



MISSION AND VALUES OF COUNCIL

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

MINUTES

FOR THE

ORDINARY MEETING OF COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
AT 5.00PM

14 December 2011

OUR MISSION

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

CORE VALUES OF THE SHIRE

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

Communication

Respect

Integrity

Transparency

Courtesy

DISCLAIMER

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

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

These minutes are confirmed.

SHIRE OF BROOME
ORDINARY COUNCIL MEETING

INDEX - MINUTES

1.	OFFICIAL OPENING	6
2.	ATTENDANCE AND APOLOGIES	6
3.	DECLARATIONS OF FINANCIAL INTEREST	8
4.	PUBLIC QUESTION TIME	9
5.	CONFIRMATION OF MINUTES	18
6.	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION	18
7.	PETITIONS	18
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED	18
	9.4.5 MAGABALA BOOKS – REQUEST FROM LESSEE TO MODIFY BUILDING item withdrawn	18
	9.4.7 REPORT BACK ON TRADING LICENCE COMPLIANCE – COMMERCIAL CAMEL ACTIVITIES ON CABLE BEACH	18
	9.4.8 REPORT RELATING TO THE STATUS OF COMPLIANCE BY WOODSIDE ON LOT 259, JAMES PRICE POINT, DAMPIER PENINSULA	19
9.	REPORTS OF OFFICERS	20
	9.1 OUR PEOPLE	21
	9.2 OUR PLACE	23
	9.2.1 APPLICATION FOR PLANNING APPROVAL – ABATTOIR – LOT 263 DAMPIER – KILTO STATION	24
	9.2.2 APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL – EXTENSIONS TO ROEBUCK BAY ROADHOUSE - LOT 136 DAMPIER PENINSULA BROOME	31
	9.3 OUR PROSPERITY	39
	9.3.1 REVIEW OF POLICY 4.2.11 – OPERATION OF OVERFLOW CARAVAN PARK FACILITIES	40
	9.4 OUR ORGANISATION	44
	9.4.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2011	45
	9.4.2 NOVEMBER 2011 MONTHLY FINANCIAL ACTIVITY REPORT	47
	9.4.3 ANNUAL FINANCIAL REPORT AND AUDIT 2010/2011	59
	9.4.4 ANNUAL REPORT 2010/2011	66
	9.4.5 MAGABALA BOOKS – REQUEST FROM LESSEE TO MODIFY BUILDING	70
	9.4.6 PROPOSED LOCAL PLANNING POLICY – PLANNING COMPLIANCE	71
	9.4.7 REPORT BACK ON TRADING LICENCE COMPLIANCE – COMMERCIAL CAMEL ACTIVITIES ON CABLE BEACH	76
	9.4.8 REPORT RELATING TO THE STATUS OF COMPLIANCE BY WOODSIDE ON LOT 259, JAMES PRICE POINT, DAMPIER PENINSULA	77
11.	NOTICES OF MOTION	78
	11.1 Council Forums	78
12.	URGENT ITEMS	80
	12.1 LOCAL GOVERNMENT COMMUNIQUÉ TO STATE GOVERNMENT	80

13.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	85
14.	MATTERS BEHIND CLOSED DOORS	85
15.	MEETING CLOSURE.....	86

NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on, Wednesday 14 December 2011 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5.00pm.

Regards



Peter Naylor
Director Corporate
and Community Services

on behalf of
K R Donohoe
CHIEF EXECUTIVE OFFICER
7 December 2011

1. OFFICIAL OPENING

The Chairperson welcomed Councillors, staff and members of the gallery and declared the meeting open at 5.00pm.

2. ATTENDANCE AND APOLOGIES

Attendance: Cr G T Campbell Shire President
 Cr C R Mitchell
 Cr J Bloom
 Cr D M Male
 Cr Peter D Matsumoto (from 5.08pm)
 Cr Philip F Matsumoto
 Cr E Yu
 Cr M Manado

Leave of Absence Cr A Poelina Deputy Shire President

Moved: C R Mitchell Seconded: Cr E Yu

That Cr A Poelina be granted a Leave of Absence for the Ordinary Meeting of Council held on 16 February 2012

CARRIED UNANIMOUSLY

Apologies: Nil

Officers: Kenn Donohoe Chief Executive Officer
 Ingrid Bishop Deputy Chief Executive Officer (until 6.21pm)
 Peter Naylor Director Corporate and Community Services
 Andre Schonfeldt Director Development Services
 Neville Lavey Director Engineering Services
 Alison Seaman Council Secretary
 Bridget Visser Media and Promotions Officer

Public Gallery: Darryl Butcher Executive Manager Strategic Development
 Theresa De Biasi A/Manager Financial Services
 Michelle Teoh Manager Planning Services
 Jan Lewis
 Rachael Bauman
 Martine Gysblechts

Sue Clark	Broome Community No Gas Campaign
Carmel Leahy	
Amanda Walsh	No Gas Campaign
Jeff Skinner	
Kevin Smith	
John Geappen	Red Sun Camels
Pauline Jones	Roebuck Plains Roadhouse
Shannon Mentiplay	Roebuck Plains Roadhouse
Christina Hoffman	Roebuck Plains Roadhouse
Janelle Mussard	Roebuck Plains Roadhouse
Kristian Emil Kristense	
Beverley Long	
Sean Salmon	
Sadie McCaig	
Denise Dullon-Smith	
Brad Satchell	
Case van Dommele	
Mirian Tessler	
Jill McMahan	
Louise Middleton	
Pat Channing	
W. Moore	
Julie Weguelin	
Geoff Weguelin	
Bev Johnson	
Don Bacon	
D. Vincent	
Shane Hughes	
Kris Harburn	
Kirsteen Millar	Cable Beach Physiotherapy
Lindi Roworth	
Judy Pitman	
Wade Freeman	Australian Conservation Foundation

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page No	Item	Nature of Interest
Cr G T Campbell	9.2.2	29	APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL – EXTENSIONS TO ROEBUCK BAY ROADHOUSE - LOT 136 DAMPIER PENINSULA BROOME	Financial – is a Director and shareholder of a company that operates a caravan park.
Cr G T Campbell	9.3.1	38	REVIEW OF POLICY 4.2.11 – OPERATION OF OVERFLOW CARAVAN PARK FACILITIES	Financial – is a Director and shareholder of a company that operates a caravan park.
Cr Peter Matsumoto D	9.2.1	22	APPLICATION FOR PLANNING APPROVAL – ABATTOIR – LOT 263 DAMPIER – KILTO STATION	Impartial – Has an association with Native Title.
Cr Peter Matsumoto D	9.4.8	75	REPORT RELATING TO THE STATUS OF COMPLIANCE BY WOODSIDE ON LOT 259, JAMES PRICE POINT, DAMPIER PENINSULA	Impartial – Has an association with Native Title.
Cr D M Male	9.2.1	22	APPLICATION FOR PLANNING APPROVAL – ABATTOIR – LOT 263 DAMPIER – KILTO STATION	Financial – Applicants are clients of Male and Co.
Cr D M Male	9.4.7	74	REPORT BACK ON TRADING LICENCE COMPLIANCE – COMMERCIAL CAMEL ACTIVITIES ON CABLE BEACH	Financial – One of the Camel operators has been a client of Male and Co. in the last 12 months.
Cr Philip Matsumoto F	9.2.1	22	REPORT RELATING TO THE STATUS OF COMPLIANCE BY WOODSIDE ON LOT 259, JAMES PRICE POINT, DAMPIER PENINSULA	Impartial – Has an association with Native Title.
Cr Philip Matsumoto F	9.4.8	75	REPORT RELATING TO THE STATUS OF COMPLIANCE BY WOODSIDE ON LOT 259, JAMES PRICE POINT, DAMPIER PENINSULA	Impartial – Has an association with Native Title.
Cr E Yu	9.2.1	22	REPORT RELATING TO THE STATUS OF COMPLIANCE BY WOODSIDE ON LOT 259, JAMES PRICE POINT, DAMPIER PENINSULA	Impartial – Has an association with Yawuru NTHAC RNTB as an ordinary member.

Cr E Yu	9.2.2	29	APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL – EXTENSIONS TO ROEBUCK BAY ROADHOUSE - LOT 136 DAMPIER PENINSULA BROOME	Impartial – Has an association with Yawuru NTHAC RNTB as an ordinary member.
Cr E Yu	9.4.5	68	MAGABALA BOOKS – REQUEST FROM LESSEE TO MODIFY BUILDING	Impartial – has an association with two board members on Magabala Books A.C. – not for profit organisation.
Cr C R Mitchell	9.4.5	68	MAGABALA BOOKS – REQUEST FROM LESSEE TO MODIFY BUILDING	Impartial – Has an association with Magabala Books through a funding application.

4. PUBLIC QUESTION TIME

At the Ordinary Meeting of Council held on Thursday 24 November 2011, Sean Salmon submitted the following questions. These questions were taken on notice. Responses are as follows:

Sean Salmon:

"On 29 October 2009 the Broome Shire gave Woodside planning approval for a Temporary Meteorological Tower at James Price Point for 12 to 36 months. The purpose of the tower was to collect field data on atmospheric conditions.

- 1) *Is the tower still being used to gather meteorological data?*
- 2) *Is the tower being used for communications other than those pertaining to meteorological data?*
- 3) *How does the Shire know what the tower is currently being used for?*
- 4) *Has the Shire of Broome served such a notice in respect to the tower and if not why not?*
- 5) *Furthermore, if the tower is no longer being used to gather data on atmospheric conditions as it was 'temporary' should it not now be removed and the site rehabilitated as stated in the planning approval?*
- 6) *What measures have been undertaken by Woodside to ensure the 'hygiene of vehicles' as required in the planning approval?"*

The Chairperson took these questions on notice. Responses to these questions are as follows:

Chairperson:

"This question will be taken on notice."

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

Director Development Services advised:

Answer 1:

"Yes. Woodside did during the site visit indicate to Shire staff that the tower still records meteorological data."

Answer 2:

"Yes. Woodside indicated that the additional communication capabilities have been activated. The Shire is requesting further information regarding the physical implications of this."

Answer 3:

"The Shire relies on evidence being provided to it by the applicants."

Answer 4:

"No. As mentioned this is part of an ongoing investigation."

Answer 5:

"It is still being used for the purposes as approved and discussed under answer 2. Therefore the tower may remain."

Answer 6:

"During the site inspection, officers from the Shire observed a "mud puppy" which is to be used during wet season. During the dry season, a brush down is required of all vehicles, whilst only vehicles inspected for pests are allowed to enter the site leaving the lay down area."

John Geappen submitted questions for the Ordinary Meeting of Council to be held on 14 December 2011. Responses are as follows:

Question 1 – John Geappen:

"The camel business, Ships of the Desert, continues to operate without meeting essential criteria, without planning approval and other requirements relative to the holding of a camel licence. Members of this chamber, including the Director of Development Services, Darryl Butcher and the President of the Council, Mr Graeme Campbell, gave strong assurances to me, that this matter would be given urgent priority, when I last put this matter before Council during public question time at the August 2011 Ordinary Council Meeting. I first raised these same concerns, during public question time in December 2010 and again in April 2011. I now stand before you some 13 months later raising the same concerns as no action has been taken against this business, for its continuing unlawful conduct. Why is this?"

Answer – Director Development Services:

"Compliance investigations were undertaken and any action taken is to be in accordance with the relevant legislation. Council and its delegated officers may exercise their discretion when deciding upon a course of action and should take into account relevant factors. Not all compliance issues lead to actions being taken. The Shire's proposed / draft Planning Compliance Policy sets out criteria which provide guidelines for officers to consider in the aim to take consistent compliance action and also to make the public aware of compliance issues and processes. Where Council does compliance

investigations or take action such matters should remain confidential due to the legal nature of such proceedings."

Question 2 – John Geappen:

"According to the Shire of Broome's own Public Question Time Guidelines, under section 2.54 of the Local Government Act 1995 (the Act) and the Local Government (Administration) Regulations 1996 (the regulations), time must be made available at every council meeting for members of the public to ask questions and have them responded to.

The intention of the legislation is for a local government to respond by providing answers. Although a local government must respond by providing answers. Although a local government must respond to a question, it was not intended that a local government provide an answer to every question where the question is outside the legislation or deemed unreasonable.

Are any of the questions I have put forward during question time, no less than four times over the past 13 months, deemed outside the legislation or deemed unreasonable? If not, then why has this Council failed in it's legislative responsibilities?"

Answer – Director Development Services:

"Council has responded to Mr. Geappen's questions as minuted in the previous Council meetings."

Question 3 – John Geappen:

Can this Council assure members of the community that the unlawful and non-compliant commercial conduct of the camel business Ships of the Desert, will not result in legal action against the Shire of Broome, by the other two lawful and compliant camel businesses?

Answer – Director Development Services:

"Council responded to this Question as minuted in OMC minutes 1 August 2011."

Sean Salmon submitted questions for the Ordinary Meeting of Council to be held on 14 December 2011. Responses are as follows:

"Thank you for your direct response to my first question from the previous Shire meeting on November 24 in relation to the Temporary Meteorological Tower at James Price Point.

However, I would like to seek some clarification to the answer to question 2."

Question 1 Sean Salmon:

The features of the Temporary Meteorological Tower listed in the proposal and subsequent planning approval in October 2009 does not include "additional communication capabilities". What are the additional communication capabilities" that have been activated?"

Answer – Director Development Services:

"As stated in the précis included in the Agenda a letter requesting further information has been forwarded to Woodside, amongst other things it aims to establish what additional equipment has been installed, if any on the Meteorological Tower."

Question 2 – Sean Salmon:

“Given that 4B(b) of the approval states that “no development or other works shall be carried out otherwise than in strict accordance with the approval plans” does the adding of “additional communication capabilities” mean that the Tower fails to comply with the approval given?”

Answer 2 – Director Development Services:

“The investigations aim to determine whether or not the additional capabilities constitute further development, if so it would require planning approval. If not it would be considered to comply with the current approval.”

Question 3 – Sean Salmon:

“I would also appreciate some clarification to the answer given to Question 4. The answer states that the Shire have not served notice in respect to the Tower because it is part of an “ongoing investigation”. When did the “ongoing investigation” begin and when will it end?”

Answer 3 – Director Development Services:

“The Shire officers conducted a Site inspection on 4 November 2011. The Director Development Services in considering the available information and obtaining legal advice have written to Woodside on 9 December 2011 requesting further information within 14 days. Following receipt of the information a report will be put to Council.”

Question 4 – Sean Salmon:

“The Temporary Meteorological Tower either complies with the approval given or it doesn’t. exactly what is being investigated?”

Answer 4 – Director Development Services:

“As responded to in Answer 1.”

Question 5 – Sean Salmon:

“The report relating to the status of Compliance by Woodside on Lot 259 James Price Point, states that the tower is “generally in accordance” with the planning approval. Can you define how a development is “generally in accordance” with a planning approval? Or how a development would be generally not in accordance with a planning approval?”

Answer 5 Director Development Services:

“The tower has been established in the location where it has been approved with functions as per the approval therefore it is considered to be generally in accordance with the planning approval. It appears that additional functions have been added to what was originally approved. The Shire is investigating if any additional equipment was installed, and if so whether or not this is in accordance with the current planning approval. The Shire will also consider whether or not the additional equipment installed constitutes additional development whether or not it requires a new approval.”

Question 6 – Sean Salmon:

“Why wouldn’t changes to the functioning or use of the tower require planning approval?”

Answer – Director Development Services:

The Tower is still being used as a meteorological tower and therefore the use is not seen to have changed. Additional functions may have been added and the investigations currently underway aim to determine whether or not these additional equipment if any constitutes development which would then require planning approval."

Sue Clark submitted questions for the Ordinary Meeting of Council to be held on 14 December 2011. Responses are as follows:

9.4.8 Report relating to the status of compliance by Woodside on Lot 259, James Price Point, Dampier Peninsula:

Question 1 – Sue Clark:

"The report is not in standard Council format, why is this and why are we not allowed to see the whole facts and background?"

Answer 1 – Chief Executive Officer:

"Under Section 5.23(2)(d) of the Local Government Act 1995, a Council meeting may be held behind closed doors if the meeting or part of the meeting deals with legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"

Question 2 – Sue Clark:

"Regarding the met tower, it is stated a 'minor change to functioning may have occurred'. We understand that there is evidence that the met tower data collection equipment was removed in July. If this is the case is it considered a minor change?"

Answer 2 – Director Development Services:

"It is my understanding that some of the equipment was removed to undergo calibration. However the tower is still used for meteorological purposes. The recalibrated equipment was to be reinstalled. If this is purely the replacement of equipment that has been approved before then that would be considered in line with the current planning approval. If additional equipment was installed and functions activated, the Shire would need to determine if this constitutes additional development that falls outside the current approval and if so then it may require planning approval. The Shire's letter therefore requests further information in this regard."

Question 3 – Sue Clark:

"The report states that the hydrological studies have not commenced. Does the laydown area that has been built which has a fuel tank, transportable accommodation, offices, toilets, vehicle washdown area have planning approval?"

Answer 3 – Director Development Services:

"No."

Question 4 – Sue Clark:

"Woodside has undertaken geotechnical investigations on Lot 259, does this activity require planning approval and if yes, has planning approval been granted?"

Answer 4 – Director Development Services:

"We are currently investigating the requirement for planning approval. A further report will need to be brought back to Council upon establishing all the facts."

Question 5 – Sue Clark:

"With reference to the Fence and Gate off Manari Road, does this require planning approval and if yes, has planning approval been granted? If no planning approval is required, why is this?"

Answer 5 – Director Development Services:

"This forms part of the current investigations to determine whether or not planning approval is required."

9.4.6 Proposed Local Planning Policy – Planning Compliance:

Question 6 – Sue Clark:

"When did staff undertake a compliance site inspection?"

Answer 6 - Director Development Services:

"4 November 2011."

Question 7 – Sue Clark:

"When did the Director Development Services write to Woodside to seek an explanation within 14 days for works undertaken on Lot 259?"

Answer 7 - Director Development Services:

"9 December 2011."

Question 8 – Sue Clark:

"Is the matter of Woodside compliance considered to be a minor or major offence?"

Answer 8 - Director Development Services:

"This will be determined through the course of ongoing investigations to establish whether or not any offence has occurred."

Question 9 – Sue Clark:

"If the matter of Woodside compliance is considered a minor offence, how will the matter be resolved:

- a) by an explanation;*
- b) by a retrospective application being lodged?"*

Answer 9 - Director Development Services:

"It is not appropriate to pre-empt any compliance action at this point in time."

Question 10 - Sue Clark:

"If the matter of Woodside compliance is considered a major offence, how will the matter be resolved:

- a) will the Council issue a 214 or 215 Direction/Notice or will prosecution be commenced?'*
- b) If a 214/215 Direction/Notice is sent what will it require Woodside to do?*
- c) If a prosecution is to be commenced what will the grounds for prosecution be?"*

Answer 10 - Director Development Services:

"It is not appropriate to pre-empt any compliance action at this point in time."

Question 11 - Sue Clark:

"If a retrospective planning application is lodged by Woodside how will the Council in accordance with IDO4 paragraph 4A, enable community and Aboriginal groups to make a submission?"

Answer 11 - Director Development Services:

"Shire Officers will have to follow the planning process as required by the relevant legislation. Clause 8(b) or IDO4 provides only 60 days within which an application is to be determined prior to being deemed refused. The IDO also does not include a statutory provision through which consultation is to occur or whereby it is required."

At the Ordinary Meeting of Council held on 14 December 2011 Janelle Mussared submitted the following question in relation to Item 9.2.2: Application for Retrospective Planning Approval – Extensions to Roebuck Bay Roadhouse - Lot 136 Dampier Peninsula Broome.

Question 1 - Janelle Mussared:

"Why is retrospective planning approval needed why has the legislation changed?"

Answer 1 – Director Development Services:

"Planning approval was always required, changes in the Building Codes of Australia may have occurred and buildings are to comply with the requirements as it was at the date of the application."

At the Ordinary Meeting of Council held on 14 December 2011 Louise Middleton submitted the following questions:

Question 1 – Louise Middleton:

"Can the Council tell me who owns this land at Lot 259 Dampier Peninsula?"

Answer 1 – Director Development Services:

"This is unallocated Crown land with Native Title claims. Tenure is considered under the Land and Administration Act and under this Act the Department of Regional Lands is responsible for the management of the land."

Question 2 – Louise Middleton:

"Given the serious nature of these facts and the fact that the Shire has been seriously compromised and implicated in these irregularities, is the shire still prepared to provide retrospective planning approvals to Woodside on Lot 259, Dampier Peninsula?"

Answer 2 – Director Development Services:

"Council in making its determination for any application for retrospective approval will need to do so in accordance with, and taking into account, the relevant provisions as outlined in the Planning and Development Act 2005 and the Interim Development Order No. 4. It is inappropriate to comment on whether or not the Shire is prepared to support a planning approval at this point in time. If the Shire does receive such an application it

would be the subject of an Agenda Item in future which would have to follow the Local Government Standing orders and the Act."

Question 3 – Louise Middleton:

"Will the Shire still provide retrospective planning approvals to Woodside when they are clearly aware that Woodside nor the state government have no Cultural Heritage Clearance, according to According to the Act?"

Answer 3 – Director Development Services:

"Cultural Heritage and in particular Aboriginal Heritage under the Aboriginal Heritage Act 1972 is part of the considerations taken into account when making planning determinations under the IDO. It is not appropriate to comment on whether or not the Shire will provide planning approval at this point in time."

Question 4 – Louise Middleton:

Can the Shire please explain to our community how can they abandon this amazing living cultural Songline, with national heritage listing, deny our historical community efforts in regards to the National Reconciliation Movement in the face of this great destructive adversity?

Answer 4 – Director Development Services:

"The Shire is following due processes in determining an appropriate course of action in dealing with activities being undertaken at the site. Enforcement under the Aboriginal Heritage Act pertaining to the Heritage listings and registered sites are the responsibility of the Department of Indigenous Affairs."

Question 5 – Louise Middleton:

Out of respect why didn't the Shire ensure or investigate when advised months ago that Woodside did not have the necessary and appropriate approvals under the Aboriginal Heritage Act?

Answer 5 – Director Development Services:

"This forms part of the current investigations."

Question 6 – Louise Middleton:

"Is the Broome Shire receiving sound legal advice and if so who is providing this advice?"

Answer 6 – Director Development Services:

"Yes. Advice is being sought from McLeod's Solicitors, they are an acknowledged and well respected legal firm and form part of the Western Australian Local Government Association (WALGA) panel."

Cr G T Campbell declared an interest in questions submitted by Kevin Smith due to being a Director of a company that operates the Roebuck Bay Caravan Park and departed the Chambers at 5.38pm.

That Cr C R Mitchell be elected as Chairperson for the consideration of this item

Moved: Cr J Bloom ***Seconded: Cr E Yu***

CARRIED UNANIMOUSLY

Cr C R Mitchell assumed the Chair.

Kevin Smith submitted the following questions in relation to green waste at the Roebuck Bay Caravan Park:

"On a recent walk along the Roebuck Bay foreshore between Demco Estate and Town Beach I noticed that green waste from the Roebuck Bay Caravan and Camping Park is being disposed of by being pushed over the costal edges of the park:"

Question 1:

"Is this method of green waste disposal legal under the laws, by-laws and regulations that cover such matters within the Shire, or the terms of the lease over the site?"

Question 2:

"Given that most of this green waste is derived from introduced and non-native species (grass and tree clippings, palm fonds etc) the proximity of this foreshore to the Roebuck bay Ramsar-listed wetlands, Roebuck Bay Marine Park and the Roebuck Bay mudflats which support tens of thousands of migratory shorebirds every year, and the likelihood that the waste will be wasted into the Bay during the upcoming Wet Season does the Shire consider this to be an appropriate method of green waste disposal?"

Question 3:

"Will the Shire Officers contact the leaseholders and managers of the Roebuck Bay Caravan and Camping Park to discuss a more environmentally and socially responsible method for disposing of their green waste?"

Answer – Chairperson:

"These questions will be taken on notice."

Cr G T Campbell returned to the Chambers at 5.40pm and re-assumed the Chair.

Amended OMC 16 February 2012

Jan Lewis submitted the following questions in relation to item 9.4.8:

Question 1:

"why did it take so long to write a letter after the site inspection on 4 November 2011."

Answer 1 – Director Development Services:

"The scale and nature of the activities needed to be considered in light of the relevant legislative framework. Legal advice has and is also being sought. Part of this advice is being considered in the Council report."

Question 2:

"Has Woodside entered into an agreement for the Shire to undertake roadworks on Manari Road?"

Answer 2 – Director Engineering Services:

"Yes. Woodside have made arrangements with the Shire for the Shire to carry our road maintenance works on Manari Road (a Shire Road) whenever trafficability or road safety risk reaches an unacceptable level. Woodside have recognised that increased traffic from their operations will result in the need for increased maintenance. They have paid an amount of money to the Shire which is held in a specific account for Manari Road maintenance and which is drawn upon by the Shire each time works are required on Manari Road. It is expected that should the existing funds be exhausted then Woodside would provide additional funding to cover a further program of work."

5. CONFIRMATION OF MINUTES

Moved: Cr J Bloom

Seconded: Cr E Yu

That the Minutes of the Ordinary Meeting of Council held on 24 November 2011 be confirmed as a true and accurate record of that meeting, subject to the following amendment:

That Council Resolution for Item 9.3.1 Accounts for Payment – November 2011 is amended to read as follows:

- *"Trust Cheque Vouchers 3245 – 3245 totalling ~~\$14,44.18~~ \$14,414.18.*

CARRIED UNANIMOUSLY

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

The Chairperson thanked the Director Corporate and Community Services, Mr Peter Naylor for his assistance over the last 18 months and wished him all the best in his new position as Chief Executive Officer at the Shire of Cunderdin.

The Chairperson wished everyone a Merry Christmas and a safe New Year.

7. PETITIONS

Nil.

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9.4.5 MAGABALA BOOKS – REQUEST FROM LESSEE TO MODIFY BUILDING item withdrawn

9.4.7 REPORT BACK ON TRADING LICENCE COMPLIANCE – COMMERCIAL CAMEL ACTIVITIES ON CABLE BEACH

**9.4.8 REPORT RELATING TO THE STATUS OF COMPLIANCE BY WOODSIDE ON LOT 259,
JAMES PRICE POINT, DAMPIER PENINSULA**

9.

**REPORTS
OF
OFFICERS**

9.1

OUR PEOPLE



PRIORITY STATEMENT

Embracing our cultural diversity and the relationship between our unique heritage and people, we aim to work in partnership with the community to provide relevant, quality services and infrastructure that meet the needs and aspirations of our community and those visiting and doing business in our region.

Supporting and contributing to the well-being and safety of our community is paramount, as is our focus on community engagement and participation.

Council aims to build safe, strong and resilient communities with access to services, infrastructure and opportunities that will result in an increase in active civic participation, a reduction in anti-social behaviour and improved social cohesion.

There are no reports in this section.

9.2

OUR PLACE



PRIORITY STATEMENT

The Shire of Broome has an abundance of unique natural features, coastal attractions, significant streetscapes, historic precincts and a mix of old and new urban developments.

Our aim is for all communities and settled areas, including the Broome Township, to be a place where the natural environment, on which life depends, is maintained, whilst at the same time the built environment contributes to the economy and a quality lifestyle for all.

Preserving the Shire’s natural environment is a critical community outcome. Council will put into place strategies that nurture and improve the Shire’s unique environment and biodiversity.

The Shire will work in partnership with the community and other agencies to ensure responsible and accountable management of both the natural and build environments is achieved in the short term and for future generations.

With regard to Item 9.2.1, Cr Peter D Matsumoto disclosed that *"I have an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly"*.

With regard to Item 9.2.1, Cr Philip F Matsumoto disclosed that *"I have an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly"*.

With regard to Item 9.2.1, Cr E Yu disclosed that *"I have an association with Yawuru, NTHAC RNTB as an ordinary member. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly"*.

Cr D M Male declared a financial interest in Item 9.2.1 as the applicants are clients of Male and Co. and departed the Chambers at 5.46pm.

9.2.1 APPLICATION FOR PLANNING APPROVAL – ABATTOIR – LOT 263 DAMPIER – KILTO STATION	
LOCATION/ADDRESS:	Lot 263 Dampier Kilto
APPLICANT:	Jamie (Jack) and Victoria Burton.
FILE:	KIL
AUTHOR:	Neels Pretorius
CONTRIBUTOR/S	A/Manager Planning Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 September 2011
SUMMARY: An application for planning approval has been received for an Abattoir at the Kilto Station.	
The report is referred to Council for consideration as the land comes under the Shire’s Interim Development Order No 4 (IDO4).	
This report recommends approval.	

BACKGROUND

Previous Considerations

Nil

Site and Surrounds

Kilto Station is located approximately 70 km to the north-east of Broome to the north of the Great Northern Highway. The proposed Abattoir will be located within the Kilto Station Homestead complex approximately 250m south-east of the cattle yards.

Attachment 1 - Locality Plan

Description of the Proposal

The abattoir will consist of a 9.2m x 23.6m (6.2 m high) shed with a cement paved area surrounding it, the area that will be used for the abattoir operations measures approximately 85mx70m (6000m²). Approximately 4 – 10 head of cattle will be slaughtered each day which will produce a 100, 000 tonnes of meat a year.

Attachment 2 – Abattoir plans.

Planning Provisions

The proposed abattoir is regarded as development and because it is included in the IDO4 area Council's approval is required.

COMMENT

The proposed abattoir is located in the main homestead area of the Kilto cattle station. The abattoir will be used as a pilot project of producing 'Organic Kimberley Meat' which will be marketed as a unique product. The abattoir will only occupy a small area within the homestead area close to the cattle holding yard. Kilto station functions as a holding cattle station for the export of live cattle to Asia for the Yeeda Pastoral Company which has cattle stations all across the Kimberley.

Only 4 to 10 head of cattle will be slaughtered at the abattoir daily and because of the small scale of the abattoir and the remoteness of the station there will be no significant impact on the surrounding area. The abattoir will also need to be registered as required in terms of state legislation that will ensure the proper functioning of the abattoir. The meat produced by the cattle station will be marketed as Kimberley Organic Beef as a pilot project before the construction of a bigger abattoir in the area of the Shire of Derby.

A site visit has confirmed that the abattoir will be constructed on a site which is generally higher than the surrounding area and is unlikely to be subject to flooding. Environmental Protection Authority (EPA) guidelines require a 500m -1000m setback from residential areas for an abattoir. The abattoir is setback 400m from the main homestead which is considered acceptable because of an area of natural bushland between the abattoir and the main homestead. This acts as an appropriate buffer between the two land uses. Licence requirements for the abattoir require the operator to introduce measures to ensure odour and fly control. The disposal of waste also needs to comply with the conditions of the abattoir licence. The area surrounding the proposed abattoir has also been cleared and provide for approximately 40m separation to native bush. The Broome fire break notice requires a 20m fire break; the 40m break can be seen as consistent with the planning for bush fire guidelines.

The proponent has indicated that minimum waste will be generated by the abattoir and that for the abattoir to be economically sustainable it is important to use as much as possible from the carcass. The only real waste generated by the abattoir will be manure. Because of the abattoir being located on a cattle station no dead cattle other than the cattle to be slaughtered will be generated as part of the abattoir operations. A waste management plan will also be required as part of the conditions of approval to ensure the little waste that is generated by the abattoir is dealt with appropriately.

The proponent has indicated that in future some additional staff housing may be constructed. Planning approval will be required if the staff housing is associated with the abattoir. When that application is considered adequate setback distances between the abattoir and the staff housing will be imposed.

The attached checklist sets out the proposal complies with the matters that need to be considered by Council for planning approval in the area under control of the interim development order area. The proposal complies with the requirements of the IDO 4.

It is recommended that the application be approved.

Attachment 3 (Matters to be considered by the Council.)

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- a) *No person shall carry out development (other than permitted development as set out in paragraph 6 of this Order) on land within the scope of this Order until he/she has applied for approval from the local government and has received the written approval or conditional approval of the local government in accordance with the provisions of the Act and this Order.*
- B) *Application shall be made by or on behalf of the owner of the land and shall be accompanied by three copies of a plan or plans drawn to scale illustrating the proposed development and its location and indicating the type and construction or any buildings or works proposed.*
- c) *The application shall be dealt with by the local government in accordance with the terms of this Order and the approval, conditional approval, or refusal of the local government shall be issued to the applicant together with one copy of plan or plans.*

Clause 4A Matters to be considered by Council.

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

- i. *any approval Statement of Planning Policy of the Western Australian Planning Commission;*
- ii. *any approved Environmental Protection Policy under the Environmental Protection Act 1986;*
- iii. *any other adopted or proposed planning policy or strategy that may be applicable to the area;*
- iv. *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;*
- v. *any environmental consideration;*
- vi. *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;*

- vii. *the preservation of the amenity of the locality;*
- viii. *the relationship of the proposal to development on adjoining land or on other land in the locality;*
- ix. *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- x. *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 probable effect on traffic and safety;*
- xi. *whether adequate provision has been made for the landscaping of land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- xii. *wether the proposal is likely to cause soil erosion or land degradation;*
- xiii. *any relevant submissions or objections received on the application;*
- xiv. *the comments or submissions received from any statutory, public or planning authority and relevant Aboriginal people and community group/s;*
- xv. *any other matter which in the opinion of the Council has planning relevance.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our Place Goal – Help to protect the nature and built environment and cultural heritage of Broome whilst recognising the unique sense of the place:

Engage with local community by presenting realistic and sustainable land use strategies for the Shire within the state and national frameworks.

Ensure that our planning processes result in a built environment that reflects arid tropical climate design principles and historical built form.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council pursuant to clause 4 of Interim Development Order No 4 approves the application for planning approval 2011/147 submitted by Jamie and Victoria Burton for a Abattoir on Lot 263 Dampier Peninsular Broome, subject to the following conditions:

1. Development must be carried out in accordance with the plans dated 1 September 2011, which were submitted with the application, and endorsed by the Shire.
2. An apparatus for the treatment of sewerage shall be constructed and installed to service the abattoir.
3. A Waste Management Plan shall be prepared to the satisfaction of Council and the Department of Health prior to the commencement of operations. Such plan shall deal with the Disposal of Carcasses solid, liquid and putrescible waste collection, treatment and disposal, prevention of fly breeding bio-security and periodic cleaning of access roads where there is an accumulation of animal wastes.
4. Potable water is to be supplied compliant with the Australian Drinking Water Guidelines.
5. A Fire Management Plan shall be prepared to the satisfaction of the Shire of Broome and Fire and Emergency Services Authority (FESA).

Advice Notes:

- a). You are advised of the need to comply with the requirements of other legislation which include but are not necessarily limited to the following:
 - (i) The Building Code of Australia requires a Building Licence be obtained from the Shire before any work commences on site as per the Building Regulations 1989; an application for a Building Licence must include, with the working drawings, Structural Engineers Certification in accordance with the requirements of the Building Code of Australia;
 - (ii) Health Act 1911 and Department requirements in respect to the development and use of the premises;
 - (iii) The Bush Fires Act 1954 as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
 - (vi) The Aboriginal Heritage Act 1972, in this regard you are advised and encouraged to contact the Department of Indigenous Affairs.
 - (v) The Food Act 2008 and relevant Australian Standards including AS 4696:2007 Hygienic Production and Transportation of Meat and Meat Products for Human Consumption
 - (vi) Schedule 1 and schedule 2 of the Environmental Protection Regulations 1987.

COUNCIL RESOLUTION:

That Council pursuant to clause 4 of Interim Development Order No 4 approves the application for planning approval 2011/147 submitted by Jamie and Victoria Burton for a Abattoir on Lot 263 Dampier Peninsular Broome, subject to the following conditions:

1. *Development must be carried out in accordance with the plans dated 1 September 2011, which were submitted with the application, and endorsed by the Shire.*
2. *An apparatus for the treatment of sewerage shall be constructed and installed to service the abattoir prior to the commencement of the use, to the satisfaction of the Shire.*
3. *A Waste Management Plan shall be prepared to the satisfaction of Council and the Department of Health prior to the commencement of operations. Such plan shall deal with the Disposal of Carcasses solid, liquid and putrescible waste collection, treatment and disposal, prevention of fly breeding bio-security and periodic cleaning of access roads where there is an accumulation of animal wastes.*
4. *Potable water is to be supplied compliant with the Australian Drinking Water Guidelines.*
5. *A Fire Management Plan shall be prepared to the satisfaction of the Shire of Broome and Fire and Emergency Services Authority (FESA).*

Advice Notes:

- a). *The Applicant is advised of the need to comply with the requirements of other legislation which include but are not necessarily limited to the following:*
 - (i) *The Building Code of Australia requires a Building Licence be obtained from the Shire before any work commences on site as per the Building Regulations 1989; an application for a Building Licence must include, with the working drawings, Structural Engineers Certification in accordance with the requirements of the Building Code of Australia;*
 - (ii) *Health Act 1911 and Department requirements in respect to the development and use of the premises;*
 - (iii) *The Bush Fires Act 1954 as amended, Section 33(3), Annual Bush Fires Notice applies to this property.*
 - (vi) *The Aboriginal Heritage Act 1972, in this regard you are advised and encouraged to contact the Department of Indigenous Affairs.*
 - (v) *The Food Act 2008 and relevant Australian Standards including AS 4696:2007 Hygienic Production and Transportation of Meat and Meat Products for Human Consumption*

(vi) *Schedule 1 and schedule 2 of the Environmental Protection Regulations 1987.*

Moved: Cr J Bloom

Seconded: Cr C R Mitchell

CARRIED UNANIMOUSLY

[Attachment: 10 pages](#)

Cr D M Male returned to the Chambers at 5.47pm.

With regard to Item 9.2.2 Cr E Yu disclosed that "I have an association with Yawuru NTHAC RNTB as an ordinary member. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

Cr G T Campbell declared a financial interest in item 9.2.2 due to being a Director of a company that operates a caravan park and departed the Conference Room at 5.48pm.

That Cr C R Mitchell be elected as Chairperson for the consideration of this item

Moved: Cr J Bloom *Seconded: Cr D M Male*

CARRIED UNANIMOUSLY

Cr C R Mitchell assumed the Chair.

9.2.2 APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL – EXTENSIONS TO ROEBUCK BAY ROADHOUSE - LOT 136 DAMPIER PENINSULA BROOME

LOCATION/ADDRESS: Lot 136 Dampier Peninsula Broome
APPLICANT: Grahame and Elizabeth Wilcox.
FILE: DAM/136
AUTHOR: Neels Pretorius
CONTRIBUTOR/S: A/Manager Planning Services
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 15 September 2011

SUMMARY: An application for retrospective planning approval was received for buildings that have been constructed without the necessary approvals at the Roebuck Roadhouse Dampier peninsula.

The report is referred to Council for consideration as the land comes under the Shire's Interim Development Order No 4 (IDO4).

This report recommends approval.

BACKGROUND

Previous Considerations

Nil

Site and Surrounds

Roebuck Plains Roadhouse is located approximately 35 km to the north-east of Broome.

The new structures are scattered over the property to the rear of the old roadhouse and filling station courtyard.

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

Attachment 1 - Locality Plan

Description of the Proposal

Application is made for the retrospective approval of the following buildings.

- Workshop measuring 240m² located behind the existing caretakers residence.
- New generation shed measuring 60m² located in the north-western corner of the property.
- New 40 m² ablution building for the caravan park with 8 self contained bathroom units.
- 4 Transportable dongas with 5 sleeping compartments each surrounding the 40 m² ablution facility.
- 20 Staff Accommodation units measuring 24m² each surrounding the swimming pool area.
- Two new awnings at the rear of the roadhouse building.

Attachment 2 – Site Plan new buildings

Attachment 3 – Elevations of buildings

Planning Provisions

The land is included in the IDO4 and therefore the Council's approval is required.

CONSULTATION

The Shire of Broome and the owner of the Roebuck Roadhouse are currently in court proceedings with regard to illegal building works that have been constructed on the site without obtaining the necessary approvals. As part of a request from the court to establish which structures can be legalised the application is now referred to Council for consideration.

COMMENT

Roebuck Roadhouse is an important transport stop over point on the great northern highway between Port Hedland, Broome and Derby which serves both the transport industry and the travelling public with essential services and supplies. Because of the remoteness of the roadhouse it is also important that provision be made for overnight facilities for travellers and workers of the road house.

The new buildings are of a high quality and are located in such a way that the operation of the roadhouse is not impeded. Adequate space is available on site for the manoeuvring and circulation of heavy vehicles. All the structures are located on site except for one of the transportable units which is not located entirely on the property. This transportable unit does not form part of the officers recommended approval. The transportable unit has been clearly marked on the site plan as excluded from this approval.

The area surrounding the site is vacant and will therefore not have a negative impact on the surrounding area. Contours of the site indicates that the site slope gently towards the east which allows for stormwater to flow away from the site. The site has also been cleared from natural vegetation.

The applicant will be required to comply with Fire and Emergency Services Authority (FESA) legislation to ensure risk management in relation to fire in particular to the generation shed, ablution facility and two transportable units in the northern part of the site which is located closer than 10m away from the natural bush to the north of the property. As a condition of planning approval a fire management plan will also be required.

Provision has been made for septic tanks for the treatment of waste water. Conditions will also be included in the planning approval to ensure these systems comply with the required regulations.

A checklist has been prepared for the proposed development on what matters need to be considered by Council for planning approval in the interim development order area to ensure that the proposed development is compliant with all the required development requirements.

It is recommended that the application be conditionally approved.
Attachment 4 (Matters to be considered by the Council.)

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Interim Development Order No 4

Clause 4 Application for, and Grant of, Approval

- a) *No person shall carry out development (other than permitted development as set out in paragraph 6 of this Order) on land within the scope of this Order until he/she has applied for approval from the local government and has received the written approval or conditional approval of the local government in accordance with the provisions of the Act and this Order.*
- B) *Application shall be made by or on behalf of the owner of the land and shall be accompanied by three copies of a plan or plans drawn to scale illustrating the proposed development and its location and indicating the type and construction or any buildings or works proposed.*
- c) *The application shall be dealt with by the local government in accordance with the terms of this Order and the approval, conditional approval, or refusal of the local government shall be issued to the applicant together with one copy of plan or plans.*

Clause 4A Matters to be considered by Council.

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

- i. *any approval Statement of Planning Policy of the Western Australian Planning Commission;*
- ii. *any approved Environmental Protection Policy under the Environmental Protection Act 1986;*
- iii. *any other adopted or proposed planning policy or strategy that may be applicable to the area;*

- iv. *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;*
- v. *any environmental consideration;*
- vi. *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;*
- vii. *the preservation of the amenity of the locality;*
- viii. *the relationship of the proposal to development on adjoining land or on other land in the locality;*
- ix. *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- x. *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 probable effect on traffic and safety;*
- xi. *whether adequate provision has been made for the landscaping of land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- xii. *wether the proposal is likely to cause soil erosion or land degradation;*
- xiii. *any relevant submissions or objections received on the application;*
- xiv. *the comments or submissions received from any statutory, public or planning authority and relevant Aboriginal people and community group/s;*
- xv. *any other matter which in the opinion of the Council has planning relevance.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our Place Goal – Help to protect the nature and built environment and cultural heritage of Broome whilst recognising the unique sense of the place:

Ensure that our planning processes result in a built environment that reflects arid tropical climate design principles and historical built form.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council pursuant to clause 4 of Interim Development Order No 4 (IDO4) approves the application for planning approval 2009/103 submitted by Grahame Wilcox and Elizabeth Wilcox for retrospective planning approval at the Roebuck Roadhouse on Lot 136 Dampier Peninsular Broome subject to conditions for the following:

- A workshop measuring 240m² located behind the existing caretakers residence.
- A new generation shed measuring 60m² located in the north-western corner of the property.
- A new 40m² ablution building for the caravan park with 8 self contained bathroom units.
- 3 x Transportable dongas with 5 sleeping compartments each surrounding the 40 m² ablution facility. The transportable marked with a black x on the site plan does not form part of this approval.
- 20 Staff Accommodation units measuring 24m² each surrounding the swimming pool area.
- 2 New awnings at the rear of the roadhouse building.

Conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plans and Specifications received by the Shire on 15 September 2010 :

- P1 (site plan);
 - P2 (Plans Workshop);
 - P3 (Plans ablution building);
 - P4 (Plans staff accommodation units); and
 - P5 (Plans generator shed).
2. An apparatus for the treatment of sewerage/wastewater shall be constructed and installed to the satisfaction of the Shire.
 3. A Waste Management Plan is to be submitted to the Shire of Broome Health Services for approval and shall be implemented at all times.
 4. Potable water to be supplied compliant with the Australian Drinking Water Guidelines.
 5. A Fire Management Plan shall be prepared and submitted for approval to the Shire and the Fire and Emergency Services Authority (FESA). The Fire Management Plan would need to take into account the proximity of the native bush to the generation shed, ablution building and transportable buildings.

Advice Notes:

- a). You are advised of the need to comply with the requirements of other legislation which include but are not necessarily limited to the following:

- (i) *The Building Code of Australia requires a Building Licence be obtained from the Shire before any work commences on site as per the Building Regulations 1989; an application for a Building Licence must include, with the working drawings, Structural Engineers Certification in accordance with the requirements of the Building Code of Australia;*
 - (ii) *Health Act 1911 and Department requirements in respect to the development and use of the premises;*
 - (iii) *The Bush Fires Act 1954 as amended, Section 33(3), Annual Bush Fires Notice applies to this property;*
 - vi) *The Aboriginal Heritage Act 1972, in this regard you are advised and encouraged to contact the Department of Indigenous Affairs; and*
 - (v) *The Food Act 2008 and relevant Australian Standards.*
- b). *The swimming pool may only be used for private purposes, an application for an aquatic facility must be submitted to the Department of Health for approval if it is to be used by the general public.*

COUNCIL RESOLUTION:

That Council pursuant to clause 4 of Interim Development Order No 4 (IDO4) approves the application for planning approval 2009/103 submitted by Grahame Wilcox and Elizabeth Wilcox for retrospective planning approval at the Roebuck Roadhouse on Lot 136 Dampier Peninsular Broome subject to conditions for the following:

- *A workshop measuring 240m² located behind the existing caretakers residence.*
- *A new generation shed measuring 60m² located in the north-western corner of the property.*
- *A new 40m² ablution building for the caravan park with 8 self contained bathroom units.*
- *3 x Transportable dongas with 5 sleeping compartments each surrounding the 40 m² ablution facility. The transportable marked with a black x on the site plan does not form part of this approval.*
- *20 Staff Accommodation units measuring 24m² each surrounding the swimming pool area.*
- *2 New awnings at the rear of the roadhouse building.*

Conditions:

1. *The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:*

Plans and Specifications received by the Shire on 15 September 2010 :

- *P1 (site plan);*
- *P2 (Plans Workshop);*

- P3 (Plans ablution building);
- P4 (Plans staff accommodation units); and
- P5 (Plans generator shed).

2. An apparatus for the treatment of sewerage/wastewater shall be constructed and installed to the satisfaction of the Shire within 90 days.
3. A Waste Management Plan is to be submitted to the Shire of Broome Health Services for approval within 90 days and shall be implemented at all times.
4. Potable water to be supplied compliant with the Australian Drinking Water Guidelines within 90 days.
5. A Fire Management Plan shall be prepared and submitted for approval to the Shire and the Fire and Emergency Services Authority (FESA) within 90 days. The Fire Management Plan would need to take into account the proximity of the native bush to the generation shed, ablution building and transportable buildings.

Advice Notes:

- a). The Applicant is advised of the need to comply with the requirements of other legislation which include but are not necessarily limited to the following:
 - (i) The Building Code of Australia requires a Building Licence be obtained from the Shire before any work commences on site as per the Building Regulations 1989; an application for a Building Licence must include, with the working drawings, Structural Engineers Certification in accordance with the requirements of the Building Code of Australia;
 - (ii) Health Act 1911 and Department requirements in respect to the development and use of the premises;
 - (iii) The Bush Fires Act 1954 as amended, Section 33(3), Annual Bush Fires Notice applies to this property;
 - vi) The Aboriginal Heritage Act 1972, in this regard you are advised and encouraged to contact the Department of Indigenous Affairs; and
 - (v) The Food Act 2008 and relevant Australian Standards.
- b). The swimming pool may only be used for private purposes, an application for an aquatic facility must be submitted to the Department of Health for approval if it is to be used by the general public.
- c). The Transportable Donga that does not form part of this planning approval, as marked with a black X on the site plan, will require a further planning application and approval with the building completely within the confines of the lot and providing appropriate firebreaks.
- d). With regards to condition 5, the Fire Management Plan should provide appropriate mitigation strategies to address the fact that the structures

encroach upon the 20m firebreak required.

Moved: Cr J Bloom

Seconded: Cr E Yu

CARRIED UNANIMOUSLY

[Attachment: 14 pages](#)

Cr G T Campbell returned to the Chambers at 5.54pm and re-assumed the Chair.

9.3

OUR PROSPERITY



PRIORITY STATEMENT

Our region has grown significantly over the past years in terms of population, economy and industry – this will continue! Balancing ecological sustainability with economic growth and retaining the ‘look and feel’ of Broome and its environs are an ongoing challenge for the region. Encouraging appropriate investment and business development opportunities to ensure a strong, diverse economic base is essential for community prosperity and the success of our future generations.

Focusing on developing clear pathways linking education with employment for our youth and the community at large is essential as we aim to retain our local people and continue to build a skilled and highly motivated workforce.

Business and Industry partnerships must be fostered to ensure sustainable economic growth is achieved, along with the provision of affordable and equitable services and infrastructure. Ensuring development meets community needs and legislative requirements whilst creating close community relationships and enhancing our understanding of local heritage and cultural issues will continue to be a major focus. The built environment must contribute to the economy, long term viability of the region and provide a quality lifestyle for all.

The Chairperson withdrew Item 9.3.1 at the request of the Chief Executive Officer.

9.3.1 REVIEW OF POLICY 4.2.11 – OPERATION OF OVERFLOW CARAVAN PARK FACILITIES

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ACT11
AUTHOR:	Manager Health Services
CONTRIBUTOR/S	N/A
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 October 2011

SUMMARY: This report is for Council to consider a review and draft of Policy 4.2.11 Operation of Overflow Caravan Park Facilities.

BACKGROUND

Previous Considerations

OMC 10 April 2008-	Item 9.3.5
OMC 19 March 2009 -	Item 9.1.3
OMC 10 June 2010 -	Item 9.3.12

Policy 4.2.11 Operation of Overflow Facilities was first adopted by Council on the 10 April 2008 to allow for the operation of overflow caravan park facilities within the Broome townsite. A need was identified to provide additional caravan park and camping facilities in Broome during the peak tourist season to accommodate additional tourist numbers.

The Policy guides the Shire of Broome's Environmental Health Service on agreed procedures for the approval of facilities, opening procedure and licensing of the overflow caravan park facilities. The review of this Policy has slightly amended some points of this Policy including consideration given to those travelling with pets and those in large 5th wheeler vehicles.

In the past, the overflow facilities have opened approximately from the end of June/start of July and close the first week of September. The opening and closing dates are determined by occupation rates of permanent caravan park facilities with this information communicated through the Broome Visitors Centre.

COMMENT

The Shire of Broome receives a number of complaints and concerns each season regarding caravan and camping accommodation facilities in the Broome townsite. These complaints commonly refer to:

- Accommodation of those travelling with pets, namely dogs;
- Limited availability of sites for the large 5th wheeler vehicles;
- Travellers wishing to stay at an overflow facility for longer than 7 nights; and
- Compliance of overflow facility operators with the requirement that travellers stay for a maximum of 7 nights in a 3 month period in the overflow facilities.

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

These concerns have been taken on board with efforts made to implement a fair and practical policy for the management of overflow caravan park facilities next season.

These changes have been considered necessary to ensure effective management of overflow caravan park facilities during tourist season with the ability to quickly open an overflow facility prior to the maximum accommodation of the permanent facilities to accommodate travellers with pets or in large vehicles having been of concern for some years.

This Policy has been reworded to ensure Council's intent for the operation of overflow caravan park facilities is conditioned on facility licences. Most requirements of the current policy are included in overflow facility licences, however it was considered necessary to firm up this procedure to ensure all of Council's adopted strategies are included on every licence. Non compliance with a licence condition is then an offence that can be enforced by the Shire's Environmental Health Services.

The following changes are proposed to be made to the Policy to address these concerns:

Concern	Current Policy	Proposed Change
Clarification on the process to apply to operate an overflow caravan park facility.	No reference to procedure in Policy.	Premises wishing to operate an overflow facility are required to submit a written application to be considered by Council. Opening of additional overflow facilities will only be considered when existing facilities are full.
Accommodation for those travelling with pets.	No reference to pets. The Shire currently assesses this ad hoc each year. Over the last 2 years, an overflow has been opened to accommodate these travellers.	The Shire of Broome may elect to open an overflow facility to accommodate travellers with pets that can not ordinarily be accommodated in a permanent facility.
Accommodation for those travelling in large 5 th wheeler vehicles.	No reference to these vehicles.	The Shire of Broome may elect to open an overflow facility to accommodate travellers in 5 th wheeler vehicles once all appropriate permanent sites have been utilised.
Compliance of overflow facility operators with ensuring travellers stay a maximum of 7 nights in a 3 month period.	<p>A maximum of seven (7) nights stay within any three (3) month period at the overflow facility will apply.</p> <p>Overflow facility operators are to maintain a register of occupiers. The Shire may request operators provide a weekly copy of the register.</p>	<p>Condition of licence:</p> <p>Sites at an overflow facility may be occupied by a traveller or group of travellers for a maximum of seven nights in any month period.</p> <p>Overflow caravan park facility operators must maintain a register of occupiers. A copy of this register is to be provided to the Shire of Broome by 4pm each Friday.</p>

In light of the above, it is recommended that Council adopt the changes made to Policy 4.2.11 Operation of Overflow Caravan Park Facilities.

CONSULTATION

Following adoption by Council, the attached draft Policy 4.2.11 Operation of Overflow Caravan Park Facilities will be referred to the licensed caravan park operators within the Shire of Broome and the Broome Visitors Centre for comment.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Grounds Act 1995

7. *Application for the grant or renewal of a licence*
 (4) *Subject to this section, a local government may grant or renew a licence and at any time may impose conditions on that licence.*

Caravan Parks and Camping Grounds Regulations 1997

54. *Temporary licence*
 (1) *A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as it provided in the licence.*
 (2) *A local government is to endorse on a temporary licence for a facility as conditions of the licence –*
 (a) *the maximum number of sites that may be used at the facility;*
 (b) *the maximum number of sites of particular types that may be used at the facility; and*
 (c) *the services and facilities that are to be provided.*
65. *Register of occupiers*
A Register of occupiers under section 13 (1) (b) of the Act is to be maintained in such a form that it is possible to readily ascertain –
 (a) *the name and principal place of residence of an occupier for each site occupied;*
 (b) *which site is occupied by a particular occupier, or group of occupiers;*
 (c) *the dates on which an occupier, or group of occupiers, arrives at, and departs from, a site; and*
 (d) *in respect of a caravan park, the number plate of –*
 (i) *the caravan;*
 (ii) *the vehicle towing, or which towed, the caravan, where possible; and*
 (iii) *another vehicle used by occupiers of the site, if it is not possible to identify the number plate referred to in subparagraph (ii).*

POLICY IMPLICATIONS

Consideration of amended Policy 4.2.11 Operation of Overflow Caravan Park Facilities, as attached.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Facilitate a safe environment.

Nurture and build social capital to increase community capacity.

Our Place Goal – Help to protect the natural and built environment and cultural heritage of Broome whilst recognising the unique sense of the place:

Engage with local community by presenting realistic and sustainable land use strategies for the Shire within the state and national frameworks.

Retain and build on Broome’s iconic tourism assets and reputation.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Work with agencies and others to ensure affordable and equitable services and infrastructure.

VOTING REQUIREMENTS

Simple Majority

<u>REPORT RECOMMENDATION:</u>	
<i>That Council adopts the attached draft Policy 4.2.11 Operation of Overflow Caravan Park Facilities for the purpose of consultation and makes it available for public comment for a period of 42 days.</i>	
Moved:	Seconded:
<i>(This item was withdrawn)</i>	FOR:
	AGAINST:

[Attachment: 3 pages](#)

9.4

OUR ORGANISATION



PRIORITY STATEMENT

Council will strive to create an environment where local governance is delivered in an open and accountable manner; where we provide leadership to the region in such areas as planning and financial management; where the community has the opportunity to contribute to the Council's decision making thereby fostering ownership of strategies and initiatives.

In delivering open, accountable and inclusive governance, we will be ever mindful that we operate within a highly regulated environment that requires a high level of compliance.

Council will strive to be the conduit between the other spheres of government and the community, translating State and Federal law, policy and practice into customer focussed, on ground service delivery that support's Broome's unique lifestyle.

The Region is experiencing significant change with Council dedicated to sound governance, effective leadership and innovation, and high quality services. Building organisational capacity is a priority with a commitment to delivering services to the community in a sustainable, effective and accountable way.

9.4.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2011

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	FRE02
AUTHOR:	Finance Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Director Corporate and Community Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	30 November 2011

SUMMARY: This report recommends that Council adopts the list of payments made under delegated authority, as per the attachment to this report for November 2011.

BACKGROUNDPrevious Considerations

Nil.

COMMENT

The Chief Executive Officer has been delegated the power to make payments from the Municipal and Trust funds in accordance with budget allocations.

The Shire provides payments facilities to suppliers be either cheque or electronic funds transfer (EFT).

Attached is a list of all payments made under delegation during the preceding month of operation.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT***Local Government (Financial Management) Regulations 1996*****13. Lists of accounts**

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*

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

9.4.2 NOVEMBER 2011 MONTHLY FINANCIAL ACTIVITY REPORT

LOCATION/ ADDRESS: N/A
APPLICANT: N/A
FILE: FRE 02
AUTHOR: Accountant
CONTRIBUTOR/S: A/Manager Finance Services
RESPONSIBLE OFFICER: Director Corporate and Community Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 30 November 2011

SUMMARY: This report recommends that Council adopts the Monthly Financial Activity Report of the Shire’s operations for the month of November 2011.

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	42%
Total Operating Expenditure	41%
Total Operating Revenue	81%
Total Capital Expenditure	12%
Total Sale of Assets Revenue	13%
Total Capital Revenue	45%

Committed infrastructure expenditure as percentage of forecast budget:

Parks & Ovals Infrastructure	10%
Drainage Infrastructure	3%
Transport Infrastructure	8%

The forecast position of a \$68.6K surplus represents a 0.25% variance when viewed in proportion to operating revenue excluding grants and contributions for assets and profit on sale of assets. The predicted surplus represents the net result of this month’s budget forecasts changes.

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

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

FORECASTS

All forecast figures are mentioned in \$'000's for ease of reference

Law and Order:

Non-Operating Activities

The following Non-Operating forecast change was required this month

Ranger & Beach Operations

- \$37K decrease in non-budgeted operating expenditure for Plant Replacement Amendment as per Ordinary Council Meeting 24th November 2011 Item 9.2.2.

Community Amenities

Operating Activities:

The following Operating forecast changes were required this month

Sanitation General Refuse

- \$55K increase in budgeted operating expenditure for additional funding required to complete Waste Audit Round 2 as per project brief Ordinary Council Meeting 24 November 2011 Item 9.2.1.

Protection of the Environment

- \$10K increase in budgeted operating income for Coastal Grants as an amendment to Item 9.5.1 Ordinary Council Meeting 27 October 2011 as the original amount of the budget for this item was \$50K not nil as reported.

Non-Operating Activities

The following Non-Operating forecast changes were required this month

Sanitation General Refuse

- \$20K decrease in budgeted non-operating expenditure for Plant Replacement amendment as per Ordinary Council Meeting 24th November 2011 Item 9.2.2.
- \$8K increase in budgeted non-operating expenditure for Plant Replacement amendment as per Ordinary Council Meeting 24th November 2011 Item 9.2.2.
- \$25K increase in budgeted non-operating expenditure for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 9.2.1.

- \$73,920 decrease in budgeted non-operating expenditure for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$30K increase in budgeted non-operating expenditure for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$5K increase in budgeted non-operating expenditure for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$30K increase in budgeted non-operating expenditure for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$25K increase in budgeted non-operating expenditure for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$100K increase in budgeted non-operating expenditure for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$5K increase in budgeted non-operating expenditure for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$70K increase in budgeted non-operating expenditure for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$20K decrease in budgeted non-operating income for Plant Replacement amendment as per Ordinary Council Meeting 24th November 2011 Item 9.2.2.
- \$8K increase in budgeted non-operating income for Plant Replacement amendment as per Ordinary Council Meeting 24th November 2011 Item 9.2.2.
- \$25K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$73,920 decrease in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$30K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$5K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$30K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$25K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$100K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.

- \$5K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$70K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$55K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.
- \$100K increase in budgeted non-operating income for Waste Management Amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.1.

Town Planning Regional Development

- \$40K decrease in budgeted non-operating expenditure for Plant Replacement amendment as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

Protection of the Environment

- \$9.2K increase in budgeted non-operating expenditure as an amendment to item 9.5.1 Ordinary Council Meeting 27 October 2011 as transfer to reserves.

Recreation and Culture

Non-Operating Activities:

The following Non-Operating budget forecast change was required this month

Parks & Ovals

- \$19.2K increase in budgeted non-operating expenditure for Town Beach to Catalina’s New Infra Const from \$100,800 to a total budget amount of \$120,000 as per Ordinary Council Meeting 27 October 2011 item 9.5.1

BRAC General

- \$6K decrease in budgeted non-operating expenditure Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$1K decrease in budgeted non-operating income Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

Transport

Operating Activities

The following non-budgeted Operating forecast change was required this month

Road Maintenance, Urban, Rural & Other

- \$125K increase in operating income for Direct Grant from MRWA for RRG funds provided yearly which was not budgeted for.

Other Property and Services*Operating Activities*

The following Operating budget forecast change was required this month

Work Operations

- \$20K decrease in operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

Corporate Governance and Support

- \$7K increase in budgeted operating expenditure for organisational training as the expense was reimbursed by participants.
- \$7K increase in budgeted operating income for reimbursements received for organisational training
- \$3K increase in budgeted operating expenditure for badges & business cards previously not budgeted for.
- \$5K increase in budgeted operating income for incentives received for staff traineeships & apprenticeships not previously budgeted for.

Engineering Office

- \$100K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$7K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$17K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$5K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$5K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$5K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$15.1K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$30K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

- \$23K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$5K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$10K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$6K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$15K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$3K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$18K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$10K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$32K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$10K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$14K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$80K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$40K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$6K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$8K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$65K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$15K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$12.2K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

- \$128.7K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$75K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$75K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$60K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$81K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$80K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$180K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$18K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$53K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$24K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$28.4K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$10K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

Parks and Gardens

- \$40K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$6K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$8K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$65K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$15K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

- \$6K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$15K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$3K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$18K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$11K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$40K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$10K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$14K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$120K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$1K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$8K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$40K increase in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

Works Operations

- \$53K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$24K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$28.4K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$15.1K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$30K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

- \$17K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$12.2K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$128.7K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$80K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$80K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$60K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$100K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$85K decrease in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$180K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$18K increase in budgeted non-operating expenditure for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$2K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$19K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2
- \$5K decrease in budgeted non-operating income for Plant Replacement amendments as per Ordinary Council Meeting 24th November 2011 Item 9.2.2

CONSULTATION

Internal Staff.

STATUTORY ENVIRONMENT

Local Government Act 1995

6.4. Financial report

- 1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- 2) *The financial report is to —*

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

- 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 —
- c) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - d) 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 —
- c) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - d) 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 sub-regulation (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

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

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:

Develop an organisational culture that strives for service excellence.

Review and analyse strategic and operational plans.

Manage resource allocation.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Absolute Majority

<p><u>COUNCIL RESOLUTION:</u> <i>(REPORT RECOMMENDATION)</i></p> <p><i>That Council;</i></p> <ol style="list-style-type: none"><i>1. Adopts the Monthly Financial Activity Report for the period ended 30 November 2011.</i><i>2. Notes the year-end forecasts compared to the original budget.</i><i>3. Adopts budget amendments as listed above.</i> <p><i>Moved: Cr Peter D Matsumoto</i> <i>Seconded: Cr D M Male</i></p> <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 8/0</p>
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[Attachment: 24 pages](#)

9.4.3 ANNUAL FINANCIAL REPORT AND AUDIT 2010/2011

LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
FILE:	FRE02
AUTHOR:	Acting Manager Financial Services
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Director Corporate and Community Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	23 November 2011

SUMMARY: This report advises Council of the Audit Committee's review and recommends adoption of the Annual Financial Report, receipt of the Auditor's Report and Management Report, and receipt of the report prepared by the Chief Executive Officer for 2010/2011.

BACKGROUNDPrevious Considerations

Nil

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

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

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

The Audit Committee considered and recommends adoption of the annual financial report.

COMMENTChief Executive Officer Report to the Audit Committee

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

Audit Report

The Auditors reported one incident of statutory non-compliance reported during 2010/2011:

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

"The annual Financial Report for the year ended 30 June 2010 was not submitted to the Director General of the Department of Local Government within 30 days of the auditor's report becoming available as required by Financial Management Regulation 51 (2)."

This matter occurred as a result of an oversight by staff where the annual Financial Report for the year ended 30 June 2010 was submitted to the Department of Local Government outside of the statutory timeframe of 30 days.

The Local Government (Financial Management) Regulations 1996 state that:

51. *Completion of financial report*

"(2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report."

The oversight was a result of a confusion where the above regulation requires the annual financial report to be submitted after the receipt of the auditor's report, rather than after the adoption of the reports by Council, as is the case with other regulations.

Staff are now fully aware of the requirements of the regulation and have submitted the annual Financial Report for the year ended 30 June 2011 to the Department of Local Government within 30 days of receipt of the auditor's report.

There were no other matters of statutory non-compliance reported.

Management Report

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

Other Audit Matters

There were no misstatements, corrected or uncorrected, that the auditors noted during the course of their audit.

Operating Surplus

The Shire closed on 30 June 2011 with a carried forward balance of \$2,121,789, which was made up of \$913,000 prepaid local government grants (included in the 2011/12 Budget) and a net operating surplus of \$1,208,789.

It is proposed that the net operating surplus of \$1,208,789 is distributed to cover any significant operating projects budgeted and commenced during 2010/11 but carried over without being included in the 2011/12 Budget, or any specific debt funded capital projects to reduce borrowings or to specific one off projects as directed by Council. Any balance of net operating surplus could be allocated across capital reserves as funding for future capital works projects.

Major borrowings for 2011/12 are \$4,608,000 Broome Multipurpose Arts & Community Venue Redevelopment and \$830,000 McMahon Estate Staff Housing.

The Audit Committee propose an allocation of the \$1,208,789 net operating surplus as follows:

Project/Activity Description	Allocation
Broome Multipurpose Arts & Community Venue (BMACV) – Building Reserve Fund	\$330,000
BRAC Pavilion – Variations to Contract	\$200,000
McMahon Staff Housing Development – Building Reserve	\$160,000
BRAC Retention Basin – Frederick St Drainage – Drainage Reserve Fund	\$150,000
Swimming Pool Inspection Programme	\$100,000
HR Training – Organisational Leadership Development	\$50,000
70 th Anniversary Broome Air Raid Function	\$43,000
Chinatown Precinct Strategy – 10/11 carried over project	\$40,000
Cable Beach Precinct Strategy – 10/11 carried over project	\$40,000
Jetty to Jetty Project	\$20,000
Environmental Policies – 10/11 carried over project	\$20,000
Environmental Strategy – 10/11 carried over project	\$13,000
Administration Staff pool restructure	\$13,000
Community Plan Project	\$12,789
Community Sponsorship Grants – 10/11 carried over project	\$10,000
LPS/TPS5 – 10/11 carried over project	\$7,000
TOTAL	\$1,208,789

BMACV

\$330K is proposed to be set aside in the Building Reserve fund to offset the proposed loan of \$4.608mil and any potential contingencies.

BRAC Pavilion

\$200K is proposed to offset costs of contract variations including \$160K adopted in item 9.2.4 of Ordinary Council Meeting held 2nd September 2010, but was not budgeted for in the 2010/11 or 2011/12 budgets.

McMahon Staff Housing

\$160K is proposed to be set aside in the Building Reserve fund to offset the proposed loan of \$830K and project start up.

BRAC Retention Basin

\$150K is proposed to be set aside in the Drainage Reserve fund for the completion of the BRAC retention basin which was halted last financial year as a result of insufficient funds. This is also reliant on the result of Council's consideration and determination of the development application submitted by Broome International Airport.

Swimming Pool Inspections

\$100K is proposed for employee and operational programme costs as was proposed in the unsuccessful 2011/12 budget submission.

Organisational Training

\$50K is proposed for additional organisational leadership development training to bridge skill gaps at management level.

70th Broome Air Raid Function

\$43k is proposed to fund the scope of the civic function, provide additional funds to ensure the event is a success and a fitting ceremony to commemorate this important chapter in Broome's history.

Chinatown Precinct Strategy

\$40K is proposed for the carried forward project and committed contract with the consultant.

Cable Beach Precinct Strategy

\$40K is proposed for the carried forward project and committed contract with the consultant.

Jetty to Jetty Project

\$20K is proposed for Engagement of Landscape Architect firm for the preparation of preliminary design documentation for the Jetty to Jetty project consisting of indicative route, on-shore and off-shore structures and indicative pricing for each type of structure. the preliminary documentation is needed for consultation purposes and to seek funds to advance to the first stage of the project.

Environmental Policy

\$20K is proposed for the carried forward project and committed contract with the consultant.

Environmental Strategy

\$13K is proposed for the carried forward project and committed contract with the consultant.

Administration Staff Restructure

\$13k is proposed for the formation of an admin pool to provide assistance and support to other departments and provide up-skilling of the customer services team.

Community Plan Project

\$12,789 is proposed to be allocated to the area of Community Development and Development Services for completion of the Community Plan Project.

Community Sponsorship Programme

\$10K is proposed for the carried forward grant funds from 10/11.

LPS/TPS5 Project

\$7K is proposed for the carried forward project and committed contract with the consultant.

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.*

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

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

5.54. *Acceptance of annual reports*

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As detailed in the contents of the report.

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Encourage communication.

Identify affordable services and initiatives to satisfy community needs.

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

Develop an organisational culture that strives for service excellence.

Review and analyse strategic and operational plans.

Manage resource allocation.

Encourage community engagement.

Manage staff attraction and retention.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

That Council on recommendation from the Audit Committee:

1. *Receives the Chief Executive Officer's report relating to the audit.*
2. *Receives the audit report and management report dated 20 October 2011.*
3. *Adopts the Annual Financial Report for the year ended 30 June 2011.*
4. *Allocates the 2010/2011 net operating surplus of \$1,208,789 to the following accounts for the purposes of:*
 - a). *\$330,000 116512 Transfer to Building Reserve – Broome Multipurpose Arts and Community Venue;*
 - b). *\$200,000 117504 Transfer to Building Reserve – BRAC Pavilion;*
 - c). *\$160,000 95901 Transfer to Building Reserve – McMahon Staff Housing development;*
 - d). *\$150,000 104281 Transfer to Drainage Reserve – BRAC Retention Basin;*
 - e). *\$100,000 133011 Swimming pool inspection programme;*
 - f). *\$50,000 142043 Organisational training leadership development;*
 - g). *\$43,000 23017 70th Anniversary Broome Air Raid function;*
 - h). *\$40,000 106108 Chinatown Precinct Strategy;*
 - i). *\$40,000 106109 Cable Beach Precinct Strategy;*
 - j). *\$20,000 116079 Jetty to Jetty project;*
 - k). *\$20,000 105553 Environmental Policies project;*
 - l). *\$13,000 105552 Environmental Strategy project;*
 - m). *\$13,000 142010 Administration staff pool restructure;*
 - n). *\$12,789 82617 Community Plan project;*
 - o). *\$10,000 22172 Community Sponsorship Programme carryover; and*
 - p). *\$7,000 106110 LPS/TPS5 project carryover.*

Moved: Cr J Bloom

Seconded: Cr D M Male

CARRIED BY ABSOLUTE MAJORITY 8/0

[Attachment: 68 pages](#)

9.4.4 ANNUAL REPORT 2010/2011

LOCATION/ ADDRESS:	N/A
APPLICANT:	N/A
FILE:	ADM42
AUTHOR:	Manager Governance
CONTRIBUTOR/S:	Media and Promotions Officer
RESPONSIBLE OFFICER:	Director Corporate and Community Services
DISCLOSURE OF ANY INTEREST:	N/A
DATE OF REPORT:	3 November 2011

SUMMARY: This report recommends Council accepts the Draft 2010/2011 Annual Report.

BACKGROUND

Section 5.53 of the Local Government Act 1995 requires the Shire of Broome to prepare an Annual Report for each financial year. This report summarises the year's highlights and achievements, as well as includes specific statutory information.

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

COMMENT

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

Section 5.27(2) of the Local Government Act 1995 requires the Annual Electors Meeting to be held within 56 days of the Annual Report for the previous financial year being accepted by Council. At the Ordinary Meeting of Council held 27 October 2011 Council adopted the proposed Council meeting dates for 2012. The confirmation of the Minutes at the Ordinary Meeting of Council contained an amendment with regards to the Annual Electors Meeting date. As a result the Annual Electors Meeting will be held on Thursday 19 January 2012.

The attached Annual Report 2010/2011 is in draft format and has been provided in confidential status. Following acceptance by Council, arrangements will be made for the final production of the report for availability prior to the Annual Electors Meeting.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Division 5 – Annual reports and planning
 5.53 *Annual Reports*

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

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain –
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - (c) and (d) deleted
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor's report for the financial year;
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including –
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
 - (i) such other information as may be prescribed.

5.54 Acceptance of annual reports

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

*Absolute majority required.

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

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.56 Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Division 2 – Council meetings, committees and their meetings and electors' meetings
 Subdivision 4 – Electors' meetings

5.27 Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.

- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

*State Records Commission Standard 2 – Record keeping Plans
Principle 6 – Compliance*

Government organisations ensure their employees comply with the recordkeeping plan.

Rationale

An organisation and its employees must comply with the organisations recordkeeping plan.

Organisations should develop and implement strategies for ensuring that each employee is aware of the compliance responsibilities.

Minimum Compliance Requirements

The recordkeeping plan is to provide evidence to adduce that:

- 1. *The efficiency and effectiveness of the organisation's recordkeeping systems is evaluated not less than once every 5 years.*
- 2. *The organisation conducts a recordkeeping training program.*
- 3. *The efficiency and effectiveness of the recordkeeping training program is reviewed from time to time.*
- 4. *The organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's recordkeeping plan.*
- 5. *The organisation includes within its annual report an appropriate section that addresses points 1-4.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Annual Report has largely been prepared in-house, however the final document will be designed and printed by Market Creations for a cost of approximately \$1,500. This will include the provision of 25 CD's and 25 printed copies of the report. The document will be available to the public on the Shire of Broome's website.

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Encourage communication.

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

Encourage community engagement.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Absolute Majority.

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

That Council;

1. *Accepts the Annual Report for 2010/2011.*
2. *Authorises the Chief Executive Officer to make any minor amendments to the text as necessary.*
2. *In accordance with Section 5.55 of the Local Government Act 1995 advertises by local public notice that the Shire of Broome Annual Report 2010/2011 will be available once finalised.*

Moved: Cr D M Male

Seconded: Cr E Yu

CARRIED BY ABSOLUTE MAJORITY 8/0

Attachment (Confidential to Councillors and Directors only): 85 pages

The Chairperson withdrew Item 9.4.5 at the request of the Chief Executive Officer.

9.4.5 MAGABALA BOOKS – REQUEST FROM LESSEE TO MODIFY BUILDING

This item will be discussion in section 14, Matters Behind Closed Doors.

9.4.6 PROPOSED LOCAL PLANNING POLICY – PLANNING COMPLIANCE

LOCATION/ ADDRESS: Scheme Area
APPLICANT: N/A
FILE: PLA15; PLA31
AUTHOR: Director Development Services
CONTRIBUTOR/S: Manager Planning Services
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 29 November 2011

SUMMARY: A Local Planning Policy is proposed to provide guidance on how breaches of the Town Planning Scheme No 4 and Interim Development Order No 4 will be enforced by Council. The policy proposes that Infringement Notices be the initial compliance instrument issued for cases that are deemed to be a 'Minor Planning Offence' and for 'Unauthorised Advertising Signs'. The policy also proposes that the Chief Executive Officer appoints Authorised Persons for the purposes as set out under the Planning and Development Act 2005.

This report recommends approval of the draft Local Planning Policy Planning Compliance for public consultation.

BACKGROUND

The Planning and Development Act 2005 came into operation on 8 April 2006. Subsequently the Planning and Development Regulations 2009 came into operation on 1 July 2009. The Act and Regulations provide for specific courses of action which Council may wish to pursue when a person(s) contravenes a Planning Scheme or Interim Development Order.

Part 5 of the Regulations provides for Infringement notices to be issued. This is a relatively new concept in the WA planning legislation. Previously responsible authorities in most cases being local government, councils had to prosecute to the full extent of the law. This made compliance matters both onerous to pursue and relatively costly. For these reasons and due to the high fines associated with a successful prosecution, Councils often sought to obtain compliance through other measures.

With extensive developments being carried out and as a result of limited compliance inspections undertaken, there may be a number of non-compliant developments within the Shire.

COMMENT

Currently the type of compliance matters commonly dealt with by the Shire relate to development not in accordance with the TPS4 or IDO4, breaching of planning approval conditions or not fulfilling conditions of planning approval. Officers currently deal with a range of compliance issues relating to advertising signage, fences, form of development or activity, sea containers and associated development/activities within the road verge.

The proposed Local Planning Policy – Planning Compliance (LPP) is set out as follows:

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

- **Authority** – this section provides clarification of the Planning and Development Act 2005 (The Act) sections and associated penalties.
- **Objectives** - The LPP seeks to:
 - Facilitate a streamlined process that encourages compliance with the planning framework to be achievable;
 - Provide a transparent and consistent approach with the execution of Planning Infringement Notices for minor planning offences in the Shire of Broome;
 - Provide clear criteria for designated persons making decisions relating to planning compliance;
 - Consider the resources, cost and time involved to take prosecution action for minor planning offences; and
 - Encourage direct prosecution action for major planning offences.
- **Definitions** – The terms used in the LPP are explained.
- **Initial Inspection Report** – Sets out what is to be done during the site inspection and the requirement that the matter be classified as either a ‘Major Planning Offence’ or a ‘Minor Planning Offence’.
- **Planning Offences on Local Reserves** – On land identified in the TPS4 as a Local reserve the LPP specifies if the offences relates to a Local Law matter (including permit or licence) that action is to be pursued in the first instance. If however the offence relates to development then compliance under the LPP would be pursued.
- **Compliance action for Major Planning Offences** – If determined to be such the course of action is prescribed as a Stop Notice, Direction Notice, Works Notice or Prosecution. All such actions require the gathering of evidence and initiation of Notices as set out under The Act.
- **Compliance Action for Minor Planning Offences** – Would be a 3 stage process, first by issuing of a letter explaining situation and process, then if the matter is not addressed a Planning Infringement Notice (PIN) is served. If there is still no action taken to address the matter it would proceed to be treated as a major offence.
- **Planning Infringement Notices (PIN)** - Can be used for ‘Minor Planning Offences’ and examples are provided of what matters would entail the issuing of a PIN. As part of this process the LPP sets out:
 - The need to ensure that evidence has been obtained that justifies the taking of action;
 - Content of the PIN is correct;
 - The timeframe within which PIN can be issued and who is authorised to issue;
 - When the PIN can be withdrawn;
 - When the time for payment of a PIN can be extended;
 - Fines enforcement – when final demand notices have not been responded to the matter is to be registered with the Fines Enforcement Registry which could result from the alleged offender’s vehicle licence being suspended; and
 - Should there continue to be unlawful development after payment of the PIN prosecution may be commenced.
- **Section 214(2) Stop Notice** – If a ‘Major Planning Offence’ a written direction can be given to stop the development and not recommence. A Section

214(3) Direction Notice may also be given in respect of the same development.

- **Section 214(3) Direction Notice** – If a ‘Major Planning offence’ is alleged to have occurred a written direction can be given to remove pull down take up or alter the development. The notice must specify a date for ‘compliance’ not being less than 60 days.
- **Section 214(5) Works Notice** – If a delay in the execution of any work would prejudice the effective operation of the Scheme a written notice may be given to the person responsible to execute the work. The notice must specify a date for compliance not being less than 60 days.
- **Extending General Compliance Timeframes** – If it is determined that an extension of time for compliance will be appropriate this can occur and the LPP sets out the requirements.
- **Application** – The LPP is to apply to the whole of the Shire.
- **Authorised Persons** – The LPP sets out the proposed Authorised Persons and the actions they can take.

Although a PIN may provide for some income, the intent of the policy is not to be revenue raising, as administrative costs for issuing an infringement and following up until payment are often more expensive than the payment received. The policy by providing a clear process and shorter timeframe for compliance should assist somewhat in reducing pressures on current staff relating to existing compliance issues. However with regards to more major compliance issues such as signs and sea-containers careful resource considerations will need to be included in the budget review or the next financial year’s budget.

The policy will provide guidance to Staff in exercising of discretion relating to compliance matters, and will also provide a policy position with regards to the appropriate procedure for compliance as endorsed by Council. This policy will assist greatly in dealing with minor planning compliance issues and more particularly will hopefully deter breaches of planning and other legislation.

It is recommended that Council adopt the draft LPP for advertising

Attachment 1 – Draft Local Planning Policy – Planning Compliance

CONSULTATION

In accordance with the Provisions set out in TPS4 Council is required to consult for a period of no less than 21 days. It is recommended that Council provide for an extended period of submission by advertising for a period of 42 days.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Town Planning Scheme No 4 2.3 *Local Planning Policies*

2.3.1 *The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:*

- (a) *generally or for a particular class or classes of matters; and*
- (b) *throughout the Scheme Area or in one or more parts of the Scheme Area; and may amend or add to or rescind a Policy so prepared.*

2.3.2 *Any Local Planning Policy prepared under this Part must be consistent with the Scheme.*

2.4 *Local Planning Policy not part of the Scheme
A Local Planning Policy is not part of the Scheme and shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of any such Policy and the objectives which the Policy is designed to achieve before making its decision.*

2.5 *Procedures for Making and Amending Local Planning Policy
A Local Planning Policy shall become operative only after the following procedures have been completed:*

- (a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*
- (b) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- (c) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*
- (d) Where, in the opinion of the Council, the provisions of any Policy affect the interests of the Commission, a copy of the policy shall be forwarded to the Commission.*
- (e) The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.*
- (f) Any amendment or addition to a Policy shall follow the procedures set out in (a) - (d) above.*

POLICY IMPLICATIONS

New Local Planning Policy

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Facilitate a safe environment.

Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs or a growing community:

Develop an organisational culture that strives for service excellence.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council adopts the draft Local Planning Policy – Planning Compliance for the purpose of consultation and makes it available for public comment for a period of 42 days.

COUNCIL RESOLUTION:

That Council adopts the draft Local Planning Policy – Planning Compliance for the purpose of consultation and makes it available for public comment for a period of 42 days with the following amendments:

- *Amend Policy statement 28 by adding the following to the end of the statement: ", only where the breach has been rectified."*
- *Include a new heading with the following in regards to Appeal Rights: "Rights for Review"*
 - *40. A person upon whom a Direction Notice under Section 214 has been served has a right to apply to the State Administrative Tribunal for a review of this direction and your attention is drawn to the need to make such an application within 28 days of the date on which this notice is given to you, as prescribed by Rule 9 of the State Administrative Tribunal Rules 2004.*
 - *41 A person upon whom a Planning Infringement Notice may as per Form 1 of the Planning and development Regulations 2009, (the Planning Infringement Notice Form) elect that the alleged offence be dealt with by a court. Formal prosecution action will then be followed by the Shire."*

Moved: Cr E Yu

Seconded: Cr J Bloom

CARRIED UNANIMOUSLY

[Attachment: 10 pages](#)

Cr D M Male declared a financial interest in item 9.4.7 due to one of the camel operators being a client of Male and Co. in the last 12 months and departed the Chambers at 6.00pm.

9.4.7 REPORT BACK ON TRADING LICENCE COMPLIANCE – COMMERCIAL CAMEL ACTIVITIES ON CABLE BEACH

Shire Staff have conducted investigations during October and November in relation to the compliance of Camel operators with Local Law Licence conditions and relevant approvals. The investigations established that there is general compliance with the local law licence conditions. Where there is non-compliance Shire Staff are taking appropriate action to ensure any breach is remedied within appropriate timeframes to ensure future compliance.

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

That Council notes:

- 1. That there is general compliance with the conditions of Traders Local Law Licences by the three camel operators, and that this will be continued to be monitored in future.*
- 2. Where there is non-compliance Shire staff acting under delegated authority is carrying out appropriate compliance action.*

Moved: Cr J Bloom

Seconded: Cr E Yu

CARRIED UNANIMOUSLY

Confidential attachments

Cr D M Male returned to the Chambers at 6.02pm.

With regard to Item 9.4.8 Cr Philip F Matsumoto disclosed that *"I have an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly"*.

With regard to Item 9.4.8 Cr Peter D Matsumoto disclosed that *"I have an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly"*.

9.4.8 REPORT RELATING TO THE STATUS OF COMPLIANCE BY WOODSIDE ON LOT 259, JAMES PRICE POINT, DAMPIER PENINSULA

The following matters relate to investigated undertaken into activities undertaken by Woodside on Lot 259, James Price Point Dampier:

1. *Meteorological Tower – The tower has been established generally in accordance with the planning approval issued in October 2009. Minor changes to the functioning of the tower may have occurred which may not require additional planning approval.*
2. *Hydrological Studies – A planning approval was granted in September 2010. The activities associated with this planning approval have not yet been commenced. The approval is still valid and requires the development to be commenced within 3 years of the date of the approval.*
3. *Geotechnical Investigations – Woodside has undertaken a number of activities in conducting geotechnical studies within the Area.*
4. *Fence and Gate off Manari Road – The fence and gate established by Woodside, which restricts access to the site, are considered to form part of the activities undertaken for the Geotechnical Investigations.*

A letter has been sent to Woodside requesting further information within 14 days in relation to existing development, current activities and proposed future modifications/additions or new developments. Upon receipt of the relevant information a report will be prepared to Council for consideration of appropriate course of action.

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

That Council notes:

1. ***The status of compliance by Woodside and its contractors with the Planning and Development Act and Interim Development Order 4, as set out in the officer's report in this matter, and that this will be continued to be monitored in future;***
2. ***Notes that the Director of Development Services has written to Woodside to seek an explanation within 14 days for works undertaken on Lot 259.***
3. ***Following receipt of Woodside's response a report will be brought to Council to consider whether it is appropriate to take any enforcement action.***

Moved: Cr J Bloom

Seconded: Cr D M Male

CARRIED UNANIMOUSLY

Confidential attachments

11. NOTICES OF MOTION

11.1 COUNCIL FORUMS

The following Notice of Motion has been submitted by Cr J Bloom requesting Council’s consideration on implementing a policy for Council Forums, to bring it in line with the Department of Local Government Operational Guidelines – Number 5 – Council Forums and to develop appropriate principles governing procedural and behavioural controls for forums that support the policy.

Comment

Council has endorsed the Shire of Broome Plan for the Future – Forging Ahead - 2011 to 2016. This plan is the strategic and corporate plan which will guide the Shire’s operations over the next 5 years. At the same time the legislated Integrated Planning and Reporting Framework guidelines are being implemented by the Shire of Broome to achieve the outcomes prescribed in the legislation. It is very likely that the Shire of Broome will deliver this ahead of schedule.

The Strategic Community Plan is the first of two key processes and involves developing a 10+ year plan which will align with the 30 year vision for the Shire of Broome which is being developed. The Strategic Community Plan will reflect the community long term vision, values, aspirations and priorities with consideration to local government area/place/regional plans, local government strategies and resourcing.

Once this process is completed and adopted by Council, a Corporate Business Plan will be developed which will activate the corporate plan priorities.

The current processes for informing Council particularly in relation to the delivery of strategic initiatives in a progressive and rapidly growing Shire have become outdated. With the changes to how the Shire of Broome undertakes strategic planning in line with the Integrated Planning and Reporting Framework and the requirements associated with this framework, there is a need to review and improve the way Council receives and considers information.

The Department of Local Government (DLG) Operational Guidelines – Number 5 – Council Forums provides suggested procedures for elected members and officers to meet and discuss matters relating to the operation and affairs of local government outside the formal meeting framework. The DLG suggests that these meetings be referred to as ‘forums’ of which there are two types ‘concept’ and ‘agenda’ with variations in procedural controls and processes.

It is recommended that given the rapidly changing operational environment in Local Government, that the DLG guidelines for Council Forums be considered and a policy developed to ensure that Council is adequately informed in a timely manner. The policy should include:

- revised procedures for the generation of Councillor Memo’s in electronic format;
- regular information circular’s delivered to Council electronically informing Council of operational matters;

- the terminology 'Pre-briefing' and 'Informal Meeting' be discontinued and replaced by 'Agenda' and 'Concept' Forums; and
- appropriate procedural and behavioural controls be developed for both forum types that reassure the community that the council decision-making mechanisms are accountable, open and transparent.

The proposed changes will improve informing processes which will align with the implementation and ongoing operation of the Integrated and Reporting Framework.

COUNCIL RESOLUTION:
(COUNCILLOR RECOMMENDATION)

That Council;

1. *Requests the Chief Executive Officer to develop a policy in relation to 'Council Forums' that reflects the Department of Local Government Operational Guidelines – Number 5 – Council Forums and develop appropriate principles governing procedural and behavioural controls for forums that support the policy;*
2. *Provide the policy for Council's consideration at the February 2012 Ordinary Council Meeting; and*
3. *Requests the Chief Executive Officer to initiate changes in accordance with the Council Forum Guidelines effective from the next Ordinary Council Meeting pending consideration of the future policy direction.*

Moved: Cr J Bloom

Seconded: Cr D M Male

CARRIED UNANIMOUSLY

12. URGENT ITEMS

12.1 LOCAL GOVERNMENT COMMUNIQUÉ TO STATE GOVERNMENT

LOCATION/ADDRESS: District of Broome
APPLICANT: Western Australian Local Government Association
FILE: CSA001
AUTHOR: Chief Executive Officer
CONTRIBUTOR/S: Nil
RESPONSIBLE OFFICER: Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 12 December 2011

SUMMARY: This report seeks Councils endorsement of a Communiqué prepared by the 22 Local Governments in Western Australia being requested to undertake municipal services to Indigenous communities in the State so as a sector response can be conveyed to the State Government in relation to concerns expressed.

BACKGROUND

Previous Considerations:

Shire of Broome

COUNCIL RESOLUTION:

That Council:

1. *Adopts the draft report entitled 'Municipal Services for Remote Indigenous Communities within the Shire of Broome – July 2011' as prepared by Cardno, for the purpose of being advertised in the local newspaper for public comment.*
2. *Notes the high impact on the Shire of Broome to deliver the identified services as detailed in the report with particular regard to the cost of delivery and resourcing.*
3. *Authorises the Chief Executive Officer to convene a workshop as a matter of urgency with the Communities of Bidyadanga, Beagle Bay, Djarandjin, Lombadina and Ardyaloon to include:*
 - a). *Presentations by the relevant State and Federal Government agencies including how the proposed funding service will be instigated by the State and Federal Governments;*
 - b). *A presentation of the report by Cardno; and*
 - c). *The establishment of a working group to include community representatives, relevant agencies, representative bodies and the Shire of Broome to commence the process of transitioning the Shire of Broome to deliver municipal services in the above communities.*

4. *Authorises the Chief Executive Officer to request the State Government to provide funding to cover the costs of the workshop and subsequent working group meetings and activities.*
5. *Requests that the draft report and any public comments received and the outcomes of the workshop be brought back for further consideration at the next appropriate Council meeting.*
6. *Directs Cardno to complete the cost estimation and asset pick-up process to cover the whole of the Shire of Broome and include with the report.*

Moved: Cr J Bloom

Seconded: Cr R J Lander

CARRIED UNANIMOUSLY

Kimberley Zone of WALGA:

Minute No. 201108.11

Moved: Cr G Campbell

Seconded: Cr K Wright

That the Kimberley Zone Presidents and Executive meet urgently to discuss Indigenous Remote Service Delivery (communities) with a view to determining a Zone position and strategy in relation to the following:

- a) *Whether the Kimberley Zone Councils will receive funding in advance of 1 July 2012 to employ required staff and resources (Opex/Capex) to undertake identified service requirements.*
- b) *Investigate and determine a Kimberley Zone member's position as to whether they advise the relevant Ministers and agencies that the Councils do not believe adequate provisions have been made to enable member local governments to undertake the Local Government bilateral functions in a fiscally responsible performance of service delivery.*

Carried Unanimously 4/0

COMMENT

On 5 December 2011, the Shire of Broome attended a meeting with the twenty-two (22) Local Governments directly affected by the Council of Australian Governments (COAG) agreement seeking to bind local governments to undertake a raft of different services that are currently provided by, or funded through the Commonwealth and State Governments.

While the local governments do see an important role in managing these functions and believe that many of the services currently provided may be able to be better co-ordinated and managed through local government, the importance of funding and adequate resourcing of the roles to be undertaken need to be addressed adequately by the Commonwealth and State Governments. This does not appear to be occurring and significant concern is being expressed by the twenty two (22) local governments most affected.

As Council is aware, the Shire embarked an initial study into undertaking these functions through funding provided by the Department of Local Government for an amount of \$120,000. This funding ascertained a service level requirement for the Shire to undertake a number of municipal services in the district and while limited by the scope and funding available, identified conservative costs in the vicinity of \$114m for required works and interconnectivity between a number of the major communities within the district. The report assumed a level of ongoing operational expenditure in the vicinity of \$20-\$25m per annum. The Shire of Broome's current budget is approximately \$50m per annum.

From a sector perspective, the twenty two (22) Local Governments have collectively raised concerns in relation to the costs being considered and the resources available to Local Governments to implement this level of service delivery, within the short term or to sustain this role into the longer term.

Many of the local governments are experiencing a degree of frustration in relation to the void in comprehending the pressures being placed upon the local governments and appearance that funding will not be forthcoming or sustainable into the long term. As such, the twenty two (22) local governments have requested that a unified position be conveyed to the Western Australian Local Government expressing the following:

In Brief;

Local governments do not consider that adequate provision has been made to enable local government to assume responsibility for service delivery to Aboriginal Communities in a fiscally responsible or acceptable manner and request that:

1. A written commitment by the Commonwealth and State Governments to the transition principles for the transfer of services
2. Agreement to defer any change in service delivery or existing funding levels to communities to at least July 2013 or after, to provide sufficient time for community engagement and business planning by Local Governments;
3. Confirmation of the quantum of funding that will be transferred to Local Government to undertake service delivery, and the mechanism to do so;
4. Identification and confirmation of the outcomes that are to be achieved through the transfer of responsibilities and service 'normalization' to Aboriginal communities;
5. Confirmation of which Aboriginal communities are to be included in the 'normalization of service delivery' process in the short and long term;
6. A commitment by the Commonwealth to fund and lead a comprehensive Aboriginal community consultation and engagement program, in conjunction with affected Local Governments, to ascertain community views and support for the proposed changes. The program must commence by March 2012;
7. Funding to be made available to individual Local Governments by July 2012, for the employment (inc overheads) of the additional resources required by each Local Government to undertake the activities required

to plan for and implement the new arrangements/responsibilities related to service delivery to communities;

8. Confirmation of the timeframe for the transition of delivery eg 10 years / 20 years and commitment to developing regional / local implementation plans with affected Local Governments.
9. That the definition of Municipal Services shall be more clearly defined taking into account the executive function provisions of schedule 3.18 of the Local Government Act 1995:
 - 1). *A Local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
 - 2). *In performing its executive functions, a local government may provide services and facilities.*
 - 3). *A local government is to satisfy itself that services and facilities that it provides –*
 - a) *integrate and coordinate , so far as practicable, with any provided by the Commonwealth, the State or any public body;*
 - b) *do not duplicate, to an extent that the local government considers in appropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - c) *are managed efficiently and effectively.*
10. A commitment by the State Government to address the lack of understanding of Local Government functions by the Commonwealth and State agencies in relation to community development and governance needs.
11. A commitment to pursue support from the Commonwealth to address the devastating effect that the reform of the CDEP program is having on the functionality and cohesiveness of remote communities that needs to be resolved urgently.
12. A commitment to the establishment of a high level committee, that includes senior officers from the Department of Premier and Cabinet, Department of Indigenous Affairs, Department of Treasury and Finance, Department of Local Government, Western Australia Local Government Association (WALGA) and others as necessary, to oversee the process for transfer. WALGA representatives will be: Ricky Burges, Chief Executive Officer , Graeme Campbell, President, Shire of Broome, and Allison Hailes, Executive Manager Planning and Community Development.

CONSULTATION

Council has consistently advised its disappointment at the level of funding provided to undertake appropriate consultation with communities and has resolved to undertake this function at this time on its own for larger communities and Council's Director of Engineering Services is seeking meeting dates with affected communities so as to undertake this role.

Senior Shire staff has also made presentations to the Traditional Owners Steering Committee advising of the process to date and what the Commonwealth and State intentions are in relation to local government involvement.

Council would note that the original Bilateral Agreement 2006 was undertaken between the Commonwealth and State without consultation with the Shire of Broome and affected Indigenous communities in the Kimberley. While the aforementioned document has been surpassed in recent years the local governments affected have requested input into future Commonwealth and State negotiations.

Representatives of the affected local governments thus requested that local government be present at Commonwealth and State negotiations and requested that Cr Graeme Campbell be present with the Chief Executive Officer (WALGA) and WALGA staff at the forthcoming roundtable negotiations between the Commonwealth and State.

STATUTORY ENVIRONMENT

3.18. *Performing executive functions*

- (1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- (2) *In performing its executive functions, a local government may provide services and facilities.*
- (3) *A local government is to satisfy itself that services and facilities that it provides —*
 - (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*
 - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) *are managed efficiently and effectively.*

POLICY IMPLICATIONS

Coalition of Australian Government policy in relation to Aboriginal Housing Needs.

FINANCIAL IMPLICATIONS

Nil in relation to this report though Council will note its previous report prepared by Cardno.

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

<p><u>COUNCIL RESOLUTION:</u> (REPORT RECOMMENDATION)</p> <p><i>That the Shire of Broome advises the Western Australian Local Government Association (WALGA) that it endorses the position as outlined in the “Communiqué to the Western Australian State Government – Future Local Government Service Delivery to Aboriginal Communities” for presentation to the Western Australian State Government.</i></p> <p><i>Moved: Cr J Bloom</i> <i>Seconded: Cr Philip F Matsumoto</i></p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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[Attachment: 9 pages](#)

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

The Chairperson thanked Shire staff for all their assistance and hard work over the last 12 months. The Chairperson thanked the members of the gallery for attending the meeting and wished everyone a Merry Christmas and a safe New Year.

14. MATTERS BEHIND CLOSED DOORS

Nil.

15. MEETING CLOSURE

There being no further business, the Chairperson thanked the Councillors and the public and declared the meeting closed at 6.30pm.