



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 SPECIAL MEETING OF COUNCIL

7 December 2009

OUR MISSION

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

CORE VALUES OF THE SHIRE

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

Communication

Respect

Integrity

Transparency

Courtesy

SHIRE OF BROOME
SPECIAL MEETING OF COUNCIL
7 DECEMBER 2009
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NOTICE OF MEETING

Dear Council Member,

Pursuant to Section 5.4 of the Local Government Act 1995, I advise that the Shire President has called a Special Meeting of Council to be held on Monday 7 December 2009 at 4.30pm in the Council Chambers, for the purpose of considering:

- Application for Staging an Event – Statewide Staging Systems
- Waste Management Facility – Liquid Waste Ponds

Regards



K R DONOHOE
Chief Executive Officer

1 December 2009

1. OFFICIAL OPENING

The Chairperson welcomed members and congratulated Cr R De Wit who is attending his first Council meeting. The Chairperson declared the meeting open at 4.32pm.

2. ATTENDANCE AND APOLOGIES

Attendance: Cr G T Campbell Chairperson, Shire President
 Cr C R Mitchell
 Cr D M Male
 Cr J Bloom
 Cr E Yu
 Cr R De Wit
 Cr P D Matsumoto
 Cr E R M Foy (From 4.36pm)

Leave of Absence: Nil

Apologies: Cr R J Lander

Officers: Kenn Donohoe Chief Executive Officer
 Darryl Butcher Director Development Services
 Denisa Konecny Director Community Services
 John Willis Acting Director Engineering Services
 Jo Durbridge Media & Promotions Officer
 Jillian McMahon Council Secretary

Public Gallery: James Vincent Events & Sponsorship Coordinator
 Anne Jennings Shire
 Kira Fong Goolarri Media
 Jodie Bell Goolarri Media

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor	Item No	Page No	Item	Nature of Interest
Cr D M Male	9.2.1	8	Application For Staging An Event - Statewide Staging Systems	<i>Being involved in a company that has freehold land immediately adjacent to Male Oval</i>
Cr R De Wit	9.2.1	8	Application For Staging An Event - Statewide Staging Systems	<i>Operating a business that is affected by potential road closures that could impact my business.</i>

4. PUBLIC QUESTION TIME

Nil

Chairperson..... Date:

5. CONFIRMATION OF MINUTES

N/A

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Nil

7. PETITIONS

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9.2

COMMUNITY

SERVICES



OUTCOME

To facilitate the social wellbeing and development of the community.

Cr R De Wit declared an interest in Item 9.2.1 due to being involved in a company that has freehold land immediately adjacent to Male Oval and departed the Council Chambers at 4.35pm.

Cr D M Male declared an interest in Item 9.2.1 due to operating a business that is affected by potential road closures that could impact my business and departed the Council Chambers at 4.35pm.

With regard to Item 9.2.1 Cr E Yu disclosed that "I have had an association with the Broome Chinese Community Incorporated. 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 APPLICATION FOR STAGING AN EVENT - STATEWIDE STAGING SYSTEMS

LOCATION/ ADDRESS: N/A
APPLICANT: Andrew Chambers
FILE: REE-16
AUTHOR: Event and Sponsorship Coordinator
CONTRIBUTOR/S: N/A
RESPONSIBLE OFFICER: Director Community Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 1 December 2009

SUMMARY: Statewide Staging Systems (SSS) has applied to hire Male Oval as a venue for a two day music festival from Thursday 20 May 2010 to Friday 21 May 2010. The music event has a working title of "Broometime". The event will be constructed from the 27 May with all infrastructure gone from the venue by 24 May. The event is in a pre-planning phase and requires Shire approval for the hire of the venue. The event proponent has agreed to undertake a complete event application, provide all necessary documentation and conduct community consultation with local residents and affected businesses.

BACKGROUND

Previous Considerations

OCM 26 November 2009 – Item 12.1 (Deferred)

A Workshop was undertaken with Council on Monday afternoon, 7 December 2009 as per Council’s Resolution of 26 November 2009:

"That the item be deferred pending a workshop to be held with Councillors and the calling of a Special Meeting as soon as possible to consider the item."

Statewide Staging Systems has applied to hold a two day festival, utilising Male Oval from 17 May 2010 to 24 May 2010. The festival will comprise two specific concerts, an all ages alcohol free dance concert on 20 May and an over 18, alcohol available concert featuring a nationally significant act on 21 May.

Chairperson..... Date:

The event will supply a significant amount of infrastructure including stage, fencing, portable toilets, portable buildings, generators and power infrastructure, food and drink vendors and merchandise. The event proposes to utilise the whole of Male Oval and the concourse and will apply to close surrounding streets for the duration of the event.

The event proponent has agreed to fulfil all conditions of an event application, including (but not limited to) a complete risk assessment and safety plan, site building approvals for temporary structures, an approved liquor licence, fire and evacuation plan, Regulation 18 Sound management plan, temporary food permits, applications for road closures, waste and water plan, traffic management plan and a trading in public places licence.

The event proponent has also agreed to undertake significant public consultation with local residents and businesses and is proposing to involve businesses in Chinatown within the road closure zone.

COMMENT

Statewide Staging Systems is proposing a long term association with Broome as a regular venue for music festivals and events. In addition to "Broometime," the proponent is supplying infrastructure for a revitalised 'Stompem Ground' to be held at the Broome Turf Club in September 2010. It is the proponent's ambition to hold both festivals for a minimum of five years.

The proponent's initial application was to use both Father McMahon field and Joseph 'Nipper' Rowe Field in BRAC for this event. After extensive consultation with Shire Officers and concerns expressed about revitalisation of the sporting fields post event, the proponent has moved his event venue application to Male Oval.

Statewide Staging Systems proposes to transport all infrastructure associated with the events to Broome in May each year, make it available for hire to any event until September. SSS would then transport the infrastructure back to Perth at the completion of 'Stompem Ground.'

In its proposal, SSS has made reference to a broad range of community involvement programs including local employment opportunities and utilising local businesses and services. The event also proposes to involve local and regionally significant acts within the program to promote local talent.

The event would have significant impact on Male Oval and surrounds for the days of 20 to 21 May 2010, with restricted access to Male Oval from the 17 May 2010 to 24 May 2010.

CONSULTATION

WA Police are aware of the event and are involved in pre-planning discussions with SSS. Some informal public consultation has occurred between the proponent and local businesses. SSS has agreed to a significant public consultation prior to the event being held in 2010.

STATUTORY ENVIRONMENT

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

Chairperson..... Date:

- 2.1 (1) *Notwithstanding anything to the contrary in this local law, the local government may enter into an agreement with any person with respect to the operation and use of any local government property.*
- (2) *An agreement under subclause (1) may include, but is not limited to, the hire, licence and lease of local government property.*
- (3) *Where an agreement under subclause (1) is in place, any other person using or entering the local government property shall comply with any rules and conditions of use or entry imposed by the person with whom the local government has made the agreement, provided the rules and conditions do not contravene this local law or any other written law.*
- (4) *The rules and conditions referred to in subclause (3) may or may not include the payment of a fee*

- 3.1 (1) *Where a person is required to obtain an approval from the local government under this local law, that person shall:*
 - (a) *not do the thing for which the approval is required without first obtaining the approval; and*
 - (b) *apply for the approval in accordance with subclause (2).*
- (2) *An applicant shall make an application for an approval by completing the form provided for the purpose by the local government, paying the application fee to the local government and forwarding the application to the local government.*
- (3) *The signature of the applicant on the form under subclause (2) shall be deemed to be proof that the applicant has:*
 - (a) *read and understood any conditions printed on the application form; and*
 - (b) *accepted and agreed to comply with any conditions printed on the application form.*

Determination of application

- 3.2 (1) *The local government may, in respect of an application for an approval:*
 - (a) *refuse the application; or*
 - (b) *approve the application on such terms and conditions, if any, as it considers fit.*
- (2) *Without limiting the generality of subclause (1)(b), the local government may impose conditions requiring the payment of a fee for the issue of the form of approval referred to in subclause (3) and for the renewal of the approval, including the payment of a renewal fee.*
- (3) *If the local government approves an application under subclause (1)(b), then it is to issue to the applicant an approval in the form determined by the local government.*

Conditions of approval

- 3.3 (1) *Where an application for an approval has been approved subject to conditions, the approval holder shall comply with each of those conditions.*
- (2) *The local government may vary the conditions of an approval and the approval holder shall comply with those conditions as varied.*

Division 2 - Matters relating to approvals

Term and validity of approval

- 3.4 *An approval remains valid until:*
 - (a) *the expiration date and time stated in the approval is reached;*

- (b) *the activity or function for which the approval was issued is changed to the extent that it is no longer consistent with the original purpose or intent for which the approval was given;*
- (c) *the approval is cancelled by the local government under clause 3.5; or*
- (d) *the public liability or indemnity insurance required as a condition of an approval lapses, is cancelled or is no longer current. Cancellation of approval*

- 3.5 (1) *The local government may cancel an approval if:*
- (a) *anything purporting to be done in accordance with the approval is not done in conformity with the conditions of the approval;*
 - (b) *the approval holder is convicted of an offence against this local law; or*
 - (c) *the approval holder fails to comply with a notice given under clause 12.1 in relation to a breach of the approval or a condition of the approval.*
- (2) *Notwithstanding subclause (1), where an approval relates to the hiring of local government property, the local government may cancel the approval at any time.*
- (3) *Where the local government cancels an approval for the hire of local government property under subclause (2), then the local government shall not be liable to the approval holder for any loss or damage sustained by the approval holder arising from the cancellation.*

Fees

- 3.6 (1) *All fees applicable under this local law shall be as determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.*
- (2) *In the event of the cancellation of an approval, a refund of any fees paid by the approval holder may be made by the local government.*

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

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

Activities requiring an approval

- 4.1 (1) *A person shall not on any local government property or public place within the Broome townsite area, without first having obtained an approval from the local government to do so:*
- (a) *consume any liquor;*
 - (b) *erect a structure for public amusement or for any performance for personal gain or otherwise;*
 - (c) *conduct any function;*
 - (d) *light or set off any fireworks or conduct a fireworks display;*
 - (e) *light any fire except in a facility provided for that purpose;*
 - (f) *erect any tent, camp, hut, building or other structure, other than a beach umbrella or other portable item used for protection from the elements between sunrise and sunset on any day;*
 - (g) *coach, teach, instruct or train any person for a fee;*
 - (h) *charge a person for entry to local government property;*
 - (i) *operate any broadcasting or public address system or apparatus, other than those used by a life saving club in the performance of its functions;*
 - (j) *erect any sign;*
 - (k) *walk, lead, ride, herd or drive any large animal;*

- (l) *play or use any musical instrument or any other similar device;*
 - (m) *pursue a use on local government property set aside for that purpose under clause 5.1 where the local government has specified under clause 5.1(3)(g) that the use is to be pursued under an approval.*
- (2) *Subject to subclause (3), a person shall not on or in local government property:*
- (a) *remove any fixtures, fittings, chattels or things provided for the safety or enjoyment of or use by another person;*
 - (b) *damage, destroy, deface or interfere with in any way, any local government property;*
 - (c) *plant any plant or sow any seeds;*
 - (d) *make an excavation on, or erect or remove, any fence or other structure;*
 - (e) *cut, break, injure, deface, pull up, pick, collect seeds or take cuttings from, remove, or destroy any tree, shrub, flower, grass or plant of any kind; or*
 - (f) *cut, collect, or remove any timber, firewood, stone, sand or other materials.*
- (3) *Subclause (2) does not apply to:*
- (a) *a person who has first obtained an approval to do the prohibited thing;*
 - (b) *a local government appointed contractor carrying out a contracted duty; or*
 - (c) *a person using any lifesaving or fire fighting equipment during an emergency, or where permitted or directed to do so by an authorised person.*

Application for hire

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

Decision on application where two or more applicants

- 6.2 *In the event of two or more applications being made for the hire of the same local government property for the same date and time, the local government may determine which, if any, applicant shall be granted an approval to hire. Conditions of hire and use*

- 6.3 *The conditions that may relate to an approval for hire of local government property include:*
- (a) *when fees and charges are to be paid and the amount of them;*
 - (b) *the purpose for which the local government property may be used;*
 - (c) *the duration of the hire;*
 - (d) *payment of a bond against possible damage, cleaning or other expenses;*
 - (e) *restrictions on the erection of decorations inside and outside any building which is local government property;*
 - (f) *restrictions on use of furniture, plants and effects;*
 - (g) *the number of persons that may attend any function in a building which is local government property;*
 - (h) *the right of the local government to cancel a booking at any time during the course of an annual or seasonal booking;*

- (i) *the prohibition of the consumption of liquor unless an approval has been issued by the local government;*
- (j) *the prohibition of the sale and supply of liquor unless a liquor licence has been obtained under the Liquor Licensing Act 1988 for that purpose.*
- (k) *securing and locking up local government property at the end of each hire period;*
- (l) *the prohibition of gaming unless a gaming approval has been obtained under the Gaming Act 1987;*
- (m) *restrictions on the type of container (whether of glass, metal, plastic or other) that drinks may be provided and served in or consumed from;*
- (n) *requiring that the amplification of any noise or any noise emitted during the hire complies at all times with the Environmental Protection (Noise) Regulations 1997; and*
- (o) *any other condition that the local government considers fit.*

Responsibilities of hirer

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

SSS proposes a fee structure to minimise the risk of hosting a new event in Broome. SSS will pay the greater of \$5,000 + GST or 20c per head per hour of duration – (5000 pax X \$0.20 X 8 = \$8000 + GST.) SSS will also supply a Bond of \$10,000.

Current Shire fees and charges for an event of this nature would normally attract a total cost of \$9122 and would attract a Bond of \$9,000.

STRATEGIC IMPLICATIONS

People

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

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

Place

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

Chairperson..... Date:

Prosperity

Support business and economic development.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION

That Council:

1. *Approves the Venue Hire Application submitted by Statewide Staging Systems for the use of Male Oval for "Broometime" from 17 May 2010 until 24 May 2010.*
2. *Approves a fee structure indicated by Statewide Staging Systems as indicated in the proposal.*

COUNCIL RESOLUTION

Moved: Cr J Bloom

Seconded: Cr C R Mitchell

That Council:

1. *Approves the Venue Hire Application submitted by Statewide Staging Systems for the use of Male Oval for "Broometime" from 17 May 2010 until 24 May 2010, subject to the provision and approval of the following:*
 - *\$10 Million public liability insurance*
 - *A comprehensive Risk and Safety Plan*
 - *A Liquor License issued by the Dept of Racing, Gaming and Liquor*
 - *An Event Security Plan*
 - *An Emergency Management Plan*
 - *A Disability Access Plan*
 - *A Traffic, Parking and Public Transport Management Plan that addresses adjacent business impacts and customer access*
 - *A Road Closure Application approved by WA Police and Main Roads WA*
 - *Community consultation processes for Road Closure approvals*
 - *A Regulation 18 Application for a Non-complying event under Environmental Protection (Noise) Regulations 1997*
 - *Community consultation for noise management and public complaint processes*
 - *A Trading license for Commercial Activity*
 - *Food Permits for all associated food vendors*
 - *A Waste Management Plan*
 - *A Turf Management and Reinstatement Strategy for Male Oval*
 - *Compliance with all Local Laws*
2. *Approves a fee structure indicated by Statewide Staging Systems as indicated in the proposal.*

CARRIED UNANIMOUSLY

[Attachment: 24 pages](#)

Cr D M Male and Cr R De Wit returned to the Chambers at 4.41pm and the Council Resolution was read aloud.

9.3

DEVELOPMENT

SERVICES



OUTCOME

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

Item withdrawn pending discussions with the Shire of Broome Waste Management Working Group.

9.3.1 WASTE MANAGMENT FACILITY - LIQUID WASTE PONDS

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

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

BACKGROUND

Previous Considerations

Nil

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

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

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

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

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

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

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

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

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

The situation escalated in September 2009 with the DEC continuing to seek a commitment from the Shire of Broome to construct new ponds. The Shire of Broome considered the only option available at the time was to refuse acceptance of liquid waste at the facility in accordance with the licence conditions. The DEC suspended Kimberley Waste Services from their Controlled Waste system preventing them from collecting liquid waste. Liquid waste in grease traps within the Shire of Broome accumulated over a 2 week period to capacity. The Water Corporation indicated they would be required to close a number of commercial premises due to potential contamination of their network from the grease traps.

Given the dire situation that was occurring, the DEC agreed to reinstate Kimberley Waste Services on their Controlled Waste tracking system. The DEC also permitted disposal of liquid waste at the Shire of Broome’s Waste Management Facility with the Shire of Broome agreeing to submit a Works Approval Application to construct compliant, lined liquid waste ponds. The Water Corporation offered their machinery to construct the ponds as

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they were in the process of constructing the Broome North Waste Water Treatment Plant. Given the Shire of Broome had a limited budget for this works; this was considered an appropriate solution to a critical problem.

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

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

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

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

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

The Shire of Broome queried how the amendment to the Waste Management Facility’s licence was progressing as there were concerns regarding continued to acceptance of liquid waste at the facility in breach of the licence. The DEC advised the licence amendment would now not be completed. Again, concerns were raised that this is required as the Shire was operating in breach of the licence. Once reminded that this formed the critical element to the agreement between the DEC and Shire, work commenced on amending the licence.

Contracts with consultants were signed and work on these documents commenced. On the 18 November 2009, the DEC emailed to advise they have altered the information they require to be submitted in the EIP. It was fortunate both consultants agreed an alteration to the contracts would not be needed. This email also contained the draft amendments to the facility licence. It was noted the DEC had amended certain conditions of the

licence however had failed to add liquid waste to the waste acceptance condition of the licence. Concerns were again expressed by the Shire at accepting liquid waste at the site when not licenced to do so. The DEC agreed to amend the licence to include acceptance of liquid waste.

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

COMMENT

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

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

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

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

- Waste Management Strategy;
- Operational Plan (a revision of this is very near completion); and
- Regional Waste Management Plan (developed for waste services in the Shires of Broome, Derby/West Kimberley and Halls Creek.

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

It was also considered by Shire Officers the existing ponds would pose a low risk to the surrounding environment. This is due to the grease disposed of into the ponds over the past 5 years would have sealed the ponds preventing liquid waste permeating through to

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the groundwater. Liquid waste that initially would have soaked into the soil would be subject to the natural filtering properties of soil. The liquid waste disposed of into the ponds consists only of grease trap waste water and does not contain chemicals or heavy metals. This theory has not been proven as groundwater monitoring is not a requirement of the facility licence and therefore has not been undertaken.

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

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

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

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

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

It is recommended that Council:

1. Manager Health Services apply for funding through the Federal Government's Regional and Local Community Infrastructure Program – Strategic Projects to cover the cost of construction of the new liquid waste ponds utilising the remaining \$20,000 of the budget allocation for the project as the Shire's contribution to the grant;

Chairperson..... Date:

- 2. Should the application for grant funding through the Federal Government’s Regional and Local Community Infrastructure Program – Strategic Projects be unsuccessful, authorise the Chief Executive Officer to borrow \$500,000 to construct the liquid waste pond system designed to DEC requirements; and
- 3. Refer this matter to the Waste Management Advisory Group to generate a user pays cost recovery scheme to cover the cost of loan repayments over the 10 years borrowing term.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Environmental Protection Act 1986 and subsidiary legislation

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

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

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

The Shire of Broome has 2 options available for generating the additional \$500,000 estimated to construct the liquid waste pond system. These being:

- 1. Borrowings: borrow \$500,000 over 10 years at a current interest rate of 6.09% would require an annual repayment of \$67,500 or more appropriately \$70,000 to cover interest rate increases. This option would allow time to generate cash from future users over the next 10 years in line loan repayments.
- 2. Reserve Account: the reserve balance at 1 July 2009 was \$1,360,000. This is expected to increase to \$1,842,000 by the end of the financial year if the waste management facility achieves it projected budgeted cash surplus of approximately \$829,000.

Should this reserve account be utilised, a plan to replenish these funds will need to be implemented. This reserve account was created to plan for the remediation of the existing site in approximately 5 years time and acquiring land and construction of a new waste management facility.

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

It is considered option one as being the most appropriate for this project so as not to affect the funds allocation for site remediation and construction.

STRATEGIC IMPLICATIONS

People

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

Place

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

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

Prosperity

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

VOTING REQUIREMENTS

Absolute Majority

REPORT RECOMMENDATION

That Council:

- 1. *Applies for funding through the Federal Government's Regional and Local Community Infrastructure Program – Strategic Projects to cover the cost of construction of the new liquid waste ponds utilising the remaining \$20,000 of the budget allocation for the project as the Shire's contribution to the grant:*
 - a) *Should the application for grant funding through the Federal Government's Regional and Local Community Infrastructure Program – Strategic Projects be unsuccessful, authorise the Chief Executive Officer to borrow \$500,000 to construct the liquid waste pond system designed to Department of Environment and Conservation requirements.*
 - b) *Refers this matter to the Waste Management Advisory Group to generate a user pays cost recovery scheme to recover the cost of the facility over the 10 years borrowing term.*

COUNCIL RESOLUTION

Moved:

Seconded:

(Item withdrawn)

FOR:

AGAINST:

(Absolute Majority required)

[Attachment 2 pages](#)

4. MEETING CLOSURE

There being no further business the Chairperson declared the meeting closed at 4.42pm.

Chairperson..... Date: