



MISSION AND VALUES OF COUNCIL

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

MINUTES

FOR THE

ORDINARY MEETING OF COUNCIL

16 DECEMBER 2009

OUR MISSION

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

CORE VALUES OF THE SHIRE

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

Communication

Respect

Integrity

Transparency

Courtesy

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

These minutes are unconfirmed.

SHIRE OF BROOME
ORDINARY COUNCIL MEETING
16 DECEMBER 2009

INDEX - MINUTES

1.	OFFICIAL OPENING	5
2.	ATTENDANCE AND APOLOGIES.....	5
3.	DECLARATIONS OF FINANCIAL INTEREST	6
4.	PUBLIC QUESTION TIME.....	6
5.	CONFIRMATION OF MINUTES.....	13
6.	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION.....	14
7.	PETITIONS	14
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED.....	14
9.	REPORTS OF OFFICERS.....	15
9.1	LEADERSHIP / GOVERNANCE AND ORGANISATION	16
	9.1.1 MEDIA POLICY REVIEW	17
	9.1.2 ANNUAL FINANCIAL AUDIT 2008/2009	19
	9.1.3 SHIRE DIRECTORY 2011	24
	9.1.4 ANNUAL REPORT 2008/2009	28
9.2	COMMUNITY SERVICES.....	30
	9.2.1 EVENT MANAGEMENT FRAMEWORK POLICY, PERMITS AND APPLICATION PROCESSES	31
	9.2.2 CSRFF GRANT ASSESSMENTS 2010-2011	39
9.3	DEVELOPMENT SERVICES	46
	9.3.1 SHIRE OF BROOME LOCAL PLANNING STRATEGY - PROGRESS REPORT.....	47
	9.3.2 WESTERN TRIANGLE DEVELOPMENT PLAN – ROEBUCK ESTATE PTY LTD	54
	9.3.3 APPLICATION FOR PLANNING APPROVAL – GROUPED DWELLINGS - LOT 431	62
	(NO. 11) BARRGANA ROAD CABLE BEACH	62
	9.3.4 FEDERAL GOVERNMENT GREEN LOANS SCHEME.....	68
9.4	CORPORATE SERVICES	72
	9.4.1 ACCOUNTS FOR PAYMENT	73
	9.4.2 NOVEMBER 2009 MONTHLY FINANCIAL ACTIVITY REPORT.....	74
	9.4.3 BROOME LOTTERIES HOUSE- STORAGE SHED PROPOSAL FOR BROOME TOY LIBRARY	80
	9.4.4 REQUEST TO TAKE SHIRE VEHICLE OUTSIDE PERMITTED AREA – DIRECTOR CORPORATE SERVICES	84
9.5	ENGINEERING SERVICES.....	86
10.	REPORTS OF COMMITTEES.....	88
11.	NOTICES OF MOTION.....	90
	11.1 VEHICLE ACCESS TIMES CABLE BEACH	90
12.	LATE ITEMS	93
	12.1 WASTE MANAGEMENT FACILITY - LIQUID WASTE PONDS	93
13.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	100
14.	MATTERS BEHIND CLOSED DOORS.....	100
15.	MEETING CLOSURE.....	100

Chairperson.....Date.....

NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Wednesday 16 December 2009, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards



K R DONOHOE
Chief Executive Officer

7 December 2009

3. DECLARATIONS OF FINANCIAL INTEREST

Nil

4. PUBLIC QUESTION TIME

The following questions were taken on notice at the Ordinary Council Meeting of 26 November 2009. Questions and responses follow.

Question 1 – Chris Maher: “Given that the Department of State Development has recently and regularly publicly identified the Shire of Broome as a key player and central stakeholder in all planning processes for a future LNG plant if it were to proceed, is it Council’s position that the Councillor Notice of Motion of December 2008 has “cost the Shire a seat at the negotiating table, with the Shire now out of the loop on gas”, as reported in the Broome Advertiser November 5 2009? If so what is the basis for this position? If not will the Council publicly clarify its position for the benefit of the community?”

Answer 1 – Director Development Services: The Department of State development is the lead agency for the State on the matter of gas processing in the Kimberley and Council’s resolution of November 2009 clearly sets out Council’s position in regard to the process.

Question 2 – Chris Maher: “Does Council believe that consultation with the community must take place on important decisions? If so;

Answer 2 - Director Development Services: Council’s position is that it will consult with the community on important decisions.

Question 3 – Chris Maher: Does Council believe the proposed LNG plant at James Price Point is an issue that meets the definition of an important decision?”

Answer 3 - Director Development Services: The proposed gas processing plant at James Price Point is of National, State and local importance.

* * *

Question 2 – J & G Bucknell: “In regard to the proposed motion regarding the Browse LNG hub I would suggest that a significant number of rate players would be concerned if funds were allocated to dealing with a hypothetical issue. Given that a final decision is yet to be made by the proponents, is the Shire prepared to use ratepayers contributions for this purpose?”

Answer 2 – director Development Services: It is not possible to indicate what Council funds may or may not be used for in the future. The Department of State development is the lead agency on this matter and is conducting a social impact assessment. While be social impact assessment should address all social impacts there may be additional matters the Shire will have to investigate. In these instances the Shire will seek to source appropriate funding where available.

* * *

Question 1 – Robyn Wells: “Will these reports investigate the alternatives to heavy industry in the Broome Shire? By this I include any environmentally, economically sustainable

alternatives such as ecotourism, native food produce, native pharmaceuticals, carbon sequestering programs, indigenous art and cultural concerns."

Answer 1 – Director Development Services: The Social Impact Assessment being conducted by the Department of State Development is investigating possible impacts of gas processing on industries in Broome. It is not within the scope of the assessment for the Department to investigate the feasibility of a range of possible additional industries.

* * *

Question 2 – Robyn Wells: "What baseline information will be gathered that will reflect the LOSS of what already exists? By this I include all environmental and social aspects of a heavy industrial complex and the use of Broome as a supply base."

Answer 2 - Director Development Services: The Department of State Development has prepared a report "Social Impact Assessment Scope and Profile (vol 1)" addressing baseline information relating to the assessment. This report is available on the Department's website (www.dsd.wa.gov.au).

* * *

Question 1 –Carmel Leahy: "(Re 11.1 4a and b) does the Council consider that support and lobbying for the Port of Broome to be the major service support centre, to the various supply bases, is consistent with the Shire's responsibilities with regards to management of Roebuck Bay as a RAMSAR listed wetlands site of international significance?"

Answer 1 – Director Development Services: There is not considered to be any inconsistency between Council's position with regard to the Port of Broome and any responsibilities it has with regards to the management of Roebuck Bay. The State through its various agencies, including Department of Environment and Conservation, Department of Regional Development and Land, and the Port of Broome, is responsible for the management of Roebuck Bay.

Question 2 –Carmel Leahy: "Furthermore, is it consistent with the Shire's responsibilities and commitment as a member of the Roebuck Bay Working Group to the Interim Management Guidelines for Roebuck Bay, in particular:

- Guideline 2 – Minimise activities likely to cause disturbance to the ecological and cultural values of Roebuck Bay.*
- Guideline 4 – Maintain and restore water quality across Roebuck Bay.*
- Guideline 6 - Prevent the introduction of invasive plants and animals into Roebuck Bay.*
- Guideline 7 – Promote environmentally sustainable economic uses of Roebuck Bay?*

Answer 2 – Director Development Services: While the Shire is represented on the Roebuck Bay Working Group it has limited responsibility in regard to the matters listed in the question. Once again it is considered these matters are primarily the responsibility of the State through its various agencies.

* * *

The following questions were submitted by Chris Maher for the 16 December 2009 Ordinary Council Meeting:

Chairperson.....Date.....

Question 1 – Chris Maher: (Submitted via email as Q3) “Did Council and Councillors receive the email with the image attached of a turtle hatchling on Cable Beach within the rut of a vehicle tyre track?”

Answer 3 – Chairperson: Yes, as sent on Sunday, 13 December 2009.

Question 2 – Chris Maher: (Submitted via email as Q4) “In May 1979 Council resolved to allow vehicles to access Cable Beach north of the Cable Beach access ramp. The resolution was Gazetted on 14 March 1980. According to the Gazette, vehicles are permitted to access Cable Beach to the north of the Cable Beach access ramp. The definition for Cable Beach advertised by the Gazette is “that part of the beach extending from Gantheaume Point to the northern townsite boundary of the municipality” which is about 3.5km north of that access ramp. Can it be assumed then that vehicles travelling along the beach past the northern townsite boundary, ie further than 3.5km north of the access ramp are doing so in violation of the off Road Vehicle Act and therefore according to the Shire website, risking a maximum penalty of \$1,000?”

Answer 4 – Manager Emergency/Ranger & Beach Services: The By-law referred to (Local Laws Relating to the Use of Vehicles and Bathing Appliances on Cable Beach) has been repealed as published in the Government Gazette on 14 March 1980. It has been replaced by the Shire of Broome Local Government Property and Public Places Local Law 2003 which provides for the regulation, control and management of activities and facilities on local government property and public places within the district. The effect of this local law is to establish the requirements with which any persons using or being on local government property and public places within the district, must comply. This local law can be viewed on the Shire’s website at the following link: <http://www.broome.wa.gov.au/council/llplaws.htm>.

Question 3 – Chris Maher: (Submitted via email as Q5) “Does Council have authority and responsibility under the Off Road Vehicle Act to ensure compliance with the Act.”

Answer 5 – Manager Emergency/Ranger & Beach Services: The Shire has authority to appoint “authorised officers” for enforcing the provisions of the Act and Regulations as per Control of Vehicles (Off-road Areas) Act 1978 as follows:

- (1) For the purposes of this Act an authorised officer is —
 - (a) any member of the Police Force;
 - (b) any person appointed as such pursuant to subsection (2) within the area of jurisdiction entrusted to him by the appointment;
 - (c) any person appointed as such pursuant to subsection (3) within the area of jurisdiction entrusted to him by the appointment.
- (2) The Minister may appoint any person who is or acts in the office of —
 - (a) an inspector, under the Environmental Protection Act 1971 13;
 - (b) a forest officer, under the Forests Act 1918 14;
 - (c) a wildlife officer, under the Wildlife Conservation Act 1950;
 - (d) a ranger, under the National Parks Authority Act 1976 14;
 - (e) an honorary warden, under the Aboriginal Heritage Act 1972;
 - (f) an inspector or honorary warden, under the Waterways Conservation Act 1976;
 - (g) a fisheries officer referred to in the Fish Resources Management Act 1994; or
 - (ga) a warden, under the Road Traffic Act 1974;
 - (h) a prescribed officer of a public authority, to be an authorised officer for the purposes of this Act either in respect of the whole of the State or any part thereof defined in the appointment.

- (3) A local government may by resolution appoint —
 - (a) any employee of the local government; and
 - (b) where the Minister by notice published in the Government Gazette authorises the local government to do so, any member of the council of that local government, to be an authorised officer for the purposes of this Act either in respect of the whole of its district or any part thereof defined in the appointment.

Question 4 – Chris Maher: (Submitted via email as Q1) “Are the Councillor email links that are posted on the shire website correct and active for each Councillor, so that when a constituent clicks on them they can be confident that the ensuing email will reach those Councillors?”

Answer 1 – Manager Information Technology: The Councillor email addresses listed on the website are correct and will reach the Councillors excepting extenuating circumstances out of the Shire’s control such as Internet Service Provider outages.

Question 5 – Chris Maher: (Submitted via email as Q2) “Does Council have a policy or guidelines covering when, how or if a Councillor responds to a constituent email?”

Answer 2 – Chief Executive Officer: The Shire of Broome Code of Conduct applies to Councillors (and staff) and addresses the issues of communication between the community and Council, and outlines Councillors’ responsibilities with regard to accountability and ensuring the appropriate mechanisms are in place to deal with the prompt handling of residents’ concerns. The Code can be found on the Shire’s website under the tab ‘Council, Local Laws and Policy, Code of Conduct at the following link: <http://www.broome.wa.gov.au/council/pdf/policy/codeofconduct.pdf>.

* * *

Fiona Bishop submitted the following question for the Ordinary council Meeting of 16 December 2009:

Question 1 – Fiona Bishop: (Relates to Agenda Item 11.1) “Conservation Volunteers Australia has hosted a community volunteer turtle monitoring program on Cable Beach since 2006/7. Their published studies for the three completed turtle nesting seasons report 56 turtle nests in the monitoring area north of the vehicle access ramp. Of these, only 23 nests hatched. Did Council seek or has it received any professional advice from DEC or any other party for agenda item 11.1 on the potential impacts on nesting turtles of the earlier daily vehicle access? If so could Council make that information public? If not how can Council be certain that the failure of 33 nests to hatch was not the result of vehicle activity?”

Answer 1 – Director Community Services: “No, this item is a Motion from a particular Councillor, therefore no officer involvement or research has been conducted.” The Chairperson added, “When this was put to Council previously, a comprehensive Department of Environment and Conservation report via ex Cr Maher was presented.”

* * *

David Dureau submitted the following question for the Ordinary Council Meeting of 16 December 2009:

Question 1 – David Dureau: “Has the Broome Shire received from the Broome Port copies of (a) the final Draft Land Use Management Study 2003” (b) the Port of Broome funded Vegetation Survey of Broome Peninsula 2007? If no, will the CEO urgently request copies?”

Answer 1 – Director Development Services: “The Shire received a copy of a draft Broome Port Land Use Plan in 2003 but has been advised that plan is subject to a comprehensive review. The Shire has not yet received copies of the reviewed document. I understand the vegetation survey report is being provided as support documentation for the proposed amendment.”

Question 2 – David Dureau: “Has the Broome Shire CEO been requested to respond and/or adopt these documents or conducted any internal Shire briefings or communications with the Port since the release of these two reports?”

Answer 2 - Director Development Services: “No.”.

Question 3 – David Dureau: “Have Shire Councillors been made aware or been given copies of these documents? If not why not? If no, will the CEO see they receive hard copies urgently?”

Answer 3 - Director Development Services: “The 2003 report was a draft. When a reviewed Port Land Use Plan is received it will be reported to Council. The amendment documentation and supporting documentation will be made available to Councillors as soon as it has been prepared.”

* * *

The following questions were submitted by Roger Grohmann for the Ordinary Council Meeting of 16 December 2009:

Question 1 – Roger Grohmann: “At the Broome Shire Council meeting of 26 November 2009 there was some confusion amongst the Councillors regarding the regulations of conflicts of interest! Can the Shire of Broome publish the regulations in regard to the code of conduct for elected members and staff, April 2004’, so the wider Broome community will have knowledge of these regulations?”

Answer 1 – Chief Executive Officer: “I refer to Chris Maher’s Question 2 regarding the Shire’s Code of Conduct. Declaration of Interest provisions for Councillors are published in the Local Government Act 1995 Sections 5.59 to 5.69A and can be accessed via State Law Publisher at <http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>.

Question 2 – Roger Grohmann: “If a Broome resident has suspicions, that one of the Shire Councillors is in breach of these regulations, what would be the proper way to start an investigation, without getting into trouble?”

Answer – Chief Executive Officer: “One should report the matter to the Chief Executive Officer, Shire of Broome or the Department of Local Government. There is a level of confidentiality involved .

* * *

The following questions were submitted by Martin Pritchard representing Environs Kimberley, for the Ordinary Council Meeting of 16 December 2009, with regard to item 9.3.1 Shire Of Broome Local Planning Strategy - Progress Report.

Chairperson.....Date.....

Question 1 – Martin Pritchard: “I refer to “Attachment 1: Local Planning Strategy Issues - Non Urban Environmental Cultural and Coastal Park Reserves” (page 9). The Borda, Cygnet Bay and Leveque Nature Reserves and the Salt Creek and Munro Springs wetland systems areas are proposed for zoning as “Environmental Cultural” reserves under Local Planning Strategy 5. Council has not included other areas put forward for reservation by government agencies including:

- a. Dampier land National Park;
- b. Jowlenga Nature Reserve; and
- c. Edgar Range Nature Reserve.

Will Council consider these areas in the “Local Planning Strategy Issues” paper for zoning as “Environmental Cultural” reserves in Local Planning Strategy 5?”

Answer 1 – Director Development Services: “Ultimately the treatment of these areas under the proposed Scheme will depend on land tenure and land management responsibility. Shire staff will have ongoing discussions with appropriate government agencies in relation to these and other areas.”

Question 2 – Martin Pritchard: “Page 42 of the agenda states: ‘Analysis of the key land use and development issues had been undertaken followed by consultation process (sic) with major stakeholders.’ Environs Kimberley is clearly a stakeholder but has not been consulted about the Shire of Broome Local Planning Strategy in the past year.

When will the Shire contact Environs Kimberley as a stakeholder to consult on this very important matter given the significant environmental implications of the Local Planning Strategy 5?”

Answer 2 – Director Development Services: “The Local Planning Strategy is a work in progress and the program has always provided for consultation with stakeholders including Environ Kimberley following adoption of a draft document by the Shire and the Western Australian Planning Commission. As is stated in the agenda report the work cannot be completed until various complimentary documents are available.”

Question 3 – Martin Pritchard: “With the changing climate and the Federal Government’s latest report predicting a 1.1 metre sea level rise by 2100, which would affect several hundred residences in Broome, will Local Planning Strategy 5 ensure that no new developments will occur in areas that would be affected by sea level rise?”

Answer 3 – Director Development Services: “In my opinion there is insufficient evidence in the report released by the Federal Government and supporting documentation to make definitive land use determinations for Broome. When the State or Federal Government provides a clear directive to Local Government appropriate restrictions can be put in place.”

* * *

The following questions were submitted by Connie Grohmann for the Ordinary Council Meeting of 16 December 2009.

Question 1 – Connie Grohmann: (Re 11.1 Vehicle Access Times Cable Beach) “A lot of thought would have gone into closing Cable Beach access overnight during turtle nesting season from 8pm-7am. Who was consulted regarding the impact of a 5am opening of the gate would have on turtles.”

Chairperson.....Date.....

Answer 1 – Chairperson: “This is a Councillor motion and my answer is similar to the answer to Chris Maher’s earlier question. Staff have not been involved in this item.”

Question 2 – Connie Grohmann: “The Broome Shire has published a great little brochure on the Cable Beach Turtle Nesting Season. Where has it been distributed to:”

Answer 2 – Chairperson: “They are distributed by Ranger Services and Beach Inspectors when liaising with clients. They are also available through the Shire Administration reception counter and I understand they are also available at the Cable Beach Shop/Lunch Bar, Zanders Restaurant, and the Broome Visitor Centre.

Question 3 – Connie Grohmann: “The brochure states ‘to limit the impact of vehicles on nesting turtles... beach CLOSED from 8pm to 7am’. Also current restrictions have been well received according to the Shire. Would it not be detrimental and send a poor message to the community and the rest of the world if the motion would be carried?”

Answer 3 – Chairperson: “The brochure has been well received and it is up to Councillors to decide tonight whether the motion is carried or not.”

* * *

David Dureau submitted the following question for the Ordinary Council Meeting of 16 December 2009:

“Question 1- David Dureau: (Re: Adoption of Property Manage Services Review 26 November 2009) “During the past several years I have asked at Public Question Time at Ordinary Council Meetings questions concerning facts about the Shire’s so-called assets – buildings, leased, vested and unvested reserves, including the annual income and expenditure for each. I never received a satisfactory or comprehensive reply. This review and its adopted recommendations will enable the Shire to answer all questions about assets. I am sure all ratepayers will join with me and congratulate the Shire, both Councillors and staff, on their initiative to commence and then adopt the C.T. Management Review in Nov 2009. It is a very significant document in the Shire’s history, and will guide its future with certainty and probity?”

Will the Shire Council (Chief Executive Officer?), prior to implementing the review and its recommendations, consider the following changes:

- a) To include a column in tables 1 and 3 for the valuation of each property to be recorded included where it can be determined to make complete commercial details.*
- b) To include the rights held by the Shire in the Broome Directory as a property asset earning income.*
- c) Where and when possible rationalize apparent rental anomalies – ie Zanders’ rental \$31,380/pa. – Town Beach Café \$56,396/pa? Why is their \$25,000 rental difference?”*

Answer 1 – Director Corporate Services: “(a) Valuations will be included in the final schedules prepared by staff.” (b) Although an income earning activity, the Broome Directory will not be considered a property asset as such, and will managed through Economic Services.” (c) “Objects of lease agreements for properties vested in the Shire are as a result of negotiations taking place at that time and are unique to each property.

Chairperson.....Date.....

Moved: Cr E Yu

Seconded: Cr C R Mitchell

That the Minutes of the Special Meeting of Council held on 7 December 2009 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

I would like to take this opportunity to wish the community, staff and Councillors a safe Christmas and ask that we all look out for those less fortunate than ourselves at this time. I also look forward to working with Council and staff in addressing issues affecting Broome at State and Government level.

7. PETITIONS

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

One item involving a tender, should it be required.

9.

REPORTS

OF

OFFICERS

9.1

LEADERSHIP / GOVERNANCE AND ORGANISATION



OUTCOME

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

9.1.1 MEDIA POLICY REVIEW	
LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM28
AUTHOR:	Media & Promotions Officer
CONTRIBUTOR/S:	N/A
RESPONSIBLE OFFICER:	CEO
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	17 November 2009
SUMMARY:	Review of Media Policy. Policy remains unchanged.

BACKGROUND

Previous Considerations

OCM 10 May 2007 – Media Policy was endorsed by Council.

COMMENT

The objective of all media liaison should be to promote the positive image of the Shire, to provide effective media communication with the community and to provide a mechanism for the role of Council as the ‘entity’ and individual Councillors when requested to make media comment.

It is important for the Shire of Broome to communicate open and honestly with media in order to maintain its commitment as a transparent and accountable organisation and to maximise public knowledge of its activities.

The value of the media to local government cannot be underestimated. The Shire should maintain good working relationships with journalists, producers and editors and endeavour to answer media enquiries promptly.

While the Local Government Act states that the Shire President is to speak on local government, the policy reflects the procedures which have been developed for when the Shire delegates authority. It is essential that all shire staff and Councillors be aware of this policy to avoid miscommunication and ensure consistency of messages.

Shire staff are encouraged to incorporate the use of the media as part of their strategic plans to promote the efforts of their department and ultimately the Shire of Broome.

The Media & Promotions Officer manages all media liaison to ensure maximum impact, enhanced presentation of photo opportunities, radio and television coverage in conjunction with the Shire President’s approval.

The Media Release Request Form is available to assist staff in contributing stories from their department. The form is designed to focus staff on newsworthy items.

This Media Policy has been in place since May 2007, replacing Policy 1.3.1 Press Releases in the Policy Manual. Upon review the policy remains unchanged.

Chairperson.....Date.....

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

Division 2 — Local governments and councils of local governments

2.8. The role of the mayor or president

(1) The mayor or president —

(d) speaks on behalf of the local government;

POLICY IMPLICATIONS

The policy will form part of the Shire of Broome Policy Manual.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr E Yu

That Council endorses the reviewed Media Policy which remains unchanged.

CARRIED UNANIMOUSLY

[Attachment: 4 pages](#)

9.1.2 ANNUAL FINANCIAL AUDIT 2008/2009

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: FRE 02
AUTHOR: Manager Financial Services
CONTRIBUTOR/S:
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 21 October 2009

SUMMARY: To advise Council of the Audit Committee's review and recommendation for adoption of the annual financial report, and receipt of the auditor and management reports, and receipt of the report prepared by the Chief Executive Officer.

BACKGROUNDPrevious Considerations

Nil

The Audit Committee is required to examine the reports of the auditor after receiving a report from the CEO on the matters and:

- Determine if any matters raised require action to be taken by the local government; and
- Ensure that appropriate action is taken in respect of those matters.

The Audit Committee will review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and present the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time.

The Audit Committee will consider and recommend adoption of the annual financial report.

COMMENT

From this year forward, the auditors have directed that restricted cash, from unspent grants and unspent loans, should be combined with unrestricted cash and disclosed as the carried forward surplus in the Rate Setting Statement at page 6, although cash held in Reserves continues to be excluded from carried forward calculations. Restricted cash and reserves are monies held for a particular purpose and cannot be used as general purpose funding.

A discussion on this point was held with the auditors at the informal audit committee meeting at the conclusion of the final audit visit 16 September 2009, and the point was raised that it would be prudent to exclude any restricted cash from the carried forward surplus position. This would enable clear communication to Councillors and stakeholders of what the true unrestricted carried forward position is, avoiding confusion as to what is available or not available as unrestricted cash carried forward from the previous year.

Chairperson.....Date.....

The auditors advised that the creation of a Restricted Cash Reserve account could be used to hold all unspent grants and loans and this would allow restricted cash to be excluded from carried forward calculations. Endorsement of this position is sought from the Audit Committee for recommendation to Council.

CEO Report to the Audit Committee

Following is the CEO's report to the Audit Committee on matters arising from the audit and management reports. Extracts from the audit and management reports are indented in italics.

Audit Report

There were no matters of statutory non-compliance reported during 2008/2009.

Management Report

There were no management matters that the auditors wished to draw to Council's attention.

Other auditing matters:

In accordance with the requirements of Australian Auditing Standards (ASA260), we are also obliged to inform Council (those charged with governance of the Shire) of the following:

Corrected Misstatements

We advise we have informed Shire management of certain misstatements which were corrected during the course of our audit and are reflected in the financial report. These corrected misstatements are attached at Appendix 1 to this letter.

Account Description	Debit	Credit
Infrastructure Asset Revaluations Depreciation Infrastructure -Op Exp-Mtce Street, Roads, Bridges Depreciation	\$13,359,478	\$13,359,478
Being transfer of depreciation on revaluation of roads to Asset Revaluation Reserve		
Grant Non Op - State Swim Areas & Beaches	\$47,500	
Operating Grants & Contributions	\$21,834	
BRAC Grant Emergency Facility Upgrade	\$43,070	
Aboriginal Roads Non Op Grant from MRWA	\$47,000	
Grants Owing		\$159,404
Being reversal of grants accrued in error		
Salaries and Wages Expense FBT Payable	\$10,161	\$10,161
Being recognition of FBT liability		
Contribution Expenses - FESA Vehicles	\$8,124	
Proceeds of Sale Being recognition of proceeds of Sale of FESA Vehicle		\$8,124
FBT Liability - Staff Salary Packaging	\$21,332	
FBT & Staff Utilities Exp		\$21,332
Being reversal of provision for FBT Liability		

\$13,359,478 relates to an abnormal item of depreciation brought to account when increasing the provision for depreciation on revaluation of road infrastructure assets. The item was transferred to the infrastructure revaluation reserve.

\$159,404 relates to the accrual of grants identified as owing but not paid. The unclaimed grants could not be brought to account as 08/09 debts owed or revenue. The grant accruals were \$47,500 onshore boat ramp facilities at Entrance point, \$21,834 Club Development Officer, \$43,070 BRAC Emergency Facility and \$47,000 MRWA Indigenous Roads. All grants are in the process of being claimed in 09/10.

\$10,161 relates to an adjustment to the provision for FBT payable as at 30th June to reflect the quarterly FBT payable of \$29,740.

\$8,124 relates to a FESA recipient created tax invoice received in August 2009 for the disposal (return) of a vehicle in December 2008. The disposal of vehicle was brought to account in June.

\$21,332 relates to the recognition of FBT collected from staff salary packaging in the fourth quarter as a reduction to FBT expense to 30th June.

Uncorrected Misstatements

We advise that we have informed Shire management of certain uncorrected misstatements above \$5,000 noted by us during the course of our audit that were determined to be immaterial both individually and in total, to the financial report taken as a whole. These uncorrected misstatements are attached at Appendix 1 to this letter.

Account Description	Debit	Credit
Rates Creditors	\$19,842	
Rates Income		\$19,842
Being rates in advance not recognised as revenue.		
Equipment Hire Creditors Being 2009 financial year expenses not accrued	\$54,487	\$54,487

\$19,842 relates to the accumulation of credits held on Rates accounts for payments in advance of the following year's rates raised. Auditors have determined that the amount is immaterial however they would have preferred that the amount was brought to account as revenue in the previous year even though rates have not been raised.

\$54,487 relates to two supplier invoices dated late June and posted to July in error having been processed after June ledger close off date. They could have been recognised as a June expense in retrospect; however auditors have deemed that in terms of road infrastructure expenditure the amounts were immaterial.

The audit committee resolved that:

- *The Audit Committee recommends that Council receives the CEO's report relating to the audit.*
- *The Audit Committee recommends that Council receives the audit report and audit management report dated 16 October 2009.*

Chairperson.....Date.....

- *The Audit Committee recommends that Council adopts the annual financial report.*
- *The Audit Committee recommends that Council creates a Reserve Account to hold restricted cash identified by the local government, including unspent grants and unspent loans.*

CONSULTATION

Nil

STATUTORY ENVIRONMENT

6.4. *Financial report*

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to —*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
 - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

7.12A. **Duties of local government with respect to audits**

- (1) *A local government is to do everything in its power to —*
 - (a) *assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and*
 - (b) *ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) *A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —*
 - (a) *determine if any matters raised by the report, or reports, require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government is to —*
 - (a) *prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and*
 - (b) *forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.*

5.54. *Acceptance of annual reports*

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Place

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

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr D M Male

That Council:

1. *Receives the Chief Executive Officer's report relating to the audit.*
2. *Receives the audit report and audit management report dated 16 October 2009.*
3. *Adopts the annual financial report.*
4. *Creates a Reserve Account to hold restricted cash identified by the local government, including unspent grants and unspent loans.*

CARRIED 6/0 BY ABSOLUTE MAJORITY

[Attachment: 66 pages](#)

With regard to Item 9.1.3 Cr J Bloom disclosed that "I have had an association with The Broome Chamber of Commerce – my partner is the President of the Chamber of Commerce. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

9.1.3 SHIRE DIRECTORY 2011

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: INP001
AUTHOR: Media & Promotions Officer
CONTRIBUTOR/S: Chief Executive Officer
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 1 December 2009

SUMMARY: The Shire of Broome Directory contains residential, business and community contact listings, along with essential community emergency information for living in the region. The Directory also contains information on each of the Shire of Broome Services.

It is recommended Council endorse the Western Australian Local Government Association Tender Bureau Service tender specifications for compilation, printing and production of the 2011 Shire of Broome Directory with the option to extend the agreement for the 2012 Shire of Broome Directory.

BACKGROUND

Previous Considerations

- OCM 14 February 2008 – item 9.1.4
- SM 19 June 2008 – item 9.1.2
- OCM 3 July 2008 – item 12.1
- OCM 26 August 2008 – item 12.2
- OCM 16 April 2009 – 9.1.1
- OCM 14 May 2009 – item 9.1.2

At the Ordinary Council Meeting of 3 July 2008, Council endorsed the Western Australian Local Government Association Tender Bureau Service to write and evaluate the tender for the 2009 Shire of Broome Directory. Council also requested community benefit criteria to be included.

At the Ordinary Council Meeting of 26 August 2008 meeting, Council endorsed the Western Australian Local Government Associations Tender Bureau Service recommendation to award the tender for production of the 2009 (with option for 2010) Shire of Broome Directory to Market Creations.

At the Ordinary Council Meeting of 14 May 2009 meeting Council granted Market Creations the tendered extension to produce the 2010 Shire of Broome Directory in accordance with the provisional option clause as detailed in the original tender. The extension to include these payments and benefits to the community including a payment Chairperson.....Date.....

of \$50,000 to the Shire of Broome, payment of \$30,000 to the Broome Chamber of Commerce, free marketing and internet technology workshop for the community and a forum at high schools.

At its 4 August 2009 meeting Council resolved to engage the Western Australian Local Government Association's Tender Bureau Service to independently write, advertise and evaluate the tender for the 2011 Shire of Broome Directory, that the tender specifications be brought back to Council for endorsement and the Western Australian Local Government Association's Tender Bureau Service recommendation is brought back to Council for consideration and endorsement.

COMMENT

The Tender Bureau Service has a team of experienced staff who have been involved in some of Local Governments most complex and high value tenders and provides an independent and unbiased evaluation of tenders.

The Bureau will deliver a high quality, transparent and fully compliant procurement process.

CONSULTATION

The Shire of Broome sought tender advice from the Western Australian Local Government Association.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 1.8 Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.

Section 3.57 Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply good or services.*
- (2) Regulations may make provision about tenders*

Local Government (Functions and General) Regulations 1996

Section 5 R14 & R15

14. Requirements for publicly inviting tenders

- (1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.*
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) If a local government —*
 - (a) is required to invite a tender; or*
 - (b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*
- (3) The notice, whether under subregulation (1) or (2), is required to include —*
 - (a) a brief description of the goods or services required;*

Chairperson.....Date.....

- (b) particulars identifying a person from whom more detailed information as to tendering may be obtained;
 - (c) information as to where and how tenders may be submitted; and
 - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —
- (a) such information as the local government decides should be disclosed to those interested in submitting a tender;
 - (b) detailed specifications of the goods or services required;
 - (c) the criteria for deciding which tender should be accepted;
 - (d) whether or not the local government has decided to submit a tender; and
 - (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130.]

15. Minimum time to be allowed for submitting tenders

- (1) If the notice is published in the newspaper as part of giving Statewide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.
- (2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

POLICY IMPLICATIONS

Local Price Preference Policy 1.2.9

Adopted: OCM 18 December 2001 – Page 47

Reviewed: OCM 22 July 2003 – Pages 49-50

Review Responsibility: Chief Executive Officer

Objective:

- *The Shire is committed to maximising opportunities for the economic development of business and industry in the Shire by:*
 - *Exploring the capabilities of local business to meet the Shire’s requirements and considering the capabilities of the local business in the development of tender/quotation specifications.*
 - *Providing adequate notice of supply opportunities.*
 - *Ensuring that buying practices, procedures and specifications does not disadvantage local business.*
 - *Structuring quotations and tenders in a way that encourages local business to bid.*
 - *Encouraging prime contractors to give local business every opportunity to participate in major projects.*
 - *Making an effort to ensure that regionally based public authorities consider the capabilities of businesses with the Shire of Broome.*

- *Recognising the benefits of purchasing from local businesses and considering this as part in costings and value for money decisions.*
- *Providing adequate feedback to unsuccessful businesses that highlight how bids can be improved.*
- *The Shire has a responsibility to achieve value for money in its procurement of goods and services.*

FINANCIAL IMPLICATIONS

The tender document preparation cost \$1,860. The tender open period will cost \$352 (inc GST), and the evaluation service is \$3,395.70 (inc GST) and will be taken from the Shire Directory Production Account.

It is anticipated that up to \$3,000 of Media & Promotions Officer time will be spent liaising with the successful tenderer and answering public enquiries. Other staff costs include preparation and review of information by Shire directorates.

The Shire does not pay for the production of the Shire Directory, but receives a \$50,000 payment from the approved contractor.

STRATEGIC IMPLICATIONS

People

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

Prosperity

Support business and economic development.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr E Yu

That Council endorses the Western Australian Local Government Association's Tender Specifications for the 2011 Shire of Broome Directory as attached.

CARRIED UNANIMOUSLY

Confidential Attachment: 38 pages (To Councillors & Directors only)

9.1.4 ANNUAL REPORT 2008/2009

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: ADM42
AUTHOR: Manager Administration Services
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 2 December 2009

SUMMARY: To seek Council’s endorsement of the Draft 2008/2009 Annual Report.

BACKGROUND

Section 5.53 of the Local Government Act 1995, requires the Shire of Broome to prepare an Annual Report each financial year, including the following:

- A report from the Shire President;
- A report from the Chief Executive Officer;
- An overview of the plan for the future of the Shire made in accordance with Section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- The financial report for the financial year;
- Such information as may be prescribed in relation to the payments made to employees;
- The auditor’s report for the financial year;
- A matter on which a report must be made under Section 29 (2) of the Disability Services Act 1993; and
- Such other information as may be prescribed.

In addition to this, in accordance with the State Records Act 2000, a Statement is required addressing the State Records Commission Standard 2, Principle 6.

COMMENT

Section 5.54 (1) of the Local Government Act 1995 requires the annual report for a financial year to be accepted by an absolute majority no later than 31 December after the reported financial year.

Section 5.54 (2) states:

“If the auditor’s report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.”

The audited statements for the Shire of Broome are dated 16 October 2009 and the Shire therefore complies with the Act.

Section 5.27(2) of the Local Government Act 1995 requires the Annual Electors Meeting to be held within 56 days of the Annual Report for the previous financial year being Chairperson.....Date.....

accepted by Council. An Annual Electors Meeting is therefore required to be held no later than 10 February 2009. The attached Annual Report is provided in confidential status due to its text-only format.

CONSULTATION

N/A

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr D M Male

Seconded: Cr E Yu

That Council:

1. *In accordance with the Audit Committee's recommendation adopts the 2007/2008 Annual Report.*
2. *Convenes an Annual Electors Meeting on Thursday 28 January 2010 at 6pm.*

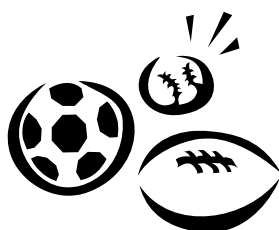
CARRIED 6/0 BY ABSOLUTE MAJORITY

[Attachment: 84 pages](#)

9.2

COMMUNITY

SERVICES



OUTCOME

To facilitate the social wellbeing and development of the community.

Item 9.2.1 was formally withdrawn by the Chairperson at the request of the Chief Executive Officer to allow Council an opportunity to workshop the Event Policy.

9.2.1 EVENT MANAGEMENT FRAMEWORK POLICY, PERMITS AND APPLICATION PROCESSES

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: REE25
AUTHOR: Event and Sponsorship Coordinator
CONTRIBUTOR/S: Director Community Services
 Media and Promotions Officer
 Manager Community Development
 Manager Recreation Services
 Manager Emergency Ranger and Beach Services
 Manager Admin Services
 Project and Administration Officer Finance Officer
 Manager Building Services
 Manager Health Services
 Environmental Health Officer
 Director Engineering Services
 Construction Project Engineer
 Manager of Asset and Design
 Parks and Gardens Supervisor
RESPONSIBLE OFFICER: Director Community Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 1 December 2009

SUMMARY: A revised Council Policy 5.1.7 – Events Held on Local Government Property and Public Places has been prepared to provide a clear strategic direction for event management within the Shire of Broome. As part of this policy update, a new process for the review and approval of all events in public open space and Shire venues has been developed. A number of key resources have been introduced including an event permit and application system; Expression of Interest process for booking and planning events, and an event information pack. This will provide event organisers with a clear understanding of the legislative and other requirements for holding an event in Shire of Broome managed property.

Previous Considerations

OCM 19 March 2009 – 9.1.3

BACKGROUND

The Shire of Broome plays host to a number of events, concerts, community festivals, markets, artistic performances, sporting carnivals, private functions, weddings and fundraising events each year. These events occur within Shire managed venues and in public open spaces including street events and functions on foreshore, beach areas and Shire managed reserves.

Under State, Federal and Local legislation, event managers must comply with myriad regulations and controls for event management. Regulatory requirements include, but are not limited to:

Chairperson.....Date.....

- State Government requirements for liquor licensing
- Australian Standard Risk management processes for events
- Local law requirements for events and activities on public land
- Local law requirements for hiring of local government property
- State Government guidelines for accessibility for events
- State Government guidelines for waste management for events
- Building code requirements for built structures and electrical installations
- Health Act requirements for food vendors and public buildings
- Local Law requirements for commercial activity on public land
- State Government requirements for Road Closures and Traffic Management
- State Government requirements for management of environmental noise pollution
- Emergency services requirements for emergency management systems and fire management planning

Events held within Shire jurisdiction have undertaken their activity to various levels of compliance under these regulations. There is currently no approved framework for the communication of event requirements, approval processes for reviewing and approving events and permit systems that clearly indicate the conditions under which an event can be held within the Shire's responsibilities.

Increasingly, the Shire of Broome is being selected as a venue for touring, regionally significant events and a formalised event framework is required to allow for the management, review and approval of all events within the Shire responsibility.

COMMENT

A new event management framework has been developed to ensure compliance of event organisers and organisations under the various legislative requirements to stage an event. There are a number of strategic and administrative documents to support the framework.

Revised Event Policy – Council Policy 5.1.7 – Events Held on Local Government Property and Public Places

The existing events policy has been replaced to allow for a more strategic approach to event management and aims to:

Provide a framework for the management and coordination for events and functions in public space and local government property, and provide clarity to event organisers on the suitability of local government property for events.

The policy defines events under three distinct levels to allow for an escalating set of requirements based on the size of the event.

In addition, the policy introduces an event permit system as the mechanism for the review and approval of event applications and enquiries.

It also sets guidelines and restrictions on the type and number of events across the Shire's managed venues.

Consequently, the policy introduces an event application process that must be used by event organisers before approval may be given.

Elements of the previous policy have been retained within Section 2 of the new policy.

THE EVENT PERMIT SYSTEM - (ACROSS THREE LEVELS OF EVENTS)

Due to the carrying complexity of events, three distinct processes have been developed for the application, assessment and approval of activities. These processes have been developed through extensive consultation both internally between Shire Directorates and externally with State Government Departments and other local government organisations.

Event permits will be issued for any event undertaken in Shire managed areas. The permits include standard conditions for event activities and specific conditions based on the nature of the event. These permits may be withdrawn in the case of non-compliance with the conditions by the event organiser.

For events of a minor nature, where exclusive access to a venue or place is not required, an **Event in a Public Place permit** will be issued by the Shire. These events are traditionally informal public, family or community gatherings with no infrastructure requiring little or no legislative approval.

An **Event permit** will be issued to events seeking to hire a Shire managed venue, or requiring approval for infrastructure, liquor licence, road closures and traffic management, or any complex activity that requires special legislative or regulatory approval from the Shire.

A **Large Scale Event** permit will be issued to events that more than 5,000 people are expected to attend at any one time.

Event Application documents have been developed to ensure that all information required for the approval of an event is supplied to the relevant agency or Shire Directorate for approval. The application documents are of varying complexity based on the level of event they address.

The use of a scaling system of complexity for event application, approval and permit allows for basic events with little or no regulatory impacts to be approved with a relatively small amount of paperwork, whilst ensuring that complex events with large impacts to the Shire and community are adequately reviewed prior to approval.

COMMUNICATING THE SYSTEM AND EXPRESSION OF INTEREST PROCESS

An **Event Information for Applicants** pack has been developed to assist event organisers in developing the event applications and covers the broad range of event requirements and responsibilities in detail. Similar documents are employed by local governments across Australia to inform potential event coordinators and assist in communicating the detailed requirements of staging an event.

A revised version of this pack has been developed for events in a public place which lists conditions for non exclusive use of Shire managed areas.

As part of the roll out of the event management framework, a 1 day training workshop will be offered to any local organisation that holds an annual event, or any interested group or individual that is planning an event for 2010 or 2011. This workshop is scheduled for February 2010 to cover all events within 2010.

The Shire will undertake an Expression of Interest process every 6 months to encourage events to apply and secure venue dates with significant lead time to allow for the event application to be reviewed. This Expression of Interest process will be advertised, with media promotion to both promote Broome as an event venue and encourage existing community events to secure dates and allow for cross promotional opportunities.

CONSULTATION

Extensive consultation across all Shire Directorates has been undertaken to ensure that all event requirements, policies and Shire regulation has been considered within the Event Management Framework.

A broad range of external agencies have been consulted to ensure that the proposed processes and policies are on par with other local government systems in Western Australia and have been developed to Australian Standard and current best practice.

Agencies consulted include: Shire of Busselton, Shire of Augusta-Margaret River, Local Government Insurance Services, Events Corp WA, Broome Police, Disability Services Commission, Department of Health, the City of Greater Geelong, Parks Victoria, Colby Consulting Services and Federation Square Melbourne.

A two month period will be set aside for public comment on the revised Policy 5.1.7 Events Held on Local Government Property and Public Places. The public comment period will be advertised.

STATUTORY ENVIRONMENT

Shire of Broome Local Government Property And Public Places Local Law 2003

- 2.1 (1) *Notwithstanding anything to the contrary in this local law, the local government may enter into an agreement with any person with respect to the operation and use of any local government property.*
- (2) *An agreement under subclause (1) may include, but is not limited to, the hire, licence and lease of local government property.*
- (3) *Where an agreement under subclause (1) is in place, any other person using or entering the local government property shall comply with any rules and conditions of use or entry imposed by the person with whom the local government has made the agreement, provided the rules and conditions do not contravene this local law or any other written law.*
- (4) *The rules and conditions referred to in subclause (3) may or may not include the payment of a fee*
- 3.1 (1) *Where a person is required to obtain an approval from the local government under this local law, that person shall:*
- a) not do the thing for which the approval is required without first obtaining the approval; and*
- (b) apply for the approval in accordance with subclause (2).*
- (2) *An applicant shall make an application for an approval by completing the form provided for the purpose by the local government, paying the application fee to the local government and forwarding the application to the local government.*
- (3) *The signature of the applicant on the form under subclause (2) shall be deemed to be proof that the applicant has:*
- (a) read and understood any conditions printed on the application form; and*

(b) accepted and agreed to comply with any conditions printed on the application form.

Determination of application

3.2 (1) The local government may, in respect of an application for an approval:

(a) refuse the application; or

(b) approve the application on such terms and conditions, if any, as it considers fit.

(2) Without limiting the generality of subclause (1)(b), the local government may impose conditions requiring the payment of a fee for the issue of the form of approval referred to in subclause (3) and for the renewal of the approval, including the payment of a renewal fee.

(3) If the local government approves an application under subclause (1)(b), then it is to issue to the applicant an approval in the form determined by the local government.

Conditions of approval

3.3 (1) Where an application for an approval has been approved subject to conditions, the approval holder shall comply with each of those conditions.

(2) The local government may vary the conditions of an approval and the approval holder shall comply with those conditions as varied.

Division 2 - Matters relating to approvals

Term and validity of approval

3.4 An approval remains valid until:

(a) the expiration date and time stated in the approval is reached;

(b) the activity or function for which the approval was issued is changed to the extent that it is no longer consistent with the original purpose or intent for which the approval was given;

(c) the approval is cancelled by the local government under clause 3.5; or

(d) the public liability or indemnity insurance required as a condition of an approval lapses, is cancelled or is no longer current. Cancellation of approval

3.5 (1) The local government may cancel an approval if:

(a) anything purporting to be done in accordance with the approval is not done in conformity with the conditions of the approval;

(b) the approval holder is convicted of an offence against this local law; or

(c) the approval holder fails to comply with a notice given under clause 12.1 in relation to a breach of the approval or a condition of the approval.

(2) Notwithstanding subclause (1), where an approval relates to the hiring of local government property, the local government may cancel the approval at any time.

(3) Where the local government cancels an approval for the hire of local government property under subclause (2), then the local government shall not be liable to the approval holder for any loss or damage sustained by the approval holder arising from the cancellation.

Fees

3.6 (1) All fees applicable under this local law shall be as determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

(2) In the event of the cancellation of an approval, a refund of any fees paid by the approval holder may be made by the local government.

PART 4 - Activities Which Are Restricted or Prohibited On Local Government Property And Public Places

Division 1 - Activities only permitted under an approval or by a sign

Activities requiring an approval

- 4.1 (1) *A person shall not on any local government property or public place within the Broome townsite area, without first having obtained an approval from the local government to do so:*
- (a) consume any liquor;*
 - (b) erect a structure for public amusement or for any performance for personal gain or otherwise;*
 - (c) conduct any function;*
 - (d) light or set off any fireworks or conduct a fireworks display;*
 - (e) light any fire except in a facility provided for that purpose;*
 - (f) erect any tent, camp, hut, building or other structure, other than a beach umbrella or other portable item used for protection from the elements between sunrise and sunset on any day;*
 - (g) coach, teach, instruct or train any person for a fee;*
 - (h) charge a person for entry to local government property;*
 - (i) operate any broadcasting or public address system or apparatus, other than those used by a life saving club in the performance of its functions;*
 - (j) erect any sign;*
 - (k) walk, lead, ride, herd or drive any large animal;*
 - (l) play or use any musical instrument or any other similar device;*
 - (m) pursue a use on local government property set aside for that purpose under clause 5.1 where the local government has specified under clause 5.1(3)(g) that the use is to be pursued under an approval.*
- (2) *Subject to subclause (3), a person shall not on or in local government property:*
- (a) remove any fixtures, fittings, chattels or things provided for the safety or enjoyment of or use by another person;*
 - (b) damage, destroy, deface or interfere with in any way, any local government property;*
 - (c) plant any plant or sow any seeds;*
 - (d) make an excavation on, or erect or remove, any fence or other structure;*
 - (e) cut, break, injure, deface, pull up, pick, collect seeds or take cuttings from, remove, or destroy any tree, shrub, flower, grass or plant of any kind; or*
 - (f) cut, collect, or remove any timber, firewood, stone, sand or other materials.*
- (3) *Subclause (2) does not apply to:*
- (a) a person who has first obtained an approval to do the prohibited thing;*
 - (b) a local government appointed contractor carrying out a contracted duty; or*
 - (c) a person using any lifesaving or fire fighting equipment during an emergency, or where permitted or directed to do so by an authorised person.*

Application for hire

- 6.1 (1) *The local government may hire local government property to a person who makes an application for an approval for the hire of the local government property under clause 3.1 and who pays the hire fee, if the local government approves the application under clause 3.2(1)(b).*
- (2) *The local government may determine that the requirements of subclause (1) do not apply to the hiring of particular local government property or a class of local government property.*

Decision on application where two or more applicants

- 6.2 *In the event of two or more applications being made for the hire of the same local government property for the same date and time, the local government may determine which, if any, applicant shall be granted an approval to hire. Conditions of hire and use*
- 6.3 *The conditions that may relate to an approval for hire of local government property include:*
- (a) when fees and charges are to be paid and the amount of them;*

- (b) *the purpose for which the local government property may be used;*
- (c) *the duration of the hire;*
- (d) *payment of a bond against possible damage, cleaning or other expenses;*
- (e) *restrictions on the erection of decorations inside and outside any building which is local government property;*
- (f) *restrictions on use of furniture, plants and effects;*
- (g) *the number of persons that may attend any function in a building which is local government property;*
- (h) *the right of the local government to cancel a booking at any time during the course of an annual or seasonal booking;*
- (i) *the prohibition of the consumption of liquor unless an approval has been issued by the local government;*
- (j) *the prohibition of the sale and supply of liquor unless a liquor licence has been obtained under the Liquor Licensing Act 1988 for that purpose.*
- (k) *securing and locking up local government property at the end of each hire period;*
- (l) *the prohibition of gaming unless a gaming approval has been obtained under the Gaming Act 1987;*
- (m) *restrictions on the type of container (whether of glass, metal, plastic or other) that drinks may be provided and served in or consumed from;*
- (n) *requiring that the amplification of any noise or any noise emitted during the hire complies at all times with the Environmental Protection (Noise) Regulations 1997; and*
- (o) *any other condition that the local government considers fit.*

Responsibilities of hirer

6.4 *The approval holder in relation to an approval for the hire of local government property shall:*

- (a) *maintain law and order and decent behaviour by all in attendance at any function for which the local government property has been hired;*
- (b) *make good any damage to the local government property which occurs during the hire, or at the option of the local government, pay to the local government the costs of the repair and replacement of any such property;*
- (c) *ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the local government property or enforcing any provision of this local law;*

POLICY IMPLICATIONS

The new policy 5.1.7 Events Held on Local Government Property and Public Places will replace the existing policy of the same name reviewed on OCM 26 October 2009.

FINANCIAL IMPLICATIONS

The new process should increase the number of events and revenue to the Shire through applied fees and charges. It is difficult to estimate an exact figure for this revenue as it is based on the complexity and number of events.

As part of the review of the Events in a Public Place permit, the fee indicated in the 2009/10 Council sanctioned fees and charges for weddings should be expanded to include any commercial activity. This will allow equity between users and increased revenue to the Shire.

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

The built environment is effectively maintained, developed and managed to achieve positive long-term economic, social and environmental benefits.

Prosperity

Support business and economic development.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Adopts the revised Policy 5.1.7 Events Held on Local Government Property and Public Places.*
2. *Advertises the revised policy change and seeks public comment for a period of two (2) months.*

COUNCIL RESOLUTION

Moved:

Seconded:

(Item withdrawn)

FOR:

AGAINST:

[Attachment: 123 pages](#)

With regard to Item 9.2.2 Cr Bloom disclosed that "I have had an association with Ardyaloon Incorporated as I currently provide both paid and voluntary services to the One Arm Point Community in their early childhood service. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

9.2.2 CSRFF GRANT ASSESSMENTS 2010-2011

LOCATION/ ADDRESS: One Arm Point
APPLICANT: Ardyaloon Inc
FILE: OGS13
AUTHOR: Manager Recreation Services
CONTRIBUTOR/S: Manager Community Development
RESPONSIBLE OFFICER: Director of Community Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 3 December 2009

SUMMARY: One application has been received for the Community Sporting and Recreational Facilities Fund (CSRFF) Annual Grant 2010-2011, the Ardyaloon (One Arm Point) Football Oval Project. This application is for consideration for Council's endorsement for Department of Sport and Recreation funding.

BACKGROUND

The WA Department of Sport and Recreation (DSR) calls for applications for financial assistance through the Community Sporting and Recreation Facilities Fund (CSRFF) annually. CSRFF provides financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

DSR's requirement of LGAs

DSR CSRFF grant process seeks to have all applications be submitted through the Local Government Authority (LGA) in which the project is located. Applications should also be discussed with the nearest DSR office, the LGA and the relevant State Sporting Association (SSAs) where appropriate/relevant. Under DSR's guidelines, all applications must be lodged with their LGA, irrespective of whether the LGA is contributing to the project.

Three key elements for sustainability of the project – social, economic and environmental sustainability - are to be considered. Projects must also demonstrate that they can be delivered within the funding period.

The usual grant offered is one-third of the total estimated project cost (excluding GST). Some applications, however, will be eligible for up to one half of the project cost, via a Development Bonus. Meeting Development Bonus criteria will not automatically ensure the applicant is eligible for 50% of the project cost. In addition, DSR will assess projects against the scope, time and budget being proposed and whether they can be completed within the nominated timeframe.

DSR CSRFF Project Assessment Sheet for LGAs

The emphasis of the assessment factors is on a planned approach to facility provision and will require the applicant to demonstrate need and to consider planning, design, and management issues to substantiate the need for the proposed project. The Project Assessment Sheet, Section A, requires the LGA to consider whether CSRFF principles have been considered utilising 10 criteria and whether each specific criterion is satisfactory, unsatisfactory, or not relevant.

Assessments are based on the following criteria:

- Project justification
- Planned approach
- Community input
- Management planning
- Access and opportunity
- Design
- Financial viability
- Co-ordination
- Potential to increase physical activity
- Sustainability

Section B of the CSRFF Project Assessment Sheet requires the LGA, to rank, in order of priority, all applications received. All projects need to be considered in the context of their local, regional and state sport and recreation facilities plans to ensure the project meets the needs of the community.

In addition, Section B requires LGAs to rate all applications received as either:

- A Well planned and needed by municipality;
- B Well planned and needed by applicant;
- C Needed by municipality, more planning required;
- D Needed by applicant, more planning required;
- E Idea has merit, more planning work needed; and
- F Not recommended.

This rating should reflect how worthwhile the project is and indicate importance on actual need and benefit to the community. Where Councils do not endorse a project or is of the opinion that an application has not satisfactorily addressed the CSRFF criteria, they can recommend the project not be funded, or that it be resubmitted in a later funding round.

DSR seeks to have all LGA rankings and ratings be endorsed by Council and a copy of Council Minutes confirming financial contributions (if any) to be included within the application form.

COMMENT

One CSRFF application has been received from Ardyaloon Inc. The application for \$235,000 (ex GST) is for the establishment and irrigation of the Ardyaloon (One Arm Point) football oval.

The project involves a football oval being established in place of the previous oval. This oval area has not been maintained for several years and now has weeds dominating the playing surface. The oval measures 140m by 100m, which equates to approximately 1.4ha.

Chairperson.....Date.....

While the Management Plan for the Ardyaloon Inc Football Oval Project states "the oval will be designed to near WAFL standards" (p. 9) the Plan also states "the oval is not large enough to achieve a true WAFL standard and expansion of the area is not possible due to heritage sites in the vicinity". (p. 9)

Normally, an AFL oval is between 135 metres and 185 metres in length and between 110 metres and 155 metres in width according to the requirements for an AFL playing surface in part 3.2 (a) (Laws of Australian Football 2009)

The Ardyaloon oval is on the small size in length and below the recommended width size for a game of Australian Football. Therefore, the oval is not within the "standard" area size for an Australian Football playing surface.

The Ardyaloon oval will also be used as a recreational space that can be used by a range of sports besides football such as athletics and soccer, as well as school sports carnivals and other community events.

CSRFF Project Assessment Sheet for LGAs

1. Ardyaloon Inc (One Arm Point) Football Oval Project

Total project cost: \$480,000 (cost ex GST)

Project justification

The development of sports facilities at the Dampier (sporting ground) facility will assist members of the communities of Ardyaloon, Lombadina and Beagle Bay by improving and/or assisting: health and wellbeing; cultural and educational activities; economic development; and tourism.

Planned approach

The Ardyaloon Inc community organisation has had extensive assistance and input for this project from the Indigenous Communities Services section of the Water Corporation, which undertook research to determine the feasibility of the initiative. (See p.5 of the Project's Feasibility Plan) The development of the football oval at One Arm Point is supported by recommendations outlined for facility development for the sport in the recent publication *Kimberley Football 2009: Our Future Direction* produced by the Kimberley Football Association Inc. In a report commissioned by DSR titled *Indigenous Sport and Cultural Plan (2008)*, the priority for investment in a sports oval for the community was rated as 'High' in order for the existing area set aside to become an operative sport and recreation facility.

Community input

The Ardyaloon Inc community organisation, with Water Corporation's very strong support and investment in this project, has been highly supportive of this project.

Management planning

The Water Corporation states in the Project's Feasibility Plan that "it will conduct the project management and has already conducted market research, feasibility and other assessments on behalf of the community".

Access and opportunity

The development of the sporting ground's recreational space will assist to increase access and opportunities for physical activities for members of the Ardyaloon Community as well as other Peninsula communities. Additionally, there will be

more opportunities for the broader community to participate in a range of sporting and recreational activities on the oval.

Design

“The project exists in three parts; the oval, the irrigation of the oval, and the supporting infrastructure. All parts are linked, but were evaluated on a stand alone basis.” (the Project’s Feasibility Plan). The technical aspects of the project have been sourced with the assistance of the Water Corporation plus additional technical information from other experts.

Financial viability

The Water Corporation provided an assessment in the Project’s Feasibility Plan which states that “the proposal has been evaluated on a stand-alone basis. This proposal has been found to be viable from an economic, social and environmental perspective”. As well as the CSRRF funding of \$240,000 (ex GST which includes Standard CSRRF Grant request of \$160,000 plus Development Bonus of \$80,000) that the Ardyaloon Inc community organisation is seeking, the community needs to be successful in sourcing a further \$190,000 (ex GST) in other grant funding, sponsorship and donations to enable this project to be go ahead. Ardyaloon Inc is currently preparing a sponsorship plan which includes seeking mining company and corporate sponsorship to cover this amount.

Co-ordination

The Project’s Feasibility Plan states that “a combined approach was adopted to ensure that the community was given all opportunities to show its commitment to building capacity amongst its members and in achieving a sustainable outcome to the community.” The Water Corporation has made available a project co-ordinator who works together with the community representatives, the chairperson and the community CEO. The Project Co-ordinator is an engineer with a background in civil, structural and co-ordination engineering.

Potential to increase physical activity

With the establishment of a football oval on the Dampier Peninsula, the well-being of many of the 450 local indigenous people could be substantially improved by access to an oval for physical activity. The Project is supported by the local football association, the West Kimberley Football League; the regional football association, the Kimberley Football Association; and the state football association, the West Australian Football Association.

Sustainability

The Water Corporation states in the Project’s Feasibility Plan that “after a considerable selection process, the establishment of the oval at the Ardyaloon community was ascertained to be the most feasible and sustainable project for Water Corporation’s involvement”. A key issue identified in the CSRRF Application is the “main issue is green-keeping, including maintenance of the irrigation system,” of the football oval is whether it can be financially and proficiently managed over time.

While the establishment of new sporting facilities within the Shire is beneficial for a community, a new sporting facility such as a football oval needs to incorporate an asset management approach towards its sustainability. The provision of a long-term financial and management plan is imperative. Within the Management Plan (produced in October 2009) for the Ardyaloon Inc Football Oval Project, there is a

reference to the Shire of Broome providing technical knowledge to assist with the turf maintenance.

Since this Management Plan was written, Ardyaloon Inc has removed the expectation of this in-kind assistance turf management assistance from their CSRFF Application to DSR. The Management Plan for the project refers to \$85,000 per annum needing to be allocated for maintenance of the football oval and that these costs will be allocated from both the Municipal Budget and from AGI (Activity Generated Income). To ensure that the maintenance of this facility continues, the community will need to have funds guaranteed towards the project.

With LGAs such as the Shire experiencing financial pressure to maintain and plan for services under its control, the Ardyaloon community needs to have a guaranteed funding stream for this football oval project. It's recommended that the Commonwealth Government support this project with annual funding for turf maintenance costs as a successful CSRFF funding application from the state government will be utilised towards costs for re-constructing the football oval only.

Given this assessment, as well as there being a requirement that federal government financial assistance be sought and allocated to ensure the football oval's annual maintenance costs are covered, CSRFF funding of \$240,000 (ex GST) from the Department of Sport and Recreation is recommended for the applicant, in accordance with the CSRFF grant funding assessment criteria, with a rating of B.

CONSULTATION

- Ardyaloon Inc
- Department of Sport and Recreation
- Kimberley Football Association
- Shire of Broome – Parks & Gardens
- Water Corporation – Indigenous Communities Services section
- West Australian Football Commission
- West Kimberley Football League

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Within the CSRFF application from the Ardyaloon Inc Community, the applicant is not seeking financial assistance from Council for this project.

STRATEGIC IMPLICATIONS

People

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

Chairperson.....Date.....

Place

Ensures the Shire’s infrastructure and assets are strategically planned and managed.

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

Prosperity

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Supports the CSRFF application from Ardyaloon Inc for funding of \$235,000 (ex GST) from the Department of Sport and Recreation's CSRFF funding (with a B rating) based on Ardyaloon Inc being successful in applying to the Commonwealth Government for funds to support the annual operating costs for the football oval.*
2. *Notes that no financial resources or labour will be provided by the Shire of Broome to support the construction and maintenance of the project or any replacement costs.*
3. *Supports the CSRFF application subject to a Long Term Financial Plan being provided by the applicant which outlines an asset management plan including renewal, maintenance and other associated costs and their funding sources.*

COUNCIL RESOLUTION

Moved: Cr J Bloom

Seconded: Cr C R Mitchell

That Council:

1. *Supports the CSRFF application from Ardyaloon Inc for funding of \$235,000 (ex GST) from the Department of Sport and Recreation's CSRFF funding (with a B rating) based on Ardyaloon Inc being successful in applying to the Commonwealth Government for funds to support the annual operating costs for the football oval.*
2. *Notes that no financial resources or labour will be provided by the Shire of Broome to support the construction and maintenance of the project or any replacement costs.*
3. *Supports the CSRFF application on the understanding that a Long Term Financial Plan is prepared by the applicant which outlines the asset management plan including renewal, maintenance and other associated costs and their funding sources.*

CARRIED UNANIMOUSLY

Confidential Attachment: 41 pages (To Councillors & Directors only)

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 SHIRE OF BROOME LOCAL PLANNING STRATEGY - PROGRESS REPORT

LOCATION/ ADDRESS: Shire of Broome
APPLICANT: N/A
FILE: PLA 48
AUTHOR: Director Development Services
CONTRIBUTOR/S: Katya Petetskaya
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 26 November 2009

SUMMARY: This report outlines the progress of the Shire of Broome Local Planning Strategy (LPS). The Report recommends that the preparation of the LPS be paused to allow for integration of the *Dampier Peninsula Plan, the James Price Point Master Plan, and the Kimberley LNG Strategic Social Impact Assessment* and the preparation of Local Planning Scheme No5 (LPS5) to continue. The report also recommends Council appoint representatives to be LPS reference group.

BACKGROUND

Previous Considerations

- OCM 19 December 2000 – Item 4.2
- OCM 14 July 2005 – Item 9.3.3
- OCM 13 April 2006 – Item 9.3.5
- OCM 15 March 2007 - Item 9.3.6
- OCM 3 July 2008 – Item 12.2
- OCM 20 November 2008

The Shire's Town Planning Scheme No4 (TPS4) was gazetted on 21 December 1999. TPS4 covers only the town and surrounds and does not cover the balance of the Shire. The balance of the Shire has since 1997 been subject to Interim Development Orders. Interim Development Order No4 (ID04) was gazetted 28 November 2008 and expires 28 November 2011.

Council at its meeting in December 2000 resolved to prepare Local Planning Scheme No 5 *"... for the land within the municipality of the Shire of Broome with the exception of land within current Town Planning Scheme No4."*

In acknowledgement of the need to plan for the growth in the town while accommodating the Broome airport in its current location the Minister for Planning formed the Broome Planning Steering Committee (BPSC) with representatives from Shire of Broome, Rubibi Combined Native Title Applicant Group, Western Australian Planning Commission (WAPC) /Department for Planning and Infrastructure, Kimberley Development Commission, LandCorp, and Local Member of Parliament.

In December 2005 the BPSC released a report which contained key recommendations for the agencies concerned and a long-term direction for growth and development that would assist in planning and managing growth in the town of Broome for the next 10 to 15 years. One of the actions contained in the report was for the Shire to prepare a Local Planning Strategy (LPS) within a "short" timeframe.

Chairperson.....Date.....

At its meeting on 20 November 2008, Council approved the Project Brief for the Shire of Broome Local Planning Strategy:

That Council adopts the project brief dated 29 October 2008 for the Shire of Broome Local Planning Strategy for the whole of the Shire of Broome and that two additional Councillors, being Councillors R J Lander and S E Eaton (in addition to the Shire President), be included on the Steering Group.

The project Brief for the Shire of Broome Local Planning Strategy proposed the following timeframe:

Stage	Stage Objective/ Deliverable	Major	Proposed start date	Proposed end date	Current Status
Stage 1	Brief Shire Council and prepare Scope of Works		October 2008	December 2008	Completed
Stage 2	Prepare Draft LPS		December 2008	April 2009	In progress
Stage 3	Public submissions period		April 2009	July 2009	-
Stage 4	Finalise LPS		July 2009	October 2009	-

A cooperation agreement to prepare the LPS had been made between the Shire and the Department of Planning (DoP), with the Department providing officer time, mapping, and geo-spatial information.

Description of the proposal

Under Regulation 12a of the *Town Planning Regulations 1967*, local governments are required to prepare a local planning strategy to:

- Set out the long term planning directions for the local government;
- Apply State and Regional Planning Policies; and
- Provide the rationale for the zones and other provisions of the scheme.

The objectives of the LPS are to provide:

- A plan for future growth and development within the Shire
- Security and certainty for investment decisions
- A basis for decision-making
- For the protection of natural resources
- A basis for future land ownership arrangements and land tenure rationalisation

The aims of the LPS are:

- Protecting and enhancing the natural environment and biodiversity of the area; supporting the sustainable management of natural resources including water, land, flora, fauna, energy, minerals and basic raw materials; and promoting sustainable land use and development.
- Providing for protection of heritage and culturally significant areas.
- Incorporating Aboriginal heritage and cultural values into the land use planning for the Shire area.
- Supporting a diverse range of housing choice and variety for a diverse residential population with a community identity and high levels of amenity.
- Ensuring timely and sufficient supply of serviced and suitable land for housing, employment, economic activities, community facilities, recreation and open space.

Chairperson.....Date.....

- Assisting employment and economic growth by facilitating the timely provision of suitable land for diverse economic activities, including office, industrial, entertainment, tourist, commercial, agricultural, animal-based developments and service activities, as well as providing opportunities for small start-up businesses home-based employment.
- Providing for a diverse range of tourist facilities and accommodation and protecting strategically important tourist sites.
- Providing for convenient, lively and attractive local activity centres which serve the community needs and where people meet, shop, work, relax and live and are accessible to pedestrians, cyclists and public transport users as well as motorists.
- Establishing a high quality diverse and integrated network of open space acknowledging culturally important connections, protecting heritage, conserving important ecosystems and biodiversity values and providing for the recreational needs of residents and visitors.
- Providing for the air, land and water transportation needs of a growing Shire whilst minimising adverse impacts on environment and amenity; and assisting provision of a transport network which serves the needs of the community by providing a range of alternatives, including public transport, cycling and walking in an integrated, safe, efficient, equitable and environmentally friendly way.
- Providing opportunities for planned, contained and sustainable settlements in locations with access to services and infrastructure through partnerships with Aboriginal communities and other stakeholders.
- Safeguarding and enhancing the character and amenity of the built and environment and urban spaces of the Shire area.

The contents of the LPS report (currently in draft form) are arranged in the following manner.

PART 1: INTRODUCTION

- Overview of the Shire
- Planning Context
- Objectives of the Strategy
- Process of Preparing a Local Planning Strategy
- Limitations of a Local Planning Strategy
- Implementation, Monitoring and Review

PART 2: KEY LAND USE AND DEVELOPMENT ISSUES:

- Population and Housing
- Environmental Issues
- Land Tenure
- Planning For Aboriginal Culture and Heritage
- Transport Facilities and Access
- Key Services and Infrastructure
- Tourism
- Gas Processing Precinct
- Other Economic Activities

PART 3: LOCAL PLANNING STRATEGY – OBJECTIVES AND ACTIONS:

- Town of Broome
- Remote Aboriginal Communities
- Non Urban Area

PART 4: LOCAL PLANNING STRATEGY MAPS

PART 5: BACKGROUND INFORMATION:

- State and Regional Planning Context;
- Local Government Policy Context
- Background Research

The LPS identifies key land and development issues in Part 2 and these are summarised in Attachment 1. The LPS addresses these issues in Part 3: *Local Planning Strategy* through objectives and actions listed in Attachment 2. Part 3 *Local Planning Strategy* is divided into three parts:

- Broome townsite – currently covered by Scheme No.4.
- The five larger remote Aboriginal communities – Ardyaloon, Bidyadanga, Beagle Bay, Djarindjin and Lombadina – currently covered by IDO No.4.
- Shire Non Urban Area – the rest of the Shire area excluding the Broome townsite and the larger remote Aboriginal communities – currently covered by IDO No.4

There are a number of existing studies and reports that have contributed to all been incorporated in the LPS. These include the following items:

- *Broome Townsite: State of the Environment Report (2000)* Adopted: OCM 19 December 2000 – Item 9.1.3
- *Chinatown Development Strategy (2003)* Adopted: OCM 14 January 2003 – Item 9.2.5
- *Cable Beach Development Plan (2003)* Adopted subject to amendments arising from the public comment period: OCM 29 April 2003 – Item 9.2.3 (Not approved by Western Australian Planning Commission)
- *Municipal Heritage Inventory (2003)* Adopted: OCM 14 October 2003 – Item 9.2.8
- *Broome Planning Steering Committee Report (2005)* Adopted: OCM 13 April 2006 – Item 9.3.5
- *Broome Local Commercial Strategy Review (2006)* Adopted as a draft for consideration in the Local Planning Strategy: OCM 7 June 2007 – Item 9.3.7
- *Draft Broome Local Tourism Planning Strategy (2007-2009)*
- *Broome Local Housing Strategy (2009)* Adopted: OCM 19 February 2009 - Item 9.3.1
- *Broome Open Space Review (2009)* Adopted: OCM 19 February 2009 - Item 9.3.2

The primary purpose of the LPS is to set the 10-15 year land use planning direction for the Shire and in doing so guide the preparation of a new Local Planning Scheme. The LPS addresses only issues that can be reasonably addressed by the Shire through the strategy and ultimately the Scheme. This LPS is being prepared with the aim of avoiding duplication wherever possible by pointing the reader to related sources of information.

COMMENT

At this stage, the LPS has progressed the data gathering, review and identification of issues. Analysis of the key land use and development issues had been undertaken followed by consultation process with major stakeholders. The LPS objectives and actions have been proposed based on available studies and information. The Department of Planning is in the process of preparing the accompanying maps.

Chairperson.....Date.....

There are a number of studies and reports currently in preparation that are likely to have significant importance to the LPS. These items are:

- Dampier Peninsula Plan (Department of Planning) The purpose of the Plan is to guide the long-term strategic land use, infrastructure provision, access and development in line with aspirations of Dampier Peninsula residents, Native Title holder and other land holders.
- James Price Point Master Plan (Department of State Development) this plan will identify the location and layout of the proposed gas processing precinct including marine facilities, onshore facilities, light industrial area, workers accommodation and access roads and any associated infrastructure.
- Kimberley LNG Strategic Social Impact Assessment (Department of State Development) The Social Impact Assessment (SIA) of the proposed Kimberley LNG precinct is being undertaken as a component of the Strategic Assessment Report under the Commonwealth Government’s Environmental Protection and Biodiversity Conservation Act. SIA anticipates the impacts of the development of the precinct and recommends strategies for mitigating and managing those impacts and maximising opportunities for the local community to benefit.

It is considered that to progress the LPS through to public comment stage without reference to the content of these reports would result in a flawed document. It is therefore recommended that the preparation of the document be placed on hold until these related documents are available. In the meantime progress can continue the preparation of the LPS5.

The preparation of the LPS is considerably behind the anticipated timeframe in large part due to the unavailability of important information mentioned above. Once this information becomes available possibly as early as February or March, the LPS can then be finalised and made available for public comment.

When Council adopted on the LPS brief in November 2008 it nominated two Councillors in addition to the President of the Shire to membership of the LPS reference group. As there has been an election since that time it is appropriate for Council to revisit the issue of nominations to the reference group. It is noted that the reference group related only to the LPS and that no mention was made in relation to LPS5. Council may wish to consider whether a reference group or whole of Council workshops is the best way to proceed on this matter.

It is recommended Council acknowledges progress of the LPS to date and agrees further work be put on hold pending the availability of related documentation, work proceeds with the preparation of TPS five, and nominates representatives to the LPS reference group.

CONSULTATION

Meetings have been held with appropriate agencies and a number of contributory documents involved extensive public consultation. Once the LPS has been endorsed by the Shire and the WAPC it will be made available for further public comment is required by the regulations.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
State Planning Strategy 1997
State Sustainability Strategy 2003
State Planning Policies Relevant To the Shire

POLICY IMPLICATIONS

LPS5 will contain provisions for local planning policies and will provide ahead of power for those carried over from TPS4.

FINANCIAL IMPLICATIONS

At this stage it is anticipated the work will be able to be completed within the financial year.

STRATEGIC IMPLICATIONS

People

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

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.

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. *Acknowledges the progress made in the preparation of the Shire of Broome Local Planning Strategy and agrees to further work on the strategy be placed on hold pending the availability of the following documents:*
 - a) *Dampier Peninsula Plan*
 - b) *James Price Point Gas Processing Precinct Master Plan*
 - c) *Kimberley LNG Strategic Social Impact Assessment*
- 2. *Proceeds with the preparation of documentation for local planning scheme No5.*
- 3. *Nominates Councillors _____ to the local planning strategy reference group.*

COUNCIL RESOLUTION

Moved: Cr J Bloom

Seconded: Cr D M Male

That Council:

- 1. *Acknowledges the progress made in the preparation of the Shire of Broome Local Planning Strategy and agrees to further work on the strategy be placed on hold pending the availability of the following documents:*
 - a. *Dampier Peninsula Plan*
 - b. *James Price Point Gas Processing Precinct Master Plan*
 - c. *Kimberley LNG Strategic Social Impact Assessment*
- 2. *Proceeds with the preparation of documentation for local planning scheme No5.*
- 3. *Nominates Councillors Cr G T Campbell, Cr R J Lander and Cr J Bloom to the Local Planning Strategy Reference Group.*
- 4. *Request the Chief Executive Officer to arrange a workshop as soon as possible for new Councillors to be briefed on the Shire of Broome Local Planning Strategy and related issues.*

CARRIED UNANIMOUSLY

[Attachments: 12 pages](#)

9.3.2 WESTERN TRIANGLE DEVELOPMENT PLAN – ROEBUCK ESTATE PTY LTD

LOCATION/ ADDRESS: Lots 9039, 9038 and 1653 west of Jigal Drive
APPLICANT: Shrapnel Urban Planning on behalf of Roebuck Estate Development Pty Ltd
FILE: PLA 69
AUTHOR: Dawie Jansen van Rensburg
CONTRIBUTOR/S: Manager Planning Services
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 16 November 2009

SUMMARY: A Development Plan has been received for the area to the west of Roebuck Estate (Western Triangle). The proposal entails the establishment of a residential neighbourhood – an extension to Roebuck Estate approximately 19.7 hectares (ha) and with an estimated yield of between 258 and 276 residential units.

This report recommends that Council endorses the Draft Western Triangle Development Plan for the purposes of advertising for public comment.

BACKGROUND

Previous Considerations

Nil

Site and Surrounds

The triangular shaped freehold parcel of land, owned by Roebuck Estate Development Pty Ltd, measures some 19.7 hectares (ha) and is bounded by Broome International Airport (BIA) to the south and the Bilgungurr Aboriginal Community and land reserved for Environmental Cultural Corridor to the west. Roebuck Estate is located directly to the east and is separated from the site by Jigal Drive, which provides access to the site.

The land mainly consists of uncleared bush land which was originally part of the BIA, with a communications tower, soon to be relocated from the middle of the area. Some of the land has become degraded and appears being used as a dumping ground. There are tracks across the property that are used by trail bikes and off road vehicles.

The land is relatively elevated near its western corner with a gentle slope towards the east and is characterised by surface deposits of “pindan” at depths varying between 3 to 8 metres. The vegetation is dominated by Pindan Woodland.

Description of the Proposal

Land Use

The proposal can be summarised as follows:

Land Use	Total Area (ha)	Prop. Dev. Area (%)	No. Lots	Average Lot Area (sq m)	Yield Units @ (R40)	Yield Units @ (R50)
Residential						
R15	6.0643	30.8	89	681	89	89
R20	3.7304	20.1	68	549	68	68
R30	0.8630	4.7	12	719	24	24
R40/R50	1.7751	9.6	6	2,959	77	95
Total Residential	12.4328	67.1	175	NA	258	276
Public Open Space	1.3780	7.4	(7% of Total Area)			
Internal Roads	4.7134	25.4				
Total Dev. Area	18.5242	100				
No Development ***	1.1615	NA				
Total Western Triangle Area	19.6857	NA				

*** Area that will not be developed until after the airport has been relocated

Residential Yield

The proposed Western Triangle Development Plan (WTDP) comprises a mixture of single residential lot sizes and sites earmarked for grouped and multiple dwellings. With a total residential yield of between 258 and 276 residential units it will enable a diverse range of housing types to be constructed. These will be required to comply with the existing Roebuck Estate restrictive covenants (applied by developer) which promote Broome style architecture.

The WTDP proposes 89 single residential lots at R15 and 68 single residential lots at R20. Fourteen R15 lots are proposed to have direct frontage to Jigal Drive, similar to what has been established directly opposite in Roebuck Estate proper. The ten R15 lots backing onto Bilgungurr are deliberately large, all but one exceeding 900 sq m.

A total of twelve R30 lots four pairs in the south and two in the north, will facilitate the so called "grow house" concept. This occurs when a group of four dwelling units are developed on each pair in stages allowing for future additions. This concept can provide an affordable housing option for first home buyers. There are a significant number of relatively small single residential lots proposed in the Western Triangle which will also contribute to housing affordability.

Six group / multiple dwelling sites are proposed, all but one of which are located in the southern portion. The intention is to code these as R50, but for the purposes of estimating potential unit yields, it is assumed that the actual yield on these parcels will be somewhere between R40 and R50.

Proposed Buffer

Consultation between the proponent and the Bilgungurr community has resulted in a proposed "buffer" between Bilgungurr and the new residential development.

It is proposed that a heavily landscaped buffer be created within each lot so that there is a distance of at least 12 meters from the boundary to the residence. Six (6) metres of this is to be maintained with appropriate buffer landscaping and within which no buildings are permitted. All buildings will then be set back an additional 6 metres. The proponent will put this "buffer" in place by placing a restrictive covenant to each title requiring that no

Chairperson.....Date.....

structure of any kind be permitted within six metres of the common rear boundary. The mechanism by which the additional setback is applied to planning applications will be resolved during the public consultation phase and subsequently reported to Council.

It is also proposed that a fence will be constructed along the common boundary between Bilgungurr and the proposed residential lots that will be designed to provide visual and acoustic screening but still allow the passage of breezes.

Public Open Space

Two areas of public open space (POS) are proposed – a large one of 1.0616 ha in the southern portion, and a smaller one of 3,164 sq m to the north. The POS represents 7 percent of gross subdivisible area, rather than the 10 percent normally required by the Western Australian Planning Commission (WAPC). It is proposed that, as was the case with Roebuck Estate and with the support of the Shire of Broome, to seek a dispensation from the WAPC to provide 7 percent POS on the basis that the englobed land value of the shortfall to 10 percent will be invested in providing landscaping treatments to the POS areas.

Access and Connectivity

Access is obtained from Jigal Drive, which currently forms the eastern boundary of the site. The eventual relocation of the airport will enable Jigal Drive to be extended further southwards to connect with Port Drive, and Short Street to be extended from Chinatown westwards across Jigal Drive to link with Cable Beach Road West at Gubinge Road. Thus, although the Western Triangle has been designed to function as a residential precinct in its own right, it allows for southern expansion once the airport has relocated.

The main points of access into the Western Triangle will be via extensions of Spoonbill Avenue to the north and Sandpiper Avenue to the south, both with reserve widths of 25 metres, the same width as the roads from which they extend. Spoonbill Avenue has been designed to facilitate direct connection with any future development to the west and will provide access to both the primary school and shops in Roebuck Estate.

The majority of internal roads will have reserve widths of 18 metres. Some narrower (16 metre) reserve widths are provided over shorter lengths and where one side of the road form a common boundary with POS. There are two instances where the proposed road reserve narrows down to 12 metres:

- On the western side of the main POS, where two group housing sites are proposed;
- Along a short length where the access road serving six small lots shares a common boundary with Jigal Drive.

In terms of the pedestrian/cycle system, it is envisaged that there will be a footpath constructed on at least one side of each road within the precinct with a reserve width of 18 metres or more. Three main crossing points on Jigal Drive are proposed:

- Spoonbill Avenue roundabout;
- Sandpiper Avenue roundabout;
- A median crossing opposite the northern section of Bandicoot Loop.

Infrastructure

- Water: all lots within the subdivision will be connected to the Water Corporation's water reticulation system. A water connection for the precinct

already exists and was provided as part of the development of Roebuck Estate.

- Sewerage: all lots within the subdivision will be connected to the Water Corporation’s sewerage system. A gravity sewer connection for the precinct already exists and was provided as part of the development of Roebuck
- Electricity: all development will be provided with reticulated underground power from Horizon Power’s existing network. Underground high voltage cables will feed HV/LV transformers within the precinct from the existing underground high voltage line in Jigal Drive.
- Telecommunications: The existing telecommunication network will need to be upgraded to accommodate the service through the Western Triangle precinct. Telstra has been advised of the proposed development in order for planning and installation of plant and equipment to be undertaken commensurate with the anticipated timing of development and release of lots.
- Gas: There is no reticulated gas network in Broome. Bottled gas is available to individual dwellings.

Drainage and Stormwater Management

Preliminary drainage issues regarding both water quantity and water quality are adequately covered in the report and allow some freedom for certain details to be finalised as part of the detailed design.

Planning Provisions

The Broome Town Planning Scheme No. 4

TPS 4 states that the aim of the "Development" 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."* Specifically, the Scheme provides that development will not be permitted and subdivision will not be supported unless in accordance with an adopted Development Plan. Clause 4.25 of the Shire’s TPS No. 4 describes the requirements and procedures for the development and approval of a Development Plan.

A Development Plan is required to be advertised for public comment and submissions prior to its consideration and adoption by both Council and the Western Australian Planning Commission. The periods of public display is specified as being a minimum 28 days.

COMMENT

The Western Triangle area used to be part of the BIA. The Broome Airport Area Local Structure Plan (LSP) - finalised in 1998 and subsequently endorsed by Council and the WAPC provided a planning framework to guide the staged development of all land occupied or owned by the BIA. The LSP incorporated a significant north-south road (now named Jigal Drive) which is to eventually link Gubinge Road at its Fairway drive intersection to Port Drive south of Frederick Street. At the time the LSP was prepared it was assumed that the remnant triangle of land (Western triangle) would form part of short term urban development comprising the larger area west of Jigal Drive which was earmarked for development. Subsequently the balance of the area west of Jigal Road was zoned "Environmental Cultural Corridor" (TSP4).

The WTDP has been developed mindful of the WAPC Liveable Neighbourhoods principles and the Shire of Broome Local Housing Strategy 2009 (LHS2009). A number of the LHS2009 relevant to this development include:

- 3F. Provide for a range of dwelling types to suit a diverse population and including a range of 1 and 2 bedroom dwellings, attached and semi detached dwellings.
- 4C. Plan for a network of landscaped pedestrian and cycle links between existing and proposed development precincts and local centres so that residents can easily access the facilities.

Development of the Western Triangle will offer timely provision of much needed and conveniently located residential lots (between 258 and 276 residential units) with a variety of lot sizes, catering for different housing types comprising the following:

- 89 single residential lots at R15 of which fourteen lots of at least 700 sq m are to have direct access to Jigal Drive.
- 68 single residential lots at R20, mainly concentrated in the southern precinct, in the vicinity of the main POS and southern entry from Sandpiper Avenue.
- Twelve R30 lots - provided in pairs.
- Six Group / Multiple Dwellings are proposed, only one of which is to be in the northern portion of the precinct, the rest to the south.

The 7 percent POS is similar to what has been established in Roebuck Estate. The proponent has proposed that the land value of the shortfall to the normal 10 percent will be invested in providing landscaping treatments in the POS areas. Attention will be required to ensure the standard of treatment proposed aligns with the Shires' capacity and maintained in a sustainable manner.

Road access to the site and connectivity with existing and future developments is considered to be adequate and satisfactory in terms of the scale of development and proposed land uses. Furthermore the predictions of traffic generation in the WTDP traffic modelling are validated by the latest traffic data provided by Uloth & Associates.

The road network and road reserves provide good connectivity, permeability and efficiency for vehicles as well as pedestrians and cyclists. It is recommended however at subdivision stage a number of matters relating to footpath size and location be resolved:

- footpaths be provided on all streets in accordance with the Liveable Neighbourhoods
- Spoonbill Avenue provides a direct connection to the school and shops in Roebuck Estate. However, the proposed footpath on the northern side of Spoonbill will require children to cross Spoonbill twice to get to the school.

Provision is made for bus stops on both sides of Jigal Drive.

Summary

The Report of the Broome Planning Steering Committee indicates that opportunities to increase residential densities in new urban areas should not be ignored. It is evident that Roebuck Estate, Sunset Rise and Januburu Estate have little additional capacity making it necessary to progress the planning for additional stages of residential development. It is considered that this proposal amplifies strategies contained within the Broome Planning Steering Committee report and the Local Housing Strategy 2009, including the need to

maximise opportunities to provide more affordable housing through increasing the supply of land.

The Draft Western Triangle Development Plan applies Land Use within the development area as follows:

- Residential development at the density codes indicated in Figure A as contained in the Explanatory Report
- Public Open Space
- Roads and paths

It is recommended that Council endorses the Draft Western Triangle Development Plan dated October 2009 for Lots 9039, 9038 and 1653 west of Jigal Drive for purposes of public comment for a period of 42 days in accordance with Councils' standard requirement.

CONSULTATION

The Development Plan will need to be advertised for public comment, prior to finalisation and subsequent adoption by the WAPC. Clause 4.25.3.2 of the TPS4 stipulates that advertising of a Development Plan can be a minimum of 28 days. It is however proposed that the advertisement period be extended to 42 days in the case of this instance.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Regulations 1967
Town Planning Scheme No.4 -

4.25.3 Development Plan

4.25.3.1A Development Plan shall address the following;

- (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;*
- (n) *Such other matter or information as is required by Council.*

- 4.25.3.2 *When a Development Plan has been prepared to the satisfaction of Council, the Council shall:*
- (a) notify in writing all servicing authorities and each owner of land affected by the Plan; and*
 - (b) advertise for public comment the existence of the plan; and*
 - (c) Invite each landowner, the public, service agencies and all affected Government Authorities to make a submission to Council regarding any aspect of the Plan.*
- 4.25.3.3 *The Council shall specify a time within which submissions will be received, but The time shall not be less than 28 days from the date of notification described in Clause 4.25.3.2.*
- 4.25.3.4 *That Council shall consider any submissions made under Clauses 4.25.3.2 and may reject, amend or adopt the Development Plan after consideration of such submissions.*
- 4.25.3.5 *The Council shall:*
- (a) subsequently forward the Development Plan to the Western Australian Planning Commission together with a précis of, and the Council's decision in relation to, each submission received in respect of the Plan; and*
 - (b) Request the Commission to adopt the Plan submitted as the basis for approval of subdivision applications and development within the area covered by the Plan.*
- 4.25.3.6 *Where Council does not forward a response to the Western Australian Planning Commission within three months from the closure of the public advertising period, the Development Plan is deemed to be refused and appeal rights, in accordance with clause 4.25.3.8 exist for the applicant.*
- 4.25.3.7 *Any departure from or alteration to the Development Plan may, subject to the approval of the Western Australian Planning Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area the subject of the plan.*
- 4.25.3.8 *Without limiting the generality of other provisions for appeals herein, an applicant aggrieved by a decision of the Council in respect of a decision made under clauses 4.25.3.4, 4.25.3.5, 4.25.3.6, 4.25.3.7 and/or 4.25.3.9 under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.*
- 4.25.3.9 *Following adoption of a Development Plan, required under the provisions of Clause 4.25.2, by the Western Australian Planning Commission, Council may approve development and/or support subdivision consistent with the adopted plan, and thereafter will implement Scheme amendments to rezone the land to other Scheme zones in accordance with the Development Plan.*

4.25.4 *Development Plan Guidelines for Precincts*

The Scheme Report - Local Planning Strategy outlines guidelines for the preparation of Development Plans for specific precincts within the Development Zone.

Local Housing Strategy 2009

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Drainage headwork's

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

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr J Bloom

That Council endorses the Western Triangle Development Plan for Lots 9039, 9038 and 1653 west of Jigal Drive dated October 2009 for public comments for a period of 42 days.

CARRIED UNANIMOUSLY

[Attachment: 72 pages](#)

9.3.3 APPLICATION FOR PLANNING APPROVAL – GROUPED DWELLINGS - LOT 431 (NO. 11) BARRGANA ROAD CABLE BEACH

LOCATION/ ADDRESS: Lot 431 (No. 11) Barrgana Road, Cable Beach
APPLICANT: Scribe Design on behalf of Candlewood Pty Ltd
FILE: BAR-6/11
AUTHOR: Dawie Jansen van Rensburg
CONTRIBUTOR/S: Manager Planning Services
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF APPLICATION: 23 November 2009

SUMMARY: Council received a planning application for grouped dwelling development on Lot 431 (No. 11) Barrgana Road, Cable Beach. The applicant is seeking to construct portion of the buildings along the property side boundary. The neighbouring owner affected by this does not support the application; therefore the application is referred to Council for consideration.

This application is recommended for approval.

BACKGROUND

Previous Considerations

Nil

Site and Surrounds

Lot 431 (No. 11) Barrgana Road, currently vacant, is located in the residential Januburu Six Seasons Estate (see Attachment 1). The 950 sq m site is generally flat and located on a corner. The adjacent and surrounding lots are earmarked for single residential development. Most of the properties in the immediate area are either vacant, under construction or have only recently been developed on. A formal park is located nearby.

Description of the Proposal

The applicant proposes to develop five grouped dwelling units, consisting of single bedroom dwellings with a dining/kitchen area, an indoor living area, outdoor living area, bathroom, laundry, porch, and carport. The design also incorporates store rooms for each unit. The storerooms proposed for units 3, 4, and 5 extend right up to the eastern boundary of the site and incorporate square parapet walls at 3000 mm above finished floor level (AFFL).

Planning Provisions

The subject site is located in an area currently zoned 'Development'. The site under the Januburu Development Plan has a coding of R40.

The Residential zone aims to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types. The proposal to include parapet walls on the eastern boundary triggers a requirement to obtain the adjoining property owner's comment on the development.

Chairperson.....Date.....

COMMENT

A planning assessment of any development under the Residential Design Codes (R-Codes) requires consideration of such elements as streetscape, boundary setbacks, open space, access and parking, building height, privacy, design for climate and incidental development requirements. Assessment is done either by using the 'Acceptable Development' provisions or the 'Performance Criteria'. The Residential Design Codes also prescribes that a development which may in the opinion of the Council adversely affect the amenity of an adjoining property should be referred to the affected landowners with appropriate information for them to comment on the proposal.

The issue being addressed in this instance is the set back of the building from a side boundary to ensure that the proposed development would:

- Provide adequate direct sun and ventilation to the building
- Ensure sun and adequate ventilation to the adjoining properties
- Assist in ameliorating the impacts of the building bulk on adjoining properties
- Assist in protecting privacy between adjoining proprieties

In areas with a density coding of R40, parapet walls are generally allowed for without neighbour consultation, but as R17.5 provisions applies to the adjoining property, the R17.5 coding is applied as the determining factor. The RCodes for R17.5 set out that one way of meeting the associated performance criteria would be to have a side set back of 1 metre.

The proposed store rooms include parapet walls on the eastern boundary, consideration of which requires an assessment of performance criteria and as such the adjoining property owners of Lots 363 and 364 were contacted.

The owner of Lot 363 has no objections to the proposed development, but the owner of Lot 364 objected to the proposed parapet wall, initially stating that it: *"... will have overshadowing effects on the bedrooms and outdoor area to the rear of my house, and also limits the amount of natural light and ventilation to these areas. I am happy to consider options that do not detract, overshadow or devalue my property."* The applicant subsequently undertook to make certain changes, thereby limiting the height of the wall visible above the 1800mm high fence to 500mm. The objector remained adamant that the proposal would have a detrimental visual impact and that he *"... is not against all boundary walls just those that are substantially above ... (the boundary) ... fence line."*

The applicant's ability to further reduce the height of the wall is limited by the fact that there is a requirement of 400mm above natural ground level applicable to the finished floor level to allow for storm water run-off. Although this requirement is reduced to 200mm for sloping ground, the applicant confirmed that the full 400mm will be required to effectively route storm water off the property.

The current design allows for a breeze path between the units. The parapet wall allows this breeze path to be maximised whilst at the same time providing shading from the westerly sun. An alternative design that eliminates the parapet wall would mean that Unit 3, 4 and 5 will become connected, thereby preventing breezes between the units and through the site onto the objector's property. Given the limited extent and height of the parapet walls it is considered there will be no substantial restriction to natural ventilation or prevailing breezes. It is also not considered that there would be any substantial overshadowing

above that of an 1800mm high boundary fence. As such, the objection raised by the owner of Lot 364 is not supported.

The Council has delegated responsibility to the CEO and Director Development Services to approve development applications under the performance criteria of the Residential Design Codes. In this instance, because it is a question of individual judgement whether the height of the wall would significantly impact on the amenity of the adjoining property, it was considered appropriate to refer the application to Council for determination.

This application is recommended for approval, however if Council considers the proposal would have a detrimental affect on adjoining properties, Council should refuse the application on the grounds that:

- The proposed parapet walls on the eastern boundary of the proposed development will have a detrimental visual impact on the adjoining Lot 364.
- The proposed development does not meet the criteria for acceptable development (1 m setback) applicable to the R17.5 coding of the adjoining Lot 364

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development Act 2005
 Shire of Broome Town Planning Scheme No. 4
 Residential Design Codes 2008

Part 6 – Design Elements

Objective

To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties.

6.3 Boundary setback requirements

Boundary walls – The term ‘up to a boundary’ means either on the boundary or between the boundary and the setback provided by Table1, table 2a and table 2b (an extract of the table 2a – boundary setbacks)

Table 2a – Boundary setbacks (an extract)

Walls with no major openings			
Wall length (m)			
Wall height (m)	9m or less	10	
3.5 or less	1m	1.5m	
4.0	1.1m	1.5m	
4.5	1.1m	1.5m	

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 exercises discretion under the Residential Design Codes performance criteria for planning approval 2009/27 to develop five grouped dwellings on Lot 431 (No 11) Barragana Road, Cable Beach, subject to the following conditions:

1. *Development, including the provision of car parking, must be carried out in accordance with the plans dated 20 October 2009 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. *A stormwater drainage system is to be provided in accordance with the Shire of Broome’s guidelines and specification for design and construction of stormwater drainage systems, the system shall be designed and documented by a practicing Civil Engineer to the satisfaction of the Shire.*
4. *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.*
5. *Finished floor level of the development must be 400mm above natural ground level (or approved finished ground level for those lots where subdivision works have altered the natural ground level). Where it can be demonstrated that flooding to the building will not occur due to the slope of the lot and a local drainage system has been provided for, the floor height can be reduced to a minimum of 200mm.*
6. *Ceiling fans are to be provided to all habitable rooms and outdoor living areas.*
7. *Front fences or any fences within the street setback area must be visually permeable above 1.2 metres in height and be truncated or reduced to no higher than 0.75 metres in height within 1.5 meters of vehicle access points and where two streets intersect. This is not required where the fence is visually permeable for its full height.*
8. *Prior to any construction or works starting on-site, a Landscaping Plan must be submitted to and approved by the Shire.*
9. *Landscaping of the site and adjacent road verge 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.*

COUNCIL RESOLUTION

Moved: Cr J Bloom

Seconded: Cr E Yu

That Council:

- A. ***Exercises discretion under the Residential Design Codes performance criteria for planning approval 2009/27 to develop five grouped dwellings on Lot 431 (No11) Barragana Road, Cable Beach, subject to the following conditions:***

1. *Development, including the provision of car parking, must be carried out in accordance with the plans dated 20 October 2009 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. *A stormwater drainage system is to be provided in accordance with the Shire of Broome's guidelines and specification for design and construction of stormwater drainage systems, the system shall be designed and documented by a practicing Civil Engineer to the satisfaction of the Shire.*
4. *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.*
5. *Finished floor level of the development must be 400mm above natural ground level (or approved finished ground level for those lots where subdivision works have altered the natural ground level). Where it can be demonstrated that flooding to the building will not occur due to the slope of the lot and a local drainage system has been provided for, the floor height can be reduced to a minimum of 200mm.*
6. *Ceiling fans are to be provided to all habitable rooms and outdoor living areas.*
7. *Front fences or any fences within the street setback area must be visually permeable above 1.2 metres in height and be truncated or reduced to no higher than 0.75 metres in height within 1.5 meters of vehicle access points and where two streets intersect. This is not required where the fence is visually permeable for its full height.*
8. *Prior to any construction or works starting on-site, a Landscaping Plan must be submitted to and approved by the Shire.*
9. *Landscaping of the site and adjacent road verge 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.*

B. Records this decision on the property file for Lot 364.

CARRIED UNANIMOUSLY

[Attachments: 16 pages](#)

9.3.4 FEDERAL GOVERNMENT GREEN LOANS SCHEME

LOCATION/ ADDRESS: N/A
APPLICANT: Tracey Rodwell
FILE: CDE01
AUTHOR: Leah Pearson
CONTRIBUTOR/S: Director Development Services
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: N/A
DATE OF REPORT: 10 November 2009

SUMMARY: The Green Loans Program offers free home audits on the excess use of water and energy consumption within households. The program enables residents to be informed about sustainability and best practices within households. The initiative also provides residents with the information and recommendations to save money and makes residents aware of grants that are provided from the federal government to install energy and water efficient appliances.

BACKGROUND

Previous Considerations

Households are often overwhelmed by the amount of information available describing the best actions to save energy and water and to reduce greenhouse gases. Green Loans is a new Australian Government initiative to help Australians tackle climate change.

The Federal Government Green Loan Scheme is a scheme created to reduce green house gas emissions in Australian homes. If you are over 18 years, earn less than \$250,000, either are a tenant on a lease or are a home owner and occupied that home for 12 months you are eligible to apply.

The Green Loans Program provides:

1. detailed, quality home sustainability assessments; and
2. access to Green Loans of up to \$10,000, that are interest free for up to a maximum of four years, to make the changes recommended in the assessment.

Green Loans Program

Assessment Booking

The assessor for the Shire of Broome would visit on a regular basis from the Perth Metropolitan area, or as demand dictates. The Shire would be responsible for registering households who are interested in undertaking a home sustainability assessment for the assessor and providing a general overview of the program for public enquiries.

The Shire of Broome would also be responsible for the promotion of the Green Loans Scheme through advertising such as newsletters and the Shire of Broome website.

Assessment

The Home Sustainability Assessment contains three main activities:

- free home inspection and assessment by an assessor
- provision of initial advice to the household by the assessor
- receipt of an assessment report.

The Home Sustainability Assessment is conducted by a qualified assessor. The assessment will involve the physical inspection, recording of energy and water consumption data and assessment of major energy and water systems relating to air-conditioners, water heating, lighting, refrigeration, cooking, entertainment, water consumption, and waste management. The length of the assessment will be impacted by the amount of information available, the size of the property and the number of energy and water systems to be considered.

Advice

Initial advice will be provided through a conversation between the household and the assessor. This conversation will help the assessor build a picture of the household's environmental aspirations and current practices and behaviours.

Assessment Report

The assessment report will be provided in approximately ten business days. The household will be provided with a written assessment report describing the assessment findings, recommending actions, and providing details of where to get further services or information. For the purposes of seeking a subsidised Green Loan, the assessment report remains valid for 6 months from the assessment report date.

Subsidised Green Loan

Households who receive an assessment report may seek financing to undertake various energy and water system improvements recommended in the assessment Report.

To assist these Households, the Department Environment, Water, Heritage and the Arts will lower the cost of finance by providing a loan subsidy to participating financial institutions for the benefit of the Household. The Householder can choose any qualifying financial product, from any of the participating Financial Institutions to benefit from the subsidy.

To participate in the program, financial institutions will have to comply with the Department of Environment, Water, Heritage and the Arts requirements regarding the application of the subsidy as set out in the financial institutions Subsidy Deed. A list of participating financial institutions will be published on the program's website.

Where the requirements in the Subsidy Deed are met, the Department of Environment, Water, Heritage and the Arts will provide the subsidy to the Financial Institution in respect of Green Loans for a maximum loan amount of \$10,000 and a maximum period of 4 years.

COMMENT

Through the Green Loans Program, householders are able to access a free, comprehensive home sustainability assessment to reduce their energy and water bills, increase the comfort of their home and help reduce damaging carbon pollution. This

Chairperson.....Date.....

independent assessment by a qualified assessor will provide advice from the smallest behavior change to major investments such as a solar hot water system or photovoltaic panels.

The Green Loans Program assists Australian families to install solar, water saving, and energy efficient products.

The Shire of Broome would be responsible for the promotion of the Green Loans Scheme to reduce green house gas emissions of residential householders, through advertising such as newsletters or the Shire of Broome website. The Shire would also be responsible for registering households to undertake the program. The program requires minimal assistance and input from the Shire and the program could provide several benefits to local residents.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Financial implications for the Shire of Broome include administration time from staff to take phone calls and details of residents that would like to undertake the home sustainability assessments. Advertising of the program will also be undertaken by the Shire.

As this is a federal funded program the assessor undertakes the assessments then bills the federal government for the services provided by the assessor.

STRATEGIC IMPLICATIONS

People

The program enables residents to be informed about sustainability and best practices within households. The initiative also provides residents with the tools to save money and makes residents aware of grants that are provided from the federal government.

Place

The cost of living is relatively high in the Shire of Broome putting constraints on affordability. The program provides information to show the available funds to support sustainable practices within households.

Prosperity

The program provides residents with the resources to access financial assistance to install efficient appliances in households.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr J Bloom

That Council participates in the Green Loans Program by providing information and registering participating households.

CARRIED UNANIMOUSLY

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

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr D M Male

Seconded: Cr P D Matsumoto

The accounts for payment for Shire of Broome Payment Listing for November 2009 as attached, covering Trust Cheque Vouchers 3135 to 3152 totalling \$23,686.95, EFT Vouchers 8240 to 8508 totalling \$1,641,910.57, Municipal Cheque Vouchers 51719 to 51859 totalling \$631,495.81. The grand total expenditure for November 2009 is \$2,297,093.33.

CARRIED UNANIMOUSLY

[Attachments: 12 pages](#)

9.4.2 NOVEMBER 2009 MONTHLY FINANCIAL ACTIVITY REPORT

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: FRE 02
AUTHOR: Accountant
CONTRIBUTOR/S: Manager Financial Services, Managers
RESPONSIBLE OFFICER: Director Corporate Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 3 December 2009

SUMMARY: Monthly Financial Activity Report of the Shire's operations for the month of November 2009. With budget forecast changes to date, the predicted end of year forecast of is a \$67,668 surplus.

BACKGROUNDPrevious Considerations

Nil except where associated with a previous ordinary Council meeting as identified.

COMMENT

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

Budget Year elapsed	42%
Total Operating Expenditure	44%
Total Operating Revenue	80%
Total Capital Expenditure	9%
Total Sale of Assets Revenue	5%
Total Capital Revenue	6%

Committed expenditure as percentage of forecast budget:

Parks & Ovals Infrastructure	77%
Drainage Infrastructure	46%
Transport Infrastructure	31%

The forecast position of a \$67.7K surplus represents a 0.36% variance when viewed in proportion to operating expenditure excluding depreciation.

The predicted surplus as at 30 November 2009 is \$67.7K, which represents an increase of \$53.7K from last month's estimated surplus of \$14K. This amount represents the net result of this month's net budget forecasts.

Chairperson.....Date.....

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 forecast.

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

Forecasts

Governance

Other Governance

The following changes to budget forecasts were required:

- \$8.2K increase in operating revenue for donations and reimbursements with no GST being the receipt of a reimbursement regarding a legal recovery of costs.
- \$34.3K increase in operating revenue for reimbursements with GST being reimbursements received to date including \$4.3K received regarding Kimberley Zone Strategic Plan meetings, \$7.3K received regarding the LGMA Northern Branch Conference, and \$22.7K received from the Shire of Derby West Kimberley being a contribution towards the Kimberley Zone Executive Officer. Applications have closed for the position and future developments will determine if there are further expenditure and revenue relating to this activity. Further expenditure is expected this year in regards to the Kimberley Zone Strategic Plan meeting.
- \$7.3K increase in operating expenditure for conferences, travel and accommodation being corresponding expenditure for the LGMA Northern Branch Conference for which reimbursements have been received.

The net result of these budget forecasts will increase the predicted end of year surplus by \$35.2K.

Education and Welfare

The following changes to budget forecasts were required:

Community Services

- \$6K increase in operating expenditure for consultants expenditure being project and administration assistance.
- \$6K decrease in operating expenditure for salaries and related expenditure being project and administration assistance.

The net result of these budget forecasts will have no effect on the predicted end of year surplus.

Community Amenities

The following changes to budget forecasts were required:

Other Community Amenities

- \$4K decrease in operating expenditure for Cable Beach Toilet Building Maintenance being changes required to original budgets for security as a result of realigning budget to actual deployment.

Chairperson.....Date.....

- \$4K decrease in operating expenditure for Town Beach Toilet Building Maintenance being changes required to original budgets for security as a result of realigning budget to actual deployment.
- \$4K decrease in operating expenditure for Male Oval/Chinatown Toilet Building Maintenance being changes required to original budgets for security as a result of realigning budget to actual deployment.
- \$7.5K increase in operating expenditure for Haynes Oval Toilet Building expenditure being changes required to original budgets for security as a result of realigning budget to actual deployment.
- \$6K increase in operating expenditure for All Cemetery Security expenditure being changes required to original budgets for security as a result of realigning budget to actual deployment.

The net result of these budget forecasts will decrease the predicted end of year surplus by \$1.5K.

Recreation and Culture

The following changes to budget forecasts were required:

Public Halls & Civic Centres

- \$5K decrease in operating expenditure for Civic Centre Building maintenance being changes required to original budgets for security as a result of realigning budget to actual deployment.

BRAC General

- \$5K decrease in operating expenditure for BRAC Building maintenance being changes required to original budgets for security as a result of realigning budget to actual deployment.

The net result of these budget forecasts will increase the predicted end of year surplus by \$10K.

Other Property and Services

The following changes to budget forecasts were required:

Corporate Governance & Support

- \$5K decrease in operating expenditure for Shire Office Building maintenance being changes required to original budgets for security as a result of realigning budget to actual deployment.

Office Properties Leased

- \$5K decrease in operating expenditure for Kimberley Regional Office Building maintenance being changes required to original budgets for security as a result of realigning budget to actual deployment.

The net result of these budget forecasts will increase the predicted end of year surplus by \$10K.

CONSULTATION

Internal Staff

STATUTORY ENVIRONMENT

Local Government Act 1995

6.4. Financial report

- 1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- 2) *The financial report is to —*
 - a) be prepared and presented in the manner and form prescribed; and*
 - b) contain the prescribed information.*
- 3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
 - a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - b) the annual financial report of the local government for the preceding financial year.*

6.8. Expenditure from municipal fund not included in annual budget

- 1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - a) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - b) is authorised in advance by resolution*;* or
 - c) is authorised in advance by the mayor or president in an emergency.*
 - (1a) In subsection (1) —*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.
 - 2) *Where expenditure has been incurred by a local government —*
 - a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*
- * Absolute majority required.*

*Financial Management Regulations**33A. Review of budget*

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

Chairperson.....Date.....

**Absolute majority required.*

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

34. *Financial activity statement report — s. 6.4*

1A) *In this regulation —*

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

1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following ~~the~~ annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*

b) budget estimates to the end of the month to which the statement relates;

c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

e) the net current assets at the end of the month to which the statement relates.

2) *Each statement of financial activity is to be accompanied by documents containing —*

a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

b) an explanation of each of the material variances referred to in subregulation (1)(d); and

c) such other supporting information as is considered relevant by the local government.

3) *The information in a statement of financial activity may be shown —*

a) according to nature and type classification;

b) by program; or

c) by business unit.

4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*

a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

b) recorded in the minutes of the meeting at which it is presented.

5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

These are detailed above and in the attachment.

STRATEGIC IMPLICATIONS**People**

Effectively engage with our community by providing information.

Place

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

Prosperity

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

Governance

Provide open, transparent and good governance to the community.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr P D Matsumoto

That Council:

1. *Adopts the Monthly Financial Activity Report for the period ended 30 November 2009.*
2. *Notes the year-end forecasts compared to the original budget.*
3. *Adopts budget amendments to the following general ledger accounts:*
 - a. *Increase of \$6K in GL account 82611 - "Consultants - Op Exp - Community Services" being project and administration assistance.*

CARRIED 6/0 BY ABSOLUTE MAJORITY

[Attachments: 22 pages](#)

9.4.3 BROOME LOTTERIES HOUSE- STORAGE SHED PROPOSAL FOR BROOME TOY LIBRARY	
LOCATION/ ADDRESS:	Reserve 42502 Cable Beach Road
APPLICANT:	Broome Lotteries House
FILE:	LSS.024 & RES.42502
AUTHOR:	Project & Administration Officer (Property Management)
CONTRIBUTOR/S:	Planning Officer
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	30 November 2009
SUMMARY: Broome Lotteries House, lessees of part of Reserve 42502, are requesting permission to construct a storage shed on the land for use by Broome Toy Library.	

BACKGROUND

The Shire of Broome currently leases part of Reserve 42502 to Broome Lotteries House for the purpose of office accommodation to 'not for profit' and charitable organisations as well as for training and children services facilities.

The lease commenced on 8 May 1993 and is for a period of twenty one (21) years, expiring on 7 May 2014. The lease includes options for a further term of twenty one (21) years and a second further term of eight (8) years.

Description of Proposal

A request has been received from Broome Lotteries House to construct a 36m² storage shed (6 metres wide x 6 metres long) on part of Reserve 42502. The land on which the shed will be located is leased by Broome Lotteries House, however the shed will be used by the Broome Toy Library for storage of children's toys and equipment. It is proposed the shed will be located in the rear of the property, behind the Jack & Jill child care centre playground.

A plan showing the proposed location of the shed is attached for Council information (see Attachment 1).

COMMENT

Planning Application

Broome Lotteries House has submitted an application as the Applicant for Planning Approval for the proposed shed. Both planning and building applications lodged at the Shire require the signature of the owner. As the land in this case is a Reserve vested in the Shire by way of a Management Order, which includes designation for uses including civic and cultural purposes, it is necessary to obtain Council approval for the Chief Executive Officer (CEO) to sign the application.

Should planning and building approvals be obtained, and the shed be constructed, on expiry of the lease, the CEO may request that the lessee remove the shed and make good any damage to the property.

Chairperson.....Date.....

Planning staff have undertaken a preliminary assessment of the proposal and provided the following comments:

"Lot 2827 No 20 Cable Beach Road is located directly adjacent to Broome Recreational Aquatic Centre (BRAC).

Under the Shire of Broome Town Planning Scheme No. 4 (TPS4) Lot 2827 is zoned as a Local Reserve denoted as 'Civic and Cultural' purposes. Clause 8 specifies all development on land zoned and reserved under the Scheme requires the prior approval of Council and that no person shall commence or carry out any development without first having applied for and obtained the planning approval of the Council pursuant to the provisions of Part 9 of the Scheme.

The development of this 6.0m X 6.0m shed for storage of children's toys and equipment is perceived not to have an adverse affect on the surrounding land uses and is generally in accordance with the standard requirements for a shed. The area where the shed is proposed is well vegetated and is set back to the rear of the property, not visible from the street.

This proposal is supported from a town planning point of view."

Planning staff will complete their formal assessment of the proposal, including any applicable conditions, should Council authorise the CEO delegation to sign the application form.

Other Related Matters

Matters with respect to clarification of maintenance responsibilities at the subject property predate the application for the proposed storage shed and have been ongoing for over two (2) years. Clarification between the Shire and the Lessee as to who is responsible for the ongoing maintenance of the Lotteries House property is currently being sought.

Furthermore, staff seeks clarification as to whether any sub-lease or other such arrangement is in place between the Lessee and its tenants and whether the same needs to be implemented for the use of the shed by the Broome Toy Library.

It would be unreasonable to delay the construction of the shed (if approved) on the basis that these matters remain unresolved. As such, staff will continue to work with Broome Lotteries House to clarify and resolve any sub-leasing or other arrangements that may be in place between Lotteries House and its tenants, or may otherwise be required by legislation, as well as determining overall maintenance responsibilities for the property.

Notwithstanding the above, it is important that the Lessee be made aware that the Shire will not accept responsibility for the ongoing maintenance of the proposed storage shed and a recommendation is included for Council's consideration in this regard.

CONSULTATION

The lease for the subject property is accompanied by a Trust Deed dated 25 May 1994 (refer to Attachment 2). Clause 10.4 of the Trust Deed states that Broome Lotteries House undertakes *"not without the prior written consent of the Commission to make or allow to be made any additions or alterations to any part of the premises"*.

It should be noted that the current lease plan shows a 'future shed' for the subject property which has not yet been constructed, albeit in a slightly different location to the proposed shed. Notwithstanding, the term "Commission" in the Trust Deed refers to the Lotteries Commission (now known as Lotterywest) and a recommendation is included in this report that the concurrence of Lotterywest be sought by Broome Lotteries House for the proposed storage shed prior to a final determination being issued on the planning application.

STATUTORY ENVIRONMENT

Shire of Broome Town Planning Scheme No. 4 (TPS4)

"3.2 Scheme Reserves:

The land shown as Scheme Reserves on the Scheme Map, hereinafter called 'Local Reserves' are land reserved under the Scheme for the purposes shown on the Scheme Map and are listed hereunder:

- Coastal Park*
- Environmental Cultural Corridor*
- Parks and Recreation*
- Public Purposes*
- Highways and Major Roads*
- Important Roads*
- Local Roads*
- Civic and Cultural"*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

People

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

Place

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

Prosperity

Support business and economic development.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr J Bloom

Seconded: Cr C R Mitchell

That Council:

- 1. Authorises the Chief Executive Officer to sign planning and building applications in respect of the proposed storage shed, subject to the relevant fees being paid by the Lessee.*
- 2. Supports the proposal for the proposed storage shed, subject to the necessary approvals being issued.*
- 3. Advises the Lessee that the approval of the Lotteries Commission (Lotterywest) will be required in accordance with Clause 10.4 of the Trust Deed dated 25 May 1994, prior to a final determination being issued in respect of the planning application.*
- 4. If the necessary planning and / or building approvals are obtained, then the Lessee be advised:*
 - a. They will be responsible for any ongoing maintenance and replacement costs, the Shire will not be responsible for any associated construction costs, and*
 - b. Unless otherwise agreed, on the expiry of the lease, if requested, the lessee will be responsible for the removal of the shed and make good any damage to the premises/property*

CARRIED UNANIMOUSLY

[Attachment: 11 pages](#)

9.4.4 REQUEST TO TAKE SHIRE VEHICLE OUTSIDE PERMITTED AREA - DIRECTOR CORPORATE SERVICES

LOCATION/ ADDRESS:	N/A
APPLICANT:	Director Corporate Services
FILE:	N/A
AUTHOR:	Director Corporate Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate Services
DISCLOSURE OF ANY INTEREST:	Director Corporate Services (contractual matter)
DATE OF REPORT:	1 December 2009

SUMMARY: Director Corporate Services requests permission to take a Shire vehicle outside the permitted area whilst on annual leave.

BACKGROUND

Policy 2.2.5 Staff Motor Vehicle Benefit contains the following provision:

“Except during periods of Annual Leave, private use of vehicles will be within the area extending from Karratha to the NT/ WA border.

During periods of any Annual Leave, the Senior Officer concerned may only proceed with the vehicle outside the above area with specific Council approval. All fuel costs outside the area noted in the preceding paragraph will be borne by the Officer.”

The Director Corporate Services will be taking annual Leave from 28 December 2009 returning to work on 11 January 2010 and requests Council permission to take the Shire vehicle to Carnarvon.

COMMENT

Visiting family for the Christmas break.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

S5.23. Meetings generally open to the public:

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the

Chairperson.....Date.....

*public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
(a) a matter affecting an employee or employees;
(b) the personal affairs of any person;*

POLICY IMPLICATIONS

Policy 2.2.5 Staff Motor Vehicle Benefit

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr D M Male

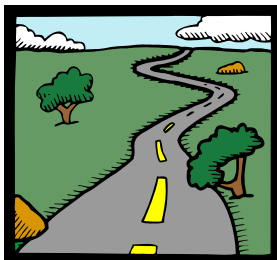
That Council approves the Director Corporate Services taking the Shire vehicle to Carnarvon whilst on annual leave subject to the provisions of Policy 2.2.5 Staff Motor Vehicle Benefit.

CARRIED UNANIMOUSLY

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 Engineering Services.

10.

REPORTS

OF

COMMITTEES

Minutes of the Audit Committee meeting are attachments to Item 9.1.2 - Annual Financial Audit 2008/2009, appearing on page 19. This order of business allows Council to consider the Annual Financial Audit prior to the Annual Report agenda item, also containing these figures.

11. NOTICES OF MOTION

11.1 VEHICLE ACCESS TIMES CABLE BEACH

The following Notice of Motion was submitted by Cr D M Male with Officer comment by the Manager Emergency/Ranger and Beach Services.

That Council:

1. Requests the Chief Executive Officer to immediately amend the published times for vehicles to access Cable Beach from the Cable Beach amphitheatre from 8pm to 7am to 8pm to 5am until the advertised conclusion of the published closure times (28 February 2010).
2. Requests the Chief Executive Officer to amend the published times on the Shire website to reflect the changed times and include the notice of the change in the Shire newsletter in the Broome Advertiser.
3. Requests the Chief Executive Officer to immediately investigate options for outsourcing the duties for opening the gate at 5am (currently undertaken by Shire Rangers).
4. Reiterates that the public education programme regarding nesting turtles on Cable Beach continue to ensure residents and visitors are regularly informed and educated about nesting turtles.

COUNCILLOR COMMENT

Shire of Broome residents, as users of Cable Beach are aware that turtles nest on Cable Beach between October and March each year. This awareness has been raised, in part, due to the recent public information campaign undertaken by the Shire of Broome. Visitors to the Shire of Broome are now provided with information about the nesting turtles and the beach access point is signed accordingly.

The Shire has acknowledged that all species of turtles in Western Australia are listed as fauna that is 'rare, or is likely to become extinct' under the provisions of the Western Australian Wildlife Conservation Act 1950 and as 'threatened fauna' under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

There is no definitive evidence to date that suggests that the presence of vehicles on Cable Beach has had or will have any significant effect (if any) on the current status of turtles as listed under the provisions of the Western Australian Wildlife Conservation Act 1950.

Following the recent referendum on daylight saving in Western Australia in which Western Australians chose not to support daylight saving, Western Australia has reverted to Western Standard Time permanently. In light of this and in keeping with the amenity that Shire of Broome residents who are users of Cable Beach enjoy, these residents now wish to access Cable Beach from the Cable Beach amphitheatre from first light.

Given that it will be light when vehicles access the beach, any nesting turtles still on the beach at this time will be clearly seen and residents and visitors using the beach will be able to see and subsequently avoid these turtles. The Western Australian Wildlife Conservation Act 1950 is clear regarding what is an offence under the Act in relation to causing harm to threatened fauna.

Shire of Broome residents are responsible and acutely aware of the environment and respect the importance of all species in and around the Shire of Broome and the need to protect these species, particularly those that are endangered.

Shire of Broome residents can continue to enjoy the amenity of Cable Beach whilst being vigilant and responsible with regard to protecting nesting turtles.

OFFICER COMMENT

Further investigation into the impacts of a change in gate opening hours is required such as the financial impact (penalty rates) for an earlier starting time and the cost of possible contracting out of gate opening, along with reduced levels of service provision later in the day should Rangers adopt an earlier start. This has not been able to be determined at this time.

COUNCIL RESOLUTION

Moved: Cr D M Male

Seconded: Cr J Bloom

That Council:

1. *Requests the Chief Executive Officer to immediately amend the published times for vehicles to access Cable Beach from the Cable Beach amphitheatre from 7am to 8pm to 5am to 8pm until the advertised conclusion of the published closure times (28 February 2010).*
2. *Requests the Chief Executive Officer to amend the published times on the Shire website to reflect the changed times and include the notice of the change in the Shire newsletter in the Broome Advertiser.*
3. *Requests the Chief Executive Officer to immediately investigate options for outsourcing the duties for opening the gate at 5am (currently undertaken by Shire Rangers).*
4. *Reiterates that the public education programme regarding nesting turtles on Cable Beach continue to ensure residents and visitors are regularly informed and educated about nesting turtles.*

AMENDMENT TO MOTION

Moved: Cr C R Mitchell

Seconded: Cr G T Campbell

That the published times for vehicles to access Cable Beach from the Cable Beach amphitheatre be 6.00am to 8.00pm.

<p><u>AMENDMENT PUT:</u></p>	<p>FOR: 4 AGAINST: 2</p>	<p>MOTION CARRIED</p>
<p><i>Cr P D Matsumoto and Cr E Yu requested their votes be recorded in the negative.</i></p>		
<p><u>MOTION PUT:</u></p>	<p>FOR: 4 AGAINST: 2</p>	<p>MOTION CARRIED</p>
<p><i>Cr P D Matsumoto and Cr E Yu requested their votes be recorded in the negative.</i></p>		

12. LATE ITEMS

Moved: Cr G T Campbell

Seconded: Cr C R Mitchell

In accordance with Local Law 3.12 of the Shire of Broome Standing Orders, that item 12.1 be accepted as urgent business.

CARRIED UNANIMOUSLY

12.1 WASTE MANAGMENT FACILITY - LIQUID WASTE PONDS

LOCATION/ ADDRESS:	Reserve 40813, Buckley's Road, Broome
APPLICANT:	N/A
FILE:	RES 40813
AUTHOR:	Manager Health Services
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	1 December 2009

SUMMARY: This report is for Council to consider the direction to be taken by the Shire of Broome for the construction of new liquid waste pond system at the Waste Management Facility.

It is recommended Council authorises the Shire President and the Chief Executive Officer to meet with the Minister for the Environment to clarify the issue and defer consideration of funding pending clarification of the issue.

BACKGROUND

Previous Considerations

Nil

The Shire of Broome's Waste Management Facility is located at Reserve 40813, Buckley's Road, Broome. Use of this Reserve for landfilling purposes commenced in 1987. The facility was issued a licence by the then Department of Environmental Protection to operate as a landfill in 1997. This licence is reviewed annually where it is possible conditions may be modified or upgraded before the licence is reissued.

The licence specifies the conditions for operation of the facility, including the waste types that can be accepted at the facility which currently includes:

- Clean fill
- Type 1 inert wastes
- Type 2 inert wastes
- Putrescibles wastes
- Special wastes type 1 (asbestos)
- Special wastes type 2 (biomedical waste)

Chairperson.....Date.....

The licence does not allow for the acceptance of liquid waste (grease trap waste) which is currently received at the facility. Liquid waste from grease traps is collected by the licenced contractor in the region, Kimberley Waste Services.

Historical information indicates liquid waste (grease trap waste only) has been received at the site since prior to the 2000, initially into one poorly constructed, unlined trench. In 2004 records indicate this trench was upgraded to 2 x alternating evaporative unlined pond system that is still in operation today. This pond system was considered appropriate for liquid waste disposal at the time however a Works Approval was not issued by the Department of Environment for the construction of the ponds.

The then Department of Environment and now Department of Environment and Conservation (DEC) require a Works Approval Application to be submitted for approval prior to construction of such infrastructure on landfill sites. Records indicate Shire Officers were advised to submit an Application of Licence Amendment to incorporate the already constructed liquid waste ponds at the site and include waste type Category 61: liquid waste. These applications were submitted retrospectively on the 13 April 2004 and again on the 22 April 2008 following requests for the applications from the DEC. Shire records do not show evidence of a response having been received at the Shire of Broome from the DEC in relation to submittal of these documents. The facility licence was not amended and the DEC considered the site to still be in breach of licence conditions.

Kimberley Waste Services collect liquid waste throughout the Shire of Broome and disposed of the waste at the Shire of Broome's Waste Management Facility. The DEC issued Kimberley Waste Services the licences required to undertake this service in accordance with the Environmental Protection (Controlled Waste) Regulations 2004. The Shire of Broome's Waste Management Facility was indicated by Kimberley Waste Services to the DEC as the disposal point. The controlled waste licences were issued to Kimberley Waste even though the site was not approved for acceptance of liquid waste.

An inspection of the waste management facility was completed on the 4 March 2009 by Officers from the DEC. The acceptance of liquid waste was again raised and throughout the course of 2009 the DEC have indicated the Shire of Broome is in breach of the licence for the facility by continuing to accept liquid waste at the site into unapproved liquid waste ponds. The DEC was advising the Shire of Broome to submit a Works Approval Application to enable construction of new liquid waste ponds or upgrade the existing unapproved ponds to avoid legal action.

During this time, the Shire of Broome had contacted the Water Corporation requesting they consider construction of liquid waste ponds (accepting grease trap waste only) at the planned Broome North Waste Water Treatment Plant. The Shire of Broome was informed Water Corporation would not include provision of liquid waste ponds capable of accepting grease trap waste at their facility. The Shire of Broome has been advised by the Water Corporation acceptance of grease trap liquid waste significantly affects the operation of their liquid waste ponds as the Water Corporation ponds aren't designed as anaerobic ponds and need aerobic conditions to breakdown the liquid waste. The addition of grease trap waste turns the ponds anaerobic affecting pond operation. The end product is poorly treated and can not be reused.

The situation escalated in September 2009 with the DEC continuing to seek a commitment from the Shire of Broome to construct new ponds. The Shire of Broome considered the only option available at the time was to refuse acceptance of liquid waste at the facility in accordance with the licence conditions. The DEC suspended Kimberley Waste Services from their Controlled Waste system preventing them from collecting liquid waste. Liquid waste in grease traps within the Shire of Broome accumulated over a 2 week period to

Chairperson.....Date.....

capacity. The Water Corporation indicated they would be required to close a number of commercial premises due to potential contamination of their network from the grease traps.

Given the dire situation that was occurring, the DEC agreed to reinstate Kimberley Waste Services on their Controlled Waste tracking system. The DEC also permitted disposal of liquid waste at the Shire of Broome's Waste Management Facility with the Shire of Broome agreeing to submit a Works Approval Application to construct compliant, lined liquid waste ponds. The Water Corporation offered their machinery to construct the ponds as they were in the process of constructing the Broome North Waste Water Treatment Plant. Given the Shire of Broome had a limited budget for this works; this was considered an appropriate solution to a critical problem.

The Shire of Broome was informed the DEC would amend the current licence for the facility to include acceptance of liquid waste subject to construction of compliant liquid waste ponds (with submittal of a Works Approval Application prior to construction). The DEC then advised in writing on the 14 September 2009, they would also require an Environmental Improvement Plan to be generated for the waste management facility prior to submitting the Works Approval Application and constructing the ponds. This letter is attached.

A telephone meeting was held on the 30 September 2009 with the DEC's Manager Works Approval, Emissions and Licensing and the Shire's Director Development Services and Manager Health Services. During this meeting the DEC requirements were outlined and included:

1. The DEC would amend the Shire Waste Management Facility licence to allow acceptance of liquid waste conditional to the Shire submitting an Environmental Improvement Plan (EIP).
2. Following approval of the EIP, the Shire would submit a Works Approval Application for construction of compliant liquid waste ponds.
3. Following approval of the Works Approval Application, the Shire can then construct new liquid waste ponds.

The Shire of Broome determined it would require a consultant to develop the EIP and Works Approval Application as staff does not have the expertise and time to dedicate to generate documents of this nature. Engineered drawings of the compliant liquid waste ponds are also required to be submitted with the documents. A consultant was also engaged to complete this work also.

A further inspection of the Waste Management Facility was completed on 12 October 2009 with a DEC Officer from the Kununurra Regional Office as well as an Officer from Perth. An inspection report is yet to be received for this inspection. The DEC Officers were verbally advised the Shire of Broome were engaging consultants to undertake the generation of the documents and that a request to extend the deadline for submission of the EIP would be required. The DEC thought this was reasonable and informed to the Shire to put a request in writing. An extension for the submission of the EIP was applied for and granted by the DEC, being 18 December 2009.

The Shire of Broome queried how the amendment to the Waste Management Facility's licence was progressing as there were concerns regarding continuation to accept liquid waste at the facility in breach of the licence. The DEC advised the licence amendment would now not be completed. Again, concerns were raised that this is required as the Shire was operating in breach of the licence. Once reminded that this formed the critical

element to the agreement between the DEC and Shire, work commenced on amending the licence.

Contracts with consultants were signed and work on these documents commenced. On the 18 November 2009, the DEC emailed to advise they have altered the information they require to be submitted in the EIP. It was fortunate both consultants agreed an alteration to the contracts would not be need. This email also contained the draft amendments to the facility licence. It was noted the DEC had amended certain conditions of the licence however had failed to add liquid waste to the waste acceptance condition of the licence. Concerns were again expressed by the Shire at accepting liquid waste at the site when not licenced to do so. The DEC agreed to amend the licence to include acceptance of liquid waste.

Due to improvements in environmental standards, it became apparent the new liquid waste pond system would be substantially different to the existing liquid waste ponds. This is largely due to catering for the significant rainfall experienced in Broome during the wet season. The additional capacity of the pond system would prevent overflow and also address the requirement to reduce odours from the ponds. As the pond system design indicated a much larger area of land was required to construct the ponds, the problem arose as to where to locate the ponds? There did not appear to be adequate virgin land available at such an old site. A request was made to the DEC to utilise the area between the 10m and 35m site buffers to address this issue.

This matter was discussed at a meeting of the Waste Management Advisory Group on Wednesday 9 December 2009 and it was agreed there should be a recommendation to Council to authorise the Shire President and the Chief Executive Officer to seek a meeting with the Minister for the Environment to clarify the issue.

COMMENT

The Shire of Broome is currently faced with 2 significant issues relating to the construction of the liquid waste pond system:

1. Given the DEC's long approval process, the Shire would not be able to utilise the Water Corporation's offer to construct the liquid waste ponds. A cost estimate to construct the ponds has been provided to the Shire, this being approximately \$525,000. The current budget allocation for construction of new liquid waste ponds is \$80,000, \$60,000 of which has been allocated to consultants contracts; and
2. There is not enough virgin ground available on the site to construct the new liquid waste pond system.

It is felt the Shire of Broome have continued to respond to requests from the DEC regarding the liquid waste ponds, however the DEC continues to increase the standards required for compliance and documentation to be provided for the facility. This is often without consideration of the cost of improvement to waste management services and the Shire's ability to improve existing infrastructure above standard compliance.

It is estimated the Waste Management Facility has approximately 5 years life remaining. The facility currently has the following documents guiding its development:

- Waste Management Strategy;
- Operational Plan (a revision of this is very near completion); and

- Regional Waste Management Plan (developed for waste services in the Shires of Broome, Derby/West Kimberley and Halls Creek.

It is felt the DEC requirement for the development of an additional document in the form of the EIP for a site with such a limited life remaining was onerous. These concerns were expressed to the DEC during the telephone meeting. The Shire communicated to the DEC that, given the age of the site, best practise was not the aim for this facility. The Shire is simply aiming for compliance with licence conditions and legislation. Is an EIP necessary for this site?

It was also considered by Shire Officers the existing ponds would pose a low risk to the surrounding environment. This is due to the grease disposed of into the ponds over the past 5 years would have sealed the ponds preventing liquid waste transpiring through to the groundwater. Liquid waste that initially would have soaked into the soil would be subject to the natural filtering properties of soil. The liquid waste disposed of into the ponds consists only of grease trap waste water and does not contain chemicals or heavy metals. This theory has not been proven as groundwater monitoring is not a requirement of the facility licence and therefore has not been undertaken.

Despite these objections, the Shire of Broome was advised to comply with the DEC’s requirements to avoid potential prosecution for a breach of licence conditions and subsequently the Environmental Protection Act 1986.

To address the land availability issue, the Shire of Broome applied to the DEC to locate the ponds in the 10m – 35m site buffer area. The DEC has not given a definitive answer however have requested further information from the Shire to consider this request. The DEC have advised that the Environmental Protection Act Guidance Statement does not specify a specific buffer distance for liquid waste ponds and that such a request will be assessed on a case by case basis. The DEC will need to ascertain the potential for the ponds to impact the surrounding environment. The Shire considers the following parameters are in place to prevent environmental pollution occurring:

- The ponds will be fully lined with a synthetic HDPE liner;
- The pond system volume has been calculated considering volume of liquid waste together with wet season rainfall and evaporation rates, preventing overflow from the ponds;
- The addition of Facultative Pond will further remove the Biochemical Oxygen Demand (BOD) and thus reduce odours;
- The adjacent land is Crown land which the Shire will be applying to use as an above ground green waste processing area; and
- The closed residents to the site are 600m to the south east and 1300m to the west.

This information has been conveyed to the DEC to aid their approval of using the buffer area for locating the liquid waste pond system. However, this location had to be confirmed to the consultants by Friday 27 November 2007 to ensure they were able to complete the EIP for submittal to the DEC by the 18 December 2009.

The consequences of electing to no longer accept liquid waste at the facility and not constructing liquid waste ponds will have a significant impact of the Broome town site and needs significant consideration. The ramifications of this action were experienced in September 2009 when the Shire could not accept liquid waste for a 2 week period. A number of major businesses reached maximum capacity of their grease traps. This not only created a significant risk to the health of the community but also resulted in the Water Corporation advising that food premises may be closed to prevent contamination of their

waste water infrastructure from excessive liquid waste overflow. This is a situation that will need to be avoided to ensure the health and safety of the community is maintained, as well as preventing temporary closure of local food premises.

If is the Officer’s recommendation that Council consider the following course of action:

1. Request the Chief Executive Officer and Shire President meet with the Minister for Environment as a matter of urgency to discuss, in the light of likely future development in the town of Broome, options for the liquid waste ponds and the future of waste management in the Shire of Broome including –
 - a. The development of a new waste management facility incorporating best practise and innovation in waste management; and
 - b. Remaining life of the existing waste management facility and its development constraints.
2. Defer any decision on the funding for the liquid waste ponds until the position on this issue has been clarified by the Minister for Environment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Environmental Protection Act 1986 and subsidiary legislation

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The current budget allocation in account 101520 for the construction of new liquid waste ponds is \$80,000. From this amount, \$60,000 is required to cover the consultant’s contracts to develop the Design Drawings, EIP and Works Approval Application.

The costing estimate for construction of new liquid waste ponds has been suggested as approximately \$525,000.

There is an opportunity for the Shire of Broome to apply for a grant for this project through the Federal Government’s Regional and Local Community Infrastructure Program – Strategic Projects. However, the Shire of Broome will need to plan for the event that this grant application may be unsuccessful.

It is considered the only option for the Shire of Broome to generate the additional \$500,000 estimated to construct the liquid waste pond system is for Council to borrow \$500,000 over 10 years at a current interest rate of 6.09%. This would require an annual repayment of \$67,500 or more appropriately \$70,000 to cover interest rate increases. This option would allow time to generate cash from future users over the next 10 years to cover loan repayments.

An increase to the liquid waste disposal fee will need to be determined by the Waste Management Advisory Group to develop a user pays cost recovery scheme to generate funds for either option.

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 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

COUNCIL RESOLUTION
(REPORT RECOMMENDATION)

Moved: Cr C R Mitchell

Seconded: Cr J Bloom

That Council:

1. *Requests the Chief Executive Officer and Shire President meet with the Minister for Environment as a matter of urgency to discuss, in the light of likely future development in the town of Broome, options for the liquid waste ponds and the future of waste management in the Shire of Broome including:*
 - a. *The development of a new waste management facility incorporating best practise and innovation in waste management.*
 - b. *Remaining life of the existing waste management facility and its development constraints.*
2. *Defers any decision on the funding for the liquid waste ponds until the position on this issue has been clarified by the Minister for Environment.*

CARRIED UNANIMOUSLY

[Attachment: 2 pages](#)

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

Nil

14. MATTERS BEHIND CLOSED DOORS

Nil

15. MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 6.31pm. and wished everyone a safe and enjoyable Christmas.