: 12 pages](#)

9.5

ENGINEERING

SERVICES



OUTCOME

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

9.5.1 LULLFITZ DRIVE REOPENINGS AND ASSOCIATED NAME CHANGES

LOCATION/ADDRESS:	Lullfitz Drive, Fairway Drive, Oryx Road and Coucal Street
APPLICANT:	N/A
FILE:	PLA.14; LUL.1 GEN; FAI.1 GEN; ORY.1 GEN; COU.1 GEN
AUTHOR	Director of Engineering Services
CONTRIBUTOR/S:	Director Development Services
RESPONSIBLE OFFICER:	Director of Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	12 September 2006

SUMMARY: Reconsideration of the reopening of several closed sections of the Lullfitz Drive road reserve and the renaming of associated roads, with a recommendation to now formally reopen and rename the roads.

BACKGROUNDPrevious Considerations

OCM 11 May 2006 – Item 9.5.3

Refer to full report to Council 11 May 2006, where it was resolved:

"That Council commence, under the provisions of the Land Administration Act, the following road reserve reopening and renaming proposals:

- 1. Reopen as a 40m wide road reserve the sections of closed road adjacent to, and on the east boundary of Lots 994 and 995.*
- 2. Reopen as a 40m wide road reserve the section of closed road adjacent to the UCL, and to the north east of Lot 988.*
- 3. Reopen as a 40m wide road reserve those sections of closed road adjacent to Lots 998, 997, 996, 995 and 988, which had been narrowed to a 30 metre wide road reserve.*
- 4. Rename as "Fairway Drive" the section of road reserve from Sanctuary Road, north to the intersection of Fairway Drive and the northern section of Lullfitz Drive.*
- 5. Delete (unname) the road names of Coucal Street and Oryx Road for the north-south sections only, with the east-west sections to remain as is.*
- 6. Rename as "Jigal Drive" the section of road reserve currently known as "Fairway Drive", adjacent to the Sunset Rise subdivision, from Gubinge Road to Sanctuary Road.*
- 7. Delete (unname) the name only of the section of "Fairway Drive" adjacent to and on the east side of UCL lots 3128, 3129 and 3130. This section to remain "unnamed" until the detailed planning is carried out of these lots and the general area known as Lot 833."*

(Refer to attached plans 1, 2 and 3).

COMMENT

Option 3 from the May Agenda item was agreed to by Council for public advertising and comment.

In summary, Option 3 was advertised initially with a closing date of 14 July 2006. Only one submission was received from Horizon Power, who offered no objections to the proposal as they have overhead high voltage power lines that traverse along the western side of the existing Lullfitz Drive. The proposed road opening will restore their assets onto a road reserve.

Due to the lack of submissions or comment, the closing date was extended to 8 September 2006 and several newsletter items were made. Despite several phone and counter enquiries, no further submissions were received by the second closing date.

It is therefore recommended that the proposal to reopen the closed portions of Lullfitz Drive and rename the roads generally as per Option 3, be adopted by Council for submission to the Minister for Planning and Infrastructure under Section 56 of the Land Administration Act 1997 and the Geographic Names Committee Guidelines.

CONSULTATION

Department of Infrastructure
Geographic Names Committee
Public Advertising (twice)

STATUTORY ENVIRONMENT

Land Administration Act 1997
Geographic Names Committee
"Principles, Guidelines and Procedures" document

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Advertising costs and staff time.

STRATEGIC IMPLICATIONS

1. Social

Would avoid confusion with plans, maps and records. Would give certainty to issue of land titles and remove problems of parts of a public road being 'closed'.

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council adopts and requests Ministerial approval under the provisions of the Land Administration Act for the following road reserve reopening and renaming proposals:

1. Reopen as a 40m wide road reserve the sections of closed road adjacent to, and on the east boundary of Lots 994 and 995.
2. Reopen as a 40m wide road reserve the section of closed road adjacent to the UCL, and to the north east of Lot 988.
3. Reopen as a 40m wide road reserve those sections of closed road adjacent to Lots 998, 997, 996, 995 and 988, which had been narrowed to a 30metre wide road reserve.
4. Rename as "Fairway Drive" the section of road reserve from Sanctuary Road, north to the intersection of Fairway Drive and the northern section of Lullfitz Drive.
5. Delete (unname) the road names of Coucal Street and Oryx Road for the north-south sections only, with the east-west sections to remain as is.
6. Rename as "Jigal Drive" the section of road reserve currently known as "Fairway Drive", adjacent to the Sunset Rise subdivision, from Gubinge Road to Sanctuary Road.
7. Delete (unname) the name only of the section of "Fairway Drive" adjacent to and on the east side of UCL lots 3128, 3129 and 3130. This section to remain "unnamed" until the detailed planning is carried out of these lots and the general area known as Lot 833.

Moved:**Seconded:****FOR:****AGAINST:**

[Attachment: 3 pages](#)

9.5.2 PARKS AND RESERVE NAMES

LOCATION/ ADDRESS:	Broome Township
APPLICANT:	N/A
FILE:	ENG.08; PLA.14
AUTHOR:	Director Engineering Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	12 September 2006

SUMMARY: Reconsideration of officially naming the various Parks and Reserves in Broome with a recommendation to adopt names generally as advertised, plus several new ones to be named as listed.

BACKGROUNDPrevious Considerations

OCM 11 May 2006 - Item 9.5.4

Refer to Council Minutes 11 May 2006 for background report. At that meeting, Council resolved to "...advertise the draft list of Reserve and Park names for public comment, prior to further consideration."

The proposals were advertised initially closing on 14 July 2006, but only several submissions were received.

The proposal was readvertised to close on 8 September 2006, and a press release was issued by the Shire President to try and generate some interest.

Several additional submissions were then received to give a total of eleven (11); (refer attached schedule and summary. (Full copies of the submissions are available for any Councillor who wishes to obtain a copy).

Broome Reserves & Parks

Refer attached schedule of all Parks and Reserves in Broome which currently have unofficial names or require naming – see Attachment 2, which has been updated since the original agenda item.

The staff preference is to generally not use persons names (except for the two already unofficially named ovals) and to generally align the reserve name with the adjoining street name or a natural feature where possible.

While the Geographic Names Committee guidelines distinguish between Reserves over and under 1ha, it is suggested that Council should follow the same process for all Reserves to avoid confusion and have a consistent process.

Council can also name parts of a reserve (such as a building or individual oval) separately but that would preferably only apply to a pavilion or specific structure, to avoid confusion with the Reserve name. Eg/. The BRAC reserve may allow several different ovals to be separately named at some future date.

A map of Broome showing the Reserve locations has also been attached to assist Council.

COMMENT

The attached list of Reserves contains the existing commonly used names and the staff preferred name where possible. It would be preferable that a whole new list of names was not considered, although that is still the prerogative of Council, following consideration of the public submissions. It is also suggested that any names not used for park names, could either remain on a "future" parks reserve list, or be added to the roads and streets list, although this could be a problem as there are already too many names on that list.

CONSULTATION

Proposals publicly advertised [twice] for comment, plus letter to traditional owners via the Kimberly Land Council.

STATUTORY ENVIRONMENT

Land Administration Act 1997

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Minor advertising costs

STRATEGIC IMPLICATIONS

1. Social

Will give a sense of identity to each Reserve Park with the final names to be used for many years.

2. Environmental

Nil

3. Economic

Will avoid confusion and give clarity for records, files, maps and signage.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council officially adopts the list of Reserve and Park names as attached, for submission to the Geographic Names Committee for approval.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 10 pages](#)

9.5.3 EXPRESSIONS OF INTEREST - CO-USE OF SHIRE RADIO TOWER

LOCATION/ ADDRESS:	Shire Depot - Farrell Street Broome
APPLICANT:	Nil
FILE:	FAR 1-15
AUTHOR:	Director Engineering Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Engineering Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	12 September 2006

SUMMARY: Consideration of the co-use of the new Shire radio tower as located at the Shire Depot, with a recommendation to allow the Broome Volunteer Sea Rescue Group full access.

BACKGROUNDPrevious Considerations

N/A

Following the successful supply and installation of a new 40 metre radio tower at the Shire Depot, expressions of interest were invited from any business or organisations that would be interested in the co-use of the tower for commercial or public use.

Following the public advertising, only one (1) submission was received, being from the Broome Volunteer Sea Rescue Group (BVSRG). The Group have limited tenure at their current site and would prefer a more central site with better coverage for their Sea Rescue activities.

They would propose to install new equipment and a new aerial on the Shire tower, with all costs by FESA. This would give them much better coverage for their operations.

The Group request consideration by Council to make the facility at no cost to the Group as a Shire contribution to the safety of the local and visiting boating community.

COMMENT

As no commercial or private businesses have expressed interest in the facility at this time, then it is recommended that the request be approved subject to a legal lease document being agreed to.

The tower has been designed for additional aerial loads well in excess of the Shire and any BVSRG aerial, and in fact could still accommodate other commercial users if required at a later date. The tower also has the JJJ transmitter located on it.

The tower has been designed for the "Category D" Cyclone Region loading, which is higher than required for Broome and reflects the key role of Shire communication in emergency recovery operations.

CONSULTATION

Public advertisement local papers

STATUTORY ENVIRONMENT

N/A

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Potential loss of income, but balanced by community benefit to boating users.

STRATEGIC IMPLICATIONS**1. Social**

Increased security and coverage of Broome area Sea Rescue operations.

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council agrees to the annual use of the Shire radio tower by the Broome Volunteer Sea Rescue Group at no nett cost to the Shire, for a communications aerial and equipment, subject to a formal lease being put in place. The lease agreement is to include public liability, access and maintenance of equipment and associated lease conditions.

Moved:**Seconded:****FOR:
AGAINST:**

10.

REPORTS

OF

COMMITTEES

11. NOTICES OF MOTION

12. LATE ITEMS

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

14. MATTERS BEHIND CLOSED DOORS

15. MEETING CLOSURE