"A Sustainable Community that is inclusive, attractive, healthy and pleasant to live in, that uses our land so as to preserve our history and environment, respects the rights and equality of our citizens and manages our future growth wisely."

MINUTES

FOR THE

ORDINARY MEETING OF COUNCIL

8 JUNE 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

#### 8 JUNE 2006

### INDEX - MINUTES

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>OFFICIAL OPENING</td>
<td>6</td>
</tr>
<tr>
<td>2.</td>
<td>ATTENDANCE AND APOLOGIES</td>
<td>6</td>
</tr>
<tr>
<td>3.</td>
<td>DECLARATIONS OF FINANCIAL INTEREST</td>
<td>6</td>
</tr>
<tr>
<td>4.</td>
<td>PUBLIC QUESTION TIME</td>
<td>6</td>
</tr>
<tr>
<td>5.</td>
<td>CONFIRMATION OF MINUTES</td>
<td>7</td>
</tr>
<tr>
<td>6.</td>
<td>ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION</td>
<td>7</td>
</tr>
<tr>
<td>7.</td>
<td>PETITIONS</td>
<td>7</td>
</tr>
<tr>
<td>8.</td>
<td>MATTERS FOR WHICH MEETING MAY BE CLOSED</td>
<td>7</td>
</tr>
<tr>
<td>9.</td>
<td>REPORTS OF OFFICERS</td>
<td>8</td>
</tr>
<tr>
<td>9.1</td>
<td>LEADERSHIP / GOVERNANCE AND ORGANISATION</td>
<td>9</td>
</tr>
<tr>
<td>9.1.1</td>
<td>COMMON SEAL REPORT</td>
<td>10</td>
</tr>
<tr>
<td>9.1.2</td>
<td>APRIL 2006 MONTHLY FINANCIAL ACTIVITY REPORT</td>
<td>10</td>
</tr>
<tr>
<td>9.4.3</td>
<td>SHINJU REQUEST FOR THE SHIRE OF BROOME TO ACT AS GUARANTOR FOR A LOAN</td>
<td>14</td>
</tr>
<tr>
<td>9.2.2</td>
<td>HORSES ON CABLE BEACH POLICY</td>
<td>17</td>
</tr>
<tr>
<td>9.3.4</td>
<td>PROPOSED POLICY - OUTDOOR DINING POLICY 4.1.22</td>
<td>23</td>
</tr>
<tr>
<td>9.1.3</td>
<td>REVIEW OF COUNCILLOR FEES</td>
<td>26</td>
</tr>
<tr>
<td>9.1.4</td>
<td>2007 SHIRE DIRECTORY</td>
<td>29</td>
</tr>
<tr>
<td>9.2.1</td>
<td>CABLE BEACH MOTOR VEHICLE MANAGEMENT ADVISORY COMMITTEE MEMBERSHIP</td>
<td>34</td>
</tr>
<tr>
<td>9.3</td>
<td>DEVELOPMENT SERVICES</td>
<td>40</td>
</tr>
<tr>
<td>9.3.1</td>
<td>APPLICATION FOR PLANNING APPROVAL - MOTOR VEHICLE REPAIRS WORKSHOP - LOT 2707 (NO.1) MAVIS ROAD, DJUGUN</td>
<td>41</td>
</tr>
<tr>
<td>9.3.2</td>
<td>PROPOSED TEMPORARY CONTRACTOR’S CAMP – USE NOT LISTED – LOT 9021 GUBINGE ROAD, DJUGUN</td>
<td>46</td>
</tr>
<tr>
<td>9.3.3</td>
<td>PROPOSED SCHEME AMENDMENT NO. 30 - TOWN PLANNING SCHEME</td>
<td>50</td>
</tr>
<tr>
<td>9.3.5</td>
<td>APPLICATION FOR PLANNING APPROVAL - PROPOSED NINE (9) TWO STOREY GROUP DWELLINGS AT LOT 9021 SPOONBILL AVENUE, DJUGUN</td>
<td>53</td>
</tr>
<tr>
<td>9.3.6</td>
<td>REFUSE AND RECYCLING COLLECTION CONTRACTS COMMENCING 1 JULY 2007</td>
<td>58</td>
</tr>
<tr>
<td>9.4</td>
<td>CORPORATE SERVICES</td>
<td>62</td>
</tr>
<tr>
<td>9.4.1</td>
<td>ACCOUNTS FOR PAYMENT</td>
<td>63</td>
</tr>
<tr>
<td>9.4.2</td>
<td>SUNDARY DEBTOR WRITE-OFFS</td>
<td>64</td>
</tr>
</tbody>
</table>

President: ………………………………………………………………………………………… Date: ……………… ……… .
9.4.4 GRANT REQUEST FOR MINYIRR (COASTAL) PARK ................................................. 66
9.4.5 AMENDMENT TO COUNCILLOR INFORMATION TECHNOLOGY PROVISION, SERVICE AND USE POLICY ..................................................................................... 71
9.4.6 EXPRESSION OF INTEREST 06/01 TO LEASE THE OLD BROOME VISITOR CENTRE SITE ................................................................................................................ 74
9.5 ENGINEERING SERVICES .......................................................................................... 77
9.5.1 EMERGENCY MANAGEMENT ACT 2005 .............................................................. 78
10. REPORTS OF COMMITTEES ....................................................................................... 84
10.1 BROOME CEMETARY ADVISORY COMMITTEE - MINUTES 3 APRIL 2006 ........ 85
11. NOTICES OF MOTION ............................................................................................... 88
12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN ............. 88
13. MATTERS BEHIND CLOSED DOORS ...................................................................... 88
14. LATE ITEMS .............................................................................................................. 89
9.1.5 KIMBERLEY ZONE NOMINATION TO THE BOARD OF AUSTRALIA’S NORTHWEST ..................................................................................................................... 89
15. MEETING CLOSURE ................................................................................................. 91
NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday 8 June 2006, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards

Ian Bodill
Chief Executive Officer

30 May 2006
1. OFFICIAL OPENING

The Chairperson welcomed members and declared the meeting open at 5.30pm.

2. ATTENDANCE AND APOLOGIES

Attendance
Cr G T Campbell
Cr C M Maher
Cr A K Grosse
Cr A C Griffiths
Cr V L Wevers
Cr P D Matsumoto
Cr E R M Foy

Leave of Absence
Cr C R Mitchell

Apologies
Cr M L B Albert

Officers:
Ian Bodill Chief Executive Officer
Jason Lyon Director Corporate Services
Darryl Butcher Director Development Services
Allan Ralph Director Engineering Services
Suzanne Lollback Director Community Services
Jillian McMahon Council Secretary

Public Gallery
Edward Nind Aust. Navy Cadets
John Scott Broome Turf Club
Doug Milner Broome Turf Club
John McCourt Journalist

3. DECLARATIONS OF FINANCIAL INTEREST

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Item No</th>
<th>Page</th>
<th>Item</th>
<th>Nature of Interest</th>
</tr>
</thead>
</table>

4. PUBLIC QUESTION TIME

A question was received on 7 June 2006 from Mr Matt Higgins of MJ & TG Higgins Partnership in relation to Agenda Item 9.3.3 - Proposed Scheme Amendment No. 30 - Town Planning Scheme No.4 at location Lots 40 and 41 (Dampier Location 4) McGuigan Road, Waterbank, as follows:

Question: “Why are we going ahead with this zoning when we have asked it to be changed to “low key tourism” as per our correspondence to you on 30 May 2006?”

The Shire President advised that the question would be taken on notice and a response would be provided by the Director Development Services.

Mr Ed Nind, representing Training Ship Broome (President), asked the following questions: “How are you progressing the land issues letter sent to Councillors”, and, “Why cant the Town Beach Concept Plan be modified to include the Navy Cadets?”

President: ……………………………………………………………………………………………………………….. Date: …………………
Response by Director Development Services: Acknowledged that the letter has been received and will be dealt with in a meeting arranged for 9 June with Mr Nind.

The Chairperson advised that the second question would be taken on notice.

5. CONFIRMATION OF MINUTES

Moved: Cr A C Griffiths  Seconded: Cr V L Wevers

That the Minutes of the Ordinary Meeting of Council held on 11 May 2006 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil

7. PETITIONS

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

President: ..........................................................  Date: .........................
9.

REPORTS

OF

OFFICERS
9.1

LEADERSHIP / GOVERNANCE
AND
ORGANISATION

OUTCOME

To provide open, transparent and good governance to the community.
9.1.1 COMMON SEAL REPORT

Nil

9.1.2 APRIL 2006 MONTHLY FINANCIAL ACTIVITY REPORT

<table>
<thead>
<tr>
<th>LOCATION/ADDRESS:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT:</td>
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</tr>
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<tr>
<td>AUTHOR:</td>
<td>Accountant</td>
</tr>
<tr>
<td>CONTRIBUTOR/S:</td>
<td>Senior Officers</td>
</tr>
<tr>
<td>RESPONSIBLE OFFICER:</td>
<td>Manager Of Financial Services</td>
</tr>
<tr>
<td>DISCLOSURE OF ANY INTEREST:</td>
<td>Nil</td>
</tr>
<tr>
<td>DATE OF REPORT:</td>
<td>8 June 2006</td>
</tr>
</tbody>
</table>

SUMMARY: Monthly Financial Activity Report of the Shires operations for the month of April 2006 includes adjustments to the opening position and all Revised Forecasts in this and previous reports. The result of these changes is that the forecast end of year result is an $80,112 deficit.

BACKGROUND

Staff have reviewed year to date revenues and expenditures through the management reporting process to detect changes in forecast to original budget.

COMMENT

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

- Budget Year elapsed 83%
- Total Operating Expenditure 84%
- Total Operating Revenue 99%
- Total Capital Expenditure 35%
- Total Sale of Assets Revenue 15%
- Total Capital Revenue 25%

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 forecast variations that may require consideration for revised budget.

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

Due to time constraints on staff, there has been a delay in finalising a lot of the Engineering Department’s accounts. Prior changes are not reflected in this report. These accounts have now all been reviewed following finalisation of grant acquittals, capital works programs and plant replacement finalisation. These adjustments to the forecast budget will be reflected in the May report to Council. The major variances have already

President: ................................................................................................................................. Date: .........................
been reported to Council as separate agenda items (Plant Program, Roads to Recovery, Carpark program etc) with the remainder to be under/over expenditure on all other accounts now that it is fairly certain which projects will be completed in time including contract jobs where there is general pressure at the moment across the construction industry in completing projects on time. The overall impact is not expected to be of any significant change.

**REVISIONS TO FORECAST**

The following revisions to forecasts are identified:

**Kimberley Zone Strategic Plan Expenses - (Corporate Services)**
It is unlikely that the majority of the budget allocation for the Kimberley Zone Strategic Plan will be spent this year; the Revised Forecast made will decrease the forecast end of year deficit by $9K.

**Deferment of Rubbish Tip Improvement Works - (Corporate & Development Services)**
Revised forecasts have been made reducing expenditure on Rubbish Tip Building and Infrastructure improvements by $119K. As these works were loan funded this reduction of expenditure has been offset by an equal reduction in the value of loans taken out. So this will have no net impact on end of year result.

**Additional Rates Enquiry Fees - (Corporate Services)**
There has been a greater volume of land sales than last year with continued growth; this has increased the forecast income from Rates Enquiry Fees by another $10K. This will decrease the forecast end of year deficit by $10K.

**Leave Reimbursements Additional Income - (Corporate Services)**
Additional income from other local governments to pay for their ex-employees sick and long service leave has required a Revised Forecast to recognise an additional $29.5K income. This Revised Forecast will decrease the forecast end of year deficit by $29.5K.

**Kimberley Inclusion Professional Support Program - (Community Services)**
A number of revised forecasts have been made for this new activity as it gets underway this year. This month Revised Forecasts have recognised $27K of expenditure and $65K of income. However the surplus will be offset by an increase in restricted cash of $38K so there will be no net impact on end of year result.

**Lotteries House Building Maintenance Expense Reduction - (Development Services)**
Lotteries House maintenance expenses are expected to be $7K less than currently budgeted. A Revised forecast has been made reducing this expense and the expected forecast end of year deficit by $7K.

**Civic Centre Building Maintenance Expense Increase - (Development Services)**
Civic Centre maintenance expenses are expected to be $5K more than currently budgeted due to water and electrical problems. A Revised forecast has been made increasing this expense and the expected forecast end of year deficit by $5K.

**BRAC Aquatic Building Maintenance Expense Increase - (Development Services)**
BRAC Aquatic maintenance expenses are expected to be $17K more than currently budgeted due to vandalism and break-ins through skylights. A Revised Forecast has been made increasing this expense and the expected forecast end of year deficit by $17K.
Library Building Improvements Completion -(Development & Corporate Services)
Library Building improvements have been completed with $10K less expense than originally budgeted; these savings will be transferred to the Building Reserve for future use. The Revised Forecasts made decreasing this expense and transferring the savings to reserve will have no net impact on end of year result.

Museum Building Improvements Deferment -(Development & Corporate Services)
The planned $20K Museum Building improvements for the Historical Society have been deferred; these savings will be transferred to the Building Reserve for future use. The Revised Forecasts made decreasing this expense and transferring the savings to reserve will have no net impact on end of year result.

Roebuck Bay Caravan Park Sewerage Increased Maintenance -(Development Services)
Roebuck Bay Caravan Park Sewerage maintenance expenses are expected to be $8K more than currently budgeted due to works on the sewerage system and ablutions. A Revised forecast has been made increasing this expense and the expected forecast end of year deficit by $8K.

Old Tourist Bureau Improvements Deferred Expenses -(Development & Corporate Services)
Some Old Tourist Bureau Improvement works worth $6K have been deferred. These savings will be transferred to the Building Reserve for future use. The Revised Forecasts made decreasing this expense and transferring the savings to reserve will have no net impact on end of year result.

Town Beach Kiosk Building Maintenance Expense Increase -(Development Services)
Town Beach Kiosk maintenance expenses are expected to be $6K more than currently budgeted due to air-conditioning and external lighting problems. A Revised forecast has been made increasing this expense and the expected forecast end of year deficit by $6K.

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

4. Governance
   Provide open, transparent and good governance to the community.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

2. Notes the forecast changes to original budget.

COUNCIL RESOLUTION

Moved: Cr A C Griffiths Seconded: Cr C M Maher

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

Attachment: 16 pages
Moved: Cr A K Grosse Seconded: Cr V L Wevers

That Items 9.4.3, 9.2.2 and 9.3.4 be brought forward for consideration.

CARRIED UNANIMOUSLY

Moved: Cr A K Grosse Seconded: Cr A C Griffiths

That Mr Scott be permitted to speak to this item.

CARRIED UNANIMOUSLY

With regard to Item No. 9.4.3 Cr P D Matsumoto disclosed that “I have had an association as a Committee Member of NAIDOC. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

9.4.3 SHINJU REQUEST FOR THE SHIRE OF BROOME TO ACT AS GUARANTOR FOR A LOAN

LOCATION/ADDRESS: N/A
APPLICANT: Shinju Matsuri Committee
FILE: ORL 33
AUTHOR: Director Corporate Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 25 May 2006

SUMMARY: A request has been received from the Shinju Matsuri Committee for the Shire of Broome to act as guarantor for a loan.

BACKGROUND

The Shire of Broome has been a strong supporter of the Shinju Matsuri Festival since its inception in 1969, over 37 years ago.

In 2001 the festival Committee ran into difficulties due to a late start to festival planning, a lack of grant funding and the loss of experience on the committee. That year the festival made a loss leaving a shortfall of $46,431. In November 2001 Council resolved to provide security for a $55,000 loan over three years to assist the Committee meet the cost of the 2001 festival. Repayment of this loan by the Committee was completed in 2004.

The Committee have again approached the shire to seek Council endorsement for the Shire of Broome to act as guarantor on another loan. As with the previous request, the Committee have been asked to furnish details of the festival budget for the term of loan and to be supplied with the minutes of the Committee authorising the loan to be taken out.

President: .......................................................... Date: .........................
COMMENT

The Shinju Matsuri committee have provided the minutes of the meeting and the budgets for the period of the loan, refer attached.

The Committee is seeking a $40,000 loan to pay off the bank overdraft and previous years loss. The term of loan will be a maximum of seven years however it is envisaged that repayment will be made in advance of this term. The line item shown in the budget for interest charges includes both interest and principal, with repayments increasing to shorten the term.

The Committees history in servicing a previous loan supports their application and along with their submission, is the basis for the officer recommendation.

Note that following the resolution of the May ordinary Council meeting, Councillors will be meeting with the Shinju Matsuri Committee on Tuesday 6th June to discuss the Festivals future.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The guarantee will be noted as a contingent liability in the notes to the Shire’s Annual Financial Statements. We do not have to treat the guarantee as current liability in our books of account, so it will have no effect, unless Shinju Matsuri defaults on the loan.

STRATEGIC IMPLICATIONS

1. Social

Maximise the social, recreational and cultural opportunities for our community; Increased local pride; Encourage and facilitate family and community spirit, networks and cohesiveness within the community; Facilitate and support community initiatives in the Arts/Crafts/Culture & Music within the Shire.

2. Environmental

Nil

3. Economic

The festival contributes significantly to the local economy providing an attraction during the shoulder season.
VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council agree to the Shinju Matsuri Committee’s request for the Shire of Broome to act as guarantor for a $40,000 loan over seven years and authorise the Chief Executive Officer to execute the appropriate documentation.

COUNCIL RESOLUTION

Moved: Cr A K Grosse Seconded: Cr V L Wevers

That the Report Recommendation be accepted subject to the term being five years instead of seven.

FOR: 6
AGAINST: 1
MOTION CARRIED

Attachment: 3 pages
With regard to Item No. 9.2.2 Cr G T Campbell disclosed that “I have had an association with The Broome Turf Club. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly”.

With regard to Item No. 9.2.2 Cr P D Matsumoto disclosed that “I have had an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly”.

Moved: Cr A K Grosse Seconded: Cr A C Griffiths

That Doug Milner be given permission to speak.

CARRIED UNANIMOUSLY

### 9.2.2 HORSES ON CABLE BEACH POLICY

<table>
<thead>
<tr>
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<tbody>
<tr>
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<td>AUTHOR:</td>
<td>Director Community Services</td>
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**SUMMARY:** A request has been received from the Broome Turf Club for the Horses on Cable Beach Policy to be amended. The requested amendments are put to the Council for consideration.

**BACKGROUND**

At a Special Council Meeting held 9 December 2005 the Council adopted the Horses On Cable Beach Policy. The adopted Policy is at attachment A.

A request has been received from the Broome Turf Club for this policy to be amended. See Letter at attachment B.

**COMMENT**

The Shire of Broome Local Government Property and Public Places Local Law contains the clause:

> A person shall not on any local government property or public place within the Broome townsite area, without first having obtained an approval from the local government to do so walk, lead, ride, herd or drive any large animal.

There are no conditions set out under this Clause. The Horses on Cable Beach Policy define the areas and conditions for exercising and riding of horses on Cable Beach. This allows promotion to the public that horses have approval to be ridden on the beach and just
where this can be done. By defining the areas, horse owners and riders have conditions to which they must also abide to ensure the beach is as safe as possible for all members of the public.

In the case of racehorses associated with the Turf Club, the area set aside at Gantheaume Point has traditionally been used from May until August.

A number of responses were received when the Horses on Cable Beach Policy was advertised for public comment along with the Draft Cable Beach Motor Vehicle Policy. The only comment from the Broome Turf Club was in support of the introduction of the Policy.

An overview of the responses received through public submissions are included in the report “Public Response Report”. See Attachment C.

The existing conditions in the Horses on Cable Beach Policy were designed with consideration for public safety. In particular clause (e), “Horses must be lead or walked on the first 500m of the beach foreshore north of the rocks as close as possible to the high water mark”, was included in an attempt to delineate the high public use area from horse exercise areas. That is, the first 500m of the beach is heavily used by people driving vehicles, participating in family activities, launching boats, loading and unloading people on/from charter boats, and walking dogs. Weekends in particular are popular in the afternoons. This condition was considered for the safety of the horses and riders as much as for other members of the public.

Since the commencement of the race season this year at the beginning of May, Rangers report that there has been conflict of interest in the first 500m of the beach area. Horses are being exercised and swum in this area both in the evenings and mornings, which is in contravention of the current policy. One morning, horses were being swum, people were launching boats, boats were being driven past swimming horses, people were paddling, dogs were running off their leads as it is a dog exercise area, and horse excreta was left on the beach.

Rangers report that there are potentially serious issues of public safety that need to be considered for both horse handlers and other members of the public.

Given the substantial conflicts of interests between the many user groups using the first 500m of the beach, Council must consider its Duty of Care in terms of minimising the risk to public safety. It is considered that this can be achieved most effectively with horses being required to exercise and swim north of the 500 metre mark. This however, is not supported by the Turf Club.

The letter from the Turf Club indicates similar concerns for public safety for both handlers and the public, and uses the wording “unfortunate common occurrences”.

The Broome Turf Club has submitted the following:

Whilst all concerned accept that safety and harmony will best be achieved by taking the horses away from other beach users (as per condition e) for any fast exercise (trot, canter or gallop), the same will not be the case when leading or walking the horse for swimming exercise. In this circumstance the horse handler is either riding bareback or walking next to the horse on a lead and has limited ability to manoeuvre away from attacking dogs and fast moving vehicles. Both of these
are unfortunate common occurrences and are responsible for the vast majority of incidents of concern involving horses. By far the safest means for the handler to swim the horse is to take the most direct route from the access point to the water and return. This considerably reduces contact with dogs, vehicles, etc. and enables the handler to get into the safety of the water relatively quickly if threatened, and similarly make the most expedient and safe exit from the beach on completion of the exercise. It will also mean that in the rare event that a horse gets away from it’s handler it will run directly to the path from whence it came (as they are almost always inclined to do) with minimal threat to other beach goers.

Another point I should make is that there are far too many rocks in the water at the end of the 500 metre point for horses to swim without serious injury.

Exercising racehorses by swimming is an integral part of horse training and has been taking place on this beach for most of the last century, it is probably the most important “carrot” that we have in attracting trainers and owners to Broome. Almost all horses stabled at the racetrack are walked to the beach via the horse trail most afternoons between 2pm and 4.30pm…. (See attached for full letter).

Options

1. The Council maintains the conditions as prescribed in the existing policy.

2. The Council amends the current policy to allow horses to be walked directly from the horse trail to the water to be swum in the afternoon between 2pm and 4.30pm. Should this be permitted the following additional clauses to the Horses on Cable Beach Policy under the Gantheaume Point is suggested:

   Horses are permitted to be walked from the bottom of the horse access trail in a straight line, at right angle to the line of the sand dunes, to the water to be swum between the hours of 2pm and 4.30pm.

   The proposed amendments to the policy be advertised for public comment for a period of 21 days to allow all other beach users to provide input.

Should the Council consider amending the existing policy, consideration should also be given to other members of the public who use the beach being able to provide comment. This could be done through an advertised Public Submission process.

CONSULTATION

Broome Turf Club
Rangers

STATUTORY ENVIRONMENT

WA Local Government Act 1995
Shire of Broome Local Government Property and Public Places Local Law 2003

POLICY IMPLICATIONS

The existing Horses on Cable Beach Policy was adopted on 9 December 2005.

President: .................................................................................................................., Date: ..........................
FINANCIAL IMPLICATIONS

There is no fee for approval under the Horses on Cable Beach Policy. There are no direct financial implications. Ranger Services patrol the beach.

STRATEGIC IMPLICATIONS

1. Social

   The Shire’s Strategic Action Plan identifies the following objective under Functional Area 4 Social Wellbeing and Development: Maximise the social, recreational and cultural opportunities for our community.

2. Environment

   The Horses on Cable Beach Policy aims to achieve a balance between community and tourism requirements, and the protection of the natural and cultural environments.

3. Economic

   Horse racing provides a significant contribution to Broome’s economy.

VOTING REQUIREMENTS

Simple Majority
REPORT RECOMMENDATION

That it be a recommendation to the Council that:

In order to exercise its duty of care in terms of minimising the risk to public safety the Council maintains the conditions as prescribed in the existing Horses on Cable Beach Policy.

REVISED REPORT RECOMMENDATION

Option 1:
The Council maintain the conditions as prescribed in the existing Policy with the following amendment to condition (e):

“Horses must be lead or walked on the first 500m of the beach foreshore north of the rocks as close as is practicable to the high water mark.”

Option 2:
Should the Council wish to amend the current policy to allow horses to be walked directly from the horse trail to the water to be swum in the afternoon between 2pm and 4.30pm that the following additional conditions be included in the Gantheaume Point Conditions section of the Horses on Cable Beach Policy.

“Horses are permitted to be lead or walked from the bottom of the horse access trail in a straight line, at a right angle to the line of the sand dunes, to the water to be swum between the hours of 2pm and 4.30pm.

The proposed amendments to the policy be advertised for public comment for a period of 21 days to allow all other beach users to provide input.”

REASON FOR REVISED RECOMMENDATION: Receipt of submission dated 25 May 2006 from Mr Doug Milner, Manager Broome Turf Club.

COUNCIL RESOLUTION

Moved: Cr A K Grosse Seconded: Cr C M Maher

That the following proposed amendments to the Policy be advertised for public comment for a period of 21 days to allow all other beach users to provide input.

1. At condition (e) the following words be added:

“, however horses are permitted to be lead or walked from the bottom of the horse access trail in a straight line, at a right angle to the line of the sand dunes, to the water to be swum between the hours of 2.00pm and 4.30pm”, and that the word ‘possible’ be replaced with the word ‘practical’.

2. That 17 April in Point (k) of the Policy be replaced with 1 April.

REASON: Council wishes to amend the current Policy to allow horses to be walked directly from the horse trail to the water to be swum in the afternoon between 2.00pm and 4.30pm.
AMENDMENT TO MOTION:

Moved: Cr G T Campbell  Seconded: Cr A C Griffiths

Pending the result of public comment that conditions be allowed to apply.

AMENDMENT WITHDRAWN

MOTION PUT

FOR: 4
AGAINST: 3

CARRIED

Attachment: 9 pages
**9.3.4 PROPOSED POLICY - OUTDOOR DINING POLICY 4.1.22**

**LOCATION/ADDRESS:** Town Planning Scheme No.4  
**APPLICANT:** N/A  
**FILE:** PLA22 & ADM28  
**AUTHOR:** Andy White  
**CONTRIBUTOR/S:** Nil  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 18 May 2006

**SUMMARY:** This report proposes the adoption following advertising of a new policy to address the management of outdoor (alfresco) dining areas.

It is recommended that Council adopts the proposed policy and fee structure, and delegate the Chief Executive Officer the power to approve applications.

**BACKGROUND**

Council adopted a Local Law controlling Outdoor Dining on the 20 January 2004. The Local Law requires that outdoor dining areas (alfresco dining) located in the Road Reserve be issued an Outdoor Dining Licence. The Local Law provides that, generally, the outdoor dining areas must be located adjacent to an approved ‘eating house’ (with the outdoor dining licence to be held by the proprietor) and that they be positioned so that they don’t conflict with existing street furniture or impede pedestrian movement. The Local Law also sets out the information required in any application for a Licence, including, the need to provide a Management Plan outlining the operations of the outdoor dining area and establishes the responsibilities of the Licensee (such matters as keeping the area tidy etc, and that the area must be covered under the licensees public liability insurance.

**Adoption of Policy**

Council will need to adopt the policy to permit outdoor dining areas to be used. The policy would be adopted under Section 2.7(2)(b) of the Local Government Act.

A copy of the policy is attached.

At the 7 March 2006 OCM Council resolved that proposed Policy 4.1.22, Outdoor Dining Policy be put out for consultation prior to further consideration by Council with the following clause included, ‘That Council wishes to encourage where appropriate outdoor dining and streetscape activity to enhance the visual amenity and perception of the outdoor lifestyle associated with Broome.’

The proposed policy was advertised in the Broome Advertiser on 23 and 30 March 2006 seeking written submissions from the general public. The proprietors of the existing Outdoor Dining Areas were notified individually in writing.

One submission in support of the proposed policy was received from Shawa Vanvaria, Managing Director of Blooms Café Restaurant.
Adoption of fee structure

To implement the outdoor dining policy it will be necessary for an Absolute Majority of Council to formally adopt the fee structure into the schedule of fees to conform to section 6.16(3) and 6.19 of the Local Government Act.

The proposed fee structure is indicated in the table below:

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Fee Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Application Fee</td>
<td>$100.00 + $35.00 per m² of outdoor dining area</td>
</tr>
<tr>
<td>Annual Renewal Fee</td>
<td>$35.00 per m² of outdoor dining area</td>
</tr>
<tr>
<td>Transfer Fee</td>
<td>$75.00</td>
</tr>
</tbody>
</table>

Operation of the policy

To facilitate the rapid processing of applications delegation to the Chief Executive Officer of the power to approve applications is sought.

COMMENT

The proposed requirements and guidelines provide a simplified framework with which to administer the local law, grant licences and to ensure that the outdoor dining areas operate in a manner that supports and enhances Broome’s public areas. The proposed fee structure and other requirements relating to issues of public liability and management are, furthermore, not considered onerous for existing operators.

It is recommended that Council adopt the proposed policy and fee structure, and delegate the Chief Executive Officer the power to approve applications.

CONSULTATION

Advertised for public comment.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

New policy to complement the Trading, Outdoor Dining and Street Entertainment Local Law 2003.

FINANCIAL IMPLICATIONS

The adopted fee structure will be incorporated into Councils Fees and Charges, as part of the 2006/2007 budget process.

This is expected to be a minor revenue item, of around $2,000 per year. This revenue will contribute to the cost of the administration.
STRATEGIC IMPLICATIONS

1. Social
   Ensure sustainable, orderly and proper Town Planning.

2. Environmental
   Nil

3. Economic
   Encourage orderly economic and employment growth.

VOTING REQUIREMENTS

Simple Majority - to adopt the proposed policy.

Absolute Majority - to adopt the fee structure and to establish delegation to the Chief Executive Officer.

REPORT RECOMMENDATION

A. That Council adopts proposed Policy 4.1.22, Outdoor Dining Policy.

B. That Council:
   1. Adopts the following proposed fee structure:

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Fee Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Application Fee</td>
<td>$100.00 + $ 35.00 per m^2 of outdoor dining area</td>
</tr>
<tr>
<td>Annual Renewal Fee</td>
<td>$ 35.00 per m^2 of outdoor dining area</td>
</tr>
<tr>
<td>Transfer Fee</td>
<td>$ 75.00</td>
</tr>
</tbody>
</table>

   2. Delegates the power to approve applications for outdoor dining licence to the Chief Executive Officer.

COUNCIL RESOLUTION

Moved:  Cr V L Wevers  
Seconded:  Cr A C Griffiths

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

Attachment: 2 pages
9.1.3 REVIEW OF COUNCILLOR FEES

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: ADC01
AUTHOR: Manager Finance Services
CONTRIBUTOR/S: Director of Corporate Services
RESPONSIBLE OFFICER: Nil
DATE OF REPORT: 22 May 2006
SUMMARY: To set Councillor sitting fees and allowances for 2006/2007.

BACKGROUND


A comparison of the current member fees and allowances as a percentage of the maximum prescribed amounts are illustrated below:

<table>
<thead>
<tr>
<th>Fee/Allowance</th>
<th>Current</th>
<th>% of</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sitting Fee – President</td>
<td>$14,000</td>
<td>100%</td>
<td>$14,000</td>
</tr>
<tr>
<td>Sitting Fee – Councillors (8)</td>
<td>$56,000</td>
<td>100%</td>
<td>$56,000</td>
</tr>
<tr>
<td>Allowance – President</td>
<td>$ 8,400</td>
<td>27.1%</td>
<td>$31,000</td>
</tr>
<tr>
<td>Allowance – Deputy President</td>
<td>$ 2,100</td>
<td>27.1%</td>
<td>$ 7,750</td>
</tr>
<tr>
<td>Allowance – Telecommunications(9)</td>
<td>$10,800</td>
<td>50.0%</td>
<td>$21,600</td>
</tr>
<tr>
<td>Allowance – Information Technology(9)</td>
<td>$ 0</td>
<td>0.0%</td>
<td>$ 9,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$91,300</strong></td>
<td>65.5%</td>
<td><strong>$139,350</strong></td>
</tr>
</tbody>
</table>

COMMENT

As Broome continues to experience an increasing pressure of growth, the level of Councillor participation required for workshops, plans, strategies, briefings, advisory committees and ordinary council meeting has escalated enormously in recent years.

In the present circumstances it is not unusual for Councillors to be required to attend up to three sessions per week, not withstanding the requirement to absorb the associated written material prior to attendance, to enable informed participation on key responsibilities and strategic issues. The timing and volume of information also places added emphasis on the capacity of elected members communication facilities.

The fees and allowances are designed to partly compensate the time and expense required in performing the duties of an elected member and should be set at a level so as not to cause financial hardship whilst serving the community. In December 2005 Council gave consideration to the telecommunications and Information Technology allowances during formulation of the Councillor Information Technology Provision, Service and Use Policy. It would also be reasonable that Council consider growth in the president’s and deputy president’s allowances based upon a percentage of operating revenue.

President: ………………………………………………………………………………………………….. Date: ………………………
Using the current practice for setting sitting fees and allowances for 9 elected members, the total fees and allowances would increase from $91,300 to $92,550 that represents 64% of the maximum allowable fees and allowances. The following ranges are presented with discretion to choose up to the maximum amounts.

<table>
<thead>
<tr>
<th>Fee/Allowance</th>
<th>Current</th>
<th>Proposed</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sitting Fee – President</td>
<td>$14,000</td>
<td>$14,000</td>
<td>$14,000</td>
</tr>
<tr>
<td>Sitting Fee – Councillors (8)</td>
<td>$56,000</td>
<td>$56,000</td>
<td>$56,000</td>
</tr>
<tr>
<td>Allowance – President</td>
<td>$  8,400</td>
<td>$  9,400</td>
<td>*$34,700</td>
</tr>
<tr>
<td>Allowance – Deputy President</td>
<td>$  2,100</td>
<td>$  2,350</td>
<td>$  8,675</td>
</tr>
<tr>
<td>Allowance – Telecommunications (9)</td>
<td>$10,800</td>
<td>$10,800</td>
<td>$21,600</td>
</tr>
<tr>
<td>Allowance – Information Technology(9)</td>
<td>$  0</td>
<td>$    0</td>
<td>$  9,000</td>
</tr>
<tr>
<td>Total</td>
<td>$91,300</td>
<td>$92,550</td>
<td>$143,975</td>
</tr>
</tbody>
</table>

* 0.002% of audited operating revenue for 04/05 ($17,353,689) is $34,700.

Further, the payment of the attendance fees are paid annually in advance. Council may consider alternative arrangements such as payments based on ordinary Council meeting attendance if it so chooses.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995
Local Government (Administration) Regulations 1996

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Introduction of a telecommunications allowance has added up to $10,800 in allowances plus $1,250 growth in president and deputy president allowances linked to operating revenues.

**STRATEGIC IMPLICATIONS**

1. **Social**
   
   Build community leadership capacity

2. **Environmental**
   
   Nil

3. **Economic**
   
   Nil

President: ................................................................., Date: .................................
VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council adopt the following member sitting fees and allowances in accordance with current practice for 2006/2007:

Fee/Allowance
Sitting Fee – President $14,000
Sitting Fee – Councillors (8) $  7,000
Allowance – President $  9,400
Allowance – Deputy President $  2,350
Allowance – Telecommunications $  1,200 (internet and telephone line)
Allowance – Telecommunications $     600 (telephone line only)
Allowance – Information Technology $      Nil

COUNCIL RESOLUTION

Moved: Cr A K Grosse Seconded: Cr V L Wevers

That Council adopt the following member sitting fees and allowances in accordance with current practice for 2006/2007, apart from the President Allowance, where the fee be doubled to $18,800.

Fee/Allowance
Sitting Fee – President $14,000
Sitting Fee – Councillors (8) $  7,000
Allowance – President $18,800
Allowance – Deputy President $  2,350
Allowance – Telecommunications $  1,200 (internet and telephone line)
Allowance – Telecommunications $     600 (telephone line only)
Allowance – Information Technology $      Nil

CARRIED UNANIMOUSLY

Director Development Services departed the Chambers at 5.21pm and returned at 5.24pm.
9.1.4 2007 SHIRE DIRECTORY

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: APU05
AUTHOR: Media & Promotions Officer
CONTRIBUTOR/S: Chief Executive Officer
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 24 May 2006

SUMMARY: To seek Council endorsement to tender the 2007 Shire Directory with guidelines to ensure a quality publication. To establish a Shire Directory Panel to approve the proposed tender process and criteria and select the successful tenderer. The Shire Directory contains residential, business, and community contact listings along with essential information on living in Broome.

BACKGROUND

This request for tender specifies the requirements of the Shire of Broome for the compilation, production, printing and delivery of 9000 Shire of Broome Directories for an initial period of 12 months with an option to extend for a further 12 months at the discretion of the Shire of Broome.

The 2004 Shire Directory was produced by the Shire of Broome, however Council determined on 2 August 2004 that the Shire seek tenders for compilation and production of the 2005 Shire Directory. The reasoning behind this decision was the heavy reliance on staff resources, the Shire Directory was a 12 month project with intensive work for at least six months of the year and utilising up to ten staff ranging from the creditor clerks to customer service staff.

Council agreed to tender out the Shire Directory. Following receipt of tenders, an item went before Council on 8 October whereby Council requested the tender process be revisited, requesting additional criteria including monetary contribution to Council, conforming to Council’s recycling policy and considered weighting to local community groups and business.

Tenders were readvertised and received and following the meeting of the panel consisting of Councillors and CEO, a report was presented to Council on 6 December 2004 whereby the Council awarded the co-ordination and publishing of the 2005 Shire Directory to the Broome Telecentre.

The Telecentre requested Council undertake the option to extend the contract for a further twelve months at the discretion of the Shire of Broome to produce the 2006 Shire Directory.

At its 20 May 2005 meeting Council agreed to extend the tender to the Broome Telecentre. The Shire specified some 25 improvements to be included in the 2006 Directory. the 2006 Directory was published in March 2006 with a website also available to search electronically.
COMMENT

It is essential to get the tender process underway as quickly as possible to enable the successful tenderer to commence work on the 2007 Shire Directory to allow for contacting businesses and community members during the dry season when the majority are in town.

A draft tender document has been produced, for a panel to discuss criteria and weightings and finalise. Tenders need to be open for 14 days. Given the regional nature of Broome, it has become acceptable to advertise tenders in a Wednesday edition of The West Australian, and in the Thursday edition of the Broome Advertiser. Given the specifications of the tender it is suggested the closing date be three weeks from publication of the advertisement in The West Australian.

The requirements of the Tender will include but are not limited to the following at the cost of the successful tenderer:

Sourcing compilation and inclusion of:

i. Street directory, maps, tide chart, 2007 Calendar and Town Bus Timetable, Staircase to the moon dates, and Important Numbers;

ii. Residential, business, community services, and government contact listings;

iii. Arts organisations & galleries, major festivals & events, business & industry organisations, child & youth services, communication & media listings;

iv. Disability services, education, government, political information and health listings;

v. Legal services, religious organisations, sports and leisure services, major Aboriginal communities, Shire service land Councillor listings;

vi. Tourism, fishing, Surf Lifesaving information;

vii. Cyclone information, severity table & map, Fire Services of WA; Broome Volunteer Sea Rescue, St John Ambulance, Customs & Quarantine information;

viii. Department of Conservation & Land Management, Department of Agriculture in Broome, Water Corporation, Environs Kimberley, Kimberley Land Council, Rubibi Land Heritage & Development Group, Minyirr Park and Roebuck Bay; and

ix. Indexes for each section of the Directory.

The Tenderer is also to:

i. Sell, market and design advertising within the 2007 Shire of Broome Directory;

ii. Source and include photographs;

iii. Design and print the Directory to a quality and standard acceptable to the Shire of Broome;

President:  Date:  .
iv. Proofread the publication;

v. Negotiate, organise and pay for delivery of directories to Broome Post Office, the Shire of Broome and holiday accommodation;

vi. handle any enquiries and/or complaints connected to the 2007 Shire Directory leading up to, during and 12 months following its publication;

vii. Glue and stitch the Shire Directory;

viii. Provide the Shire of Broome with a licensing fee.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government (Functions & General) regulations 1996

POLICY IMPLICATIONS

Environmentally Preferred Products Policy 7.3
Local Price Preference Policy

FINANCIAL IMPLICATIONS

Compilation, production, printing and delivery of the 2007 Shire Directory will not be at any financial cost to the Shire of Broome.

The Shire Directory Tender will request payment to be determined by the Tenderer as a License fee for the production of the 2007 Shire of Broome Directory.

STRATEGIC IMPLICATIONS

1. Social

   Shire of Broome Strategic Action Plan 2004-2009
   4.1 Review the future of the Shire Directory

2. Environmental

   The Tender will specify the 2007 Shire Directories to be recyclable

3. Economic

   A fee will be forthcoming from the successful Tenderer

VOTING REQUIREMENTS

Simple Majority

President: ................................................................. Date: .........................
REPORT RECOMMENDATION

1. That a Shire Directory Panel comprising of two Councillors, the CEO and the Media & Promotions Officer be formed to approve the proposed tender process, tender document including criteria and recommend the preferred Tenderer.

2. That Cr A C Griffiths and Cr G T Campbell be appointed to the Shire Directory Panel.

3. That the Tender be advertised for a 4 week period within The West Australian and the Broome Advertiser.

4. That the panel’s recommended Tenderer be presented to Council for consideration.

COUNCIL RESOLUTION

Moved: Cr E R M Foy Seconded: Cr C M Maher

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

Attachment: Confidential-Under Separate Cover
9.2

COMMUNITY DEVELOPMENT SERVICES

OUTCOME

To facilitate the social wellbeing and development of the community.

President: .................................................. Date: .............................
With regard to Item No. 9.2.1 Cr P D Matsumoto disclosed that “I have had an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly”.

With regard to Item No. 9.2.1 Cr E R M Foy disclosed that “I have had an association with David Dureau as my partner. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly”.

### 9.2.1 CABLE BEACH MOTOR VEHICLE MANAGEMENT ADVISORY COMMITTEE MEMBERSHIP

<table>
<thead>
<tr>
<th>LOCATION/ADDRESS:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICANT:</td>
<td>N/A</td>
</tr>
<tr>
<td>FILE:</td>
<td>CDE 36/CTE46</td>
</tr>
<tr>
<td>AUTHOR:</td>
<td>Director Community Services</td>
</tr>
<tr>
<td>CONTRIBUTOR/S:</td>
<td></td>
</tr>
<tr>
<td>RESPONSIBLE OFFICER:</td>
<td>Director Community Services</td>
</tr>
<tr>
<td>DISCLOSURE OF ANY INTEREST:</td>
<td>Nil</td>
</tr>
<tr>
<td>DATE OF REPORT:</td>
<td>24 May 2006</td>
</tr>
</tbody>
</table>

**SUMMARY:** At the 11 May 2006 Ordinary Council Meeting the Shire resolved the community membership for the Cable Beach Motor Vehicle Management Advisory Committee. One nomination for membership was omitted from the list of nominations. The report is submitted for reconsideration.

### BACKGROUND

At the Ordinary Council Meeting held on 11 May 2006 the Council resolved the following:

1. David Pentelow and Russell Dawson represent the general community on Cable Beach Motor Vehicle Management Advisory Committee.

2. The Department of Planning and Infrastructure be a member of the Cable Beach Motor Vehicle Management Advisory Committee and be added to the list of members in the Terms of Reference.

3. The Department of Planning and Infrastructure be represented on the Cable Beach Motor Vehicle Management Advisory Committee by Peter Biber, with Peter Westgate as proxy.

4. The Council notes the representatives from organisations invited to be members as follows:
   - Australia’s Northwest Tourism: Mike Dunnett
   - Environments Kimberley: Maria Mann, with proxy Francesca Guzzetta
   - Broome Port Authority: Jim Ahearn
   - Police Department: Inspector Paul La Spina

Nominations submitted to the May Ordinary Council Meeting omitted one nomination for community representation which had been received prior to the close for nominations. This nomination was from Mrs Lyn Quince. Mrs Quince has now been added to the list of nominations.

President: .................................................. Date: .................................
COMMENT

To reconsider the community representation to the Committee it is recommended that the Council revoke Part 1 of the above resolution and reconsider the community membership to the Committee. Should the Council revoke Part 1 of the resolution, 3 Councillors are required to support the motion.

All nominations submitted are attached.

The following provides the full list of nominations including that of Mrs Quince.

<table>
<thead>
<tr>
<th>Name</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Mrs) Lyn Quince</td>
<td>Is a regular user of the beach. Currently a member of the Broome Cemetery Advisory Committee. “I have been a resident of Broome for the past three years and am employed as Library Manager at the University of Notre Dame Australia, Broome Campus and am also a Civil Marriage Celebrant. This gives me contact with a large network of people who express to me their feelings on this emotive issue. I believe I would bring to the Committee an open-minded view and be able to give a holistic representation of the community.”</td>
</tr>
<tr>
<td>Sharon Booth</td>
<td>“I have a genuine interest in the preservation, management and sustainability of Cable Beach. With the increase of visitors to Broome each year and more permanent residencies, I believe it’s absolutely paramount this issue be resolved as soon as possible, or at least find a way to manage the future sustainability of this unique coastal front that Broome is famous for.”</td>
</tr>
<tr>
<td>Paula Thompson</td>
<td>Has worked in Broome as a teacher for many years. “I am a frequent user of the local and surrounding beaches and feel there are issues that need to be addressed if we are to preserve our natural environment and keep safety to a minimum while at the same time allowing access to enjoy what everyone comes to Broome for, our beautiful beaches.”</td>
</tr>
<tr>
<td>David Pentelow</td>
<td>Has lived in Broome for over 20 years and is a daily user of the beach. “An effective community consultative process is an integral part of the Terms of Reference and will be critical to the credibility and effectiveness of the Cable Beach Motor Vehicle Management Plan. I have the professional skills and experience to effectively work with the Committee in the consultative process.” Was a joint consultant on the Waterbank Structure Plan.</td>
</tr>
<tr>
<td>Dave Dureau</td>
<td>“I have throughout my 36 years in Broome actively been associated with the beach and its current and future use planning and protection.” “I am a founding member of the Broome Botanical Society whose members were the major contributors to the definitive book on combining indigenous occupation, the historical white settlement, the botanical plants and the botanists involved in recording them in Broome and Beyond 1994.”</td>
</tr>
</tbody>
</table>
| Russell Dawson     | Resident and regular visitor over many years. Has been involved in marine sports, Marine Park policy development, and commercial...
recreational fishery strategies. Was fishing and boating freelance correspondent. Issues included vehicular beach access in Bunbury and the Keep Our Coast Open campaign.

“I have extensive experience as a Community representative and correspondent dealing with matters of coastal access, resources management and resource sharing. This equips me with a sound background knowledge of the processes involved in the development of Management Plan and it’s associated complexities.”

CONSULTATION

The intention of establishing the Advisory Committee is to engage the Community in providing input into decision-making processes concerning motor vehicles on Cable Beach.

STATUTORY ENVIRONMENT

WA Local Government Act 1995
Road and Traffic Act 1974
Shire of Broome Local Government Property and Public Places Local Law 2003
Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003
Aboriginal Heritage Act 1975
Dog Act 1976
Municipality of the Shire of Broome local Laws Relating to the Control of Dogs
Control of Vehicles (Off Road Areas) Act 1978
Litter Act 1979

POLICY IMPLICATIONS

There is currently no policy for driving of motor vehicles on Cable Beach. Areas for driving vehicles on Cable Beach are gazetted under the Control of Vehicles (Off-road Vehicles) Act 1978.

FINANCIAL IMPLICATIONS

There is an allocation in this year’s budget to resource the committee of $20,000. This was the subject of a budget review early this year. This is not likely to be allocated this financial year and a budget adjustment will be recorded in the monthly financial activity report. An allocation of $30,000 will be proposed for next year’s budget ($10,000 for facilitation and $20,000 for consultancy works).

STRATEGIC IMPLICATIONS

1. Social

   The Shire’s Strategic Action Plan identifies the following Action:
   b. Complete Vehicle Management Plan

   The Council has identified the need to consider social impacts of driving vehicles on Cable Beach.
2. **Environmental**

   The Council has identified the need to consider environmental impacts of driving vehicles on Cable Beach.

3. **Economic**

   The Terms of Reference recommends that economic impacts also be assessed.

**VOTING REQUIREMENTS**

Absolute Majority
SUPPORT TO REVOKE MOTION

Councillors ……………….(name), ………………… (name) and ………………..(name) support a motion to revoke Part One (1) of the resolution of Agenda Item 9.2.1 of the 11 May 2006 Ordinary Council Meeting with the reason being that one nomination for community representation was omitted from the Agenda Item.

REVOCATION MOTION

That the resolution “David Pentelow and Russell Dawson represent the general community on Cable Beach Motor Vehicle Management Advisory Committee” be revoked.

SUPPORT TO REVOKE

Councillors Cr A C Griffiths, Cr V L Wevers and Cr C M Maher support a motion to revoke Part One (1) of the resolution of Agenda Item 9.2.1 of the 11 May 2006 Ordinary Council Meeting with the reason being that one nomination for community representation was omitted from the Agenda Item.

REVOKATION MOTION

Moved:  Cr A C Griffiths  Seconded:  Cr V L Wevers

That the resolution “David Pentelow and Russell Dawson represent the general community on Cable Beach Motor Vehicle Management Advisory Committee” be revoked

Moved:  Cr V L Wevers  Seconded:  Cr A C Griffiths

That the item be considered behind closed doors.

FOR: 6
AGAINST: 1
CARRIED

COUNCIL RESOLUTION

Moved:  Cr A C Griffiths  Seconded:  Cr V L Wevers

That following reconsideration of community representation David Pentelow and Russell Dawson be the representatives of the general community on the Cable Beach Motor Vehicle Management Advisory Committee.
**AMENDMENT TO MOTION**

Moved: Cr E R M Foy  
Seconded: Cr P D Matsumoto

That Lyn Quincey and David Pentelow be the community representatives on the Cable Beach Motor Vehicle Management Advisory Committee.

<table>
<thead>
<tr>
<th>AMENDMENT PUT</th>
<th>FOR: 2</th>
<th>AGAINST: 5</th>
</tr>
</thead>
<tbody>
<tr>
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Moved: Cr V L Wevers  
Seconded: Cr A C Griffiths

That the meeting be reopened to the public.

**CARRIED UNANIMOUSLY**
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 - MOTOR VEHICLE REPAIRS WORKSHOP - LOT 2707 (NO.1) MAVIS ROAD, DJUGUN

LOCATION/ADDRESS: Lot 2707 (No.1) Mavis Road, Djugun
APPLICANT: Shaun Reed
FILE: MAV-1/1
AUTHOR: Chris Sayer
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 17 May 2006

SUMMARY: This report discusses an application for planning approval for an extension to an existing workshop for the purpose of motor vehicle repairs and hire. The application includes a variation to the landscaping requirements for such a development under TPS4. This report recommends relaxation and approval with conditions.

BACKGROUND

Site and surrounds

Lot 2707 (No.1) is located on the corner of Mavis Road and Tanami Drive and is the second lot on the left hand side at the entry to the ‘Blue Haze Light Industrial Estate’ (see attachment). The site presently contains a workshop and a caretaker’s dwelling, both of which have been previously granted planning approval.

The original buildings were developed in 1995. The Shire records indicate that there are two outstanding compliance issues: an unapproved crossover and unapproved gate opening, both to Tanami Drive. These issues are able to be addressed in the context of this present proposal.

Description of the proposal

The proposal is to construct a second workshop of approximately 221m², abutting the existing workshop, for the use of ‘Motor Vehicle Repairs’. The proposed workshop will be similar to the existing workshop, in that it will contain room for three service bays. It will also include a proposed disabled toilet and washroom. The application proposes to develop 14 car parking bays to be accessed via a crossover from Mavis Road. Landscaping is also proposed both internal to the site and within the verge area (see attachment).

Further, the application states on the site plan that the existing caretaker’s dwelling is to be removed. There is no plan to build another caretaker’s dwelling.

In relation to the outstanding compliance issues, the applicant has indicated that he doesn’t intend to use the entrance to the site at Tanami Drive and that the kerbing will be reinstated and the gate locked permanently.

Planning provisions

The land is zoned ‘Service and Light Industry’ under TPS4. The use of ‘Motor Vehicle Repairs’ is a permitted use in this zone. The application requires planning approval in accordance with TPS4. In addition, the application is proposing a variation to the
requirements of TPS4 specifically Clause 4.19.2.3. This Clause requires that landscaping shall be provided and maintained abutting the boundary of all street frontages to a minimum depth of 3m from the boundary.

Council Car Parking Policy requires one car bay per 30m² of sales/customer service area and office space, plus two car bays per service bay.

**COMMENT**

**Landscaping**

The plans of the proposal show that the landscaping along the length of the front boundary will not meet the required 3m width due to the proposed location of the parking. However, the applicant has proposed to place landscaping within the verge area. This proposal is seen as an acceptable approach to increasing the visual amenity of the area whilst allowing more space within the site for the provision of parking and vehicle turnaround areas. Should Council approve this application it is recommended that a detailed landscaping plan for both the site and the adjacent verge area, be submitted for approval and that the landscaping be maintained to the satisfaction of the Shire and in accordance with the approved plans.

**Parking**

The application proposes 14 car parking bays including one disabled bay. The required number of bays for the overall development on the site is 13 bays.

**Conditions in relation to compliance issues**

If approved, it is recommended that a condition should be included on the approval to limit access to the site from Mavis Road, and to ensure that the kerbing within Tanami Drive is reinstated.

**Summary**

It is considered that the proposed development is appropriate to the site and its location.

It is considered that the landscaping within the verge will present the development well to the street. The proposed use of Motor Vehicle Repairs is a permitted use on the lot.

The application is recommended for approval with appropriate conditions. This includes conditions relating to landscaping and the ongoing maintenance of the adjacent verge area.

**CONSULTATION**

The proposal was not required to be advertised.

**STATUTORY ENVIRONMENT**

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

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

A. That Council exercises its discretion under Clause 4.19.2.3 of Town Planning Scheme No.4 to vary the requirement for landscaping within the frontage of Lot 2707 (No.1) Mavis Road, Djugun, provided appropriate landscaping is developed in the adjacent road reserve.

B. That application for planning approval (2006/81) for an extension to an existing workshop for the use of Motor Vehicle Repairs at Lot 2707 (No.1) Mavis Road, Djugun be approved subject to the following conditions:

1. Development must be carried out in accordance with the plans dated 5 May 2006 which were submitted with the application, and endorsed by the Shire.
2. Prior to any construction or works starting on-site, a Landscaping Plan must be submitted to and approved by the Shire. For the purpose of this condition, a detailed Landscaping Plan must be drawn to an appropriate scale and show the following:
   a) The location and type of proposed trees and shrubs.
   b) Any lawns to be established.
   c) Those areas to be reticulated or irrigated.
3. Landscaping of the site must be in accordance with the approved Landscaping Plan and must be completed prior to occupation of the development and then maintained to the satisfaction of the Shire.
4. Landscaping of the road verge adjacent to the site must be in accordance with plans approved by the Shire and must be completed prior to occupation of the development and then maintained to the satisfaction of the Shire.
5. 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.
6. The proponent must at their own cost, remove all or part of the landscaping within the road verge within 14 days of a written request from the Shire.
7. The new vehicular crossovers at Mavis Road must be designed and constructed (sealed, brick paving, bitumen, concrete) to the Shire’s standard crossover specification.
8. Access to the site must be from Mavis Road only, to the satisfaction of the Shire.
9. The kerb at Tanami Drive must be reinstated prior to the granting of Building Licence for the workshop, to the Shire’s standard specification.
10. Prior to occupation of the development, areas set aside for parked vehicles and access lanes, as shown on the approved plans, must be:
   a) Paved to the satisfaction of the Shire.
   b) Properly formed to appropriate levels.
   c) Drained and maintained to the satisfaction of the Shire.
   d) Line-marked or delineated 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.
   e) Be kept available for these purposes at all times.
11. All required parking bays being line marked and signed in accordance with the Traffic Code WA 2001 and AS 2890 (off street parking) except standard bay sizes to be 2.7m x 5.5m and disabled bays to be 3.2m x 5.5m.

12. 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.

13. Drainage and any filling of the site must be carried out in accordance with the approved Drainage Plan and then maintained to the satisfaction of the Shire.

COUNCIL RESOLUTION

Moved: Cr E R M Foy  
Seconded: Cr A K Grosse

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY
9.3.2 PROPOSED TEMPORARY CONTRACTOR'S CAMP – USE NOT LISTED – LOT 9021 GUBINGE ROAD, DJUGUN

LOCATION/ADDRESS: Lot 9021, Stage 11 Roebuck Estate, Gubinge Road
APPLICANT: Main Roads WA on behalf of Roebuck Estate Development Pty Ltd
FILE: JIG-1/L9021
AUTHOR: Alison Rumley
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 16 May 2006

SUMMARY: This report considers the establishment of a temporary contractor’s camp at the corner of Gubinge Road and Jigal Drive, Djugun, which will be operational from July 2006 until December 2006 for the duration of the construction period of Gubinge Road.

The proposal has been publicly advertised and no opposing submissions have been received. It is recommended that Council conditionally approve the temporary contractor’s camp.

BACKGROUND

Site and Surrounds

The site is located on the corner of Gubinge Road and Jigal Drive, Djugun, in the far north-western corner of Roebuck Estate.

The land is vacant and predominantly cleared of vegetation in the southern and western portions of the site.

An existing earth bank or bund is situated on the western portion of the site, adjacent to Jigal Drive.

Planning History of Site

The site forms one of the final stages of Roebuck Estate, being Stage 11, however no lots have been formally created.

The extension of Gubinge Road has been planned for a long time and is incorporated into the Planning Scheme. It was also acknowledged in the Report of the Broome Planning Steering Committee, December 2005, which noted the importance and urgency of this project in linking Broome Road to the Port.

Description of the Proposal

The applicant proposes to establish a temporary contractor’s camp at the corner of Gubinge Road and Jigal Drive (Roebuck Estate Stage 11) in order to provide adequate storage area for vehicles and plant equipment and accommodate the contractor’s personnel for the duration of the construction period, from July 2006 until December 2006.
The camp would consist of six accommodation units, two ablution blocks, one meals/kitchen block and two office blocks to the rear (southern portion) of the site and plant parking and storage areas to the front (northern portion) of the site.

It is proposed to locate the camp within the existing cleared area, with no further clearing required. The camp site would be screened from the adjacent residential area of Roebuck Estate, which is approximately 300 metres to the east, by trees and scrub and to Jigal Drive by the existing earth bank immediately to the west of the site.

Main Roads WA has advised that the camp will be managed in accordance with the Construction Contract Guidelines (Number 350/05), which would control the behaviour of the Contractor’s staff and vehicle noise associated with the operation of the camp. Under the Contract, the hours of work are permitted between 6:30am and 5:30pm, which will be strictly controlled to limit noise from starting engines and the movement of construction machinery. A summary of the Contract Guidelines and a copy of the relevant specifications are provided as attachments.

Access to the camp is via a temporary access road off Gubinge Road.

Planning Provisions

The subject site is zoned ‘Development Zone’ and the land within which the proposed Broome Highway realignment/Gubinge Road extension would be located is zoned ‘Highways and Major Roads’ under the TPS 4.

The proposed temporary contractor’s camp is a ‘use not listed’ in TPS 4. In accordance with Clauses 4.3.2(b) and 4.3.3 of TPS 4, the Council may consider the use if it is consistent with the objectives and purpose of the zone in which it is proposed. The Council may subsequently permit the use, provided it is advertised in accordance with Clause 9.4 of TPS 4, prior to final consideration and determination of the application.

COMMENT

The proposed temporary contractor’s camp was advertised for public comment on 4 May 2006, with submissions closing on 19 May 2006. During this period, no submissions were received.

It is considered that the temporary contractor’s camp is a vital component of the overall construction process for the Gubinge Road extension due to its close proximity to the construction site and the difficulty in accommodating the required personnel elsewhere within the Broome Townsite.

It is recommended that Council approve the temporary contractor's camp, as advertised.

CONSULTATION

Consultation was carried out in accordance with Clause 9.4 of TPS 4.

STATUTORY ENVIRONMENT

Town Planning Scheme No.4
POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil. Works to be undertaken by Main Road WA.

STRATEGIC IMPLICATIONS

1. Social

Ensure sustainable, orderly and proper Town Planning

Provide and improve essential services to meet the changing and increasing needs of the community.

2. Environmental

Nil

3. Economic

Nil

VOTING REQUIREMENTS

Simple Majority
REPORT RECOMMENDATION

That Council approves application for planning approval 2006/74 to establish a temporary contractor’s camp at Lot 9021 Jigal Drive, Djugun, subject to the following conditions:

1. Development must be carried out strictly in accordance with the plans stamped received dated 11 May 2006 submitted with the application as approved by the Shire.

2. The applicant must comply with the provisions of the Construction Camp Regulations at all times.

3. The temporary contractor’s camp must be operated at all times in accordance with the Construction Camp Guidelines (Number 350/05) to the satisfaction of the Shire.

4. The development the subject of this approval is to cease operation on 31 December 2006, when the approval will lapse and be of no further effect unless further approval of the Council is obtained before that time.

COUNCIL RESOLUTION

Moved: Cr A C Griffiths  Seconded: Cr A K Grosse

That the Report Recommendation be adopted.

FOR: 6
AGAINST: 1
CARRIED

Attachment: 1 page
9.3.3 PROPOSED SCHEME AMENDMENT NO. 30 - TOWN PLANNING SCHEME NO.4

LOCATION/ADDRESS: Lots 40 and 41 (Dampier Location 4) McGuigan Road, Waterbank

APPLICANT: M Higgins

FILE: TPS-4/30 and MCG-1/LT 40

AUTHOR: Alison Rumley

CONTRIBUTOR/S: Nil

RESPONSIBLE OFFICER: Director Development Services

DISCLOSURE OF ANY INTEREST: Nil

DATE OF REPORT: 8 May 2006

SUMMARY: Proposed Scheme Amendment 30 to Town Planning Scheme No. 4, which includes the rezoning of two freehold lots at Waterbank, is referred to Council for resolution to amend the Scheme.

The proposed rezoning has been publicly advertised, no opposing submissions have been received and is recommended for final adoption.

BACKGROUND

Council last considered this matter at its Ordinary Meeting of 22 December 2005 (refer Item 9.3.4). At that meeting, Council resolved the following:

1. Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), amends Town Planning Scheme No. 4 by:
   - Rezoning land at Lots 40 and 41 McGuigan Road, Waterbank (Dampier Location 4) from ‘Coastal Park’ Reserve to ‘Rural Living’ Zone.
   - Amending Clause 4.23.3.5 of the Scheme Text to include reference to Lots 40 and 41 McGuigan Road, Waterbank (Dampier Location 4), as being part of the Coconut Well precinct, to restrict subdivision below four (4) hectares.

2. Exempts the proposal from usual fees associated with the processing of amendments to the Town Planning Scheme because the previous resolution of Council to rezone the land had not been acted on.

Site and Surrounds

Dampier Location 4 has an area of 4.015 hectares, and is made up of two lots, being Lot 40 at 3.1545 hectares and Lot 41 at 0.8965 hectares.

The property contains a single dwelling and is otherwise used for small-scale farming – market garden and orchard.

COMMENT

The proposed Scheme Amendment was advertised for public comment on 9 February 2006, with submissions closing on 23 March 2006. During this period, no submissions were received.
The previous report to Council highlighted that there are no other zones in proximity to the site which would be more appropriate, and the Rural Living Zone matches the existing use of the land for small-scale farming and residential purposes.

The adjacent Coconut Well precinct is zoned Rural Living. Lot sizes within this precinct generally range between 4 and 20 hectares and are mostly used for small farms and rural residential purposes, but include some low intensity tourist developments such as Bed and Breakfast accommodation.

It is recommended that Council adopt the Amendment for final approval (Amendment documentation attached).

CONSULTATION

Consultation has been carried out in line with the relevant provisions of the Town Planning Regulations 1967, which requires Council to notify all service authorities and to publicly advertise the proposal for 42 days.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Regulations 1967

Rezoning Process

All service agencies are contacted to provide comments on aspects of the proposed Scheme Amendment which may affect them or their interests.

The proposal is also forwarded to the Department for Planning and Infrastructure (DPI) for comment. If the service agencies and the DPI do not raise any objections the proposal can be advertised for public comment.

The proposed Scheme Amendment is required to be advertised for 42 days by way of a notice in a local newspaper. Any objections received during the advertising period are to be considered by Council and if the rezoning is supported, all associated submissions are to be forwarded to the DPI. The Minister for Planning and Infrastructure makes the final decision on whether or not the rezoning takes place.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The landowners of the subject lots are exempted from paying the usual fees associated with the processing of amendments to the Town Planning Scheme, as the previous resolution of Council to rezone the land had not been acted on. The amendment process in this instance will be at full cost to Council.

The cost to Council so far, nevertheless, has been minor and confined to advertising, postage and staff time.
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, pursuant to Section 75 of the Planning and Development Act 2005, amends Town Planning Scheme No. 4 by:

1. Rezoning land at Lots 40 and 41 McGuigan Road, Waterbank (Dampier Location 4) from ‘Coastal Park’ Reserve to ‘Rural Living’ Zone.

2. Amending Clause 4.23.3.5 of the Scheme Text to include reference to Lots 40 and 41 McGuigan Road, Waterbank (Dampier Location 4), as being part of the Coconut Well precinct, to restrict subdivision below four (4) hectares.

COUNCIL RESOLUTION

Moved: Cr A K Grosse     Seconded: Cr A C Griffiths

That the Report Recommendation be adopted.

FOR: 6
AGAINST: 1
CARRIED

Attachments: 8 pages
9.3.5 APPLICATION FOR PLANNING APPROVAL - PROPOSED NINE (9) TWO STOREY GROUP DWELLINGS AT LOT 9021 SPOONBILL AVENUE, DJUGUN

LOCATION/ADDRESS: Lot 9021 Spoonbill Avenue, Djugun
APPLICANT: Roebuck Estate Development Pty. Ltd.
FILE: JIG-1/LT 9021
AUTHOR: Simon Lenton
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 5 May 2006

SUMMARY: An application for planning approval has been received for nine (9) two storey grouped dwellings on lot 9021 Spoonbill Avenue, Djugun.

This report presents the planning background to the above proposal, for Council’s determination.

This report recommends conditional approval.

BACKGROUND

Site and Surrounds

This development proposal is spread over two separate locations. The first location is 2130m² in area and is located next to the Roebuck Store and across the road from Roebuck Primary School. The second location is 1155m² in area and is located on the corner of Sanderling Drive and Spoonbill Avenue (see attachment).

Existing Conditions

Both of the development sites are currently undeveloped vacant land.

History of the Site

The proposal forms part of the Broome Airport Local Area Structure Plan; designated for grouped dwellings for the purpose of providing work / live opportunities. At the Ordinary Council Meeting of 23 March 2004, Council determined an application for “Progress Report for the Local Area Structure Plan for the Airport and Proposed Subdivision Applications for Roebuck Estate Stage 12 and the Village Centre”. As part of the Village Centre, the work/live sites were identified as being of concern due to potential parking problems they may generate. As a result of the concerns voiced in regards to the Village Centre and the work/live component, the applicant held presentations with Councillors in regards to the proposed subdivision and Village Centre. This resulted in minor amendments to the design of the Village Centre.

In December 2005 the applicant provided Council with a report for the “Proposed Amendment to Shire of Broome TPS 4.” The report detailed the proposed location of the work/live accommodation and its role in the Village Centre. This report formed part of a Council report that was presented to Council at the Ordinary Council Meeting of 22 December 2005 where Council determined to support an amendment to the Scheme.

President: …………………………………………………………………………………………………………, Date: ……………………..
At the Ordinary Council meeting of 11 May 2006 Council determined to adopt Scheme Amendment 32, which identified the subject lot for the purposes of work/live housing as part of the Roebuck Estate Village Centre.

Description of the Proposal

Buildings

This application proposes the following development:

- Nine two storey, two bedroom dwellings, six to be built on land on Sanderling Drive, directly opposite the primary school, and three on the corner of Spoonbill Avenue;
- Each dwelling has an area on the ground floor for the future use of “Home Business”. This area includes an office, a reception, tea preparation area and an open-plan room to cater for possible future expansion of the home business use. Each of the Home Business areas has access to both the front and the rear of the lot to access client/visitor parking.
- Minimum lot area of between 338m² and 474m², with maximum site coverage of 45%, and minimum setback to the street of 4m.
- Each dwelling has three onsite car-parking bays; two for the resident and one for the home business. The on site parking bays are located at the rear of the lots which are accessed via a right of way.
- There are additional car parking bays in the verge area in front of the dwellings for the use of the home businesses. The parking is in a parallel parking arrangement.

Construction of Indented Parking Bays

The plans show the construction of nine parking bays within the road reserve. Six of the bays are on Spoonbill Avenue and three are on Sanderling Drive.

Planning Provisions

Zoning

Both of the proposed development sites are included as part of the ‘Development Zone’ under the provisions of TPS 4.

In line with the provisions of Amendment 32 to the Town Planning Scheme, both parcels would be included in a Special Use Zone with an R Coding of 30. This Coding requires: a minimum site area of 270m²; maximum site coverage of 55%, and minimum front setbacks of 4m.

Car Parking

Clause 3.5.1 A1 (ii) of the R Codes requires each of the nine grouped dwellings to have a minimum of 2 car-parking bays for the exclusive use of the resident of each dwelling.

Local Planning Policy 4.1.8 – Car parking, also requires the provision of an additional bay per dwelling for the home occupation/business.

President: ………………………………………………………………………………………………………….. Date: ………………………
COMMENT

The development meets all the relevant planning scheme and Residential Design Codes provisions relating to onsite car parking, building height and building design, and is in line with the provisions proposed as part of Scheme Amendment 32.

Parking in the Road Reserves

The applicant has requested approval to provide additional parking bays within the road reserves on Sanderling Drive and Spoonbill Avenue. It is recommended that Council support the parking in the road reserves as it is considered to be consistent with the principles of the live/work land use on the adjacent lots. It is also considered that verge parking is appropriate in these locations due to the retail, child-care facility and primary school land uses on the adjacent lots.

It is recommended that Council authorise the applicant to construct the requested nine car parking bays within the road reserve to the Shire’s specifications and standards.

Summary

It is recommended that the proposal be approved, subject to appropriate conditions, as well as to authorise the construction of indented parking areas within Sanderling Drive and Spoonbill Avenue.

CONSULTATION

No formal consultation was required for this application.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This application has financial implications at it proposes development within the road reserve.

STRATEGIC IMPLICATIONS

1. Social
   Sustainable orderly and proper town planning

2. Environmental
   Nil

President: .............................................................. Date: .........................
3. Economic

Encourage orderly economic and employment growth

VOTING REQUIREMENTS

Simple Majority
REPORT RECOMMENDATION

That Council,

A. Approve application for planning approval 2006/26, for nine (9) grouped dwellings for home business at Lot 9021 Spoonbill Avenue, Djugun, subject to the following conditions:

1. Development must be carried out in accordance with the plans dated 26 April 2006, which were submitted with the application, and endorsed by the Shire.
2. All vehicle crossovers must be designed and constructed (sealed, brick paving, bitumen, concrete) to the Shire's standard crossover specification.
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) Be kept available for these purposes at all times.
4. 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 storm-water runoff is disposed of to a legal discharge point and should accord with the principles of water sensitive design.
5. Prior to any construction or works starting in the verge area, a Landscaping Plan must be submitted to and approved by the Shire. For the purpose of this condition, a detailed Landscaping Plan must be drawn to an appropriate scale and show the following:
   a) The location and type of proposed trees and shrubs.
   b) Lawns to be established.
   c) Those areas to be reticulated or irrigated.
6. The dwellings not being used for the use of home business prior to the finalisation of Scheme Amendment 32 to Town Planning Scheme No.4.

B. Authorizes the construction of indented car parking bays within the Sanderling Drive and Spoonbill Avenue road reserves in accordance with the plans lodged with the application for planning approval 2006/26 and to specifications that are to be approved by the Shire, and include provisions for appropriate drainage, footpath construction, landscaping and lighting.

COUNCIL RESOLUTION

Moved: Cr A K Grosse Seconded: Cr A C Griffiths

That the Report Recommendation be adopted.

FOR: 6
AGAINST: 1
CARRIED

Attachment: 10 pages
9.3.6 REFUSE AND RECYCLING COLLECTION CONTRACTS COMMENCING 1 JULY 2007

LOCATION/ADDRESS: Shire of Broome
APPLICANT: N/A
FILE: ENH13.3, ENH14.3
AUTHOR: Manager Health Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 1 May 2006

SUMMARY: A report recommending that the Shire invites tenders for the refuse and recycling collection contracts for a further five years, Harold C McKenzie be appointed to prepare the necessary tender documentation, assess the tenders submitted, recommend to Council the successful tenderer and to provide $6,200.00 in the 2006/2007 Budget to engage the consultant.

There is also a recommendation to endorse selection criteria to select a preferred tenderer.

BACKGROUND

The contract for the collection of refuse and recyclables expires 30 June 2007 and the Local Government Act requires that a local government invite tenders before it enters into a new contract.

The previous tender documentation was prepared by a consultant recommended by WALGA, The same consultant also prepared the Shire Waste Management Strategy and refuse site Operational Plan.

Operationally the contracts have worked well and the anomalies in the previous contract to 2002 were removed to provide a much fairer outcome for the Shire.

Because the Shire implemented a comprehensive kerbside recycling scheme for the first time there have some minor items that required addressing by private negotiation with the contractor.

The issues concerned have revolved around the commercial side of recycling through the use of skip bins, collections within caravan parks and the method of calculating CPI increases. Staff have listed these to be addressed in any new contract.

Also the Local Government Functions and General Regulations 1996 require the local government to determine in writing the criteria for deciding which tender should be accepted. This can be done either by a separate resolution of Council or by, prior to going to tender, presenting to Council for endorsement the tender documentation with selection criteria included.

It was intended to use the documentation from the previous contracts and simply incorporate the necessary changes however, with the advent of the WALGA Purchasing and Tender Guide the documentation will require reconfiguring to conform to this format.
A quote of $6,820.00 inc. GST ($3,410.00 each for the refuse collection and the recycling collection) to prepare the new tender documentation has been provided by Harold C McKenzie the consultant used by the Shire in the past. The quote also includes the cost of assessing the tenders, preparing a report for each contract with a recommendation to Council on the successful tenderer and conducting the compulsory briefing session that prospective tenderers will be required to attend for their tender to be accepted.

The quote is based on the assessment of three tenders and the briefing session being held in Broome. If there is a lesser number of tenders received and the briefing session is held in Perth the cost will be substantially reduced.

**COMMENT**

The work done in the past has been of a high quality and produced good results therefore it is recommended that the quote from Harold C McKenzie be accepted and that he be requested to again to prepare the tender documentation.

Staff would like to progress this process as soon as possible with the aim of going to tender in August/September. However, to achieve this, work needs to commence this financial year if possible and as there is only $700.00 left in the budget this year a commitment from Council is sought to provide the remaining amount of $6,200.00 in the 2006/2007 budget.

Should Council agree to this, the proposed program for the process is as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
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<tbody>
<tr>
<td>Engage consultant</td>
<td>June 2006</td>
</tr>
<tr>
<td>Presentation of draft documentation to staff</td>
<td>30 June 2006</td>
</tr>
<tr>
<td>Staff comments back to consultant</td>
<td>14 July 2006</td>
</tr>
<tr>
<td>Final documentation ready for advertising</td>
<td>7 August 2006</td>
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<tr>
<td>Advertise</td>
<td>12 August 2006</td>
</tr>
<tr>
<td>Tender period closes</td>
<td>25 September 2006</td>
</tr>
<tr>
<td>Report from consultant on tenders</td>
<td>13 November 2006</td>
</tr>
<tr>
<td>Agenda item to Council with recommendations</td>
<td>21 December 2006</td>
</tr>
</tbody>
</table>

**Amendments to Existing Contracts**

Staff have identified the need for the following amendments to the current contracts:

- Rectification of the error in the current contract to enable the Annual CPI Contract Price Variations to be payable from 1 July annually & not 1 April.
- Simplification of the method of Calculation of CPI Increases.
- Formalisation of the arrangements with Caravan Parks for the collection of refuse and recyclables.
- Formalisation of the Skip Bin Recycling Service For Commercial Premises
- Removal of the clause requiring the provision of new bins for every premises to read that new bins are only required for new services.
- Requiring the provision of a back up Recycling Baler.
- Requiring the provision of 4WD Refuse Collection Trucks and for 2WD Collection Trucks to enable the Shire to assess both options.
- Explore the options for the collection of a wider range of items for recycling.

**Selection Criteria**

Staff have approached the consultant to provide a suggested selection criteria for Council to consider and this is attached.

President: .......................................................... Date: .........................
The documentation format is as set out in the WALGA Purchasing and Tender Guide with the percentages varying from one local government to another. The Consultant advises that local governments he has worked with have had Price Criteria percentages that have ranged between 60% and 80% with the Qualitative Criteria percentages spread evenly over the individual areas within those criteria.

Although staff have not suggested an amendment to the Consultant’s percentages Council may wish to reduce the percentage attached to price to 50% and increase the Relevant Experience Qualitative Criteria to 20%.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Provision of $6,200.00 be made in the 2006/2007 to engage Harold C McKenzie to prepare the tender documentation for the refuse and recycling collection contracts.

STRATEGIC IMPLICATIONS

1. Social
   Improved community facilities and services.

2. Environmental
   A reduction in waste to landfill.

3. Economic
   Nil

VOTING REQUIREMENTS

Simple Majority
REPORT RECOMMENDATION

That Council:

1. Engages Harold C McKenzie to prepare the tender documentation for the provision of the refuse and recycling collection services within the Shire of Broome, assess the tenders, prepare a report for each contract with a recommendation to Council on the successful tenderer and to conduct the compulsory briefing session for prospective tenderers.

2. Endorses the selection criteria attached to this report to determine the successful tenderer.

3. Calls tenders for the provision of the refuse and recycling collection services within the Shire of Broome, and

4. Commits to providing $6,200.00 in the 2006/2007 Budget to engage Harold C McKenzie to prepare the tender documentation.

COUNCIL RESOLUTION

Moved: Cr A C Griffiths    Seconded: Cr C M Maher

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

Attachment: 3 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 PAYMENT

REPORT RECOMMENDATION

That the accounts for payment for April 2006 as attached, covering municipal cheque vouchers 41848 to 42133 totalling $709,802.01 and EFT vouchers 2566 – 2616 totalling $552,736.91 and trust cheque vouchers 2408 – 2423 totalling $24,595.16 be passed for payment.

COUNCIL RESOLUTION

Moved: Cr A C Griffiths  
Seconded: Cr V L Wevers

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY
9.4.2 SUNDRY DEBTOR WRITE-OFFS

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: ADM12
AUTHOR: Credi tor Clerk
CONTRIBUTOR/S: Manager Finance Services
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 08 June 2006

SUMMARY: Consideration for the write-off of various sundry debtors deemed to be uncollectible.

BACKGROUND

Administrative procedures of collecting debts include the issuing of invoices, statements, final reminders and letter of intention to summons. It is important that aged debts are continually monitored and cleared if collection becomes doubtful, as this will maintain the integrity of Sundry Debtors as a current asset convertible to cash.

COMMENT

The following Debtors have been listed for consideration for write-off, given varying circumstances, where staff investigation has concluded that the chance of successful recovery of debts within a cost effective environment is remote.

1. Edward Offer - $16.00 – Tip fees for August 2004. We have been unable to trace debtor and amount involved makes it unviable to pursue further and therefore recommend that debt be written off.

2. Midge - $24.00 – Tip Fees for September 2005. We have been unable to trace debtor and amount involved makes it unviable to pursue further and therefore recommend that debt be written off.

3. Robert O’Brien - $278.52 – Reimbursement for cleaning maintenance and electricity costs relating to termination of staff rental property 29/17 Dora Street. We have been unable to locate debtor who is believed to be overseas and consider recovery unlikely. Therefore we recommend that debt be written off.

4. Shane Holden - $578.70 – Reimbursement for satellite phone usage whilst employed as cook for Cape Leveque Road bush camp. We are unable to locate debtor who is believed to be unemployed and no longer residing in Broome. Further legal action will increase debt substantially in proportion to amount outstanding and given that debt is for staff reimbursement, there is a possibility that we would be unable to enforce if there were any contest. We consider recovery prospects remote and therefore recommend that debt be written off.

Total $897.22

STATUTORY ENVIRONMENT


President: ............................................. Date: ..................
POLICY IMPLICATIONS
Nil

FINANCIAL IMPLICATIONS
Schedule of write-off total $897.22 (incl GST)

STRATEGIC IMPLICATIONS
Efficient and effective management of the Shire’s resources

1. Social
   Nil

2. Environmental
   Nil

3. Economic
   Nil

VOTING REQUIREMENTS
Absolute Majority

REPORT RECOMMENDATION
That Sundry Debtors be written-off for the following debtors:

1. Edward Offer
2. Midge
3. Robert O’Brien
4. Shane Holden

COUNCIL RESOLUTION
Moved: Cr A C Griffiths Seconded: Cr V L Wevers
That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY
With regard to Item No. 9.4.4 Cr P D Matsumoto disclosed that “I have had an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly”.

With regard to Item 9.4.4 Cr E R M Foy disclosed that “I have had an association with the Walman Yawuru Clan. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly”.

### 9.4.4 GRANT REQUEST FOR MINYIRR (COASTAL) PARK

**LOCATION/ADDRESS:** Minyirr Park

**APPLICANT:** Minyirr Park c/- Rubibi Land Heritage & Development Group, via Kimberley Land Council

**FILE:** Res 43080

**AUTHOR:** Director Corporate Services

**CONTRIBUTOR/S:**

**RESPONSIBLE OFFICER:** Director Corporate Services

**DISCLOSURE OF ANY INTEREST:** Nil

**DATE OF REPORT:** 25 May 2006

**SUMMARY:** Submission for 2006/2007 grant for coastal park works from the Minyirr Park Team (via Kimberley land Council)

### BACKGROUND

A report to Council presented at the 21st April 2005 meeting outlined problems with the administrative arrangements by which the Kimberley Land Council on behalf of Minyirr Park received funds from the Shire of Broome for coastal park works.

Council resolved that

“Council confirms with the Kimberley Land Council that it wishes to administer contributions from the Shire of Broome as an annual grant, for next year only, in the area defined by the jurisdiction of the Coastal Park Management Committee supported by outcome based acquittals and reported through the Coastal Park Management Committee.”

The report on 2005 works was submitted to the Coastal Park Management Committee on 2 February 2006. At the same meeting the proposed works for 2006 were endorsed.

A further resolution was passed that stated (in part) that $3,000 be included in the draft budget for 2006/2007 for the coastal park coordinator to prepare agenda items.

These resolutions of the Committee were endorsed by Council on 13 April 2006.

More recently, the Director Corporate Services wrote to Minyirr Park and requested the following to support a grant request:

- A formal letter requesting the funding;
- The last 3 years income and expenditure statements;

President: …………………………………………………………………………………………………… Date: …………………
This Years Budget showing how the Shires funds will be applied;
Other sources of funds including those committed and those not yet committed;
The projects & activities planned by the Minyirr Park team but most importantly, the works program for the 12 month period as per the Zones of Opportunity;
A statement on:
  • Generally how the grant will assist to meet the coastal park plan objectives;
  • How the Minyirr Park team will be measuring their success;
  • How the Shire’s funds will be applied.

COMMENT
Minyirr Park’s application was received on Wednesday 22 May and the information requested is included in the submission attached.

The last 3 years income and expenditure statements
The annual reports of the Kimberley Land Council have been submitted which include details of the grants for Minyirr Park that were received during the year. The statements do not specifically identify the expenditure for Minyirr Park.

This Years Budget
Minyirr Park are seeking total coverage of the salary and wages costs of $102,000. Last year the Shires contribution covered 65%.

Other sources of funds including those committed and those not yet committed:
The Shires contribution is leveraged to obtain other funding including Community water grants, coast care grants and land care grants. Refer to the attachments.

The projects & activities planned by the Minyirr Park team but most importantly, the works program for the 12 month period as per the Zones of Opportunity:
As previously stated, the 2006 works program was submitted to the Coastal Park Management Committee in February and endorsed by Council at the April Ordinary Council meeting. Details follow:
  • Skill Share Project to commence February 2006.
  • Completion of ablution block facility at Base Camp to cater for Minyirr Park workers and Park visitors.
  • Collection and propagate indigenous seeds.
  • Establishment of basic Indigenous plant ‘nursery’ (funding application pending) for revegetation and re-generation projects within the Park.
  • Re-vegetate and rehabilitate degraded areas.
  • Publication of ‘Tree Talk’ to educate the public about local plants.
  • Youth Program Reading the Country – 2006 program scheduled to commence March 2006.
  • Green Corp program to commence May 2006 (funding application pending).
  • Investigation of appointment of Minyirr Park Staff as Honorary Rangers.
  • Ongoing maintenance of Park facilities such as, shelters, walking tracks, dune crossings, trail markers, car-parking areas etc.
  • Host 6-Seasons interpretation walks and invite members of the public.
  • Ongoing management of exotic species in park, eg removal of Neem Trees and Buffle Grass.
  • Complete the 6 season’s interpretation signs.
  • Continue blocking off unauthorised tracks.

President: ………………………………………………………………………………………… Date: …………………..
The submission builds on that information.

Generally how the grant will assist to meet the coastal park plan objectives:
The submission has stated that the funding will allow the employment of:

- On site supervisors who manage community work teams 21 hours per week;
- A coastal landcare project officer; and
- A Coastal Landcare Administration Officer

These staff implement the six strategies from the Costal Park Management Plan (refer pg 35 of that document) which include joint management and control through the coastal park management committee, education and interpretation, research, zones of opportunity and coordination with key stakeholders and agencies.

How the Minyirr Park team will be measuring their success
The submission identifies a number of activities and outputs. A six month progress report measured against the project activities/outputs and an annual report will be prepared and audited.

How the Shire’s funds will be applied
The submission shows the application of funds for the four part time positions identified which total $102,000.

A final reference is made to a Council resolution of the 24 May 2005.

..That once Native Title over the coastal areas in and around the Broome Townsite is determined:

The Coastal Park Management Committee and Coastal Park Management Plan be reviewed;
Consideration be given to extending the coastal areas over which the Coastal Park Management Committee has delegated authority;
The State Government be further approached for resources to assist in Joint Management of coastal areas.

Basis for officer recommendation

Given Councils ongoing commitment to joint manage Minyirr Park, three options may be considered; funding at the existing level $55,000, funding as per the request $102,000, funding an amount between $55,000 and $102,000.

In the absence of any other guidance, the recommendation is based on $55,000 indexed over 6 years by 3% (a CPI equivalent) amounting to $65,500, plus the additional amount of $3,000 endorsed by Council on 13 April.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

President: …………………………………………………………………………………………, Date: ……………………
POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial plan indexes the current contribution at 4% taking it to $57,200. The recommended amount is a further $10,800.

STRATEGIC IMPLICATIONS

1. Social

Consistent with the Shire’s strategic Principle for Reconciliation as outlined in the Shire of Broome Strategic Action Plan 2004 – 2005:

Reconciliation is an aspiration of this community and part of a unique way of life in Broome. It will be demonstrated by a community that is sensitive to the unique features and importance of land, culture and relationships with each other. Our success will come from our community’s ability to achieve social, economic, environmental and spiritual well-being in an environment of respect, peace and harmony.

2. Environmental

The Coastal Park Management Plan is consistent with the Shire’s strategic Principle for the environment:

Environment: to maintain, protect and improve the Broome environment, both natural and developed, for which the area is renowned.

3. Economic

The Coastal Park Management Plan is consistent with the Shire’s principle for growth:

Growth: to add value to the existing businesses and encourage appropriate investment opportunities, to provide a diverse economic base, which increases employment and economic benefit for future generations.

VOTING REQUIREMENTS

Absolute Majority

President: ............................................................ Date: ...............................
REPORT RECOMMENDATION

That Council approves a grant for the 2006/2007 financial year to the Kimberley Land Council (Minyirr Park c/- Rubibi Land Heritage and Development Group) for $68,500 and that this amount be included in the draft budget.

COUNCIL RESOLUTION

Moved: Cr A C Griffiths Seconded: Cr V L Wevers

That the Report Recommendation be adopted.

FOR: 6
AGAINST: 1
CARRIED

Attachment: 14 pages
9.4.5 AMENDMENT TO COUNCILLOR INFORMATION TECHNOLOGY PROVISION, SERVICE AND USE POLICY

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: N/A
AUTHOR: Manager Information Technology
CONTRIBUTOR/S: 
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 24 May 2006

SUMMARY: To amend the Councillor IT Provision, Service and Use Policy to include the provision of handheld computer devices as an alternative to laptop computers.

BACKGROUND

In December 2005 Council passed a resolution recommending the adoption of an IT policy dealing with Councillor IT equipment and service provision. This policy recommended that IT equipment and services be provided to Councillors in the form of a telecommunications allowance and optional IT equipment. The policy was developed to address the need for improved communication between Councillors, the Shire and the community.

COMMENT

Councillor Maher has requested that Council consider the inclusion of handheld computer devices in the IT Provision, Service and Use Policy.

One of the significant goals of the policy is to improve service to Councillors while also providing flexibility and choice. The availability of handheld computers would support these objectives.

One area that needs to be considered is the future use of hardware should a Councillor end their term on Council. Handheld devices may be more difficult to redistribute and as such may increase costs associated with this service.

CONSULTATION

Internal Staff

STATUTORY ENVIRONMENT

Local Government Act 1995
Local Government Regulations

POLICY IMPLICATIONS

1.18 Councillor IT Provision, Service and Use Policy
FINANCIAL IMPLICATIONS

Hardware costs for handheld computers are estimated at $750.00 per user for a four yearly cycle.

The cost of handheld devices falls within the approved hardware costs dealt with in the Policy.

STRATEGIC IMPLICATIONS

1. Social
   a. To achieve open communication and consultation with all citizens to allow fair, equitable and accountable representation in decision making
   b. Actively consult, collaborate and communicate with the community, internal/external customers and stakeholders
   c. Ensuring that the Shire of Broome is a professionally managed and progressive local government that is customer focused and provides a quality, value for money service

2. Environmental
   Nil

3. Economic
   Nil

4. Governance
   a. Provides open, transparent and good governance to the community
   c. Improve organisational performance

VOTING REQUIREMENTS

Simple Majority
REPORT RECOMMENDATION

That Council:

1. Amends Policy 1.18 Councillor IT Provision, Service and Use Policy to include the provision of handheld computing devices as an alternative to laptop computers.

2. Approves costs to be drawn from the Governance Program.

COUNCIL RESOLUTION

Moved: Cr A K Grosse Seconded: Cr C M Maher

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY
9.4.6 EXPRESSION OF INTEREST 06/01 TO LEASE THE OLD BROOME VISITOR CENTRE SITE

LOCATION/ADDRESS: Lot 1644 Broome Road
APPLICANT: N/A
FILE: EOI 06/01; Res 37432
AUTHOR: Director Corporate Services
CONTRIBUTOR/S: Director Corporate Services
RESPONSIBLE OFFICER: Nil
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 26 May 2006

SUMMARY: Expressions of Interest for the lease of the Old Broome Visitor Centre Site have been considered by Councillors Griffiths, Grosse and the Director Corporate Services with a recommendation to call tenders from two proponents.

BACKGROUND

The existing Broome Visitor Centre will become vacant from 1st October 2006 when the business moves to new premises. The site is zoned mixed use and the Shire may lease it for tourism related purpose for office accommodation.

Council has resolved to seek expressions of interest from proponents wishing to lease the site. The decision to call expressions of interest prior to calling for tenders was due to:

"There may be many different individual uses and an expression of interest allows a use to be considered by Council without requiring a prospective tenderer to invest a substantial amount of effort in a detailed tender. It also allows preliminary comments from the Department of Planning and Infrastructure to be sought, as the Minister for DPI must also approve the lease."

The site is in a strategic location and prospective tenderers may wish to demolish the site and construct a purpose built facility. If this is the case than the drafting and assessment of tender specifications will be more complex and will need to be expanded. It may well be that Council wishes to appoint an independent consultant to develop and assess the tenders on its behalf.

"The concept behind the lease of the existing premises is that lease revenue from the site will fund loan repayments on the new centre."

The building area is at least 164m² but is in need of significant maintenance.

"Initial calculations indicate that a $350,000 15-year loan may be serviced by the lease payments at a minimum of $37,000pa plus maintenance costs. This amounts to $225psm."

Note that the lease amount must also be sufficient to cover maintenance on the existing building if the responsibility for maintenance rests with the Shire under the lease agreement.

In accordance with the requirements under the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996, the request for EOI was advertised in:

President: ………………………………………………………………………………………………………….., Date: ………………….
Four submissions were received from the Department of Indigenous Affairs, Magabala Books, Helping Hands and Dome Café. Note that the submission from the Dome Café was received by fax and was not a comprehensive submission.

COMMENT

A report (commercial in confidence) will be circulated providing details of the submissions with scorings of the panel recommending calling tenders from two proponents.

Overall the panel was disappointed with the number of submissions and whilst interest was expressed by three other parties after the close date, the panel believes that tenders from either of the two selected proponents will meet the Shires objectives regarding site use and financial return.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act S.3.58

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The indicative rents submitted will meet the goals set by the Shire of Broome. Calling for Tenders will confirm the rent return.

STRATEGIC IMPLICATIONS

1. Social

   Nil

2. Environmental

   Maximise the tourism potential of our natural and built environment in a sustainable manner

   The use of the Centre should be complimentary to the area and conform to the mixed use zone.
3. Economic

The Shire of Broome’s Strategic Action Plan 2004 – 2009 seeks to complete the relocation of the Broome Visitors Centre. This project also facilitates the release of a strategic commercial site.

**VOTING REQUIREMENTS**

<table>
<thead>
<tr>
<th>REPORT RECOMMENDATION</th>
</tr>
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<tbody>
<tr>
<td>1. That the Chief Executive Officer develop selection criteria and proceed to call tenders from the Department of Indigenous Affairs and Magabala Books for the lease of the Old Broome Visitor Centre Site under Section 3.58 of the Local Government Act.</td>
</tr>
<tr>
<td>2. That consideration of the tenders be referred back to full Council.</td>
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</tbody>
</table>

**COUNCIL RESOLUTION**

**Moved:** Cr A C Griffiths **Seconded:** Cr V L Wevers

**That the Report Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

Attachment: Confidential – Under Separate Cover
9.5

ENGINEERING

SERVICES

OUTCOME

The provision and maintenance of sustainable infrastructure to service the changing needs of the community.
9.5.1 EMERGENCY MANAGEMENT ACT 2005

LOCATION/ADDRESS: Shire of Broome
APPLICANT: N/A
FILE: CTE-05
AUTHOR: Director Engineering Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Engineering Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 29 May 2006

SUMMARY: Consideration of the new Emergency Management Act 2005 with a recommendation to appoint the nominated officers and adopt the Local Emergency Management Committee and associated matters.

BACKGROUND

The new Emergency Management Act 2005 (the Act) was proclaimed on 23 December 2005 and came into operation on 24 December 2005.

Proclamation of the Act brought some provisions into effect immediately, however a lot of the detail provisions will require the development of further Regulations and administrative arrangements.

The Act is to provide for prompt and co-ordinated management of emergency in Western Australia.

Find attached a copy of a brief summary of the Act and some frequently asked questions (Attachment #1 - 6 pages) to assist Councillors as background.

Key Shire staff have attended several sessions as organised by FESA as part of the implementation process, including one conducted as part of a District Emergency Management Committee presentation on 7 March 2006.

A further presentation was held on 10 April 2006 in regards to the impact of the Act on aboriginal communities (Refer separate section below).

In regard to the impact of the new Act on the Shire of Broome, there will be little change initially, however it will involve more staff resources in time, as more Regulations and procedures are put in place.

The Act has been proposed for some years and fills a void in WA Legislation in respect of Emergency management, which all other States have had for many years. The Act will give new emergency powers for a range of Agencies and reinforce good emergency practice and implementation. The previous situation in WA was unsatisfactory and had many deficiencies.

In respect of the impact of the Act on the Shire of Broome, an “Implementation Package” has been prepared by FESA seeking responses to a range of questions and parts of the Act where Council will have to nominate and authorise some staff as designated officers “under various sections of the Act” (Refer Attachment 2,-- 20 pages, which includes an Overview of the Act).

President: ………………………………………………………………………………………… Date: …………………
COMMENT

The following comments and recommended responses are put forward for Council consideration in respect of each specific section and question of the FESA package (same paragraph numbering) :-

2. Local Arrangements

(a) Local Emergency Management Committee (LEMC)
   • The Shire of Broome has one LEMC covering the whole of the Shire.
   • The Chairman is the Officer in Charge, Broome Police, currently Senior Sergeant Darren Seivwright.

(b) Local Emergency Management Arrangements
   • The Shire of Broome has a LEMC Plan which will be forwarded to FESA (This requires review and updating when resources allow)

(c) Managing Community Recovery
   • The Shire of Broome does not have a specific Recovery Plan, but it is contained in parts, in the Local Emergency Plan, to be reviewed.
   • The nominated local Recovery Coordinator will be the Director Engineering Services, pending the review.

2. Prescription of Local Government as Hazard Management Agency (HMA) for prescribed hazards.

   • The Shire of Broome requests to be prescribed as a HMA for the current Bush Fire Act designated area, which is the whole of the Shire excluding the Broome township area.

3. Delegation of Local Government as HMA

   • The Shire of Broome nominates the CEO as the delegated Hazard Management Authority (HMA) Officer.

4. Appointment of "Hazard Management Officers" and "Authorised Officers"

   • The Shire of Broome nominates all Shire Rangers to act as "Hazard Management Officers" for the purposes of any "fire" hazard in the designated HM area.

5. Cyclone Areas/Powers of Local Government during Cyclone

   • The Shire of Broome request the whole of the Shire of Broome to be included in the area designated as a "cyclone area" for the purposes of the Act.
   • The Shire of Broome authorises the CEO, Director Engineering Services, Manager Operations and Senior Ranger to exercise the powers under Section 46, 47 and 48 of the Act in regard to "cyclone areas".

6. State Emergency Management Committee (SEMC)

   • That Council notes the representation of Local Government on the SEMC

President: .................................................................................................................. Date: ..........................
7. State Emergency Management Policies
   - No action required.

8. State Emergency Management Plans
   - No action required.

9. Emergency Management Districts
   - A response has been separately forwarded by the Shire requesting that the existing four (4) Kimberley Shire boundaries be retained as the Kimberley DEMC area, for the purposes of the Act.

10. Appointment of District Emergency Coordinators and Local Emergency Coordinators
    - No action required.

11. District Emergency Management Committee (DEMC)
    - No action required.

12. State Emergency Coordination Group (SECG)
    - No action required, but the Council note that Local Government will be invited to participate as required.

13. Remote Indigenous Communities

Background. Staff met with the FESA Indigenous Programs Coordinator in Broome on 4 April 2006 to specifically discuss and workshop how aboriginal communities can be more effectively involved in Emergency Management arrangements in the Shire under the new Act. While communities have always been included in the Shire of Broome Local Emergency Management Plan (LEMC Plan), the actual participation by those communities in the LEMC has been minimal including by the respective Government agencies.

The new Act will impact on communities and those Agencies who provide services to them. The Act binds the Crown in all areas and includes several key issues, being:

(a) Local Governments should include Indigenous Communities in their LEMC arrangements to satisfy the provisions of the Act.
(b) Indigenous Communities should have representation on the LEMC and DEMC
(c) Local Governments are required to manage recovery of all communities, including Indigenous communities in their Shire.
(d) Emergency Services personnel will have powers to enforce an evacuation of people and equipment if they deem a place unsafe for people to stay.

FESA have been, and will continue to play a lead role in formulating policies and procedures for the implementation of the new Act, in conjunction with Local Government.

President: .................................................................................................................. Date: ..........................
Pilot projects have already been carried out at Bidyadanga and elsewhere in the State on emergency management issues and that program will continue. This issue will take some time to be finalised and to sort out details, and it will take a lot of resources. At this stage FESA will take the lead role, however there will no doubt be an increased role for the Shire to play.

There may be a role for the Shire Aboriginal Environmental Health Officer to play occasionally, but the amount of work involved longer term will require a dedicated person and resources. This issue has been discussed with FESA staff who acknowledge the difficulties in dealing with upwards of 100 communities and outstations in the Shire of Broome alone.

Unless the dedicated person is fully funded similar to the AEHO position, then FESA are aware that very little will change on the ground, regardless of the Legal requirements of the new Act. Initially this role could be included as part of the proposed new Emergency Services officer as currently included in the Shire Forward Financial Plan.

It is therefore recommended that the full inclusion of Aboriginal Communities in the Shire of Broome LEMC arrangements and plan will only be able to be considered if significant funding is provided towards a dedicated staff member and associated resources. They will still be included in any actual emergency response and recovery as required in the interim, so nothing will change in that respect from the current situation.

In respect of representation of Aboriginal Communities on the LEMC, it may be difficult to get either one person to represent all communities, or alternatively a number of representatives. Options could be to use the new Kullarri Regional Indigenous Board (KRIB) to select a representative or get some from one of the State Service Agencies.

It is recommended that this matter be deferred pending further discussion by LEMC and FESA representatives.

14. Regulations

- No action required.

CONSULTATION

FESA and Other State Agencies

STATUTORY ENVIRONMENT

Local Government Act 1995
Emergency Management Act 2005

POLICY IMPLICATIONS

Nil at this stage, may require specific emergency management policies when new Regulations enacted.
FINANCIAL IMPLICATIONS

Minimal cost at this stage, but will require additional staff and resources when new Regulations enacted.

STRATEGIC IMPLICATIONS

1. Social

   Provide an improved emergency management structure for the Shire of Broome.

2. Environmental

   Nil

3. Economic

   Nil

VOTING REQUIREMENTS

Simple Majority
REPORT RECOMMENDATION

That a response be forwarded to FESA in accordance with the agenda report recommendations for the implementation of the Emergency Management Act 2005

That staff make representation to FESA in regard to the provision of additional resources and funding to implement the provisions of the Emergency Management Act 2005 in Aboriginal communities in the Shire of Broome.

REVISED REPORT RECOMMENDATION

1. That a response be forwarded to FESA in accordance with the Agenda Report Recommendations for the implementation of the Emergency Management Act 2005 with the following changes:

   (i) Point 2. The Shire of Broome requests to be prescribed as HMA for those areas of the Shire of Broome not under the care and responsibility of either FESA or CALM.

   (ii) Point 4. The Shire of Broome nominates the Chief Bush Fire Control Officer, 2 Deputy Chief Bush Fire Control Officers and all Bush Fire Control Officers to act as “Hazard management Officers” for the purposes of any “fire” hazard in the designated hazard management area.

2. That staff make representation to FESA in regard to the provision of additional resources and funding to implement the provisions of the Emergency Management Act 2005 in Aboriginal communities in the Shire of Broome.

COUNCIL RESOLUTION

Moved: Cr V L Wevers Seconded: Cr A C Griffiths

That the Revised Report Recommendation be adopted with the addition that the issue of resourcing each of the Shires in the Kimberley Zone to cover all Aboriginal communities, be raised at the Kimberley Zone meeting, with a view to WALGA advocating on our behalf.

FOR: 6
AGAINST: 1
CARRIED

Attachment: 26 pages
10.

REPORTS

OF

COMMITTEES

President: ................................................................., Date: ......................................
10.1 BROOME CEMETERY ADVISORY COMMITTEE - MINUTES 3 APRIL 2006

LOCATION/ADDRESS: N/A
APPLICANT: N/A
FILE: RES.1647
AUTHOR: Manager Administration Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 27 April 2006

SUMMARY: To advise Council of the matters discussed at the Broome Cemetery Advisory Committee meeting held 3 April 2006.

BACKGROUND

A meeting of the Broome Cemetery Advisory Committee was held on Monday 3 April 2006, the minutes from this meeting were subsequently endorsed at the meeting of the Committee held 22 May 2006.

COMMENT

A number of issues were discussed at this Committee meeting, which included:

- Update on Inputting of Data – information collected during the survey of the Cemetery site is being entered into the burial register system.
- Update on Survey / Master Plan – Tabling of two styles of survey markers and options for numbering plates, which resulted in the following resolutions:

7. Moved: Ms M Higgins Seconded: Ms N Darcy
   That the Broome Cemetery Advisory Committee recommend the use of the star picket survey markers with aluminium tags as grave markers for the Broome Cemetery.

8. Moved Ms M Higgins Seconded: Ms N Darcy
   That the Broome Cemetery Advisory Committee request the first row of the lawn cemetery area as detailed in the master plan of the Broome Cemetery be marked to allow for future burials, not in family areas.

   - New Signage Pioneer Cemetery – has been installed.
   - Missing Headstone – for Mr F Readfearn.

A full copy of the minutes are attached.

CONSULTATION

Not required

President: .......................................................... Date: .........................
STATUTORY ENVIRONMENT

Local Government Act 1995
Cemeteries Act 1986
Shire of Broome Cemeteries Local Law

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funding allocated in the 2005/2006 budget for maintenance and capital works at the Broome Cemeteries, including the purchase of "markers" for gravesites.

STRATEGIC IMPLICATIONS

1. Social

   Preservation and management of existing facility of community significance.

2. Environmental

   Nil

3. Economic

   Preservation and management of existing site of tourist interest.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Further information has come to hand showing grave markers utilising aluminium tags will be too easily vandalised and staff recommend using stainless steel tags which will last longer and be vandal proof.
REPORT RECOMMENDATION

1. That Council receives the minutes of the meeting of the Broome Cemetery Advisory Committee held 3 April 2006.

2. That Council endorses the Broome Cemetery Advisory Committee’s recommendation of the star picket survey markers with aluminium stainless steel tags as grave markers for the Broome Cemetery.

3. That Council endorses the Broome Cemetery Advisory Committee’s request to have the first row of the lawn cemetery area as detailed in the master plan of the Broome Cemetery be marked to allow for future burials, not in family areas.

COUNCIL RESOLUTION

Moved: Cr A K Grosse  Seconded: Cr E R M Foy

That the Report Recommendation be adopted.

CARRIED UNANIMOUSLY

Attachment: 3 pages

Cr P D Matsumoto departed the Chambers at 7.20pm and returned at 7.21pm.
<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>11. NOTICES OF MOTION</strong></td>
<td>Nil</td>
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<tr>
<td><strong>12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>13. MATTERS BEHIND CLOSED DOORS</strong></td>
<td>Nil</td>
</tr>
</tbody>
</table>
14. LATE ITEMS

**Moved:** Cr V L Wevers  
**Seconded:** Cr A C Griffiths

*That late item 9.1.5 be accepted and discussed.*

**CARRIED UNANIMOUSLY**

### 9.1.5 KIMBERLEY ZONE NOMINATION TO THE BOARD OF AUSTRALIA’S NORTHWEST

<table>
<thead>
<tr>
<th>LOCATION/ADDRESS:</th>
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<tr>
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<tr>
<td>FILE:</td>
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<tr>
<td>AUTHOR:</td>
<td>Director Corporate Services</td>
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<tr>
<td>RESPONSIBLE OFFICER:</td>
<td>Director Corporate Services</td>
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<tr>
<td>DISCLOSURE OF ANY INTEREST:</td>
<td>Nil</td>
</tr>
<tr>
<td>DATE OF REPORT:</td>
<td>7 June 2006</td>
</tr>
</tbody>
</table>

**SUMMARY:** Consideration of a Councillor nominee from the Shire of Broome being submitted to the Kimberley Zone for nomination to the board of Australia’s Northwest.

### BACKGROUND

Last year, the Local Government Kimberley Zone nomination to the Australia’s Northwest Board occurred at the October Kimberley Zone meeting. The Zone reappointed Cr Elsia Archer from the Shire of Derby West Kimberley for a period of 12 months.

This item is presented to Council as a late item for consideration following the issue being raised by Councillors (Campbell, Wevers and Grosse) this week.

### COMMENT

Ideally, the nomination should be resolved prior to October in time for the Annual General Meeting of Australia's Northwest. If this is to occur then this Council needs to resolve if it wishes to submit a nomination from the Shire of Broome, for consideration at the next Kimberley Zone meeting.

Given the Shire’s contribution to Australia’s Northwest and the importance of the tourism sector to the local economy it would certainly be beneficial to have representation by a Shire of Broome Councillor.

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

Nil

President: .......................................................... Date: ......................
POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

1. Social

Nil

2. Environmental

Nil

3. Economic

Maximise the tourism potential of our natural and built environment in a sustainable manner.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That the Shire of Broome recommend to the Kimberly Zone the nomination of Cr……………… as the Kimberley Zone representative for Local Government on the Board of Australia’s North West.

Cr A K Grosse nominated Cr G T Campbell

Moved: Cr A K Grosse                                      Seconded: Cr A C Griffiths

That the Shire of Broome recommend to the Kimberly Zone the nomination of Cr G T Campbell as the Kimberley Zone representative for Local Government on the Board of Australia’s North West.

CARRIED UNANIMOUSLY
Moved: Cr V L Wevers  
Seconded: Cr C M Maher

That Cr E R M Foy be granted Leave of Absence for the following Ordinary Council Meetings:

- 6 July 2006
- 3 August 2006
- 31 August 2006
- 28 September 2006

CARIED UNANIMOUSLY

15. MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 7.25pm.