

MISSION AND VALUES OF COUNCIL

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

AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

27 SEPTEMBER 2007

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
27 SEPTEMBER 2007**

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NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday 27 September 2007, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm

Regards

Ian Bodill
Chief Executive Officer

18 September 2007

1. OFFICIAL OPENING

2. ATTENDANCE AND APOLOGIES

Attendance

Leave of Absence Cr A C Griffiths
 Cr M L B Albert

Apologies Cr P D Matsumoto

Officers

Public Gallery

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page No	Item	Nature of Interest

4. PUBLIC QUESTION TIME

At the Ordinary Council Meeting on 30 August 2007 Mr Treleaven asked the following question from the Public Gallery which was taken on notice. The Officer's response is shown below.

Question: *"I am very concerned about rubbish on Thursday, Friday and Saturday mornings in Napier Street. We believe that from collecting rubbish as a shop owner, that the majority is coming from the street vendor on Thursday, Friday and Saturday nights. Does the street vendor that has a hamburger van at nights have on his license a clause that makes him clean up rubbish after he has finished trading on Thursday, Friday and Saturday nights or can someone else please clean the area?"*

Answer – Director Development Services: The Shire's Environmental Health Officers will investigate this matter and follow up as necessary.

* * * * *

At the Ordinary Council Meeting on 30 August 2007 Mr Dureau asked a number of questions, one of which was taken on notice. The Officer's response is shown below.

Question: *"Recent wildfire outbreaks indicate that the two parallel line firebreak system has not being installed. Can the Shire give an undertaking to complete these firebreak systems for 2008?"*

Answer – Manager – Emergency/Ranger & Beach Services: The Shire of Broome "Firebreak and Householder Hazard Reduction Notice " indicates:

- *That land outside the townsite shall have trafficable firebreaks installed on the land and clear of inflammable material, these should be not less than 3 metres wide inside, along and not more than 10 metres from all external boundaries. A 20 metre "parkland*

cleared " low fuel buffer zone should be established around all buildings which shall be clear of all inflammable material; and

- That within the townsite land that is 2000 square metres in area or less shall have inflammable materials removed from the whole of the land and land that is greater than 2000 square metres in area or greater shall have trafficable firebreaks not less than 3 metres wide inside and within 2 metres of the external boundaries and a 20 metre "parkland cleared" low fuel buffer zone around all buildings which shall be clear of all inflammable material.

It is the responsibility of the landowner or occupier to undertake hazard reduction work on their property, with this in mind these hazard reduction directions are considered the minimum standard of protection required and landowner/occupiers should at the very least meet the standard detailed in the notice.

I assume that by two parallel line firebreaks Mr Dureau is talking about two fire breaks a given distance apart (eg 20 metres) and the land between these breaks cleared of all inflammable material; this is fine as long as the external break meets the requirement of the Notice. It must be remembered that it is the responsibility of the landowner/occupier to undertake the work and if the individual in question feels that he/she needs greater protection from wildfire then they can carry out this work, bearing in mind that wholesale clearing of land to prevent fires may be costly, not only to the individual but to the environment as well.

It is expected that the Shire of Broome Firebreak & Householder Hazard Reduction notice will contain the same directions as this year.

5. CONFIRMATION OF MINUTES

Moved:

Seconded:

That the Minutes of the Ordinary Meeting of Council held on 30 August 2007 be confirmed as a true and accurate record of that meeting subject to the inclusion of the Seconder, Cr M L B Albert, for Item 12.1-Chief Executive Officer – Appointment Process on page 105.

FOR:

AGAINST:

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

7. PETITIONS

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9.

REPORTS

OF

OFFICERS

9.1

LEADERSHIP / GOVERNANCE

AND

ORGANISATION



OUTCOME

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

9.1.1 COMMON SEAL REPORT

DATE	DETAILS
21 August 2007	Contract 07/34 BRAC Stage 2A-Supply & Installation of Effluent Reticulation on Playing Field 3 (x 2 copies)
21 August 2007	TPS 4 Amendment 34-Staff Quarters Accommodation (x 3 copies)
28 August 2007	Inclusion Support Subsidy under Commonwealth's Child Care Services Support Program 2007/08
31 August 2007	Lease between Shire of Broome & Shire of Derby West Kimberley Skillshare-KRO (x 3 copies)
31 August 2007	Withdrawal of Caveat-Lots 71 to 96 in Strata Plan 45540 & Lots 57-70 Plan 45540, No. 15 Millington Road (Frangipani)

REPORT RECOMMENDATION

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

COUNCIL RESOLUTION

Moved:

Seconded:

FOR:

AGAINST:

9.1.2 AUGUST 2007 MONTHLY FINANCIAL ACTIVITY REPORT

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	FRE 02
AUTHOR:	Accountant
CONTRIBUTOR/S:	Senior Officers
RESPONSIBLE OFFICER:	Manager Of Financial Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	27 September 2007

SUMMARY: Monthly Financial Activity Report of the Shires operations for the month of August 2007 includes all budget amendments in this and previous reports. The result of the cumulative changes, predicts an end of year forecast of a \$130,490 surplus.

BACKGROUNDPrevious Considerations

Nil

COMMENT

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

- Budget Year elapsed 17%
- Total Operating Expenditure 16%
- Total Operating Revenue 66%
- Total Capital Expenditure 19%
- Total Sale of Assets Revenue 37%
- Total Capital Revenue 30%

The forecast position of a surplus represents a 0.68% variance when viewed in proportion to operating expenditure excluding depreciation.

The predicted surplus as at 31st August 2007 is \$130K, which is a decrease of \$188K from last month. This amount represents the net result of this month's net budget amendments decreasing the surplus by \$173K, and a net decrease of \$15K in the 2006/2007 surplus brought forward due to processing of end of year adjustments.

Most of this surplus is expected to be absorbed in back pay payments to staff at the conclusion of the Inside Staff AWA agreement signed off in the first quarter. Whilst the outside staff AWA agreement has been finalised, it would be prudent to await the finalisation of the inside staff AWA agreement and back pay transactions before further considerations are applied to the surplus.

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

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

Amendments

The following budget amendments are identified:

Building Maintenance – Building Services

Total budget amendments of \$28.5K were required as a result of increases in expenses incurred for building maintenance and repairs to the following buildings.

- Shire Administration Building - \$15K for air conditioning system repairs
- Male Oval Public Toilet - \$1K for vandalism repairs
- Cable Beach Public Toilet - \$1.5K for vandalism repairs
- Civic Centre - \$2K for vandalism repairs
- Old Visitors Centre - \$9K for upgrades to entire electrical system as the existing system was deemed unsafe by the contracted electrician.

The total budget amendments will decrease the surplus by \$28.5K.

Kimberley Inclusion Professional Support Service (KIPSS) – Community, Culture & the Arts

Budget amendments were required for the income and expenditure accounts for KIPSS to match program expenditure with grant funding received. The budgeted operating income for KIPSS has been reduced by \$38.2K and the budgeted operating expenditure has been reduced by \$8.6K. The difference of \$29.6K will be offset by a carry over of \$20K in grant funding from 2006/2007 for which a budget amendment has also been made for the transfer out of restricted cash of \$20K. Although we allocate \$17.6K of in-kind costs against the program, \$9.6K of administration in-kind costs will not be recoverable from grant funding. The cumulative effect of the budget amendments will decrease the surplus by \$9.6K.

You're Welcome Program – Community, Culture & the Arts

Budget amendments were required to reduce the budgeted salary expenditure and reallocate expenditure to program activities for the You're Welcome Program. These amendments were required to match the grant funding received for the program. The total amendments have reduced the budgeted salary and other operating expenses, which will increase the surplus by \$8.5K.

Outside Workforce Back Pay – Waste, Depot & Other Services, and BRAC

The following budget amendments were required for the budgeted salary, superannuation and workers compensation operating expenses as a result back pay owing in accordance with the Outside Workforce Workplace Agreement 2007. The budget amendments represent the portion of back pay relating to the 2006/2007 financial year. The total period of back pay is from 1st July 2006 to 7th August 2007.

- Waste Management Workers - Salary & Related Expenses - \$11.8K
- Parks & Ovals Workers - Salary & Related Expenses - \$71.1K
- Depot & Other Services Workers - Salary & Related Expenses - \$85.5K
- BRAC Workers – Salary & Related Expenses \$1.7K

The total budget amendments will decrease the surplus by \$170.1K.

Footpath Developer Contributions – Roads, Drainage, Footpaths & Lighting

Budget amendments of \$32.7K were required to recognise footpath developer contributions received up to 31 August 2007 and subsequently transferred to reserve. The budget amendments have no affect on the surplus.

BRAC Stage 2 Construction Works

A budget amendment was required for an increase of \$63K for budgeted capital expenditure for BRAC stage 2 oval site works. This was offset by corresponding reductions in budgeted capital expenditure of \$50K and \$13K on turf and lighting installation respectively. The budget amendments were a realignment of existing project components and have no affect on the surplus.

Broome Cape Leveque Roads to Recovery Funds – Reserve Funds

A budget amendment of \$27K was required for the R2R grant for the Cape Leveque Road which was transferred out of reserve. This budget amendment will increase the surplus by \$27K.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995
Financial Management Regulations

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

These are detailed above and in the attachment.

STRATEGIC IMPLICATIONS**Governance**

Provide open, transparent and good governance to the community.

VOTING REQUIREMENTS

Simple Majority

That Council:

1. *Receives the Monthly Financial Activity Report for the period ended 31 August 2007.*
2. *Notes the year-end projections compared to the original budget.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 22 pages](#)

9.1.3 INDIGENOUS TOURISM CONFERENCE – REQUEST FOR IN-KIND SUPPORT

LOCATION/ ADDRESS:	N/A
APPLICANT:	Western Australian Indigenous Tourism Operators Committee
FILE:	FIS04
AUTHOR:	Media & Promotions Officer
CONTRIBUTOR/S:	Manager of Administration Services, Director of Corporate Services
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 September 2007

SUMMARY: The Western Australian Indigenous Tourism Operators Committee (WAITOC) have requested in-kind support from the Shire of Broome for the Australian Indigenous Tourism Conference (AITC). The conference is to be held on 20-23 October 2007 at the Broome Recreation and Aquatic Centre and Cable Beach Club Resort.

It is recommended that Council make an exception to the Event Sponsorship Policy and approve in-kind support by waiving BRAC carpet hire fees (valued at \$5250). It is also recommended the Shire supply and remove bins (valued at \$225) for the gala dinner at St Mary's High School.

BACKGROUNDPrevious Considerations

Nil

WAITOC is the peak industry body in Western Australia representing Indigenous Tourism Operators and is a not for profit organisation with a volunteer Board.

AITC aims to build upon the foundations set at its past three conferences. The conference has achieved recognition as a forum for those with a common interest in Indigenous tourism to meet and form new partnerships.

The conference focus is on the environment, young people, business opportunities and maintaining Indigenous culture. AITC 2007 will address the key issues that impact on Indigenous tourism in Australia and the opportunities that exist for culturally authentic Indigenous tourism product.

A representative from WAITOC and a representative from Tourism Western Australia met with the Shire of Broome to request sponsorship funding for the Australian Indigenous Tourism Conference. While supportive in principle, the CEO suggested WAITOC write to the Shire of Broome requesting in-kind support.

COMMENT

In exchange for in-kind support of this level, the Shire of Broome will be recognised as a support sponsor and will receive logo recognition at the conference as well as on the AITC website. The Shire will also receive one free registration to the conference.

To date various levels of sponsorship is being provided by Tourism WA, Department of Industry and Resources, Argyle Diamonds, Tourism NT, Newmont Mining, Indigenous Business Australia and Qantas. WAITOC have not currently met their sponsorship target and are still seeking sponsors. Conference delegates pay registration fees ranging from \$315 to \$935. Approximately 300 delegates are expected to attend the conference in Broome.

AITC wrote to the CEO and requested the following as in-kind support from the Shire of Broome:

- Waive the rental fee of BRAC for the duration of the conference (Saturday, Sunday, Monday and Tuesday)
- Provision of rubbish bins and subsequent litter collection at BRAC for the duration of the conference and St Mary's for the gala dinner.
- Transport for delegates if the Shire has the capacity
- Portable toilets for the gala dinner
- Transport and laying of the carpet required for BRAC and subsequent removal.
- Promotion of the event through Shire newsletters, newspaper advertorials and website.

While the Shire does not have the capacity to supply transport or portable toilets, discussions with the Manager of BRAC and Environmental Health has resulted in the following recommendations:

Carpet Hire

Waiving of BRAC Carpet Hire fees at a cost of \$5250. WAITOC will still be required to undertake payment for transport, packing, laying and removal of carpet (approximately \$900)

Rubbish Bins

The Community Facilities Clean Up Crew can facilitate delivery and removal of sulo bins to St Mary's High School for the gala dinner on Sunday 21 October at a cost of \$225.

With its emphasis in the development, employment and training of Indigenous people, and the addition of a youth forum, this conference will have a positive social and economic return to regional Australia.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Event Sponsorship Policy 2.3.3

Sundry Donations from Council Policy 2.3.2

The Australian Indigenous Tourism Conference does not meet policy requirements

The Council policies do not deal with requests for sponsorship from private or profit organisations, individuals or requests for general fundraising, conferences or conventions.

According to the policy, requests may be for cash donation or sponsorship in-kind (provision of plant and equipment, labour or waiving of fees) or a combination of cash and in kind.

Policy terms and conditions state that an event sponsored by the Shire of Broome must be held at a public place or site within the Shire of Broome and must be free of charge or reasonably priced for the Broome community to attend.

It is requested that the Council consider this request outside the Event Sponsorship Policy

FINANCIAL IMPLICATIONS

In-kind services impacts financially on the Shire of Broome, through labour, equipment provision and materials. The Shire of Broome has an in-kind budget of \$5,000 for this financial year, a portion of which has already been expended. This budget ensures the Shire records what is committed financially in-kind to the community each year.

STRATEGIC IMPLICATIONS

People

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

Place

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

Prosperity

Support business and economic development.

VOTING REQUIREMENTS

Simple Majority if funded from existing in-kind budget. Absolute Majority if in-kind donation is funded from elsewhere.

REPORT RECOMMENDATION

That Council supports the Australian Indigenous Tourism Conference to be held 20-23 October 2007 and authorises:

1. *The waiving of the hire fees associated with the BRAC carpet to the value of \$5,250.*
2. *The supply and removal of bins for the gala dinner at St Mary's Senior High School.*
3. *The promotion of the Conference on the Shire of Broome website.*

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

[Attachment: 21 pages](#)

9.1.4 STAFF HOUSING POLICY DIRECTION

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM 28
AUTHOR:	Manager Human Resources (MHR), Manager Finance (M Fin)
CONTRIBUTOR/S:	Director Corporate Services,
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	MHR, M Fin receives Mortgage Assistance
DATE OF REPORT:	15 August 2007

SUMMARY: Seeking Council in principle direction to;

1. Remove the sunset clause (expiry date) of 5 years for staff receiving Mortgage Assistance under the Staff Housing Policy 2.2.2 to encourage staff home ownership.
2. Maintain the Housing Assistance real value by CPI increment.
3. Encourage home ownership by increasing net Assistance value to cover the FBT incurred, or a lesser increase.
4. Either retain Staff Housing Assistance in a separate Policy or include within a Workplace Agreement.

BACKGROUNDPrevious Items

OCM 22 August 1995 – Pages 17-18
 OCM 21 November 2000 – Pages 30 – 35 (Rescinded)
 OCM 26 February 2002 – Pages 16-17
 OCM 29 May 2002 – Pages 17-22
 OCM 29 April 2003 – Pages 8-9

A review of this Policy was commenced in June 2006. The then current Director Corporate Services, Mr Jason Lyon, prepared a report to Council, however, it was withdrawn from the Agenda prior to the Council Meeting of August 2006. Mr Lyon has since resigned and the review has now been completed by the current Director Corporate Services and Corporate Services staff in line with the newly developed draft Strategic HR Plan.

The housing policy had its origins from a time when the Shire owned residential property and supplied housing to selected staff or offered a rental subsidy to be applied to private rentals for other eligible staff. When the stock of Council housing was sold to help fund the first stage of BRAC, the Shire moved to extend the stock of Council owned and leased housing by providing leased housing to all eligible staff and included a subsidy for five years toward mortgage assistance for those shifting to home ownership. The changes at the time were based on considerations of FBT exemption for employer supplied housing, and GEHA policy concerning transfer into home ownership for state government employees.

Difficulties experienced with the free rental market and private lease management indicates that the Shire will need to review its accommodation options including the possibility of a strategy of acquiring Council owned property together with encouraging

staff into home ownership. The current housing strategy does not include a focus on the option of acquisition.

COMMENT

In view of the continued high turnover of staff, the increasingly tight labour market, and the administrative burden maintaining residential leases, the direction of the Housing Assistance policy has been considered with an endeavour to encourage staff into home ownership in an effort to retain staff for longer periods, avoid the external forces experienced from Broome's rising rental market and reduce administrative burden. There has also been a move to create a more regular review mechanism and maintain the value of assistance in real dollar terms by introducing CPI increments, given that the current value was set in 2001/2002. Housing Assistance is viewed as an integral part of the total remuneration package that attracts and retains staff to a remote area, the sunset clause serves to reduce the package of more experienced staff which conflicts with the long term goals of human resource strategies.

Management opinion has been sought in addition to qualitative data from the staff affected by the current policy.

A long term strategy could be to consider reinvesting Council funds into a smaller supply of grouped workers style accommodation thus removing the need to maintain a large supply of Council leased housing. Eligible employees not engaging in tax exempt Council supplied housing would be encouraged into home ownership where they manage their own affairs.

The current policy is attached for information and the major changes that have been suggested are;

1. Remove the sunset clause for the Mortgage Assistance option of the existing Housing Policy, 2.2.2,
2. In future, place a CPI increment upon the benefit to maintain real dollar terms
3. Encourage homeownership either by increasing the Mortgage benefit \$65 per week (Option A), (i.e. \$215 per week less FBT = \$150 net benefit to a home owner) or a lesser amount agreed (Option B) which still provides an incentive to move to Home Ownership.
4. Council is also asked to consider retaining the Staff Housing Assistance as a separate Council Policy or alternatively, include within a Workplace Agreement.

Once in principle agreement is received from Council, a revised policy will be formulated and presented to Council for adoption at a later date.

OBJECTIVES OF HOUSING POLICY

As previously identified, the objectives of our policy are;

1. To attract and retain qualified and experienced staff.
2. To provide an acceptable standard of housing for families, couples or singles.
3. To keep the cost of providing staff housing / housing subsidies reasonable.
4. To provide flexibility to meet the varying needs of employees.

The policy in its current format was designed prior to salary packaging and provides limited salary packaging options to staff, with some variations ending after 5 years. The Shire is currently developing a greater range of Salary Packaging options to be made available to all staff, which are cost neutral to the Shire and provide real financial benefits to staff. This will be available by 30 December 2007. Consequently, the policy in its current format does not lend itself to the full flexibility of a salary packaging policy.

Housing Assistance is only one part of a total employment package offered to staff members of the Shire of Broome. Dealing with the package as a whole would be easier to administer whilst ensuring full cost benefit is realised by both parties.

RECOMMENDATION 1: REMOVING THE CURRENT 5 YEAR LIMIT (Cl 14 Of Current Policy)

The formulation of the Council's revised policy 5 years ago considered arrangements in place by the Government Employees Housing Authority (GEHA) at that time. The GEHA policy included a sunset clause on mortgage assistance, which was mirrored in the Shire's policy.

GEHA's state-wide policy objectives are different from the Shire of Broome's local objectives, as the state government needs to move staff out of the metro area and around the state on a non-permanent basis, therefore encouraging staff to stay for more than 5 years in one location is not a priority or an intent of the policy.

The Shire of Broome, however, aims to attract and retain staff permanently to this singular remote area and build a solid, capable and stable workforce allowing the Shire's services and operations to grow and improve. Encouraging employees into homeownership allows them to become ratepayers with greater permanency and long term community involvement. Thus the needs of GEHA and the Shire are at opposite ends of the spectrum.

The current Home Ownership Scheme for Government Employees in Regional Western Australia still has the loan subsidy limited for a maximum of 5 years. This simply illustrates the differing objectives of the state government as a whole (reflected in it's policy) and those of the Shire.

It is strongly recommended that this clause be removed as it conflicts with the objective of attracting and retaining staff. Staff are initially enticed to Broome, with the housing subsidy a key element of the package offered. There are also ongoing administrative cost savings when staff move from rental accommodation to ownership, whereas this saving is lost if a replacement employee requires Council supplied housing.

The act of removing an employee's subsidy after 5 years is a disincentive for the staff member to remain with the Shire of Broome and would most certainly result in increased staff turnover. Given the already high turnover (approx 30%) and the extreme current labour market skills shortage, retaining the sunset clause would not be cost effective or strategic. Our policy direction should be designed with the intention to reduce turnover rather than accelerate or influence turnover.

PROS OF REMOVING THE CURRENT 5 YEAR LIMIT

1. Staff morale – staff can see the Shire values staff who purchase property equally with those who continue to rent (given that rental staff receive Shire Housing Assistance indefinitely).

2. Encouraging staff to commit to the Shire - by purchasing residential property they are psychologically more likely to remain in the employ of the Shire for a longer term because they have transferred their "ties" to Broome.
3. If staff remain with the Shire of Broome for a longer period of time, this reduces the potential turnover costs incurred by the Shire. Current turnover costs an estimated \$1 million per annum in lost productivity (based on 06/07 figures. Notional cost of turnover: 6mths x salary and wages x turnover = 0.5 x Annual total wages bill; \$6m x 30% = approx \$1m).
4. Staff avoid problems of rising rental prices and housing availability shortages because they remove themselves from the rental market.
5. Staff become ratepayers and show real commitment to the funding of town services and it's future.
6. Encouraging staff into housing ownership would provide savings in rental administration and vacancy costs.

CONS OF REMOVING THE CURRENT 5 YEAR LIMIT

1. If the 5 year limit is not removed, staff who have purchased their residence in Broome may resign as a result of their package being effectively reduced (by \$7,800 per annum) after at least 5 years of service (and 5 years of having committed to the town). Homeownership staff are likely to be replaced by staff seeking Council housing, thus extending the stock of leased property.
2. When staff move from rental accommodation to home ownership, they suffer significant taxation benefit losses. There are significant tax benefits available to staff who are in Shire leased accommodation (they receive a 100% tax exemption for the cost of the subsidy received and the total rental payments paid).

Staff who choose to purchase their home in Broome effectively receive less benefits (as there is FBT payable, deducted from the subsidy, and they lose their tax exemption). This shows the extra commitment these staff have made to the town and the Shire of Broome in the current circumstances.

To further reduce the benefit (by removing it after 5 years) would have a significant detrimental effect on their morale and their ability to afford to remain at the Shire.

The Shire of Roebourne recognise the sacrifice staff have made in purchasing a residential property in their town, and actually increase the Mortgage Assistance by the amount of FBT per week to compensate for this loss.

3. More staff may choose to continue to rent in Council Housing, as the benefit to them is significantly greater, without a sunset clause.

The cost of administering rentals is approximately \$50,000 (based on actual costs from 06/07 Financial Year):

- a. Unrecovered rent whilst houses are vacant (when staff resign and the lag before the new staff member commences): \$19,400;
- b. Money tied up in bonds \$31,000 (notional cost: \$2,100)
- c. Estimate of annual staff time to manage rentals: \$30,000 (50% Administration Officer salary)

There are approximately 20 staff renting, therefore this represents an administration cost to the Shire of \$2,500 per employee. (\$50,000/20)

Thus total cost to the Shire of a staff member renting = \$7,800 Benefit + \$2,500 Administration costs = \$10,300 per employee.

This is compared with the negligible ongoing costs of administering Mortgage Assistance to staff.

Total cost to the Shire of a staff member owning their home = \$7,800 Benefit + nil Administration costs = \$7,800 per employee.

COST OF REMOVING 5 YEAR LIMIT

Table 1

Yr 1 Cost to Council 2007/8	Yr 2 Cost to Council 2008/9	Yr 3 Cost to Council 2009/10	Yr 4 Cost to Council 2010/11	Yr 5 Cost to Council 2011/12	Total Additional Cost of benefit due over 5 years
\$ 3,900.00	\$ 7,800.00	\$19,500.00	\$27,300.00	\$ 54,990.00	\$113,490.00

Currently, there are 8 staff receiving Mortgage Assistance benefits. Above are the modelled costs to Council of the 8 staff who will pass the 5 year anniversary of purchasing their home over the next 5 years.

The above table shows the additional costs incurred by Council to pay staff who would not currently be entitled to further Mortgage Assistance, if the Sunset clause remained in place. These costs total \$113,490 over 5 years an average of approx \$2,300 each per year.

Table 2

2007/08	2008/09	2009/10	2010/11	2011/12
Manager Human Resources	Manager Finance	Manager Assets and Design,	Supervisor Parks and Gardens	Manager Library Services, Media Relations Officer, Senior Rates Officer, Planning Officer

The current sunset clause may act as a catalyst for staff turnover, for the positions listed in Table 2, notwithstanding external factors.

If these 8 staff members continued in home ownership they would effectively save the Shire an additional \$2,500 each per year in administrative costs, totalling \$100,000 (\$2,500 x 8 staff x 5 years), compared with occupying Council leased accommodation.

The potential cost listed in Table 1 would not be saved if staff turnover occurred and replacement staff required Council leased accommodation, in fact, the new staff would cost the Shire more in administration.

The switch from renting to mortgage assistance has saved the Shire in administration costs, which would almost outweigh the cost of the proposed continuation of the mortgage benefit after 5 years. In addition, the potential loss of corporate knowledge, has a much greater impact on organisational productivity, which is estimated at 6 months of the position's remuneration value, and in this case may exceed a notional figure, conservatively calculated at \$250,000, for the 8 staff members.

COSTS OF RETAINING THE CURRENT 5 YEAR LIMIT

1. Financial costs – both hidden and real. Potential sustained or increased turnover costs of staff currently receiving Mortgage Assistance should they choose to resign if assistance is no longer available after 5 years includes recruitment costs (\$3,500 per position x 8 = \$28,000), lost corporate knowledge and intellectual property, lost productivity whilst position is vacant and the 'down time' period until new staff members are fully productive.
2. Staff morale – Staff (anecdotally) have reported a feeling of a lack of support from the Shire, whereby one group of staff (home owners) are treated differently from another (staff in leased accommodation), especially after 5 years experience with the Shire.
3. New Staff Housing costs – leasing costs of new staff member moving to Broome. (Bond – up to \$3000 each house – based on highest current rental property), administration costs of staff (staff searching for applicable properties, and administering leases, inspecting properties, preparing lease documents for Shire and owner, and Shire and employee).

SUMMARY

Given the current staff turnover, cost of living and the difficulty in attracting and retaining staff, the Shire needs to be strategic in its approach to retaining experienced and skilled staff in order to deliver current and future Shire services.

If the Shire of Broome was not to offer an indefinite Housing Assistance for eligible staff, the Shire may be unable to retain those skilled staff in order to meet the organisation's needs.

Mortgage Assistance is a more cost effective option for the Shire of Broome in terms of administration costs (versus administration of rental assistance) and costs of potential loss of staff that may result. Therefore considering the removal of the 5 year limit, and extending the subsidy for the duration of employment is a priority.

The predicted results will be improved staff retention whilst encouraging home ownership among Shire staff. The Shire will be seen to treat all staff equitably; i.e. those who choose to make a commitment to the town (in purchasing their residential property in Broome), and those who continue to rent residences in Broome.

RECOMMENDATION 2: MAINTAIN THE VALUE OF THE STAFF HOUSING PACKAGE BENEFIT – CPI INCREMENTS

Over the past 6 years the \$150 per week benefit has not changed. Given the rising cost of rental prices (see below for current leased property weekly rentals), and the cost of living, the real value of the Housing Subsidy has fallen for the employee. CPI statistics over the past 4 years indicates a reduction in real value of \$20 per week over time.

In addition to this rise in rental costs, inflation has also risen by 14% over the past 4 years, (ABS Website statistics) the real value of the benefit has decreased. (6 year CPI change figures were not available from the ABS)

In the past 12 months, partly to combat the rising cost pressures on staff, and a way to try and curb the high staff turnover, the Shire of Broome has instigated salary packaging options to staff who rent Shire leased accommodation, to reduce tax paid, ensuring employees more cash in hand, which in turn, provides some relief to staff in rental accommodation.

The Housing Assistance benefit is the only part of an employee's package which does not increase, as part of cost of living increases. This is compared with wages and the Broome subsidy (for permanent staff) which increase by CPI or a negotiated amount annually via the Workplace Agreement.

HOUSING PRICE DATA

The table below lists our range of leased properties and the current rentals and their expiry date (which is when we expect rents to increase, or at a change of ownership)

Address	Lease Expiry	July 06 Rent/week	July 07 Rent/Week	Comments
17 Stewart Street	30/08/2007	N/A	500	Short Term rental
12 Godwit	3/11/2007	368	380.74	plus 12 month option (Review 4/5/07)
3/35 Demco	11/11/2007	485	510	On Market
2/41 Taylor	25/11/2007	340	400	6 month increase \$10/week from 26/5/07
22 Shearwater	31/12/2007	400	480	
3 Sayonara	7/01/2008	420	600	(Interim Increase: Increased to \$500, when pool installed)
Unit 5, Kingfisher	1/02/2008	N/A	280	Plus 12 month option
100 Sanderling	6/02/2008	N/A	390	Plus 12 month option
8 Matthews	9/03/2008	340	390	
17 Maritana	20/04/2008	400	630	
14 Placanica	30/04/2008	400	450	
12B Solway	5/05/2008	315	315	
4/12 Glenister	15/06/2008* **	N/A	400	***Plus 2 x 1 year options, max 10% rent increase
34 Eleanor	14/07/2008	520	750	Permission to sublease if necessary
21 Kestrel	16/07/2008	410	510	
2 Sayonara	18/07/2008	480	750	New owners
29B Frederick	22/07/2008	275	330	On market
16 Wallaby	30/11/2008	N/A	350	2 years with options, no review.
1 Lee Court	20/04/2010	N/A	500	CPI annually on 21 April annually

"N/A" – Property was not leased by the Shire at this date.

RENTAL RANGE OF SHIRE LEASED PROPERTIES

As at the 07/07/06 – rentals ranged from \$275 – \$520 (Average: \$400)

As at the 10/08/07 – rentals range from \$315 - \$750 (Average: \$530)

In 2001, the \$150 per week subsidy represented approximately 50% of the cost of weekly rental.

In 2006, \$150 represented 55% of the lowest weekly rental leased by the Shire, and 30% of the highest and 37.5% of the average rental.

In 2007, \$150 represents 47% of the lowest weekly rental, 20% of the highest weekly rentals and 30% of the average rental.

RECOMMENDATION 3: INCREASE TO THE STAFF HOUSING PACKAGE BENEFIT (MORTGAGE ASSISTANCE) TO ENCOURAGE HOMEOWNERSHIP

As an incentive to encourage staff to get out of the “rent trap” (costing approximately \$10,300 per annum) and make the commitment to home ownership, Council should consider in addition to removing the 5 year sunset clause, increasing the benefit to cover the FBT figure payable, in order to maintain the level of their existing salary package benefits that they received prior to moving to home ownership.

If a staff member rents a Shire leased property and then buys a residential property in Broome, they effectively have their salary package reduced by the amount of the FBT deducted. This acts as a disincentive to buy, and has an adverse effect on the employee's morale, knowing that they will receive a lesser package for committing to the town.

The Shire can address this by adopting a proactive long-term staff retention strategy, and maintain the value of their housing assistance benefit, which would encourage staff transition to home ownership. This Mortgage Assistance option is also less expensive to administer.

Council supplied housing provides staff with \$150 of housing benefit, plus there is an additional \$50 administrative cost in managing council housing based upon last years costs.

Staff making the move to homeownership receive \$105 after tax (FBT \$45).

Two options have been identified and are proposed; a weekly increase in the benefit (eg \$65 per week) (Option A) or a lesser amount agreed by Council (Option B).

OPTION A

If the Council increases the benefit by FBT, the staff member is less penalised for making the move to home ownership, and could therefore be more easily encouraged to purchase their residential home in Broome.

There has been one instance where a manager, now resigned, determined that he would be more financially advantaged to continue renting indefinitely in a Council supplied house and purchasing an investment property in Broome, rather than purchasing a home as his principal place of residence in Broome. It is also common to defer selling existing homes outside of Broome, in preference to taking up Council's supplied accommodation.

OPTION B

There is also the option of increasing the subsidy by a lesser amount than FBT (ie a general increase to acknowledge increased cost of living). The Shire of Roebourne has increased its Mortgage Assistance to offset the FBT the employee pays, in order to encourage staff home ownership and reduces the supply of houses required by the Shire of Broome.

Any increase, ranging from up to \$65 per week (FBT payable), will counteract the at least some of the costs (the reduction in Council Housing Benefit) an employee faces to purchase a home in Broome, and this will still offer an incentive to move to home ownership.

Given the other psychological benefits to the employee and administrative benefits home ownership provides the Shire, an increase to the Mortgage Assistance option should be favourably considered.

COST IMPLICATIONS OF RECOMMENDATION 2 AND RECOMMENDATION 3 OPTION A HOUSING ASSISTANCE (RENTAL AND MORTGAGE) - CPI INCREASES

Should it be decided that the Shire's Housing Assistance be increased in line with CPI (Perth, All Groups) from 2008/9 to recognise the increased rentals faced by staff, and to increase staff retention rates, the financial costs to Council would be an extra \$8,736 per annum on existing 07/08 costs (assuming we have 20 staff renting and 8 staff owning homes and assuming CPI of 4% over the next three years).

$\$7,800 + 4\% = \$8,112$ pa (or \$156.00 per week) (08/09 Financial Year)

07/08 Budget:	\$218,400 (\$7,800 x 28)
08/09 proposed:	\$227,136 (\$8,112 x 28)

Over the 28 staff (approximately 20 occupy leased accommodation and 8 own homes) this equates to an \$8,736 increase in 08/09. (\$218,400 - \$227,136)

If we assume that CPI remains at to 4% in 2009/10 and 2010/11 the costs are: \$9,072 pa and \$9,436 pa additionally for each financial year respectively which can be budgeted accordingly.

2009/10 - $\$8,112 + 4\% = \$8,436$ pa per staff member (or \$162 per week per staff member)

2010/11 $\$8,436 + 4\% = \$8,773$ pa per staff member (or \$169 per week per staff member)

SUMMARY

It is recommended that Council consider the amount of the Housing Assistance offered to staff in order to attempt to keep pace with the actual cost of living in Broome, as attested by the rising rental costs, especially in the last 1-2 years.

Similar to all other parts of an employee's salary package, it is recommended to increase the Housing Assistance annually, beginning 2008/9, by the change in the CPI measure of Perth (All Groups), in line with remuneration in other current workplace agreements.

COST IMPLICATIONS OF RECOMMENDATION 3 OPTION B INCREASE TO MORTGAGE ASSISTANCE (UP TO \$65 PER WEEK)

This option would totally eliminate the effect of the FBT on the benefit received by the employee. Should Council pay \$215 per week to homeowners from 2008/9, employees

would net a \$150 per week benefit, equivalent to Rental staff, and would be the most advantageous option.

The alternatives would be to consider a figure between \$150 to a maximum of \$215 per week. This would still provide incentive toward moving staff into home ownership.

The increase to the Mortgage Assistance Option would be included in the 08/09 Annual Budget and Strategic Financial Plan.

With present numbers of staff owning homes, at 8, the cost implications would be a maximum of \$65 per week per employee. This totals \$27,040 per annum.

Increase from \$150 to \$215 per week = \$65
\$65 x 52 x 8 staff = \$27,040 per annum.

SUMMARY

It is recommended that Council consider increasing the Home Ownership Assistance by FBT value of \$65 per week or a lesser amount (to be determined).

Either decision will assist in staff deciding to make the transition to home ownership, which can only have a long-term benefit on the Shire of Broome and should improve the long-term strategy of the Housing Assistance Policy.

RECOMMENDATION 4: DEAL WITH HOUSING ASSISTANCE VIA THE WORKPLACE AGREEMENT OR RETAIN AS A COUNCIL POLICY

There has been a suggestion to address the Housing Assistance via the Workplace Agreement.

This would allow the Housing Assistance to be treated in the same manner as other components of an employee's salary package.

This would enable the Housing Assistance benefit to be increased in a set and timely manner, without the need to review policy each time a change may be required. This would ensure the Housing Assistance subsidy remains relevant, meaningful and in line with cost of living increases, and would be reviewed every 3 years (for example) in line with the term of the workplace agreement.

Alternatively attaching CPI increments to the Housing Assistance Policy would have a similar effect.

SUMMARY

Regular review of HR policy is required to ensure relevance and alignment with strategic objectives and operational goals.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

As Outlined

FINANCIAL IMPLICATIONS

Refer to each recommendation.

All financial implications would be factored into the 2008/09 Financial Year.

STRATEGIC IMPLICATIONS**Prosperity**

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council agrees in principle and provides guidance to staff to allow for draft changes to be made to the existing Staff Housing Policy; 2.2.2;

1. *Recommendation 1:
That Council removes the 5 year limit on Mortgage Assistance benefits.*
2. *Recommendation 2:
That Council includes CPI increment to the Housing Assistance subsidy.*
3. *Recommendation 3:
That Council increases the Housing Assistance subsidy for home ownership to a value of up to \$215 or a lesser amount of \$_____.*
4. *Recommendation 4:
That Council includes the Housing Assistance subsidy into the relevant Workplace Agreement.*

Moved:

Seconded:

**FOR:
AGAINST:**

[Attachments: 3 pages](#)

9.1.5 APPOINTMENT OF DIRECTOR OF COMMUNITY SERVICES

LOCATION/ ADDRESS:	Shire of Broome
APPLICANT:	Chief Executive Officer
FILE: Personal File	
AUTHOR:	Chief Executive Officer
CONTRIBUTOR/S:	Human Resource Manager
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	14 September 2007

SUMMARY: The selection process for the position of Director Community Services position has been completed and Council is requested to endorse the appointment of the preferred applicant under s5.32(2) of the Local Government Act 1995.

BACKGROUND

Previous Considerations-Nil

Ms Suzanne Lollback, Director of Community Services has resigned from her position as at 3 August 2007.

An interview and selection process has been completed to replace Ms Lollback.

Under section 5.37 (2) of the LGA the Chief Executive Officer is to inform the Council of each proposal to employ or dismiss a senior employee and the Council may accept or reject the Chief Executive Officer's recommendation but if the council rejects a recommendation, it is to inform the Chief Executive Officer of the reasons for its doing so.

COMMENT

The position of Director Community Services attracted a field of nineteen (19) applicants, of which one withdrew prior to short-listing.

Six (6) candidates were short-listed and were offered an interview accordingly. The CEO and Human Resource Officer interviewed candidates, one in person and five via teleconference.

The field was strong, however, one stood out, after the interviews.

Mr Chris Jackson, currently the Chief Executive Officer, at the Shire of Lake Grace in Western Australia, was offered and has accepted the position, pending Council's approval of the Selection Panel's recommendation.

A confidential report of the preferred applicant's suitability to the position is attached.

CONSULTATION

Reference checks have been carried out and have proved to be positive.

STATUTORY ENVIRONMENT

Local Government Act 1995 s 5.32

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The advertised salary package value ranges from \$138,337 to \$146,850, inclusive a base salary of \$90,000 to \$97,500, Leave Loading, Broome Allowance, Housing Subsidy, Superannuation, private use of a 4WD.

The position of Director Community Services will undertake tasks and functions specifically listed in the contract of employment and containing a position description.

The preferred applicant has agreed to commence employment in Mid November 2007. As such there will be no handover period, and therefore no financial implications on the previously budgeted salary.

The provision of this position is ongoing in the budget.

STRATEGIC IMPLICATIONS

The position of Director Community Services will undertake tasks and functions specifically listed in the contract of employment and within a position description that outlines the Strategic and departmental duties and responsibilities.

Agreed Performance Indicators in the areas of:

- Service Planning
- Law Enforcement and Emergency Services
- Arts & Culture
- Community Relations
- Customer Service
- Financial Management
- Staff Management

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council endorses the appointment of Mr Christopher Jackson as Director Community Services for a period of five (5) years from mid November 2007.

Moved:

Seconded:

**FOR:
AGAINST:**

9.2

COMMUNITY DEVELOPMENT SERVICES



OUTCOME

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

9.2.1 HELPING YOUNG PEOPLE ENGAGE PROGRAM

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM76
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	11 Sept 2007

SUMMARY: This report outlines the current status of the Helping Young People Engage (HYPE) project, additional funding requirements and future actions of the HYPE team.

BACKGROUNDPrevious Considerations

OCM 20 January 2004 – Item 9.1.4

OCM 2 March 2004 – Item 9.1.6

SMC 28 June 2007 – Item 9.2.1

The Broome HYPE project is a local initiative developed in response to issues relating to young people and public space, and designed to enhance community safety and crime prevention. The program is seen as being highly successful with a reduction of over 60% in the number of young people gathering on the streets and over 30% reduction in property damage.

The three year funding agreement (\$307,714) with the National Community Crime Prevention Program (NCCPP) ceased as of 30 June 2007. On Monday 25 June, advice was received from the Office of The Hon Sue Ellery, WA Minister for Child Protection, Communities, Women's Interests, Seniors and Volunteering, that a one off grant of \$15,000 would be offered to HYPE.

Following further discussions, the Kimberley Development Commission also confirmed a one-off contribution of \$15,000.

On Wednesday 5 September, The Shire received a media release from Barry Haase MHR Federal Member for Kalgoorlie, confirming that \$197,150 had been approved via the NCCPP (refer attached) for three years.

Recommendations from the SMC 28 June also stipulated:

“That the Council approves the expenditure of \$30,000 commencing 1 July 2007 that has been identified in the 2007/2008 draft budget for the Helping Young People Engage project.....”

The following table highlights funding approved to date and future funding requirements.

TOTAL FINANCIAL CONTRIBUTION REQUIRED \$444,100

Agency	Year 1	Year 2	Year 3
NCCPP	\$ 60,000	\$ 63,000	\$ 74,140
SoB	\$ 30,000		
KDC	\$ 15,000		
DCP	\$ 15,000		
TOTAL ACTUAL	\$120,000	\$ 63,000	\$ 74,140
TOTAL BUDGET	\$174,530	\$127,700	\$141,870
REQUIRED	\$ 54,530	\$ 64,700	\$ 67,720

COMMENT

Acknowledging the one-off contributions made by SoB, KDC and DCP for Year 1, a further \$54,530 is required in the short term with an additional \$132,420 required in total for years 2 and 3. KDC have also advised that their contribution of \$15,000 is to be superseded by funds from the local Broome business sector, which the Shire will need to source.

It is proposed that the Shire will engage local businesses via the Chamber of Commerce as well as approaching major mining and gas companies, Lotteries, Healthways and other community organisations over the coming months. Budget amendments will be made accordingly.

In kind support for the program remains strong with DCP confirming ongoing support, as well as Police, Corrective Services and Shire of Broome.

Applications for the HYPE Co-ordinator role have closed with a commitment to appoint by the end of September. Director Corporate Services is attending weekly HYPE meetings and is continuing to provide administration and operational support to the program (approx 6 hours per week). Once the new co-ordinator is appointed, the HYPE workers and management team have agreed to revisit the HYPE strategy, staff numbers and projects for the next 18 months.

DCS has written a letter of thanks to Ms Jenny Gray (previous HYPE Co-ordinator), thanking her for her contribution to the NCCPP Funding application.

CONSULTATION

Commonwealth Department of Attorney General, National Community Crime Prevention Program
 Department Child Protection
 Department Corrective Services
 Broome Police

STATUTORY ENVIRONMENT

Local Government Act

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

A sum of \$30,000 has been allocated in the Shire's 2007/08 budget. In addition, the Shire provides in-kind support in terms of employment of HYPE workers, financial management and administrative support through the Director Corporate Services. Other agencies also offer in-kind support.

STRATEGIC IMPLICATIONS**People**

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

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

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Notes the ongoing financial support through the Commonwealth NCCPP.*
2. *Requests that the CEO write to Barry Haas MHR, DCP and KDC acknowledging their support and commitment to the HYPE program.*
3. *Seeks a further update on the progress of the HYPE program in 6 months.*

Moved:

Seconded:

**FOR:
AGAINST:**

[Attachment: 1 page](#)

9.2.2 COMMERCIAL ACTIVITIES ON CABLE BEACH POLICY

LOCATION/ ADDRESS:	Cable Beach
APPLICANT:	N/A
FILE:	ENH 22
AUTHOR:	Manager Emergency, Ranger and Beach Services
CONTRIBUTOR/S:	Chief Executive Officer, Director Community Services, Director Development Services, Director Corporate Services and Director Engineering Services.
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	30 August 2007

SUMMARY: A report recommending:

1. Approval of the draft "Commercial Camel Activities on Cable Beach" Policy
2. Approval of the draft "Commercial Activities on Cable Beach" Policy.
3. That these Policies be available for public comment.

BACKGROUNDPrevious Considerations

OCM - 21 December 2006 - item 9.3.3

At the OCM on the 21 December 2006 Council resolved to rescind the Commercial and Tourism Activities on Cable Beach Policy, this followed a State Administrative Tribunal (SAT) ruling on the issuing of trading licences for camel tours on Cable Beach. While SAT only considered the camel tour licences, the findings were relevant to all licences where a tender process was used to set the fees.

The SAT order included:

"The matter of the determinations of the applications be sent back to the Shire of Broome to permit the Council of the Shire to reconsider the applications for trading licences lodged as part of the invitation to tender process generally in accordance with the principles discussed in the reasons.

In particular, the applications should be reconsidered without regard to the weighted 'price 50%' factor applied pursuant to the Policy and the Selection Criteria and specification document.

This means that the Council urgently needs to adopt a revised Policy and Selection criteria and grant applicants the opportunity to address the relevant factors before a final decision is made by the Council."

And

"The Council will need to set valid fees for both applications for trading licences, and for the issue of a trading licence, that will apply after it decides which applications to approve. The licence fee should be imposed as soon as possible to

ensure applicants know what their fee obligation is before Council determines the applications.”

Following the rescinding of the Commercial and Tourism Activities on Cable Beach Policy Council staff have developed two new draft policies, one relating to commercial camel activities on Cable Beach and the other relating to the other forms of commercial activity on Cable Beach.

COMMENT

The attached draft policies are submitted for Council's consideration prior to seeking public comment on the draft documents, subject to approval comment will also be sought from all relevant Government Agencies and other stakeholders.

Both policies are intended to give greater definition to Council's intentions for commercial activities on Cable Beach. The Policies will set out the criteria and conditions for potential licensee's when applying for a licence to trade on Cable Beach.

The fees that have been set have been formulated to enable Council to more realistically recover some of the cost of administering the licences and activities.

Setting of fees:

The Shire of Broome is responsible for the provision of many services and infrastructure that relate directly to the management of Cable Beach. This includes access routes and associated infrastructure as well as services relating to people. Therefore it is not possible to accurately identify direct costs applicable only to commercial activities on Cable Beach.

Services and infrastructure provided by the Shire that relate either directly or partially to commercial activities on the beach include:

- Development of policies & procedures
- Ranger and beach services
- Environmental health services
- Staff administration of operating expenditure
- Shire vehicles and plant
- Contribution to media and tourism promotions
- Infrastructure development and maintenance – vehicle beach access (ramps, roads), toilets, car parks, emergency works following cyclones, etc
- Cable Beach Reserve and Gantheaume Point Reserve maintenance
- Cleaning and maintenance of toilets
- Waste management – litter and rubbish
- Signage and other such legislative requirements.

As stated above, it is not possible to accurately identify direct costs to the Shire with regards to commercial activities on Cable Beach, however the following indicates the scope of costs. In the 2005/06 financial year, the Shire estimated that a total of \$1.02 million dollars could be attributed to the total management of Cable Beach. In breaking this figure down, some \$585,000 could be attributed directly to beach management that involved pedestrians, vehicles and commercial activities, including camel trains, accessing Cable Beach North and South of the access ramp (including Cable Beach Reserve and amenities), car park maintenance, ranger and beach services, environmental health services and administration overheads. This does not include major infrastructure development.

As a baseline figure, an estimated 10% of these costs could be directly attributed to the administration and management of commercial activities on Cable Beach.

Financial year 2006/2007 saw an increase in ranger services with an additional 2 rangers and a manager's position being introduced, this increased the costs attributed directly to beach management from \$585,000 to \$601,000

With the above in mind the approximate cost to Council to administer and manage commercial activities on Cable Beach would be approximately \$60,000.00 per annum.

It is recognised that the administering of licences associated with camels will take up considerably more time and resources than that spent on the other licenced trading activities on Cable Beach, with this in mind and following consultation with senior staff, Ranger Services and Development Services it has been determined that a 70% (Camel Activities) - 30% (other approved activities) split of costs would be appropriate. Costs to be partially recovered by imposing a licence fee.

As indicated previously, the overall costs of management of Cable Beach is substantial. Some of these costs can be attributed directly and indirectly to commercial activities on Cable Beach.

With the above in mind it is determined that the licence fee for commercial camel activities should be levied at \$13,500.00/annum and licences for other commercial activities be levied at \$2,500.00/annum – with a fee to make application for a licence to conduct commercial activity on Cable Beach to be levied at \$500.00

CONSULTATION

Department of Local Government and Regional Development
Western Australian Local Government Association (WALGA)
Department for Planning and Infrastructure
Tourism WA
City of Stirling
City of Townsville
Port Macquarie – Hastings Council

STATUTORY ENVIRONMENT

WA Local Government Act 1995
Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003

POLICY IMPLICATIONS

These policies will replace the rescinded Commercial and Tourism Activities on Cable Beach Policy.

FINANCIAL IMPLICATIONS

There will be some cost associated with advertising the draft policies for public comment.

STRATEGIC IMPLICATIONS

People

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

9.3

DEVELOPMENT

SERVICES



OUTCOME

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

9.3.1 PROPOSED AMENDMENT - TOWN PLANNING SCHEME NO 4 - LOTS 3150, 3128, 3129, 3130 (PREVIOUSLY LOT 833) FROM TOURIST TO DEVELOPMENT AND VARIOUS UCL LOTS FROM LIGHT AND SERVICE INDUSTRY TO DEVELOPMENT.

LOCATION/ ADDRESS:	Lots 3150, 3128, 3129 & 3130 Gubinge Road & Fairway Drive and various UCL between Mugabala Road and Broome Road.
APPLICANT:	Urban Plan for Landcorp.
FILE:	PLA01
AUTHOR:	Director Development Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	11 September 2007

SUMMARY: This area was identified in the Broome Planning Steering Committee 2005 Report as a future residential cell and it is proposed to rezone the area to Development zone to facilitate the preparation of a Development Plan to provide for subdivision and development of the area.

This report recommends an amendment to Town Planning Scheme No4 to include the land in the Development zone.

BACKGROUND

Previous Considerations

Nil

Broome Planning Steering Committee

The Broome Planning Steering Committee (BPSC) released its 2005 Report to ...address issues facing Broome and to develop strategies to manage growth over the next 10 to 15 years. The committee has worked closely to identify what land might be available to accommodate housing, tourism, commercial and industrial uses while maintaining important and unique cultural, natural resource and lifestyle elements that make Broome a place that is highly sought after to live, and to visit.

As an essential step towards an up-to-date local planning strategy, the Broome Planning Steering Committee has developed a composite land use framework to accommodate the needs of the Broome community while maintaining a strong open space network and protection of important cultural areas.

Under Urban Management in its report the BPSC commented ...residential land demand will be met over the next five years through remaining areas of Roebuck Estate and Sunset Rise, together with lot release in the approved Herbert Street development and the planned release of Cable Beach 5B/5C residential neighbourhoods. Beyond the next five years, the community's needs will be met through the Cable Beach 5D/5E residential neighbourhoods; the area to the west of Roebuck Estate; sections of lot 833; the area north of Fairway Drive; and eventually through the relocation of the Broome airport.

It is now evident that Roebuck Estate, Sunset Rise, and Januburu will not satisfy residential demand in Broome for the next five years making it necessary to progress the planning for

the next stage of residential development. Following discussions with the Minister for Planning and Infrastructure and Landcorp it is proposed that Lot 833 (now Lots 3150, 3128, 3129, & 3130) be rezoned from Tourist zone to Development zone to facilitate the structure planning and development of the area.

Site and Surrounds

The subject land extends from Lullfitz Road in the west approximately two kilometres to Broome Road in the east and from Gubinge Road approximately one kilometre to the Environmental Cultural Corridor reserve in the north. It is traversed from north to south by both Mugabala Road (un-constructed), and Fairway Drive (un-constructed portion). All of the land involved is Unallocated Crown Land (UCL).

The land is reasonably flat with a ridgeline around 17 metres towards the west falling to 10 metres at the Gubinge / Mugabala intersection. The site is uncleared with a good cover of vegetation. Drainage to the west of the ridgeline will make its way to Lullfitz Drive and Millington Road, while drainage to the east will make its way to Gubinge Road and the Broome Road sump. The Energy Development Limited gas pipe is contained in an easement in the Mugabala Road reserve.

Description of the Proposal

The BPSC in its report estimated the area will provide for 900 dwellings, sites for a high school and a primary school, POS, roads, drainage and local shopping centres. The report also provided for a significant shopping centre (comparable to the Boulevard) but this was not supported by the Local Commercial Strategy adopted as a draft for consideration in the Local Planning Strategy.

Planning Provisions

Clause 4.25 of the Shire of Broome Town Planning Scheme (TPS4) describes the requirements and procedures for the creation and approval of a Development Plan. 4.25.1 states *...the aim of the zone is to provide for general urban development including residential, commercial and/or tourist development or rural development in accordance with a Development Plan prepared under this Scheme.*

The Scheme provides that development will not be permitted and subdivision will not be supported unless in accordance with an adopted Development plan. A Development Plan is required to address the following matters:

- (a) *the topography and vegetation of the area and distinctive features;*
- (b) *the existing major road system;*
- (c) *the location and width of proposed roads;*
- (d) *the location of pedestrian and bicycle routes;*
- (e) *the approximate location and area of the recreation and open space areas proposed;*
- (f) *the population, lot layout and the location of appropriate "Residential Planning Code" densities;*
- (g) *all existing and proposed land uses;*

- (h) provision for water supply, sewerage, drainage and public utilities;
- (i) the development proposed, the method of carrying out the development and the projected times of completion of each stage of development;
- (j) community facilities and commercial centres;
- (k) consideration of Aboriginal heritage and cultural sites and matters and how these aspects are incorporated into the development plan;
- (l) Environmental Cultural Corridors within the area and/or the allocation of land for conservation purposes in the area;
- (m) environmental protection consideration and pollution prevention measures; and
- (n) such other matter or information as is required by Council.

A Development Plan is required to be advertised for public comment and submissions, adopted by both Council and the Western Australian Planning Commission.

COMMENT

The rezoning of this land will facilitate the preparation of a Development Plan for the area and its subdivision and development.

It is proposed to include land identified for future tourism use and Light and Service Industry land in the Development zone so the Development Plan can properly address the connection and interface issues between the different areas.

Several issues have been raised in discussion for consideration in the process. Principle among these has been the need to progress as quickly as possible. Others have been to explore super-lot subdivision options and alternative land tenure models to address housing affordability.

It is recommended that Council initiate the amendment to the Scheme.

CONSULTATION

The BPSC report was made available for public comment in 2005. The amendment will be advertised for public comment for a period of 42 days and the Development Plan to follow will also have to be advertised for public comment.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire will meet the costs of the amendment process with in-kind contributions from Landcorp.

STRATEGIC IMPLICATIONS

Place

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council pursuant to Section 75 of the Planning and Development Act 2005 amends the Shire of Broome Town Planning Scheme No. 4 to rezone Lots 3128, 3129, 3130, and 3150 from Tourist to Development and the Unallocated Crown Land Light and Service Industry lots between Mugabala Road and Broome Road to Development.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 1 page](#)

9.3.2 PROPOSED AMENDMENT – TOWN PLANNING SCHEME NO 4 - RESERVE NO. 43465 (KERR ST) AND RESERVE NO. 40224 (DAKAS ST) PARKS AND RECREATION TO RESIDENTIAL - AND RESERVE NO. 45562 (TOLENTINO PARK) RESIDENTIAL TO PARKS AND RECREATION

LOCATION/ ADDRESS:	Reserve No. 43465 Kerr Street, Reserve No. 40224 Dakas Street, Reserve No. 45562 Tolentino Street
APPLICANT:	Shire of Broome
FILE:	RES43465, RES40224, RES45562
AUTHOR:	LandCorp
CONTRIBUTOR/S:	DDS
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	10 September 2007

SUMMARY: To facilitate the provision of much needed residential land in Broome, it is proposed to rezone Reserve No. 40224 and part of Reserve No. 43465 from Parks and Recreation to Residential so that LandCorp can develop the sites. It is also proposed to rezone Reserve 45562, which has been developed for recreation, from Residential to Parks and Recreation.

This report recommends that Council amends Town Planning Scheme No 4 to rezone the above reserves.

BACKGROUND

Previous Considerations

- OCM 25 February 2003 – Item 9.5.3 (Reserve 40224)
- OCM 22 July 2003 – Item 9.5.1 (Reserve 40224)
- OCM 10 February 2004 – Item 9.2.3 (Reserve 40224)
- OCM 14 June 2005 - Item 9.5.1 (Reserve 43465 Kerr Street extension]
- OCM 15 February 2007 – Item 9.3.6 (Reserve 43465 & 40224)

Site and Surrounds

Reserve 43465(Kerr Street) is a reserve for recreation vested in the Shire. It has an area of 9036 square metres and is located opposite Haynes Oval, bounded by Kerr, Matsumoto and Tang Streets. It is undeveloped and zoned Parks and Recreation under the Shire of Broome Town Planning Scheme No.4.

The site is orientated towards Haynes Oval. There is a storm water drain along the southern boundary which discharges to the east into Matsumoto Street drain (Public Purpose Reserve).

Access via Kerr Street is currently under construction and Matsumoto Road is yet to be constructed. The construction at Matsumoto Street will replace this pedestrian access currently used by as a direct route to the oval. A student college for residential borders is being built adjacent to the Reserve.

Reserve 40224 (Dakas Street) is a 1.2833 ha site which is currently zoned Parks and Recreation. It is an open space spine orientated north south and abuts cul-de-sacs from

Foster, Lee, Torres and Drummond Streets. Dakas Street provides access to the north and Nightingall Drive provides access to the south.

Reserve 45562 (Tolentino Street) is a reserve for Public Recreation currently vested in the Shire. It has an area of 4788 square metres and has been developed for recreation. It is currently zoned Residential.

History

Council considered the use of Reserves 46465 (Kerr St) and Reserve 40224 (Dakas St) at its meeting on 15 February 2007 and resolved:

Recognising the shortage of developable residential land in Broome, advises State Land Services that Reserve 43465 is surplus to Shire requirements for recreational purposes, and may be developed for residential purposes subject to all costs being at the expense of the proponent, including the following conditions:

1. Retention of a 15 metre wide part of the Reserve along the southern boundary, to be Reserved for drainage purposes, and any changes required to the drain to be included in the overall cost.
2. Matsumoto Street is to be fully constructed to Shire standards through to Kerr Street, including the provision of streetlights, drainage, and footpath connections.
3. A contribution in lieu of public open space to be provided by agreement with Council, but to be based as a minimum on the supply and erection of a new perimeter fence to the unfenced portions of Haynes Oval, or otherwise equivalent to a cash contribution of 10% of the value of the land.
4. That Council agrees to the inclusion of the northern portion of drainage reserve 39082 to be included if required for a better outcome for the residential project, subject to the Shire drain being accommodated in the design.

Advises State Land Services that Reserve 40224 is surplus to Shire requirements for recreational purposes, and may be developed for residential purposes subject to all costs to be by the proponent, including the following conditions:

1. That Reserve 40224 should be developed generally in line with a mix of residential and recreational areas, as indicated in Council's preferred option, and to agreed development guidelines.
2. The provision of all normal subdivision requirements, including drainage head works.
3. The provision of park infrastructure to the remaining portions of the reserve to an agreed plan with the Shire.

Description of the Proposal

It is now proposed to rezone Reserve 46465 (Kerr St) to Residential with a Residential Density Code of R50 to enable the developed of three group dwelling lots orientated north-south overlooking Haynes Oval.

It is also proposed to rezone portions of Reserve 40224 (Dakas St) to Residential with a Residential Density Code of R30 to enable the creation of seven group dwelling lots providing surveillance over the adjoining parks.

At the same time, it is proposed to take the opportunity to rezone Reserve 45562 (Tolentino Park) to Parks and Recreation to reflect the fact that the site, which is managed by the Shire of Broome, has been developed and maintained for the purpose of recreation.

COMMENT

The proposed Scheme Amendments provide the Council with an opportunity to proactively respond to the shortage of developable land in Broome.

The selected sites are adjacent to existing facilities including open space, schools, shops, and services and lend themselves to medium density infill.

There is a large distribution of open space in the locality, including Haynes Oval, which provides adequate provision of POS. Development of Kerr Street will provide additional benefits including enhanced passive surveillance of the oval and adjoining college, as well as sealed road connection between Matsumoto and Kerr Street.

With regard to Dakas Street, it is worth noting that the open space spine was previously subject to antisocial behaviour and the redesign will significantly increase passive surveillance, which may address this issue.

At the same time, the proposed amendment to Reserve 45562 (Tolentino Park) ensures the future of this site as a park is protected.

It is recommended Council amends its Scheme to reflect the above changes.

CONSULTATION

In accordance with the Town Planning Scheme Regulations, the proposed Scheme Amendments are required to be advertised for public comment for 42 days.

The proposal has been discussed with and is supported by LandCorp and the Department for Planning and Infrastructure.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No. 4

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire will meet the costs of the amendment process with in-kind contributions from Landcorp.

STRATEGIC IMPLICATIONS**Place**

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council pursuant to Section 75 of the Planning and Development Act 2005, resolves to amend the Shire of Broome Town Planning Scheme No. 4 to rezone:

- 1. Rezone Reserve No. 43465 (Kerr Street) from Reserve for Parks and Recreation to Residential with a Residential Density Code R50;*
- 2. Rezone portions of Reserve No. 40224 (Dakas Street) from Reserve for Parks and Recreation to Residential with a Residential Density Code of R30;*
- 3. Rezone Reserve No. 45562 (Tolentino Park) from Residential to Reserve for Parks and Recreation.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 1 page](#)

9.3.3 PROPOSED AMENDMENT TOWN PLANNING SCHEME No 4: LOT 1259 PRYOR DRIVE BROOME R15 TO R50

LOCATION/ ADDRESS:	Lot 1259 (1) Pryor Drive, Broome
APPLICANT:	Saleeba Adams Architects on behalf of Tamminea Pty Ltd
FILE:	PRY-1/1
AUTHOR:	Manager Planning Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 September 2007

SUMMARY: Council has received a request to recode Lot 1259 Pryor Drive from R15 code to R50 code.

This report recommends that Council amends Town Planning Scheme No. 4 to recode the subject lot from R15 to R50.

BACKGROUND

Previous Considerations

The following meetings considered Amendment No 36 – Town Planning Scheme no 4 – Residential Density:

- Council Workshop – July 2004
- OCM 1 August 2006 – Item 9.3.3. (Deferred)
- SCM 15 August 2006 – Item 9.3.1
- OCM 21 December 2006 – Item 9.3.12
- OCM 18 January – Item 7 (Petition)
- OCM 11 April 2007 – Item 9.3.7 (Deferred)

The Site and Surrounds

The site is 1771m² and contains a house constructed in 1981. The house is typical of a late 70's, early 80's project home with dark face external brickwork and pitched square profile metal deck roofing. A large steel framed shed is located adjacent to the house and faces the street and is imposing on the streetscape.

The Notre Dame University site lies to the subject lot's western boundary. Single residential housing occupies the remainder of Pryor Drive.

The adjacent houses are generally located on lot areas of 1000m² and appear to have been developed during the late 70's and 80's.

Horizon Power Overhead Lines and Easement

An easement (H649385) in favour of Horizon Power for overhead powerlines exists over the property. Horizon Power has confirmed that the lines are scheduled to be removed in January 2008. The power will be re-routed underground along Pryor Drive. Following removal of the lines Horizon Power will subsequently proceed to release the easement from the property title.

The easement protects the overhead power lines and gives access rights to Horizon Power to undertake any necessary servicing. The lines traverse the subject site approximately 16 metres in from the common boundary with Notre Dame University. The overhead line and easements need to be removed prior to development occurring and this can be controlled at the development stage.

Description of the Proposal

The proponent has requested the site be recoded to R50 to allow the development of eight (8) two-storey two-bedroom townhouses. The justification given by the applicant for the recoding includes:

- 1) *The site is large, being 1771m², and well suited to a higher density coding. This recoding will not provide a precedent for other R50 Pryor Drive applications. All other lots in Pryor Drive are only 1000m².*
- 2) *The application is not a "spot" recoding and will have no negative impact on the surrounding single residential area. The site is located at the western end of Pryor Drive, this being the fringe of the residential area.*
- 3) *The existing house is unsuitable for the Broome climate and inconsistent with the Broome Style.*
- 4) *The design proposed demonstrates that 8 group dwellings can be accommodated while ensuring the design is climate sensitive and appropriate to Broome.*
- 5) *Redevelopment of this site will stimulate further regeneration of the existing houses in this area and improve the amenity of the neighbourhood.*
- 6) *The proposal is compatible with Notre Dame University's "grouped" staff housing that is located immediately adjacent to the site.*
- 7) *There is good access to cycleways, pedestrian pathways, and public transport.*
- 8) *St Mary's College and Notre Dame University are located on adjacent sites and Cable Beach Primary School is located less than 1km away.*
- 9) *The Broome Recreation and Aquatic Centre and Skate Park and are all co-located less than 1km away.*
- 10) *Given the current shortage of affordable housing in Broome recoding of larger sites, i.e. greater than say 1000m², would seem appropriate.*

The applicant has also provided a statement on the merits of a proposed building design submitted. In summary this is:

- The design avoids battleaxe style development;
- R50 would permit technically 9.8 dwellings but only 8 are proposed to allow for separation between units for cross flow breezes, privacy and amenity;
- Group dwelling development is preferable to multiple dwelling development;
- The timber decking will maximise underfloor ventilation and minimise radiant heat;
- Designed in a contemporary Broome style and in accordance with the R50 requirements of the Residential Design Codes; and
- The units are grouped in pairs to allow breezeways.

Planning Provisions

The Lot is zoned Residential and Coded R15. Medium density group dwelling development is not permitted within a R15 Code area.

Council's resolution is required to amend its Town Planning Scheme No 4.

COMMENT

There has been considerable deliberation on the issue of the supply of affordable housing. It is widely recognised that the high demand for new residential development and the inflexible residential design coding options has resulted in Broome's housing stock being dominated by single storey detached dwellings.

Council considered Amendment 36, which proposes to recode properties west of Herbert Street and south of Anne Street from Coded R15 and R 10/20 to R30/50 at its meeting on 12 April 2007 and resolved:

1. *Defers any decision on the amendment process for Amendment 36 to the Town Planning Scheme No 4 until such time as the proposed design guidelines are completed.*
2. *Undertakes a process that engages the public in a genuine forum on the proposal and its design guidelines.*
3. *Undertakes an extensive survey of the current residents and landowners of the proposed area.*
4. *Considers including the original larger area proposed for increased density under this amendment.*

A workshop was held for the Local Housing Strategy review in May and the draft strategy is to be referred to the next meeting of the Broome Planning Advisory Committee in November.

Pryor Street is within the area generally considered to be appropriate for recoding. The proponent's request presents an opportunity to increase the housing diversity within the area. The proposed design submitted by the proponent while not a part of this application shows that the size of the site will enable appropriate development to address the issues of climate sensitivity, energy efficiency, privacy and airflow.

CONCLUSION

The lot is larger than average and as such provides an opportunity to increase housing diversity. The proposed (architectural) design while not part of this approval is of a high standard and provides a good example of an appropriate design.

It is recommended that on the basis that the subject lot is large, is located on the periphery of the residential area adjoining Notre Dame University and given the current housing shortage in Broome, support of the recoding is considered appropriate.

CONSULTATION

In accordance with the Planning and Development Act 2005 a Scheme Amendment is required to be advertised for a period of 42 days.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proponent will meet costs associated with the amendment.

STRATEGIC IMPLICATIONS

Place

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council pursuant to Section 75 of the Planning and Development Act 2005 amends the Shire of Broome Town Planning Scheme No. 4 to recode Lot 1259 (1) Pryor Street, Broome from 'Residential R15' to 'Residential R50'.

Moved:

Seconded:

**FOR:
AGAINST:**

[Attachments: 4 pages](#)

9.3.4 PROPOSED AMENDMENT – TOWN PLANNING SCHEME NO 4 - LOT 285 SAVILLE STREET BROOME FROM R10 TO R50

LOCATION/ ADDRESS:	Lot 285 (15) Saville Street cnr of Herbert Street, Broome
APPLICANT:	Ray White Real Estate on behalf of Tazuko Kaino
FILE:	SAV-1/15
AUTHOR:	Andrew Pawluk – Contract Planner
CONTRIBUTOR/S:	Manager Planning Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 September 2007

SUMMARY: Council has received a request to recode Lot 285 Saville Street (former Magabala Books store site) from R10 to R50.

This report recommends that Council initiates and adopts an Amendment to Town Planning Scheme No. 4 to recode the subject lot from R10 to R50.

BACKGROUND

Previous Considerations

17 July 1997 – Approval issued for a (second) residence on the property under delegated authority.

Site and Surrounds

The site is 2428m² in area. There are three buildings on the site, the office building, a flat and a residence. The office building was occupied by Magabala Books (now moved to the Old Visitor Centre) leaving Northwest Tourism as the only remaining tenant. The office use is assumed to be "non-conforming".

(Refer to Attachment)

Development in the general location is primarily single residential housing with either R10 or R10/20 coding. A similar sized lot located diagonally across Saville Street from the subject site is coded R50 and is developed as a group housing site.

Description of the Proposal

A formal request has been lodged seeking Council's support to recode the site from R10 to R50 to allow the development of (grouped or multiple) medium density housing.

The applicant has provided the following arguments in support of the recoding:

- Lots nearby are already coded R50 and R30.
- There is a housing shortage in Broome.
- The town bus route is within walkable distance.
- Recoding will mean that the current non-conforming uses will be removed and be replaced by more appropriate 'residential use'.
- The existing old building would be demolished and development will bring a fresh look to the corner.

The applicant has confirmed that the property is currently listed for sale and they are targeting developers/investors to purchase the site and undertake the R50 development.

Planning Provisions

Medium density grouped or multiple dwelling development are 'X' uses, not permitted within a R10 Residential Code Area.

Council's specific resolution is required to amend its Town Planning Scheme No 4.

COMMENT

Assessment of Merits of the Site for R50

Good town planning principles support medium density housing being located adjoining town or local centres where the residents can support businesses and have easy access to work, shops etc either by walking, cycling or public transport. Livable Neighborhoods considers 400 metres a 'walkable' distance. Locations within 3kms are considered to be suitable for cycling trips.

The location criteria for medium density housing and assessment of this site is as follows:

- **Access to public transport** – 250m to local bus stop on Hopton Street
- **Access to pedestrian and cycle paths** – surrounding street/pathways
- **Access to shops** – 200m to local convenience shops (Fong's Store) 300m to Coles (at former Seaview) and a restaurant
- **Access to schools** – 600m to Broome Primary School
- **Access to recreation** – 500m to Town Beach
- **Accessibility** – located one block from both Guy St a local distributor road
- **Net impact on surrounding residential area** – the site has been used for non-conforming commercial purposes for over 20 years. The recoding will result in it reverting back to residential use, albeit at a higher density. While the density of development will be greater, the traffic generated is likely to be similar to that experienced with the bookstore and office development. The net result, with appropriate new development would be an improvement.

While the site may not be located adjacent to a centre there is reasonable locational criteria to support the higher R50 coding on the subject site. Should the recoding not proceed the owner could utilise his non-conforming use rights and seek a continuation of office use or similar by different tenants. It is considered preferable for this site to be developed for residential purposes than to continue to be used for offices.

Indicative Development Site Plan

The applicant initially submitted the indicative development site plan for 12 units in support of a request to seek a recoding to R60. Following a meeting with the Shire officers, the applicant indicated that the owner is not interested in redeveloping the site and would leave the preparation of development plan to any intending purchaser.

Lot 285 is 2428m², which under an R50 coding would permit a maximum of 11 multiple dwelling units, or 13 grouped dwellings.

Any new development should be required to meet Council's Medium Density Housing Design Guidelines (currently being formulated), which incorporate particular measures to address the climatic conditions.

Given the applicant will be the selling agent for the property it is opportune to request that the property be marketed to prospective purchasers on the basis that any medium

density residential development should address the design requirements set out in Council's draft guidelines.

'Old Broome' - Broome Housing Strategy

The site is located within the precinct of 'Old Broome' within which under the 1998 Housing Strategy there is an objective of maintaining the integrity of the character of the area. Normally recoding to a higher density would not be in line with the strategy but there is no discussion in that strategy regarding the desirability or otherwise of non-residential uses.

Council has not yet considered its Local Housing Strategy Review report but it is considered appropriate that this opportunity is taken to encourage the removal of a non-conforming use.

Draft – Residential Design Guidelines for Medium Density have been prepared as part of the Review of the Local Housing Strategy and these are included as an attachment to this report.

Conclusion

The subject site is located reasonably close to shops, amenities, recreation areas, bus and walking/cycling routes. The recoding to R50 will facilitate the removal of the aged buildings from the site and remove the non-conforming uses from the site. Given the current use of the site and its surrounds an R50 coding over the site is not considered to compromise the character of the area

It is considered appropriate to create a higher code to encourage redevelopment for residential purposes particularly where the existing development has little merit. Accordingly an Amendment to increase the density coding on Lot 285 Saville Street to R50 is supported.

CONSULTATION

In accordance with the Planning and Development Act 2005 the Scheme Amendment is required to be advertised for a period of 42 days.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The costs associated with the amendment are required to be covered by the proponent.

STRATEGIC IMPLICATIONS

Place

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, amends the Shire of Broome Town Planning Scheme No. 4 to recode Lot 285 Saville Street, Broome from the R10 Code to the R50 code.
2. Advises the applicant that as the selling agent for the property they ensure all prospective purchasers are advised that the design of any medium density residential proposal on the site shall address the following:
 - a) The R50 design requirements of the Residential Design Codes
 - b) The Shire's proposed Medium Density Housing Design Guidelines
 - c) The units should address both streets

Moved:**Seconded:****FOR:
AGAINST:**[Attachment: 4 Pages](#)

9.3.5 DAMPIER PENINSULAR PLAN - PROJECT STEERING GROUP - REQUEST FOR REPRESENTATION

LOCATION/ ADDRESS:	Dampier Peninsula (North of Point Coulomb Nature Reserve)
APPLICANT:	Department for Planning and Infrastructure
FILE:	PLA58
AUTHOR:	Director Development Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	12 September 2007

SUMMARY: The Department for Planning and Infrastructure advises it has initiated the preparation of a Dampier Peninsula Land Use and Infrastructure Plan and is establishing a Steering Group to oversee the preparation. Council is invited to nominate a representative and an alternative for membership of the Steering Group.

This report recommends nomination of a member Councillor and an alternative Councillor and recommends to DPI that a Shire staff member be included as an ex-officio member of the Steering Group.

BACKGROUND

Previous Considerations

The department for Planning and Infrastructure (DPI) and the Western Australian Planning Commission (WAPC) propose to prepare a land use and infrastructure plan for the northern portion of the Dampier Peninsula to provide a consistent planning framework for decisions relating to land use, infrastructure, access and development.

The project brief was prepared in consultation with the Shire of Broome, the Shire of Derby West Kimberley, the Department of Indigenous affairs, the Indigenous Coordination Centre and other government agencies. It is proposed to create a Steering Group consisting of 12 members and ten ex-officio members. (see attachment) The Group is proposed to meet on a bi-monthly basis depending on the progress of the project and will be Chaired by the Chairman of the Western Australian Planning Commission. The Steering group is to be supported by an extensive technical reference group.

Council has been invited to nominate a person and an alternate to represent the Shire on the Steering Group.

COMMENT

This is considered to be an important planning exercise and will form the basis for the future town planning scheme for the area. It is considered appropriate to recommend to DPI that a staff member be included as an ex-officio member of the Group.

CONSULTATION

DPI has undertaken considerable consultation with government agencies and communities.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Some cost will be involved in attending meetings.

STRATEGIC IMPLICATIONS

People

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

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

Place

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

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. Nominates Cr _____ as the Shire's representative on the Dampier Peninsula Steering Committee and Cr _____ as an alternative; and,
2. Recommends to the Department for Planning and Infrastructure that a Shire staff member be included as an ex-officio member of the Dampier Peninsula Steering Group.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 2 pages](#)

9.3.6 APPLICATION FOR PLANNING APPROVAL – MIXED USE DEVELOPMENT WITH COMMERCIAL AND RESIDENTIAL DEVELOPMENT - LOT 508 (NO. 12) NAPIER TERRACE, BROOME.

LOCATION/ ADDRESS: Lot 508 (No.12) Napier Terrace, Broome
APPLICANT: Saleeba Adams Architects acting for P&H Unit Trust and Banfield Property Development Trust.
FILE: NAP-1/12
AUTHOR: Simon Lenton
CONTRIBUTOR/S: Michelle Teoh
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 9 September 2007

SUMMARY: An application for planning approval has been lodged for a Mixed Use development, which includes commercial and residential components at Lot 508 (No. 12) Napier Terrace, Broome.

This application is being referred to Council to determine as it is requesting a relaxation of the Scheme landscaping provisions and proposes to locate car parking within the road reserve adjoining the lot that will cover more than 40% of the total adjoining road reserve.

This report recommends approval.

BACKGROUND

Previous Considerations

Nil

Site and Surrounds

Lot 508 (No.12) is located on the northern side of Napier Terrace, approximately fifty (50) metres from the intersection of Napier Terrace and Hamersley Street. The lot is across the road from Beaurepairs and is on the western side of Tongs Chinese Restaurant and the eastern side of the Centrelink offices. The site is currently vacant with no vegetation and slopes way from the road towards a drainage reserve to the north. (see attachment)

Description of the Proposal

The proposal comprises two retail tenancies, two office tenancies, eight residential units and an undercroft parking area. The commercial tenancies are arranged around a landscaped courtyard at street level, six of the residential units are on the next level, and two single bedroom residential units on the third level at the rear of the lot.

Car Parking

The undercroft parking area provides 16 bays. A further ten bays (plus a service bay) are provided on site, and 19 bays are proposed in the road reserve in front of the property.

Landscaping

Landscaping is proposed within the central courtyard, at the front and rear of the building and in the road reserve.

Drainage

The lot slopes from front to rear and accommodates some storm water from the road reserve and from the adjoining lot to the east.

Planning Provisions

Lot 508 (No 12) Napier Terrace is zoned 'Mixed Use'. Clause 4.16 specifies site and development requirements.

The Town Planning Scheme provisions which may be of concern are:

- Clause 5.10 Architecture The style of the building must match the 'Broome style' of architecture.
- Clause 5.11 Landscaping Landscaping may be required by Council to be provided and maintained abutting the boundary of all street frontages to a minimum depth of three metres from the boundary.

COMMENT

Car Parking

Use	Rate	Bays Required	Bays Provided
Retail 227m ²	1/15m ²	15.1	28
Office 462m ²	1/30m ²	15.3	
Residential 8 Units	1/DU Mixed Use	8	16
		39	44

This development requires 39 bays, the applicant is proposing 44 bays.

While only eight bays are required for the residential units, the applicant is providing 16 undercover secure bays. The commercial tenancies require a total of 31 bays, only 28 bays are provided. This issue could be resolved by the allocation of three or four staff bays in the secure undercroft parking. The parking layout has been designed to enable any future verge parking along the front of the adjacent lots to create a continuous parking area along Napier Terrace Road Reserve.

Architectural Design

The design of the building includes verandahs, pitched roofs, timber features, Colorbond wall and roof cladding with a multiple hipped roof design and is considered to satisfy the Scheme requirements.

Landscaping

The applicant is requesting a relaxation of the requirements to provide three metres of onsite landscaping abutting the street frontage and, in lieu, to landscape the verge area in the adjacent Napier Terrace Road Reserve.

This requirement is contrary to the development of a mixed use streetscape and its relaxation is supported.

Drainage

It is proposed to provide a 1.0 metre wide drainage channel down the eastern boundary of the property and partly across the rear the adjoining drainage reserve. This channel is to be protected by an easement.

Summary

The applicant is requesting a relaxation of the landscaping provisions and proposes to locate some of the required parking bays within the adjoining Napier Terrace Road Reserve.

The proposed development is considered to be an acceptable development that meets the aims and objective of the Mixed Use zone. Conditions can be placed on the approval to ensure the development within the road reserve is properly constructed and maintained at the owner's expense.

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

Place

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council exercises its discretion to vary the landscaping requirements in clause 4.16 of 2 of Town Planning Scheme No. 4 and approves application for planning approval a commercial and residential development at Lot 508 (No.12) Napier Terrace, Broome, subject to the following conditions:

1. Development must be carried out in accordance with the plans dated 27 August 2007 and 13 September 2007, which were submitted with the application, and endorsed by the Shire.
2. If the development the subject of this approval is not substantially commenced within a period of 3 years from the date of the approval, the approval will lapse and be of no further effect. Where an approval has lapsed, no development must be carried out without the further approval of the Council.
3. All vehicle crossovers must be designed and constructed (sealed, brick paving, bitumen, concrete) to the Shire's standard crossover specification.
4. 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) Surfaced with an all-weather seal coat to the satisfaction of the Shire.
 - d) Drained and maintained to the satisfaction of the Shire.
 - e) Line-marked to indicate each car bay and all access lanes to the satisfaction of the Shire, in accordance with the Building Code of Australia and AS1428.1 – 2001 Design for Access and Mobility, Part 1 – General Requirements for Access – Buildings.
 - f) Be kept available for these purposes at all times.
5. A minimum of 39 car parking bays must be provided for the development.
6. Any existing crossover(s), not required as part of this development, must be removed and the kerb and footpath reinstated, and the verge graded, stabilised and landscaped in line with the approved plan, prior to occupancy of the development.
7. Prior to the submission of an application for Building Licence and prior to any construction or works commencing on site, a drainage plan must be prepared and submitted to the Shire. The design and documentation for the drainage plan must be certified by an appropriately qualified professional, using recognised and accepted hydrological, hydrogeological, solid, hydraulic and design methodologies. The applicant should consult with the Shire in order to properly integrate the design and documentation of the proposed drainage system for the site, with the Shire's existing drainage system, and show:
 - a) The existing storm water drainage system, easements and legal points of discharge.
 - b) The location of all development, including finished floor levels, and grades of all hard-stand areas.
 - c) The layout of the proposed storm water drainage system.
 - d) Methods for on-site detention, if required.

8. *The proposed drainage channel is to be protected by a suitable legal document to the satisfaction of the Shire at the cost of the applicant.*
9. *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.*
10. *Prior to any construction or works starting on-site, a Landscaping Plan must be submitted to and approved by the Shire, drawn to an appropriate scale and show the following:*
 - a) *The location and type of existing and proposed trees and shrubs.*
 - b) *Any lawns to be established.*
 - c) *Any natural landscape areas to be retained.*
 - d) *Those areas to be reticulated or irrigated.*
11. *Landscaping of the Napier Terrace Road Reserve 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.*
12. *For works within the adjacent road verge, the proponent must, prior to occupation of the development:*
 - 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).*
13. *If requested to do so by the Shire the proponent must at their own cost, remove all or part of the landscaping within the road verge within 14 days of receipt of a written request from the Shire.*
14. *Outdoor lighting must be appropriately designed, shielded and located, to the satisfaction of the Shire, to prevent any light spill and adverse effects on nearby or adjoining land.*
15. *A suitably screened refuse bin storage area must be provided to the satisfaction of the Shire.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 8 pages](#)

9.3.7 APPLICATION FOR PLANNING APPROVAL – TWO STOREY RETAIL/OFFICE BUILDING AT LOT 300 (NO. 59 - 61) ROBINSON STREET, BROOME

LOCATION/ADDRESS:	Lot 300 (No. 59 - 61) Robinson Street, Broome.
APPLICANT:	Seaview (WA) Pty Ltd
FILE:	ROB-2/59
AUTHOR:	Simon Lenton
CONTRIBUTOR/S:	Manager Planning Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 September 2007

SUMMARY: An application for planning approval has been lodged for a two storey retail/office building at Lot 300 (No. 59 – 61) Robinson Street, Broome and was deferred at the meeting held on 1 August 2007 pending receipt of additional information. This application is being referred to Council as the applicant is requesting a departure from the requirements of Local Planning Policy 4.1.8 - Car Parking.

This report recommends approval.

BACKGROUND

Previous Considerations

OCM 1 August 2007 - Item 9.3.9

Site and Surrounds

Lot 300 (No.59 – 61) is located between Robinson Street and Hamersley Street. The lot contains the new Seaview Shopping Centre. The location of the proposed retail/office building is on the Hamersley Street frontage, directly across the road from Catalina II apartments.

The portion of Lot 300 where the proposed building is to be located is currently used for parking and services. (see attached)

Description of the Proposal

This application proposes a two storey building with an 88m² retail tenancy on the ground floor and a 98m² office tenancy on the first floor. The proposal also includes the provision of a decked area to the front of the building and four staff parking bays to the rear of the building. It is proposed that a service area at the rear of the building and a loading bay at the front of the building will be allocated for the new buildings exclusive use. Four staff parking bays are proposed to the rear of the building.

Planning Provisions

Lot 300 Robinson Street is zoned 'Local Centre'. Clause 4.15 specifies site and development requirements.

COMMENT*Car Parking*

This development has the following car parking requirement:

Land Use	Calculation	Parking Required	Parking Provided
Retail (88m ²)	1 bay per 15 m ² of Gross Floor Area	5.86 bays	2 bays
Office (98m ²)	1 bay per 30m ² GLA	3.26 bays	0 bays
Loading bay	1 Loading bay	1 bay	1 bays
Displace parking bays		3 bays	0 bays
Total		13.12 bays = 14 bays	3 bays

The applicant is proposing four staff parking bays to the rear of the proposed building. The justification given for not providing the additional bays for this development includes

- There is a reciprocal parking arrangement in place within the strata scheme - parking is shared between land uses and can accommodate the needs as the peak times for parking vary from day and night (i.e.: some uses operate at peak capacity during night periods while other shops operate at peak times during the day)
- Many of the trips to the centre are by pedestrians from the nearby residential housing and short stay accommodation

The applicant has requested that Council either waive the required eleven parking bays or allow the parking bays to be provided offsite.

Service Areas

There is an existing signposted loading bay on the Hamersley Street verge in front of the new building. The service/bin area meets the Scheme requirements.

Architecture

The proposed architectural form of the building demonstrates the required elements of 'Broome-Style Architecture ' such as a pitched roof, verandahs, colorbond wall and roof cladding and timber features.

Landscaping

Landscaping has been installed to the satisfaction of the Shire and is being maintained under a condition of Planning Approval from a previous planning application for the site.

Drainage

There is an existing main drain, which will be built over by the proposed building. It will be necessary for the building to be constructed in such a way that Council can continue to access and maintain.

There was concern that building over the existing drainage easement would present either a physical or legal problem. Further advice has been received and the building will not present a problem as it is well elevated and will not obstruct water flow. A legal

document will be required to ensure the Shires rights under the drainage easement are not affected.

Summary

It is considered that the applicant has not provided adequate justification for waiving the car parking requirement of eleven bays for this development. The applicant has expressed a willingness to provide the required parking bays offsite in the adjacent Hamersley Street Road Reserve. While offsite parking is supported, the adjacent Hamersley Street Road Reserve is not considered an appropriate location.

It is recommended that conditions be put on this approval requiring the construction of eleven parking bays in an offsite location approved by the Shire of Broome. The bays are to be built to Shire specifications and an appropriate agreement is to be put in place, at the cost of the applicant, detailing the applicant's maintenance and public liability insurance obligation over the offsite parking bays.

To ensure the drain is not compromised by the development it is recommended that conditions be included in the approval requiring the submission of a drainage plan certified by an appropriate qualified professional and that the Shire's rights to access to the drain be legally protected.

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

Place

Provide land use planning that protects and enhances the natural and built environment to support quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council approves application for planning approval 2007/112 for a two storey retail/office building at Lot 300 (No.59 – 61) Robinson Street, Broome, subject to the following conditions:

1. Development must be carried out in accordance with the plans dated 9 May 2007, which were submitted with the application, and endorsed by the Shire.
2. A legal mechanism is to be put in place, at the cost of the applicant and approved by the Shire of Broome that protects the Shire's rights of access over the drain.
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) Surfaced with an all-weather seal coat to the satisfaction of the Shire.
 - d) Drained and maintained to the satisfaction of the Shire.
 - e) Line-marked to indicate each car bay and all access lanes to the satisfaction of the Shire, in accordance with the Building Code of Australia and AS1428.1 – 2001 Design for Access and Mobility, Part 1 – General Requirements for Access – Buildings.
 - f) Be kept available for these purposes at all times.

A separate plan may be required to be submitted and endorsed by the Shire for the purpose of complying with this condition.

4. A minimum of an additional 11 car parking bays must be provided for the development in a location that is to be approved by the Shire of Broome.
5. For works within the 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 development within the road verge within 14 days of a written request from the Shire.
7. The proponent must pay a cash contribution towards the installation, upgrade or additional public street lighting at the property in line with Shire Policy. Payment must be made prior to occupation of the development.
8. Any signs proposed for the two tenancies will require further approval from the Shire of Broome.

9. *Prior to the submission of an application for Building Licence and prior to any construction or works commencing on site, a drainage plan must be prepared and submitted to the Shire. The design and documentation for the drainage plan must be certified by an appropriately qualified professional, using recognised and accepted hydrological, hydro geological, soils, hydraulic and design methodologies. The applicant should consult with the Shire in order to properly integrate the design and documentation of the proposed drainage system for the site, with the Shire's existing drainage system, and show:*
- a) The existing stormwater drainage system, easements and legal points of discharge.*
 - b) The location of all development, including finished floor levels, and grades of all hardstand areas.*
 - c) The layout of the proposed stormwater drainage system.*
 - d) Methods for on-site detention, if required.*

Moved:

Seconded:

FOR:

AGAINST:

[Attachments: 3 pages](#)

9.3.8 APPLICATION FOR PLANNING APPROVAL – OVERSIZED PYLON SIGN – LOT 108, (NO.1) COGLAN STREET BROOME

LOCATION/ ADDRESS:	Lot 108, (No. 1) Coghlan Street, Broome
APPLICANT:	Airport Automotive Pty Ltd
FILE:	COG-1/1
AUTHOR:	Andy White
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 September 2007

SUMMARY: An application for planning approval has been received, a pylon sign and two illuminated fascia signs

The application is referred to Council for consideration as the height and surface area of the proposed pylon sign is greater than stipulated in the Shire of Broome Signs, Hoardings and Bill Posting Local Law.

This report recommends approval.

BACKGROUND

Previous Considerations

16 June 1992 OMC - Council approved an existing 10m "Holden" pylon sign.

22 August 1995 OMC - Council conditionally approved a "Suzuki" pylon sign. A condition of the approval stipulated "Any further pylon proposals on-site will only be considered if incorporated onto existing signs."

Site and Surrounds

Lot 108 (No.1) is located on the corner of Coghlan Street and Frederick Street. The lot contains "Broome Toyota", new, used and commercial vehicles sales, "Norwest Holden" and "Broome Tyre Centre" situated at the rear of the lot off Frederick Street.

The location of the current pylon sign is straddling the existing boundary fence at the truncation of the corner of Coghlan Street and Frederick Street.

There are various other signs on the lot advertising Broome Tyre Centre, Norwest Holden and parts and service. These signs are not part of this application.

Description of the Proposal

The existing 10m high pylon sign is to be replaced by a 6.8m high pylon sign, which has a surface area of 11.56m². It will be situated within the existing boundary fence located approximately 2m from the boundary of the lot.

The other 2 signs are to be illuminated red molded graphics on the fascia of the office/sales building. These will replace 2 existing signs the only difference being the white background (currently the background is grey).

Planning Provisions

Lot 108 (No.1) Coghlan Street is zoned 'Mixed Use'.

The general development requirements (Clause 5.13 Control of Advertisements) apply. These require that particular consideration be given to the character and amenity of the locality.

Sign Local Law Provisions

A pylon sign is permitted within the Mixed Use zone and may only be approved above 6m and greater than 4m² at the discretion of Council in accordance with sign local law 5.12.3.

COMMENT

The replacing of the existing signs is intended to meet the requirements of Toyota's corporate image.

The proposed (monolith) pylon sign is 6.8m high will replace the existing pylon sign, which is 10m high. The surface area is approximately the same.

Summary

It is considered that the proposal will reduce the visual impact of signage at this location. It is recommended that Council *exercise it's discretion under Signs, Hoardings and Bill Posting Local Law 5.12.3* and grant a planning approval and sign licence with appropriate conditions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Scheme No. 4
Shire of Broome Signs, Hoardings and Bill Posting Local Laws.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Place

Provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

1. That Council approves an application for planning approval 2007/162 for a pylon sign at Lot108 (No.1) Coghlan Street, subject to the following conditions:
 - a) Development must be carried out in accordance with the plans stamped received and dated 10 April 2007 submitted with the application as approved by Council.
 - b) If the development the subject of this approval is not substantially commenced within a period of 3 years from the date of the approval, the approval will lapse and be of no further effect. Where an approval has lapsed, no development must be carried out without the further approval of the Council

2. That Council exercises it's discretion under sign local law 5.13.3 and approves a sign licence for a 6.8 metre pylon sign at Lot108 (No.1) Coghlan Street, subject to the following conditions:
 - a) Corrosion protection for steelwork to be in accordance with Table 3.4.4.2 of the B.C.A. Classification "Severe".
 - b) Pylon Sign in accordance with the planning approval is to be 6800mm high x 1700mm wide.
 - c) Every sign shall be kept clean and free from unsightly material and shall be maintained by the licensee or owner in good order so that it does not become dilapidated.
 - d) Illuminated signs shall not have a light of such intensity as to cause annoyance to the public or be a traffic hazard.
 - e) An illuminated sign shall not emit a flashing light.
 - f) The Pylon Sign is to be located wholly within the boundary of the Lot.
 - g) All construction to be performed in accordance with Structural Engineer's drawings.

Moved:**Seconded:****FOR:****AGAINST:**[Attachment: 4 pages](#)

9.3.9 APPLICATION FOR PLANNING APPROVAL – TROPICAL ROOF TO HOUSE 1 AT DJARINDJIN CATHOLIC SCHOOL

LOCATION/ ADDRESS:	Lot 297, Dampier Peninsula, Djarindjin Community
APPLICANT:	Bishop Christopher Saunders
FILE:	ABL02.38
AUTHOR:	Andy White
CONTRIBUTOR/S:	Manager Planning Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	6 September 2007

SUMMARY: An application for planning approval has been received for the development of a tropical roof over an existing residence at Djarindjin.

The application is referred to Council for consideration as the land comes under the control of the Shire's Interim Development Order No. 3 (IDO3), and the Djarindjin Community Layout Plan has not been finalized.

This report recommends approval.

BACKGROUNDPrevious Considerations

Nil

Site and Surrounds

Djarindjin community is located approximately 175km north of Broome. The Catholic School is situated between Djarindjin and Lombadina Communities that are 2km west of the Cape Leveque-Broome Road. See location plan attached.

Description of the Proposal

The proponent proposes to establish a tropical roof over the existing residence to allow for a cooler living environment.

The existing verandahs will be removed from the western and eastern sides of the residence. A new 4m concrete verandah is proposed for the western side while the existing brick paving is to remain on the eastern side. The proposed tropical roof will cover both of these verandahs.

Gates will provide access over a cracker-dust driveway to a concrete parking area under the tropical roof while the existing fencing is to be maintained.

The fall across the site is approx 1m from east to west. The concrete works to the verandah and parking area have sufficient fall to not create drainage issues for the residence.

All of the existing services are to remain and no trees will be removed to install the tropical roof.

COMMENT

The land is included in Interim Development Order No.3 (IDO3) and does not fall within an adopted community layout plan, therefore Council's approval is required.

The proposed development is to supply shade to an existing residence while improving the outdoor living area of the residence and the car parking arrangements. This is perceived as minor development that will improve the liveability of the residence.

Summary

The proposal is appropriate for the location.

It is recommended that the application be granted planning approval with appropriate conditions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Interim Development Order No.3

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Place**

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council approves application for planning approval 2007/173 for a tropical roof to house 1 at Djarindjin catholic school, Lot 297 Dampier Peninsula, subject to the following conditions:

- 1. Development must be carried out in accordance with the plans stamped received and dated 10 April 2007 submitted with the application as approved by Council.*

2. *If the development the subject of this approval is not substantially commenced within a period of 3 years from the date of the approval, the approval will lapse and be of no further effect. Where an approval has lapsed, no development must be carried out without the further approval of the Council*

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 5 pages](#)

9.3.10 PROPOSED PARTIAL ROAD CLOSURE – CHALLENGOR DRIVE

LOCATION/ ADDRESS:	Section of Challenor Drive adjacent to Lot 301 Challenor Drive
APPLICANT:	Planning Solutions on behalf of Banfield Property Development Trust
FILE:	CHA-1/2
AUTHOR:	Manager Planning Services
CONTRIBUTOR/S:	Manager Planning Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	Nil
DATE OF REPORT:	7 September 2007

SUMMARY: Council has received a request to close part of Challenor Drive adjacent to Lot 301 which contains Willie Creek Pearls and the Zoo Café.

The proposal has been advertised and servicing authorities have been notified and invited to comment. One submission supporting the closure and a petition containing 93 signatures objecting to the closure was received.

It is recommended that Council request the Department of Planning and Infrastructure to formally close part of the road subject to the design and construction of the alternative road layout.

BACKGROUNDPrevious Considerations

OCM – 10 May 2007 Item 9.3.4

History

In November 2006 the Shire received correspondence lodged on behalf of the landowner of Lot 301 Challenor Drive advising of their interest in purchasing the adjacent portion of road reserve for the purpose of extending commercial uses as an expansion of the Willie Creek Pearls and Zoo Café site.

Following ongoing discussions between the Shire officers and the applicant it was agreed that the closure of a portion of Challenor Drive would be supported subject to a new alternative link being provided to retain connection from Challenor via a new 'T junction' intersection with Sanctuary Drive on a 'cost neutral' basis to the Shire and other matters of detail. A report was put to the OCM of May 2007 where Council resolved to initiate procedures to close the portion of Challenor Drive adjacent to Lot 301 Challenor Drive.

The proposed closure was advertised for public comment for 35 days for the period from 5 July 2007 to 9 August 2007. The following agencies were also notified of the proposed closure; DPI, Horizon Power, Water Corporation, Telstra, FESA, DoEC, Main Roads WA and Landgate.

SUBMISSIONS

Public Submissions

One submission was received in support of the road closure. This was lodged on behalf of Hawaiian Group, the owners of the Cable Beach Club Resort. Support was given on the basis that Challenor Drive would be re-aligned to intersect with Sanctuary Drive and that they are consulted in respect to the design of the proposed realignment.

One petition carrying 94 signatures (1 signatory signed twice) objecting to the closure was received. The petition reads,

“We, the undersigned residents and/or electors of the district, hereby request that the Council not close part of Challenor Drive adjacent to the Willie Creek Pearls and The Old Zoo Café site (as has been proposed) for the reason that the road is currently used as a thoroughfare by the residents and/or electors of the district”.

Government Agencies

The following agency submissions were received:

<i>Water Corporation</i>	–	no comment or objection
<i>FESA</i>	–	no comment
<i>Horizon Power</i>	–	no comment
<i>DPI</i>	–	no comment, just advice DPI of Council's resolution to close
<i>Horizon Power</i>	–	no objection but there are underground assets that will be required to be relocated at the proponents cost.
<i>Telstra</i>	-	no objection in principle, but there are assets within the closure area which may require relocation or access rights to Telstra remains.

Responses were not received from DoEC, Main Roads WA and Landgate.

COMMENT

Submissions

The only objection received to the road closure was the petition. All but two of the 93 signatories are residents of Broome.

The wording used in the petition raises the concern that the closure will remove the ‘thoroughfare’ between Challenor Drive to Sanctuary Drive. It could be assumed that most people who signed the petition did so because they believed the link from Challenor Drive to Sanctuary Drive would be removed by the closure. This is not the intention as an alternative route will be constructed.

A road closure is administered pursuant to Section 58 of Land Administration Act 1997. The Act requires a local government to consider any objections received and report on those objections to the Minister with its request to close a road. The Act states that on consideration of Council's request the Minister may; grant the request; direct the relevant local government to reconsider the request, having regard to such matters as she thinks fit to mention in that direction; or refuse the request.

CONCLUSION

The relocation of the Challenor Road connection to Sanctuary Road is identified in the Cable Beach Development Plan. This realignment will initiate the improvement of an important public domain and any plan developed will be required to incorporate landscaping improvements.

It is considered appropriate to close that portion of Challenor Road adjacent to Lot 301 subject to the proponent meeting the full cost of design and construction of the road and relocation of services.

CONSULTATION

The proposal was advertised for 35 days, from 5 July 2007 to 9 August 2007 in accordance with Section 58 of the Land Administration Act 1997.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Land Administration Act 1997

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS**Place**

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Subject to the proponent agreeing to design and construct the necessary road, intersection and associated infrastructure at their cost to the satisfaction of the Shire, in accordance with the Land Administration Act 1997, requests the Department of Planning and Infrastructure to undertake the appropriate procedures to formally close part of the Challenor Drive road reserve adjacent to Lot 301.*
2. *Notes that the concerns expressed in the petition are misplaced as road connections in the area will be maintained and advises the petitioners accordingly.*

Moved:

Seconded:

**FOR:
AGAINST:**

[Attachments: 4 Pages](#)

9.3.11 MINISTERIAL ADVICE - TEMPORARY ACCOMMODATION IN CARAVANS FOR PERIODS LONGER THAN THREE MONTHS

LOCATION/ ADDRESS:	Various
APPLICANT:	N/A
FILE:	ACT11
AUTHOR:	Manager Health Services
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	11 September 2007

SUMMARY: A report recommending that Council adopt the approach advised by the Minister and implements a streamlined approach for applications for temporary accommodation for periods longer than three months.

BACKGROUND

Previous Considerations

OCM 15 February 2007 - Item 9.3.10

This item was considered by Council at the OCM 15 February 2007. At this meeting it was resolved that Council approaches the Minister for Local Government to explore the possibility of the Minister exercising discretion under the *Caravan and Camping Grounds Act 1995* to vary certain provisions of the *Caravan and Camping Grounds Regulations 1997* to allow the Shire to permit occupation of a caravan for up to 12 months and to approve applications for the use of more than one caravan on properties in the industrial and light and service industrial zones for the purpose of accommodation for persons employed in Broome.

COMMENT

A response has been received from the Minister for Local Government. The Minister has authorised the Department of Local Government and Regional Development to develop a streamlined process to facilitate requests for such approvals.

As part of this process, it is necessary for the Shire of Broome to provide, at regular intervals, a schedule of sites for which approvals for temporary accommodation are requested, avoiding the need to process individual applications in each instance. The schedule would include the following details:

- The names of the occupants of the caravan;
- The land on which they intend to camp;
- The duration of the period of occupation; and
- Letters of authority from the relevant land owners.

Approval for such accommodation will be conditional on sufficient measures being taken to ensure safety of the intended occupants in the event of cyclonic activity through the imposition of conditions equivalent to those required for licensed facilities by the *Caravan Parks and Camping Grounds Regulations 1997* on caravans located outside such facilities. These conditions will have to be monitored as required by the Regulations for licensed facilities.

As part of the proposed streamlined application process, the Shire is expected to provide advice in each instance confirming that the following criteria have been met to the satisfaction of the Shire:

- Provision of toilet and ablution facilities to the sanitation of the Shire;
- Accommodation to be in the form of a caravan only;
- All caravans to be licensed for normal transport on public roads;
- A register to be kept of the occupants of all caravans;
- All caravans to be provided only for people employed in Broome;
- All caravans to satisfy cyclone safety standards equivalent to those required for caravans licensed facilities by clause 48 of Schedule 7 of the *Caravan Parks and Camping Grounds Regulations 1997*, and to be enforced by the Shire to the same extent required by those regulations; and
- All sites to be monitored by the Shire on a six monthly basis to ensure compliance with these conditions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995
Caravan Parks and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

- 4.2.7 Approval for camping outside a caravan park for up to three months.
4.2.7 Approval for camping outside a caravan park periods in excess of three months.

The Shire has a policy 4.2.7 to enable staff to respond to Ministerial enquiries regarding applications to the Minister from persons wishing to stay on a premise for longer than three months.

The Policy provides that Council will not support applications to the Minister to reside in caravan or camps for a period in excess of three months from private persons, companies or businesses and will consider all other applications on their merit. This policy will have to be reviewed to reflect the current circumstances.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

Place

Engage with the community and other agencies to provide land use planning that protects and enhances the natural built environment to support a quality lifestyle and local economy.

Prosperity

Support business and economic development.

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Adopts the approach advised by the Minister and implements a streamlined approach for applications for temporary accommodation for periods longer than three months;*
2. *Thanks the Minister for supporting the Shire in this response to the housing and accommodation situation in Broome*

Moved:

Seconded:

FOR:

AGAINST:

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

The accounts for payment for August 2007 as attached, covering Municipal Cheque Vouchers 46031 - 46325 totalling \$1,786,646.51 and EFT Vouchers 3661 - 3773 totalling \$1,883,990.27 and Trust Cheque Vouchers 2755 - 2790 totalling \$57,887.31 be passed for payment.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 15 pages](#)

9.4.2 REQUEST FOR LEASE - PORTION OF RESERVE 8656 (KIMBERLEY REGIONAL OFFICES) - CONSTRUCTION OF STUDIO AND OFFICES - AUSTRALIAN BROADCASTING CORPORATION

LOCATION/ ADDRESS:	Reserve 8656 (No 42 -49) Frederick Street, Broome
APPLICANT:	Australian Broadcasting Corporation
FILE:	RES 8656
AUTHOR:	Director Development Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	17 September 2007

SUMMARY: The Australian Broadcasting Corporation has expressed an interest in leasing a portion of Reserve 8656 for construction of new studio premises.

This report recommends the matter be further investigated for further consideration by Council.

BACKGROUND

Previous Considerations

OCM 26 October 2006 - Item 9.4.6

OCM 30 November 2004 - 9.1.6

The Kimberley Regional Offices are located on the corner of Frederick and Weld Streets on two parcels of land. The first is Reserve 8656, which is vested in the Shire of Broome with the power to lease for up to 21 years. The other is Lot 31 which is a freehold lot owned by the Shire. The offices were constructed over stages in the early 1980's and are currently fully tenanted.

At its meeting on 30 November 2004 Council considered a report regarding options for the future of Kimberley Regional Offices. Council resolved:

1. Agrees in principle that it wishes to investigate the future of the property known as the Kimberley Regional Offices.
2. Approves expenditure for the preparation of a business plan for a possible disposal, determination of licensed valuations and drafting of specifications for seeking property management for the Kimberley Regional Offices.
3. Directs staff to submit to Council the completed business plan for adoption before seeking submission from the Public

At its meeting on 26 October 2006 Council considered a report seeking endorsement of a draft consultants brief for the development of a business plan for the Kimberley Regional Offices which recommended:

1. That Council endorses the attached Draft Consultants Brief for the development of a Business Plan for the Kimberley Regional Office and notes that the preferred direction is not to dispose of the site.

2. That Council delegates authority to the Chief Executive Officer to finalise the Brief and engage a suitable consultant to undertake the Business Plan for the Kimberley Regional Office.
3. That the Business Plan for the Kimberley Regional Office be presented to Council for endorsement once complete.

Council adopted the recommendation subject to modifications to the consultants brief.

The Australian Broadcasting Corporation (ABC) has contacted the Shire and advised that the ABC has been identified as an essential service and has been examining its local studio requirements. The ABC considers it is not practical to remodel its existing facilities but instead requires either new premises of appropriate standard or land suitable for such development. They advise they were unable to find either suitable accommodation or land in Broome and sought advice from the Shire.

ABC representatives met with the Shire President and the Director Development Services and after discussing requirements inspected two sites located on reserves vested in the Shire. These were portion of Reserve 8656 (KRO) fronting Frederick Street, and portion of Reserve 8519 (Shire Offices) fronting Hamersley Street.

The ABC now advise that they would be interested in obtaining a long term lease of approximately 800 – 1000 square metres in area to enable the construction of new studio facilities for the Broome locality. There is an adequate area of land available in both reserves but further advice will be required from State Land Services as to whether the Shire is able to lease portion of either reserve for this purpose.

COMMENT

The ABC as an essential service has an important role within the local community and it is considered appropriate for the Shire to facilitate the development of suitable accommodation.

Reserve 8656 (KRO) is for office purposes and is a suitable location for this use but confirmation from SLS is required that the power to lease includes the lease of land for the construction of offices and that the lease period is adequate for the purpose. The area proposed to be leased is the area between the existing driveway and car park and the stormwater drain to the west. There is adequate area and it would be possible to use the existing driveway.

Reserve 8519 (Shire Offices) also has a suitable area fronting Hamersley Street but would need the purpose of the reserve changing or a new reserve created. It is therefore considered the Frederick Street site would be preferable should it be Council's decision to investigate this matter further.

Further work is required to finalise the business plan for the KRO referred to in Council's resolution of 26 October 2006 but it is considered that this proposal would not inhibit any business plan that is eventually adopted for the area.

Both sites are located in a mixed use zone environment but because of the reserve purpose the Frederick street site is preferred.

It is recommended that the proposal be further investigated and a firm proposal presented to Council for adoption.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Additional lease income may be available.

STRATEGIC IMPLICATIONS

Place

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

Prosperity

Support business and economic development.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

- 1 *Requests the matter of a lease of portion of Reserve 8656 (Kimberley Regional Offices) be further investigated and be reported back to Council for consideration;*
- 2 *Advises the Australian Broadcasting Corporation accordingly.*

Moved:

Seconded:

FOR:

AGAINST:

9.4.3 NORTH WEST EXPO OVERDRAFT FACILITY

LOCATION/ADDRESS:	Broome Recreation & Aquatic Centre
APPLICANT:	North West Expo
FILE:	Res 46502.4/ASE31
AUTHOR:	Manager Financial Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 September 2007

SUMMARY: Application from North West Expo to extend the overdraft guarantee facility of \$25,000 for a further 12 months concluding September 2008.

BACKGROUNDPrevious Considerations

OCM 15 June 2004 - Item 9.4.2
 OCM 11 August 2005 - Item 9.4.3
 OCM 31 August 2006 - Item 9.1.4

At the Ordinary Council Meeting held 31 August 2006 Council resolved;

"That Council agrees to extend the current bank guarantee (maximum of \$25,000) for North West Expo for another 12-month period, concluding September 2007."

The guarantee was given for a period of 12 months and is due to expire in September 2007. The Chairman of North West Expo, Graham Atherton, has advised that due to the inevitable cycle of expenses followed by income, they project that they will utilise the overdraft until about December 2007. This means that the overdraft facility cannot yet be retired and hence the request that Shire continues its guarantee for another 12 months, because without any 'tangible' assets acceptable as security, North West Expo is unable to continue a credit facility in its own right and is therefore reliant upon the Shire.

The end financial result of North West Expo 2007 was a profit of \$7,564 (before depreciation and excluding pre-paid 2008 registration income). During the preceding 12 months North West Expo was overdrawn from 26 June 2006 to 30 November 2006 to a maximum amount of ~\$12,500 in mid-November 2006.

A request has been received from North West Expo for Council to extend the bank guarantee in place for another 12-month period, to provide seed funding for the 2008 event.

COMMENT

The Expo Committee has provided financial Statements for 2006/2007 including profit & loss and balance sheet that are available on request. The 2007 event did not meet its cash surplus projection of approximately \$20,000, however a cash surplus of ~\$7,500 was achieved which is an improvement on the 2006 break-even result. A sufficient cash buffer still has not been achieved to alleviate the need for an overdraft facility and it is expected that there will again be a period where there will be a shortfall in cash up to December 2007 that will need to be funded by overdraft. As such the Director Corporate Services

recommends the existing overdraft remain in place for 2007/2008, which at \$25,000 should provide sufficient operating capacity for the expo's continuation. The intent of North West Expo Inc is to generate sufficient funds to eventually release the Shire from its guarantee obligation.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The expense of creating the contingent liability was incurred in the 2004/2005 financial year. Retaining the overdraft guarantee will not affect the 2007/2008 year, although when the overdraft guarantee terminates, the removal of the contingent liability will have the effect of freeing up \$25,000 of funds to be allocated to other Council services.

STRATEGIC IMPLICATIONS

People

Effectively engage with our community by encouraging participation.

Place

Build partnerships with the community to enhance the cultural heritage.

Prosperity

Support business and economic development.

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council agrees to extend the current bank guarantee (to a maximum of \$25,000) for North West Expo Inc for another 12-month period, concluding 30 September 2008.

Moved:

Seconded:

FOR:

AGAINST:

9.4.4 BROOME CEMETERY - JAPANESE/ CHINESE AND MUSLIM SECTIONS, MEMORANDUM OF UNDERSTANDING WITH THE HERITAGE COUNCIL WA

LOCATION/ ADDRESS: Reserve 1647
APPLICANT: Heritage Council of Western Australia
FILE: RES.1647
AUTHOR: Manager Administration Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 7 September 2007

SUMMARY: To seek Council endorsement to finalise and sign a Memorandum of Understanding with the Heritage Council of Western Australia with regard to the Japanese, Chinese and Muslim sections of the Broome Cemetery.

BACKGROUND

Previous Considerations

OCM 23 November 2006 - Item 9.4.2

In November 2006, the Heritage Council of Western Australian approached the Shire of Broome with regard the Japanese, Chinese and Muslim Sections of the Broome Cemetery being entered into the Register of Heritage Places.

The Shire of Broome opposed the entry of these sites onto the Register of Heritage Places as such listing places additional administrative barriers in place when dealing with matters associated at those sites.

The Heritage Council responded suggesting a Management Agreement be put in place over the site to reach a balance between respecting the requirement of the Heritage Act and recognising that the Broome Cemetery is a practical and operating place and that day-to-day operations and enhancement works should be not unduly hampered.

The Broome Cemetery Advisory Committee agreed that whilst it wishes to expedite enhancement and restoration works, it is mindful of the significance of the site to the Broome Community and were supportive in working with the Heritage Council to develop a Management Agreement.

This matter was presented to the Ordinary Meeting of Council held 23 November 2006, where the following was resolved:

"That Council supports the Broome Cemetery Advisory Committee negotiating a suitable Management Agreement with regard to the Broome Cemetery located on Reserve 1647 and that the final document be presented to Council for endorsement."

COMMENT

A draft agreement was presented to the Broome Cemetery Advisory Committee and has been discussed at several meetings.

At the meeting of the Committee held 6 August 2007, (note these minutes have not been presented to Council) the Committee resolved the following:

"That this Committee recommends to Council that it enter into the Memorandum of Understanding with the Heritage Council of WA over the Japanese, Chinese and Muslim sections of the Broome Cemetery, subject to:

- *the confirmation of the plan attached; and*
- *the removal of the words "and Town" from clause 1 of the Memorandum of Understanding."*

As such, telephone discussions have been held between staff and representatives of the Heritage Council with regard to the two dot points, which has resulted in the plan being amended to accurately show the areas being registered and the removal of the words "and Town" from Clause 1.

The Memorandum of Understanding between the Shire of Broome and the Heritage Council of Western Australia, is as follows:

1. The Heritage council will recommend to the Minister for Heritage that *p301 Broome Cemetery – Japanese/ Chinese/ Muslim Section* should proceed to interim entry onto the State Register of Heritage Places. The Shire agrees not to oppose permanent registration.
2. The Heritage Council and the Shire acknowledge that upon registration the *Heritage Council of Western Australia Act 1990* (the 'Heritage Act') requires consultation to take place between the parties regarding certain proposed activities in the Broome Cemetery.
3. The Heritage Council acknowledges that within the Registered Curtilage, there is a markedly lower level of activity than in other parts of the cemetery. In particular, within the Registered Curtilage there is only very infrequent use for new burials in accordance with the wishes of person who have a connection with existing burials.
4. The Heritage Council agrees that the Shire is only required to refer a proposed activity to the Heritage Council pursuant to the Heritage Act in the following circumstances.
 - (a) Where the proposed activity is to occur within the Registered Curtilage and would require an application for approval or licence for development or planning as specified in s78(10) of the Heritage Act; and
 - (b) Where the proposed activity might (whether or not adversely) affect to a significant extent that part of the cemetery within the Registered Curtilage.
5. For the sake of clarification, the following are examples of activities that do not fall within the type of proposed activity referred to in part 4(b) above:
 - (a) the creation of new burial sites, including new headstones, within the Registered Curtilage which does not involve the demolition, damage or alterations of any part of the existing historical burial sites including headstones, monuments, railings vaults, arches and mature trees.

- (b) the ongoing maintenance and repair/restoration where necessary of any part of the existing historical burial sites, provided such activities only involved only like-for-like replacement of materials, paint colours, and so on; and
 - (c) new structure, such as a proposed keeper's cottage, located outside the Registered Curtilage as a sufficient distance so as not to visually or physically impact on the cultural heritage significance of the Registered Curtilage.
6. For the sake of clarification, the follow are examples of activities within the Registered Curtilage that do fall within the type of proposed activity referred to in part 4(b) above:
- (a) A change in the use of the cemetery;
 - (b) The demolition, damage or alteration of any part of the existing historical burial sites, including monuments, railings and mature trees; and
 - (c) Addition of new structures, such as arches, walls, buildings or other structures, but not including new headstones for new burial sites, that might affect the visual appearance of the place.
7. The Shire agrees that they will approach the Heritage Council for discussion at the earliest opportunity if there is any doubt regarding the application of part 4 above.

A full copy of the proposed Agreement is attached.

There was some discussion as to the area to be covered by the Memorandum of Understanding, with the area proposed by the Shire shown on the attached plan. This final "curtilage boundary" will be resolved by the Heritage Council Register Committee at its next meeting.

CONSULTATION

Broome Cemetery Advisory Committee

STATUTORY ENVIRONMENT

Local Government Act 1995

Cemeteries Act 1986

Heritage Act 1990

POLICY IMPLICATIONS

Nil, however some changes to current work processes may be required to ensure relevant information is forwarded to the Heritage Council of WA.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Place

Engage with the community and other agencies to provide land use planning that protects and enhances the natural and built environment to support a quality lifestyle and the local economy.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council endorses the signing of the Memorandum of Understanding with the Heritage Council of Western Australia, subject to the final curtilage boundary being that shown on the plan attached and included as Annexure 1 of the Memorandum of Understanding Document.

Moved:

Seconded:

FOR:

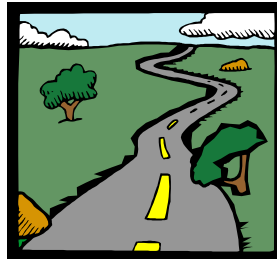
AGAINST:

[Attachment: 6 pages](#)

9.5

ENGINEERING

SERVICES



OUTCOME

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

There are no items for this Section

10.

REPORTS

OF

COMMITTEES

10.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETINGS -

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	AFC05
AUTHOR:	Manager Emergency, Ranger & Beach Services
CONTRIBUTOR/S:	
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF ANY INTEREST:	Member of Committee
DATE OF REPORT:	16 August 2007

SUMMARY: This report represents the Minutes of the Local Emergency Management Committee (LEMC) meetings held on the 19 March and the 8 May 2007.

BACKGROUNDPrevious Considerations

OCM 8 June 2006 – Item 9.5.1

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

The Act is to provide for prompt and coordinated management of emergencies in Western Australia.

The Act shifted responsibility for ensuring that effective local emergency management arrangements are prepared and maintained for the local government District, from Police to Local Government.

Other Local Government functions are detailed in the Act that were previously mandated under the State Emergency Management Committee Policy Statement 7 as Local Government responsibilities, this includes the management of recovery following an emergency. Local Government is also to establish one or more LEMC's for the Local Government's district.

Meetings of the Shire of Broome LEMC were held on the 19 March 2007 and the 8 May 2007; the minutes of these meeting were disseminated to members by e-mail and adopted at the next meetings.

COMMENT

The Act states that the constitution and procedures of a LEMC, and the terms and conditions of appointment of members, are to be determined by the State Emergency Management Committee. The SEMC can also direct LEMC to carry out other emergency management activities. With this in mind we have sought guidance from WALGA regarding the status of the committee and whether it is Committee of Council in the strictest sense of the term.

A number of issues were discussed at the LEMC meetings of the 19 March and the 8 May 2007, these included:

March meeting:

- Appointment of Chairperson & Deputy Chairperson
- Annual report
- Agency Resource lists
- Federal Grant relating to retrofitting BRAC as a Welfare Assembly Centre
- Local Emergency Management Arrangements
- Hazard Management Agencies (HMA) – roles & responsibilities
- Indigenous Community representation on LEMC
- Airport exercise
- Horizon Power
- Membership review
- All Western Australians Reducing Emergencies (AWARE) training
- Local Communications Plan
- Emergency Management within Indigenous Communities

May meeting:

- Membership review
- AWARE training
- LEMC Business Plan
- Draft Local Emergency Management Arrangements
- Recovery Committee/Draft Recovery Plan
- Communication Plan
- Emergency Management within Indigenous Communities
- Disposition of HMA Response Plans
- LEMC Exercise
- Autonomous Public emergency Communications
- Kimberley District Emergency Management Arrangements
- Red Cross briefing
- Cultural awareness training

CONSULTATION

Fire & Emergency Services Authority
Local Emergency Management Committee

STATUTORY ENVIRONMENT

Emergency Management Act 2005
Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

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

Place

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council receives the minutes of the Local Emergency Management Committee meetings of 19 March 2007 and 8 May 2007.

Moved:

Seconded:

FOR:

AGAINST:

[Attachment: 13 pages](#)

11. NOTICES OF MOTION

12. LATE ITEMS

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

14. MATTERS BEHIND CLOSED DOORS

15. MEETING CLOSURE