



## 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

HELD IN THE COUNCIL CHAMBERS,  
AT 5.00PM

**24 NOVEMBER 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.

**SHIRE OF BROOME**  
**ORDINARY COUNCIL MEETING**

**24 November 2011**

**INDEX - MINUTES**

1.	OFFICIAL OPENING .....	6
2.	ATTENDANCE AND APOLOGIES .....	6
3.	DECLARATIONS OF FINANCIAL INTEREST .....	7
4.	PUBLIC QUESTION TIME .....	8
5.	CONFIRMATION OF MINUTES .....	9
6.	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION .....	10
7.	PETITIONS .....	10
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	10
9.	REPORTS OF OFFICERS .....	11
9.1	LEADERSHIP.GOVERNANCE AND ORGANISATION.....	12
9.1.1	PROPOSED JOINT VENTURE AND SECTION 48 LICENCE – MCMAHON ESTATE, REID ROAD, CABLE BEACH.....	13
9.1.2	KIMBERLEY ZONE OF WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) -DELEGATE FOR AUSTRALIA'S NORTHWEST.....	14
9.1.3	THE KIMBERLEY REGIONAL COLLABORATE GROUP (RCG) - KIMBERLEY REGIONAL BUSINESS PLAN, PHASE 1.....	17
9.2	BUSINESS ENTERPRISE/PROPERTY AND STRATEGIC DEVELOPMENT .....	25
9.2.1	REVISED CAPITAL WORKS PROGRAM FOR 2011/2012 (6 MONTHLY BUDGET REVIEW).....	26
9.2.2	REVISED PLANT REPLACEMENT PROGRAM FOR 2011/2012.....	32
9.2.3	RENEWAL OF LEASE – DEPARTMENT OF HUMAN SERVICES (CRS AUSTRALIA – COMMONWEALTH REHABILITATION SERVICE) .....	35
9.3	CORPORATE AND COMMUNITY SERVICES .....	39
9.3.1	ACCOUNTS FOR PAYMENT - NOVEMBER 2011 .....	40
9.3.2	OCTOBER 2011 MONTHLY FINANCIAL ACTIVITY REPORT .....	42
9.3.3	UPDATE ON PROGRESS: DRAFT BROOME COMMUNITY PLAN .....	47
9.3.4	TOURISM ADMINISTRATION POLICY – DRAFT <b>(Item Withdrawn)</b> .....	54
9.4	DEVELOPMENT SERVICES .....	61
9.4.1	PROPOSED AMENDMENT: AIRPORT DEVELOPMENT PLAN .....	62
9.4.2	PROPOSED DETAILED AREA PLAN – TOWN PLANNING SCHEME NO.4 – PART OF LOTS 1648 AND 1653 FREDERICK STREET, DJUGUN .....	70
9.4.3	AMENDMENT NO.1 TO BROOME NORTH LOCAL DEVELOPMENT PLAN STAGE ONE – BROOME NORTH, BILINGURR.....	76
9.4.4	PROPOSED DETAILED AREA PLAN NO. 2 – BROOME NORTH, BILINGURR.....	82
9.4.5	APPLICATION FOR PLANNING APPROVAL – PEARL SHED HATCHERY - LOT 215 CYGNET BAY PEARL FARM.....	87
9.4.6	APPLICATION FOR PLANNING APPROVAL – ABATTOIR - LOT 263 DAMPIER - KILTO STATION <b>(Item Withdrawn)</b> .....	91

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

9.5 ENGINEERING SERVICES.....95

    9.5.1 IMPROVED CONNECTIVITY FROM ROEBUCK ESTATE TO OLD BROOME ROAD  
          .....96

    9.5.2 BROOME-CAPE LEVEQUE ROAD WET SEASON CLOSURE 2011/2012..... 103

    9.5.3 FORWARD ROAD CONSTRUCTION PLAN PROGRAM 2012-2013..... 108

10 REPORTS OF COMMITTEES..... 113

11. NOTICES OF MOTION.....115

12. LATE ITEMS .....115

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN ..... 115

14. MATTERS BEHIND CLOSED DOORS .....115

    9.1.1 PROPOSED JOINT VENTURE AND SECTION 48 LICENCE – MCMAHON ESTATE,  
          REID ROAD, CABLE BEACH..... 115

15. MEETING CLOSURE..... 124

## NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Broome will be held on, Thursday 24 November 2011 in the Council Chambers, corner of Weld and Hass Streets, Broome, commencing at 5.00pm.

Regards



KR DONOHOE  
Chief Executive Officer  
16 November 2011

## 1. OFFICIAL OPENING

The Chairperson welcomed Councillors, staff and members of the gallery and declared the meeting open at 5.00pm. The Chairperson welcomed Cr A Poelina to her first Council Meeting.

## 2. ATTENDANCE AND APOLOGIES

Attendance:	Cr G T Campbell	Shire President
	Cr A Poelina	Deputy Shire President
	Cr C R Mitchell (until 5.44pm)	
	Cr J Bloom	
	Cr Peter D Matsumoto	
	Cr Philip F Matsumoto (from 5.02pm)	
	Cr E Yu	
	Cr M Manado	

Leave of Absence: Cr D M Male (granted at Ordinary Meeting of Council 27 October 2011)

**Moved: Cr J Bloom**

**Seconded: Cr C R Mitchell**

***That Cr Philip F Matsumoto be granted a Leave of Absence for all Council Meetings between 15 December 2011 and 8 January 2012 inclusive.***

**CARRIED UNANIMOUSLY**

Apologies:	Ingrid Bishop Bridget Visser	Deputy Chief Executive Officer Media and Promotions Officer
Officers:	Kenn Donohoe Peter Naylor  Andre Schonfeldt  Neville Lavey Alison Seaman Rochelle Piggin	Chief Executive Officer Director Corporate and Community Services Director Development Services Director Engineering Services Council Secretary Manager Governance
Public Gallery:	Darryl Butcher  Amy Williams Theresa De Biasi Ghislaine Sweet  Dawie Van Rensburg Ian Perdrisat Lesley Morris Denise Holden Paul McSweeney	Executive Manager Strategic Development Broome Advertiser A/Manager Financial Services Manager Community Development A/Manager Planning Services

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

Jason Van Der Ende  
Sean Salmon  
Beverly Long  
Don Bacon

WA Police

### 3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page No	Item	Nature of Interest
Cr Peter Matsumoto D	9.1.1	116	PROPOSED JOINT VENTURE AND SECTION 48 LICENCE – MCMAHON ESTATE, REID ROAD, CABLE BEACH	Impartial – Has an association with Native Title
Cr Peter Matsumoto D	9.2.1	26	REVISED CAPITAL WORKS PROGRAM FOR 2011/2012 (6 MONTHLY BUDGET REVIEW).	Impartial – Has an association with Native Title
Cr Peter Matsumoto D	9.4.4	82	PROPOSED DETAILED AREA PLAN NO. 2 – BROOME NORTH, BILINGURR	Impartial – Has an association with Native Title
Cr Peter Matsumoto D	9.4.6	91	APPLICATION FOR PLANNING APPROVAL – ABATTOIR - LOT 263 DAMPIER - KILTO STATION (Item withdrawn)	Impartial – Has an association with Native Title
Cr Peter Matsumoto D	9.5.1	96	IMPROVED CONNECTIVITY FROM ROEBUCK ESTATE TO OLD BROOME ROAD	Impartial – Has an association with Native Title
Cr E Yu	9.1.1	116	PROPOSED JOINT VENTURE AND SECTION 48 LICENCE – MCMAHON ESTATE, REID ROAD, CABLE BEACH	Impartial – Has an association with Yawuru NTHAC RNTB as an ordinary member
Cr E Yu	9.4.1	62	PROPOSED AMENDMENT: AIRPORT DEVELOPMENT PLAN	Impartial – Has an association with Yawuru NTHAC RNTB as an ordinary member
Cr E Yu	9.4.6	91	APPLICATION FOR PLANNING APPROVAL – ABATTOIR - LOT 263 DAMPIER - KILTO STATION (Item withdrawn)	Impartial – Has an association with Yawuru NTHAC RNTB as an ordinary member
Cr E Yu	9.5.1	96	IMPROVED CONNECTIVITY FROM ROEBUCK ESTATE TO OLD BROOME ROAD	Impartial – Has an association with Yawuru NTHAC RNTB as an ordinary member
Cr E Yu	9.5.3	108	FORWARD ROAD CONSTRUCTION PROGRAM 2012-2013 PLAN	Impartial – Has an association with Yawuru NTHAC RNTB as an ordinary member

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

Cr E Yu		9.4.2	70	PROPOSED DETAILED AREA PLAN – TOWN PLANNING SCHEME NO.4 – PART OF LOTS 1648 AND 1653 FREDERICK STREET, DJUGUN	Impartial – Has an association with Yawuru NTHAC RNTB as an ordinary member
Cr Philip Matsumoto	F	9.1.1	116	PROPOSED JOINT VENTURE AND SECTION 48 LICENCE – MCMAHON ESTATE, REID ROAD, CABLE BEACH	Impartial – Has an association with Native Title
Cr Philip Matsumoto	F	9.4.3	76	AMENDMENT NO.1 TO BROOME NORTH LOCAL DEVELOPMENT PLAN STAGE ONE – BROOME NORTH, BILINGURR	Impartial – Has an association with Native Title
Cr Philip Matsumoto	F	9.4.4	82	PROPOSED DETAILED AREA PLAN NO. 2 – BROOME NORTH, BILINGURR	Impartial – Has an association with Native Title
Cr Philip Matsumoto	F	9.5.1	96	IMPROVED CONNECTIVITY FROM ROEBUCK ESTATE TO OLD BROOME ROAD	Impartial – Has an association with Native Title

**4. PUBLIC QUESTION TIME**

Chairperson read aloud the Public Question regulations Standing Orders

A public question was received by the Shire on Wednesday 23 November 2011 by Lesley Morris on behalf of Blair Catanach. Her question is as follows:

*“At the Chinatown Stakeholder Workshops held on 20 and 21 September 2011, a comment was made that the best views in Chinatown are in front of Dampier House at the upper end of Dampier Terrace and that if Fredrick Street was re-opened to continue into Dampier Terrace, not only would this provide another access to Chinatown, but also showcase the views of Roebuck Bay (mention is also made of this on page 49-30 of Hassell’s report on the Stakeholder Workshops).*

*Does the Shire have plans to re-open this section of road and if not, will it consider re-opening it, and not, why not?”*

Answer – Chairperson:

*“The Shire of Broome has no specific plans to re-open the section of road to link Frederick Street with Dampier Terrace. Such a proposal could be considered through the China Town Development Plan process and will require consultation with the relevant stakeholders.*

*This road closure was the subject of a decision of Council many years ago. Council would have to consider the re-opening of this section of Fredrick Street in its public consultation process and consider the opinions of the other stakeholders involved.”*

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



\*\*\*\*

A number of public questions was received by the Shire on 24 November 2011 by Sean Salmon, as follows:

"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.

Is the tower still being used to gather meteorological data?

Is the tower being used for communications other than those pertaining to meteorological data?

How does the Shire know what the tower is currently being used for?

Has the Shire of Broome served such a notice in respect to the tower and if not why not?

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?

What measures have been undertaken by Woodside to ensure the 'hygiene of vehicles' as required in the planning approval?

Answer - Chairperson:

*"These questions will be taken on notice."*

<b>5. CONFIRMATION OF MINUTES</b>
-----------------------------------

**Moved:** Cr E Yu **Seconded:** Cr C R Mitchell

*That the Minutes of the Ordinary Meeting of Council held on 27 October 2011 be confirmed as a true and accurate record of that meeting, subject to the following amendments:*

- **Item No.9.1.3 DELEGATIONS TO COMMITTEES AND WORKING GROUPS**  
*That the Council Resolution be amended as follows:*

**COUNCIL RESOLUTION:**

11. *That Cr J Bloom; Cr G T Campbell and Cr A Poelina Peelina be nominated to the Waste Management Working Group and Cr C R Mitchell; Cr Philip F Matsumoto and Cr E Yu be nominated as deputies.*

\*\*\*\*

- **Item No. 9.1.5 COUNCIL MEETING DATES 2012:**  
*That the date for the proposed Annual Electors Meeting, referred to in Attachment 1 of the report be amended as follows:*

**Thursday, 20 19 January 2012;**

\*\*\*\*

- **Item 9.5.1 CLIFF EROSION ISSUE - TOWN BEACH TO CATALINA'S - BUDGET REVISION**

*That the declaration of impartiality be included as follows:*

*With regard to Item 9.5.1 Cr E Yu disclosed that "I have an association with Yawuru NTHAC RNBT 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".*

**CARRIED UNANIMOUSLY**

**6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

The Chairperson attended Broome's Sports Awards and was amazed at the amount of talent the town has in this field. The town should be very proud and pleased with it's achievements and the quality of sports people in Broome.

**7. PETITIONS**

Nil.

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

- 9.1.1 **PROPOSED JOINT VENTURE AND SECTION 48 LICENCE - MCMAHON ESTATE, REID ROAD, CABLE BEACH**

**9.**

**REPORTS  
OF  
OFFICERS**

# 9.1

## LEADERSHIP/GOVERNANCE

AND

## ORGANISATION



### *OUTCOME*

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



**9.1.2 KIMBERLEY ZONE OF WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) -DELEGATE FOR AUSTRALIA'S NORTHWEST**

**LOCATION/ ADDRESS:** Kimberley Region  
**APPLICANT:** Glenn Chidlow - Australia's North West  
**FILE:** ORGS03; ORL42  
**AUTHOR:** Chief Executive Officer  
**CONTRIBUTOR/S:** Nil  
**RESPONSIBLE OFFICER:** Chief Executive Officer  
**DISCLOSURE OF ANY INTEREST:** N/A  
**DATE** 10 November 2011

**SUMMARY:** This report seeks a Councillor representative to be nominated to the Kimberley Zone of Western Australia Local Government Association (WALGA) for consideration as local government member on the Committee of Australia's North West (ANW).

**BACKGROUND**

Previous Considerations

The Zone had previously appointed Councillor Fred Mills (Shire of Wyndham/East Kimberley) to the position of Zone delegate for a two (2) year term which has now expired.

**COMMENT**

Correspondence was received from the Kimberley Zone advising that as Mr Mills has now retired, the Zone will need to consider a new representative to be nominated from the Kimberley Zone of WALGA to fill a position on the Board of Australia's North West (ANW).

The term runs from present to the next Annual General Meeting, to be held in October 2012, in effect a partial term.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Excerpt from Australia's North West Constitution:

**Composition of the Board:**

*"The affairs of the Organisation shall be managed exclusively by the Board, consisting of no more than thirteen (13) members comprising of:*

- Seven (7) elected members with no less than three (3) of those members from the Pilbara sub-region and no less than three (3) of those members from the Kimberley sub-region;

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

- Two (2) ex-officio representatives from local government, comprised of one (1) from the Pilbara sub-region and one (1) from the Kimberley sub-region;
- Up to four (4) co-opted members as identified by the Board; and
- The Chairman and Deputy Chairman shall both be chosen by the members of the elected Board.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The ANW meets four (4) times per year and meets the costs of meals accommodation and travel including airfares to Perth or the Region.

Part funding for the operations of the ANW comes from local governments in the Pilbara and Kimberley.

## STRATEGIC IMPLICATIONS

### Place

ANW represents tourism operators and local governments in the Pilbara and Kimberley Regions of Western Australia.

### Prosperity

*"The objects of the Organisation are to:*

- in partnership with the Western Australian Tourism Commission implement and participate in marketing strategies determined to increase the Region's tourism income in a sustainable manner.
- in partnership with the Western Australian Tourism Commission, coordinate tourism industry promotion, services and facilities within the Region.
- develop community understanding of the benefits of tourism for the Region.
- identify and encourage the provision of the requirements of tourists visiting the Region for the long-term social, environmental and economic benefit of the Region.
- provide information and assistance to the regional stakeholders to aid in the development of strategies which will enhance sustainable tourism.
- cooperate with local governments and other key organisations, whether in adjacent areas or otherwise, where the objective may reasonably be expected to benefit tourism within the Region.
- work to maintain existing and develop new sources of revenue from among its members and other stakeholders in the Region or benefactors from within Australia.
- foster the preservation, improvement and development of tourist attractions in the Region and adjacent regions.
- ensure the coordination and development of the activities of any bureau, office, information centre, visitor centre, or any other organisation involved in tourism in the Region to foster greater levels of tourism and travel in the Region and adjacent regions."

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

**VOTING REQUIREMENTS**

*Simple Majority*

**REPORT RECOMMENDATION:**

*That the Shire of Broome nominates Cr....., as the delegate for consideration by the Kimberley Zone for the Western Australian Local Government Association (WALGA) for representation of the Kimberley Region on the Board of Australia's Northwest Tourism for a term expiring in October 2012.*

**COUNCIL RESOLUTION:**

*That the Shire of Broome nominates Cr C R Mitchell as the delegate for consideration by the Kimberley Zone for the Western Australian Local Government Association (WALGA) for representation of the Kimberley Region on the Board of Australia's Northwest Tourism for a term expiring in October 2012.*

*Moved: Cr J Bloom*

*Seconded: Cr E Yu*

**MOTION CARRIED 6/2**

*Cr J Bloom requested that voting for this item be recorded in accordance with section 5.21(4) of the Local Government Act 1995.*

*For: Cr G T Campbell; Cr C R Mitchell; Cr J Bloom; Cr E Yu; Cr M Manado; Cr A Poelina  
Against: Cr Peter D Matsumoto; Cr Philip F Matsumoto*

[Attachment: 1 pages](#)



**9.1.3 THE KIMBERLEY REGIONAL COLLABORATE GROUP (RCG) - KIMBERLEY REGIONAL BUSINESS PLAN, PHASE 1**

**LOCATION/ ADDRESS:** Kimberley Region  
**APPLICANT:** Kimberley Regional Collaborative Group  
**FILE:** COP07  
**AUTHOR:** Chief Executive Officer  
**CONTRIBUTOR/S:** N/A  
**RESPONSIBLE OFFICER:** Chief Executive Officer  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 10 November 2011

**SUMMARY:** The Kimberley Regional Collaborative Group (RCG) is comprised of four Kimberley local governments and has commissioned a report into developing a regional business case for local governments on a regional basis. This report seeks to provide advice to the Kimberley Regional Collaborative Group that Council has received the report and requests the group to proceed to a further investigation stage.

**BACKGROUND**

Previous Considerations

The Kimberley Regional Collaborative Group (RCG) was formed as a part of the reform of local government through an agreement between the four Shires and the Department of Local Government to investigate opportunities for Regional Development.

Further input from the Kimberley Development Commission in partnership with the Country Local Government Fund guidelines is also garnered although the Development Commission to achieve a joined up approach to regional goal setting and strategic achievement.

The Kimberley Regional Collaborative Group sought quotations from Department of Local Government’s approved consultants to undertake a body of work for the Regional Collaborative Group by preparing a Regional Business Case for member Council’s consideration. Upon receiving the draft report (attached) the Kimberley Regional Collaborative Group has resolved the following;

*“Minute No. 201110.1*

*Moved: Cr G Campbell*

*Seconded: Cr E Archer*

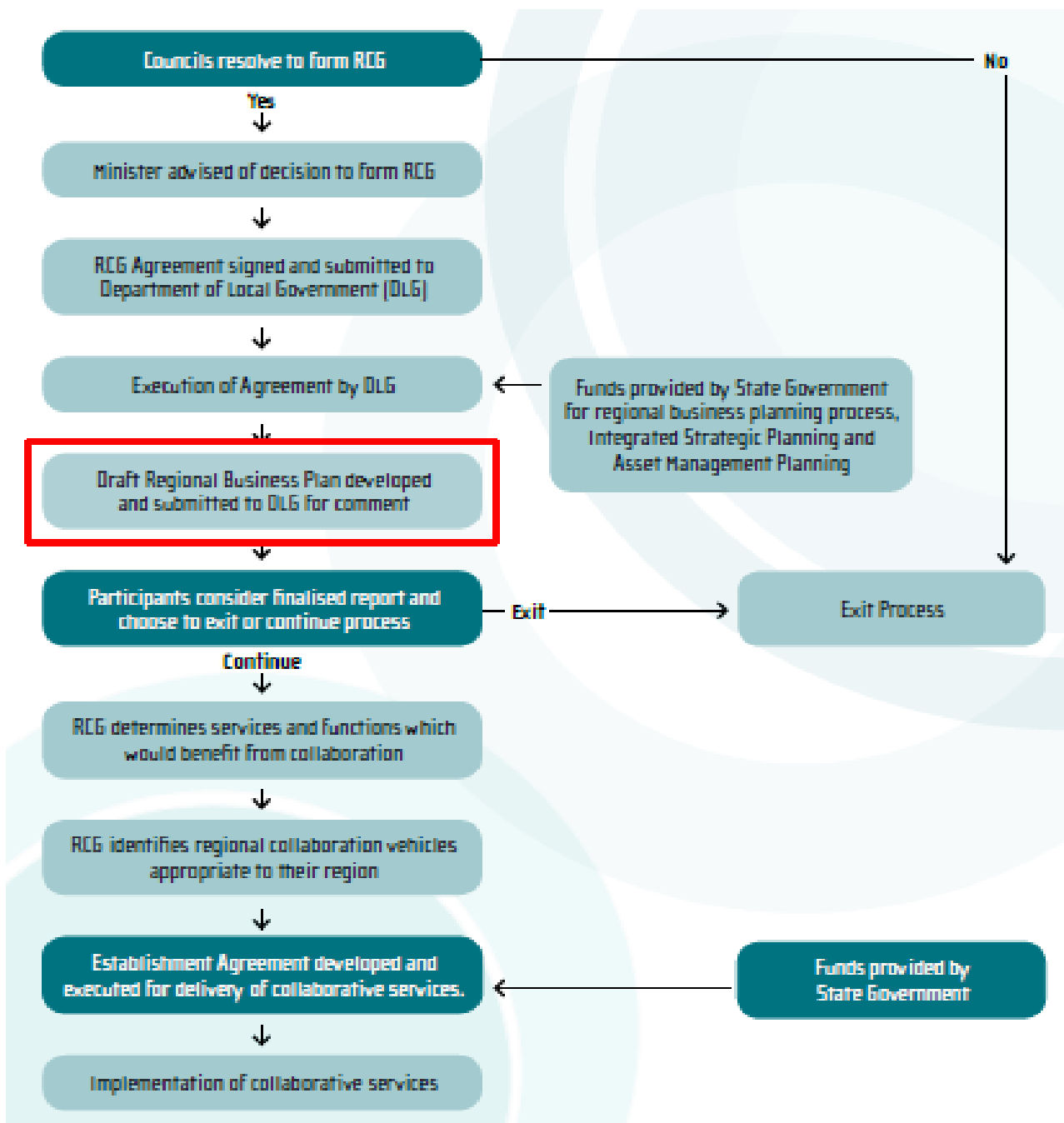
1. *That each Shire CEO prepare and present a report with recommendations on the Draft Regional Business Plan to their respective Shires as soon as practicable;*
2. *That as soon as the Shires have resolved a way forward on the Draft Regional Business Plan, the Shires advise the Executive Officer of the respective positions;*
3. *That the Executive Officer communicate with the Cardno consultants and advise them of the decision taken at the RCG of 3 October 2011;*

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

4. That the Minister for Local Government and Department of Local Government be advised of the RCG position on the Draft Regional Business Plan at this time;
5. That the RCG at its next meeting on 1 December 2011 review the Kimberley Zone Strategic Planning Outcomes Report that was prepared in July 2009.

Carried Unanimously"

The process to be followed in a flow chart representation can be represented as below:



**COMMENT**The Regional Business Case:

The consultant undertook a study into what opportunities exist for the four (4) local governments to consider resource sharing, or commercial enterprise opportunities using a mandatory template developed by the Department of Local Government.

After meeting with elected members of the Councils', senior management and key staff a number of recommendations were made for co-operative possibilities and a presentation given to the Kimberley Regional Collaborative Group.

One of the difficulties being experienced in considering any project remains the tyranny of distance, capacity of a local government and what alignment can be determined from the individual strategic direction of any local government in the group. This capacity issue remains a fundamental factor in limiting the available projects.

After presentation of the final report to the Kimberley Regional Collaborative Group the Department of Local Government was asked to provide comment on the report.

The comments received from the Department (noting the Department is a key stakeholder and funding provider) are;

Governance Structure

The RCG business plan is to identify a governance model that may provide a high level decision making structure to support and facilitate shared service arrangements into the future.

The governance model proposed in the report does not identify the governance structure/decision making process of the RCG and how it would operate under the Local Government Act - rather it reflects a reporting structure at officer level. This will have implications on when decisions on resourcing and project implementation are required, ie who has authority to make a decision for the body to progress a particular project or seek funds.

The report should suggest a formalised governance structure to facilitate long term shared service arrangements.

It is known that the Kimberley Shires have in the past considered and rejected the formation of a Regional Council. The report indicates, on page 63 that the establishment of a regional local government would be the most appropriate approach for the Housing Factory project; and on page 70 it points out that Quantum Consulting recommended in 2008 that a regional model for services in Aboriginal communities represents an appropriate model. Given that these pointers are given, it is surprising that the report does not proceed with an analysis of the strengths and weakness of a regional local government model and attempt to show why it should be or not be the preferred governance model.

The proposed governance model on page 79 fails to take account that both the Western Australian Local Government Association (WALGA) Kimberley Zone and the Kimberley RCG do not have entity status and require one of the four Shires to hold funds. The model fails because it does not link back to the Local Government Act (for example; it requires the four individual Shires to act individually in respect of obligations under the Act). It also

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

fails to take account that the RCG is a temporary vehicle (till 30 June 2015) and does not continue to exist beyond that.

The report suggests that the two (2) non-entities (WALGA Zone and RCG) should continue to co-exist, but does not justify why. The report cannot find Terms of Reference for either group and does not sufficiently differentiate their respective reasons for being. The two (2) groups themselves have struggled to differentiate themselves. At Section 5.2.3 on p.78, the whole section describes examples that provide a rationale for a regional entity and a regional approach, yet the consultant concludes this section by saying that these issues may best be progressed through the WALGA mechanisms. It is unclear if this means the WALGA Kimberley Zone, and if the consultant is suggesting that the WALGA Kimberley Zone is the most appropriate vehicle to have carriage of regional issues.

The report casts a "Kimberley Local Government Alliance" as a potential future governance model at p.80. If this were to be an entity, with governance links to the Local Government Act, it would be expected that the Regional Business Plan would advocate that the RCG move towards the establishment of this entity as the long-term vehicle for regional approaches and activities. Instead, the report stops short by casting this as "potential future". The Regional Business Plan should flesh out this entity and put it forward as the proposed model.

#### Reference Groups:

The report indicates that the proposed five (5) Reference Groups will incur costs and resources (meetings, travel, staff time etc) but does not evaluate the regional benefits against the costs.

The proposed five (5) Reference Groups will draw heavily on the time of the Chief Executive Officer's (CEO's) as some of the Shires will not have a specialist officer with the expertise to provide input. The Reference Groups will then report to a Chief Executive Officer's Group. Is this time commitment what the CEO's want?

#### Kimberley Development Commission

Reference is made on p.26 to the KDC Strategic Plan 2009-10, however the report fails to show how the Regional Business Plan relates to the KDC Strategic Plan and how the two plans support each other.

#### Shared Service Opportunities

Where distance is not a factor and activities considered are primarily of a strategic planning/management nature, more opportunities may be considered:

- Consideration for the coordination of projects arising from royalties for regions funding
- Interface with Kimberley Development Commission
- Identification of gaps in business development which may lend itself to a regional body developing planning/strategies on behalf of member local governments such as:
  - HR management and Workforce planning
  - ICT planning/management
  - Emergency Risk management
  - Waste management / planning
  - Regional economic development – interface with resources sector / private industry

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

- o Regional tourism
- o Regional medical / health service/planning and advocacy
- o Procurement
- o Actions arising from regional strategic community plan
- Sourcing grant funding for the region
- Dovetail within a regional model for delivery of services to remote Indigenous communities.

Local governments/regional bodies can be proactive in addressing service gaps in their communities (for example; measures to attract doctors in a regional area). Gaps arise due to market failure, or a deficiency in servicing on the part of higher levels of governments. The Kimberley Housing Factory proposal is an example of the Shires seeking to address a market failure. The report does not offer up suggestions of service gaps in other areas that could be addressed in the Regional Business Plan. Other service gaps should be explored.

The report suggests that a number of regional issues do not readily fit into the scope of the RCG as a shared service / collaboration opportunity (section 5.2.3 on page 78). Many of the issues listed might firmly fit within the scope of the RCG, particularly lobbying on a regional basis, and securing funding for regional initiatives. It is considered that the Regional Business Plan should not dismiss these as out of scope.

Kimberley Regional Strategic and Community Plan

The report advocates a delay in compiling the Regional Strategic and Community Plan of six (6) – 12 months while the individual Shires complete their Strategic and Community Plans. The delay is not necessary as the Regional Plan can be completed concurrently with the individual Shire plans. There should be enough information from all sources to work on the regional priorities and strategies. The individual Shires will be looking at local priorities and local issues in compiling their plans, the Regional plan will look at region-wide strategies and issues so does not need to wait till the Shires' plans are completed.

Servicing Aboriginal Communities

Whilst the report identifies that there is much work to be done on this project before service delivery becomes a reality on the ground, it is disappointing that the report stops at that point and decides that it cannot pursue any work on this as part of Phase 1. The report ought to make the assumption that the program is moving ahead and that service delivery will be required in the near future. It should explore the merits of a regionalised approach to service delivery. Also, given that the Shire of Broome scoping and costing is available, and the Derby West Kimberley, Halls Creek and Wyndham East Kimberley scoping and costing is available, there should be scope for exploring the potential for the regional approach. Some analysis of the 2008 Quantum Consulting recommendation would be helpful in there. In addition, the Shire of Broome is taking steps to actively plan its service delivery rollout, so the RBP should address what implications this has for the regional approach.

\* \* \* \*

The findings from the consultant identify a number of Shared Service/Collaboration opportunities in part 3 of the report.

These are:

- Integrated Strategic Planning

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

- Asset Management
- Business Management Practices
- Waste Management and Resource Recovery Centre
- Housing Construction Factory
- Corporate Services
- Local Government Services in Indigenous Communities
- Governance

It should be noted that the Shire of Broome has completed or well into completing a majority of the projects abovementioned and may need to provide a future level of assistance to bring the other Councils to a similar level of competency in these areas so as regional projects can progress rapidly. This is considered necessary as future opportunities for regional funding of projects will increasingly see more funds being tied to regional alignment of strategies and processes.

The report as attached is a phase one (1) stage and will require further refinement to flesh out the concepts identified in the progression to the second stage and is presented to Council on this basis. Acknowledging the Department of Local Government’s comments above and requiring the consultant to address these in depth in the following phase can address the Departments concerns.

**CONSULTATION**

N/A.

**STATUTORY ENVIRONMENT**

N/A.

**POLICY IMPLICATIONS**

N/A.

**FINANCIAL IMPLICATIONS**

**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.

Create community spaces.

Nurture and build social capital to increase community capacity.

**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.

Nurture and protect our unique natural environment for the benefit and enjoyment of current and future generations.

Preserve and promote the unique and significant historical and cultural heritage of Broome.

Implement best practice asset management plans to optimise Shires’ infrastructure whilst minimising life cycle costs.

As required under the Commonwealth Government’s Bi-lateral Agreement, Council is able to mobilise resources to deliver municipal services to Indigenous communities that are compliant, effective and within Council’s capacity.

**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.

**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.

**VOTING REQUIREMENTS**

*Simple Majority*

<p><u>REPORT RECOMMENDATION</u></p> <p><i>That Council;</i></p> <ol style="list-style-type: none"> <li>1. <i>Receives the Kimberley Regional Business Plan, Phase 1 – Report and advises the Kimberley Regional Collaborative Group (RCG) to proceed to the commissioning of the second phase; and</i></li> <li>2. <i>Advises the Kimberley Regional Collaborative Group that the projects listed align with the Shire of Broome strategic directions though further information and business cases need to be prepared so that the Shire can ascertain the level of future financial and human resource commitment required.</i></li> </ol>
--

**COUNCIL RESOLUTION:**

***That Council:***

1. ***Receives the Kimberley Regional Business Plan, Phase 1 – Report;***
2. ***Advises the Regional Collaborative Group that Council supports the progression to Phase 2 with the following conditions:***
  - a). ***That the Phase 1 – Report will require further refinement of the concepts identified as detailed in the comments to the report provided by the Department of Local Government.***
  - b). ***That the “consultant” and Secretariat be required to address the concerns raised by the Department of Local Government in Phase 2;***
3. ***Advises the Regional Collaborative Group that the shared service/collaboration opportunities listed, generally align with the Shire of Broome strategic directions and that:***
  - a). ***Business cases will need to be prepared detailing each identified opportunity; and***
  - b). ***The Shire of Broome will undertake to ascertain the level of future financial, human and other resource commitments required against each business case.***

***Moved: Cr J Bloom***

***Seconded: Cr C R Mitchell***

***CARRIED UNANIMOUSLY***

[Attachment: 124 pages](#)



**9.2**

**BUSINESS ENTERPRISE, PROPERTY**

**AND**

**STRATEGY DEVELOPMENT**

***OUTCOME***

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"*.

**9.2.1 REVISED CAPITAL WORKS PROGRAM FOR 2011/2012 (6 MONTHLY BUDGET REVIEW).**

**LOCATION/ ADDRESS:** Buckleys Road Broome 6725  
**APPLICANT:** N/A  
**FILE:** ACC01  
**AUTHOR:** Deputy Chief Executive Officer  
**CONTRIBUTOR/S:** Manager Special Projects; Manager Asset and Design, Team Leader Waste Management Facility  
**RESPONSIBLE OFFICER:** Deputy Chief Executive Officer  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 11 November 2011

**SUMMARY:** In preparation for the 6 monthly budget review, staff have undertaken an internal review of the operations of the Waste Management Facility and the 2011/12 CAPEX budget resulting in a revised capital works schedule for Council consideration and adoption, and amendment to the operational budget.

**BACKGROUND**

Previous Considerations

SMC 17 August 2011 - Item 9.1.9 Adoption of 2010/11 Budget

**COMMENT**

In preparation for the 6 monthly budget review, staff have completed a recent review of the operations and key risks associated with the facility and have revised the Waste Management Facility (WMF) CAPEX budget 2011/2012 to reflect this. This 4 month process commenced in July 2011. These amendments are not strategic and are operational changes to ensure that compliance and operation requirements are being met during the close-out period for the current site. Although the WMF Reserve operates independently of the general operating budget, staff have aligned the changes to the 6 monthly budget cycle however changes would need to be implemented immediately due to compliance requirements. Early 2011, Department of Environment and Conservation (DEC) undertook a routine inspection of the facility and subsequently advised the Shire of some areas of non-compliance, which after further research and analysis by staff, are now being addressed through this budget amendment.

Key operational and strategic risks identified by DEC and staff reviews include:

- Occupational Safety and Health
- Traffic Management, Revenue and Quality Assurance
- Fencing and Site Security
- Liquid Waste Ponds
- Waste Oil Collection
- Water Management – access, storage and retrieval
- Waste Audit
- Light Fleet

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

2011/12 Expenditure

Current Budget	\$167,960 (actual figure)
Year to Date	\$ 11, 770 (actual figure)
Revenue	\$3,709,100

2010/11 Expenditure

Budget	\$653,000
Actual	\$Nil
Revenue	\$3,652,413

The CAPEX component of the WMF Budget 2010/2011 was \$653,000. This was not expended and was transferred to the WMF Reserve. CAPEX was delayed throughout the year due to the preliminary research and planning associated with the proposed new Regional Resource Recovery Park and the need to mitigate the possibility of superfluous works being undertaken. Council received the Strategic Resource Recovery Options report compiled by Cardno in July 2011 which has provided preliminary pathways for the new Regional Resource Recovery Park. A detailed close-out plan is currently being developed for Council consideration for the existing facility.

The revised 2011/12 WMF CAPEX Budget has a net impact of an additional \$359,080. This will be funded by the WMF Reserve (current balance \$3,057,597).

Details of the changes are detailed below and outlined in confidential attachment 1.

**Occupational Safety and Health**

Through a collaborative project with the Local Government Insurance Services (LGIS), the Shire was able to have a comprehensive on-site Occupational Safety and Health audit undertaken for all Shire facilities / sites (excluding the Administration Building).

The Audit outlined health and safety issues associated with existing on-site staff accommodation at the WMF including the lack of appropriate space for all functions to be undertaken ie administration (office, crib room etc), security and staff well-being.

In response to this, staff are recommending the purchase of a second donga with a permanent small shade structure, that will provide kitchen facilities and crib space. The existing donga will be dedicated to office and administration responsibilities. There will be a need to upgrade some areas of the existing donga including security and vandalism strategies.

Total cost \$70,000

**Traffic Management, Revenue and Quality Assurance**

During the operations review, it was clearly evident that staff at the WMF are not able to capture and assess all vehicular activity as it enters the facility. This is due to an inadequate traffic management procedure and administration practices.

In response to this, staff are recommending the installation of a boom gate to control all traffic. This will ensure that:

- an accurate assessment of waste entering the facility can be achieved and staff can monitor the integrity of waste and levels of contamination
- staff can provide necessary customer education at point of contact

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

- staff can administer the relevant fees for service. It is anticipated that revenue captured in the first 12 months will cover set-up costs of the boom gate.

Total cost \$10,000

**Fencing and Site Security**

To ensure the effectiveness and protection of the capital improvements, new fencing will be required which will circumnavigate both donga’s and also allow for a secured parking area/lay down area for vehicles, plant and equipment. This will create a contained administration precinct.

Security lighting will also need to be installed.

Total cost \$45,000

**Liquid Waste Ponds**

The liquid waste pond capability at the site has been identified by the Shire as a high risk and through discussions with DEC and internal Shire departments, strengthening and upgrading the existing perimeter of the ponds and strengthening the disposal ramp is an agreeable and realistic solution for all parties involved.

Time line for completion in line with licence requirements is 30 December 2011.

Total cost \$100,000

**Waste Oil Collection**

The current waste oil service at the site is inadequate due to spillage issues during oil disposal and collection. Waste oil includes commercial oil or oil / water mix waste, cooking oil, marine oil etc which is currently stored in tanks onsite. Upgrade of the existing service is required to prevent environmental incidences. New business operating procedures will also be developed and implemented to assist in mitigating spillage.

Staff are recommending that a concrete bund is constructed around the existing 5,000 litre tank and pump house and the existing 18,000 litre storage tank is to have a membrane installed to current earth bund. Other minor works are required.

A proposed long term strategy for waste oil collection, storage and removal will be forthcoming.

Total cost \$35,000

**Water Management – access, storage and retrieval**

Water management at the site is paramount for compliance and operational reasons including dust suppression and emergency fire response. The site must have access to a reliable and adequate water supply and water storage capability. To achieve this, the following upgrades are required:

- a new bore / pump

- transfer of the existing 6 wheeler truck from Civil Works department which is scheduled to be replaced through the plant renewal program. Although there is no financial impact to the WMF budget initially, revenue from the sale of the plant would be lost due to the transfer of the plant to the WMF. Approximate revenue from sale has not been determined yet as sale was scheduled for 2013/14. This will be reflected in the budget
- relocation of the existing water tank at the WMF to a secured site at the facility
- Transfer of the existing 6 wheeler truck (currently utilised by civil works and scheduled for replacement in 2013/14) to the WMF permanently. The existing portable water tank will be retro-fitted to the truck for the purpose of daily dust suppression (approx 4 hours utilisation) and first response fire fighting. The portable water tank has a purpose-built fire fighting capability. Civil works department will purchase a new 6 wheeler truck so effectively bringing forward the plant replacement program for this vehicle by 2 years. Forecasted trade-in price for the vehicle is \$100,000 which will be transferred from the WMF Reserve to address the financial impact of plant transfer from civil to waste.

Total cost \$130,000

**Waste Audit**

To assist in the ongoing modelling of future services at the new Regional Resource Recovery Park, capturing of data associated with current levels of service is very important. One research project currently being undertaken is focused on knowing what types of waste and the volumes we are collecting, how well is the waste prepared for collection (ie levels of contamination) and are there any unique attributes of waste collected from specific areas across Broome and during both the wet and dry seasons. Stage 1 of this research was conducted in February at a total cost of \$70,000 with Stage 2 due to be scheduled in the dry season. Budget for Stage 1 was \$110,000 however FESA was able to provide its facilities at no cost for audit purposes which reduced budgeted expenditure.

Staff are requesting an increase of \$55,000 to the existing budget of \$40,000 bringing the total to \$95,000. This will allow staff to collect data across the varying demographics within Broome and extend the data capture period to 2 weeks in lieu of 1 week. This will result in a more comprehensive data set which will direct resource recovery initiatives and infrastructure for the new site.

Total cost \$55,000 (amendment to operational budget)

**Light Fleet**

Upgrade from 2 wheel drive ute for the site team leader to a 4x4 extra-cab to accommodate wet season conditions on site.

Total cost \$8,000

**CONSULTATION**

Department of Environment and Conservation

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

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*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.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

As outlined in detail in the report.

**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:**

Nurture and protect our unique natural environment for the benefit and enjoyment of current and future generations.

Implement best practice asset management plans to optimise Shires’ infrastructure whilst minimising life cycle costs.

**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.

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

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

Review and analyse strategic and operational plans.

Manage resource allocation.

Improve systems, processes and compliance.

**VOTING REQUIREMENTS**

*Absolute Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

*That Council:*

1. *Acknowledges and adopts the recommended amendments to the Waste Management Facility capital and operating budget for 2011/12 resulting in a net increase in expenditure of \$359,080.*
2. *Authorises the Chief Executive Officer to amend the budget and relevant financial plans.*
3. *Requests the Chief Executive Officer to advise the Department of Environment and Conservation (DEC) of the proposed changes and timeframes in line with DEC requirements.*
4. *Requests that the Chief Executive Officer schedules a meeting of the Waste Management Advisory Group as soon as possible.*

*(Absolute Majority Required)*

*Moved: Cr C R Mitchell*

*Seconded: Cr M Manado*

**CARRIED BY ABSOLUTE MAJORITY 8/0**

Attachment: 4 pages (Confidential to Councillors and Directors only)

**9.2.2 REVISED PLANT REPLACEMENT PROGRAM FOR 2011/2012.**

**LOCATION/ ADDRESS:** N/A  
**APPLICANT:** N/A  
**FILE:** ACC01  
**AUTHOR:** Deputy Chief Executive Officer  
**CONTRIBUTOR/S:** Manager Special Projects; Manager Asset and Design; and Engineering Administration Officer  
**RESPONSIBLE OFFICER:** Deputy Chief Executive Officer  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 11 November 2011

**SUMMARY:** In preparation for the six (6) monthly budget review, staff have undertaken an internal review of the Plant Replacement Program 2011/12 resulting in a revised budget for Council consideration, adoption and due to service delivery demands, immediate implementation.

**BACKGROUND**

Previous Considerations

SMC 17 August 2011 - Item 9.1.9 Adoption of 2010/11 Budget

**COMMENT**

In preparation for the six (6) monthly budget review, Shire staff have completed a recent review of the Plant Replacement Program. Staff have aligned the changes to the 6 monthly budget cycle however changes would need to be implemented immediately due to service demands.

Summary is as follows:

Mobile Plant and Equipment Budget

Current Budget	Proposed Budget Changes	Proposed Budget
\$2,792,100-00	(\$288,200-00)	\$2,503,900-00

The net impact to the budget is a reduction in expenditure of \$288,200-00.

Refer to confidential attachment 1 for detailed schedule of proposed changes.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

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



**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.
- \* Absolute majority required.

(1a) In subsection (1) —

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

[Section 6.8 amended by No. 1 of 1998 s. 19.]

Local Government (Financial Management) Regulations 1996

**27. Budget notes**

- (g) in relation to each reserve account, an estimate of —
- (i) the opening balance brought forward on 1 July;
  - (ii) the amount to be set aside during the financial year;
  - (iii) the amount to be used during the financial year; and
  - (iv) the closing balance at 30 June;
  - (h) if all or part of the money in a reserve account is to be used or set aside for a purpose other than the purpose for which the account was established —
    - (i) the proposed purpose;
    - (ii) an estimate of the amount to be used or set aside; and
    - (iii) the objects of, and reasons for, the change of use or purpose;

**38. Reserve account information**

- (1) In relation to each reserve account, the annual financial report is to include details of —
- (a) the purpose for which the money in the account is set aside;
  - (b) the amount set aside during the financial year;
  - (c) the amount used during the financial year;
  - (d) the opening balance brought forward on 1 July;
  - (e) the closing balance at 30 June;
  - (f) if the money held in a financial institution or institutions is insufficient to match the corresponding asset account in the balance sheet —
    - (i) the extent of the insufficiency;
    - (ii) the reason for the insufficiency; and
    - (iii) when the insufficiency is likely to be made up;
  - (g) when the local government anticipates the money in the account will be used; and
  - (h) if the purpose of the account was changed or if money in the account was used for another purpose —
    - (i) the purpose for which the money was used;

- (ii) the amount changed or used; and
- (iii) the objects of, and reasons for, the change or use.

(2) In relation to an asset re-valuation reserve established in accordance with the AAS, the annual financial report is not to include the details set forth in su-bregulation (1).  
 [Regulation 38 amended in Gazette 20 Jun 2008 p. 2725.]

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

As outlined in detail in the report.

**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:**

Implement best practice asset management plans to optimise Shires’ infrastructure whilst minimising life cycle costs.

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

Review and analyse strategic and operational plans.

Manage resource allocation.

Improve systems, processes and compliance.

**VOTING REQUIREMENTS**

*Absolute Majority*

<b><u>COUNCIL RESOLUTION:</u></b> <b>(REPORT RECOMMENDATION)</b>	
<i>That Council:</i>	
1.	<i>Acknowledges and adopts the recommended amendments to the Plant Renewal Program resulting in a net decrease in expenditure of \$288,200.</i>
2.	<i>Authorises the Chief Executive Officer to amend the budget and supplementary financial schedules.</i>
<b>(Absolute Majority Required)</b>	
<b>Moved: Cr J Bloom</b>	<b>Seconded: Cr Peter D Matsumoto</b>
<b>CARRIED BY ABSOLUTE MAJORITY 8/0</b>	

[Attachment: 6 pages](#)

### 9.2.3 RENEWAL OF LEASE – DEPARTMENT OF HUMAN SERVICES (CRS AUSTRALIA – COMMONWEALTH REHABILITATION SERVICE)

<b>LOCATION/ ADDRESS:</b>	Portion Reserve 8656
<b>APPLICANT:</b>	Department of Human Services (CRS Australia)
<b>FILE:</b>	LSS.067
<b>AUTHOR:</b>	Property Management Leasing Coordinator
<b>CONTRIBUTOR/S:</b>	N/A
<b>RESPONSIBLE OFFICER:</b>	Deputy Chief Executive Officer
<b>DISCLOSURE OF ANY INTEREST:</b>	N/A
<b>DATE OF REPORT:</b>	1 November 2011

**SUMMARY:** Department of Human Services (CRS Australia) has completed their initial lease which commenced December 2002, they are requesting a new lease, with a term of three (3) Years with a further three (3) x three (3) year options.

## BACKGROUND

### Previous Considerations

The Kimberley Regional Offices on the corner of Frederick and Weld Streets, Broome are located on a Portion of Reserve 8656, which is vested in the Shire of Broome for the purpose of "Office Accommodation"; and Lot 31 which is a freehold lot owned by the Shire of Broome. Refer attachments 1 and 2

Department of Human Services (CRS Australia) entered into a lease agreement with the Shire of Broome on 16 December 2002 for a period of three (3) years with a further two (2) x two (2) year options. Both options were exercised, with the current option period expiring on 15 December 2011. On 16 December 2009 the rental was reviewed to market value and was based on \$300m<sup>2</sup> plus electricity and GST. No further rent reviews have been applied.

## COMMENT

The Shire has been corresponding with Department of Human Services (CRS Australia) regarding the renewal and the history is as follows; the area of Tenancy 7 is 45.86 m<sup>2</sup> with the current 2 year option finishing on 15 December 2011. The current rental rate \$13,416 p.a. plus GST plus Outgoings of \$2,996.24 p.a. plus GST. The rent reviews have been Market at the option review and CPI each year after.

Recently a Valuation and Market Rental Review has been carried out at the Kimberley Regional Offices Building on 13 June 2011. (See attachment 2 )

CRS Australia is currently paying \$300m<sup>2</sup>. As CRS Australia is a Commonwealth organisation and the office which they occupy is not in an ideal location of the Kimberley Regional Offices, we believe the rate is still appropriate at this time. CRS Australia is looking for a new Lease of three (3) years with three (3) year options. The outgoings are currently at \$67m<sup>2</sup>. We recommend the new outgoings rate be adjusted to \$150m<sup>2</sup>. All other tenancies are currently paying \$183m<sup>2</sup>. CRS Australia has agreed to the increase to \$150m<sup>2</sup>.

## CONSULTATION

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

Nil

## STATUTORY ENVIRONMENT

### Local Government (Functions and General) Regulations 1996

30. *Dispositions of property to which section 3.58 of Act does not apply*
- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
  - (2) *A disposition of land is an exempt disposition if —*
    - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called “the transferee”) and —*
      - (i) *its market value is less than \$5 000; and*
      - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
    - (b) *the land is disposed of to a body, whether incorporated or not —*
      - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
      - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;*
    - (c) *the land is disposed of to —*
      - (i) *the Crown in right of the State or the Commonwealth;*
      - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
      - (iii) *another local government or a regional local government;*
    - (d) *it is the leasing of land to an employee of the local government for use as the employee’s residence;*
    - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;*
    - (f) *it is the leasing of land to a “medical practitioner” (as defined in section 3 of the Medical Act 1894) to be used for carrying on his or her medical practice; or*
    - (g) *it is the leasing of residential property to a person.*
  - 2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*
    - (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;*
    - (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
    - (c) *the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
      - (i) *the names of all other parties concerned;*
      - (ii) *the consideration to be received by the local government for the disposition; and*

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

*the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*

2b) *Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*

(3) *A disposition of property other than land is an exempt disposition if —*

*(a) its market value is less than \$20 000; or*

*(b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.*

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31Mar 2005 p. 1055-6.]

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Estimated net rental based on approximately 45.86m<sup>2</sup> tenancy is \$13,758p.a. plus outgoings of \$6,879p.a. grossing \$20,637p.a. To include annual CPI increases, with market review after three (3) years.

All required lease costs will be borne by CRS Australia.

**STRATEGIC IMPLICATIONS**

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

Identify affordable services and initiatives to satisfy community needs.

**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.

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

Manage resource allocation.

**VOTING REQUIREMENTS**

*Absolute Majority*

**REPORT RECOMMENDATION:**

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

*That Council supports, the request from CRS Australia to renew the lease arrangements of the current tenancy, and delegates authority to the Chief Executive Officer to negotiate terms and conditions of the lease arrangement as follows:*

1. *New Lease to be entered into with the term of three (3) years with three (3) x three (3) year option;*
2. *Gross rental to be \$300m<sup>2</sup> plus GST plus Outgoings at \$150m<sup>2</sup> and GST;*
3. *Rental increases to be based on annual CPI increases, with a rental market valuation being carried out at the end of the third year, to coincide with the commencement of the first three (3)year option;*
4. *CRS Australia being responsible for all associated costs, including preparation of lease documents;*
5. *The current conditions of the CRS Australia lease to be carried over to the new lease but not limited to changes herein; and*
6. *Cleaning of tenancy to be the responsibility of CRS.*

**COUNCIL RESOLUTION:**

***That Council supports, the request from CRS Australia to renew the lease arrangements of the current tenancy, and delegates authority to the Chief Executive Officer to negotiate terms and conditions of the lease arrangement as follows:***

1. ***New Lease to be entered into with the term of three (3) years with three (3) x three (3) year option;***
2. ***Gross rental to be \$300m<sup>2</sup> plus GST plus Outgoings at \$150m<sup>2</sup> and GST;***
3. ***Rental increases to be based on annual CPI increases, with a rental market valuation being carried out at the end of every third year, to coincide with the commencement of each three (3) year option if exercised;***
4. ***CRS Australia being responsible for all associated costs, including preparation of lease documents;***
5. ***The current conditions of the CRS Australia lease to be carried over to the new lease but not limited to changes herein; and***
6. ***Cleaning of tenancy to be the responsibility of CRS.***
7. ***Authorises the Shire President and Chief Executive Officer to engross the final lease documentation.***

***(Absolute Majority Required)***

***Moved: Cr C R Mitchell***

***Seconded: Cr Philip F Matsumoto***

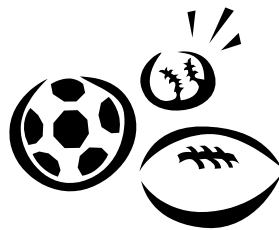
***CARRIED BY ABSOLUTE MAJORITY 8/0***

Nil attachments

# 9.3

## CORPORATE AND COMMUNITY

### SERVICES



### *OUTCOME*

To facilitate the social wellbeing and development of the community.

<b>9.3.1 ACCOUNTS FOR PAYMENT - NOVEMBER 2011</b>	
<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	FRE02
<b>AUTHOR:</b>	Finance Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate and Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	N/A
<b>DATE OF REPORT:</b>	1 November 2011
<b>SUMMARY:</b> This report recommends that Council adopts the list of payments made under delegated authority, as per the attachment to this report.	

**BACKGROUND**

Previous 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.*

- (3) *A list prepared under sub regulation (1) is to be —*

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



- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) *recorded in the minutes of that meeting.*

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

List of payments made in accordance with budget and delegated authority.

**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.

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

*That Council adopts the following accounts as paid under delegated authority for November 2011:*

- *Municipal Cheque Vouchers 54683 - 54783 totalling \$5,652,832.74*
- *EFT Vouchers 15136 - 15441 totalling \$2,492,853.03*
- *Trust Cheque Vouchers 3245 - 3248 totalling \$14,414.18* Amended OMC 14/12/2011

*To be recorded as paid. The total of all expenditure for November 2011 is \$8,160,099.95*

*Moved: Cr Philip F Matsumoto* *Seconded: Cr C R Mitchell*

**CARRIED UNANIMOUSLY**

[Attachment: 13 pages](#)

**9.3.2 OCTOBER 2011 MONTHLY FINANCIAL ACTIVITY REPORT**

**LOCATION/ ADDRESS:** N/A  
**APPLICANT:** N/A  
**FILE:** FRE 02  
**AUTHOR:** Accountant  
**CONTRIBUTOR/S:** Manager Finance Services  
**RESPONSIBLE OFFICER:** Director Corporate and Community Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 31 October 2011

**SUMMARY:** This report recommends that Council adopts the Monthly Financial Activity Report of the Shire’s operations for the month of October 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	33%
Total Operating Expenditure	30%
Total Operating Revenue	75%
Total Capital Expenditure	6%
Total Sale of Assets Revenue	13%
Total Capital Revenue	11%

Committed infrastructure expenditure as percentage of forecast budget:

Parks and Ovals Infrastructure	6%
Drainage Infrastructure	3%
Transport Infrastructure	8%

The forecast position of a nil result represents a 0% variance when viewed in proportion to operating revenue excluding grants and contributions for assets and profit on sale of assets.

The predicted budgeted variation position as at 31 October 2011 is nil.

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

**FORECASTS**

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

**TRANSPORT**OPERATING ACTIVITIES

The following Operating budget forecast change was required this month:

- \$42K increase in budgeted operating income for Office of Crime Prevention (\$30K) and funding from Mamabulanjin (\$12) as per Ordinary Meeting of Council held on 7 July 2011 item 9.3.6.

NON-OPERATING ACTIVITIES

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

- \$42K increase in budgeted non-operating expenditure for lighting upgrade for Anne St Precinct as per Ordinary Meeting of Council held on 7 July 2011 item 9.3.6.

**CONSULTATION**

Internal Staff.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

## 6.4. Financial report

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

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

*"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 subregulation (1)(d); and*
  - c) *such other supporting information as is considered relevant by the local government.*
  
- 3) *The information in a statement of financial activity may be shown —*
  - a) *according to nature and type classification;*
  - b) *by program; or*
  - c) *by business unit.*
  
- 4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
  - a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
  - b) *recorded in the minutes of the meeting at which it is presented.*
  
- 5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

These are detailed above and in the attachment.

**STRATEGIC IMPLICATIONS**

**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.

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

*That Council adopts the Monthly Financial Activity Report for the period ended 31 October 2011.*

*Moved: Cr Peter D Matsumoto*

*Seconded: Cr A Poelina*

**CARRIED UNANIMOUSLY**

[Attachment: 18 pages](#)

**9.3.3 UPDATE ON PROGRESS: DRAFT BROOME COMMUNITY PLAN**

<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	CDE37
<b>AUTHOR:</b>	Manager Community Development
<b>CONTRIBUTOR/S:</b>	Manager Recreation Services
<b>RESPONSIBLE OFFICER:</b>	Director Corporate and Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	N/A
<b>DATE OF REPORT:</b>	7 November 2011

**SUMMARY:** To seek endorsement for the draft documents produced by Creating Communities Australia Pty Ltd (CCA) and the subsequent data analysis reports which have been produced by Dr Sharon Harwood.

**BACKGROUND**Previous Considerations

OCM 18 January 2005 -	Item 9.2.1
OCM 25 October 2007 -	Item 9.2.1
OCM 19 March 2009 -	Item 9.2.2
OCM 2 September 2009 -	Item 9.2.2
OCM 21 January 2010 -	Item 12.1
OCM 2 August 2010 -	Item 9.2.3

In the 2009/10 budget process, Council approved funding to undertake the Community Plan initiative which focused on consultation and planning in the areas of Sport and Recreation, Physical Activity (as part of the WA Premiers Physical Activity Taskforce grant), Arts and Culture and Public Art within the Shire of Broome.

Due to the recognised synergies in timing, aims and objectives for the proposed project, it was proposed that it be delivered in conjunction with LandCorp. Due to the local significance of planning for Broome North, Landcorp envisaged developing a Community and Economic Development Plan which would describe the anticipated demographic and lifestyle profile of future residents and outline the infrastructure, services and programs to be provided over the life of this development.

The purpose of the Broome Community Plan was to broadly identify local needs and demonstrate how social outcomes will be met across the Shire of Broome given proposed time and/or population growth trigger scenarios. The agreed scope of works included a community audit, provision of direction for community development activities, services and facilities, and strategies to engender local ownership and confirm stakeholder participation.

In January 2010, Council endorsed the Community Plan Terms of Reference and procurement of a consultant to prepare the Plan in consultation with Council, staff and the community.

At the Ordinary Council Meeting of 2 August 2010 Council adopted the recommendation of the WALGA Tender Bureau Service and awarded the Tender to *Creating Communities Australia Pty Ltd* (CCA) to develop a Community Plan for the Shire of Broome and agreed Chairperson.....Date.....

to the appended terms of reference for the Shire of Broome and LandCorp partnership project.

The objectives of the Plan are to provide guidelines for the future decision making of the Client, LandCorp and the community on matters of sport and recreation, public art provision and broader community needs.

CCA's brief was to develop a shared understanding of local needs and future provision of local services and infrastructure, develop agreements with key / relevant stakeholders to facilitate the Community Plan findings and provide strategies that could be realistically implemented given the proposed funding allocations.

The Community Plan will:

- 1) The Community Plan will support the co-location, multi-use and joined provision of community and public facilities, including public open spaces on selected sites;
- 2) Be implemented through an agreement between the Shire of Broome, LandCorp and other key stakeholders;
- 3) Include a range of sub-plans including Sport and Recreation and Public Art Plan (2010-2015).
- 4) Adopt a wider, holistic focus on community needs and maximising participation outcomes in areas of health, lifestyle and well-being;
- 5) Be underpinned by principles of community development and consultation; partnerships and collaboration; incorporating indigenous and multicultural requirements as reflective of the composition of the Broome community.
- 6) Be adopted by the Shire and include integrated resource/capacity planning to ensure it is both achievable and sustainable.

## COMMENT

The project has experienced some extensions due to a number of changes in key staff at both the Shire and LandCorp, and the requirement for further data analysis beyond the original budget. This work has now been carried out by James Cook University and the draft documents are now available.

There was also a requirement to update the document in line with the Shire's new Strategic Plan "Forging Ahead 2011-16", it is proposed that this integration will be delivered as part of the final stage of this project, again facilitated by James Cook University and resulting in a meaningful and comprehensive Community Plan.

It should be noted that the CCA Working Documents 7 and 8 were delivered mid 2010 and required updating, these also contain recommendations which are in the process of being reviewed by JCU to better align with Shire's current strategic goals.

Once the final stage of the project has been completed by JCU, Council approval will be sought to endorse the draft community plan and associated sub-plans for final community consultation before being formally adopted and implemented.

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



## CONSULTATION

Acquisition of data for the Draft Broome Community Plan Working Documents 1-8 involved the following consultation methods used by CCA:

### Online surveys:

focusing on lifestyle in Broome, level of community satisfaction, sport, recreation activities and facilities, physical activity, arts and culture, there were 319 respondents to the general community survey and 30 clubs and associations responded.

### Workshops:

A series of advertisements in the *Broome Advertiser* requesting participation in the community consultation workshops or "Dialogue Café's". A series of three workshops were held at the Shire offices, the first being a 'Community' workshop, the second 'Sport and Recreation' and third 'Arts and Culture'. These involved a presentation from CCA representatives and participatory question and answer sessions, workshop activities. Additionally two Physical Activity workshops were held. All comments made were transcribed by CCA and attendance at each was about 30 people.

### Key stakeholder meetings:

Meetings held with Shire representatives and identified partner agencies within the community, including government, non-government, clubs and organisations from all sectors of the community who wished to express their opinion about the growth of the town. CCA then captured this data also, intended for integration into the plan.

### Web based promotion:

information was made available on the Shire and CCA websites.

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

### **1.8 Statewide public notice**

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

### **3.57 Tenders for providing goods or services**

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

*Local Government (Functions and General) Regulations 1996  
Section 5 R14 and R15*

### **14. Requirements for publicly inviting tenders**

- (1) *When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*

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

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

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

**15. Minimum time to be allowed for submitting tenders**

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

**POLICY IMPLICATIONS**

The Community Plan for the Shire of Broome, and its resultant sub-components will be incorporated into relevant policies and strategies such as the Local Planning Strategy and Scheme provisions were appropriate. In particular, the Plan will form the basis of considerations relating to developer contributions towards community facilities and infrastructure.

**FINANCIAL IMPLICATIONS**

2010-11 budget \$120,000 allocated to the project and was fully expended. This was comprised of \$60,000 from LandCorp, and \$25,000 from the WA Premiers Physical Activity Taskforce. The Shire contribution has been \$35,000.

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

2011-12 budget \$11,000 allocation for James Cook University to review data.

Future year's budget allocations will be required for implementation of recommendations in line with Strategic Plan.

**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.

Create community spaces.

Encourage recreational activity.

Facilitate a safe environment.

Nurture and build social capital to increase community capacity.

**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.

Nurture and protect our unique natural environment for the benefit and enjoyment of current and future generations.

Preserve and promote the unique and significant historical and cultural heritage of Broome.

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

Implement best practice asset management plans to optimise Shires' infrastructure whilst minimising life cycle costs.

As required under the Commonwealth Government's Bi-lateral Agreement, Council is able to mobilise resources to deliver municipal services to Indigenous communities that are compliant, effective and within Council's capacity.

**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.

Encourage the provision of affordable land for residential, industrial, commercial and community use.

Implement key economic development strategies for the Shire which are aligned to regional outcomes working through recognised planning and development groups/committees.

**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*

<p><u>REPORT RECOMMENDATION</u></p> <p><i>That Council;</i></p> <ol style="list-style-type: none"> <li><i>Notes the progress made to date on the Community Plan; and</i></li> <li><i>Notes that further work is required to deliver a comprehensive community plan and on completion of the draft reports by James Cook University (JCU) the final reports will be presented to Council for adoption for community consultation.</i></li> </ol> <p><b><u>COUNCIL RESOLUTION:</u></b></p>
--

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

1. *Notes the progress made to date on the Community Plan;*
2. *Notes that further work is required to deliver a comprehensive community plan and on completion of the drafts by James Cook University (JCU) the final reports will be presented to Council for adoption for community consultation within the following timeframes:*
  - a). *the draft plan to be presented to Council at a workshop by May 2012; and*
  - b). *the final Community Plan to be presented to Council for adoption for community consultation by June 2012.*

*Moved: Cr E Yu*

*Seconded: Cr J Bloom*

***CARRIED BY ABSOLUTE MAJORITY 8/0***

Nil attachments

The Chairperson withdrew Item 9.3.4 at the request of the Chief Executive Officer.

<b>9.3.4 TOURISM ADMINISTRATION POLICY - DRAFT</b>	
<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ARA01
<b>AUTHOR:</b>	Senior Rates Officer
<b>CONTRIBUTOR/S:</b>	Manager Finance Services; Director Corporate and Community Services
<b>RESPONSIBLE OFFICER:</b>	Director Corporate and Community Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	10 November 2011
<b>SUMMARY:</b> This report recommends that Council adopts the amended Tourism Administration Policy.	

**BACKGROUND**

Previous Considerations

SCM 2 July 1999	Item 5.2
OCM 22 July 2003	Item 9.1.2
OCM 18 January 2007	Item 9.1.3
OCM 11 April 2007	Item 9.4.1
OCM 9 July 2009	Item 9.4.3
OCM 14 April 2011	Item 9.2.1
SCM 13 July 2011	Item 9.2.1

The Shire of Broome, in 2009, undertook a review of the definition and intent of the collection of differential rates for tourism initiatives. Kadar Pearson Partners Pty Ltd (KPP) was appointed to undertake the first stage of the review.

Following this, in 2010, the Shire of Broome appointed Dominic Carbone and Associates and Darren Long Consulting (DCA/DL) to:

- i) Facilitate a workshop forum for all stakeholders;
- ii) Determine other tourism marketing initiatives, if any, to be considered for support by Shire funds in addition to current support given to Australia’s North West (ANW) and Broome Visitors Centre (BVC);
- iii) Investigate and engage views on developing a model between stakeholder groups that creates a broader and more equitable base for tourism revenue raising beyond local government rates collection;
- iv) Make recommendations to Council for revising the tourism differential rating objectives to meet policy objectives of a broader and more equitable model for tourism economic development strategy, as developed from the stakeholder workshop; and
- v) Supply a report providing recommendations from the outcomes of the workshop and the future strategy for tourism differential rating.

As a result of the key findings, the following recommendations were developed by DCA/DL for Council consideration:

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

- 1) *That marketing and promotion of Broome as a tourist destination continue to be funded through the Local Government Property Rating Framework utilising the Differential Rating System.*
- 2) *That revenue collected through the differential rating system for the tourism component be distributed on a needs basis, with key stakeholders preparing and submitting to the Shire four (4) year business plans disclosing their operations and proposed tourism initiatives.*
- 3) *That the Council give consideration to using the Multiplier Effect for Broome as an alternative rates distribution model for the tourism differential component.*
- 4) *That the Council formulate a Tourism Policy, which outlines the Councils role in the financing of tourism initiatives, in order to develop constructive partnerships with the local community, business groups, tourism industry operators and community organisations. A sample Tourism Policy is included in the Report for the Councils consideration.*
- 5) *That the Shire of Broome initiate discussions with the Board of Broome International Airport for the purpose of introducing a passenger head tax to complement the revenue derived from the tourism differential rate component to promote tourism initiatives in Broome.*
- 6) *That the formation of an Advisory Group be established at the discretion of the Chief Executive Officer to advise him in relation to any matter pertaining to Broome Tourism, which will assist him in the preparation of reports to Council.*

At the Ordinary Meeting of Council held on 14 April 2011, the Council resolved to:

1. *Receive the Tourism Initiative Review Report from Domenic Carbone and Associates/Darren Long Consulting,*
2. *Adopts points 1,2,3,4 and 6 of the recommendations contained in the Tourism Initiative Review Report,*
3. *Refers recommendation 5 to the Advisory Group as specified in Point 6 for detailed consideration of the various options for further revenue generation for the promotion of Tourism in Broome including but not limited to the option of a head tax.*
4. *Requests staff:*
  - a). *to prepare a draft Tourism Administration Policy for the purposes of advertising for a period of 35 days;*
  - b). *to incorporate into the policy the use of the multiplier principle for Tourism Differential rating that being:*  
*Broome Commercial 62.3%*  
*Broome Tourism 37.1%*  
*Dampier Short Stay Accommodation 0.6%*
  - c). *to incorporate a section in the policy that clearly details the processes of applying the multiplier principle*

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

- d). *to incorporate the funding allocation to Australia’s North West, Broome Visitor Centre and a discretionary amount will be determined by Council during annual budget deliberations. “*

At the Special Meeting of Council held on 13 July 2011, Council resolved to:

- “1 Adopt the draft Tourism Administration Policy for the purpose of advertising for a period of 35 days.
- 2. Amendment to the Tourism Administration Policy to read as follows:
  - 4.3 Council will endeavour to ensure that other industries are not adversely affected by the tourism industry and encourage industries to work together.”

**COMMENT**

The amended Tourism Administration Policy was advertised in the Broome Advertiser on 1 September 2011 and the closing date for submissions was 4.00pm on 7 October 2011.

There were two submissions received.

1.Australia’s North West	Officers Comments
<b>Item 2.2:</b> requests a one year business plan submitted annually.	Four year business plans will provide Council with ANW and BVC long term strategic goals and direction. It is acknowledged that there is some difficulty in preparing accurate long term plans but all plans of this nature are subject to change and are usually updated annually or on a needs basis.
<b>Item 2.3:</b> requests that an indication of funding be made available prior to development of a business plan.	Actual funding amount/allocation is difficult to lock-in in advance as Council will need to have some indication of the ANW and BVC plans and objectives prior to making annual allocations. It would be up to each entity to substantiate a funding amount through the provision of their business plans.
<b>Item 2.4:</b> requests flexibility when applying for funding.	Flexibility would apply and annual funding requests substantiated through the business plans.
<b>Item 8:</b> we are unable to comment on the revised calculation of rateable properties providing the basis of the “tourism differential”	Noted.



<p><b>Annual funding:</b> requests funding be increased annually to reflect increased operating expenses.</p>	<p>Again subject to being substantiated through the provision of business plans.</p> <p>Reference must be made to funding to ANW by other regional Councils as disclosed in ANW's annual report for 2010/2011:</p> <ul style="list-style-type: none"> <li>• \$175,000 – Shire of Broome</li> <li>• \$ 25,000 – Shire of Ashburton</li> <li>• \$ 20,000 – Shire of Roebourne</li> <li>• \$ 5,000 – Shire of Halls Creek</li> </ul>
<p><b>Communication:</b> requests greater communication between Shire and stakeholders as considered advertisement for "Draft Tourism Administration Policy" to be inadequate.</p>	<p>Following Council workshop in November 2010, the tourism review was included in minutes of Ordinary Meeting of Council held on 14 April 2011 and the Draft Tourism Administration policy adopted for advertising in minutes of the Special Meeting of Council held on 13 July 2011. The Draft Tourism Administration policy was advertised in the Broome Advertiser on 1 September 2011 and the closing date for submissions was on 7 October 2011.</p> <p>It is anticipated that there would be a greater avenue for communication through the establishment of the proposed Broome Tourism Advisory Group.</p>

2. Broome Resort General Managers Group	Officers Comment
<p><b>Definitions:</b> requests that "Tourism Industry" needs to be clearly defined.</p>	<p>There are currently no definitions included on the draft policy and this submission could be improvement to the policy.</p>
<p><b>Subsections 1.3 and 2.3:</b> it is unclear whether the Shire will commit to funding on a four yearly or annual basis.</p>	<p>Council funding allocation is considered annually as part of the budget process and it is envisaged that this would continue.</p> <p>Item 1.2 provides for this.</p>
<p><b>Add a new Section after 2.0:</b> Council may choose to work collaboratively with other tourism related groups and there should be an amount of funds available that these groups tender or bid for.</p>	<p>The policy has been created around ANW and BVC and the submission comment is certainly worthy of Council consideration.</p>
<p><b>Section 7:</b> Change wording to "The CEO will appoint an advisory group with representatives from the BVC, ANW, BRGMG and licenses Tourism Accommodation properties.</p>	<p>Comment noted and for Council's consideration.</p> <p>Does Council wish to make this compulsory and prescribe membership?</p>

<p><b>Section 8:</b> This section is difficult to understand.</p>	<p>Comment noted and calculation can be provided to the proponent for explanatory purpose. Not considered necessary to have as part of the policy.</p>
<p><b>Section 9:</b> A section needs to be included stating when the policy is to be reviewed.</p>	<p>Council reviews all of its policies on a two year basis following the local government election cycle, perhaps this could be included in the policy but not considered necessary as is Council operating procedure.</p>

Council should note, that the above points were submitted for consideration, however it is not recommended that all of the changes be implemented.

Council could consider changing the name of the policy to better reflect the overall intent of the policy. It is recommended that the policy be re-named to *"Tourism Administration and Financial Assistance Policy."*

**CONSULTATION**

- Broome Visitor Centre
- Broome Chamber of Commerce
- Australia’s Northwest
- Broome Resort General Managers Association
- Dominic Carbone and Associates and Darren Long Consulting

**STATUTORY ENVIRONMENT**

**Local Government Act 1995**

**6.33. Differential general rates**

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
  - (a) *the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;*
  - (b) *the predominant purpose for which the land is held or used as determined by the local government;*
  - (c) *whether or not the land is vacant land; or*
  - (d) *any other characteristic or combination of characteristics prescribed.*

**POLICY IMPLICATIONS**

Proposed Tourism Administration Policy

**FINANCIAL IMPLICATIONS**

The table below outlines the current distribution of monies raised from tourism differential rates and the indicative future distribution subject to policy:

**Service: Tourism Initiatives:**

	Budget Distribution 2010/11	Indicative Distribution 2011/12	Remarks
<b>Start Up costs</b>			
<b>Budget Impact</b>			
ANW	\$175,000	\$175,000	Subject to 4 Year Business Plan
BVC	\$110,000	\$110,000	Subject to 4 Year Business Plan
Discretionary amount determined by Council	\$30,000	\$30,000	Other tourism initiatives subject to application by Project Brief
<b>TOTAL SUM CERTAIN</b>	<b>\$315,000</b>	<b>\$315,000</b>	A fixed Yield

The table below outlines funding sources for the tourism differential rate and the affect of introducing the multiplier principle.

**Funding Source: *Tourism Differential Rates***

Funding Type	Existing Contribution %	Differential Rate Yield Comparison		Multiplier Affect %	+/- \$Change
		2010/11	2011/12		
Broome Commercial	34.1%	\$107,267	\$194,340	61.7%	+ \$87,073
Dampier Commercial	0.3%	\$1,052	\$1,905	0.6%	+\$853
Broome Tourism	64.7%	\$203,766	\$117,080	37.2%	- \$86,686
Dampier Short Stay Accom.	0.9%	\$2,915	\$1,675	0.5%	- \$1,240
<b>TOTAL</b>	<b>100.0%</b>	<b>\$315,000</b>	<b>\$315,000</b>	<b>100.0%</b>	<b>\$0</b>

**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.

Nurture and build social capital to increase community capacity.

**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.

Preserve and promote the unique and significant historical and cultural heritage of Broome.

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

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

Implement best practice asset management plans to optimise Shires’ infrastructure whilst minimising life cycle costs.

**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.

Implement key economic development strategies for the Shire which are aligned to regional outcomes working through recognised planning and development groups/committees.

**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.

Improve systems, processes and compliance.

**VOTING REQUIREMENTS**

*Simple Majority*

<u>REPORT RECOMMENDATION:</u>	
<i>That Council adopts the amended Tourism Administration Policy as presented to Council at the Special Meeting of Council held on 13 July 2011, with the following amendments:</i>	
1.	<i>The policy be re-named to "Tourism Administration and Financial Assistance Policy."</i>
2.	<i>Inclusion of definition: "Tourism Industry: Includes those businesses operating in the Shire of Broome where providing service to visitors is the major component of their business."</i>
<b>Moved:</b>	<b>Seconded:</b>
<b>(Item Withdrawn)</b>	

Nil Attachments

# 9.4

## DEVELOPMENT

### SERVICES



### OUTCOME

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

With regard to Item 9.4.1, 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"*.

**9.4.1 PROPOSED AMENDMENT: AIRPORT DEVELOPMENT PLAN**

**LOCATION/ ADDRESS:** Broome International Airport, Lots 393, 394, 402, 403, 654, 982, 1648 and 1653, Broome Road, Broome

**APPLICANT:** Shrapnel Urban Planning on behalf of Pearl Coast Properties (PCP) owners of Broome International Airport

**FILE:** PLA66

**AUTHOR:** Neels Pretorius

**CONTRIBUTOR/S:** A/Manager Planning Services

**RESPONSIBLE OFFICER:** Director Development Services

**DISCLOSURE OF ANY INTEREST:** Nil

**DATE RECEIVED:** 17 May 2011

**SUMMARY:** Shrapnel Urban Planning on behalf of Pearl Coast Properties (PCP) owners Broome International Airport (BIA) has submitted an application to amend the Airport Development Plan (ADP) by means of modifications to Plans A and B as well as the Text and Explanatory Report.

The proposed amendment has been advertised and one submission was received.

It is recommended that Council adopts the amendment to the Development Plan.

**BACKGROUND**

Previous Considerations

OCM 19 October 2004 -	Item 9.3.5
OCM 14 June 2005 -	Item 9.3.4
OCM 11 August 2005 -	Item 9.3.10
OCM 3 November 2005 -	Item 9.3.10
OCM 22 December 2005 -	Item 9.3.11
OCM 13 April 2006 -	Item - 9.3.2
OCM 11 May 2006 -	Item 9.3.1
OCM 23 November 2006 -	Item 9.3.5
OCM 23 November 2006 -	Item 9.3.6
	OCM 23 November 2006 - Item 12.2 - withdrawn
	- "not accepted under Section 13.2 of the Shire of Broome Standing Orders Local law 2003"
OCM 15 March 2007 -	Item 9.3.3
OCM 25 October 2007 -	Item 9.3.2
OCM 18 December 2007 -	Item 9.3.1
OCM 14 February 2008 -	Item 9.3.12
OCM 14 February 2008 -	Item 9.3.13
OCM 14 February 2008 -	Item 9.3.14
OCM 13 March 2008 -	Item 9.3.3
OCM 3 July 2008 -	Item 9.3.2
OCM 19 March 2009 -	Item 9.3.1
Chairperson.....	Date.....

OCM 29 October 2009 –	Item 9.3.3
OCM 26 November 2009 –	Item 9.3.1
OCM 8 July 2010 -	Item 9.3.1
OCM 15 December 2010 –	Item 9.3.8
OCM 1 September 2011 –	Item 9.4.3.

### *Site and Surrounds*

Broome International Airport comprises an area of approximately 154 hectares and is partially bounded by Frederick Street and the Broome Boulevard to the south and by Sandpiper Avenue, the Western Triangle and Bilgungurr to its north. Broome Road is located to its east and Gubinge Road to its west.

### Attachment 1 – Location

### *History*

At the Ordinary Meeting of 1 September 2011 Council resolved as follows:

*“That Council:*

1. *Requests the applicant to revise Plan A, Plan B as well as the Text and Explanatory Report of the Airport Development Plan (ADP) to reflect the following:*
  - a. *Addition of a new AS4 zone applicable to the newly created ADP area alongside the realignment of the northern ADP boundary and as depicted in Attachment 3.*
  - b. *Inclusion of the additional land uses of ‘temporary non-aviation related warehousing and storage’ into the list of permitted land uses applicable in the new AS4 zone together with those currently permitted in the AS3 zone.*
2. *Adopts the proposed amendments to the Airport Development Plan, as modified, for the purpose of public comment for a period of 42 days.”*

### *Description of the Proposal*

The proposed amendment entails:

- Modifications to Plan A:
  1. Realignment of the northern ADP boundary;
  2. Modifications to the quantity and distribution of “AS3” and “B” zoned land adjacent to the northern ADP boundary and the inclusion of an “AS4” zoned area on the plan.
  3. A minor modification to the south-western corner of the ADP area near Frederick Street.
- Modifications to Text.

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

1. The words 'temporary warehousing/storage' being added at the end of the list of Proposed or Potential Uses in the AS4 Zone in the ADP's Schedule for Proposed Zones and Associated Land Uses.
2. The sentence "The land can also be used for temporary non-aviation related warehousing and storage purposes, if required." being added after the words "related service and light industries." in the section titled: Aviation Service 4 (AS4) in addition to the uses allowed in the AS3 area.

- Modifications to Plan B:

The modifications to the northern boundary of Plan A have been reflected in Plan B where necessary

The proponent provided the following reasons for requesting this modification:

- o *To the north of the airport, the AS3 zone has been expanded northwards to fill the space previously intended for residential uses. While this extension of the AS3 zone is logical, the imperative for aviation-related uses to establish in the more removed northern areas of AS3 is somewhat reduced.*
- o *There is a demand for conveniently located warehousing and storage space in Broome, and it is considered reasonable for this use, which is potentially compatible with aviation-related uses, and not necessarily incompatible with the residential uses further north, to be permitted in the AS4 zone on a temporary basis, at the Council's discretion.*
- o *It is envisaged that such uses will be short term, taking the form of open air storage or, in some cases, temporary structures (sheds and the like. While some such uses will no doubt be short-term, longer term use of the land for this purpose need not be prohibited provided there was no expectation whatsoever that a non-aviation related warehousing and storage could be carried on beyond the time of the airport's relocation and the currency of Plan A. The proposed additional land use is therefore described as "temporary" to clearly signal that any such non-aviation use must, at the absolute latest be removed prior to the airport's relocation.*
- o *BIA is regularly being approached from building companies and civil contractors to temporarily store materials on land on the northern side of the airport for projects in and around Broome, but not necessarily related to projects at the airport. BIA has resisted these approaches, but at the same time recognise the requirement for conveniently located temporary warehousing and storage in Broome. It is envisaged that storage of materials such as pipes, frames and pavement materials and other building materials not requiring weather proof protection would be a common request.*

Attachment 2 – Proposed Amendments

*Planning Provisions*

Clause 4.25 of the Shire of Broome Town Planning Scheme (TPS4) describes the requirements for amending an approved Development Plan. This includes the requirement for public advertising.

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



**COMMENT**

The proposed amendment includes three parts:

- o Modifications to Plan A - Removal of a former AS3 zoned area to the west in order to make room for a drain and buffer area. The proponent indicated the main advantage of this is that the northern east-west drain is now planned on an alignment that could permanently remain, even after the airport has relocated.
- o Modifications to Text - The modifications numbered 1 and 2 reflect a new provision in the ADP whereby the land uses potentially permitted within an AS4 zone include "temporary warehousing and storage", which does not necessarily need to be aviation related.
- o Modifications to Plan B - reflects the modifications to the northern boundary of Plan A.

It is widely recognised that there is a shortage of land that can operate as short term, open air lay down areas for builders and civil contractors. This amendment to the DP will provide for such uses.

The submission relates to operational aspects of the airport and not specific to the proposed amendment of the development plan. It is recommended that the issues raised in the submission are noted and dealt with in the joint working group with the BIA.

It is recommended that the airport development plan be adopted.

**CONSULTATION**

The proposal was advertised in accordance with Clause 4.25 of the Shire of Broome Town Planning Scheme No.4 for a period of 42 days from 22 September 2011 to 4 November 2011 and one submission was received.

Attachment 3 – Schedule of submissions.

**STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Broome Town Planning Scheme No. 4

4.25 *Development Zone*

4.25.1 *Aims and Objectives*

4.25.1.1 *The aim of the zone is to provide for general urban development including residential, commercial and/or tourist development or rural development in accordance with a Development Plan prepared under this Scheme.*

4.25.3 *Development Plan*

4.25.3.1 *A Development Plan shall address the following;*

(a) *the topography and vegetation of the area and distinctive features;*

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

- (b) *the existing major road system;*
- (c) *the location and width of proposed roads;*
- (d) *the location of pedestrian and bicycle routes;*
- (e) *the approximate location and area of the recreation and open space areas proposed;*
- (f) *the population, lot layout and the location of appropriate "Residential Planning Code" densities;*
- (g) *all existing and proposed land uses;*
- (h) *provision for water supply, sewerage, drainage and public utilities;*
- (i) *the development proposed, the method of carrying out the development and the projected times of completion of each stage of development;*
- (j) *community facilities and commercial centres;*
- (k) *consideration of Aboriginal heritage and cultural sites and matters and how these aspects are incorporated into the development plan;*
- (l) *Environmental Cultural Corridors within the area and/or the allocation of land for conservation purposes in the area;*
- (m) *Environmental protection consideration and pollution prevention measures; and*
- (n) *Such other matter or information as is required by Council.*

4.25.3.2 *When a Development Plan has been prepared to the satisfaction of Council, the Council shall:*

- (a) *notify in writing all servicing authorities and each owner of land affected by the Plan; and*
- (b) *advertise for public comment the existence of the plan; and*
- (c) *invite each landowner, the public, service agencies and all affected Government Authorities to make a submission to Council regarding any aspect of the Plan.*

4.25.3.3 *The Council shall specify a time within which submissions will be received, but the time shall not be less than 28 days from the date of notification described in Clause 4.25.3.2.*

4.25.3.4 *That Council shall consider any submissions made under Clauses 4.25.3.2 and 4.25.3.3 and may reject, amend or adopt the Development Plan after consideration of such submissions.*

4.25.3.5 *The Council shall:*

- (a) subsequently forward the Development Plan to the Western Australian Planning Commission together with a precis of, and the Council's decision in relation to, each submission received in respect of the Plan; and
  - (b) request the Commission to adopt the Plan submitted as the basis for approval of subdivision applications and development within the area covered by the Plan.
- 4.25.3.6 Where Council does not forward a response to the Western Australian Planning Commission within three months from the closure of the public advertising period, the Development Plan is deemed to be refused and appeal rights, in accordance with clause 4.25.3.8 exist for the applicant.
- 4.25.3.7 Any departure from or alteration to the Development Plan may, subject to the approval of the Western Australian Planning Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area the subject of the plan.
- 4.25.3.8 Without limiting the generality of other provisions for appeals herein, an applicant aggrieved by a decision of the Council in respect of a decision made under clauses 4.25.3.4, 4.25.3.5, 4.25.3.6, 4.25.3.7 and/or 4.25.3.9 under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.
- 4.25.3.9 Following adoption of a Development Plan, required under the provisions of Clause 4.25.2, by the Western Australian Planning Commission, Council may approve development and/or support subdivision consistent with the adopted plan, and thereafter will implement Scheme amendments to rezone the land to other Scheme zones in accordance with the Development Plan
- 4.25.4 Development Plan Guidelines for Precincts - The Scheme Report - Local Planning Strategy outlines guidelines for the preparation of Development Plans for specific precincts within the Development Zone.
- 4.25.5 Operation of Development Plan
- 4.25.5.1 A Development Plan commences operation on the date it is adopted by the local government pursuant to clause 4.25.3.4.
- 4.25.5.2 Subject to clause 4.25.5.5, if a Development Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then:
- (a) The provisions of the Development Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
  - (b) Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development zone.
- 4.25.5.3 Without limiting the generality of clause 4.25.5.2, under a Development Plan:
- (a) In the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;

- (b) *The standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Development Plan;*
- (c) *The planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme;*
- (d) *Where land is classified as a local reservation, the rights, provisions and procedures, and the obligations of the local government in regard to compensation set out in Clause 3.4 apply as if the land were correspondingly reserved under the Scheme; and*
- (e) *Any other provision, standard or requirement in the Development Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.*

4.25.5.4. *A Development Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Development Plan.*

4.25.5.5. *If a provision of a Development Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The proponent is responsible for costs incurred in the Development Plan process.

**STRATEGIC IMPLICATIONS**

**Place**

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

**Prosperity**

Support business and economic development.

**VOTING REQUIREMENTS**

*Simple Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**That Council:**

1. ***Adopts the amended Airport Development Plan to revise Plan A, Plan B as well as the Text and Explanatory Report of the Airport Development Plan (ADP) to reflect the following:***
  - a). ***Addition of a new AS4 zone applicable to the newly created ADP area alongside the realignment of the northern ADP boundary and as depicted in Attachment 3.***
  - b). ***Inclusion of the additional land uses of 'temporary non-aviation related warehousing and storage' into the list of permitted land uses applicable in the new AS4 zone together with those currently permitted in the AS3 zone.***
2. ***Authorises the Chief Executive Officer and the Shire President to engross the necessary documents.***

**Moved: Cr J Bloom**

**Seconded: Cr C R Mitchell**

**CARRIED UNANIMOUSLY**

[Attachment: 4 pages](#)

With regard to Item 9.4.2, 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"*.

**9.4.2 PROPOSED DETAILED AREA PLAN – TOWN PLANNING SCHEME NO.4 – PART OF LOTS 1648 AND 1653 FREDERICK STREET, DJUGUN**

**LOCATION/ ADDRESS:** Part of Lots 1648 and 1653 Frederick Street, Djugun  
**APPLICANT:** Shrapnel Urban Planning  
**FILE:** FRE-1/LT 1648  
**AUTHOR:** Rene Human  
**CONTRIBUTOR/S:** A/Manager Planning Services  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE RECEIVED:** 18 October 2011

**SUMMARY:** The main purpose of the Detailed Area Plan (DAP) is to facilitate subdivision and ultimately development of the land in line with proposals as envisaged by the Airport Development Plan (ADP) and The Local Commercial Strategy (LCS).

Although the DAP sets out design guidelines for a preferred urban form to be developed on this proposed commercial area, it does not remove the need for eventual planning approval.

Council is required to consider the DAP.

This report recommends approval.

**BACKGROUND**

Previous Considerations

Nil

*Site and Surrounds*

The total area covered by the proposed DAP comprises approximately 5.7673 ha and is located to the immediate east of the Broome Boulevard shopping centre. The subject land is bounded by vacant land to the east, Frederick Street to the south and Broome International Airport to the north.

Attachment 1 – Location Plan

*Description of the Proposal*

Consisting of 21 ‘Mixed Use’ lots varying in sizes between approximately 1630m<sup>2</sup> and 3150m<sup>2</sup> the DAP sets out the following controls:

1. Building envelopes with variable boundary
2. Building orientation towards the street
3. Preferred crossover and internal access way locations
4. Preferred parking and landscaping location

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

5. Location of pedestrian paths
6. Location of service areas
7. Access between Broome Boulevard and DAP area
8. Reciprocal access points

#### Attachment 2 - Detailed Area Plan No 8

##### *Planning Provisions*

As set out in TPS4 Clause 4.27 a Detailed Area Plan enhances, elaborates or expands on the provisions contained within the Development Plan for particular sites.

Detailed Area Plan No 8 (Frederick Street Commercial Area) sets out the following provisions:

1. *This DAP shall remain applicable whilst Broome Airport remains in its current location after which time the DAP's continued relevance will be reviewed by the Council.*
2. *The Scheme provisions for the Mixed Use zone shall apply to the DAP Area, except that the following land uses shall not be permitted due to potential land use incompatibility:*
  - Bed & Breakfast Accommodation*
  - Cinema/ Theatre*
  - Home Business*
  - Home Occupation*
  - Hotel*
  - Motel*
  - Residential Building*
3. *The following use shall be a "P" (Permitted) use: Retail Premises – Shop*
4. *Buildings and associated outbuildings and service areas shall only be permitted within the designated building envelopes, except that any building envelope boundary that is depicted as "variable" may be modified to facilitate attractive building design, provided such modification does not preclude provision of the required number of car parking bays.*
5. *If development of the northern street block within the DAP Area is requested without the block having been subdivided any further than indicated in the Inset, then the building envelope and other guidelines shown in the Inset shall apply.*
6. *Parking areas and, where appropriate, access driveways or paths on adjoining lots shall be and remain appropriately connected, and enforceable reciprocal right of access arrangements shall be established and maintained between and across parking areas on all adjoining lots. Parking area connections between adjoining lots shall be at the points indicated on the map unless otherwise approved by the Council.*
7. *Access between the Broome Boulevard shopping centre and the DAP Area may be facilitated at the locations indicated through an agreement between the centre owners and Pearl Coast Properties.*

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

8. *Access to lots with a common boundary to Frederick Street shall only be permitted at or in the near vicinity of the indicated entry points.*
9. *Any application for development within the DAP area must demonstrate that adequate consideration has been given during design of the development to issues such as vehicular access and circulation, access between car parks on adjoining properties, and landscaping of car parks and setback areas including species of shade trees.'*

## COMMENT

The Airport Development Plan area is included in the 'Development Zone' under TPS4. The ADP was prepared in accordance with the provisions of clause 4.25 of TPS4, taking the Local Planning Strategy and Commercial Strategy into consideration. The ADP provides the statutory planning framework for future expansion and development of the airport site prior to the relocation of Broome Airport. The ADP was subsequently approved by Council on 28 November 2009 and a modification included in this agenda for Council's consideration.

Detailed Area Plan No. 8 – Frederick Street Commercial Area seeks to establish the expected built form elements that implement the provisions contained in the Airport Development Plan. The matters identified in the DAP assist in the delivery of good urban design outcomes.

The DAP is highly responsive to TPS4 and adopts the existing 'Mixed Use' provisions of the Scheme, however the DAP also seeks to vary the Scheme's permitted land uses within the 'Mixed Use Zone' that are potentially incompatible with the adjacent airport, such as associated residential uses. Furthermore, the DAP also seeks to confirm that shops are a permitted, rather than a discretionary use in the DAP area to provide a higher degree of certainty for potential purchasers and future tenants.

The DAP will assist the Shire to implement the land uses proposed within the 'Mixed Use' zone of the Airport Development Plan in a consistent and clear manner.

The DAP as prepared is an instrument that will provide clear direction to proponents in the design of future development applications. The DAP takes into account the details of associated roads, the existing Boulevard Shopping Centre, other surrounding land uses and orientation of location.

It is recommended that Council approve Detailed Area Plan No 8 as contained in the attachments.

## CONSULTATION

The DAP is not required to be advertised.

## STATUTORY ENVIRONMENT

Planning and Development Act 2005  
Town Planning Scheme No 4

4.27 *Detailed Area Plans*

4.27.1 *Requirement for detailed area plan*

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



- 4.27.1.1. *The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*
- 4.27.1.2. *A person may prepare and submit to the local government a detailed area plan.*
- 4.27.1.3. *A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted:*
- (a) To enhance, elaborate or expand on the details or provisions contained in a Proposed Development Plan or a Development Plan;*
  - (b) In place of a development approval required to comply with clause 2.5 of the Residential Design Codes; or*
  - (c) For any other planning purpose.*
- 4.27.1.4. *The local government is to:*
- (a) Approve with or without conditions; or*
  - (b) Refuse to approve the detailed area plan.*
- 4.27.1.5. *If within 60 days of receiving a detailed area plan under clause 4.27.1.1 and 4.27.1.2, or such longer period as may be agreed in writing between the person and the local government, the local government has not made one of the determinations referred to in clause 4.27.1.4, the local government is deemed to have refused to approve the detailed area plan.*
- 4.27.1.6 *The local government is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.*
- 4.27.1.7. *The local government's refusal to approve a detailed area plan under clause 4.27.1.4. Is not a valid reason for the local government to refuse to adopt or the Commission to refuse to approve a Proposed Development Plan under clause 4.25.*
- 4.27.2. *Unless clause 4.27.1.3.(b) applies, once approved by the local government, the detailed area plan is to be used as the basis for:*
- (a) Making recommendations to the Commission on subdivision applications; and*
  - (b) Determining development applications with respect to the land subject to the detailed area plan.*
- 4.27.3. *A detailed area plan may include details as to:*
- (a) Building envelopes;*
  - (b) Distribution of land uses within a lot;*
  - (c) Private open space;*
  - (d) The capacity and capability of water, wastewater, drainage, electricity, gas and communication utilities to service the proposed development;*
  - (e) Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;*
  - (f) The location, orientation and design of buildings and the space between buildings;*
  - (g) Advertising signs, lighting and fencing;*
  - (h) Landscaping, finished site levels and drainage;*

- (i) Protection of sites of heritage, conservation or environmental significance;
- (j) Special development controls and guidelines; and
- (k) Such other information considered relevant by the local government.

4.27.4. Variation to detailed area plan

4.27.4.1. An approved detailed area plan may be modified or varied with the approval of the local government, but where there is a related Development Plan, such modifications or variations are to conform with the intent of any related Development Plan.

4.27.4.2. The local government is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation.

Broome Airport Area Local Structure Plan 1998  
Airport Development Plan 2009 (as modified)

*"A statutory planning framework to facilitate the effective and continued operation and expansion of the Broome International Airport at its current location, until such time as the relocation of the airport."*

**POLICY IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

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

Facilitate a safe environment.

**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.

**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*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

*That Council;*

1. *Approves Detailed Area Plan No.8 – Frederick Street Commercial Area – Parts of Lots 1653 and 1548 Frederick Street, Djugun in accordance with Clause 4.27.1.4 of the Shire of Broome Town Planning Scheme No. 4.*
2. *Authorises the Shire President and Chief Executive Officer to engross the Detailed Area Plan No. 8 documents.*

*Moved: Cr C R Mitchell*

*Seconded: Cr A Poelina*

**CARRIED UNANIMOUSLY**

[Attachment: 2 pages](#)

With regard to Item 9.4.3, 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"*.

**9.4.3 AMENDMENT NO.1 TO BROOME NORTH LOCAL DEVELOPMENT PLAN STAGE ONE – BROOME NORTH, BILINGURR**

**LOCATION/ ADDRESS:** Warranyjarri Estate, Bilingurr  
**APPLICANT:** LandCorp  
**FILE:** PLA 67  
**AUTHOR:** Rene Human  
**CONTRIBUTOR/S:** A/Manager Planning Services  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 3 November 2011

**SUMMARY:** The Broome North Local Development Plan Stage One (LDP) was adopted by Council in February 2010 and subsequently endorsed by the Western Australian Planning Commission (Commission) in March 2010.

This report recommends approval.

**BACKGROUND**

Previous Considerations

- OCM 4 August 2009 – Item 9.3.2
- OCM 29 October 2009 – Item 9.3.2
- OCM 26 November 2009 – Item 9.3.2
- SCM 22 February 2010 – Items 9.3.1-9.3.3
- OCM 18 March 2010 – Item 9.3.1

*Site and Surrounds*

The Local Development Plan area comprises approximately 126 ha, being Stage One of the Broome North development, referred to as Warranyjarri Estate.

The site is zoned 'Development' in the Shire of Broome Town Planning Scheme No.4 (Scheme).

*History*

The LDP elaborates and enhances on the detail of the District Development Plan for Broome North as it relates to the subject area, providing more detail to enable the consideration of subdivision and development applications. Stage One has been substantially commenced with civil works for sub-stages 1-4 completed and dwellings under construction. Civil works for sub-stages 6-7 are nearing completion.

During the subdivision process a range of minor modifications to the LDP was agreed to and approved by Shire officers and WAPC.

Attachment 1 – Location Plan

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

## Attachment 2 – Existing Local Development Plan

*Description of proposal*

Landcorp is proposing to amend the LDP through a range of amendments which will bring the plan in line with previous minor amendments which have arisen as detailed design and implementation of the project has progressed. These are summarised as follows:

1. Amendment to the figure at typology 5.3.6, to correctly show the rear setback at 3 metres, corresponding to the standards detailed at the related table.
2. Amendments to Plan 1 depicting the following:
  - i. Lot 367 – Drainage infrastructure associated with the adjacent reserve (Lot 290) was constructed within Lot 367. The boundary of Lot 367 has been modified at its south-west corner to enable these works to be retained, with a consequent enlargement of Lot 290.
  - ii. Lot 292 – This reserve has been increased by 13 metres on its northern side to improve the aspect of the adjacent residential sites (lots 379 and 389) and enable improve the outlook of these adjacent lots as the drainage within Lot 292 was constructed below grade with gabions, compromising the original idea of a parkland connector between the adjacent group housing sites.
  - iii. Lot 656 – Due to additional drainage requirements the south-eastern corner of the open space area has been converted to open space, removing the R20 and R40 residential sites shown on the approved LDP.
  - iv. The R-codes of the residential lots on Povah Road and Sariago Terrace fronting the new parkland on Lot 656 have been changed from R20 to R40.
  - v. The amenity of the location provides an opportunity for the increase in density, with all of the relevant lots taking frontage to the new parkland and having excellent proximity to the primary school and local centre. It is anticipated that sites cumulatively might accommodate approximately 40 dwellings.
  - v. Relocation of Barba Lane within the Local Centre – To facilitate better drainage movement the alignment of Barba Lane has been amended to remove the stagger shown on the approved LDP.
  - vi. Removal of existing provision no.10 requiring a detailed area plan (DAP) for light industrial lots. This corresponds with the Shire's previous direction.
  - vii. Removal of proposed inter-lot drainage for stages 5-10. Drainage is now provided within drainage easements and the road reserve.
3. Updating of Plan No.s 2-5 corresponding to the amendments to Plans No.1.
4. Updating of the figures at sections 2-14 of the LDP Report corresponding to the amendments to Plan No.s 1-5.

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

5. Updating of the POS Schedule at section 7 of the LDP Report to reflect the changes to Plan No.5.
6. Deletion of the requirement for DAP's for light industrial lots at section 14 of the LDP Report consistent with 2(vi) above.

Attachment 3 – Plan showing proposed amendments to LDP

*Planning Provisions*

The Scheme states that the aim of the 'Development' zone *is to provide for general urban development including residential, commercial and/or tourist development or rural development in accordance with a Development Plan prepared under this Scheme.* Specifically, the Scheme provides that development will not be permitted and subdivision will not be supported unless in accordance with an adopted Development Plan. Clause 4.25 of the Scheme describes the requirements and procedures for the development and approval of a Development Plan.

**COMMENT**

Clause 4.25.3.7 allows Council to permit a departure or alteration from the Development Plan where it will not prejudice the progressive subdivision and development of the area, subject to the approval of WAPC. As such it is recommended that Council permit this alteration to the LDP as the proposed modifications to the LDP are considered necessary and appropriate for effective development control within the Stage One area of Broome North.

The amendments update the detail of the approved LDP to reflect various modifications that have been either approved via subdivision, or agreed with the Department of Planning or the Shire of Broome. No major variations to the objectives of the original LDP are proposed.

The modifications ensure that the controlling LDP document accurately reflects development that has occurred and that future development of the balance of the LDP can occur within an appropriate framework.

It is recommended that Council approves the proposed amendments to the LDP.

**CONSULTATION**

*The proposed amendments to LDP Stage One are not required to be advertised.*

*Technical officers of the Department of Planning have been consulted about the proposed change of the R-code of the residential lots on Povah Road and Sariago Terrace fronting the new parkland on Lot 656. These officers have advised in-principle support, subject to the Shire's approval of the code change via an amendment to the LDP.*

**STATUTORY ENVIRONMENT**

- Planning and Development Act 2005
- Town Planning Regulations 1967
- Town Planning Scheme No.4
- Broome North District Development Plan

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

4.25.3 *Development Plan*

4.25.3.1 *A Development Plan shall address the following;*

- (a) *the topography and vegetation of the area and distinctive features;*
- (b) *the existing major road system;*
- (c) *the location and width of proposed roads;*
- (d) *the location of pedestrian and bicycle routes;*
- (e) *the approximate location and area of the recreation and open space areas proposed;*
- (f) *the population, lot layout and the location of appropriate "Residential Planning Code" densities;*
- (g) *all existing and proposed land uses;*
- (h) *provision for water supply, sewerage, drainage and public utilities;*
- (i) *the development proposed, the method of carrying out the development and the projected times of completion of each stage of development;*
- (j) *community facilities and commercial centres;*
- (k) *consideration of Aboriginal heritage and cultural sites and matters and how these aspects are incorporated into the development plan;*
- (l) *Environmental Cultural Corridors within the area and/or the allocation of land for conservation purposes in the area;*
- (m) *environmental protection consideration and pollution prevention measures;*
- (n) *Such other matter or information as is required by Council.*

4.25.3.2 *When a Development Plan has been prepared to the satisfaction of Council, the Council shall:*

- (a) *notify in writing all servicing authorities and each owner of land affected by the Plan; and*
- (b) *advertise for public comment the existence of the plan; and*
- (c) *invite each landowner, the public, service agencies and all affected Government Authorities to make a submission to Council regarding any aspect of the Plan.*

4.25.3.3 *The Council shall specify a time within which submissions will be received, but the time shall not be less than 28 days from the date of notification described in Clause 4.25.3.2.*

4.25.3.4 *That Council shall consider any submissions made under Clauses 4.25.3.2 and may reject, amend or adopt the Development Plan after consideration of such submissions.*

4.25.3.5 *The Council shall:*

- (a) *subsequently forward the Development Plan to the Western Australian Planning Commission together with a précis of, and the Council's decision in relation to, each submission received in respect of the Plan; and*
- (b) *request the Commission to adopt the Plan submitted as the basis for approval of subdivision applications and development within the area covered by the Plan.*

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

- 4.25.3.6 *Where Council does not forward a response to the Western Australian Planning Commission within three months from the closure of the public advertising period, the Development Plan is deemed to be refused and appeal rights, in accordance with clause 4.25.3.8 exist for the applicant.*
- 4.25.3.7 *Any departure from or alteration to the Development Plan may, subject to the approval of the Western Australian Planning Commission, be permitted if the Council considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area the subject of the plan.*
- 4.25.3.8 *Without limiting the generality of other provisions for appeals herein, an applicant aggrieved by a decision of the Council in respect of a decision made under clauses 4.25.3.4, 4.25.3.5, 4.25.3.6, 4.25.3.7 and/or 4.25.3.9 under the Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.*
- 4.25.3.9 *Following adoption of a Development Plan, required under the provisions of Clause 4.25.2, by the Western Australian Planning Commission, Council may approve development and/or support subdivision consistent with the adopted plan, and thereafter will implement Scheme amendments to rezone the land to other Scheme zones in accordance with the Development Plan.*

**POLICY IMPLICATIONS**

Nil

**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 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.



**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*

**COUNCIL RESOLUTION:  
(REPORT RECOMMENDATION)**

*That Council;*

- 1. Pursuant to clause 4.25.3.7 permit the alterations to the Broome North Local Development Plan Stage One (Revision E) as detailed in this report and tabled at the meeting.*
- 2. Forwards the amended Broome North Local Development Plan Stage One (Revision E) to the Western Australian Planning Commission for its approval.*
- 3. Authorises the Shire President and Chief Executive Officer to engross the amended Broome North Local Development Plan Stage One (Revision E) documents.*

**Moved: Cr J Bloom**

**Seconded: Cr M Manado**

**CARRIED UNANIMOUSLY**

[Attachment: 3 pages](#)

With regard to Item 9.4.4, 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 9.4.4, Cr Philip F Matsumoto disclosed that *"I have had an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly"*.

**9.4.4 PROPOSED DETAILED AREA PLAN NO. 2 – BROOME NORTH, BILINGURR**

**LOCATION/ ADDRESS:** Lot 416 Tanami Drive and Lot 438 Sariago Terrace, Bilingurr

**APPLICANT:** LandCorp

**FILE:** PLA 67

**AUTHOR:** Rene Human

**CONTRIBUTOR/S:** A/Manager Planning Services

**RESPONSIBLE OFFICER:** Director Development Services

**DISCLOSURE OF ANY INTEREST:** Nil

**DATE OF REPORT:** 24 October 2011

**SUMMARY:** A Detailed Area Plan (DAP) has been prepared for two Group Housing sites within the area covered by the Broome North Local Development Plan (Stage One) (LDP1) – Approved Subdivision (Stages 5-10). The DAP enhances the provisions contained within the LDP but does not remove the need for planning approval.

Council is required to consider the DAP.

This report recommends approval.

**BACKGROUND**

Previous Considerations

- OCM 4 August 2009 – Item 9.3.2
- OCM 29 October 2009 – Item 9.3.2
- OCM 26 November 2009 – Item 9.3.2
- OCM 18 March 2010 – Item 9.3.1
- SCM 18 February 2010 – Item 9.3.3
- SCM 18 February 2010 – Item 9.3.5
- OCM 17 February 2011 – Item 9.3.1

*Site and Surrounds*

The DAP comprises two Group Housing sites being Lot 416 Tanami Drive and Lot 438 Sariago Terrace within Stages 5 to 10 of approved subdivision 142150.

Attachment 1 - Location Plan (Stages 5 – 10)

Attachment 2 - Detailed Area Plan No 2 – Group Housing - Lot 416 Tanami Drive and Lot 438 Sariago Terrace.

*Description of proposal*

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

Consisting of 2 lots of 1,428 m<sup>2</sup> (6 units) and 1,456 m<sup>2</sup> (6 units) the plan sets out the following built form provisions:

1. Building envelopes specify required setbacks and controls to maintain breezeways in accordance with the Broome North Local Development Plan (Stage One);
2. Building orientation towards the street and POS with habitable rooms and the main entry way facing the street/POS (as applicable) for passive surveillance and security;
3. Preferred crossover and internal access way locations;
4. Preferred garage location identified (setback in line with the primary setback of adjoining residential development);
5. Location of pedestrian path in POS providing pedestrian access to POS oriented dwellings;
6. The fence height and permeability is specified along the street and POS frontages;
7. Front verandas - location and size; and
8. Location of refuse, storage and external drying areas.

*Planning Provisions*

As set out in TPS4 Clause 4.27 a Detailed Area Plan enhances, elaborates or expands on the provisions contained within the Local Development Plan for particular sites.

The Broome North Local Development Plan (Stage One) Plan No 1 contains specific conditions that DAPs be prepared for sites coded Residential R40 and specifies that the following matters are addressed:

- i. Vehicle access and parking;*
- ii. Provision of safe, convenient pedestrian access;*
- iii. Orientation of dwellings to address adjacent streets and POS;*
- iv. Location of private open space;*
- v. Measures for passive climate control; and*
- vi. Retention of significant remnant vegetation.*

Approved subdivision plan WAPC Ref no. 142150 (Residential stages 5-10) contains a condition that DAPs are to be prepared and approved for R40 (Group Housing) residential sites.

**COMMENT**

The DAP seeks to establish the expected built form elements that implement the provisions contained in the Local Development Plan. The matters identified in the DAP assist in the delivery of good urban design outcomes. Group Housing R40 sites require careful consideration of the building form to ensure the structures connect with the public street and adjoining open space and where the location of garages/ vehicular access points is accommodated.

1. The DAP will provide clear direction to proponents in the design of future development applications.
2. The DAP will assist the Shire to implement the principles of the Broome North Local Development Plan (Stage 1) in a consistent and clear manner and
3. takes into account the details of associated roads and public open space.

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

It is recommended that Council approve Detailed Area Plan 2 as contained in the attachments.

## CONSULTATION

*The DAP is not required to be advertised.*

## STATUTORY ENVIRONMENT

*Planning and Development Act 2005*

*Town Planning Scheme No 4*

4.27 Detailed Area Plans

4.27.1 Requirement for detailed area plan

4.27.1.1. *The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*

4.27.1.2. *A person may prepare and submit to the local government a detailed area plan.*

4.27.1.3. *A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted:*

- (a) To enhance, elaborate or expand on the details or provisions contained in a Proposed Development Plan or a Development Plan;*
- (b) In place of a development approval required to comply with clause 2.5 of the Residential Design Codes; or*
- (c) For any other planning purpose.*

4.27.1.4. *The local government is to:*

- (a) Approve with or without conditions; or*
- (b) Refuse to approve the detailed area plan.*

4.27.1.5. *If within 60 days of receiving a detailed area plan under clause 4.27.1.1 and 4.27.1.2, or such longer period as may be agreed in writing between the person and the local government, the local government has not made one of the determinations referred to in clause 4.27.1.4, the local government is deemed to have refused to approve the detailed area plan.*

4.27.1.6 *The local government is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.*

4.27.1.7. *The local government's refusal to approve a detailed area plan under clause 4.27.1.4. Is not a valid reason for the local government to refuse to adopt or the Commission to refuse to approve a Proposed Development Plan under clause 4.25.*

4.27.2. *Unless clause 4.27.1.3.(b) applies, once approved by the local government, the detailed area plan is to be used as the basis for:*

- (a) Making recommendations to the Commission on subdivision applications; and*

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

- (b) *Determining development applications with respect to the land subject to the detailed area plan.*

4.27.3. *A detailed area plan may include details as to:*

- (a) *Building envelopes;*
- (b) *Distribution of land uses within a lot;*
- (c) *Private open space;*
- (d) *The capacity and capability of water, wastewater, drainage, electricity, gas and communication utilities to service the proposed development;*
- (e) *Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;*
- (f) *The location, orientation and design of buildings and the space between buildings;*
- (g) *Advertising signs, lighting and fencing;*
- (h) *Landscaping, finished site levels and drainage;*
- (i) *Protection of sites of heritage, conservation or environmental significance;*
- (j) *Special development controls and guidelines; and*
- (k) *Such other information considered relevant by the local government.*

4.27.4. *Variation to detailed area plan*

4.27.4.1. *An approved detailed area plan may be modified or varied with the approval of the local government, but where there is a related Development Plan, such modifications or variations are to conform with the intent of any related Development Plan.*

4.27.4.2. *The local government is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation."*

### **Broome North Local Development Plan (Stage One)**

#### *Planning Conditions*

6. *As a condition of subdivision approval for:*
- I. *Sites coded R40; or*
  - II. *Amalgamation of sites coded R30/40 for development as grouped or multiple dwellings at R40 coding;*
  - III. *The developer will prepare a DAP for approval by the Shire of Broome. The DAP is to be consistent with the objectives for the Urban Living transect zone detailed at clause 6.3.4 of the Broome North District Development Plan Report, and will address the following:*
    - I. *Vehicle access and parking;*
    - II. *Provision of safe, convenient pedestrian access;*
    - III. *Orientation of dwellings to address adjacent streets and POS;*
    - IV. *Location of private open space;*
    - V. *Measures for passive climate control; and*
    - VI. *Retention of significant remnant vegetation.*

**POLICY IMPLICATIONS**

Nil

**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 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.

**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*

**COUNCIL RESOLUTION:  
(REPORT RECOMMENDATION)**

*That Council;*

1. *Approves Detailed Area Plan No.2 – Group Housing – Lots 416 and 438 Sario Street, Bilingurr in accordance with Clause 4.27.1.4 of the Shire of Broome Town Planning Scheme N. 4.*
2. *Authorises the Shire President and Chief Executive Officer to engross the Detailed Area Plan No. 2 documents.*

*Moved: Cr J Bloom*

*Seconded: Cr C R Mitchell*

**CARRIED UNANIMOUSLY**

[Attachment: 2 pages](#)

**9.4.5 APPLICATION FOR PLANNING APPROVAL – PEARL SHED HATCHERY - LOT 215 CYGNET BAY PEARL FARM**

**LOCATION/ ADDRESS:** Lot 215 Dampier Peninsula Cygnet Bay  
**APPLICANT:** James Brown on behalf of Bruce and Lyndon Brown.  
**FILE:** DAM/243  
**AUTHOR:** Neels Pretorius  
**CONTRIBUTOR/S:** A/Manager Planning Services  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE RECEIVED:** 21 September 2011

**SUMMARY:** An application for planning approval has been received for a Pearl Shed Hatchery at the Cygnet Bay Pearl Farm.

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

- OCM 11 June 2009 – Item 9.3.2
- OCM 15 April 2010 – Item 9.3.9
- OCM 1 September 2011 – Item 9.4.9

*Site and Surrounds*

Cygnet Bay is located to the south-west of the One Arm Point Community approximately 230 km north of Broome. The proposed pearl shed hatchery is located at the entrance point of the pearl farm to Catamaran Bay.

Attachment 1 - Locality Plan

*Description of the Proposal*

It is proposed to extend the existing shed next to Catamaran Bay and to construct a new shed which will be used as a Hatchery for the pearl farm. The Hatchery is located close to the entrance point of the bay which is the preferred locality due to its proximity to the ocean.

Attachment 2 – Proposed Hatchery

*Planning Provisions*

The land is included within the IDO4 and therefore the Council’s approval is required.

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

**CONSULTATION**

Nil

**COMMENT**

Cygnnet Bay Pearl Farm is a well known Pearl Farm close to One Arm Point which is also used as a working pearl farm tourist attraction.

Access to the new shed will be provided through the main access road to Cygnnet Bay past the existing showroom restaurant area. The proposed shed will have a total area of 242m<sup>2</sup> with a wall height of 3.391m and a total height of 4m. The area where the shed is going to be located has been already cleared from natural vegetation and no clearing will be required as a result of this approval. The shed will also be located well above the high water tide mark and it is not expected to be subject to flooding or bush fire. Structural Engineers certification for wind region C terrain category 2 has also been provided that will ensure that the shed is cyclone proof.

The new hatchery is required to improve the operations associated with the pearl farm and is supported.

It is recommended that the application be approved.

**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;*

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



- 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. whether 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**

**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.

**VOTING REQUIREMENTS**

*Simple Majority*

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

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

*That Council pursuant to clause 4 of Interim Development Order (IDO) No. 4 approves the application for planning approval 2011/158 submitted by James Brown on behalf of Bruce and Lyndon Brown for a Hatchery on Lot 215 Dampier Peninsular Broome, subject to the following condition:*

- 1. Development must be carried out in accordance with the plans dated 21 September 2011, which were submitted with the application, and endorsed by the Shire.*

*Moved: Cr Peter D Matsumoto*

*Seconded: Cr Philip F Matsumoto*

**CARRIED UNANIMOUSLY**

[Attachment: 3 pages](#)

With regard to Item 9.4.6, Cr Peter D Matsumoto disclosed that *"I have had an association with Native Title. As a consequence, there may be a perception that my impartiality in the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly"*.

With regard to Item 9.4.6, 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"*.

The Chairperson withdrew Item 9.4.6 at the request of the Chief Executive Officer.

**9.4.6 APPLICATION FOR PLANNING APPROVAL – ABATTOIR - LOT 263 DAMPIER - KILTO STATION**

**LOCATION/ ADDRESS:** Lot 263 Dampier  
**APPLICANT:** Jamie (Jack) and Victoria Burton.  
**FILE:** KIL  
**AUTHOR:** Neels Pretorius  
**CONTRIBUTOR/S:** A/Manager Planning Services  
**RESPONSIBLE OFFICER:** Director Development Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE RECEIVED:** 6 September 2011

**SUMMARY:** An application for planning approval has been received for an Abattoir at the Kilty 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*

Kilty 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 Kilty 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 concrete paved area surrounding it, the area that will be used for the abattoir operations measures approximately 85mx70m (6,000m<sup>2</sup>). 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.

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

*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 Kilito cattle station. The abattoir will be used as a pilot project for 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. Kilito 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 negative 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 it is not expected to be subject to flooding. EPA guidelines require a 500m -1,000m setback from residential areas for an abattoir. The abattoir is setback 400m from the main homestead which is considered acceptable giving the small scale of the abattoir and the remoteness of the cattle station there will be no negative impact on the area surrounding the cattle station. To ensure the proper functioning of the abattoir conditions will be included ensuring the proper handling of waste and waste water.

The abattoir will provide an opportunity for the development of a unique Kimberley product that will be used as an export product for the Kimberley in conjunction with the tourism industry. The abattoir is considered to be an appropriate use and is supported.

It is recommended that the application be approved.

**CONSULTATION**

Nil

**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

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

*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. whether 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**

**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.

**VOTING REQUIREMENTS**

*Simple Majority*

REPORT RECOMMENDATION

*That Council pursuant to clause 4 of Interim Development Order (IDO) 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 condition:*

- 1. *Development must be carried out generally in accordance with the plans dated 6 September 2011, which were submitted with the application, and endorsed by the Shire.*

**Moved:**

**Seconded:**

**(Item withdrawn)**

**FOR:**

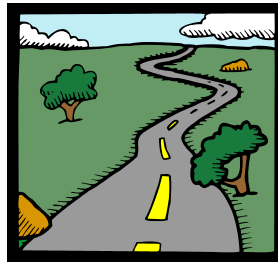
**AGAINST:**

Nil Attachments

# 9.5

## ENGINEERING

### SERVICES



### OUTCOME

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

With regard to Item 9.5.1, 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 9.5.1, 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"*.

With regard to Item 9.5.1, 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"*.

**9.5.1 IMPROVED CONNECTIVITY FROM ROEBUCK ESTATE TO OLD BROOME ROAD**

**LOCATION/ ADDRESS:** Roebuck Estate  
**APPLICANT:** N/A  
**FILE:** LOR-1/GEN; Spo-1/GEN  
**AUTHOR:** Director Engineering Services  
**CONTRIBUTOR/S:** N/A  
**RESPONSIBLE OFFICER:** Director Engineering Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 10 November 2011

**SUMMARY:** Following the construction of "left in, left out" controls on Gubinge Road at Sanderling Drive, the need for additional connectivity between Roebuck Estate and Chinatown has been highlighted. This report looks at the history of the area, examines options and recommends that the extension of Lorikeet Drive be progressed.

**BACKGROUND**

Roebuck Estate Planning:

The Local Structure Plan for the Broome Airport Area adopted in 1997 made provision for the realignment of Broome Road to the west of the One Mile reserve. The Rubibi Aboriginal Group was involved in the process of preparing the report, in particular the proposal for the diversion of Broome Road due to cultural and safety reasons. There was no other reason for the inclusion of the proposal in the Structure Plan and no funds for the construction of the road were identified then or since.

The proposed road diversion was incorporated in the subdivision design for Roebuck Estate providing for two important access points to the east. These were at Spoonbill Avenue and at Lorikeet Drive. The proposal was subsequently included in Town Planning Scheme 4 with the diversion being included as "Important Road Reserve".

The matter of the Broome road diversion was addressed again in the Broome Planning Steering Committee (BPSC) on which Rubibi was represented. In its 2005 report the BPSC contained the following short term action:

- "(13) Review the need for the re-alignment of Broome Highway behind the Nilir Irbanjin community, and the opportunities to provide for greater

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



*permeability of Roebuck Estate in accordance with the original approved structure plan for this development area."*

The proposed Old Broome Road re-alignment has not occurred and indications are that residents now do not want to see this occur.

However, it has always been envisaged (in the planning stages of Roebuck Estate) that Lorikeet Drive and Spoonbill Avenue would be extended for improved connectivity.

With the continuing development of Roebuck Estate, Gubinge Road and Broome North, the need for the planned access points has become critical and a portion of the subdivision is on hold pending completion of at least one of these links.

Broome North Planning:

Planning for the Broome North subdivision by LandCorp involved a series of public forums held in Broome that addressed all aspects of the subdivision design including road access. It was considered important that heavy industrial traffic access to and from the extended Blue Haze Light Industrial area traffic should not travel through residential areas of Broome North.

This principal dictated that an intersection had to occur between Magabala Road and Tanami Drive on Gubinge Road. Main Roads criteria required that a minimum distance be provided from both the intersection of Magabala Road and from the curve on Gubinge Road and hence the location of the intersection was fixed on the opposite side, but in close proximity to Sanderling Drive.

A four way intersection at such a location requires traffic management.

Main Roads Requirements:

Gubinge Road is the Principal Access Road to the Port of Broome and is the responsibility of Main Roads.

The need for controlling Right Hand Turn (RHT) traffic into and out of Sanderling Drive arose because Broome's traffic control measures do not include traffic lights and they would not have been appropriate in any case due to the speed of traffic, the high proportion of triple road trains in the traffic stream and the importance of maintaining a high level transport function to the Port.

It is a principal function for Main Roads to control access onto and from important traffic routes where increasing importance is given to the transport function, through traffic prioritisation and road safety.

**COMMENT**

Until earlier this year, traffic from Roebuck Estate could enter Gubinge Road from Sanderling Drive in either direction, and gain quick access to Broome Town. This movement had provided a convenient route to and from Chinatown for many Roebuck Estate residents, but the RHT out manoeuvre is now no longer available as recent works including the construction of median islands on Gubinge Road, have effectively prevented RHT movements into and out of Sanderling Drive.

Therefore all traffic from within Roebuck Estate wishing to travel to Chinatown, is forced to utilise Sanderling Drive / Sandpiper Avenue and Old Broome Road as the primary traffic route.

This pushes traffic volumes in Sanderling Drive to the upper limit of acceptable environmental traffic flows and adds considerably to the safety risk along Sanderling Drive. Development of the few remaining areas of Roebuck Estate will potentially further increase traffic volumes on Sanderling Drive. This is particularly concerning as the 1.6km length of Sanderling Drive requires drivers to maintain a high degree of vigilance over an extended period of time.

The need to have additional access points for Roebuck Estate with direct access to the Broome Town traffic route was always recognized in planning for the Roebuck Estate, from a safety, traffic efficiency and amenity perspective.

It is the very serious public safety concern that is the primary driver for requiring additional access points.

A brief inspection will demonstrate the validity of these concerns along the full length of Sanderling Drive and in particular at the following high risk areas:-

- Public parkland, barbecue and playground (Cygnet Park);
- Child Care Centre;
- Local Shop;
- Roebuck Bay Primary School including pre-school attendees;
- School bus set-down and parents drop-off zone;
- Dual-use path located at kerb line along full length of Sanderling Drive;
- Recurrent School Bus Stops;
- Moving buses;
- Rubbish Bin pick-up trucks;
- Each intersection;

Considerable concern exists for the safety of the sometimes, very young school children riding or walking along the footpath or streets, or crossing Sanderling Drive to school. Others, waiting for their school bus to pick them up, singly or in groups, stand or sit on the kerb with their feet on the road. All are at increased risk due to the heavy traffic flows in Sanderling Drive and the occurrence of buses which block sight distance.

### **Options:**

#### Lorikeet Drive:

Consideration has been given to possible road alignments from Lorikeet Drive to Old Broome Road (Refer to Attachments 1-3 of this report).

Option 1 is the most curvilinear route to Old Broome Road and enables a trade of land from Council's Drainage and Recreation Reserve for an equal area of land from Crown Reserve R26516 to allow for the road reserve. It is considered that Option 1 may offer the best compromise between Cultural Heritage/Roebuck Community needs.

Option 2 swings north to hug the southern boundary of the Drainage and Recreation Reserve but inside Crown Reserve R26516. This option is less tortuous and offers a better alignment for traffic flow, but will require excision from Crown Reserve R26516. It may be problematic from a cultural heritage aspect

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

Option 3 is the most direct route to Old Broome Road and so provides the best alignment for traffic flow. However it alienates a section of Crown Reserve R26516 and is likely to be more problematic from a cultural heritage aspect.

Another consideration not shown may be to take the Lorikeet Drive extension south along the vacant road reserve to Sandpiper Avenue. This is not considered desirable as it would be very expensive, would reduce amenity for many more residents, would require additional works at Sandpiper Avenue, would physically divide the One Mile Community from the Roebuck Estate School, playing fields and Shop and is unfunded.

In all cases it is proposed to limit the Road Reserve width to 20m although the width within the Estate is 25m. This will allow for a Dual-use pathway connection when/if required

In consideration of the above it is considered that Option 2 offers the most attractive balance between traffic route requirements and other perspectives.

Spoonbill Avenue:

Spoonbill Avenue was the other street designed for traffic connectivity to Broome Road. It is situated to the north of the current One Mile (Nilir Irbanjin) community. The extension of this street would cut Crown Reserve R26516 in two, but would deliver a straight forward traffic link to Broome Town. Cultural considerations may also weigh on this option.

Another consideration may be to connect Spoonbill Avenue directly to Sandpiper Avenue along the vacant road reserve at the rear of Roebuck Estate directly or in conjunction with the extension of Lorikeet Drive. This is not considered desirable as it would be very expensive, would reduce amenity for many more residents, would require additional works at Sandpiper Avenue, would physically divide the One Mile Community from the Roebuck Estate School, playing fields and Shop and is unfunded.

Cultural Heritage:

There is therefore some concern in that both the proposed Spoonbill Avenue and the Lorikeet Drive extensions may impact on important cultural sites.

Certainly the Department of Indigenous Affairs website indicates there are a number of Heritage Sites existing generally in this area. Consultation with the Nyamba Buru Yawuru (Traditional Owners) is therefore essential and required.

It is important therefore to progress this matter at the earliest opportunity so that all cultural heritage matters can be fully explored, understood and considered in the proposals going forward.

**Conclusion:**

It is recognised that the current situation on Sanderling Drive is unsatisfactory for those residents who live at the northern end of the estate and who now have to travel the full length along Sanderling Drive to access to Chinatown.

It is most unsatisfactory from a road safety perspective.

Both Spoonbill Avenue and Lorikeet Drive were planned to provide additional connectivity for Roebuck Estate to Town.

These links are required for the proper functioning of the Estate and it is essential that this is achieved as was envisaged in the original planning for the development.

The Lorikeet Drive extension has been included in the proposed works for the 2012/2013 financial year (refer to separate report).

## CONSULTATION

Complaints have been received by Council about the closure of the RHT option at the Sanderling Drive and Gubinge Road intersection.

Consultation with Traditional Owner groups is required.

## STATUTORY ENVIRONMENT

Local Government Act 1995  
Aboriginal Heritage Act 1974

## POLICY IMPLICATIONS

Nil.

## FINANCIAL IMPLICATIONS

The table below outlines capital costs and renewal costs for a new upgraded or renewal of an asset:

**Asset:**

Extension of Lorikeet Drive	Capital Expense	Lifecycle Cost (annually)	Remarks
<b>Capital Expense</b>			
New	\$524,000	\$13,100	Proposed for 2012/13
<b>Budget Impact</b>			
Loan interest	nil		
Renewal	nil		
*Operations		nil	
*Maintenance		\$2000 p.a.	
Less Additional Revenue			
<b>TOTAL</b>	<b>\$524,000</b>	<b>\$15,100</b>	
* Operation and Maintenance costs - calculated as an increase to existing costs for upgrade and new assets.			

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

The table below outlines funding sources for the capital and lifecycle costs.

**Funding Source:** Extension of Lorikeet Drive

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant	\$233,333	5833	New	RRG	Proposed for 2012/13
Grant	\$193,010	4825	New	R2R	Proposed for 2012/13
Reserves	\$97,657	2440	New	Reserves	Proposed for 2012/13
Budget	(\$524,000)	Based on 40 year life			
<b>TOTAL</b>	<b>\$524,000</b>	<b>\$13100</b>			
*Cost Type – Asset: New, Upgrade, Renewal, Maintenance, Operating. Service: Start up and Operating					

**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.

Facilitate a safe environment.

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

Preserve and promote the unique and significant historical and cultural heritage of Broome.

**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.

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

Review and analyse strategic and operational plans.

Encourage community engagement.

**VOTING REQUIREMENTS**

*Simple Majority*

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

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

**That Council:**

1. *Agrees that additional traffic connectivity is required from Roebuck Estate to Old Broome Road;*
2. *Agrees to Option 2 as the preferred alignment for the extension of Lorikeet Drive to Old Broome Road;*
3. *Agrees to consider options for Spoonbill Avenue extension at a later time;*
4. *Authorises staff to commence discussions with Nyamba Buru Yawuru regarding Cultural Heritage issues impacting on the proposal to extend Lorikeet Drive and Spoonbill Avenue;*

**Moved: Cr C R Mitchell**

**Seconded: Cr M Manado**

**CARRIED UNANIMOUSLY**

[Attachment: 3 pages](#)

**9.5.2 BROOME-CAPE LEVEQUE ROAD WET SEASON CLOSURE 2011/2012**

**LOCATION/ ADDRESS:** Broome - Cape Leveque Road  
**APPLICANT:** N/A  
**FILE:** BRO-3/GEN - ENR 01  
**AUTHOR:** Director Engineering Services  
**CONTRIBUTOR/S:** N/A  
**RESPONSIBLE OFFICER:** Director Engineering Services  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 21 October 2011

**SUMMARY:** This report advises Council of a recent advertisement and recommends partially closing it to traffic for the 2011/12 wet season in accordance with regular practice.

**BACKGROUND**

Previous Considerations

- OCM 25 November 2003 - Item 9.5.1
- OCM 23 November 2006 - Item 9.5.1
- OCM 18 December 2007 - Item 9.5.1
- OCM 25 September 2008 - Item 9.5.1
- OCM 20 November 2008 - Item 9.5.1
- OCM 29 October 2009 - Item 9.5.2
- OCM 28 October 2010 - Item 9.4.3

Standing General Road Restrictions:

Broome Cape Leveque Road is a Network 2 Restricted Access Vehicle (RAV) permit route. This RAV Network level (2) allows for B-double use but a double road-train is permitted to travel on the road only under permit.

This applies all year round and was instigated due to concerns about the narrow nature of the pindan (unsealed) road width available between banks, cross-slope of the road surface, passing room, the amount of dust generated and the length of vehicles.

Vehicles of greater configuration than RAV 2 may travel on this road only with a written permit from the Shire.

Normal Wet Season Restrictions:

Given the very difficult wet and boggy conditions created in wet weather on the 89km section of unsealed pindan on the Broome Cape Leveque Road, Council considers it imperative to minimise the damage from traffic during the wet season by limiting the weight of vehicles through the imposition of a partial road closure each year. At times it is also necessary to fully close the road to protect its serviceability once it dries off.

From previous experience this has proven to be the best way to both maintain essential general community access and to prolong essential heavy vehicular access to the communities during in the wet season.

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

A partial road closure involves advertising the proposed closure under the Local Government Act 1995, inviting and then considering any submissions received prior to a report to and decision by Council.

A copy of Shire's decision is then forwarded to the Commissioner of Main Roads.

The partial closure of the Broome-Cape Leveque Road to traffic of 11 tonnes and heavier vehicles has proven worthwhile in past wet seasons and would appear to be appropriate for the upcoming wet season.

Recognised essential services operators are still able to deliver fuel and food supplies throughout the wet season, under permit. In accordance with past practice, there are normally two (2) operators who have the current community contracts and would normally be granted these permits. They are Nexus Freight (Dean Wilson Transport) and West Kimberley Fuels.

The road is generally closed to other heavy vehicles but it has been found on occasions that other companies will have essential business involving heavy transport and they also have been permitted on the road under special conditions. This is determined by the CEO. However it is recognised that activity on the peninsula is gradually increasing and that demand for travel during the wet season is also increasing.

During the wet season Council's Engineering Services Department is in daily contact with residents at Country Downs and at Beagle Bay. When warranted, personal inspections are carried out by roads supervisory staff.

By this means an assessment of the actual condition and driveability of the unsealed section of the road can be determined, advice provided to travellers and control exercised over heavy vehicle trips.

This year it is likely that the Shire road will experience greater impact from increasing vehicular traffic servicing the investigative and establishment work being carried out at James Price Point. This traffic will continue to access James Price Point via Manari Road until such time as the proposed new Access road is constructed by Main Roads. Construction on this section of road will probably not commence until at least 1<sup>st</sup> July 2012 when the company's Final Investment Decision (FID) is due.

That section of Cape Leveque Road to Manari Road will also be subject to the same restrictions as the rest of Cape Leveque Road.

During very wet periods Cape Leveque Road and any other unsealed road may be subject to full closure at short notice.

#### **COMMENT**

An advertisement was placed in the Broome Advertiser on 22<sup>nd</sup> September 2011 inviting submissions from the public by 12.00 noon on 21<sup>st</sup> October 2011. No (nil) public submissions were received in response to Council's advertisement.

Council can now consider the partial closure of the road in accordance with its practice over previous recent years.

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



**CONSULTATION**

Partial Road Closure was publicly advertised prior to this report for the 2011/12 wet season on 22 September 2011.

**STATUTORY ENVIRONMENT**

**Local Government Act, 1995**

**Subdivision 5 — Certain provisions about thoroughfares**

[3.49. Repealed by No. 64 of 1998 s. 14(1).]

**3.50. Closing certain thoroughfares to vehicles**

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
  - (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- [(3) repealed]
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
  - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;
  - (b) give written notice to each person who —
    - (i) is prescribed for the purposes of this section; or
    - (ii) owns land that is prescribed for the purposes of this section; and
  - (c) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
- [(7) repealed]
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

[Section 3.50 amended by No. 1 of 1998 s. 11; No. 64 of 1998 s. 15; No. 49 of 2004 s. 26.]

**3.50A. Partial closure of thoroughfare for repairs or maintenance**

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

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

- (a) is for the purpose of carrying out repairs or maintenance; and
- (b) is unlikely to have a significant adverse effect on users of the thoroughfare.

[Section 3.50A inserted by No. 64 of 1998 s. 16.]

**Subdivision 2 — Fees and charges**

**6.16. Imposition of fees and charges**

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

\* Absolute majority required.

- (2) A fee or charge may be imposed for the following —
  - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
  - (b) supplying a service or carrying out work at the request of a person;
  - (c) subject to section 5.94, providing information from local government records;
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
  - (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.

\* Absolute majority required.

**Section 92 Road Traffic Act, 1974**

**92. Roads may be closed**

- (1) The Minister may, if he considers any road unsafe for public traffic, cause the same to be closed for such period as he considers necessary.
- (2) A local government for a period of one month may exercise a similar power with regard to any road under its control, but the exercise of such power shall not extend beyond such period, except with the approval in writing of the Minister.
- (3) No person shall drive, take, or use any vehicle on to or on any road while such road is closed under this section.

[Section 92 amended by No. 14 of 1996 s. 4.]

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

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

Identify affordable services and initiatives to satisfy community needs.

Facilitate a safe environment.

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

Implement best practice asset management plans to optimise Shires' infrastructure whilst minimising life cycle costs.

**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.

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

Review and analyse strategic and operational plans.

Manage resource allocation.

**VOTING REQUIREMENTS**

*Absolute Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

***That Council;***

1. ***Partially closes the Broome - Cape Leveque Road to the passage of vehicles of all classes of gross vehicle mass (GVM) 11 tonnes or more, for the period from 1 December 2011 to 31 March 2012, from the end of the bitumen south of the Manari Road turn-off to the start of northern bitumen sealed section south of Beagle Bay;***
2. ***Delegates authority to the Chief Executive Officer to grant permits as necessary;***
3. ***Advises the Commissioner of Main Roads Western Australia of this decision.***

***(Absolute Majority Required)***

***Moved: Cr J Bloom***

***Seconded: Cr M Manado***

***CARRIED BY ABSOLUTE MAJORITY 8/0***

[Attachment: 1 pages](#)

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

With regard to Item 9.5.3, 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"*.

### 9.5.3 FORWARD ROAD CONSTRUCTION PLAN PROGRAM 2012-2013

<b>LOCATION/ ADDRESS:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>FILE:</b>	ENG17; ENG19
<b>AUTHOR:</b>	Director Engineering Services
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Engineering Services
<b>DISCLOSURE OF ANY INTEREST:</b>	Nil.
<b>DATE OF REPORT:</b>	21 October 2011

**SUMMARY:** This report advises Council of a program of road works for 2012/2013 to be funded partly under the Road Project Grant fund 2012-13, partly under the Roads to Recovery Program 2009-2014 and from other sources. The report seeks Council's endorsement of road projects required to be submitted prior to this date for funding under the Road Project Grant program

### BACKGROUND

Council budgeted for Rural Road Capital works totalling \$702,090 and Urban Road Capital works totalling \$1,890,731 in its 2011/2012 Budget. This work is progressing. The Shire should now consider its 2012/13 Road Works program.

The proposed program is partly funded by income from the Roads to Recovery Program 2009-2014, partly by the Road Project Grant and the State Black Spot schemes through Main Roads and by Council funds.

At the October 2009 Ordinary Council Meeting, Council adopted a road construction program for the five (5) Roads to Recovery program. The Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG) advised Council by letter dated 9 July 2009 of a final figure for the new Auslink Roads to Recovery program consisting of \$1,934,795, of normal funding, plus an additional funding amount of \$401,000 specifically targeted to Aboriginal Access Roads giving a total amount over the five (5) years of \$2,335,795. This year (2011/2012) is the third year of that program.

The Shire should now confirm its road construction program for next year (2012/13) as submissions are required by Main Roads Western Australia for consideration by the Regional Road Group under the Road Project Grant scheme.

**COMMENT**Roads To Recovery:

The Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG) manages the distribution and acquittal of Roads to Recovery funds.

It is a requirement to upload onto this website the projects approved by the Shire to be funded under the Roads to Recovery program over the next year and to maintain the information correctly to ensure payments are made to Council in a timely manner.

Road Project Grants:

A request has been received from Main Roads Western Australia to submit proposals to the Main Roads Derby office for the 2012-13 Road Project Grant funds by close of business 4 November 2011. Indicative funding for 2012-13 for Kimberley Road Project Grants (21100953) is currently \$1,975,847. This means that the Shire of Broome can expect to be funded to about \$632,271 in this program.

Main Roads Western Australia has directed Council to the State Road Funds to Local Government Procedures manual, pages 14 – 18 of 50.

Once the submissions are received, Main Roads Western Australia will prioritise the projects and submit them to the Regional Road Group (RRG) for endorsement "out of session" in late November.

A formal submission was required to be sent to Main Roads Western Australia by Close of business 4<sup>th</sup> November 2011. As this closing time predates the November Ordinary Council Meeting, Council's endorsement of the Director's actions in submitting those road projects for funding is therefore sought.

A draft copy of the 10 year roads capital works program has been included at Attachment 2, which shows the roads proposed to be constructed.

Funds are obtained from a variety of sources in addition to Shire funding. These sources include Road Project Grants, Remote Access Road grants and Roads to Recovery funding.

Major jobs proposed are;

- Frederick Street Channelisation and roundabout Coghlan St \$587,000;
- Clementson St Stage 3 pavement rehabilitation and widening \$587,000;
- Completion of Old Broome Road/Sandpiper St Roundabout \$66,626;
- Lorikeet extension to Old Broome Road \$524,000;
- Urban Reseal Program \$220,000;
- Rural Reseal Program \$500,000;
- Broome-Cape Leveque Road (RAR) reforms, drainage and sheeting \$138,000;
- Bidyadanga Road (RAR) reforms, drainage and sheeting \$39,000.
- Denham Road part construct and seal \$150,000;

Street	Location	Description	Estimate	Amount	Funding Source
Frederick St	Robinson to Coghlan St	Channelisation plus roundabout	\$587,000	\$252,554	SBS
				\$195,500	R2R
				\$138,800	Shire
Clementson St Stage 3	Hunter to Pembroke St	Rehabilitation and widening	\$587,000	\$233,333	RRG
				\$155,400	R2R
				\$198,267	Shire
Lorikeet Dr extension	Roebuck Estate to Old Broome	New road works	\$524,000	\$233,333	RRG
				\$193,010	R2R
				\$ 97,657	Shire
Rural Reseal Program \$500,000;	Broome Cape Leveque Road	Reseal/renewal	\$500,000	\$165,604	RRG
				\$334,396	Shire
Old Broome Road Roundabout	Sandpiper St	New Construction/ Upgrade - Stage 2	\$405,000	\$66,626	SBS Balance funded 2011/12

Total Road Grant Funds sought for 2012/13 from:

- RRG is \$632,270.
- R2R is \$543,910.
- SBS is \$252,554.

Applications for the RRG funds have been submitted to meet the deadline set by MRWA.

Council is required to have a forward program of roadworks consistent with its Long Term Financial plan to ensure financial obligations are not exceeded.

A proposed forward program is included at Attachment 2 for Council’s consideration and approval.

**CONSULTATION**

Main Roads Western Australia  
 Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG)

**STATUTORY ENVIRONMENT**

Local Government Act 1995  
 Nation Building Program (National Land Transport) Act 2009 and Provisions

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Available funds, from the Nation Building Auslink Roads to Recovery (R2R) program for 2012/2013 to 2013/2014 are identified in Attachment 1.

Likely funding of \$632,271 from the Road Project Grants scheme and staff recommendations on projects to be funded for 2011/2013 are included within the ten (10) year road construction program at Attachment 2.

**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.

Facilitate a safe environment.

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

Implement best practice asset management plans to optimise Shires’ infrastructure whilst minimising life cycle costs.

**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.

**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.

**VOTING REQUIREMENTS**

*Absolute Majority*

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**

*That Council;*

1. *Agrees to the proposed revised Auslink Roads to Recovery funding program for 2012/13 as included in Attachment 1;*
2. *Agrees to the proposed Road Project Grants projects as identified within the report and reflected in the ten (10) year capital forward road construction plans as included in Attachment 2; and*
3. *Endorses the actions of the Director Engineering Services in making submissions to Main Roads Western Australia for the Road Project Grant funding for 2012/13.*

*(Absolute Majority Required)*

*Moved: Cr E Yu*

*Seconded: Cr C R Mitchell*

**CARRIED BY ABSOLUTE MAJORITY 8/0**

[Attachment: 3 pages](#)



**10.**

**REPORTS**

**OF**

**COMMITTEES**

There are no items for this section.

**11. NOTICES OF MOTION**

Nil.

**12. LATE ITEMS**

Nil.

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

Nil.

**14. MATTERS BEHIND CLOSED DOORS**

9.1.1 PROPOSED JOINT VENTURE AND SECTION 48 LICENCE – MCMAHON ESTATE, REID ROAD, CABLE BEACH

<i>Moved: Cr C R Mitchell</i>	<i>Seconded: Cr J Bloom</i>
<i>In accordance with Section 11.1(g) of the Shire of Broome Standing Orders Local Law 2003, that the meeting be moved behind closed doors at 5.44pm to discuss item 9.1.1.</i>	
<b>CARRIED UNANIMOUSLY</b>	

*Cr C R Mitchell left the chambers at 5.45pm.*

At 5.45pm the public gallery departed the Chambers.

<i>Moved: Cr J Bloom</i>	<i>Seconded: Cr E Yu</i>
<i>That Standing Orders be suspended under Clause 18.1 of the Shire of Broome Standing Orders Local Law 2003, at 5.46pm.</i>	
<b>CARRIED UNANIMOUSLY</b>	

With regard to Item 9.1.1, 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 9.1.1, 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"*.

With regard to Item 9.1.1 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"*.

**\*\*CONFIDENTIAL ITEM \*\***

**9.1.1 PROPOSED JOINT VENTURE AND SECTION 48 LICENCE – MCMAHON ESTATE, REID ROAD, CABLE BEACH**

**LOCATION/ ADDRESS:** Lot 2441, Reserve 41551, Reid Road, Cable Beach.  
**APPLICANT:** Shire of Broome  
**FILE:** RES 41551, PLA 68  
**AUTHOR:** Executive Manager Strategic Development  
**CONTRIBUTOR/S:** Nil  
**RESPONSIBLE OFFICER:** Executive Manager Strategic Development  
**DISCLOSURE OF ANY INTEREST:** Nil  
**DATE OF REPORT:** 10 November 2011

**SUMMARY:** The Department of Regional Development and Lands (RDL) has provided a licence for the Shire to investigate the residential subdivision of portion of Lot 2441 and suggestions regarding a proposed joint venture agreement.

This report recommends that Council authorises the engrossment of the licence deed and advises RDL that it generally agrees with the suggestions regarding the joint venture (JV) but that the details will have to be discussed further following preparation of the detailed subdivision design and reviewed estimates.

**BACKGROUND**

Previous Considerations

- OMC 18 December 2007 - Item 9.3.2
- OMC 4 September 2008 - Item 9.3.2

At its meeting on 4 September 2008 Council considered Scheme Amendment 49 and resolved:

*"That Council:*

1. *Has considered the details as contained in Attachment 1 – Scheme Amendment Report Corrections and modifies the Amendment Report accordingly as it considers this modification does not prejudice the continued assessment of the Scheme Amendment.*

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

2. *Having considered the submissions received during the advertising period adopts the recommendations listed against each submission in the Schedule of Submissions attached to this report.*
3. *Pursuant to Section 75 of the Planning and Development Act 2005 adopts Amendment No. 49 without modification to amend the Shire of Broome Town Planning Scheme No. 4 to rezone part of Reserve No. 41551 (McMahon Oval) measuring approximately 3.6 hectares (35% of the reserve leaving 65% as public open space) from 'Reserve for Parks and Recreation' to 'Residential with a Residential Density Code R40'."*
4. *Authorises the President and Chief Executive Officer to engross the amendment document.*
5. *Advises the land release developer they are to invest in enhancements to the public open space to a level that enables the area to be utilised by the local community. The type and form of these enhancements are to be developed after consultation with adjoining landowners and residents.*
6. *Requests the proposed public open space plan be referred to Council for approval and include:*
  - *Appropriately designed cultural corridors*
  - *A local park including open surfaces and equipment areas*
  - *Connecting footpaths*
  - *The retention and enhancement of the existing bushland*
7. *Urges the land release developer to:*
  - *Fund the ongoing maintenance of the parkland for a period of 5 years*
  - *Give consideration to the Shire's Public Art Policy*
8. *In recognition of Father McMahon's contribution to the community, name the public open space, Father McMahon Park.*

The Minister for Planning approved the amendment and notice was given in the Government Gazette on 18 September 2009.

The reserve is unvested, has a total area of 10.4424ha and is located on the east side of Reid Road between Bernard Way and DePledge Road. The residential zoned portion has an area of approximately 4 hectares and is located on the Reid Road frontage from the Mangala Drive roundabout north for a distance of approximately 280 metres.

The reserve is primarily covered in regrowth vegetation. Preliminary earthworks for an oval and a small outlet drain have been constructed near Reid Road. It also contains dual use paths and stormwater drains; a path and drain from Cryer Court to near the end of Biddles Place, a path from Dakas Street along the eastern boundary to Reid Road and a drain from Goldie Court beside the path to the north and under Reid Road

Shire staff have been engaged in discussions with Officers from the Department of Regional Development and Lands (RDL) for a considerable time examining the possibility of undertaking a joint venture to provide an alternative land developer in Broome and an opportunity for the Shire to have access to residential lots for staff housing purposes.

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

In May 2011 the Minister for Lands agreed in principle to a joint venture proposal. The in-principle agreement is based on:

1. The Shire's estimate of \$3,880,000 for the subdivision works creating approximately 60 residential lots;
2. The sale of approximately 16 lots with the proceeds to go to the Shire to repay the cost of the subdivision works;
3. Approximately 14 lots being reserved for for Shire staff housing;
4. The remaining lots being sold and the proceeds being split 50/50 with the Shire and the State.

RDL have now provided (Attachment 3) a s48 licence for:

*"Site surveys and investigations such as geotechnical, environmental, heritage and cadastral surveys and / or investigations of the land to determine suitability for Residential development."*

RDL also suggest certain principles to be incorporated in the Joint Venture document. These are:

- *Shire of Broome to undertake due diligence investigations through s91 Licence;*
- *At completion of due diligence process RDL and Shire to consider and agree on subdivision and costings for JV development;*
- *JV to be drafted and terms and conditions to be agreed by RDL and Shire;*
- *Identified land parcel to be transferred as englobo block to Shire at nil consideration;*
- *Shire to meet all costs involved with conditional subdivision, 14 lots to be ceded to Crown through subdivision process for reservation for Staff Housing (future sale to Shire), 16 lots to be sold with proceeds of sale to Shire (up to estimated value of \$3.88 million — balance to go to State of WA), sale of remaining lots with proceeds to be split 50/50 between Shire and State of WA;*
- *State of WA will not be liable should development costs exceed estimated value;*
- *Funding from external sources not to be appropriated toward JV; and*
- *JV development to be closely monitored by a board of control (RDL and Shire).*

## COMMENT

The Licence is the necessary first step to give the Shire the authority to carry out the investigations that are required for the planning process to progress. Most of the RDL suggestions regarding the proposed JV are considered in line with previous discussions. The point does however need to be made that the Shire is not intending to purchase the staff housing lots.

	<b>RDL Suggestion</b>	<b>Comment</b>
1	<i>Shire of Broome to undertake due diligence investigations through s91 Licence;</i>	Agreed
2	<i>At completion of due diligence process RDL and Shire to consider and agree on subdivision and costings for JV development;</i>	Agreed. It is necessary to have an agreed subdivision design properly costed before agreeing to a JV.
3	<i>JV to be drafted and terms and conditions to be agreed by RDL and Shire;</i>	Agreed
4	<i>Identified land parcel to be transferred as englobo block to Shire at nil consideration;</i>	Agreed
5	<i>Shire to meet all costs involved with conditional subdivision,</i>	Agreed
	<i>14 lots to be ceded to Crown through subdivision process for reservation for Staff Housing (future sale to Shire),</i>	This is the number agreed in principle by the Minister. It has always been a principle that the staff housing lots will remain as Crown reserves and not be freeholded to the Shire. It is considered greater utility to the Shire not to have its resources tied up in the land value.
	<ul style="list-style-type: none"> <li><i>16 lots to be sold with proceeds of sale to Shire (up to estimated value of \$3.88 million — balance to go to State of WA),</i></li> </ul>	This can only be an approximate number at this stage and will be firmed up with a detailed subdivision design costing and reviewed lot values.
	<ul style="list-style-type: none"> <li><i>sale of remaining lots with proceeds to be split 50/50 between Shire and State of WA;</i></li> </ul>	Agreed.
6	<i>State of WA will not be liable should development costs exceed estimated value;</i>	Agreed
7	<i>Funding from external sources not to be appropriated toward JV; and</i>	It is assumed this refers to grant funding. The source and cost of funding will need to be detailed and agreed in the JV document.
8	<i>JV development to be closely monitored by a board of control (RDL and Shire).</i>	Agreed.

The next step is to finalise specifications for planning consultants and obtain quotations. It is anticipated consultants will be able to be appointed in February 2012. The consultants will prepare a subdivision design sufficient for subdivision application and reliable cost estimates.

At that stage the Shire and RDL will review the estimated costs and returns of the project and decide whether or not to proceed. If it is decided to proceed, the JV document will be finalised, the land transferred to the Shire and application made for subdivision approval. A business plan will be prepared and advertised in accordance with the Local Government Act.

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

Following subdivision approval detailed design and cost estimates can be obtained from State Agencies and a further review will be conducted to ensure neither conditions of subdivision nor quotes for services materially affect the viability of the project. If it is agreed to proceed, detailed civic design and tender documentation will be prepared. A tender would then be awarded for civil and other subdivision works.

It is recommended that Council authorise the engrossment of the licence deed and advises RDL that it generally agrees with the suggestions regarding the JV but that the details will have to be discussed further following preparation of the detailed subdivision design and reviewed estimates.

## CONSULTATION

The rezoning was subject to standard community consultation. A business Plan will have to be advertised prior to finalising the Joint Venture agreement.

## STATUTORY ENVIRONMENT

### *Local Government Act 1995*

#### **3.59. Commercial enterprises by local governments**

- (1) *In this section —*
- acquire** has a meaning that accords with the meaning of **dispose**;  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**land** transaction means an agreement, or several agreements for a common purpose, under which a local government is to —
- (a) acquire or dispose of an interest in land; or
  - (b) develop land;
- major land** transaction means a land transaction other than an exempt land transaction if the total value of —
- (a) the consideration under the transaction; and
  - (b) anything done by the local government for achieving the purpose of the transaction,
- is more, or is worth more, than the amount prescribed for the purposes of this definition;
- major trading undertaking** means a trading undertaking that —
- (a) in the last completed financial year, involved; or
  - (b) in the current financial year or the financial year after the current financial year, is likely to involve,
- expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;
- trading** undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of land transaction.
- (2) *Before it —*
- (a) commences a major trading undertaking;
  - (b) enters into a major land transaction; or
  - (c) enters into a land transaction that is preparatory to entry into a major land transaction,
- a local government is to prepare a business plan.



- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —
- (a) its expected effect on the provision of facilities and services by the local government;
  - (b) its expected effect on other persons providing facilities and services in the district;
  - (c) its expected financial effect on the local government;
  - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
  - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
  - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to —
- (a) give Statewide public notice stating that —
    - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
    - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- and
- (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.
- \* Absolute majority required.
- (5a) A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.
- (6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.
- (7) The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.
- (8) A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.
- (9) A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.
- (10) For the purposes of this section, regulations may —
- (a) prescribe any land transaction to be an exempt land transaction;

- (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

**Land Administration Act 1997**

**48. Minister may grant leases, licences or profits à prendre in respect of Crown land in unmanaged reserves for other purposes**

- (1) *The Minister may grant leases, licences or profits à prendre in respect of Crown land in an unmanaged reserve for a purpose which is different from that or those of the unmanaged reserve but which is compatible with or ancillary to the current use or intended future use of that Crown land for the purpose or purposes of the unmanaged reserve.*
- (2) *A lease granted under subsection (1) cannot be mortgaged.*

**Shire of Broome Standing Orders Local Law 2003**

**Part 19 - Common Seal**

**19.1 The Council’s Common Seal**

- (1) *The CEO is to have charge of the common seal of the Shire, and is responsible for the safe custody and proper use of it.*
- (2) *The common seal of the Shire may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.*
- (3) *The common seal of the Shire is to be affixed to any local law which is made by the Shire.*
- (4) *The CEO is to record in a register each date on which the common seal of the Shire was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.*
- (5) *Any person who uses the common seal of the local government or a replica thereof without authority commits an offence.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The table below outlines funding sources for the capital and lifecycle costs.

**Funding Source: McMahon Estate Subdivision Design and Approval**

Funding Type	Capital or Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant					
Reserve					
Budget	\$840,000			Loan	95800
<b>TOTAL</b>	<b>\$840,000</b>				
*Cost Type – Asset: New, Upgrade, Renewal, Maintenance, Operating. Service: Start up and Operating					

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

**STRATEGIC IMPLICATIONS**

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

Create community spaces.

Facilitate a safe environment.

**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.

Implement best practice asset management plans to optimise Shires’ infrastructure whilst minimising life cycle costs.

**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.

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

Manage staff attraction and retention.

**VOTING REQUIREMENTS**

*Simple Majority*

**REPORT RECOMMENDATION:**

*That Council:*

1. *Authorises the Shire President and Chief Executive Officer to engross the Deed of Licence issued in terms of Section 48 of the Land Administration Act 1997 for the investigation and design of a proposed residential subdivision of portion of Lot 2441 Reid Road, Cable Beach.*
2. *Advises the Department of Regional Development and Lands (RDL) that it agrees generally with its suggestions regarding the Joint Venture except for the points mentioned in this report and that this matter should be discussed further when there is an agreed subdivision design and detailed cost estimates.*

**COUNCIL RESOLUTION:**

*That Council:*

1. *Authorises the Shire President and Chief Executive Officer to engross the Deed of Licence issued in terms of Section 48 of the Land Administration Act 1997 for the investigation and design of a proposed residential subdivision of portion of Lot 2441 Reid Rd, Cable Beach.*

2. **Acknowledges that as the potential proponent of a proposed Joint Venture and holder of a section 38 Licence, Council will consider the following points from Council's resolution of Item 9.3.2 at the 4 September 2008 Ordinary Council Meeting:**

- a). **Investment in enhancements to the Public Open Space to a level that enables the area to be utilised by the local community. Consultation to be undertaken with adjoining landowners regarding the type and form of the enhancements.**
- b). **Inclusion of:**
  - i. **appropriately designed 'cultural corridors' (noting the intent of this reference in light of possible future changes to this terminology);**
  - ii. **a local park including open spaces and equipment areas;**
  - iii. **connecting footpaths;**
  - iv. **the retention and enhancement of existing bushland; and**
  - v. **the Shire of Broome's Public Art Policy.**
- c). **Give recognition to the contribution to the community by Fr McMahon by naming the remaining open space Fr McMahon Park.**

3. **Advises the Department of Regional Development and lands that it agrees generally with its suggestions regarding the Joint Venture except the points mentioned in this report.**

4. **Endorses progression to the next stage which is preparation of a subdivision design and detailed financial estimates in consultation with the Department of Regional Development and Lands for consideration by Council for the purpose of progressing to the Joint Venture discussions.**

**Moved: Cr J Bloom** **Seconded: Cr Philip F Matsumoto**

**CARRIED UNANIMOUSLY 8/0**

Attachment: 22 pages (Confidential to Councillors and Directors only)

**Moved: Cr J Bloom** **Seconded: Cr Philip F Matsumoto**

**That Standing Orders be reinstated at 6.05pm.**

**CARRIED UNANIMOUSLY 8/0**

**Moved: Cr A Poelina** **Seconded: Cr Peter D Matsumoto**

**That the meeting move from behind closed doors.**

**CARRIED UNANIMOUSLY**

The public returned to the Chambers and the Chairperson read aloud the Council resolution for item 9.1.1.

**15. MEETING CLOSURE**

There being no further business, the Chairperson thanked the Councillors and the public and declared the meeting closed at 6.08pm.

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