



## MISSION AND VALUES OF COUNCIL

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

# AGENDA

FOR THE  
ORDINARY MEETING OF COUNCIL

**18 MARCH 2010**

**SHIRE OF BROOME**

**ORDINARY COUNCIL MEETING  
18 MARCH 2010**

**INDEX - AGENDA**

1.	OFFICIAL OPENING.....	5
2.	ATTENDANCE AND APOLOGIES .....	5
3.	DECLARATIONS OF FINANCIAL INTEREST.....	5
4.	PUBLIC QUESTION TIME.....	5
5.	CONFIRMATION OF MINUTES .....	5
6.	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION .....	5
7.	PETITIONS.....	6
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	6
9.	REPORTS OF OFFICERS .....	7
9.1	LEADERSHIP / GOVERNANCE AND ORGANISATION.....	8
	9.1.1 DELEGATIONS OF AUTHORITY.....	9
	9.1.2 KIMBERLEY DEVELOPMENT COMMISSION - NOMINATIONS.....	12
9.2	COMMUNITY SERVICES .....	17
	9.2.1 TOWN BEACH CULTURAL PLAN .....	18
	9.2.2 'BE ACTIVE WORN ART' - SHIRE OF BROOME EVENT SPONSORSHIP .....	22
	9.2.3 ARCHITECTUAL SERVICES TENDER FOR THE BRAC SPORTS FIELDS AMENITIES PAVILION .....	30
	9.2.4 CSRFF SMALL GRANT ASSESSMENTS 2010-2011 .....	37
9.3	DEVELOPMENT SERVICES.....	45
	9.3.1 PROPOSED AMENDMENT 60 – TOWN PLANNING SCHEME NO 4 – DEVELOPMENT PLAN AND DETAILED AREA PLAN TEXT AMENDMENTS PROVISIONS .....	46
	9.3.2 PROPOSED AMENDMENT NO 56 – TOWN PLANNING SCHEME NO. 4 – PROVIDING 'ADDITIONAL USES' (CAMPING, CARAVAN PARK AND LODGING HOUSE) LOT 3000 BROOME ROAD SKUTHORPE.....	53
	9.3.3 REQUEST FOR CONSIDERATION – FREDERICK STREET TRUNK DRAIN - PEARL COAST PROPERTIES PTY LTD .....	57
	9.3.4 APPLICATION FOR PLANNING APPROVAL – USE NOT LISTED – TEMPORARY WORKERS ACCOMODATION - LOT 1653 FREDERICK STREET DJUGUN .....	62
	9.3.5 APPLICATION FOR PLANNING APPROVAL – ABC KIMBERLEY: CAR PARKING WITHIN ROAD RESERVE - ADJACENT TO LOT 32 (NO 23) HAMERSLEY STREET BROOME.....	68

9.3.6	APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL – HOSPITAL SIGNAGE - WALCOTT STREET ROAD RESERVE ABUTTING RESERVE 3596, LOT 1214 (NO 62) ROBINSON STREET BROOME .....	75
9.3.7	REVIEW OF POLICY 4.2.10 APPROVAL TO CAMP FOR AN APPROVED PERIOD OF TIME IN RESIDENTIAL, RURAL, INDUSTRIAL, LIGHT INDUSTRIAL AND RECREATIONAL AREAS .....	82
9.3.8	REQUEST TO TAKE SHIRE VEHICLE OUTSIDE PRIVATE USE AREA – DIRECTOR DEVELOPMENT SERVICES – CONTRACT OF EMPLOYMENT .....	86
9.4	CORPORATE SERVICES.....	88
9.4.1	ACCOUNTS FOR PAYMENT.....	89
9.4.2	FEBRUARY 2010 MONTHLY FINANCIAL ACTIVITY REPORT.....	90
9.4.3	ROYALTIES FOR REGIONS 2009 - GRANT VARIATIONS .....	96
9.5	ENGINEERING SERVICES.....	101
9.5.1	BUDGET REVISION FOR HAYNES OVAL RENEWAL INFRASTRUCTURE .....	102
9.5.2	BUDGET REVISION FOR CONSTRUCTION OF RECONCILIATION PARK.....	105
9.5.3	BUDGET REVISION FOR ROADWORKS BIDYADANGA ROAD.....	109
9.5.4	REQUEST TO TAKE SHIRE VEHICLE OUTSIDE PRIVATE USE AREA – DIRECTOR ENGINEERING SERVICES.....	112
10.	REPORTS OF COMMITTEES .....	114
10.1	AUDIT COMMITTEE MINUTES – HALF YEARLY REVIEW REPORT – DECEMBER 2009 AND COMPLIANCE AUDIT RETURN 2009 .....	115
10.2	BROOME CEMETERY ADVISORY COMMITTEE - MEMBERSHIP .....	120
11.	NOTICES OF MOTION .....	123
12.	LATE ITEMS.....	123
13.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	123
14.	MATTERS BEHIND CLOSED DOORS .....	123
15.	MEETING CLOSURE .....	123

## NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on Thursday 18 March 2010, in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards

A handwritten signature in black ink, appearing to read 'K R Donohoe', with a horizontal line underneath it.

K R DONOHOE  
Chief Executive Officer

9 March 2010

**1. OFFICIAL OPENING**

**2. ATTENDANCE AND APOLOGIES**

Attendance

Leave of Absence      Cr C R Mitchell

Apologies

Officers

Public Gallery

**3. DECLARATIONS OF FINANCIAL INTEREST**

Councillor	Item No	Page No	Item	Nature of Interest

**4. PUBLIC QUESTION TIME**

**5. CONFIRMATION OF MINUTES**

*Moved:*

*Seconded:*

*That the Minutes of the Ordinary Meeting of Council held on 18 February 2010 be confirmed as a true and accurate record of that meeting, subject to the replacement on page 59 to the Planning Approval number in the first paragraph of the Council Resolution, and plans stamped received date in point 1 as follows:*

*That Council approves the application for Planning Approval ~~2008/100~~ 2009/114 for an extension of non-conforming use (Airport Activity - Storage Container for Helicopter Operation) at Lot 1653 Frederick Street, Broome subject to the following conditions:*

- 1. Development must be carried out in accordance with the plans stamped received and dated ~~4 September~~ 25 August 2009 submitted with the application as approved by Council.*

*FOR:  
AGAINST:*

**6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

**7. PETITIONS**

**8. MATTERS FOR WHICH MEETING MAY BE CLOSED**

**9.**

**REPORTS**

**OF**

**OFFICERS**

# 9.1

## LEADERSHIP / GOVERNANCE

AND

## ORGANISATION



### **OUTCOME**

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



**9.1.1 DELEGATIONS OF AUTHORITY**

**LOCATION/ ADDRESS:** N/A  
**APPLICANT:** N/A  
**FILE:** ARE01, ARE02  
**AUTHOR:** Manager Administration Services  
**CONTRIBUTOR/S:**  
**RESPONSIBLE OFFICER:** Chief Executive Officer  
**DISCLOSURE OF ANY INTEREST:** N/A  
**DATE OF REPORT:** 3 March 2010

**SUMMARY:** To present to Councillors the Draft list of Delegations of Authority as required by the Local Government Act 1995 and to seek endorsement to extend the relevant delegations until 30 June 2011.

**BACKGROUND**Previous Considerations

OCM 21 December 2006 – Item 9.1.3  
OCM 24 July 2008 – Item 9.1.5  
OCM 17 December 2008 – Item 9.1.7  
OCM 19 March 2009 – Item 9.1.2

Section 5.18 of the Local Government Act 1995, requires that a local government keep a register of delegations of authority and that these are reviewed at least once each financial year.

**COMMENT**

As required by the Act, the Register of Delegations of Authority was presented to Council for review at the 19 March 2009 Ordinary Meeting of Council. A thorough review of delegations and the format for presentation was conducted in 2008/09. Council endorsed the revised format and extended the delegations to 30 June 2010

Existing Delegations of Authority, including those endorsed by Council subsequent to 19 March 2009, have now been comprehensively reviewed and are presented to Council for endorsement.

Delegations proposed for deletion by relevant Directors are shown with a strike through the page. These delegations have either expired or are deemed to be no longer necessary. Additions to existing delegations are shown in blue font and text deleted from existing delegations is struck through.

New delegations including those endorsed by Council subsequent to 19 March 2009 and prior to 3 March 2010 are noted in blue font.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

## Local Government Act 1995

*5.18. Register of delegations to committees*

*A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.*

*5.42. Delegation of some powers and duties to CEO*

*(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

*\* Absolute majority required.*

*(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

*[Section 5.42 amended by No. 1 of 1998 s. 13.]*

*5.43. Limits on delegations to CEO's*

*A local government cannot delegate to a CEO any of the following powers or duties —*

*(a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*

*(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*

*(c) appointing an auditor;*

*(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*

*(e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*

*(f) borrowing money on behalf of the local government;*

*(g) hearing or determining an objection of a kind referred to in section 9.5;*

*(h) any power or duty that requires the approval of the Minister or the Governor; or*

*(i) such other powers or duties as may be prescribed.*

*[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47.]*

*5.44. CEO may delegate powers and duties to other employees*

*(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*

*(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

*(3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*

*(a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*

*(b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*

*(4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*

*(5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*

*[Section 5.44 amended by No. 1 of 1998 s. 14(1).]*

**POLICY IMPLICATIONS**

The Delegations Authority forms part of the Policy Manual.

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**People**

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

**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

REPORT RECOMMENDATION

*That Council endorses the revised delegations to the Chief Executive Officer and extends these delegations until 30 June 2011.*

*Moved:*

*Seconded:*

*FOR:  
AGAINST:*

*(Absolute Majority required)*

[Attachment: 154 pages](#)

**9.1.2 KIMBERLEY DEVELOPMENT COMMISSION - NOMINATIONS**

**LOCATION/ ADDRESS:** Kimberley Region  
**APPLICANT:** Kimberley Development Commission  
**FILE:** ORL21  
**AUTHOR:** Chief Executive Officer  
**CONTRIBUTOR/S:** N/A  
**RESPONSIBLE OFFICER:** CEO  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 2 March 2010

**SUMMARY:** The Kimberley Development Commission is seeking nominees for a Board Member of the Commission as a result of a vacancy created through the resignation of a local government representative.

**BACKGROUND**Previous Considerations

Nil

The Kimberley Development Commission has written (attached) to the Shire of Broome seeking nominations for one (1) local government representative on its Board.

Invitations are being sought from the four (4) Kimberley Local Governments.

The Commission advises that in accordance with the Regional Development Commission's Act 1993, nominees must be elected members and those persons are to be nominated by local governments in the region.

**COMMENT**

The Kimberley Development Commission is a State Government authority administered pursuant to the Regional Development Commission Act 1993.

Elected members will find additional information in relation to the Kimberley Development Commission on the Commission's Website <http://www.kdc.wa.gov.au> should elected members wish to seek additional information other than that supplied by the Commission in its request for nominations.

The Development Commission has submitted an attached pro forma that is to be completed by the nominated elected member and sent with curriculum vitae to the Kimberley Development Commission for consideration by the Minister for Regional Development et al. Appointment is a competitive process and selection remains at the Minister's discretion.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Regional Development Commission's Act –  
Some excerpts of the Act are included in this item for elected member reference.

7. *Kimberley Development Commission established*
- (1) *There is established by this section a body called the Kimberley Development Commission.*
  - (2) *The Kimberley Development Commission is to perform its functions in respect of the region described in Part D of Schedule 1.*

*Part D — Kimberley region*

*The local government districts of Broome, Derby-West Kimberley, Halls Creek and Wyndham-East Kimberley.*

*Division 2 — Functions and powers of a commission*

23. *Objects and functions of a commission*

- (1) *The objects of a commission are to —*
  - (a) *maximize job creation and improve career opportunities in the region;*
  - (b) *develop and broaden the economic base of the region;*
  - (c) *identify infrastructure services to promote economic and social development within the region;*
  - (d) *provide information and advice to promote business development within the region;*
  - (e) *seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and*
  - (f) *generally take steps to encourage, promote, facilitate and monitor the economic development in the region.*
- (2) *For the purposes of achieving those objects a commission is to —*
  - (a) *promote the region;*
  - (b) *facilitate coordination between relevant statutory bodies and State government agencies;*
  - (c) *cooperate with representatives of industry and commerce, employer and employee organizations, education and training institutions and other sections of the community within the region;*
  - (d) *identify the opportunities for investment in the region and encourage that investment;*
  - (e) *identify the infrastructure needs of the region, and encourage the provision of that infrastructure in the region; and*
  - (f) *cooperate with —*
    - (i) *departments of the Public Service of the State and the Commonwealth, and other agencies, instrumentalities and statutory bodies of the State and the Commonwealth; and*
    - (ii) *local governments, in order to promote equitable delivery of services within the region.*

*[Section 23 amended by No. 14 of 1996 s. 4.]*

24. *Powers of a commission*

- (1) *Subject to subsection (2), a commission has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.*
- (1a) *Without limiting subsection (1), a commission may, for or in connection with the performance of its functions, provide financial support in the form of a grant.*
- (2) *Subsection (1) does not empower a commission —*
  - (a) *subject to Part 5, to enter into any business undertaking either directly or indirectly;*
  - (b) *to acquire land or any estate or interest in land other than a tenancy to provide office premises for the commission; or*
  - (c) *to borrow money or obtain financial accommodation.*

- (3) *In performing its functions, a commission may act in conjunction with —*  
 (a) *any person; or*  
 (b) *any department of the Public Service, or other agency or instrumentality, of the State or the Commonwealth.*
- (4) *The requirement of disclosure in section 28(2) applies to a person referred to in subsection (3).*

*[Section 24 amended by No. 5 of 2003 s. 4(1).]*

25. *Minister may give directions*

- (1) *The Minister may give directions in writing to a commission with respect to the performance of its functions, either generally or in relation to a particular matter, and the commission is to give effect to any such direction.*
- (2) *The text of any direction given under subsection (1) is to be included in the annual report submitted by the accountable authority of the relevant commission under Part 5 of the Financial Management Act 2006.*
- (3) *Subsection (1) has effect subject to the Statutory Corporations (Liability of Directors) Act 1996 so far as it applies to the Mid West Development Commission or the South West Development Commission.*

*[Section 25 amended by No. 41 of 1996 s. 3; No. 77 of 2006 s. 17.]*

26. *Minister to have access to information*

- (1) *The Minister is entitled —*  
 (a) *to have information in the possession of a commission; and*  
 (b) *where the information is in or on a document, to have, and make and retain copies of, that document.*
- (2) *For the purposes of subsection (1) the Minister may —*  
 (a) *request a commission to furnish information to the Minister;*  
 (b) *request a commission to give the Minister access to information;*  
 (c) *for the purposes of paragraph (b) make use of the staff and facilities of a commission to obtain the information and furnish it to the Minister.*
- (3) *A commission is to comply with a request under subsection (2) and make its staff and facilities available to the Minister for the purposes of subsection (2)(c).*
- (4) *In this section —*  
*document includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, or electronically or otherwise;*  
*information means information specified, or of a description specified, by the Minister that relates to the functions of a commission.*

## **POLICY IMPLICATIONS**

Once appointed the elected members operate independent of the Shire of Broome. However, as Councillors of the Shire of Broome's Code of Conduct and other statutory provisions apply in relation to confidentiality of Shire of Broome information whilst in the role of an elected member of a local government on the Development Commission's Board.

In seeking to syllogise the possible conflicts between the two (2) organisations it would be fair to conclude that once appointed to a Development Commission Board as a local government member there is very little feedback to the local government due to the nature of the Board and confidentiality requirements of the Development Commission.

## **FINANCIAL IMPLICATIONS**

No supplementary information has been supplied to the Shire of Broome at the time of writing this agenda that details the sitting fees or costs attributable to the elected member.

The Shire of Broome does not contribute financially to this position.

## **STRATEGIC IMPLICATIONS**

### **People**

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

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

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

### **Place**

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

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

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

### **Prosperity**

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

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 nominates Councillor....., and Councillor..... to be candidates for appointment to the Kimberley Development Commission in accordance with the Development Commission's pro forma.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

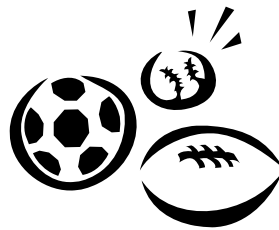
[Attachment: 33 pages](#)



## 9.2

### COMMUNITY

### SERVICES



### OUTCOME

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

**9.2.1 TOWN BEACH CULTURAL PLAN**

<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CDE06
<b>AUTHOR:</b>	Sharon Griffiths & Associates
<b>CONTRIBUTOR/S:</b>	Manager Community Development
<b>RESPONSIBLE OFFICER:</b>	Director Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	N/A
<b>DATE OF REPORT:</b>	3 March 2010

**SUMMARY:** The draft Town Beach Cultural Plan has been through the Consultant's community consultation process and the final Plan is presented and recommended to Council for adoption.

**BACKGROUND**Previous Considerations

OCM 18 January 2005 - Item 9.2.1  
OCM 25 October 2007 - Item 9.2.1  
OCM 2 September 2009 – Item 9.2.1

The Shire's Strategic Action Plan 2004 – 2009 under Function Area 4, Social Wellbeing and Development', identified the Action: *Prepare a **Community Development Strategy***.

Council endorsed the initial project brief for the preparation of the Community Development Strategy at the OCM on 18 January 2005. The components of the Strategy being the:

- Arts and Cultural Plan
- Sport and Recreation Plan
- Disability Services Plan
- Social Plan

In 2006 a background discussion paper was prepared to inform the development of the Broome Arts and Cultural Plan. This document acknowledged arts and cultural activities play a crucial role in community life within the Shire of Broome, provided a review of past cultural planning studies and activities since 1996, and made recommendations relating to public and community art and cultural needs. At the 25 October 2007 OCM a Position Paper outlining the planned process to continue the Community Development Strategy, with its associated plans, was adopted by Council.

As a result an application was made to the Country Arts Network WA (CANWA) for funds to prepare the first component of the Arts and Cultural Plan, the Town Beach Cultural Plan. \$20,000 was granted to the project in November 2008.

In December 2008 Sharon Griffiths & Associates, in collaboration with Peter Driscoll, Planning Consultant, was the successful tenderer and engaged to undertake the Town Beach Cultural Plan.

The cultural planning process required the process to:

- Capture the values and aspirations of the community in relation to Town Beach
- Identify core areas or precincts, and a community view for each precinct
- Develop a vision (mission statement) for Town Beach
- Develop a concept plan (agreed).

## **COMMENT**

Research and consultation to prepare the draft Town Beach Cultural Plan was undertaken during 2009. The initial work on the Plan was workshopped with Council on the 23 June 2009. At 2 September 2009 OCM Council adopted the Plan as a draft for public comment (Attachment A). The Consultant's brief was to review and consider public submissions to the draft Plan and, if required, to revise the draft and develop the final cultural plan for Town Beach.

Two submissions were received and reviewed, see Attachment B. As noted, it is considered neither submission be included within the Town Beach Cultural Plan, thus supporting the current Draft Plan to become the Final Plan.

Upon adoption of the Plan the balance of the CANWA grant, \$2,253.75, will be used for final layout and publication of the Town Beach Cultural Plan.

Implementation of the Plan will be subject to the annual financial planning process and in some cases will involve applications for external grants to support projects.

## **CONSULTATION**

An extensive community consultation process was initially undertaken, including a comprehensive mail out to key stakeholders and community groups, advertising through the Shire website, media release, newsletters, and newspaper and radio coverage inviting participation. Consultation was undertaken with individual stakeholders, on and off-site meetings and participatory presentations. A total of 86 people were consulted from a broad range of community interests ranging from resident users, Aboriginal interest groups, land owners and managers, young people, commercial and tourist operators, members of historical and environmental groups, adjacent property owners and developers, to tourists and government agencies.

Further public consultation was undertaken by the Consultant on the draft Plan. This included mail correspondence to all people previously contacted; coverage on ABC and Goolarri radio; posters and draft plans located at the Town Beach Café, the Library and the Shire's front desk. Information and the draft plan were also on the Shire's website, with an easy electronic link to enable public comment.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

## **POLICY IMPLICATIONS**

The Town Beach Cultural Planning process was undertaken within the parameters of the Shire's Community Consultation Policy No. 1.3.3

**FINANCIAL IMPLICATIONS**

Funding for the Town Beach Cultural Plan was granted by Country Arts Network WA and included in the 2008/09 Budget. Final expenditure from the grant will enable publication of the adopted Plan.

The Implementation of the Town Beach Cultural Plan will be subject to the annual financial planning process and in some cases will involve partnerships or applications for external grants to support projects.

**STRATEGIC IMPLICATIONS****People**

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

Actively contribute to the well-being and safety and support community initiatives.

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

**Place**

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

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

**Prosperity**

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

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

**VOTING REQUIREMENTS**

Simple Majority

REPORT RECOMMENDATION

*That Council adopts:*

1. *The recommendations contained in the submission evaluation sheet of the Draft Town Beach Cultural Plan.*
2. *The current Draft Town Beach Cultural Plan as the Town Beach Cultural Plan 2010.*

***Moved:***

***Seconded:***

***FOR:***

***AGAINST:***

[Attachments: 37 pages](#)

**9.2.2 'BE ACTIVE WORN ART' - SHIRE OF BROOME EVENT SPONSORSHIP AGREEMENT**

**LOCATION/ ADDRESS:** Broome Recreation and Aquatic Centre  
**APPLICANT:** N/A  
**FILE:** REP004  
**AUTHOR:** Event and Sponsorship Coordinator  
**CONTRIBUTOR/S:** Manager Community Development Services  
**RESPONSIBLE OFFICER:** Director Community Services  
**DISCLOSURE OF ANY INTEREST:** N/A  
**DATE OF REPORT:** 4 March 2010

**SUMMARY:** 'BE ACTIVE WORN ART' (Worn Art) is an annual event held at the Broome Recreation and Aquatic Centre (BRAC.) Since 2004, Theatre Kimberley has hired BRAC to host Worn Art under a casual hire rate which has been applied incorrectly.

To correct this situation, it is suggested that a Sponsorship Agreement between Worn Art and the Shire of Broome be developed for a period of 5 years, where the Shire of Broome would share a percentage of the venue hire costs in return for improved marketing exposure. This would allow for the event to continue, whilst providing a gradual increase in Worn Art's contribution over the period of the agreement.

**BACKGROUND**Previous Considerations

OCM 23 October 2008  
OCM 26 August 2008  
OCM 5 June 2008  
OCM 14 February 2008  
OCM 15 June 2004

'BE ACTIVE WORN ART' (Worn Art) is an ongoing annual event held at the Broome Recreation and Aquatic Centre (BRAC.) The event has been held in Broome since 1998 and has had a continuous presence within the Broome event calendar. Originally based in the Broome Civic Centre, the event was transferred to BRAC in 2002. During the time at the Broome Civic Centre and the first two years at BRAC, the venue hire fee was either waived or subsidised by the Shire of Broome.

Worn Art is coordinated by Theatre Kimberley Inc, a not for profit community based arts organisation. Theatre Kimberley Inc. is managed by a voluntary board and employs a number of key staff to coordinate a program of events including Worn Art. The event involves approximately 250 people as performers or casual volunteers for the event, of which approximately 50% are under the age of 25.

Since 2004, Theatre Kimberley has hired BRAC to host Worn Art under a casual hire rate for two of the indoor courts at \$25 per court per hour. This casual hire rate has been applied incorrectly, as the rate of hire for a non-profit, non sporting event is set at \$100 per court per hour.

Under Council Policy 5.2.1:

1. *The Shire of Broome will consider applications from non-profit community organisations to conduct non-sporting special events within the sports stadium of the Broome Recreation and Aquatic Centre.*
2. *The existing fees, charges, deposits and bonds are not negotiable.*
3. *The Shire of Broome will not enter into any profit sharing arrangements with any person/organisation utilizing the BRAC.*

In negotiating Worn Art for its 2009 season, the then Manager of BRAC advised Worn Art of the incorrect schedule of fees. Theatre Kimberley Inc. has advised Shire Officers that the application of the correct schedule of fees has effectively increased the real costs to Worn Art by 400%. Theatre Kimberley Inc. has advised that this additional cost to the event has not been budgeted for the 2010 season and may jeopardise the viability of the event.

### COMMENT

Since November 2009, Shire officers have had ongoing discussions with the Artistic Director and Board members of Theatre Kimberley to work through potential solutions for the venue hire shortfall. It has been recognised that the effective increase of venue hire fees to the event would severely restrict Theatre Kimberley's capacity to stage the event.

A proposed sponsorship agreement to allow for a gradual increase of venue hire from the current, incorrect rate of \$25 per hour to the correct rate of \$100 per hour, over five years (subject to CPI,) would allow the ongoing viability of Worn Art.

A \$15 per hour per court increase per year as Worn Art's contribution would allow the hourly rate to increase from the existing \$25 per court per hour rate to the sanctioned \$100 per court per hour rate within 5 years as per the table below. These rates would be subject to CPI and annual fees and charges reviews.

Over the course of the proposed agreement, the Shire of Broome's contribution will scale from \$9840 in 2010 to \$2460 in 2013.

Year	Court Fee (Per Court Per Hour)	Worn Art Venue hire Contribution (Based on 2009 requirements)	Shire of Broome Sponsorship Contribution
2009	\$25	\$4100	N/A
2010	\$40	\$6560	\$9840
2011	\$55	\$9020	\$7380
2012	\$70	\$11480	\$4920
2013	\$85	\$13940	\$2460
2014	\$100	\$16400	\$0

Worn Art has provided the Shire of Broome with an indicative schedule of sponsorship benefits as outlined below. During the course of the Sponsorship Agreement, the benefits offered would be reduced in-line with the Shire of Broome Sponsorship Contribution above. Final benefits will be determined as part of the Sponsorship negotiation.

Year of Agreement	Value of Sponsorship	Shire of Broome Benefit
2010	\$9,000	10 Free tickets Programme acknowledgement Editorial Banner at entrance to the venue Extra Banner inside hall at entry doors MC Acknowledgement Logo on promotional material including overhead projection at beginning and end of show
2011	\$7,000	8 free tickets Programme acknowledgement Editorial Banner at Entrance to the Venue Logo on promotional material
2012	\$5000	6 free tickets Programme acknowledgement
2013	\$3000	4 free tickets Programme acknowledgement
2014	\$0	Nil

In 2009, Theatre Kimberley Inc. was awarded a \$2000 Community Sponsorship under the Shire of Broome's Community Sponsorship Program to support Worn Art, the Sandfly Circus and an amateur theatre production.

## CONSULTATION

Theatre Kimberley was advised of the correct rate for non-sporting events as per the 2009/10 Council sanctioned fees and charges on 19 September 2009 by the Manager of BRAC.

The Events and Sponsorship Coordinator met with Gwen Knox the artistic Director of Theatre Kimberley on 5 November 2009 to discuss event planning for the 2010 Worn Art Season.

The Director of Community Services advised Gwen Knox of a potential sponsorship agreement on 18 November 2009.

## 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 Sponsorship Agreement proposed is not consistent with Council policy 5.2.1.

1. *The Shire of Broome will consider applications from non-profit community organisations to conduct non-sporting special events within the sports stadium of the Broome Recreation and Aquatic Centre.*
2. *The existing fees, charges, deposits and bonds are not negotiable.*
3. *The Shire of Broome will not enter into any profit sharing arrangements with any person/organisation utilizing the BRAC*

The Sponsorship Agreement should be considered as a once only offer to Worn Art and not accessible by any other event or function applying to use BRAC.

## **FINANCIAL IMPLICATIONS**

Over the five year period, the fees and charges collected from Worn Art for the hire of BRAC courts would be \$24,600 less than if the full fee of \$100 were charged from 2010 onwards.

## **STRATEGIC IMPLICATIONS**

Nil

### **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. *Agrees to enter into a Sponsorship Agreement between Theatre Kimberley Inc. and the Shire of Broome between 2010 and 2014 that would allow for effective venue hire increases of \$15 per court per hour each year over a period of 5 years.*
2. *Authorises the Chief Executive Officer to finalise and approve the 'BE ACTIVE WORN ART' Sponsorship Agreement between Theatre Kimberley Inc and the Shire of Broome between 2010 and 2014.*

**Moved:**

**Seconded:**

**FOR:**  
**AGAINST:**

### 9.2.3 ARCHITECTURAL SERVICES TENDER FOR THE BRAC SPORTS FIELDS AMENITIES PAVILION

<b>LOCATION/ ADDRESS:</b>	Cable Beach Road East
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	GPC 03
<b>AUTHOR:</b>	Manager Recreation Services
<b>CONTRIBUTOR/S:</b>	Manager Community Development Project Officer – Engineering Services Senior Special Projects Officer – Engineering Services WALGA Tender Bureau
<b>RESPONSIBLE OFFICER:</b>	Director of Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	4 March 2010

**SUMMARY:** This report advises on the consideration of tenders received for architectural services for the design and project management of the Broome Recreation and Aquatic Centre Amenities Pavilion (BRAC) to be located near the sports fields. The recommendation to endorse the nominated tenderer is provided in the confidential evaluation report from the WALGA Tender Bureau Service.

## BACKGROUND

### Previous Considerations

OCM 23 October 2008 - Item 12.2  
SCM 24 March 2009 - Item 9.1.1

### An Amenities Pavilion located near the BRAC Sports Fields

The Shire of Broome previously applied successfully for funding to the Department of Sports and Recreation's (DSR) Community Sporting and Recreation Facilities Fund (CSRFF) for the construction of change rooms and toilets (with design intentions also envisaging a pavilion area able to hold functions).

Due to unexpected high costs, changes were made to that CSRFF application, with the change rooms and toilets not being constructed at the time of the two new BRAC Sports Fields coming into operation during 2009.

ABV Leisure Consultancy Services (ABV) in their Review of the BRAC Operations (2006) and the Review of the Management and Operations of Active Reserves in Broome (2009) highlighted the urgent need for an amenities-type pavilion that was suitable for multi-user groups at the BRAC Sports Fields.

Further, they recommended it should adopt standard functional room area dimensions, as recommended by state sporting associations.

The only state sporting association recommending dimensions for community-level use was the West Australian Football Commission (WAFC). The WAFC's dimensions are more than suitable for other sporting user groups in Broome that would want to access the BRAC Sports Fields.

In addition, with the nearby Father McMahon Sports Field being lit to lighting levels of 250 and 500 lux, this sports field, besides being used by local sporting groups, also has the potential to be used occasionally for AFL, WAFL, or A-League Soccer games. The Amenities Pavilion does therefore need to be functionally flexible to cater for higher level of sporting activity.

Further, the Amenities Pavilion at the BRAC Sports Fields could be used for any non-sporting community event that may be held on this site. Sporting groups utilising the nearby basketball-netball courts could also, on occasions, seek to access the facilities available within the Amenities Pavilion.

With the provision of meeting rooms as well as toilets and kiosk, the Amenities Pavilion could become a community asset used by various groups – for both sport and non-sport groups. Meeting rooms, in particular, are scarce, and this building could also assist overcoming this community need.

Preferred minimum sizes for an amenities-type building as outlined to potential architectural services Tenders.

The Shire, in adopting ABV's advice and in consultation with Broome sport and recreation organisations, prepared a CSRFF Forward Planning grant application to DSR. This was supported by Council at the OCM of 23 October 2008. The application was based on preferred minimum room sizes for an amenities-type pavilion to be constructed at the BRAC Sports Fields.

<b>Area</b>	<b>Preferred Minimum Sizes</b>
2 x major change rooms	<ul style="list-style-type: none"> <li>Each to have minimum 4 showers, 1 urinal, 2 toilets, a change &amp; warm up area with clothes hooks and seating having a combined minimum area of approx. 60m<sup>2</sup></li> </ul>
2 minor change rooms	<ul style="list-style-type: none"> <li>Each to have minimum 4 showers, 1 urinal, 2 toilets, a change &amp; warm up area with clothes hooks and seating having a combined minimum area of approx. 40m<sup>2</sup></li> </ul>
Umpires room	<ul style="list-style-type: none"> <li>20m<sup>2</sup>, 1 toilet, 2 showers, bench seating, separate race to the playing fields</li> </ul>
Medical / First Aid room	<ul style="list-style-type: none"> <li>15m<sup>2</sup>, hot &amp; cold water, vehicle access</li> </ul>
Public toilets	<ul style="list-style-type: none"> <li>Male and Female 10m<sup>2</sup> each, Disabled 5m<sup>2</sup> (25m<sup>2</sup>)</li> </ul>
Social / Community room	<ul style="list-style-type: none"> <li>110m<sup>2</sup> minimum (10m<sup>2</sup> bar)</li> </ul>
Administration	<ul style="list-style-type: none"> <li>20m<sup>2</sup> area</li> </ul>
Kitchen / canteen	<ul style="list-style-type: none"> <li>25m<sup>2</sup></li> </ul>
Storage	<ul style="list-style-type: none"> <li>20 – 30 m<sup>2</sup></li> </ul>
Verandah	<ul style="list-style-type: none"> <li>Along the full length of the side of the building facing the ovals to act as a covered viewing area, approximately 4m wide.</li> </ul>

Consequently, the BRAC Sports Fields Amenities Pavilion proposal supports the basic, necessary functional requirements of user groups and spectators and, as such, does not include a social functions area.

It is expected that the architectural design for this building will follow Green Star Building Guidelines, wherever possible.

### Cost of construction of the Amenities Pavilion at the BRAC Sports Fields

ABV, when providing assistance for the October 2008 CSRFF grant submission, sought from a quantity surveyor firm, RBB Construction Cost Consultants, an estimated cost for the construction of the Amenities Pavilion. This amounted to \$2,066,000 (excluding GST).

This excluded the kiosk fit-out (refrigerators, warming equipment, loose equipment (but no cooking facility required) which was then estimated to cost \$30,000.

Feasibility costs for this building were received from two quantity surveyor firms: RBB Construction Cost Consultants (used in the October 2008 CSRFF application) and also Davis Langdon Global Property and Construction Consultants.

### Council Workshop Briefing – 23 November 2009

At a workshop of Council held on 23 November 2009, Councillors were informed of the project's status and advised Tenders for architectural services would be advertised from 3 December 2009 with Tenders closing on 21 January 2010. This project is expected to be completed by May 2011 with handover and final inspections occurring in June 2011.

The workshop also discussed the site where the Amenities Pavilion is expected to be constructed. The likely site is on relatively flat land near and south of the two BRAC Sports Fields: the Father McMahan Sports Field (with lights surrounding the field) and the Joseph Nipper Roe Sports Field. East of the Amenities Pavilion site is the main car park for BRAC's Sports Fields.

### Engagement of Architectural Services

The Shire has sought to engage the services of a suitably qualified architect to develop the final design concept and then project manage the construction of the BRAC Sports Fields Amenities Pavilion. This is the next phase in the development of the BRAC sports facility.

The successful Architectural Services contractor will be required to undertake:

#### Stage 1

- Prepare final design concepts for the Amenities Pavilion, associated car parking, landscaping and pedestrian access integrated with the existing footpath network.

#### Stage 2

- Design Development. (N.B. Engineering and construction designs for the car park will be undertaken in house by the Client based on the Consultants concept designs)
- Prepare and submit design work for the development application process.
- Contract Documentation.
- Assist with Request for Tender for building construction.

#### Stage 3

- Contract Administration and Construction Supervision.
- Maintenance Period and Project Finalisation



Stages 1 and 2 of the architectural services contract are expected to be finalised by not later than Wednesday 30 June 2010.

Stage 3 of the contract shall run for a period to be agreed between the Shire and the architect.

Provision in Stage 1 has been made for two (2) briefing sessions with the Shire, with one (1) session involving Councillors and one (1) session a workshop for interested members of the community.

## **COMMENT**

Ten (10) complying tenderers from architectural services companies were received by the WALGA Tender Bureau. The tender details, evaluation report and an assessment schedule are provided to Council under separate confidential cover.

The evaluation panel's recommendation for the appointment of the most advantageous Tender to the Shire of Broome is outlined within the report with the decision of the panel placed on page 27.

The Evaluation Panel considered Tender submissions against the Compliance Criteria and also the Qualitative Criteria as detailed in the publicly advertised Request for Tender. In considering the above factors, it was considered by the Evaluation Panel that all Tenderers have demonstrated a degree of ability to provide the required services to the Shire of Broome. The Evaluation Panel then conducted a value for money assessment of Tenderers submissions. This included the Qualitative score attained, the pricing structures provided by the Tenderers and the amount and cost of site visits provided by Tenderers.

As a result of the value for money assessment, the Evaluation Panel determined the Tenderer that has provided the most advantageous outcome to the Shire of Broome.

As part of this process a clarification was sought from the recommended Tenderer confirming they still have the ability to conduct the project within the stated timelines and their site visit costs were included in their pricing structure. The recommended Tenderer confirmed their ability to conduct the project dependent upon the Shire's ability to expedite the planning and building approval processes.

## **CONSULTATION**

Organisations previously consulted about this building, and expected to have an ongoing interest in the design and functionality of the Amenities Building, include:

West Kimberley Football League and member clubs  
West Kimberley Junior Football Council and member clubs  
Broome Touch Association  
Broome Soccer Association  
Broome Little Athletics Association  
Broome Hockey Association  
Broome Sports Association  
West Australian Football Council  
Touch Western Australia  
Football Western Australia  
Department of Sport and Recreation

## **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;*
  - (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**

N/A

**FINANCIAL IMPLICATIONS**

Approval was received in 2009 for the October 2008 CSRFF Forward Grant funding (calculated as 33 per cent of the total project costs). This will be provided to the Shire over the three year period that the Department envisaged the project undertaking.

2009/10 fund year	\$0
2010/11 fund year	\$511,335
2011/12 fund year	\$170,445

At the Special Council Meeting of 24 March 2009, Council recommended that \$365,000 in Royalties for Regions funding be allocated towards the BRAC Sports Fields Amenities Project.

Total grant funding available for the project therefore is \$1,046,780

A Council approved loan of \$1,019,000 for the capital funding of the BRAC Amenities Pavilion is in the Shire's 2009-2010 budget.

Specific costs incurred for the BRAC Amenities Pavilion Architectural Services tender includes a fee of \$4,153.38 (ex GST) for WALGA's Tender Bureau Service for documentation and evaluation of the Tenders (with the cost of advertising in The West Australian included in the fee). Additionally, advertising in the Broome Advertiser amounted to \$200 (ex GST).

**STRATEGIC IMPLICATIONS****People**

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

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

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

Encourage and facilitate family and community spirit, networks and cohesiveness within the community.

Lobby and build partnerships for improved services/facilities.

**Place**

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

**Prosperity**

Support business and economic development.

Partner with other agencies such as the Department of Regional Development and Lands to ensure affordable and equitable services and infrastructure.

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

**VOTING REQUIREMENTS**

Absolute Majority

REPORT RECOMMENDATION

*That Council adopts the recommendation of the WALGA Tender Bureau Service contained on page 27 of the attached confidential tender evaluation report for architectural services, design, project management and construction of the Amenities Pavilion at the Broome Recreation and Aquatic Centre Sports Fields.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

**(Absolute Majority required)**

(Confidential Attachment: 27 pages – To Councillors & Directors only)

**9.2.4 CSRFF SMALL GRANT ASSESSMENTS 2010-2011**

<b>LOCATION/ ADDRESS:</b>	Shire of Broome
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	OGS13
<b>AUTHOR:</b>	Manager Recreation Services
<b>CONTRIBUTOR/S:</b>	Manager Community Development
<b>RESPONSIBLE OFFICER:</b>	Director of Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	3 December 2009

**SUMMARY:** Four applications have been received for the Department of Sport and Recreation's (DSR) Community Sporting and Recreational Facilities Fund (CSRFF) Small Grants Program 2010-2011. These applications are from the Shire of Broome (two), Bidyadanga Aboriginal Community La Grange Inc, and Broome Speedway Club Inc. They are presented for Council's consideration and endorsement of ranking priority before being forwarded to DSR.

**BACKGROUND**

The WA Department of Sport and Recreation (DSR) calls for applications for financial assistance through the Community Sporting and Recreation Facilities Fund (CSRFF) via three categories:

- Small Grants
- Annual Grants
- Forward Planning Grants

DSR's 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.

**The CSRFF Small Grant Funding Program**

The CSRFF Small Grants funding program is made available twice a year by DSR with application rounds closing in March and August. Small grants are awarded to projects involving a basic level of planning. The total project cost for Small Grants must not exceed \$150,000. Grants given in this category must be claimed by 15 June in the next financial year. The Shire has received four applications for the Community Sporting and Recreational Facilities Fund (CSRFF) Small Grant Round 2010-2011.

**DSR's requirement of LGAs**

DSR's CSRFF grant process seeks to have all applications 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 basic level planning 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 CSRFF Project Assessment process 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, the Assessment 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 endorsed by Councils and a copy of Council Minutes confirming financial contributions or intention to include in discussions in the forthcoming budget process (if applicable) to be included within the application form.

### **COMMENT**

The Shire has been requested to consider four applications for the CSRFF Small Grant round, 2010/2011.

- **Shire of Broome**

Project:	Installation of a retractable shade sail over the 25 metre pool
Location:	Broome Recreation and Aquatic Centre, Cable Beach East Road, Cable Beach
Years Applied for:	2010/2011
Total Project Cost:	\$135,000 (ex GST)
Eligible Grant Criteria Total:	\$65,000 (ex GST)
CSRFF Grant Requested:	\$65,000 (ex GST)
Shire of Broome's contribution;	\$70,000 (ex GST) subject to inclusion in the Shire's 2010/11 Budget deliberations
Other Potential Funding:	\$0

LGA Recommended Ranking: It is recommended that this project be given a priority ranking of 1 and a rating of A (Well planned and needed by municipality)

Due to the climatic conditions experienced by the Township of Broome, there is a recognisable need to have suitable shade sail structures over the 25 metre pool at the Broome Recreation and Aquatic Centre. For a number of years community and sporting user groups have requested the Shire install a complete shade sail protection system. A retractable shade sail mechanism would eliminate the issues of time, occupational health and safety, and meet the needs of the community, particularly over the December-January school holiday period of the wet season with the potentiality of cyclones occurring. The BRAC Manager has visited the Derby Aquatic Centre and believes their retractable shade sails mechanism would be suitable for BRAC.

- **Shire of Broome**

Project: Renewal of the surface of the eight (8) outdoor courts plus renewal of sports fittings on six (6) basketball/netball courts and placement of two (2) netball fittings

Location: Haynes Oval sports precinct, Frederick Street, Broome

Years Applied for: 2010/2011

Total Project Cost: \$132,493 (ex GST)

Eligible Grant Criteria Total: \$66,246.50 (ex GST)

CSRFF Grant Requested: \$66,246.50 (ex GST)

Shire of Broome's contribution: \$66,246.50 (ex GST) subject to inclusion in the Shire's 2010/11 Budget deliberations

Other Potential Funding: \$0

LGA Recommended Ranking: It is recommended that this project be given a priority ranking of 2 and a rating of A (Well planned and needed by municipality)

Renewing and upgrading sporting facilities at the Haynes Oval sporting precinct – outdoor basketball/netball courts – will assist to greatly increase opportunities for physical activity for the community. Six of the eight courts at this site have reversible basketball/netball supports while the other two courts – previously set-up as tennis courts are no longer being used. It is proposed that the upgrading of these this facility will enable two (2) court areas to be permanently established for netball (enabling an area not presently being used for any sporting activity to be used). Additionally, renewal of these outdoor courts will overcome potential occupational health and safety issues at two of the courts where surfacing has been affected by “concrete cancer”.

- **Bidyadanga Aboriginal Community La Grange Inc**

Project : Upgrade and expand the community sports oval

Location: Bidyadanga Road, Bidyadanga

Years Applied for: 2010/2011

Total Project Cost: \$101,000 (ex GST)

Eligible Grant Criteria Total: \$50,500 (ex GST)

CSRFF Grant Requested: \$75,000 (ex GST)

Requested from Shire of Broome: \$0

Other Potential Funding: \$4,000

Organisation's contribution; \$22,000

LGA Recommended Ranking: It is recommended that this project be given a priority ranking of 3 and a rating of B (Well planned and needed by the applicant)

The project is designed to upgrade and expand the community sports oval to enable Australian Football (AFL) games to be played on this oval. This will involve the enlargement of the field northwards to a length of 100.2m and a width of 96m. The project includes upgrades to the sports oval fencing and spectator seating, planting of new lawn within the oval area plus top dressing of the existing surface and extending the reticulation system. The improved facility will assist the community's football (AFL) team and expand the number of residents involved in physical activity within the community who would utilise this oval through structured activities such as increasing the number and type of sporting events and carnivals held and unstructured (casual) physical activities.

The development of the football oval at the Bidyadanga Community 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

With LGA's such as the Shire of Broome experiencing financial pressure to maintain and plan for services under its control, the Bidyadanga 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, 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 \$75,000 (ex GST) from the Department of Sport and Recreation is recommended for the applicant.

- **Broome Speedway Club Inc**

Project :	Construction of new Officials Tower
Location:	2 Wattle Drive, Broome
Years Applied for:	2010/2011
Total Project Cost:	\$51,095 (ex GST)
Eligible Grant Criteria Total:	\$25,547.50 (ex GST)
CSRFF Grant Requested:	\$25,547.50 (ex GST)
Requested from Shire of Broome:	\$0
Other Potential Funding:	\$0
Organisation's contribution;	\$25,547.50 (ex GST)

LGA Recommended Ranking: It is recommended that this project be given a priority ranking of 4 and a rating of B (Well planned and need by the applicant)

Due to the nature of the motorsport activities organised by the Broome Speedway Club, the safety and the conditions in which competitors race and officials are positioned are key considerations in the provision of a safe and comfortable facility for officials, members and regional supporters. The club is seeking to place a new Officials Tower on the site. The current Officials Tower, which has been exposed to severe weather damage over the years, is in a state of disrepair. Relocating a new tower will also enable the creation of a grassed seating area for spectators in the former location of the Officials Tower. Moving the tower closer to the pits area will allow the four officials and commentator positioned in the tower to have better access to the pits. This will limit the distance competitors need to



travel to the start/finish line during a race, thereby increasing the efficiency of race times and the accessibility to officials for drivers, if required.

## **CONSULTATION**

Department of Sport and Recreation  
Bidyadanga Aboriginal Community La Grange Inc  
Broome Speedway Club Inc  
Shire of Broome - Engineer Staff  
Shire of Broome - HYPE  
Broome Basketball Association Inc  
Kimberley Basketball Academy Inc  
Broome Netball Association Inc  
Broome Soccer Association Inc  
Broome Primary School  
Broome Senior High School  
Broome Police  
Department of Child Protection

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The CSRFF applications from the Bidyadanga Aboriginal Community La Grange Inc and the Broome Speedway Club Inc are not seeking financial assistance from the Shire.

### Shire of Broome CSRFF Applications

The amount of \$65,000 (ex GST) towards the retractable shade sail installation at the Broome Recreation and Aquatic Centre 25 metre pool facility be listed for inclusion in the 2010/11 Budget deliberations, subject to CSRFF funding approval.

The amount of \$66,247 (ex GST) towards the upgrade and capital improvement of the outdoor basketball/netball courts at the Haynes Oval sports precinct be listed for inclusion in the Shire's 2010/11 Budget deliberations, subject to CSRFF funding approval.

## **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**

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**

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

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. *Writes to the affected motor sports seeking their involvement in relation to developing a long term relocation strategy of existing facilities away from residential areas due to noise issues with proposed residential development.*
2. *Recommends the following applications to the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund Small Grants 2010/2011 for funding and prioritised as follows:*

Applicant	Project Funding	Priority
Shire of Broome (Installation of Retractable Shade)	A (Well planned and needed by municipality)	One
Shire of Broome (renewal and upgrade of facilities at Haynes Oval sports precinct)	A (Well planned and needed by the municipality)	Two
Bidyadanga Aboriginal Community La Grange Inc	B (Well planned and needed by the applicant)	Three
Broome Speedway Club Inc	B (Well planned and needed by the applicant)	Four

3. *Includes the amount of \$65,000 (ex GST) towards the retractable shade sail installation at the Broome Recreation and Aquatic Centre 25 metre pool facility be included in the 2010/11 Budget deliberations, subject to CSRFF funding approval.*
4. *includes the amount of \$66,247 (ex GST) towards the upgrade and capital improvement of the outdoor basketball/netball courts at the Haynes Oval sports precinct be listed on the Strategic Financial Plan be include in the Shire's 2010/11 Budget deliberations, subject to CSRFF funding approval.*
5. *Supports the CSRFF application from the Bidyadanga Aboriginal Community La Grange Inc for funding of \$75,000 (ex GST) from the Department of Sport and Recreation's CSRFF funding (with a B rating) based on Bidyadanga Aboriginal Community La Grange Inc being successful in applying to the Commonwealth Government for funds to support the annual operating costs for the community sports oval.*
6. *Advises Bidyadanga Aboriginal Community La Grange that Council supports the construction and maintenance of a community sports oval on the condition that Bidyadanga Aboriginal Community La Grange is not reliant on the Shire's finances and human resources for maintenance.*

7. *Advises the Department of Sport and Recreation accordingly.*

*Moved:*

*Seconded:*

*FOR:*

*AGAINST:*

(Attachment: 55 pages – Confidential – 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 PROPOSED AMENDMENT 60 – TOWN PLANNING SCHEME NO 4 – DEVELOPMENT PLAN AND DETAILED AREA PLAN TEXT AMENDMENTS PROVISIONS

**ADDRESS:** N/A  
**APPLICANT:** N/A  
**FILE:** TPS4/60  
**AUTHOR:** Rene Human  
**CONTRIBUTOR/S:** Manager Planning Services  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE RECEIVED:** 22 February 2010

**SUMMARY:** Proposed Scheme Amendment 60 to Town Planning Scheme No4 seeks to incorporate elements of the Model Scheme Text. These changes include:

- Detailing the operation of Development Plans, in particular enabling zones and provisions of Development Plans to have the status of Scheme zones and provisions; and
- Provide for the preparation and adoption of detailed area plans.

It is recommended that Council adopts the Amendment with modification.

## BACKGROUND

### Previous Considerations

OCM 26 November 2009 – Item 9.3.2

At the Ordinary Council Meeting of 26 November 2009, Council resolved that Council pursuant to Section 75 of the Planning and Development Act 2005 amends the Shire of Broome Town Planning Scheme No. 4 Scheme Text by:

*“Including a New Clause 4.25.5 setting out the method of operation of Development Plans as detailed in the Draft Model Text provisions for structure planning and a New Clause 4.27 setting out the requirements for the preparation and approval of detailed area plans as detailed in the Draft Model Text provisions for structure planning”*

### *Description of the Proposal*

Council’s consideration of recent Development Plans (including those for Broome North and Millington Road) identified that the Scheme does not currently make provision for a number of matters that are addressed in the Model Scheme Text.

These matters include:

- Enabling the zones and provisions of Development Plans to have the same status as zones and provisions detailed in the Scheme;
- Providing for the preparation and adoption of detailed area plans to provide additional guidance and control for subdivision and development at a lot by lot level;

Inclusion of these provisions within the Scheme will provide Council with more contemporary planning mechanisms for controlling development.

The introduction of detailed area plans enables Council to request proponents to enhance and elaborate on the details of a development plan, typically over specific areas that require more detailed planning controls. The introduction of these provisions into the Scheme provides Council with the opportunity to use detailed area plans even where a development plan does not exist. This provides a more robust method for controlling development than recourse to the adoption of area specific local planning policies.

### Planning Provisions

The proposed scheme text amendments affect the following clauses of the Scheme:

1. Includes a new Clause 4.25.5 setting out the method of operation of Development Plans as detailed in the Draft Model Text provisions for structure planning.
2. Includes a new Clause 4.27 setting out the requirements for the preparation and approval of detailed area plans as detailed in the Draft Model Text provisions for structure planning.
3. Include a new Clause 5.2.6 regarding the standards and requirements of the Residential Design Codes applicable to development within the Development Plan Area.

The wording of the various amendments is consistent with the wording proposed by the Western Australian Planning Commission for structure plans (development plans) detailed at Planning Bulletin 37 - Draft Model Text Provisions for Structure Plans (February 2000) as set out in the Draft Statement of Planning Policy 3.6. These documents are not provided as attachments to this report, due to their size, but are available on Western Australian Planning Commission's Website.

### COMMENT

Scheme Amendment 60 was advertised for public comment for 42 days from 17 December 2009 to 26 February 2010. The following agencies were notified of the proposed amendment; Department of Planning, Department of Water, Horizon Power, Water Corporation, Department of Health, Telstra, FESA, Department of Environment and Conservation, Main Roads WA, Department of Regional Development and Lands and Department of Water.

The submissions received are set out in the Schedule of Submissions (Attachment No. 1)

The Shire's Solicitor has advised that:

1. A minor change be made to clause 4.25.5.4 to ensure consistency with other parts of Scheme Amendment 60 i.e. the phrase '*requirements or standards*' where it appears in line 2 and 3 should be deleted and the phrase '*standards or requirements*' should be substituted.
2. To ensure it is clear that Development Plan can vary the standards and requirements of the Residential Design Codes In Part 5, add a new clause 5.2.6 as follows:

*'5.2.6 Notwithstanding any other provision of this Scheme, a Development Plan may vary the standards and requirement of the Residential Design Codes applicable to development within the Development Plan Area'*

3. To ensure it is clear to Council that when considering an application the provisions of Development plan are "matters to be considered by Council in clause 10.2, immediate after item (f) insert and new item (fa) as follows:

*'(fa) Any Development plan prepared and adopted under the provisions of clause 4.25 of this Scheme'*

Water Corporation recommended that proposed Clause 4.27.3(d) "Services" be expanded to read as follows:

*(d) The capacity and capability of water, wastewater, drainage, electricity, gas and communication utilities to service the proposed development.*

The inclusion of these provisions within the Scheme will provide Council with more contemporary planning mechanisms for controlling development at various scales. By adopting the Commission's recommended approach to these measures this will ensure a robust framework for decision-making and a sound basis for defending Council decisions on appeal.

Extending the definition of Services will provide clarity about the scope of service to be considered by proponents when preparing details Area Plans.

It is recommended that Council adopts Scheme Amendment No. 60 (Attachment 2) with modifications noted above.

## **CONSULTATION**

The amendment was advertised for public comment for a period of 42 days as required by the Planning and Development Act 2005 and the Town Planning Regulations 1967.

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Town Planning Regulations 1967

### **17. Consideration of submissions**

- (1) *Subject to sub-regulation (1a) the responsible authority shall, within —*
  - (a) *6 months of the expiry of the period specified under regulation 15(5) for making submissions;*
  - (b) *42 days of receiving a statement delivered under section 48F(2)(a) of the EP Act; or*
  - (c) *if the responsible authority makes a request under section 48G(1) of the EP Act within the longer of the periods referred to in paragraphs (a) and (b) and a statement is delivered under section 48G(3) of the EP Act, 42 days of receiving that latter statement, (whichever is the longer period), or such further period as is approved by the Commission, consider all submissions to the Scheme and in respect of each submission shall consider whether the Scheme should be modified accordingly or whether that submission should be rejected.*
- (2) *After considering the submissions made pursuant to regulation 16(1) or if no submissions have been lodged within the period specified under*



*regulation 15(5) for making submissions, the responsible authority shall pass a resolution either —*

- (a) that the Scheme be adopted with or without modification; or*
- (b) that it does not wish to proceed with the Scheme.*

Town Planning Scheme 4

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The Shire will meet the costs of the amendment process.

## **STRATEGIC IMPLICATIONS**

### **Place**

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

## **VOTING REQUIREMENTS**

Simple Majority

### REPORT RECOMMENDATION

*That Council:*

1. *Having considered the submissions received during the advertising period adopts the recommendations listed against each submission in the Schedule of Submissions attached to this report.*
2. *Pursuant to Section 75 of the Planning and Development Act 2005 adopts Amendment No 60 with modification to amend the Shire of Broome Town Planning Scheme No 4 Scheme Text by:*
  - A. *Including a new Clause 4.25.5 setting out the method of operation of Development Plans as detailed in the Draft Model Text provisions for structure planning, as follows:*
    - “4.25.5 Operation of Development Plan*
    - 4.25.5.1. A Development Plan commences operation on the date it is adopted by the local government pursuant to clause 4.25.3.4.*
    - 4.25.5.2. Subject to clause 4.25.5.5, if a Development Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then:*
      - (a) The provisions of the Development Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions*

- incorporated in the Scheme; and*
- (b) Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development zone.*
- 4.25.5.3. *Without limiting the generality of clause 4.25.5.2, under a Development Plan:*
- (a) In the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;*
- (b) The standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Development Plan;*
- (c) The planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme;*
- (d) Where land is classified as a local reservation, the rights, provisions and procedures, and the obligations of the local government in regard to compensation set out in Clause 3.4 apply as if the land were correspondingly reserved under the Scheme; and*
- (e) Any other provision, standard or requirement in the Development Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.*
- 4.25.5.4. *A Development Plan may distinguish between the provisions, standards or requirements which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Development Plan.*
- 4.25.5.5. *If a provision of a Development Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency."*
- B. *Including a new Clause 4.27 setting out the requirements for the preparation and approval of detailed area plans as detailed in the Draft Model Text provisions for structure planning, as follows:*
- "4.27 Detailed area plans*
- 4.27.1 Requirement for detailed area plan*
- 4.27.1.1. The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*
- 4.2.7.1.2. A person may prepare and submit to the local government a detailed area plan.*
- 4.27.1.3. A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted:*
- (a) To enhance, elaborate or expand on the details or provisions contained in a Proposed Development Plan or a Development Plan;*
- (b) In place of a development approval required to comply with clause 2.5 of the Residential Design Codes; or*

- (c) For any other planning purpose.
- 4.27.1.4. The local government is to:
- (a) Approve with or without conditions; or
  - (b) Refuse to approve the detailed area plan.
- 4.27.1.5. If within 60 days of receiving a detailed area plan under clause 4.27.1.1 and 4.27.1.2, or such longer period as may be agreed in writing between the person and the local government, the local government has not made one of the determinations referred to in clause 4.27.1.4, the local government is deemed to have refused to approve the detailed area plan.
- 4.27.1.6. The local government is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.
- 4.27.1.7. The local government's refusal to approve a detailed area plan under clause 4.27.1.4. is not a valid reason for the local government to refuse to adopt or the Commission to refuse to approve a Proposed Development Plan under clause 4.25.
- 4.27.2 Unless clause 4.27.1.3.(b) applies, once approved by the local government, the detailed area plan is to be used as the basis for:
- (a) Making recommendations to the Commission on subdivision applications; and
  - (b) Determining development applications with respect to the land subject to the detailed area plan.
- 4.27.3 A detailed area plan may include details as to:
- (a) Building envelopes;
  - (b) Distribution of land uses within a lot;
  - (c) Private open space;
  - (d) The capacity and capability of water, wastewater, drainage, electricity, gas and communication utilities to service the proposed development;
  - (e) Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
  - (f) The location, orientation and design of buildings and the space between buildings;
  - (g) Advertising signs, lighting and fencing;
  - (h) Landscaping, finished site levels and drainage;
  - (i) Protection of sites of heritage, conservation or environmental significance;
  - (j) Special development controls and guidelines; and
  - (k) Such other information considered relevant by the local government.
- 4.27.4 Variation to detailed area plan
- 4.27.4.1. An approved detailed area plan may be modified or varied with the approval of the local government, but where there is a related Development Plan, such modifications or variations are to conform with the intent of any related Development Plan.
- 4.27.4.2. The local government is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation."

*C. In Part 5, add a new clause 5.2.6 as follows:*

*'5.2.6 Notwithstanding any other provision of this Scheme, a Development Plan may vary the standards and requirement of the residential Design Codes applicable to development within the Development Plan Area'*

*D. In clause 10.2, immediate after item (f) insert and new item (fa) as follows:*

*'(fa) Any Development Plan prepared and adopted under the provisions of clause 4.25 of this Scheme'.*

- 3. Modifies the Amendment documentation accordingly; and,*
- 4. Authorises the President and Chief Executive Officer to engross the Amendment documents.*

***Moved:***

***Seconded:***

***FOR:  
AGAINST:***

[Attachment: 14 pages](#)

**9.3.2 PROPOSED AMENDMENT NO 56 – TOWN PLANNING SCHEME NO. 4 – PROVIDING 'ADDITIONAL USES' (CAMPING, CARAVAN PARK AND LODGING HOUSE) LOT 3000 BROOME ROAD SKUTHORPE**

**LOCATION/ ADDRESS:** Lot 3000 Broome Road, Skuthorpe  
**APPLICANT:** Lankester Planning Services for Dave Warman  
**FILE:** BRO-1LT3000, TPS4/56  
**AUTHOR:** Neels Pretorius  
**CONTRIBUTOR/S:** Nil  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 14 January 2010

**SUMMARY:** Proposed Scheme Amendment No. 56 to Town Planning Scheme No. 4 seeks to add the 'Additional Uses' of 'Camping and Caravan Park' and 'Lodging House' to the existing 'Rural Agriculture' zone for Lot 3000 Broome Road Skuthorpe. The Amendment was initiated by Council in April 2009 and was advertised for public comment for the required statutory period. Five submissions were received.

It is recommended that Council adopts the Amendment without modification.

## **BACKGROUND**

### Previous Considerations

OCM 20 November 2001 – Item 4.5  
 OCM 2 March 2004 – Item 9.2.3  
 OCM 16 April 2009 - Item 9.3.3  
 OCM 29 October 2009 – Item 9.3.13

### *Site and Surrounds*

Lot 3000, 25.5254ha in area, is located approximately 30km east of Broome, 8km from the '12mile' rural agricultural precinct, and 5km west of the Roebuck Roadhouse. Entry to the property is from Broome Road. Lot 3000 is one of the three rural agriculture private landholdings, which are grouped together and used and partly developed for agriculture use. (Lot 3000 – subject site, Lot 1 – Turf farm and dwelling, Lot 2 – Horticulture with limited approval for Temporary Workers Accommodation for 300-400 people)

The site is bounded by undeveloped Crown Land to the north and west and Roebuck Plains Station is located opposite on the south side of Broome Road.

The property currently operates a Bed and Breakfast facility for a maximum of six guests within two existing transportable buildings abutting the residential dwelling on site. Horticultural activities, rural outbuildings and natural bushland surround the dwelling.

### *History*

At its meeting on 16 April 2009 Council resolved to amend Town Planning Scheme No. 4 by:

*"including in Schedule 2 – Additional Uses 'Camping and Caravan Park' and 'Lodging House' for Lot 3000 Broome Road, Skuthorpe."*

This Amendment is to provide for:

- A 40 – 50 bay caravan park, camping sites, managers/caretakers dwelling, office/reception, ablution facilities and a fenced 'dog run' to accommodate dogs travelling with guests.
- The use of the existing two transportable buildings/ for an 8 bedroom/16 lodger lodging house.

Attachment 1 – Site plan and Proposed Caravan Park

## COMMENT

The proposed camping and caravan park identified by the proponent covers an area of approximately 150m x 220m or 3.3 hectares, approximately 13% of the site. The concept plan provided shows a formal facility with ablution blocks, workshop/machinery shed and Manager's residence with formal access to all sites.

The proponent claims that there is a need for additional permanent caravan parks within and around the town to accommodate travellers to Broome at certain times of the year. Although at other times there could be considered to be an oversupply. This proposal maintains the agriculture integrity of the site while providing an alternative facility.

The proposed Amendment No. 56 received a total of 5 submissions during the advertising period, of which 4 had no objections or supported the proposal and 1 submission which raised the following concerns:

- Questioned the impact of the caravan park on farming practices.
- Queried if the proposal will include a licensed restaurant.
- Queried the existing clearing on site.
- Appreciated the realignment of the driveway to avoid vehicle lights shining into his house.

In regard to this submission it should be noted that the proposal does not include a proposal for a restaurant (licensed or unlicensed), clearing has been undertaken in consultation with the Department of Environment and Conservation. The Environmental Protection Authority and the Department of Environment and Conservation have formally considered the proposal and did not raise any environmental issues about the proposal in relation to farming practices onsite or abutting the site.

The Schedule of Submissions, which details the comments and Officer response, is attached.

Attachment 2 – Schedule of submissions

It is recommended that Council adopts Scheme Amendment No. 56 without modification.

Attachment 3 – Scheme Amendment No.56

## CONSULTATION

In accordance with the Town Planning Regulations (1967) the proposed Scheme Amendment was advertised for 42 days with notifications sent to adjoining and surrounding landowners and the State agencies.

The proposed Amendment commenced advertising in the Broome Advertiser on the 26 November 2009 with submissions closing on 14 January 2010.

## STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Regulations 1967 – Section 17 (2)

*“After considering the submissions made pursuant to regulation 16(1), the responsible authority shall pass a resolution either –*

- a) that the Scheme be adopted with or without modification; or*
- b) that it does not wish to proceed with the scheme.”*

Shire of Broome Town Planning Scheme No. 4.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

All costs associated with the processing of the Amendment will be met by the proponent.

## STRATEGIC IMPLICATIONS

### Place

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

## VOTING REQUIREMENTS

Simple Majority

### REPORT RECOMMENDATION

*That Council:*

- 1. Having considered the submissions received during the advertising period adopts the recommendations listed against each submission in the Schedule of Submissions attached to this report.*
- 2. Pursuant to Section 75 of the Planning and Development Act 2005 adopts Amendment No. 56 without modification to amend the Shire of Broome Town Planning Scheme No. 4 by including in Schedule 2 – Additional Uses ‘Camping and Caravan Park’ and ‘Lodging House’ for Lot 3000 Broome Road, Skuthorpe.*

3. *Authorises the President and Chief Executive Officer to engross the amendment document.*

*Moved:*

*Seconded:*

*FOR:*

*AGAINST:*

[Attachment: 28 pages](#)



**9.3.3 REQUEST FOR CONSIDERATION – FREDERICK STREET TRUNK DRAIN - PEARL COAST PROPERTIES PTY LTD**

**LOCATION/ ADDRESS:** Lot 1653 Frederick Street Broome  
**APPLICANT:** Pearl Coast Properties Pty Ltd  
**FILE:** FRE – 1/Lt1653, FRE – 1/GEN  
**AUTHOR:** Director Development Services  
**CONTRIBUTOR/S:** Nil  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE RECEIVED:** 27 January 2010

**SUMMARY:** Pearl Coast Properties Pty Ltd has approached the Shire with a proposal to relocate the Frederick Street Trunk Drain underground into the Frederick Street road reserve in a two-stage cost sharing process.

This report recommends options be investigated and further details reported to Council.

**BACKGROUND**Previous Considerations

OCM 22 November 2007 Item 9.5.4

At its meeting on 22 November 2007 Council considered a request from the Broome International Airport (BIA) through Pearl Coast Properties Pty Ltd (PCP) to normalise an existing license for drainage purposes over airport land in Frederick Street in preparation for development. Council resolved:

*“That with respect to a request from BIA to convert a drainage license over Lot 654 to an easement and the proposed undergrounding of the existing trunk drain in Frederick Street for development purposes, Council resolves that:*

- 1. It proceeds to work in conjunction with BIA in the completion of trunk drainage infrastructure in Frederick Street.*
- 2. Legal advice be sought in relation to the existing drainage license and responsibilities for infrastructure provision.*
- 3. BIA through Pearl Coast Properties be approached to work in conjunction with Council in sharing the costs of all detailed design work on a 50:50 basis.*
- 4. Suitable consultants be commissioned to carry out a detailed design of the proposed basin at BRAC and the trunk drain system downstream from the basin to the discharge point under the Broome Highway to determine exact requirements.*
- 5. The consultant’s commission is to include optimising the overall system by maximising the retention basin on BRAC, consideration of deleting on-site retention on the BIA development and downstream land, permitting surcharge flow in future car parks on the BIA development and using grassed swales wherever possible.*

6. *The proposed underground trunk drain in Frederick Street be situated immediately inside BIA land to preserve future transport corridor flexibility.*
7. *That a suitable width easement be identified over all Airport land upon which the Q100 trunk drain must be located at the time of Developmental approval.*
8. *The Broome Airport Authority and Pearl Coast Properties be advised of the above decision.*
9. *That a further report be brought back to Council with detailed design and cost estimate for the works required to underground the required drainage infrastructure in front of the BIA land in Frederick Street."*

The Frederick Street trunk drain runs along the boundary of the Frederick Street Road reserve from the Boulevard Shopping Centre eastwards to Herbert Street, then along Herbert Street past MacPherson Street behind a number of properties ultimately to a drainage reserve and the old Broome Road road reserve and then into Dampier Creek. The drain along Frederick Street is approximately 2 to 3 metres deep, 12 to 13 metres wide at the top and 8 to 10 metres inside Lots 1648 and 1653. The drain is a barrier inhibiting the use and development of this portion of land and discussions have taken place between Pearl Coast properties in the Shire regarding possible options for alternative treatments for the drain that would enable the development of the adjacent land.

The trunk drain is an important piece of drainage infrastructure draining a total catchment of 280ha. (Attachment 1) This includes an area west of Port Drive contained by Palmer Road, Reid Road, Dakas Street, St Mary's Primary School, Taiji Road and the BRAC Reserve. On the eastern side of Port Drive it drains the area contained by Guy Street and Herbert Street. Very little of this area remains to be further developed and no drainage head works funds have been provided for drain improvements or upgrades. A significant proportion (over 50%) of the drain between the Boulevard shopping centre and Herbert Street is located within Lots 1648 and 1653 and the complete drain between MacPherson Street and the Old Broome Road drainage reserve is located within Lot 1653.

A drainage licence was entered into between the Commonwealth of Australia (then owner of the airport) and the Shire of Broome in 1982 (Attachment 2) granting the Shire licence to install maintain and operate a drain and related facilities on a strip of land identified in the licence. In 1990 BIA purchased the airport land from the Commonwealth of Australia and BIA and the Shire have both continued to honour the terms of the licence from that date. The drainage licence incurs a small annual fee and contains a provision that either party can terminate the licence by failing to observe the terms of the licence or by giving the other party one month's notice of intention to terminate the licence.

Following an approach from PCP to review the relocation of the drain to an underground pipe in the Road reserve, the Shire commissioned Kellogg Brown and Root Pty Ltd (KBR) in 2008 to carry out hydrological and hydraulic modelling and detailed design for the construction of trunk drain infrastructure from a proposed retention basin in the BRAC reserve along Frederick Street to Herbert Street.

KBR in their Infrastructure Design Report November 2009 provided cost estimates for various alternatives for the works ranging from \$4 million-\$6 million. The Shire has investigated various sources of funding to carry out the works without success.

The Shire has not considered this situation to be satisfactory given the importance of the infrastructure and at its meeting on 26 November 2009 when considering the Airport Development Plan Council resolved to initiate an amendment to its Town Planning Scheme No 4 to include the area of Lots 1648 and 1653 containing the trunk drain to be contained in a scheme reserve for drainage. Such treatment of the trunk drain would clearly indicate an intention for suitable provision to be made in any future subdivision. Documentation for this amendment has not been completed.

PCP wrote to the Shire in December 2009 (Attachment 7) enquiring of the Shire's intentions with regard to the relocation of the trunk drain and advising of possible implications arising from the compensation provisions of the Planning and Development Act 2005. The Shire replied (Attachment 8) acknowledging the compensation provisions, emphasising the importance of protecting this major piece of infrastructure, and advising Council has not resolved to relocate any portions of the trunk drain but that any such decision would likely be dependent on appropriate funding being available.

PCP has now suggested another approach to relocating the drain underground into the Frederick Street Road reserve in a two-stage process. (Attachment 9) Stage one of the process would be to put that portion of the drain between the Boulevard and the bridge structure (Attachment 4, 5&6) underground at the cost of Pearl Coast properties in 2010 - 2011 with Pearl Coast properties recovering its costs from the subdivision and development of the adjacent land. This would be contingent on the Shire constructing the drainage compensation bund and associated works in the BRAC reserve west of the Boulevard Shopping Centre (Attachment 3) and no drainage head works charges being payable for the subdivision. Stage 2 of the proposal would be to pipe the remainder of the Frederick Street drain to Herbert Street at the Shire's cost at some time in the future. (Attachment 5&6)

Pearl Coast properties suggest this arrangement would need to be covered by an agreement which would also involve the replacement of the existing drainage licence with a new licence over the remaining open drain on Lot 1653.

## COMMENT

The current proposal put to the Shire provides benefits to the proponent in the form of increased land values and accelerated timing of access to land. Benefits to the Shire include the opportunity for improved streetscape to Frederick Street, accelerated availability of scarce commercial property, and an increase in the value of rateable land. The benefits to the proponent readily lend themselves to valuation however the benefits to the Shire are more subjective in nature.

The costs to the proponent of piping this stage one portion of the drain is an offset against the increased land value and accelerated access achieved. The costs to the Shire of constructing the stormwater detention bund in stage one and piping the Stage 2 portion of the drain at some time in the future are substantial and the benefits have to be considered in relation to the Shire's other community service and infrastructure priorities.

Discussions with the proponent have generally involved reference to it being "the Shire's responsibility" to provide drainage infrastructure and "the necessary funds would be available from increased rate revenue". These comments need further consideration as they are not quite accurate. Drainage infrastructure is normally the responsibility of the subdivider but in this case subdivision was carried out (by the state) without any provision for the appropriate treatment of the major trunk drain through the commercial area of the town. Local government funding does not follow the commercial model of income being derived from sales and expenditure determined accordingly; instead local government

determines its community service and infrastructure priorities and allocates the costs to landowners by way of rates. Increases in rateable land enable costs to be shared over a wider base but do not translate to increased income.

Given the nature of the costs and benefits attaching to this proposal it is considered necessary for various options to be investigated and modelled to provide Council with adequate information to make a determination on this matter.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Planning and Development Act 2005.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

*Commercial considerations from proponent are contained in the Confidential Agenda Supplement.*

## **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.

### **Prosperity**

Support business and economic development.

## **VOTING REQUIREMENTS**

Simple Majority

### REPORT RECOMMENDATION

*That Council:*

- Writes to Pearl Coast Properties Pty Ltd thanking them for their proposal and advises it will be necessary for the options to be investigated and details provided to Council for further consideration.*

2. *Defers further consideration of the scheme amendment as outlined in its resolution 26 November 2009 pending a decision on this matter.*

*Moved:*

*Seconded:*

*FOR:*

*AGAINST:*

[Attachment: 13 Pages](#)

### 9.3.4 APPLICATION FOR PLANNING APPROVAL – USE NOT LISTED – TEMPORARY WORKERS ACCOMODATION - LOT 1653 FREDERICK STREET DJUGUN

<b>LOCATION/ADDRESS:</b>	Lot 1653 Frederick Street, Broome
<b>APPLICANT:</b>	Pearl Coast Properties Pty Ltd
<b>FILE:</b>	FRE-1/LT 1653
<b>AUTHOR:</b>	Dawie Jansen van Rensburg
<b>CONTRIBUTOR/S:</b>	Director Development Services
<b>RESPONSIBLE OFFICER:</b>	Director Development Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE RECEIVED:</b>	23 December 2009

**SUMMARY:** On 23 November 2006 Council approved the development of five temporary accommodation units on Lot 1648, Frederick Street, for the construction of the Broome Boulevard Shopping Centre (the Boulevard). Conditions of the approval required that this approval cease when the Boulevard was completed.

On 11 June 2009 Council resolved to advise the Broome International Airport that Council would be prepared to consider a planning application for a Temporary Workers Accommodation in a suitable alternative location and with improved amenity, but that immediate action should be taken to comply with the conditions of approval dated 23 November 2006.

In response to a Direction Notice that was served as a result of the non-compliance with the above resolution, Council received a written request for reconsideration. Council, at its' meeting held on 26 November 2009 resolved to defer taking action with regard to the direction notice as issued on 7 October 2009 for a further 60 days beyond the date (11 December 2009) required by the notice.

This report recommends that Council supports an application for the relocation of the facility in an alterative location with improved amenity.

This report recommends approval.

## BACKGROUND

### Previous Considerations

- OCM 26 June 2002 (Extension to Runway)
- OCM 19 October 2004 – Item 9.2.5 (Car Wash)
- OCM 14 June 2005 – Item 9.3.4 (Light Aircraft Parking Area)
- OCM 11 August 2005 – Item 9.3.10 (Aviation Fuel Facility)
- OCM 3 November 2005 – Item 9.3.10 (Airport Runway Extension)
- OCM 13 April 2006 – Item 9.3.2 (Airport Hanger)
- OCM 23 November 2006 – Item 9.3.5 (Airport Hanger and Office)
- OCM 23 November 2006 – Item 9.3.6 (2 Helicopter Hangers, Apron, Taxiway)
- OCM 23 November 2006 – Item 9.3.7 (Temporary workers Accommodation)
- OCM 15 March 2007 – Item 9.3.3 (Meteorological Office and Radar Tower)
- OCM 25 October 2007 – Item 9.3.2 (Light Aircraft Hanger)
- OCM 18 December 2007 – Item 9.3.1 (Development Plan)
- OCM 14 February 2008 – Item 9.3.12 (North West Air Spares)
- OCM 14 February 2008 – Item 9.3.13 (Helicopter Operations)
- OCM 14 February 2008 – Item 9.3.14 (Soils Laboratory)

OCM 13 March 2008 – Item 9.3.3 (Airport Development Plan)  
OCM 10 April 2008 – Item 9.3.3 (Transportable Office)  
OCM 10 April 2008 – Item 9.3.4 (Hangar Facility)  
OCM 3 July 2008 – Item 9.3.2 (Airport Development Plan)  
OCM 24 July 2008 – Item 9.3.9 (Upgrade to Fire Station)  
OCM 26 August 2008 – Item 9.3.4 (Checked Bag Screening Facility)  
OCM 20 November 2008 – Item 9.3.2 (Temporary Worker's Accommodation)  
OCM 19 March 2009 – Item 9.3.1 (Airport Development Plan)  
OCM 11 June 2009 – Item 9.3.1 (Reconsider Temporary Worker's Accommodation)  
OCM 29 October 2009 – Item 9.3.3 (Airport Development Plan)  
OCM 26 November 2009 – Item 9.3.1 (Airport Development Plan)  
OCM 26 November 2009 – Item 9.3.9 (Temporary Workers Accommodation)  
OCM 18 February 2010 – Item 9.3.3 (Transient Workers Accommodation)  
OCM 18 February 2010 – Item 9.3.5 (Storage Containers for Helicopter Operation)

### *History*

OCM 23 November 2006 - Council approved the development of a 20 room temporary workers accommodation (2006/187) on the condition that:

- *Condition 2 - The development the subject of this approval is to cease operation on completion of the Broome Boulevard Shopping Centre extensions, when the approval will lapse and have no further effect*
- *Condition 4 - That units be for the exclusive use of contractors employed in the construction of the Boulevard Shopping Centre*

OCM 20 November 2008 – Council refuses to vary Planning Application 2006/09 to extend the Use not Listed (Temporary Workers Accommodation) on Lot 1648 Frederick Street Broome because:

1. *Council had previously considered the use suitable for this location because it was for a very limited period of time for workers employed on the adjoining site*
2. *Council does not consider this site to be suitable for the general accommodation of workers in Broome*
3. *The vehicular access and car parking provided for the facility is inadequate for its continued use.*

Subsequently the proponent asked Council to reconsider that decision and support an amended application to retain the facility on the current site until 2011 after which time the facility will be relocated to a site with improved amenity and acceptable to the Council on the northern side of the airport.

OCM 11 June 2009 - Council resolved to advise the Broome International Airport (BIA):

1. *Council would be prepared to consider a planning application for a Temporary Workers Accommodation in a suitable alternative location and with improved amenity.*
2. *Immediate action should be taken to comply with the conditions of approval dated 23 November 2006.*

In response to the above resolution by Council, BIA informed Council (in a letter dated 31 August 2009) that they *"are endeavouring to find a buyer, or to find another location and are actively working on this. As the buildings are connected to under ground services and*

*are secured to comply with cyclone requirements, we would prefer to make one shift, as opposed to storing the units, making them cyclone secure again, and then shifting again."*

As this response from BIA did not reflect any meaningful measures deemed to satisfy the requirements of the applicable Council resolutions, a Directions Notice was prepared and duly served on 7 October 2009. BIA had until 11 December 2009 to comply. In response to the Direction Notice, Council received a written request for reconsideration.

Council, at its' meeting held on 26 November 2009 resolved to defer taking action with regard to the direction notice as issued on 7 October 2009 for a further 60 days beyond the date (11 December 2009) required by the notice. The application, the subject of this report, was received within that 60 day period (23 December 2009).

### *Site and Surrounds*

The proposed site is located to the north of the existing aerodrome at Broome International Airport (BIA) and will be accessed from Gus Winckel Road. A predominantly residential area is located to the north.

### Attachment 1 – Locality Plan

#### *Description of the Proposal*

The applicant is seeking Planning Approval for a 'Temporary Workers Accommodation' for staff, contractors and consultants." The facility will consist of units to be relocated from Lot 1648 (south of the airport, to the east of the Boulevard Shopping Centre). It is intended that the facility would initially be used to assist in accommodation for the workforce required to construct the Air Traffic Control Tower (ATCT) at the airport. The ATCT has been mandated by the Civil Aviation Security Authority (CASA) who requires it to be operational by November 2010. Due to delays in planning and design, a more realistic date is now estimated at February 2011.

The Temporary Workers Accommodation facility is proposed to comprise of the following cyclone rated prefabricated units:

- Four x 4 bedroom units (14 400 mm x 3 300 mm each). Verandahs (1 800 mm x 14 400mm each) are proposed alongside each of these units.
- One Kitchen/Dining unit (12 000 mm x 6 000mm).
- One Laundry (6 000 mm x 3 300 mm).
- One covered Outdoor Living Area (14 000 mm x 5 000 mm) connected with a 2 200 mm landscaping strip along its length.

15 car bays, including one accessible bay, are provided for with additional space for parking bays across Gus Winckel Road if required.

The applicant proposes to submit a detailed landscape plan prior to obtaining a Building Licence.

Attachment 2 –Site Plan

Attachment 3 – Photo Image

Attachment 4 – Floor Plans



### *Planning Provisions*

The BIA site is located in an area zoned "Development". The establishment of the temporary workers accommodation is considered as a "Use not Listed". This requires Council to consider whether the facility is consistent with the aims and objectives and purpose of the zone in which it is proposed.

In terms of Clause 9.4 of the Shire of Broome Town Planning Scheme No. 4 (TPS4) the application was required to be advertised for public comment. The application was advertised (both newspaper and sign displaying notice on site) for a period of 21 days from 14 January 2010 to 4 February 2010. No submissions were received.

Council adopted its Local Housing Strategy in 2009 and it contains two actions relating to temporary employee accommodation:

#### *"OBJECTIVE 8*

*Provide for affordable, low cost temporary employee accommodation.*

#### *ACTIONS:*

*8B Explore the provision of a reserve for temporary employee accommodation in future development areas.*

*8C Continue to consider applications for temporary employee accommodation as a Use Not Listed."*

### **COMMENT**

The application is a result of previous undertakings by the applicant to relocate the Temporary Workers Accommodation currently situated on Lot 1648, Frederick Street, to a suitable alternative location with improved amenity. The proposed location is separated from current residential lots opposite Sandpiper Avenue to the north by means of a vegetated buffer and will be approximately 350 m from the airport runway as opposed to the current location which is approximately 200 m from the runway.

The Draft Airport Development Plan (ADP) shows that the development is located within Zone AS3 – Aviation Service 3 in terms of Plan A: Airport Development and designated for: "...additional aircraft navigation aids; associated aviation and meteorological service facilities; car hire support facilities; airport operation related service and light industry.". Plan B of the ADP - which addresses future urban development - earmarks the area for future residential development.

At its meeting held on 18 February 2010 Council resolved to adopt and advertise for a period of 42 days the proposed Local Planning Policy – Transient Workers Accommodation (TVALPP). The TVALPP defines transient workers and transient workers accommodation as follows:

*"Transient Workforce is that temporary or intermittent workforce employed on one or more finite projects in or based in the Shire of Broome. It does not include workforce employed in the normal ongoing operation of any business or industry.*

*A transient workforce accommodation facility is a building or group of buildings used for the accommodation of transient workers, and it may comprise bedrooms, dining rooms, kitchens, ablutions, toilets and appropriate amenity area, and*

*associated parking areas, but does not include a hotel, motel, tourist accommodation, permanent residential accommodation or caravan park or camping grounds."*

The proposed development is considered to fall within the scope of the TWALPP and it is therefore appropriate to use the assessment criteria contained in this policy as a guide when considering proposals of this nature.

Due to the sheer size of Lot 1653, which measures approximately 148.5505 ha, the proposed facility easily complies with TWALPP development requirements such as site cover and setbacks. It further complies with the building height and landscaping/open space requirements.

15 marked parking bays (including one accessible bay) are proposed. Although the TWALPP requires 16 parking bays with additional parking for boats, caravans and other recreational vehicles at a rate of one parking/storage bay per 10 transient workers, the provision of additional parking bays across Gus Winckel Street will be possible if required.

The proposed location of the temporary workers accommodation is considered as appropriate and consistent with the Draft Airport Development Plan which was conditionally adopted by Council on 26 November 2009 in so far as it can be seen as directly associated with airport/aviation related operations.

Bearing in mind the scale of activities operated by the BIA and the positioning of the proposed facility in relation to the size of the site, it is not considered essential that a management agreement be entered into, as the proposed facility is not expected to detrimentally impact on the adjoining residential land uses or cause problems regarding the other issues mentioned in the TWALPP as reasons to have a management plan. It is considered however that the facilities only be used to accommodate transient workers engaged in airport related projects.

Due to the fact that the relocation of the temporary workers accommodation will also be subject to obtaining a Demolition Licence as well as a Building Licence, the applicant has indicated that a timeframe of six (6) months might be reasonable to substantially commence the relocation. It is therefore recommended that Council defers taking action with regard to the direction notice as issued on 7 October 2009 for a further 180 days beyond the date (18 March 2010) of this resolution.

It is recommended that the proposed Temporary Workers Accommodation be conditionally approved for a period of five years.

## **CONSULTATION**

The proposal was advertised as prescribed by Clause 9.4 of TPS4. No submissions were received.

## **STATUTORY ENVIRONMENT**

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

## **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**

- A. *That Council approves the application for Planning Approval 2009/171 for a use not listed (Temporary Workers Accommodation) at Lot 1653 Frederick Street, Broome for a period of five years subject to the following conditions:*
1. *Development must be carried out in accordance with the plans stamped received and dated 23 December 2009 submitted with the application and as approved by Council.*
  2. *If the development the subject of this approval is not substantially commenced within a period of 3 years from the date of the approval, the approval will lapse and be of no further effect. Where an approval has lapsed, no development must be carried out without the further approval of Council.*
  3. *That the facilities only be used to accommodate transient workers engaged in airport related projects.*
  4. *Provision is to be made for car parking at a rate of one car parking bay per transient worker accommodated. Additional parking is to be provided for boats, trailers, caravans and other recreational vehicles at a rate of one parking/storage bay per 10 transient workers accommodated.*
  5. *A detailed landscaping plan is to be submitted for approval prior to obtaining a Building Licence.*
- B. *That Council defers taking action with regard to the direction notice as issued on 7 October 2009 for a period of 180 days beyond the date (18 March 2010) of this resolution.*

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

### 9.3.5 APPLICATION FOR PLANNING APPROVAL – ABC KIMBERLEY: CAR PARKING WITHIN ROAD RESERVE - ADJACENT TO LOT 32 (NO 23) HAMERSLEY STREET BROOME

**LOCATION/ ADDRESS:** 23 Hamersley Street, Broome  
**APPLICANT:** Brewster Murray for ABC Kimberley  
**FILE:** Ham-1/23  
**AUTHOR:** Dawie Jansen van Rensburg  
**CONTRIBUTOR/S:** Manager Planning Services  
 JBA Planning Consultants  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE RECEIVED:** 7 January 2010

**SUMMARY:** An application for planning approval has been lodged for car parking and landscaping on the road reserves of Hamersley Street and Haas Street adjacent to the proposed development of the ABC Regional Radio Studios at 23 Hamersley Street, Broome.

This matter is referred to Council as it involves development within a road reserve.

This report recommends that Council delegates authority to the Director Development Services to approve the application subject to a number of matters being addressed.

## BACKGROUND

### Previous Considerations

OCM 13 April 2004 – Item 9.3.8 (Proposed Commercial and Residential Development)

### *Site and Surrounds*

The site comprises approximately 1,384sq.m of the road reserve on and around the corner of Hamersley and Haas Streets in Broome. The subject land is adjacent to the property at 23 Hamersley Street, Broome on which a new ABC Regional Radio Studio (ABC) is to be constructed.

The site is located approximately 750m south of China Town and diagonally across from the Shire offices. The land uses surrounding the site include residential, commercial office buildings, church, and tourist accommodation.

The part of the road reserve which is the subject of this application is undeveloped and contains native and exotic tree plantings and minimal vegetative groundcover. The Shire is preserving an alignment for a possible tramway in the Hamersley Street road reserve.

### Attachment 1 – Locality Plan

### *Description of the Proposal*

The applicant proposes to use a portion of the Hamersley Street verge for car parking, access, manoeuvring and landscaping which is to support the proposed adjoining ABC development. The proposed car parking includes a total of 10 car spaces with the following access and parking arrangements:

- One 6.5m two way bitumen driveway off Hamersley Street to and from an asphalt car park containing 7 car spaces and new concrete footpath in the road reserve; and
- One 7m two way concrete driveway off Haas Street to and from 3 car spaces inside the adjoining ABC Regional Radio Studio development.

The proposed Road Reserve landscaping involves the:

- Removal of 3 existing trees to accommodate the driveways and car parks;
- Retention of 4 existing trees;
- Planting of 9 new trees, approximately 70 shrubs and turf all of endemic species; and
- Organic mulch groundcover in the planting beds around the main building frontage of the adjoining Radio Studio development.

Attachment 2 – Site Plan

Attachment 3 – Scope

Attachment 4 – Floor Plan

Attachment 5 – Elevations

Attachment 6 – Sections

Attachment 7 – Drainage

Attachment 8 – Pavement Plan

Attachment 9 – Sediment and Corrosion Control Plan

Attachment 10 – Irrigation

Attachment 11 – Landscaping

### *Planning Provisions*

The ABC development is governed by Commonwealth legislation with separate environmental assessment and approval requirements, it is not subject to State and Local Government legislation.

The following provisions of the Shire of Broome Town Planning Scheme No. 4 (TPS 4) apply to the proposed development within the Road Reserve:

- Local Scheme Reserves - The road reserve is identified as 'Local Roads' in the Town Planning Scheme No.4 map;
- Clause 5.5 Car Parking and Local Planning Policy 4.1.8 – Car Parking;
- Clause 5.11 Landscaping; and
- Clause 10.2 Matters to be considered by Council.

The lot is zoned "Mixed Use" in terms of TPS 4. The aim of the zone is to provide for residential, tourist, offices commercial show rooms and other compatible uses which complement the mixed use character of the locality. Offices are permitted uses under the "Mixed Use" zoning and are defined as follows:

*"Office" means any land or building used for the administration or clerical, technical, professional or other like business activities."*

### **COMMENT**

The property is strategically positioned in Hamersley Street along the original route of the tram line from Town Beach jetty to China Town. It is foreseen that this development will form a natural extension of the Hamersley Street verge parking plan and general theme

which is being progressively implemented between the Anglican Church (opposite the site) and the prison.

The proposed car parking and landscaping in the road reserve is to support the development of the ABC on the adjoining property at 23 Hamersley Street, Broome. While the ABC as a Commonwealth Agency is not bound by State and local legislation the size and use of the land has a direct bearing on the number of car parking bays required to be accommodated within the Road Reserve.

The Hamersley Street reserve is also proposed for a future tramway alignment and this has been provided for in the layout of the car park and landscaping.

The Local Planning Policy 4.1.8 – Car Parking specifies for offices car parking to be provided at a rate of 1 space per 30sq.m of floor area. The ABC development has a total floor area of approximately 330sqm which requires a total of 11 car spaces. The policy also sets out that a minimum of 50% of the assessed car parking bays is to be provided on-site. The development proposes to provide a total of 10 car parking bays and bike parking/bike storage. The proponent advises that the facility will accommodate a staff of 6 people on average.

Use	Requirement	Calculation	Required	Provided	Shortfall
Office	1 car bay per 30sqm GLA	Approximately 330sqm GLA/30sqm	11	3 on site + 7 in road reserve = 10	1

A landscape plan has been submitted which indicates the use of endemic plant species and decorative rock mulch. The Shire of Broome has imposed a temporary restriction of the use of rock mulch due to its potential use as missiles for anti social behaviour pending a workshop and community consultation on the matter. The applicant was made aware that this will have to be changed.

The southern landscaping area adjacent to the entrance also needs to be altered as it blocks the parking access aisle for the continuation of the car park as future development occurs. Landscaping at the entrance should be restricted to low shrubs/ground covers for at least 2m (refer Attachment 2 – Site Plan) to maintain sight lines.

The Shire has in other developments along Hamersley Street required that over head power lines be placed underground mainly to ensure future landscaping is safe in terms of possible cyclonic conditions. The proponent has advised the cost of undergrounding is prohibitive with respect to the type and scale of the development.

The proponent has also indicated they wish to locate signs in the road reserve – these should be relocated to within the ABC site.

The proposal is considered to be generally consistent with the aims of the TPS 4 relating to employment and economic growth, and the character and amenity of the environment. The proposed development includes a sufficient number of car spaces for the adjoining ABC development, but it is suggested that an additional parking bay be provided for on site to ensure compliance with the Shire's Car Parking Policy. Subject to the modification the development will include landscaping that will enhance the amenity of the streetscape.

It is recommended that the proposed development be conditionally supported by Council subject to:

- A bond or bank guarantee to the value of the works plus twenty percent (20 %) being provided by the applicant for all development within the adjacent Road Reserve until completed. This will ensure that all the required civil works are constructed to the Shires' satisfaction.
- The applicant being responsible for all costs relating to the undergrounding of overhead power lines along the Hamersley Street frontage of the site.
- Relocation of all signage from the road reserve onto the ABC site
- The use of organic mulch in the landscaping instead of rock
- The southern landscaping adjacent to the entrance being altered to the satisfaction of the Shire so it does not block the parking access aisle for the continuation of the car park as future development occurs.
- The landscaping at the entrance to only be low shrubs/ground covers for at least 2m due to maintaining sight lines.
- Kerb and gutter details as shown on design drawings are not generally used in WA and are not available in Broome; a semi mountable standard Main roads WA kerb should be used. Details can be provided to use in the final drawings.
- Car parking bays are to have a minimum length of 5.5 metres and width of 2.7 metres with the accessible bay having a width of at least 3.2 metres.
- An extra pram ramp will be required on the other side of Hamersley Street to provide a pedestrian crossing point as shown on the site plan.
- An additional car parking bay be provided on site.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Planning and Development Act 2005  
Town Planning Scheme No 4

### *3.3 Use and Development of Local Reserves*

*A person shall not use, commence or carry out development on a local reserve without first having obtained the planning approval of the Council under Part 9 of the Scheme, and in determining an application for planning approval the Council shall have regard to:*

*(a) The matters set out in clause 10.2; and*

*(b) the ultimate purpose intended for the reserve;*

*and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before giving its approval.*

### *5.5 Car Parking*

*5.5.1 Car Parking for all development and land uses within the Scheme area shall refer to the relevant policy.*

*5.5.2 Council may waive or vary requirements for on-site car parking if it is satisfied that adequate constructed car parking has been provided in close proximity to the proposed development or where circumstances relating to the land use demand or a development feature warrant a relaxation of on-site parking requirements.*

*Where constructed car parking is not provided on site, Council may request a cash payment in lieu of the provision of parking for application in terms of clause 5.5.3 below.*

*Clause 5.11 Landscaping and Existing Trees*

- 5.11.1 *All applications for planning approval, for any development including single houses, shall indicate the location, type and size of all existing trees on site and within the abutting road reserve or any other abutting reserve.*
- 5.11.2 *When considering the application, the Council shall determine whether the tree/s have any landscape significance and should be retained.*
- 5.11.3 *In the interest of retaining the significant tree/s the Council may:*
- (a) impose a condition on the planning approval or building licence to retain the tree or trees, and/or request the Commission to impose a condition/s for the retention of trees and/or for additional trees to be planted on the site, and/or*
  - (b) request a modification of the proposal, and/or*
  - (c) permit a variation of the site and development requirements or recommend a variation to subdivision requirements.*
- 5.11.4 *A landscaping plan which details the retention of existing tree/s and proposed landscaping on site and within the abutting road reserve will be required as a condition of planning approval for all developments.*

*Clause 10.2 Matters to be Considered by Council*

*The Council in considering an application for planning approval may have due regard to the following:*

- (a) the aims and provisions of this Scheme and any other relevant town planning Scheme(s) operating within the district;*
- (b) the Scheme Report - Local Planning Strategy;*
- (c) the requirements of orderly and proper planning including any relevant proposed new town planning Scheme that has been adopted by the Council pursuant to the Town Planning Regulations 1967;*
- (d) any approved Statement of Planning Policy of the Commission;*
- (e) any approved Environmental Protection Policy under the Environmental Protection Act 1986;*
- (f) any other policy or strategy of the Commission or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any planning policy adopted by the Council under the provisions of clause 2.5 of this Scheme, any heritage policy statement for any designated Heritage Area adopted under clause 7.2.2 of this Scheme, or any other plan or guideline adopted by the Council under the provisions of this Scheme;*
- (h) the conservation of any place on the Heritage List or character or appearance of a Heritage Area under the Aboriginal Heritage Act, 1972 and the Heritage Act of WA, 1990;*
- (i) any environmental consideration;*
- (j) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (k) the preservation of the amenity of the locality;*
- (l) the relationship of the proposal to development on adjoining land or on other land in the locality;*
- (m) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, maneuvering and parking of vehicles;*



*The proposal includes adequate parking for the adjoining ABC Regional Radio Studio development. It also provides adequate access driveways and footpaths that meet relevant standards for vehicular, pedestrian and disabled access.*

- (n) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

*The local road system has the capacity to safely accommodate the proposed car park and access driveways with a total of 10 car spaces.*

- (o) *whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*

- (p) *whether public utility services are available and adequate for the proposal;*

*The proposed car park does not require any utility services.*

- (q) *whether adequate provision has been made for access by disabled persons;*

*The proposal includes a disabled car parking space, and pathways accessible for the disabled.*

- (r) *whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;*

- (s) *whether the proposal is likely to cause soil erosion or land degradation;*

- (t) *the potential loss of any community service or benefit resulting from the planning approval;*

- (u) *any relevant submissions or objections received on the application.*

- (v) *the comments or submissions received from any authority consulted under clause 10.1.1;*

- (w) *the comments and submissions received from the representative Aboriginal group and people on matters of heritage and cultural importance and Native Title;*

- (x) *whether adequate provision is made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*

- (y) *any social issues which have an effect on the amenity of the locality;*

- (z) *any other matter which in the opinion of the Council has planning relevance.*

## **POLICY IMPLICATIONS**

Local Planning Policy 4.1.8 – Car Parking Policy

## **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.

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

## Prosperity

Support business and economic development.

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

## VOTING REQUIREMENTS

Absolute Majority

### REPORT RECOMMENDATION

*That Council delegates authority to the Director Development Services to approve the application for planning approval 2010/2 for car parking on the road reserve at Lot 32 (No. 23) Hamersley Street, Broome, subject to the following matters being addressed by the applicant:*

- 1. A bond or bank guarantee to the value of the works plus twenty percent (20 %) being provided by the applicant for all development within the adjacent Road Reserve until completed. This will ensure that all the required civil works are constructed to the Shires' satisfaction.*
- 2. The applicant agreeing to be responsible for all costs relating to the undergrounding of overhead power lines along the Hamersley Street frontage of the site.*
- 3. Relocation of all signage from the road reserve onto the ABC site.*
- 4. The use of organic mulch in the landscaping instead of rock*
- 5. The southern landscaping adjacent to the entrance being altered to the satisfaction of the Shire so it does not block the parking access aisle for the continuation of the car park as future development occurs.*
- 6. The landscaping at the entrance to only be low shrubs/ground covers for at least 2m due to maintaining sight lines.*
- 7. The proposal being modified to specify a semi mountable standard Main Roads WA kerb.*
- 8. Car parking bays are to have a minimum length of 5.5 metres and width of 2.7 metres with the accessible bay having a width of at least 3.2 metres.*
- 9. An extra pram ramp will be required on the other side of Hamersley Street to provide a pedestrian crossing point as shown on the site plan.*
- 10. A total of 11 car parking bays to be provided.*

**Moved:**

**Seconded:**

**(Absolute Majority required)**

**FOR:**

**AGAINST:**

**9.3.6 APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL – HOSPITAL SIGNAGE - WALCOTT STREET ROAD RESERVE ABUTTING RESERVE 3596, LOT 1214 (NO 62) ROBINSON STREET BROOME**

**LOCATION/ ADDRESS:** Walcott Street Road Reserve abutting Reserve 3596, Lot 1214, No. 62 Robinson Street through to Walcott Street, Broome

**APPLICANT:** Broome Health Services

**FILE:** Res 3596

**AUTHOR:** Director Development Services

**CONTRIBUTOR/S:** Manager Planning Services

**RESPONSIBLE OFFICER:** Director Development Services

**DISCLOSURE OF ANY INTEREST:** Nil

**DATE OF REPORT:** 25 February 2010

**SUMMARY:** An application for planning approval and a sign licence has been lodged for an existing illuminated 'Institutional Sign' within the Walcott Street road reserve for Broome Health Services to identify the 'After Hours Emergency' entrance to the hospital.

This matter is referred to Council for consideration as the proposed illuminated 'Institutional Sign' is located within the Walcott Street road reserve.

This report recommends the application be refused.

## **BACKGROUND**

### Previous Considerations

Nil

### *Site and Surrounds*

Broome Health Services is located in the street block bounded by Robinson Street, Walcott Street and Anne Street. The hospital has two 'after hours emergency' entrances for ambulance and vehicles, one from Robinson Street and one from Walcott Street. Vehicular access to the hospital car parking areas and pedestrian pathways is also provided off each of these streets. The Walcott Street 'after hours emergency' vehicle accessway for ambulances and vehicles is located diagonally opposite the intersection of Mary Street and Walcott Street.

The Walcott Street frontage of the hospital site comprises car parking areas which are located partially within the hospital lot boundaries and also within the Walcott Street Road Reserve. There is also a lawn within the Walcott Street verge between the car parking areas and the 'after hours emergency' vehicle accessway.

The west side of Walcott Street comprises residential land uses – single residential dwellings and grouped dwellings.

Attachment 1: – Locality Map

### *Description of the Proposal*

The freestanding sign displays the wording 'Broome Health Services After Hours Emergency' on each side of a 2000mm x 900mm panel (1.8sqm in area), which is located on two posts with an overall height of 2.1m. The underside of the sign has a clearance of 1.2m to the ground. The sign will be illuminated at night to identify the location of the 'after hours emergency' entrance.

The sign is located within the Walcott Street road reserve and positioned within the lawn area, between the northern most hospital car park and the emergency entrance vehicle accessway. The sign is located 25m from the northern boundary of the hospital and situated centrally within the grassed verge. It is setback 7m from the road pavement and 7.6m outside the hospital lot boundary.

The sign is oriented at right angles to Walcott Street. Each face of the sign can be viewed when approaching from each direction along Walcott Street. This sign replaces a similar illuminated 'emergency entrance' sign, which was located in the same location. However the former sign was oriented parallel to Walcott Street and did not provide adequate visibility or identification of the emergency entrance.

The sign structure is currently constructed in the Walcott Street road reserve. The sign is not currently illuminated as at present there is no power to the sign. Power will be supplied from the hospital site. However Horizon Power will only authorise power into and across the road reserve when the Shire has indicated approval for the sign.

### Attachment 2 – Signage Plans Submitted

#### *Planning Provisions*

The Shire of Broome Town Planning Scheme (TPS4) classifies the Walcott Street road reserve as a 'Local Scheme Reserve – 'Local Road' and the Broome Health Service site is classified as a 'Local Scheme Reserve' – 'Public Purposes' and denoted for 'Hospital' use.

Clause 5.13.4 of the Shire of Broome Town Planning Scheme No. 4 states;

*".....the Council's prior approval is not required in respect of those advertisements listed in Schedule 4 which for the purpose of this Part are referred as 'exempted advertisements'."*

*'Schedule 4 – Exempted Advertisements' lists signs that are exempt from obtaining a planning approval and include signs located within 'Public Places and Reserves' and are "Advertising signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council.....constructed or exhibited by, or on behalf of any such body, ....."*

The Scheme does not detail any maximum limit to the size of sign but it is considered this provision relates to land under the control of the government agency, public authority in question.

#### *Sign Local Law Provisions*

The Local Laws Relating to Signs Hoardings and Bill Posting (SLL) defines the sign as an 'Institutional Sign', which "means a sign erected or placed on any private property, public place or building used for or in connection with a medical or dental surgery clinic, hospital, rest home, home for the aged or other institution or place of a similar nature;"

Clause 5.10 'Institutional Signs' of the Local Law provides for Institutional signs up to a maximum of 2sqm in area and Clause 5.8 'Illuminated Signs' details the requirements for illuminated signs. The requirements of these clauses are detailed below under the 'Comment' section.

The Local Law is confusing in that while it defines an institutional sign it does not spell out controls that would be applied to the same sign used for a different purpose.

The sign is located within a road reserve and in this respect Clause 4.12 'Reserves under the Care and Control of Council' of the Local Law is considered relevant and Clause 4.12.2 states:

*"The Council may grant approval for the erection of any sign or advertising device on road reserves or other reserves under the care and control of the Council."*

The application is referred to Council for consideration as the sign is erected in a Road Reserve.

## COMMENT

While not directly related to this application there is a long outstanding matter in relation to the Walcott Street Road Reserve which the Health Department has taken no steps to address. Council approval was issued on 7 March 2006 for the construction of 96 car parking bays in the Walcott Street Road Reserve. Condition 2 of the approvals stated "the final design plans and details be approved by the Director Engineering Services to Shire standards, including the provision of connecting paths, lighting traffic signs and associated items"

The widening of Walcott Street was specifically requested and consultants were asked to liaise with the Shire about the design prior to submitting. The drawings as submitted had a number of flaws – wrong alignments, no widening accounted for. There have been subsequent letters and discussions with various Health department representatives but to no avail and the Health Department has refused to comply with Council's condition to widen the road and construct kerbing in Walcott St.

Notwithstanding this on receipt of this application officers were advised of the urgency and advised if action was not taken promptly the matter would be escalated. Officers, recognising that it is important that adequate signage is provided have worked within a very short timeframe to ensure this matter come before Council.

The applicant advises that:

- The present lack of illumination of the sign is a major concern. The Shire approval is required in order for Horizon Power to authorise the new power connection to this new sign and provide illumination as soon as possible.
- There have been constant complaints by patients to the hospital about the inadequate signage on Walcott Street for the emergency entrance. The reorientation of the signage at right angles to the street will address this situation.
- The sign has been certified and issued with a 'Certificate of Structural Sufficiency – Design' by a Professional Structural Engineer and designed for wind loads in accordance with AS 1170.2 for region C, terrain category 2.5, TPS4 Schedule 4 establishes illuminated signs relating to the function of a government are 'exempt' from requiring a planning approval. The after hours emergency sign is not however considered to be an 'exempt' sign. As such this sign is considered under the provisions of Clause 4.12.2 of the Local Laws Relating to Signs, Hoardings and Bill

Posting (SLL) and because it is to be located within a road reserve the matter is referred to Council for its determination.

The following table is a summary of the sign compliance assessment against the SLL.

Local Law Requirements	Conformance
Clause 5.10 Institutional Signs shall not exceed 0.5sqm in area, except with the approval of Council, but in any case, no such sign shall exceed 2sqm in area.	The proposed sign panel is 1.8sqm in area and fully complies with the maximum size (2sqm)
Clause 5.8 Illuminated signs requires;	
- an enclosed casing which is constructed of non combustible material.	complies
- the electrical installation authorised / managed by the appropriate electricity supply authority.	Horizon Power will oversee and authorise the supply of power after Shire approval of the sign.
- maintenance and operation as an illuminated sign	It is a priority of the Health Service to maintain the illumination of the sign for the purpose of identifying night time/after hour's emergency services.
- light intensity and colour to avoid annoyance to public and not interfere with traffic lights	The light is a static light (not flashing), there are no traffic lights in the vicinity, vegetation within the road reserve on the west side of Walcott Street will screen the light into residential properties, the low height of the sign (2m) will not illuminate an extensive area but will provide visibility for vehicle traffic seeking the hospital entrance. The illumination is not considered an annoyance

The application is able to be approved under the provisions of the Local Laws Relating to Signs, Hoardings and Bill Posting.

Council can either grant retrospective approval or require the sign to be relocated within the hospital grounds where it would be still be visible from Walcott Street. The issue is whether Council considers signs should be approved in road reserves. If Council considers the location to be inappropriate the application would be refused as is recommended.

On the other hand if Council considers this sign to be a much needed community service to ensure patients, and ambulances can clearly and easily identify the after hours Walcott Street entrance to the hospital the application can be approved.

The sign replaces a similar sign, in height, size, illumination and wording, that existed in this location and therefore the sign structure is not a new feature in this streetscape. The location of the sign does not conflict with any pedestrian pathways, nor obstruct any sight lines for vehicles existing nearby car parks.

As the sign is located within the road reserve, should the Council wish to approve the application, it is appropriate for the Chief Executive Officer (CEO) to sign the application form on behalf of Council - the 'owner of the land'.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Planning and Development Act 2005

Town Planning Scheme No. 4

Clause 5.13.4 states:

*".....the Council's prior approval is not required in respect of those advertisements listed in Schedule 4 which for the purpose of this Part are referred as 'exempted advertisements'."*

*'Schedule 4 – Exempted Advertisements' includes signs located within 'Public Places and Reserves' and are "Advertising signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council.....constructed or exhibited by, or on behalf of any such body, ....."*

Shire of Broome Signs, Hoardings and Bill Posting Local Laws

*"4.4 Fixing of Signs*

*Every sign shall be securely fixed to the structure by which it is supported to the satisfaction of the Surveyor and shall be safely maintained."*

*4.12 Reserves Under the Care and Control of Council*

*"4.12.2 The Council may grant approval for the erection of any sign or advertising device on road reserves or other reserves under the care and control of the Council....."*

*5.10 Institutional Signs*

*Institutional signs shall not exceed 0.5 square metres in areas, except with the approval of the Council, but in any case, no such sign shall exceed 2 square metres in area."*

Local Government (Uniform Local Provisions) Regulations 1996

*Private works on, over, or under public places — Sch. 9.1 cl. 8*

- (1) *A person who constructs anything on, over, or under a public thoroughfare or other public place that is local government property without first obtaining written permission from the local government commits an offence.*
- (2) *A local government may —*
  - (a) *grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property; and*
  - (b) *impose conditions in respect of the permission, which may include a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction.*
- (3) *It is a condition of the permission that the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed.*
- (4) *A person who fails to comply with a condition of the permission commits an offence.*

- (5) *A person who constructs anything in accordance with permission under this section is required to —*
- (a) *maintain it; and*
  - (b) *obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.*
- (6) *A person who fails to comply with subregulation (5) commits an offence.*
- (7) *The penalty for an offence under subregulation (1), (4), or (6) is \$1 000.*  
*[Note: Subregulations (1) and (4) are of the kind prescribed in Schedule 3.1, Division 2, item 3. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender. Schedule 9.1, item 8(4) is relevant.*

## 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 local economy.

## VOTING REQUIREMENTS

Simple Majority

### REPORT RECOMMENDATION

*That Council:*

- A. *Refuses the application for the proposed illuminated ' Institutional Sign' for the Broome Health Services 'After Hours Emergency' entrance, within the Walcott Street road reserve abutting Reserve 3956, Lot1214, No. 62 Robinson Street, Broome Council considers the construction of signs in the road reserve to be contrary to the preservation of the amenity of the locality.*
- B. *Refuses the issue of a sign licence for the proposed illuminated ' Institutional Sign' for the Broome Health Services 'After Hours Emergency' entrance required under the Shire of Broome Local law relating to Signs Hoardings and Bill Posting;*
- C. *Refuses permission for the construction of a sign on the public thoroughfare (Walcott Street)under the Local Government (Uniform Local Provisions) Regulations 1996*
- D. *Requests the Broome Health Services to relocate the sign from the road reserve to Lot1214.*



E. *Directs the Chief Executive Officer to write to the Minister for Health and convey the Council's disappointment and dissatisfaction about the unresolved conditions of approval of car parking matters in Walcott Street.*

*Moved:*

*Seconded:*

*FOR:*

*AGAINST:*

[Attachment: 4 pages](#)

### 9.3.7 REVIEW OF POLICY 4.2.10 APPROVAL TO CAMP FOR AN APPROVED PERIOD OF TIME IN RESIDENTIAL, RURAL, INDUSTRIAL, LIGHT INDUSTRIAL AND RECREATIONAL AREAS

<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	Shire Of Broome
<b>FILE:</b>	ACT11
<b>AUTHOR:</b>	Environmental Health Officer
<b>CONTRIBUTOR/S:</b>	Manager Health Services
<b>RESPONSIBLE OFFICER:</b>	Director Development Services
<b>DISCLOSURE OF ANY INTEREST:</b>	N/A
<b>DATE OF REPORT:</b>	4 March 2010

**SUMMARY:** This report deals with a review of Policy 4.2.10 - Approval To Camp For An Approved Period Of Time In Residential, Rural, Industrial, Light Industrial And Recreational Areas. The policy has proven to be misleading in the amount of time allowable/desirable for 'camping' in areas other than caravan parks and has led to compliance issues with regards to monitoring and policing non-conformances.

This report recommends the policy be replaced with an amended policy.

## BACKGROUND

### Previous Considerations

Policy 4.2.10 was first approved at OCM 18 Dec 2007  
Policy 4.2.10 was last reviewed at OCM 19 March 2009

Policy 4.2.10 was adopted to allow temporary accommodation during periods of extreme shortage and to minimize the volume of administrative matters being placed before Council.

The existing policy was based on the principle that there was a dearth of accommodation in Broome, that housing development was out of step with business activity and that this created particular problems for businesses trying to recruit and house staff.

*The Caravan Parks and Camping Grounds Regulations 1997* allow local governments to approve camping in places other than caravan parks and camping grounds for up to 3 months, but for periods in excess of this and up to 12 months, applications must go before Council and then to the then Minister for Local Government and Regional Development for approval.

It was foreseen that an agreement with the Minister for Local Government and Regional Development to approve multiple applications at the one time - in instances of businesses applying for extended accommodation for several staff - would minimise the volume of administrative matters both for Council and the Minister.

It has eventuated that the original intention of the policy has been largely ignored by the business community with regards to multiple applications for staffing purposes and that for individual applicants the following table, in its current form, has proven misleading.

Individuals referring to the following table for quick reference and in isolation assume the period of stay of up to 12 months is readily available.

<b>Zone</b>	<b>Period of Stay</b>	<b>Number of Caravans</b>	<b>A Requirement to Be Employed in Broome</b>
Residential	3 months	1 caravan or 1 tent	No (can be friends and relatives)
Rural	12 months	3 caravans	Yes
Light and Service Industry	12 months	3 caravans	Yes
Industrial	12 months (dependant on land use. To be assessed by the Shire at time of application)	3 caravans	Yes
Parks & Recreational Areas (sporting clubs etc)	12 months	3 caravans	Yes

The over-reliance on the above table as a guide to the public has resulted in applications being incorrectly filled-out and Environmental Health staff having to contact applicants to further explain the policy and amend paperwork.

Furthermore, it has become apparent that once applications for up to 3 months have been approved, under current staffing constraints there is little ability for Council officers to monitor whether allowable periods of stay are being extended or whether other health and safety requirements of 'the camp' are being complied with.

In other cases, for example in light industrial areas such as Blue Haze and properties that lie outside of the town boundary, there seems to be a perception that no applications to the Shire for approvals, extensions or re-applications are necessary.

As Broome has expanded, with more accommodation now available -and more soon to be available with the coming Broome North development- an amended policy has been drafted that aims to clarify the application process and discourage periods of stay longer than 3 months.

The quick-reference table has been altered to better reflect the current situation, removing industrial areas and clarifying that Council can only give approval to camp for up to 3 months, see below.

<b>Zone</b>	<b>Period of Stay (As approved by the Shire of Broome)</b>	<b>Number of Caravans</b>	<b>A Requirement to Be Employed in Broome</b>
Residential	3 months only	1 caravan or 1 tent	No (can be friends and relatives)
Rural	3 months only	1 caravan	No (can be friends and relatives)
Parks & Recreational Areas (sporting clubs etc)	3 months	1 caravan	Yes

In addition it was felt that current policy wording does not communicate strongly enough that Council generally discourages longer periods of stay by not supporting applications made to the Minister unless there are special circumstances. Some paragraphs have been altered and added to better communicate this.

## COMMENT

With on-going residential expansion and the proximity of the Broome North development, the need for longer stay accommodation in times of extreme housing shortage should ease.

There has been particular concern regarding the number of caravans seemingly being used for accommodation in the light industrial area of Blue Haze. This area currently allows caretakers to live on site however the new light industrial development that will be part of Broome North and will border the Blue Haze district will not allow caretakers' dwellings. This may be seen to create some inconsistency and Council should minimize this by ensuring no further accommodation is allowed to 'spring-up' on these sites.

Current Shire staffing levels makes compliance monitoring of unapproved camping difficult encouraging a habit of non-compliance in the camping community. A policy should be considered that generally discourages camping in areas other than regulated caravan parks and camping grounds.

It is recommended that Council approve the amended policy.

## CONSULTATION

Advertising of the amended policy is not required but it is considered appropriate to give public notice of the change.

## STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Regulations 1997  
*Part 2 – Caravanning and camping generally*

*Regulation 11 (2) – Camping other than at a caravan park or camping ground, states written approval may be given for a person to camp on land (that has legal right to occupy) for a period:*

- *Between 3 nights and 3 months within any 12 months by the local government,*
- *Longer than 3 months within any period of 12 months by the Minister, or*
- *Up to 12 consecutive months while a building licence issued to that person in respect of the land is in force, by the local government.*

## POLICY IMPLICATIONS

Shire Broome Policy Number 4.2.10 – Approval to Camp for an Approved Period of Time in Residential, Rural, Industrial, Light Industrial and Recreational Areas

## FINANCIAL IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

### People

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

### Place

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

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

### Prosperity

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

## VOTING REQUIREMENTS

Simple Majority

### REPORT RECOMMENDATION

*That Council approves amended policy 4.2.10 – 'Approval To Camp For up to 3 Months In Areas Other Than Caravan Parks & Camping Grounds' and provides appropriate public notice of the amended policy.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachment: 3 pages](#)

### 9.3.8 REQUEST TO TAKE SHIRE VEHICLE OUTSIDE PRIVATE USE AREA – DIRECTOR DEVELOPMENT SERVICES – CONTRACT OF EMPLOYMENT

**LOCATION/ ADDRESS:** N/A  
**APPLICANT:** Director Development Services  
**FILE:** PO18481 / EPL 11207  
**AUTHOR:** Director Development Services  
**CONTRIBUTOR/S:** Nil  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Director Development Services  
**DATE OF REPORT:** 2 March 2010

**SUMMARY:** Director Development Services requesting permission to take Shire vehicle outside private use area while 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 Development Services will be taking annual leave from 9 April 2010 returning to work on 10 May 2010 and requests Council permission to take the Shire vehicle to Mandurah and Perth.

#### COMMENT

The Director Development Services proposes to travel to Mandurah and Perth to visit family.

#### 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*

*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

REPORT RECOMMENDATION

*That Council approves the Director Development Services taking the Shire vehicle to Perth while on annual leave subject to the provisions of Policy 2.2.5 Staff Motor Vehicle Benefit.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

## 9.4

### CORPORATE

### SERVICES



### OUTCOME

*To provide a range of customer focused corporate services incorporating financial and human resource management, administrative support and IT solutions, which meets the needs of both internal and external customers and of Council and to ensure statutory compliance within the directorate as part of the Shire's good governance obligation.*



**9.4.1 ACCOUNTS FOR PAYMENT**REPORT RECOMMENDATION

*That accounts for payment for February 2010 as attached, covering Municipal Cheque Vouchers 52138 to 52255 totalling \$221,990.93, EFT Vouchers 9097 to 9372 totalling \$1,676,625.44 and Trust Cheque Vouchers 3163 to 3167 totalling \$7,747.34, be passed for payment. The grand total expenditure for February 2010 is \$1,906,363.71.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

[Attachments: 11 pages](#)

**9.4.2 FEBRUARY 2010 MONTHLY FINANCIAL ACTIVITY REPORT**

**LOCATION/ ADDRESS:** N/A  
**APPLICANT:** N/A  
**FILE:** FRE 02  
**AUTHOR:** Finance Officer  
**CONTRIBUTOR/S:** Manager Finance Services, Managers  
**RESPONSIBLE OFFICER:** Director Corporate Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 4 March 2010

**SUMMARY:** Monthly Financial Activity Report of the Shire's operations for the month of February 2010. With budget forecast changes to date, the predicted end of year forecast is an \$112,668 surplus.

**BACKGROUND**Previous 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	67%
Total Operating Expenditure	68%
Total Operating Revenue	90%
Total Capital Expenditure	20%
Total Sale of Assets Revenue	5%
Total Capital Revenue	11%

Committed expenditure as percentage of forecast budget:

Parks & Ovals Infrastructure	91%
Drainage Infrastructure	46%
Transport Infrastructure	43%

The forecast position of a \$112.7K surplus represents a 0.62% variance when viewed in proportion to operating expenditure excluding depreciation.

The predicted surplus as at 28 February 2010 is \$112.7K, which is the same as last month's estimated surplus of \$112.7K. This amount represents the net result of this month's net budget forecasts.

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 non-operating budget forecast change was required:

- \$36K decrease in budgeted capital revenue for proceeds on sale of assets, being transfer of old plant P7408 – CEO Vehicle instead of disposal to Director of Corporate Services (DCS) as vehicle for DCS P2808 was transferred to Manager of Community Development in lieu of purchasing a new vehicle. This is offset by a corresponding reduction in capital expenditure.

The net result of this budget forecast will decrease the predicted end of year surplus by \$36K before corresponding budget forecasts elsewhere.

### Education and Welfare

#### Community Services

The following non-operating budget forecast change was required:

- \$40K decrease in budgeted capital expenditure for new vehicle and mobile plant, being transfer of old plant P7408 – CEO Vehicle instead of disposal to Director of Corporate Services (DCS) as vehicle for DCS P2808 was transferred to Manager of Community Development in lieu of purchasing a new vehicle. This is offset by a corresponding reduction in capital revenue.

The net result of this budget forecast will increase the predicted end of year surplus by \$40K before corresponding budget forecasts elsewhere.

The net effect on the predicted surplus of these budget forecasts will be reduced to nil once a budget forecast for the reduction of funds transferred from the Plant Reserve is processed.

### Housing

#### Staff Housing

The following operating budget forecast changes were required:

- \$9.7K increase in budgeted operating expenditure for rent expense – 16 Biddles Place, being new staff housing lease.
- \$9.7K increase in budgeted operating revenue for rent income – 16 Biddles Place, being new staff housing lease.
- \$11.4K increase in budgeted operating expenditure for rent expense – 11 Mulgrue Court, being new staff housing lease.

- \$11.4K increase in budgeted operating revenue for rent income – 11 Mulgrue Court, being new staff housing lease.

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

## Transport

### Road Construction

The following non-operating budget forecast changes were required:

- \$20.3K increase in budgeted capital expenditure for Chinatown street furniture, as per item 9.5.1 in the Ordinary Council Meeting held 26/11/2009.
- \$20.3K increase in budgeted capital revenue for funds transferred from the Road Reserve, as per item 9.5.1 in the Ordinary Council Meeting held 26/11/2009.

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

## CONSULTATION

Nil

## 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.*

*\*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 detail —*
- a) 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 and provide open, transparent and good governance to the community.

**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.

**VOTING REQUIREMENTS**

Absolute Majority

REPORT RECOMMENDATION

*That Council:*

1. *Adopts the Monthly Financial Activity Report for the period ended 28 February 2010.*
2. *Notes the year-end forecasts compared to the original budget.*
3. *Adopts budget amendments to the following general ledger account/jobs:*
  - a. *Increase of \$9.7K in GL account 95103 – “16 Biddles Place – Rent Exp – Staff Housing” being new staff housing lease.*
  - b. *Increase of \$9.7K in GL account 95403 – “16 Biddles Place – Rent Rec’d User Charges – Staff Housing” being new staff housing lease.*
  - c. *Increase of \$11.4K in GL account 95104 – “11 Mulgrue Court – Rent Exp – Staff Housing” being new staff housing lease.*
  - d. *Increase of \$11.4K in GL account 95404 – “11 Mulgrue Court – Rent Rec’d User Charges – Staff Housing” being new staff housing lease.*

**Moved:**

**Seconded:**

**(Absolute Majority required)**

**FOR:**

**AGAINST:**

[Attachment: 23 pages](#)

**9.4.3 ROYALTIES FOR REGIONS 2009 - GRANT VARIATIONS**

<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	GPC 02
<b>AUTHOR:</b>	Manager Financial Services
<b>CONTRIBUTOR/S:</b>	Director Community Services
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	9 March 2010

**SUMMARY:** Authority is sought to vary the application of the 2009 Royalties For Regions Grants program within the existing project structure of the \$1,590,859 grant allocation.

**BACKGROUND**Previous Considerations

SCM 24 March 2009 Item 9.1.1

OCM 2 Sept 2009 Item 9.2.3

The primary objective of the Royalties for Regions' Country Local Government Fund (CLGF) is to address infrastructure backlogs across the country local government sector. The Fund provides the country local government sector with additional money for the purpose of infrastructure provision and renewal. Funding in 2008/09 is provided to individual country local government's to promote efficient infrastructure development and asset preservation and renewal.

Allocation will be approved for individual local governments' infrastructure asset renewal and/or asset creation and will be tied to the following LG asset classes of:

- Building
- Infrastructure
- Roads
- Bridges
- Drainage
- Parks, gardens and reserves
- Footpaths and cycle-ways
- Airports
- Sewerage
- Other

Grants cannot be utilised for non-infrastructure items such as purchasing plant, employing staff or consultants, retiring debt or routine maintenance.

At the Special Council meeting 24 March 2009, Council recommended the submission of projects for the Royalties for Regions Country Local Fund totalling \$1,590,859.

The projects were:

- \$15,000 Depot Toilet Facilities renewal
- \$150,000 Depot Office Facilities for relocation of Engineering Staff
- \$100,000 Depot Sewerage renewal works



\$20,000 Depot Signs and Yard fencing  
\$150,000 Water Park Electrical & Filtration  
\$240,000 Town Beach Area Lighting  
\$20,000 Promotional Banner Upgrade Town Entry  
\$20,000 Street Lighting Upgrade Frederick St Boulevard Roundabout  
\$480,000 BRAC Fences Upgrade  
\$365,859 BRAC Ovals Pavilion Change rooms  
\$30,000 Public Shade Shelter

At the Ordinary Council meeting 2 September 2009, Council endorsed an application for the reallocation of funds from:

\$30,000 Public Shade Shelter to,  
\$30,000 Haynes Oval Pavilion Security and Basketball Court Fencing.

## COMMENT

The 2009 round of Royalties for Regions Country Local Government Fund must be expended by 30 June 2010 before the next round of Royalties for Regions funding is released.

Confirmation has been received that the funding body will accept requests to re-allocate funds between projects, and that funds can be carried over after 30 June 2010 if uncompleted, however unspent funds will delay round 2 funding.

The funding body's preferred option is that the unspent funds be reallocated to another project and expended by 30 June 2010.

The 2010 round of Royalties for Regions allocation to local governments has yet to be determined

The purpose of this report is to seek reallocation of existing grant monies within the specified program structure with the intention to fully expending grant monies by 30 June 2010.

Projects that are forecast to require **no change** in grant funding are as follows:

- **\$0** Depot Signs and Yard fencing – project estimate remains at \$20,000

Projects that are forecast to require a **reduction** in grant funding are as follows:

- **(\$21,000)** Depot Office Facilities for relocation of Engineering Staff – project estimate reduced from \$150,000 to \$129,000 from special projects officer micro managing the project.
- **(\$30,500)** Depot Sewerage renewal works – a change of scope from the original plan reduced the project estimate from \$100,000 to \$69,700.
- **(\$7,100)** Street Lighting Upgrade Frederick St Boulevard Roundabout – \$20,000 project completed under budget as quotes came in below estimates.
- **(\$89,900)** BRAC Fences Upgrade - \$480,000 project estimate reduced to \$390,100 as tender came in below estimates.

- **(\$215,859)** BRAC Ovals Amenities Building - \$365,859 project estimate has been reduced for coverage of tender costs and architectural fees to 30 June 2010, estimate \$150,000.

Projects that are forecast to require a **variation** to the original grant program expenditure, funded by forecast unexpended grants:

- **\$202,820** BRAC Ovals Amenities Building Carpark – project estimate on associated civil works with the Amenities Building that can take place before 30 June from accumulated unexpended Royalties for Regions grant funds.

Projects that are forecast to require **additional** grant funding are as follows:

- **\$15,700** Depot Toilet Facilities renewal – project estimate increased from \$15,000 to \$30,700 because original estimate for works did not match the lowest quotes for the scope required.
- **\$50,000** Water Park Works – project allocation has increased from \$150,000 to \$200,000 because of an increased scope of works. Water Park is currently running about \$14,000 over the original budget due to the following:

Provisional sum for the underground 15,000L underground tank and precast aluminum lid was underestimated by about \$8,000 in the original contract; basically for the sum allowed we have constructed the tank alone with no lid. We then decided for operational reasons and to save money to increase the size of the plant room and encompass the tank inside, bottom line a variation of about \$8,000 was incurred in this exercise. The balance of the \$14,000 was used on small increases in extra works outside of the contract, retaining wall, retaining wall footing etc more brick paving.

The balance of the extra \$50,000 required is to be used on items to add value to the Water Park Project that were not really considered in the initial design process but have come to light now. They include:

- Anti Graffiti coating to the new retaining wall
- Funds for Parks and Gardens to reestablish lawns, install garden beds, reticulation, seating and tables and signage. (Original parks allowance in the funding submission was 25k this was to include all their works plus retaining walls brick paving etc. The retaining wall and brick paving alone was \$45K)
- Disabled pram ramp installation and disabled parking bay marking
- The underground tank is now a free body of water in the plant room, it will require an industrial type balustrade and service ladder for OH&S compliance.
- For security it is proposed to install a large spot light on the plant room roof lighting on the park surface.
- The new retaining wall has been moved from its concept location to abut the water park; a safety fence around the top perimeter is preferable for safety reason.
- It has been identified that to maintain as clean an environment as possible we should install an external shower near the water park for both before and after use, also required is a disabled compatible drinking fountain.

- A small amount for contingency of which we have not had in the project so far.
- **\$92,600** Town Beach Area Lighting – project increased from \$240,000 to \$332,600 to allow for markets relocation, full cost of power upgrade, whilst including Option 1 lighting \$75K.
- **\$139** Promotional Banner Upgrade Town Entry – project of \$20,000 was completed near budget.
- **\$3,100** Haynes Oval Pavilion Security and Basketball Court Fencing – project estimate increased from \$30,000 to \$33,100 as quotes came in above estimates.

The net sum of all project reductions, variations and additions adds to \$0.

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Local Government Act 1995

*6.8. Expenditure from municipal fund not included in annual budget*

*3) 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.*

*4) 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.*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The net result of this budget amendment will have no affect on the predicted end of year cash position.

## STRATEGIC IMPLICATIONS

### People

Effectively engage with our community by providing information and provide open, transparent and good governance to the community.

**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.

**VOTING REQUIREMENTS**

Absolute Majority

REPORT RECOMMENDATION

*That Council:*

1. *Authorises the Chief Executive Officer to liaise with the funding body to request the following variations to projects:*
  - a. *Decrease of \$21,000 funding for "Depot Office Facilities"*
  - b. *Decrease of \$30,500 funding for "Depot Sewerage Renewal Works"*
  - c. *Decrease of \$7,100 funding for "Street Light Upgrade Fredericks Street"*
  - d. *Decrease of \$89,900 funding for "BRAC Fences Upgrade"*
  - e. *Decrease of \$215,859 funding for "BRAC Ovals Amenities Building"*
  - f. *Variation increase of \$202,820 funding for "BRAC Amenities Building Carpark"*
  - g. *Increase of \$15,700 funding for "Depot Toilet Construction"*
  - h. *Increase of \$50,000 funding for "Water Park Town Beach"*
  - i. *Increase of 92,600 funding for "Town Beach Area Lighting"*
  - j. *Increase of \$139 funding for "Promotional Banner"*
  - k. *Increase of \$3,100 funding for "Haynes Oval Security & Basketball Fencing"*

**Moved:**

**Seconded:**

**FOR:**

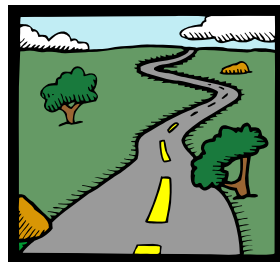
**AGAINST:**

**(Absolute Majority required)**

# 9.5

## ENGINEERING

### SERVICES



### OUTCOME

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

**9.5.1 BUDGET REVISION FOR HAYNES OVAL RENEWAL INFRASTRUCTURE**

<b>LOCATION/ ADDRESS:</b>	Haynes Oval
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	RES41309
<b>AUTHOR:</b>	Parks and Gardens Supervisor
<b>CONTRIBUTOR/S:</b>	N/A
<b>RESPONSIBLE OFFICER:</b>	Director Engineering Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	1 March 2010

**SUMMARY:** The replacement of the roof on the Haynes oval effluent tank was budgeted at \$20,000 in Parks Capital expenditure but incurred an additional \$14,000 of expense due to unforeseen complications. A budget amendment of \$14,000 is therefore required to fund the budget over-run. This additional amount can be obtained by transfer from Public Open Space (POS) untied reserve account 113607. This amendment will not affect the predicted end of year forecast for the capital works budget.

**BACKGROUND**Previous Considerations

Due to its use for effluent storage, the Haynes oval tank roof has rusted badly creating a safety hazard and allowing effluent odour to affect surrounding areas including the school grounds. Being the first effluent tank ever used by the Shire it was not foreseen how corrosive the nature of the effluent material would prove to be. Parks staff became aware of the severity of the corrosion at the end of last financial year and a budget figure of \$20,000 for replacement of the roof was included in the 2009/10 budget.

**COMMENT**

Due to the nature of this job dealing with odorous effluent sludge and confined spaces, the Parks Section found it difficult to interest contractors to quote on the job.

Three quotes were obtained:

- Pioneer water tanks - \$57,100 including new tank liner;
- Jingo - \$28,066.50 not including a new liner;
- Water dynamics - \$29,950 including a new tank liner.

Water Dynamics was the most favourable quotation and was accepted. Due to the severity of the decay in the tank roof and associated risks, Water Dynamics was requested to start immediately and for the work to be completed during the school holidays.

When the roof was removed and the tank emptied it was found to contain 500mm of sludge, which could not be removed through the scour valve. This sludge had to be removed by Kimberley Waste Services sewage truck and by physical labour. This was unforeseen and was not quoted for, and accordingly resulted in additional expense of \$3,904.50 over the quoted amount, plus additional labour costs.

The new roof has been "tarred" with epoxy bitumen in known oxidization "hot-spots". An improved scouring system and sump will be included in submissions for next year's budget to eliminate or at least reduce the above issues.

## CONSULTATION

Contactors

## STATUTORY ENVIRONMENT

Local Government Act 1995

*6.8. Expenditure from municipal fund not included in annual budget*

*5) 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.*

*6) 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.*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Funds for this amendment are available in POS reserve account 113657.

## 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

REPORT RECOMMENDATION

*That Council adopts budget amendments to the following general ledger accounts:*

- I. Increase of \$14,000 expenditure in GL account 113762 "Haynes Oval Reserve Renewal Infrastructure" for effluent tank roof replacement, to be funded by transferring \$14,000 from untied "Public Open Space Reserve Funds" in account 113989.*

***Moved:***

***Seconded:***

***FOR:***

***AGAINST:***

***(Absolute Majority required)***



**9.5.2 BUDGET REVISION FOR CONSTRUCTION OF RECONCILIATION PARK**

**LOCATION/ ADDRESS:** Reconciliation Park  
**APPLICANT:** N/A  
**FILE:** SHO-1/RECON  
**AUTHOR:** Parks and Gardens Supervisor  
**CONTRIBUTOR/S:** N/A  
**RESPONSIBLE OFFICER:** Director of Engineering Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 1 March 2010

**SUMMARY:** A budget amendment is sought for \$16,000 to cover over expenditure and a budget increase of \$9,000 for completion of Reconciliation Park landscaping works. This work has been funded by \$45,000 from Regional and Local Community Infrastructure Program (RLCIP). If not funded there will be a deficit of \$16,000 within the Parks and Gardens Capital Works Program. This will not affect the predicted end of year forecast for Parks and Gardens operations.

**BACKGROUND**Previous Considerations

The construction/development of Reconciliation Park was an initiative of the Shire of Broome and Rubibi.

UDLA Landscape architects were commissioned to create a landscape design to provide an area of cultural awareness as well as to provide a unique and aesthetically pleasing entrance to town.

**COMMENT**

The Parks and Gardens Section started construction of Reconciliation Park with grant funding from the Regional RLCIP funding in 2009. Earthworks reshaping of the drain and the construction of decorative rock work were completed as well as a majority of landscaping and rock work on the east side of the drain. This work was completed up to the level of the funding.

With the oncoming wet season, the east side slopes of the reconciliation park and both embankment sides of the drain had no erosion protection or soil stabilisation treatments in place and there was considerable concern that if some treatment was not done a majority of the work already completed could have been lost during wet season down pours.

Part of the area that could have been lost included the concrete slab and surrounding hard landscaping that has been provided as the base for the Reconciliation mosaic, This is intended to be installed by community indigenous artists.

This sits high on the top of the drain shoulder. The banks of the drain and the east side were landscaped and mulched with local indigenous plants and tip mulch was used to keep costs to a minimum. This extra work carried out has held the reconciliation park embankments together and subsequently held all the drain sides and rockwork together through the wet season so far. However it ran us over budget. It is respectfully requested that funding be provided to cover this over budget expenditure.

Reconciliation Park is now 75% complete. Two parcels of work are required to be completed.

The first is additional work not included in the original scope of grant applications and is the rock pitching of the drain providing the stormwater outlet from the BVC car park to the main drain. Funding for construction of this drain and associated rockwork has been applied for in the next round of RCLIP funding.

A further budget increase of \$9,000 is requested to complete the landscaping in the far north-east section of the park. This amount of funding cannot be applied for within a future grant application as it was part of the first grant funding arrangement.

At the moment the park is in an uncompleted state and the area of unfinished landscaping in the north-east corner detracts from the unique and culturally aligned quality landscaping already completed. This will become more obvious as the new Hamersley Street landscaping is finished in the next two months.

It is respectfully requested that Council agrees to this budget increase to finish off this small area of landscaping which will complete the landscaping work in Reconciliation Park.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

*6.8. Expenditure from municipal fund not included in annual budget*

- 7) *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.*

- 8) *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.*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The financial situation can be summarised as follows:-

Total funding (grant)	\$45,000
Funding spent 08/09	\$28,000
Funding spent 09/10	\$32,360
Total deficit	<u>-\$15,360</u>

Amount requested to be funded:

To cover over expenditure	\$16,000
To finish landscaping north/east corner	\$ 9,000
TOTAL	<u>\$25,000</u>

It is requested that the amount of \$25,000 be taken from POS Reserve account 113989 and be placed in account 113608 Reconciliation Park Upgrade Works.

The net result of this budget amendment will not affect the projected end of the year outcome.

### **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

REPORT RECOMMENDATION

*That Council Adopts a budget amendment to the following general ledger account:*

- a. Increase of \$25,000 expenditure in GL account 113608 – “Reconciliation Park Upgrade works” to cover budget over-expenditure and the completion of landscaping to be funded by transferring \$25,000 from “Public Open Space Reserve Funds” in account 113989.*

***Moved:***

***Seconded:***

***FOR:***

***AGAINST:***

***(Absolute Majority required)***

**9.5.3 BUDGET REVISION FOR ROADWORKS BIDYADANGA ROAD**

**LOCATION/ ADDRESS:** Bidyadanga Access Road  
**APPLICANT:** N/A  
**FILE:** BID-1/GEN  
**AUTHOR:** Director Engineering Services  
**CONTRIBUTOR/S:** Construction Project Engineer  
**RESPONSIBLE OFFICER:** Director Engineering Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 2 March 2010

**SUMMARY:** A total budget increase of \$70,500 is required for a recently completed road construction project and gravelling works on Bidyadanga Road, which is funded by Roads to Recovery \$115,000, Regional Roads Group \$155,744, R2R Indigenous Access Roads \$41,000, \$12,000 from WAGC Remote Access Roads Funding, plus Council funding. This change, if adopted, will not affect the predicted end of year forecast.

**BACKGROUND**

Previous Considerations

Council Budgeted to construct the next section of Bidyadanga Road to a 7m wide sealed standard utilising funds from Roads to Recovery and the Regional Roads Group. It also budgeted to undertake capital gravelling work utilising two other funding sources.

**COMMENT**

Council Budgeted \$360,600 in account 121586 to carry out construction work on the next section of Bidyadanga Road to a 7m wide sealed standard utilising funds from Roads to Recovery \$115,000 and the Regional Roads Group \$155,744.

It also budgeted \$77,000 in account 121545 to undertake gravelling work whilst on site under two other funding sources; R2R Indigenous Access Roads \$41,000 (a/c 121545) and \$36,000 including WAGC Remote Access Roads Funding of \$12,000.

The works have been completed and the final costs are as follows:

	Budget	Final Cost	Over Run
121586 Bidyadanga (La Grange) Rd Upgrade Works-Infra Cap Exp-Rd Cons 2.5kms of 7m wide sealed roadway has been completed.	\$360,600.00	\$406,324.12	\$45,724.12
121545 Bidyadanga Rd Renewal Const - Re-forms & Gravel	\$77,000.00	\$101,681.48	\$24,681.48

The total cost over-run is \$70,405.60. This deficit must be funded from within the Capital Works Program by utilising savings made or by foregoing other projects budgeted.

An investigation into which projects might, most appropriately, be foregone to fund this amount has identified the following:

- Defer the budgeted job (account No 104659) General Townsite Drainage Upgrades \$50,000, which was budgeted in expectation of a free source of

spoil becoming available from Watercorp and the requirement for this to be spread and compacted on site. This now does not appear to be achievable this financial year;

- Utilise savings available from Walcott St Upgrade Const - Infra Cap Exp - Urban - Rd Const, widening and kerbing project (account No 121105).

**CONSULTATION**

N/A

**STATUTORY ENVIRONMENT**

Local Government Act 1995

*6.8. Expenditure from municipal fund not included in annual budget*

*9) 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.*

*10) 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.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

	Budget	Final Cost	Over Run
121586 Bidyadanga (La Grange) Rd Upgrade Works-Infra Cap Exp-Rd Cons 2.5kms of 7m wide sealed roadway has been completed.	\$360,600.00	\$406,324.12	\$45,724.12
121545 Bidyadanga Rd Renewal Const - Re-forms & Gravel	\$77,000.00	\$101,681.48	\$24,681.48

The total cost over-run is \$70,405.60. This deficit must be funded from within the Capital Works Program.

Funds to cover this cost over-run can be found by deferring job number 104659 General Townsite Drainage Upgrades \$50,000 and transferring \$45,724.12 to account 121586, and \$4,275.88 to account 121545, and transferring \$20,405.60 from job number 121105 Walcott Street Upgrade project to account 121545.

The net result of this budget amendment will not affect the predicted end of year budget forecast.

**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

**REPORT RECOMMENDATION**

*That Council:*

1. *Adopts budget amendments to the following general ledger accounts:*
  - a. *Increase of \$45,800 expenditure in GL account 121586 – "Bidyadanga (La Grange) Road Upgrade Works - Infra Cap Exp-Rd Construction". Funded by \$45,800 from GL account 104659 – "General Townsite Drainage Upgrades".*
  - b. *Increase of \$24,700 expenditure in GL account 121545 – "Bidyadanga Rd Renewal Const - Re-forms & Gravel". Funded by \$4,200 from GL account 104659 – "General Townsite Drainage Upgrades" and \$20,500 from GL account 121105 – "Walcott St Upgrade Construction - Infrastructure Capital Expenditure - Urban - Rd Construction Project".*

**Moved:**

**Seconded:**

**FOR:  
AGAINST:**

***(Absolute Majority required)***

#### 9.5.4 REQUEST TO TAKE SHIRE VEHICLE OUTSIDE PRIVATE USE AREA - DIRECTOR ENGINEERING SERVICES

<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	Director Engineering Services
<b>FILE:</b>	PO23887 / EPL7608
<b>AUTHOR:</b>	Director Engineering Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Engineering Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Director Engineering Services - Financial
<b>DATE OF REPORT:</b>	9 March 2010

**SUMMARY:** Director Engineering Services requesting permission to take Shire vehicle outside private use area while 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 Engineering Services will be taking annual leave from 29 March 2010 returning to work on 6 April 2010 and requests Council permission to take the Shire vehicle to Coral Bay and Exmouth.

#### COMMENT

The Director Engineering Services proposes to travel to Coral Bay and Exmouth camping.

#### 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 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

REPORT RECOMMENDATION

*That Council approves the Director Engineering Services taking the Shire vehicle to Coral Bay while on annual leave subject to the provisions of Policy 2.2.5 Staff Motor Vehicle Benefit.*

*Moved:*

*Seconded:*

*FOR:*

*AGAINST:*

**10.**

**REPORTS**

**OF**

**COMMITTEES**

## 10.1 AUDIT COMMITTEE MINUTES – HALF YEARLY REVIEW REPORT – DECEMBER 2009 AND COMPLIANCE AUDIT RETURN 2009

<b>LOCATION/ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	FRE 02 and LCR 02
<b>AUTHOR:</b>	Manager of Financial Services
<b>CONTRIBUTOR/S:</b>	Manager Administration Services
<b>RESPONSIBLE OFFICER:</b>	Director of Corporate Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	4 March 2010

**SUMMARY:** To advise Council of the outcome of the Audit Committee's examination of, and to recommend adoption of, the Half Yearly Review report and the Compliance Audit Return.

### BACKGROUND

#### Previous Considerations

Nil

The terms of reference of the audit committee includes a review of the half yearly financial results compared to budget and to review the Compliance Audit Return, then make recommendations to Council.

Both reports are required by legislation to be reviewed by Council no later than 30 March of each year financial year.

### COMMENT

#### Half Yearly Budget Review

The review is in three sections, these being:

- Directorate and Responsible Officer operating expenditure and revenue review. Shaded items are recognised as having a null effect on the forecast.
- Waste Management (Business Unit) – Net movement of funds to/from reserve as a result of variations in operating revenue or expenditure.
- Capital Budgets by Asset Management classification – Summary of project completion as at the date of writing the report, or notations where reports are recommended.

The review methodology compares the amended budget to forecast actual values and recommends budget amendments where appropriate. The threshold that has been used is in accordance with Finance Policy 2.1.1 for revenue, expenditure and financial management items. The threshold is applied to individual items or an area of similar activity such as road maintenance and if appropriate an estimate will be recommended as a budget amendment through the Monthly Financial Activity Report.

The Potential affect on the current forecast from the accumulation of all revenue and expenditure estimates is an operating deficit of \$125,218, with a further \$20,000 recommended for allocation to the Financial Systems and Sustainability Review. Given

that the January forecast was a surplus of \$112,668, the net affect of this budget review will shift the end of year forecast to a projected \$32,550 deficit.

The Audit Committee examined the Half Yearly Review Report.

The audit committee resolved that:

1. *Receives the Half Yearly Review Report for the period ended 31 December 2009.*
2. *Adopts the budget recommendations for the period ended 30 June 2010.*
3. *Increases the consultant financial analyst budget by \$20,000 to undertake the financial systems and sustainability review.*

### Compliance Audit Return

The Compliance Audit Return is a self assessment covering a set of questions prepared by the Department of Local Government (DLGRD). Questions cover compliance related obligations for local government across a range of legislation. The number and type of questions change from year to year according to DLGRD priorities. The current return contained 347 questions with a 98.8% self assessed compliance rating.

A comparison of questions and compliance from previous years indicates a generally positive trend of compliance over the past 6 years:

2009 – 347 – 98.8% (4 non compliance);  
2008 – 311 – 99.4% (2 non compliance);  
2007 – 271 – 95.2% (13 non compliance);  
2006 – 271 – 92.3% (21 non compliance);  
2005 – 306 – 92.5% (23 non compliance);  
2004 – 147 – 87.8% (18 non compliance).

Underpinning this positive trend has been the substantial progress made toward developing and documenting a range of Business Operating Procedures to guard against the loss of corporate knowledge through high turnover or recruitment from external industries.

Compliance questions are sourced from legislation such as the Caravan Parks and Camping Act 1995, Cemeteries Act 1986, Local Government Act 1995, Local Government (Functions & General) Regulations 1996, Local Government (Administration) Regulations 1996, Local Government (Financial management) Regulations 1996, Local Government (Audit) Regulations 1996, Local Government (Miscellaneous Provisions) Regulations 1996  
Audit Committee has examined the Compliance Audit Return.

The Audit Committee resolved that:

1. *Receives the Compliance Audit Return 2008 Summary listing areas of non-compliance and future actions.*
2. *Adopts the Compliance Audit Return 2008 as the official return for the Shire of Broome.*

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**Half Yearly Review

*Local Government (Financial Management) Regulation 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.*  
*\*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.*  
*[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]*

Compliance Audit Return

Local Government (Audit) Regulations 1996

14. *Compliance audit return to be prepared*
  - (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
  - (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
  - (3) *A compliance audit return is to be —*
    - (a) *presented to the council at a meeting of the council;*
    - (b) *adopted by the council; and*
    - (c) *recorded in the minutes of the meeting at which it is adopted.*

*[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5.]*

15. *Completion of compliance audit*
  - (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
    - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
    - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
  - (2) *In this regulation —*  
*"certified" in relation to a compliance audit return means signed by —*

- (a) *the mayor or president; and*
- (b) *the CEO.*

*[Regulation 15 inserted in Gazette 23 Apr 1999 p. 1725.]*

## **POLICY IMPLICATIONS**

Materiality in Financial Reporting

Policy and procedural changes will be required and noted on the Compliance Audit Return Action Plan.

## **FINANCIAL IMPLICATIONS**

### Half Yearly Review

Potential affect on the current forecast from the accumulation of all additional estimates is a deficit movement of \$145,200, leaving a projected deficit of \$32,550. All revisions to forecasts will be detailed in the next monthly financial activity report.

## **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.

## **VOTING REQUIREMENTS**

Absolute Majority

REPORT RECOMMENDATION

*That Council:*

1. *Receives the Audit Committee Minutes for the meeting held 2 March 2010.*
2. *Receives the Half Yearly Review Report for the period ended 31 December 2009.*
3. *Adopts the Half Yearly Review budget recommendations for the period ended 30 June 2010.*
4. *Increases the consultant financial analyst budget by \$20,000 to undertake the financial systems and sustainability review.*
5. *Receives the Compliance Audit Return 2009 Summary listing areas of non-compliance and future actions.*
6. *Adopts the Compliance Audit Return 2009 as the official return for the Shire of Broome.*

COUNCIL RESOLUTION

*Moved:*

*Seconded:*

*FOR:*

*AGAINST:*

*(Absolute Majority required)*

[Attachment: 57 pages](#)

**10.2 BROOME CEMETERY ADVISORY COMMITTEE - MEMBERSHIP**

**LOCATION/ ADDRESS:** Shire of Broome  
**APPLICANT:** N/A  
**FILE:** CTE39  
**AUTHOR:** Council Secretary  
**CONTRIBUTOR/S:** Manager Administration Services  
**RESPONSIBLE OFFICER:** Director Corporate Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 4 March 2010

**SUMMARY:** Under the Terms of Reference, a change of membership proposed for the Broome Cemetery Advisory Committee requires Council's endorsement.

**BACKGROUND**

Previous Considerations

OCM 26 November 2009 - Item 9.4.3

The Broome Cemetery Advisory Committee (BCAC) is comprised of 3 Shire officers, 7 Community Delegates and 2 Funeral Directors. At the OCM of 26 November 2009 Council appointed Cr P D Matsumoto as the Elected Member representative on the Committee with Cr E Yu as the First Deputy. Cr C R Mitchell also expressed an interest and became Second Deputy, should the need arise.

The Chinese Community Member representative appointed to the BCAC is Mr Damian Dep who has, to date, been unavailable for meetings. The Chinese Community have requested Cr Eunice Yu replace Mr Dep as the Chinese Community Member representative on the BCAC Committee. It should be noted that prior to her election to Council in October 2009, Cr E Yu was the Chinese Community Member on the BCAC.

**COMMENT**

In order for Cr E Yu to represent the Chinese Community on the BCAC it is requested that Council consider removing Cr E Yu as first Deputy Elected Member and appointing Cr C R Mitchell as the sole Deputy Elected Member, with Cr P D Matsumoto remaining as Council's Elected Member representative.

The third Shire officer position listed is Project & Administration Officer (Non voting). To facilitate ongoing administration support for the BCAC it is requested that the wording be amended to Administration Support (Non voting) which allows for attendance by available officers.

Current Committee membership is as follows:

Broome Cemetery Advisory Committee Membership - 2009	
1 x Councillor (including Deputy)	Cr P D Matsumoto; <b>Cr E Yu (1<sup>st</sup> Deputy); Cr C R Mitchell (2nd Deputy – if required)</b>
3 x Shire Staff	Director Corporate Services Manager Administration Services <b>Project &amp; Administration Officer (Non voting)</b>



Broome Cemetery Advisory Committee Membership - 2009	
7 x Community Delegates	Br S Wood – Community Delegate Mr R Crook – Community Delegate <b>Mr Damian Dep - Chinese Community Delegate</b> Ms C Edwards - Community Delegate Sr P Hockings – Community Delegate, Sisters of St John of God Mrs N Darcy - Historical Society Delegate Ms L Quince - Notre Dame University Library Delegate
Funeral Directors Chairperson/Deputy	Mr P Cornish – Broome Funeral Services Ms F Zavazal – Okuri Funeral Services

Council’s consideration of the following membership is requested:

Broome Cemetery Advisory Committee Membership - 2010	
1 x Councillor (including Deputy)	Cr P D Matsumoto; <b>Cr C R Mitchell (Deputy)</b>
3 x Shire Staff	Director Corporate Services Manager Administration Services <b>Administration Support (Non voting)</b>
7 x Community Delegates	Br S Wood – Community Delegate Mr R Crook – Community Delegate <b>Eunice Yu - Chinese Community Delegate</b> Ms C Edwards - Community Delegate Sr P Hockings – Community Delegate, Sisters of St John of God Mrs N Darcy - Historical Society Delegate Ms L Quince - Notre Dame University Library Delegate
Funeral Directors Chairperson/Deputy	Mr P Cornish – Broome Funeral Services Ms F Zavazal – Okuri Funeral Services

**CONSULTATION**

The Chinese Community has requested this change in membership.  
Cr P D Matsumoto, Cr C R Mitchell

**STATUTORY ENVIRONMENT**

Local Government Act 1995

5.10. *Appointment of committee members*

- (1) *A committee is to have as its members —*
  - (a) *persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
  - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS****People**

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

**Place**

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

**VOTING REQUIREMENTS**

Absolute Majority

**REPORT RECOMMENDATION**

*That Council adopts the following changes to membership of the Broome Cemetery Advisory Committee:*

- 1. Removes Mr Damian Dep as Chinese Community Delegate.*
- 2. Removes Cr Eunice Yu as first Deputy Elected Member and appoints Eunice Yu as the Chinese Community Delegate.*
- 3. Removes Cr Chris R Mitchell as second Deputy Elected Member and appoints Cr Chris R Mitchell as the sole Deputy Elected Member.*
- 4. Amends the wording Project & Administration Officer (Non voting) to Administration Support (Non voting).*

**Moved:**

**Seconded:**

**(Absolute Majority required)**

**FOR:**

**AGAINST:**

11. NOTICES OF MOTION

12. LATE ITEMS

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

14. MATTERS BEHIND CLOSED DOORS

15. MEETING CLOSURE