



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
TO BE HELD IN THE COUNCIL CHAMBERS
AT 4.30PM

28 JUNE 2012

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.

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These minutes are confirmed.

SHIRE OF BROOME
SPECIAL MEETING OF COUNCIL
28 JUNE 2012
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NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome will be held on, Thursday 28 June 2012 in the Council Chambers, corner Weld and Hass Streets, Broome, commencing at 4.30pm for the purpose of considering:

- Consideration Of Proposed Improvement Plan And Improvement Scheme;
- Proposed Adoption Scheme Amendment 62 - Town Planning Scheme No 4 - To Rezone Five Sites In And Around The Township Of Broome;
- Proposed Local Planning Policy - Telecommunications Infrastructure;
- Preparation of Local Planning Scheme No. 6;
- Broome Chamber Of Commerce - Request For Funding - Cruise Ship Coordinator;
- Petition Received Requesting Closure Of Access Way Between Aarons Drive And Sibosado Street;

Regards



K R DONOHOE
Chief Executive Officer
25 June 2012

1. OFFICIAL OPENING

The chairperson welcomed Councillors, the public and declared the meeting open at 4.31pm.

2. ATTENDANCE AND APOLOGIES

Attendance:	Cr G T Campbell Cr A Poelina Cr C R Mitchell Cr D M Male Cr J Bloom Cr E Yu Cr M Manado Cr Philip F Matsumoto Cr Peter D Matsumoto (from 4.40pm)	Shire President Deputy Shire President
Apologies:	Nil.	
Absent:	Nil.	
Officers:	Kenn Donohoe Paul Martin Andre Schonfeldt Alison Seaman	Chief Executive Officer Deputy Chief Executive Officer Director Development Services Council Secretary
Public Gallery	Mark Jones Robyn Wells Maryanne Petersen Dan Bacon Kevin Smith Alison Murins Wade Freeman Cauline Masuda Christine Masenden Shaun Clarke Helen Bailey Julia Rau Gerard Renehan A. Sandes R. Costin A. Boylett Valerie Douglas Miriam Tessler Shane Hughes	

Pete Cooper
 Chris Maher
 Mark Renwick Shire of Broome
 Sean Salmon
 Bee Long
 Lisa Salmon
 Marilyn Tabntznik
 Jeff Skinner
 Martin Pritchard
 A. E. Proctor
 Theresa De Biasi Shire of Broome
 Katie Tyson
 Amy Williams Broome Advertiser
 Lisa Trenorden
 Jason Van Der ende
 Tanya Ransom
 Ali Baiten
 Adrian Boyie
 Kris Harburn
 Diane Brice
 Lesley Morris
 Ian Perdrisat
 Carmel Leahy

3. DECLARATIONS OF FINANCIAL INTEREST

Councillor			Item No	Page No	Item	Nature of Interest
Cr	Peter	D	9.2.1	18	Consideration Of Proposed Improvement Plan and Improvement Scheme	Financial – Has an association with Native Title
Cr	Peter	D	9.2.2	32	Proposed Adoption Scheme Amendment 62 – Town Planning Scheme No 4 – to Rezone Five Sites in and Around the Township of Broome	Financial – Has an association with Native Title
Cr	Philip	F	9.2.2	32	Proposed Adoption Scheme Amendment 62 – Town Planning Scheme No 4 – to Rezone Five Sites in and Around the Township of Broome	Impartial – Has an association with Native Title
	Peter	D	9.2.5	59	Petition Received Requesting Closure of Access Way Between Aarons Drive and Sibosado Street	Proximity – Lives in Aarons Drive
Cr	Peter	D	9.2.4	51	Preparation of Local Planning Scheme No. 6	Impartial – Has an association with Native Title

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

Cr Philip Matsumoto	F	9.2.1	18	Consideration of Proposed Improvement Plan and Improvement Scheme	Financial – Has an association with Native Title
Cr Philip Matsumoto	F	9.2.2	32	Proposed Adoption Scheme Amendment 62 – Town Planning Scheme No 4 – to Rezone Five Sites in and Around the Township of Broome	Financial – Has an association with Native Title
Cr Philip Matsumoto	F	9.2.5	59	Petition Received Requesting Closure of Access Way Between Aarons Drive and Sibosado Street	Proximity – Brother lives in Aarons Drive
Cr Philip Matsumoto	F	9.2.1	18	Consideration of Proposed Improvement Plan and Improvement Scheme (changed to Financial at meeting when Item was discussed)	Impartial – Has an association with Native Title
Cr E Yu		9.2.2	32	Proposed Adoption Scheme Amendment 62 – Town Planning Scheme No 4 – to Rezone Five Sites In and Around the Township of Broome	Financial – Employer has a financial relationship with Nayambu Buru Yawuru Ltd
Cr E Yu		9.2.4	51	Preparation of Local Planning Scheme No. 6	Impartial – has an association with Yawuru NTHAC RNTB as an ordinary member who has land interests in the Broome township.
Cr J Bloom		9.3.1	64	Broome Chamber of Commerce – Request for Funding – Cruise Ship Coordinator	Financial – Partner is the President of the Broome Chamber of Commerce which may or may not receive a financial gain/loss from the consideration of this item.
Cr C R Mitchell		9.3.1	64	Broome Chamber of Commerce – Request for Funding – Cruise Ship Coordinator	Impartial – has an association with the Broome Chamber of Commerce as an ordinary member though employer
Cr D M Male		9.3.1	64	Broome Chamber of Commerce – Request for Funding – Cruise Ship Coordinator	Impartial – has an association as an ordinary member via her business.

4. PUBLIC QUESTION TIME

A question was submitted by Carmel Leahy regarding Item 9.2.1 as follows:

Question 1:

Given this week's revelation of a one member EPA panel, the rewriting of legislation to bypass local shire planning processes, the imposed Development Assessment Panel, Compulsory Acquisition and inappropriate use of riot police on the community, will the Broome Shire Council oppose further State control of local planning through the instrument of the proposed Improvement Plan and Improvement Scheme and move a motion of no confidence in the Barnett Government?

Answer 1 – Chief Executive Officer:

The determinations of the EPA and its independence is a matter of the State Government to resolve if deemed necessary. This is not a local government function.

The change made to Interim Development Order No4 is a matter that the Minister can determine in accordance with the Planning and Development Act. The Shire of Broome is required by the legislation to adhere to these fundamentals of law.

The legislation in relation to Development Assessment Panels was a matter for the State to consider and was applied across Western Australia in a similar theme to other States in Australia. The question you raise in relation to the use of Police resources is a matter for the local Superintendent of Police and the Commissioner of Police to determine and is not a local government matter.

Council has no motion before it to consider a motion of no confidence in the Barnett Government.

Answer 1 – Chairperson:

This is an item that will be considered by Council tonight.

* * *

Questions were submitted by Lesley Morris as follows:

Question 1:

What provisions has the Shire provided in the policy for testing of telecommunication towers in light of the fact that in the past 13 years up to 30 April 2012 of the 18000 mobile phone base stations in Australia only 99 of those have been tested by radiation regulators and the Executive Manager of the Australian Communications and Media Authority told a Senate inquiry that anyone who wanted to know if a tower complied with emissions limits "could take measurements themselves".

Answer 1 – Director Development Services:

The responsibility to ensuring towers/facility comply with emissions limits lies with ACMA. As ACMA's preferred regulatory framework introduced in 1997 is self regulation –the telecommunications industry itself takes responsibility to ensure industry standards are complied with.

Answer 1 – Chairperson:

This is a possibility for Council to consider tonight, your comments may prompt which way Council consider this item.

Question 2:

Given the concerns raised with your Shire Officers arising out of an application by NBN Co for a 40m telecommunications tower at 12-Mile, which was lodged subsequent to the preparation of your draft policy, does it change the Policy that is before Council tonight and will Council consider deferring the decision on this policy.

Answer 2 – Director Development Services:

The proposed Policy provides a framework for the consideration of such applications. It provides Council with guidance on the application of TPS4 provisions in relation to applications for the construction of telecommunication towers.

* * *

Vivienne O’Shea submitted the following question regarding the Item 9.2.1 as follows:

Question 1:

The area covered by the improvement plan is an important recreational area for the people of Broome. There has been no presentations made to the Broome community by the government departments who want to implement the proposed Improvement Plan. There has been no face to face consultation, justifications or rationale provided by them, to our community. They have never sought our opinions or listened to our concerns. This is simply not good enough. I respectfully ask the Shire to invite the responsible government departments to make the 2000km trip to Broome, and do what they should have done in the first place which is to explain for themselves their proposed Improvement plan to our community and to listen to our questions and views on their plan.

Answer – Chairperson:

This will form part of Council deliberations regarding this Item tonight.

* * *

Sean Salmon submitted questions in relation to Item 9.2.1 as follows:

Question 1:

Is the Council aware that section 195 of the Planning and Development Act, that in default of an agreement under subsection 1, the Commission can acquire the land included in an Improvement Plan by compulsory acquisition?

Answer 1 – Director Development Services:

Sub-section 1 allows the Commission to enter into agreements with relevant land owners. The Council has previously expressed its preference that such an agreement be reached rather than compulsory acquisition.

Part 9 and Section 170 of the Land Administration Act 1997 allows for the compulsory acquisition of land by the Minister of Regional Development and Lands. The provisions in the Planning and development Act allows for the Western Australian Planning Commission to act as an agent of the state and therefore for the commission to enter into agreements directly or to compulsory acquire the land instead of the Department of Regional Development and Lands.

Question 2:

Does the Council acknowledge that with regards to the agreement with the Traditional Owners of the area of the proposed Improvement Scheme that default notices have been issued, that the rightful Traditional Owners of the area is yet to be established through native title law and that the agreement remains in question

Answer 2 – Chairperson:

Native Title has not been granted over the area and there is a Native Title claim that remains in place by the Goolarabooloo Jabir Jabir Native Title claim.

The agreement that the Shire has not received is between the State, Woodside and the Traditional Owners is believed to be still in place.

* * *

Shaun Clarke submitted questions in relation to Item 9.2.1 as follows:

Question 1:

In reference to 2 c) of the Report Recommendation, can the Director Development Services explain with the use of an example how the extensive Aboriginal heritage and cultural values of the James Price Point area can be incorporated into a gas processing facility?

Answer 1 – Director Development Services:

The intent of any Scheme is to incorporate objectives and provisions into a planning instrument that controls and guides future development so as to minimise impacts. Provisions could be included in the scheme to try to avoid areas where artefacts exist or further to require consultation with the Traditional Owners for all new development applications.

Answer 1 – Director Development Services:

The Scheme is almost like a Local Planning Scheme. The intent is that the Shire includes certain objectives that must be fulfilled.

The Improvement Plan is a broad plan that identifies the area that will be subjected to more detailed planning including development of an Improvement Scheme.

The Improvement Scheme is similar to a Local Planning Scheme and will include certain objectives and provisions that must be fulfilled in future development applications. The process sets out that once the Commission has prepared an Improvement Plan that provides for an Improvement Scheme, the Improvement Plan is recommended to the Minister. The Minister then supports / rejects the recommendation and forwards his recommendation to the Governor. The Governor then either supports or rejects the Ministers recommendation. Once the Improvement plan is gazetted as being developed the WAPC will develop an Improvement Scheme. This scheme should look similar to a Local Planning Scheme and should include certain objectives. It should be noted that an Improvement Scheme has not yet been prepared in WA. This Scheme once prepared is then advertised in accordance with the relevant provisions of the Planning and Development Act 2005 as if it was a local planning scheme.

* * *

Questions were submitted by Martin Pritchard regarding Item 9.2.1 as follows:

Question 1:

At the previous Shire meeting during Public Question Time, the Shire acknowledged that:

- They have not received a formal planning document containing all aspects of the project;
- The full impacts on the Shire of the project to be developed via the Improvement Scheme have not been fully assessed; and
- That no mitigation or management strategies have been received from the Department of State Development.

Without all these details and information how can the Director Development Services or the Councillors be considered to be making an informed decision to support the proposed Improvement Scheme?

Answer 1 – Chairperson:

The staff recommendation to support the decision or otherwise is a decision of Council to be made tonight. Councillors may or may not support the Scheme and will be determined when this item is discussed tonight.

Question 2:

Does Council believe they have enough information to make a decision?

Answer 2 – Chairperson:

This is an answer for Council to consider when this item comes up for discussion at tonight’s meeting.

* * *

The Chairperson took the following questions from the public gallery:

Shane Hughes:

Question 1:

In regards to the State objectives in the Improvement Plan, how can the Shire support the Improvement Scheme?

Answer 1 – Director Development Services:

This will be part of Council’s consideration tonight. My professional opinion is that an Improvement Scheme is a better mechanism than an IDO. The recommendation also aims to include additional local objectives. It is important to note, Council is not being asked if they support the development but rather whether or not an Improvement Scheme is a more appropriate planning mechanism than the IDO.;

Richard Costin:

Question 1:

Is it possible for the Broome Shire to ask the Minister for Planning to allow the Broome Shire Council to remain an integral part of the consultative process for the proposed Improvement plan and Improvement Scheme for the proposed James Price Point Industrial Precinct?

Answer 1 – Chairperson:

At the Ordinary Meeting of Council held on 14 June 2012 a question was raised by a member of the public if there was a technical working group and why Council or a Councillor was not included. I agreed that this was a valid point that was raised.

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

This will be part of Council’s consideration tonight.

Question 2:

Can the Shire still be included in the planning process at law?

Answer – Director Development Services:

The WAPC can delegate its powers under the Improvement Scheme.

* * *

Jeff Skinner:

Question 1:

According to the West Australian Planning Commission Bulletin of November 2010 ‘Improvement schemes will only be created for short periods of time’ and ‘will not provide for the long term strategic plan of an area’.

Does the Improvement Scheme stipulate a specific time frame of when it will be in place?

Answer 1 – Director Development Services:

The Scheme still needs to be developed. This will depend on when the WAPC start developing the scheme and can only occur once the Improvement Plan has been endorsed. The Scheme may then be created for any length of time for the establishment of the area.

Question 2:

Does the Council consider that the proposed Improvement Scheme for the James Price Point area is an appropriate use of the 2010 Amendment Act for Improvement Schemes and is a development in keeping with the intended use of the Act?

Answer 2 – Chairperson:

This forms part of the deliberations of Council.

* * *

Martin Pritchard asked a further question as follows:

Question 1:

If the Improvement Scheme goes ahead, will the Shire be responsible for monitoring conditions like the Environmental Management Plan and recommendations made by the WAPC and the Department of Planning?

Answer 1 – Director Development Services:

The officer recommendation recommends that a Technical Working Group be set up to allow officer’s from the Shire to inform the decision making process on Council policies. However this will depend on the wording of the Improvement Scheme and is up to the WAPC and Minister if there is to be any involvement by the Shire.

* * *

Sean Salmon asked a further question as follows:

Question 1:

Is the Shire comfortable with making a decision on the Improvement Plan and Scheme given the Local Planning Strategy and Dampier Peninsula Planning Strategy have yet to be completed?

Answer 1: Director Development Services:

This would form part of Council deliberations tonight. These concerns were raised by the officer in the recommendation.

Question 2:

As the proposed Improvement Plan and Scheme would effectively change the boundaries of the Shire’s authority and directly impacts the local planning strategy is the Shire able to confirm that they support the Scheme with a simple majority vote or does it need an absolute majority?

Answer 2 – Director Development Services:

The Improvement Plan & Scheme are mechanisms of planning under the Planning and Development Act 2005 (The Act). As such it does not alter the government boundary. The Act only requires consultation with the Shire and therefore Council has only been requested to consider these mechanisms and to provide a response to the Commission in this regard.

5. CONFIRMATION OF MINUTES

N/A.

6. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

NAIDOC week opens tomorrow with the March commencing at 8.30am and the official opening commencing at 9.30am. The Shire President advised that he would not be walking in the march this year out of respect for Frank Sebastian; a prominent leader of Yawuru who he had marched with at NAIDOC for many years.

Condolences were expressed to Frank’s family on behalf of the Councillors, Shire staff and the community.

7. PETITIONS

Nil.

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

9.

**REPORTS
OF
OFFICERS**

9.1

OUR PEOPLE



PRIORITY STATEMENT

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

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

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

There are no reports in this section.

9.2

OUR PLACE



PRIORITY STATEMENT

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

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

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

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

Cr Peter D Matsumoto declared a Financial Interest in Item 9.2.1 as he has an association with Native Title and departed the Chambers at 5.07pm.

With regard to Item 9.2.1 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".

Cr Philip F Matsumoto subsequently declared a Financial Interest in Item 9.2.1 as he has an association with Native Title and departed the Chambers at 5.39pm.

9.2.1 CONSIDERATION OF PROPOSED IMPROVEMENT PLAN AND IMPROVEMENT SCHEME

LOCATION/ADDRESS:	Dampier Peninsula
APPLICANT:	Western Australia Planning Commission
FILE:	DAM/259-LNG
AUTHOR:	Director Development Services
CONTRIBUTOR/S	Ni
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 June 2012

SUMMARY: The Western Australia Planning Commission is proposing an Improvement Plan for the proposed LNG processing facility near James Price Point. The Improvement Plan also authorises the making of an Improvement Scheme. This report recommends that Council supports the intended Improvement Scheme.

BACKGROUND

Previous Considerations

OMC 7 November 2008 -	Item 9.1.1
OMC 17 December 2008 -	Notice of Motion 11.2
OMC 17 December 2008 -	Notice of Motion 11.3
SMC 29 January 2009 -	Item 9.1.1
SMC 16 March 2009 -	Item 9.1.1
OMC 4 August 2009 -	Notice of Motion 11.1
OMC 29 October 2009 -	Item 9.3.11
OMC 26 November 2009 -	Notice of Motion 11.1
SMC 9 December 2010 -	Item 9.1.1
OMC 15 December 2010 -	Item 9.3.9
SMC 28 March 2011-	Item 9.1.1
OMC 1 September 2011 -	Item 9.1.1
OMC 14 December 2011 -	Item 9.4.8
OMC 16 February 2012 -	Item 12.1

On 22 December 2008, the Premier Colin Barnett announced that James Price Point, 60 kms from Broome had been chosen as the site for a liquefied natural gas (LNG) precinct in the Kimberley. The Premier advised that the exact location of the precinct at James Price Point "would be determined after full consideration of significant cultural, heritage and environmental values of the area and further technical feasibility studies."

On 27 April 2009, a Kimberley LNG Precinct Heads of Agreement was signed by the Premier Colin Barnett, Woodside Managing Director and Chief Executive Officer Don

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

Voelte and Kimberley Land Council (KLC) Chief Executive Officer Wayne Bergman in front of Traditional Owners and the community.

On 12 August 2009, the Premier Colin Barnett announced the release of the Social Impact Assessment Scope and Profile report and called for tenders to prepare and collate the overall strategic assessment report for the project.

On 26 November 2009 Council resolved the following:

1. That Council formally acknowledges:
 - a. The selection by the WA State Government of James Price Point (located within the Shire of Broome) as the site for a Liquefied Natural Gas (LNG) Precinct for the processing of gas extracted from the Browse Basin;
 - b. That on 27 April 2009, the Goolarabooloo Jabirr Jabirr Native Title Claim Group (the "Traditional Owners") entered into a Heads of Agreement with the State Government and Woodside Energy Ltd for the development of James Price Point as a LNG Precinct and that work is continuing towards completion of a Land Use Agreement and other agreements and studies relating to environmental and heritage issues for the site;
 - c. The Strategic Assessment Agreement entered into between the State and the Commonwealth in June 2008 which scoped environmental, heritage and technical studies towards the determination of the site at James Price Point as being suitable for LNG processing, including:
 - i) The various technical studies and reports commissioned by the Department for State Development (DSD);
 - ii) The Worley Parsons May 2009 Supply Base Site Assessment Report; and gave recognition of the need for a comprehensive Social Impact Assessment (SIA) Study, subsequently scoped, to include major components of the:
 - a) Tourism Impact Assessment Report (commissioned by Tourism WA);
 - b) Aboriginal Social Impact Assessment;
 - c) Fishing, Pearling and Aquaculture Impact Study; and
 - d) Infrastructure Impact Assessment.
 - d. The complexity of negotiations between the Commonwealth, the State, the Kimberley land Council representing the Traditional Owners and industry and the many interdependencies relating to the development of the Precinct.
2. That Council formally recognises that the announced Government Policy for the co-location of LNG projects at a single precinct site at James Price Point will:
 - a) Serve multiple users associated with the LNG industry;
 - b) Be exclusively for the processing and shipping of LNG and not a broader industrial complex;
 - c) Minimise the environmental footprint of LNG processing in the region;
 - d) provide economic and social benefits for Traditional Owners and indigenous communities;
 - e) Maximise employment and business for people living in the Shire of Broome and beyond to participate in; and
 - f) Develop an expanded economic base for the region to ensure future sustainability.
3. That Council resolves to cooperate and participate with the Government by:
 - a) Contributing to the Dampier Peninsula Land Use Plan and initiating changes that may be required to the Shire of Broome Town Planning Scheme.
 - b) Being an active participant in studies relevant to the completion of the comprehensive Social Impact Assessment (SIA).

- c) *Requesting the CEO to write to the Premier advising of this resolution and requests that the Shire be formally recognised as a key stakeholder in the assessment process and development of the impact management plans.*
 - d) *Requests the Shire President and CEO to advise the Minister for State Development that extensive public consultation needs to be undertaken through the impact assessment work conducted by the SIA Task Force and that the Shire of Broome and the community need to be provided with timely outcomes of the work undertaken.*
4. *That Council reconfirms the resolution of Agenda Item 11.1 of the Ordinary Council Meeting of 4 August 2009 and requires the following actions;*
- a) *As a matter of policy the Shire of Broome fully supports the further development of the Port of Broome as the major service support centre for the various supply bases and associated companies for exploration and development in the Browse Basin and North West Shelf.*
 - b) *Requests the Shire President and CEO, in consultation with industry participants, to actively lobby both State and Federal Governments to formally recognise Broome as the most suitable location economically, strategically and structurally to deliver associated services to the Oil and Gas industry and ensure the ongoing viability of the Port of Broome as the primary hub for creating significant employment and other benefits within the Shire of Broome.*
 - c) *Requests the CEO to undertake a review of the Shire's current methods of providing information to the Community about the progress of the potential construction of a LNG Precinct at James Price Point and provide Council with options for ongoing communication with the Community for its consideration.*
 - d) *Requests the CEO to fully assess the Shire's capacity to manage and administer the Shire of Broome if a LNG Precinct at James Price Point is to be constructed and to provide a report to Council detailing the social, and economic and administrative impact, and related costs, for Council's consideration in line with the preparation of the strategic plan.*
 - e) *That Council considers an allocation in its budget review process to provide funds to the Chief Executive Officer to undertake the required studies including the establishment of community communications plan.*
 - f) *That after considering the requirements and associated costs in (d) that the Shire President and CEO meet with the Premier and related Departments to seek additional funding to ensure the Shire of Broome can adequately meet the costs of increased hard and social infrastructure consequential to the establishment of an LNG Precinct at James Price Point.*

The Strategic Assessment Report (SAR) was submitted to the Environmental Protection Authority (EPA) and made available for a public review period for 12 weeks between 13 December 2010 and 8 March 2011. With the subsequent release of further information, the EPA extended the submission date to 28 March, 2011.

Council on 28 March 2011, received a report from Cardno addressing the issues set out in the SAR. Council subsequently resolved to make a submission to the EPA regarding a number of issues which Council believed was not adequately addressed. In this resolution Council also acknowledged that the precinct was to be a single common user precinct with the key benefit of minimising the disturbance to environment, cultural and heritage values.

The Environmental Protection Authority (EPA) received a number of submissions and has been considering these over the last 14 months in finalising its assessment. According to its website the EPA expects the assessment to be completed mid 2012.

The Western Australia Planning Commission (WAPC) has prepared a draft Improvement Plan which authorises the making of an Improvement Scheme over the area of the proposed precinct. The WAPC has formally written to Council requesting comments before it will be making a recommendation to the Minister in regards to the proposed Improvement Plan see Attachment 1.

COMMENT

Improvement Scheme or Interim Development Order:

Under the Planning and Development Act 2005 the Western Australia Planning Commission (WAPC) may develop an Improvement Plan for an area. Where an Improvement Plan is developed and adopted in accordance with the Act the Commission may deal with the land in a number of ways including planning, replanning, designing, consolidating, re-subdividing, clearing, developing, reconstructing or rehabilitating the land. Improvement Plans should make provision for land to be used for such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities or spaces for those purposes, as may be appropriate or necessary.

It is important to note that the WAPC may make an Improvement Plan without consulting with the local government or the public if the WAPC does not intend to make an Improvement Scheme as well. Where an Improvement Plan is made without an Improvement Scheme, development within such an Improvement Plan would be subjected to the relevant planning controls as may be in place under a local planning scheme or interim development order.

It is further important to note that the processing facilities proposed in the Improvement Plan will be subject to a State Agreement and therefore will not be subjected to any planning approval requirements. As such, the Improvement Scheme will only relate to the other elements of the proposed Improvement Plan which includes the relevant infrastructure, two hundred hectares (200ha) of industrial land and workers accommodation development.

In this instance the precinct falls outside the Shire of Broome Town Planning Scheme No. 4 (TPS 4) and therefore these developments would normally be regulated through the Shire of Broome Interim Development No. 4 (IDO 4). IDO 4 is a limited planning instrument which does not set out any objectives, zones or land use controls for the area. The following comparison provides some indication as to the differences between IDO 4 and generic Scheme provisions:

- A Scheme sets out the planning and development objectives for the area to which it applies, IDO 4 does not;
- A Scheme, zones and reserves land for specific purposes, IDO 4 does not;
- A Scheme sets out the objectives and purpose of each zone or reserve, IDO 4 does not;
- A Scheme includes specific controls and provisions for development and land use within each or for different types of development, IDO 4 does not;
- Both the Scheme and IDO requires planning applications for certain developments and land uses and sets out a process for the consideration of proposals.

IDO 4 is thus considered to be a very simple instrument which only requires planning approval, but does not provide the comprehensive range of mechanisms to guide and control what development is considered appropriate or not. In considering these limitations on planning controls under IDO 4, the WAPC has recommended that the Improvement Plan authorises the making of an Improvement Scheme. As a result of this

intention to make an Improvement Scheme the *Planning and Development Act 2005* requires WAPC to consult with the local government.

Therefore it is accepted that the IDO 4 does not provide adequate provisions or controls for development of this nature or scale. Accordingly an Improvement Scheme is considered to be a more appropriate planning instrument than the IDO to control and guide development of this nature and scale.

Improvement Scheme or Local Planning Scheme:

The Draft Local Planning Strategy 2010 adopted by Council does not include the area of the Dampier Peninsula. A separate strategy was/is being prepared for this area by the Department of Planning. The Draft Local Planning Strategy 2010 therefore does not provide any guidance to the proposed development and does not provide any rationale or strategies for a zone or objectives for such development to be incorporated into the new draft Local Planning Scheme.

The new Draft Local Planning Scheme is still being prepared and would therefore not reflect the proposal. The new Draft Local Planning Scheme is intended to be presented to Council in due course. However it is likely that the process to gazette the Scheme could take a minimum of twelve months from the date of adoption by Council. Therefore should all other necessary approvals be granted and the final investment decision is favourable mid 2013 then it is likely that the new scheme will not be in place in time to control development applications within the precinct.

This raises concerns over the lack of controls and guidance for land abutting the precinct or other areas within the Shire where more development pressure is likely to occur. Therefore ideally the Scheme and Local Planning Strategy should be in place at the same time to guide and control development outside the precinct.

The Improvement Scheme does provide the ability to get an "area specific scheme" in place to deal with development applications in the precinct whilst the draft scheme is going through the process. The Improvement Scheme will follow a similar process to that of a scheme amendment and will effectively provide the same objectives and provisions as if it was a local planning scheme. Therefore in order to ensure proper planning for development within the Precinct it is recommended that Council supports the intention to make an Improvement Scheme as set out in the Improvement Plan.

The only major difference in the outcome will be that the development application process under an Improvement Scheme is administered by the Department of Planning and not by the Shire. As most of the development would in any case trigger a mandatory referral to the Joint Kimberley Development Assessment Panel, the Shire would not have been the decision making authority and would only have been able to provide input into the process. As such it is recommended that the Improvement Scheme includes a mechanism that allows referrals to the Shire to provide technical input into any proposed developments.

Strategic Assessment Report and Social Impact Mitigation

Council has repeatedly over the last four years expressed concerns regarding the impacts of the proposed development on the Environment, Heritage and Social values of the community. Council has also made a submission to the EPA regarding the Strategic Assessment and social impact mitigation strategies, in which Council has raised a number of issues that should be addressed to mitigate the environmental and social impacts of the proposal. To date neither the EPA strategic assessment nor the final social impact assessment report has been approved and no further information regarding the mitigation strategies have been made available to Council.

However, should the EPA approval not be granted, the Improvement Plan will have no effect as the development would not be able to continue. Further the making of an Improvement Scheme would require referral to EPA as set out under Section 81 of the Planning and Development Act 2005. Accordingly there will be two approvals required from EPA prior to the establishment of the Improvement Scheme.

Improvement Scheme Objectives:

The proposed Improvement Scheme made under the Improvement plan will be informed by the following proposed objectives:

- a. *To establish a commercially viable gas processing location on the west Kimberley coast;*
- b. *To minimise and mitigate its impacts on the terrestrial and marine environment;*
- c. *To optimise the allocation and use of land within the Precinct, and enable the sharing of infrastructure networks and corridors to enable multiple user development within the Browse LNG Precinct.*
- d. *To facilitate the development of the Browse LNG Precinct through the provision of a multidisciplinary structure planning framework;*
- e. *To limit the duplication of infrastructure within the Precinct such as ports, infrastructure corridors and roads, which would be required if individual proponents were to build 'stand alone' facilities;*
- f. *To ensure the appropriate separation and layout of land uses through appropriate internal and external buffers to prevent incompatible or conflicting land uses.*

The objectives will play an important role in the development of the Improvement Scheme and also the assessment of planning applications. In considering previous concerns raised by council it is recommended that the objectives be modified to provide better guidance to the intent of the precinct and to ensure

- a. that Aboriginal heritage and cultural values are incorporated into the land use and development;
- b. that the industrial land not become general industry for any general public use;
- c. that a new road be constructed to reduce traffic off Manari road;
- d. that the Broome port remains the supply base port and that the port and the precinct only provides for directly associated transport;
- e. that the amenity of the surrounding area be protected as far as possible from a light and other pollution perspective;
- f. that development incorporates best practice sustainable technologies and design; and
- g. that the social impact mitigation strategies be developed and implemented to minimise the negative impacts and develop the opportunities associated with the development.

Accordingly, it is recommended that Council in its correspondence to the WAPC request that the objectives be modified as bolded below:

- g. *To establish a single multi – user commercially viable gas processing location on the west Kimberley coast;*
- h. *To minimise and mitigate its impacts on the terrestrial and marine environment;*
- i. *To incorporate Aboriginal heritage and cultural values into the landuse and development.*
- j. *To optimise the allocation and use of land within the Precinct, and enable the sharing of infrastructure networks and corridors to enable multiple user development within the Browse LNG Precinct.*

- k. *Ensure the industrial land within the precinct is only for land uses and development directly associated with the LNG processing facility and does not allow general industry which may detract from or compete with industrial land in and near Broome townsite such as land in the Port Zone or the General Industry Zone on Port drive and Broome Road.*
- l. *To facilitate the development of the Browse LNG Precinct through the provision of a multidisciplinary structure planning framework;*
- m. *To limit the duplication of infrastructure within the Precinct such as ports, infrastructure corridors and roads, which would be required if individual proponents were to build 'stand alone' facilities;*
- n. *To provide a dedicated road from Cape Leveque Road to the precinct to ensure traffic associated with the precinct does not impact on Manari road.*
- o. *Ensure that the port is only used for the purposes of LNG exports and that Broome Port remains the supply port for all construction and operations associated with the Browse Basin and other resource developments.*
- p. *To ensure the appropriate separation and layout of land uses through appropriate internal and external buffers to prevent incompatible or conflicting land uses and to provide for appropriate fire management protection buffers.*
- q. *To encourage development that minimise impacts on adjoining land by minimising light spill and or other possible pollutants.*
- r. *Encourage development of the workers accommodation to incorporate sustainable technologies and design including best practice with regards to waters sensitive urban design, alternative energy sources and reuse of waste water.*
- s. *To ensure the development and implementation of social impact mitigation strategies to address potential impacts on the community of the Shire and in particular the facilities within Broome Townsite and Town Centre.*

Conclusion

The State can develop an Improvement Plan without consulting the Local Government and only needs to Consult where the Improvement plan authorises the making of an Improvement Scheme. Council is in receipt of such an Improvement Plan.

When considering the shortcomings of the current local planning framework in that the IDO 4 is a limited mechanism for planning control, the adopted Draft Local Planning Strategy 2010 does not make provision for land uses in the Dampier Peninsula and the Dampier Peninsula Planning Strategy has not been adopted yet, it is recommended that the Improvement Scheme be supported.

Considering the issues raised by Council over the last four years in relation to the proposal for a LNG processing facility in the Shire it is recommended that the Improvement Scheme objectives be modified to provide stronger guidance for development.

CONSULTATION

The Planning and development Act 2005 under section 119 3(B) requires the WAPC to consult with the local government where an Improvement Plan authorises the making of an Improvement Scheme.

The Improvement Scheme is to be prepared by WAPC in accordance with the sections 75, 77 and 79 to 95 which includes a requirement for the proposal to be referred to the Environmental Protection Agency (EPA) and to advertise to the general public for 90 days. WAPC will be required to prepare the Improvement Scheme and to administrate the process.

Therefore the formal public consultation process that is undertaken by the DOP will only be undertaken once the draft Improvement Scheme has been prepared by WAPC and assessed by EPA.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Part 8 — Improvement plans and schemes

[Heading inserted by No. 28 of 2010 s. 9.]

Division 1 — Improvement plans

[Heading inserted by No. 28 of 2010 s. 9.]

119. Preparing and making improvement plans

(1) The Commission may —

(a) certify in writing to the Minister that for the purpose of advancing the planning, development and use of any land —

- (i) the land should be dealt with in all or any of the following ways, namely, planned, replanned, designed, redesigned, consolidated, resubdivided, cleared, developed, reconstructed or rehabilitated; or
- (ii) provision should be made for the land to be used for such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces for those purposes, as may be appropriate or necessary;

and

(b) recommend to the Minister that the land should be so dealt with or used for that purpose and made the subject of an improvement plan.

(2) The recommendation is to be accompanied by a copy of the improvement plan and such supporting maps and texts as the Minister may require.

(3A) The power in subsection (1) cannot be exercised in respect of any land that is —

- (a) land to which an approved redevelopment scheme under the Metropolitan Redevelopment Authority Act 2011 applies; or
- (b) in the redevelopment area as defined in the Hope Valley-Wattleup Redevelopment Act 2000; or
- (c) in the development control area as defined in the Swan and Canning Rivers Management Act 2006.

(3B) Before making a recommendation under subsection (1)(b) in relation to an improvement plan that authorises the making of an improvement scheme to apply to land in the district of a local government, the Commission must consult with the local government.

(3C) An improvement plan that authorises the making of an improvement scheme must set out the objectives of the improvement scheme.

(3) If the Minister accepts the recommendation, the Minister is to forward the recommendation to the Governor for acceptance.

(4) An improvement plan comes into force on the day on which notice of the acceptance of the recommendation of the Governor, and a summary of the improvement plan, is published in the Gazette.

(5A) The Minister must, as soon as is practicable after notice in respect of an improvement plan is published under subsection (4), cause a copy of the improvement plan to be laid before each House of Parliament or dealt with under section 268A.

(5) Section 195 applies in respect of the acquisition of land included in an improvement plan in force under this section.

[Section 119 amended by No. 28 of 2010 s. 10; No. 45 of 2011 s. 141(8).]

- 122B. *Preparing, approving and reviewing improvement schemes*
- (1) *Sections 75, 77 and 79 to 95 apply, with such modifications as are necessary, to and in relation to an improvement scheme as if, in each of those provisions —*
- (a) *a reference to a local planning scheme were a reference to the improvement scheme; and*
- (b) *a reference to a local government were a reference to the Commission; and*
- (c) *a reference to a local government district or land in a district were a reference to the improvement scheme area.*
- (2) *Section 78 applies to and in relation to an improvement scheme —*
- (a) *in the manner set out in subsection (1); and*
- (b) *as if a reference in that section to the City of Swan were a reference to the Commission; and*
- (c) *as if subsections (4) and (5) were deleted and the following subsection were inserted:*
- (4) *The Commission must have regard to, but is not bound to accept, the advice of the Swan Valley Planning Committee.*
- (3A) *Before submitting an improvement scheme or amendment to an improvement scheme to the Minister under section 87, the Commission must consult with any affected local government.*
- (3B) *In subsection (3A) —*
affected local government *means —*
- (a) *in the case of an improvement scheme — a local government in the district of which the improvement scheme is proposed to apply; and*
- (b) *in the case of an amendment — a local government in the district of which the improvement scheme applies.*
- (3) *Regulations made under section 258 apply, with such modifications as are necessary, to and in relation to an improvement scheme as if the improvement scheme were a local planning scheme.*
- (4) *An improvement scheme may be repealed by an instrument of repeal prepared by the Commission, approved by the Minister and published in the Gazette.*
- (5) *Unless otherwise specified in an instrument of repeal, the instrument has effect on the day on which it is published in the Gazette.*
- (6) *The Minister must not approve an amendment to an improvement scheme that removes land from an improvement scheme area, or approve an instrument of repeal under subsection (4), unless satisfied that any other planning scheme, insofar as it will apply to the improvement scheme area on the amendment day or repeal day, does not —*
- (a) *prevent any development that would be permitted; or*
- (b) *allow any development that would not be permitted, in the improvement scheme area immediately before the amendment day or repeal day.*
- (7) *In subsection (6) —*
amendment day, *for an improvement scheme, means the day on which the amendment to the scheme has effect;*
repeal day, *for an improvement scheme, means the day on which an instrument of repeal of that scheme has effect.*
[Section 122B inserted by No. 28 of 2010 s. 11.]

POLICY IMPLICATIONS

The proposed Improvement Scheme will effectively remove the precinct from the IDO 4 and provide an improved planning mechanism to control and guide development. Although the Shire will not be responsible for the administration of this scheme the Shire may have input through a referral process or a technical working group.

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

It is recommended that the technical working group include the Chief Executive Officer and the Director Development Services of the Shire of Broome to assist in the preparation of the Improvement Scheme to ensure it incorporates current and future Council policy.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

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.

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.

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.

Manage resource allocation.

Encourage community engagement.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Simple Majority

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

REPORT RECOMMENDATION:

That Council, in response to the Western Australia Planning Commission(WAPC) correspondence regarding the proposed Improvement Plan and associated improvement scheme:

- 1). Raise the following concerns:
 - a). The EPA assessment of the Strategic Assessment Report has not been completed to date and that the development of the Improvement Plan may therefore be superfluous;
 - b). The Social Impact Mitigation Strategies has not yet been considered or adopted by Council;
 - c). No Local Planning Strategy or Local Planning Scheme for the entire shire has been adopted, therefore development directly outside the precinct will be controlled by the IDO 4 which is considered to be a limited mechanism of planning control; and
 - d). The Dampier Peninsula Planning strategy has not yet been presented to Council for consideration.

- 2). Support the preparation of an Improvement Scheme subject to all the relevant approvals being obtained, appropriate management plans adopted to address concerns raised in 1 above and the following being included in the Improvement Plan as objectives for the Improvement Scheme:
 - a). To establish a single multi-user commercially viable gas processing location on the west Kimberley coast;
 - b). To minimise and mitigate its impacts on the terrestrial and marine environment;
 - c). To incorporate Aboriginal heritage and cultural values into the landuse and development;
 - d). To optimise the allocation and use of land within the Precinct, and enable the sharing of infrastructure networks and corridors to enable multiple user development within the Browse LNG Precinct;
 - e). Ensure the industrial land within the precinct is only for land uses and development directly associated with the LNG processing facility and does not allow general industry which may detract from or compete with industrial land in and near Broome townsite such as land in the Port Zone or the General Industry Zone on Port Drive and Broome Road;
 - f). To facilitate the development of the Browse LNG Precinct through the provision of a multidisciplinary structure planning framework;
 - g). To limit the duplication of infrastructure within the Precinct such as ports, infrastructure corridors and roads, which would be required if individual proponents were to build 'stand alone' facilities;
 - h). To provide a dedicated road from Cape Leveque Road to the precinct to ensure traffic associated with the precinct does not impact on Manari road;
 - i). Ensure that the port is only used for the purposes of LNG exports and that Broome Port remains the supply port for all construction and operations associated with the Browse Basin and other resource developments;
 - j). To limit aviation related development within the precinct to only provide for activities directly associated with the operators of the Port;
 - k). To ensure the appropriate separation and layout of land uses through appropriate internal and external buffers to prevent incompatible or conflicting land uses and to provide for appropriate fire management protection buffers;

- l). To encourage development that minimise impacts on adjoining land by minimising light spill and or other possible pollutants;*
 - m). Encourage development of the workers accommodation to incorporate sustainable technologies and design including best practice with regards to waters sensitive urban design, alternative energy sources and reuse of waste water; and*
 - n). To ensure the implementation of social impact mitigation strategies to address potential impacts on the community of the Shire and in particular the facilities within Broome Townsite and Town Centre.*
- 3). Request Western Australian Planning Commission (WAPC) to incorporate into the Improvement Scheme a mechanism or committee to allow referrals to the Shire of Broome for technical input into all planning applications to be considered under the Improvement Scheme to ensure it reflects Councils current and future policies.*

COUNCIL RESOLUTION:

That Council;

- 1). *Receives the draft Improvement Plan No. 37: Browse Liquefied Natural Gas Precinct provided by the Western Australian Planning Commission (WAPC) for the purpose of consultation with the Shire of Broome and for the Shire of Broome to provide comment as appropriate.*
- 2). *Requests Western Australian Planning Commission (WAPC) to incorporate the following in the Draft Improvement Plan No 37 as objectives for the Improvement Scheme to guide the preparation of strategic planning and development proposals for the Browse LNG Precinct:*
 - a). *To establish a single multi-user commercially viable gas processing location on the west Kimberley coast;*
 - b). *To minimise and mitigate its impacts on the terrestrial and marine environment;*
 - c). *To incorporate Aboriginal heritage and cultural values into the land use and development;*
 - d). *To optimise the allocation and use of land within the Precinct, and enable the sharing of infrastructure networks and corridors to enable multiple user development within the Browse LNG Precinct;*
 - e). *Ensure the industrial land within the precinct is only for land uses and development directly associated with the LNG processing facility and does not allow general industry which may detract from or compete with industrial land in and near Broome townsite such as land in the Port Zone or the General Industry Zone on Port Drive and Broome Road;*
 - f). *To facilitate the development of the Browse LNG Precinct through the provision of a multidisciplinary structure planning framework;*
 - g). *To limit the duplication of infrastructure within the Precinct such as ports, infrastructure corridors and roads, which would be required if individual proponents were to build 'stand alone' facilities;*
 - h). *To provide a dedicated road from Cape Leveque Road to the precinct to ensure traffic associated with the precinct does not impact on Manari road;*
 - i). *Ensure that the port is only used for the purposes of LNG exports and that Broome Port remains the supply port for all construction and operations associated with the Browse Basin and other resource developments;*
 - j). *To limit aviation related development within the precinct to only provide for activities directly associated with the operators of the Port;*
 - k). *To ensure the appropriate separation and layout of land uses through appropriate internal and external buffers to prevent incompatible or conflicting land uses and to provide for appropriate fire management protection buffers;*
 - l). *To encourage development that minimise impacts on adjoining land by minimising light spill and or other possible pollutants;*
 - m). *Encourage development of the workers accommodation to incorporate sustainable technologies and design including best practice with regards to water sensitive urban design, alternative energy sources and reuse of waste water; and*
 - n). *To ensure the implementation of social impact mitigation strategies to address potential impacts on the community of the Shire and in particular the facilities within Broome Townsite and Town Centre.*
 - o). *To ensure the continued access to the coast north and south of the*

precinct including Quondong and James Price Point.

- 3). *Requests that the Western Australian Planning Commission (WAPC) incorporate into the Improvement Plan and subsequent Scheme provisions for the development of a Master Plan for the Precinct along with procedural steps for the detailed planning, design and assessment of the proposals which include provisions for consultation with relevant parties.*
- 4). *Request the Western Australian Planning Commission (WAPC) to incorporate into the Improvement Scheme a mechanism or committee to allow referrals to the Shire of Broome for technical input into all planning applications to be considered under the Improvement Scheme so it reflects Council's relevant current and future policies.*
- 5). *Raises the following concerns:*
 - a). *The Strategic Assessment Report has not been released to guide the Improvement Plan;*
 - b). *The EPA assessment of the Strategic Assessment report has not been released to guide the Improvement Plan;*
 - c). *The Dampier Peninsula Planning Strategy has not been completed or provided to Council for consideration and to subsequently guide the Improvement Plan;*
 - d). *The Local Planning Strategy and Local Planning Scheme for the entire Shire of Broome are currently being completed. Prior to adoption of the Strategy and Scheme, any development outside the precinct will be subject to the IDO 4 which is a limited mechanism of planning control; and*
 - e). *The ongoing issues in relation to the future of the Precinct site being addressed by effected parties which are currently and may in the future be determined by law.*

Moved: Cr J Bloom

Seconded: Cr C R Mitchell

MOTION CARRIED 6/1

FOR: Cr J Bloom; Cr D M Male; Cr G Campbell; Cr E Yu; Cr M Manado

AGAINST: Cr A Poelina

Reasons:

Clarification of concerns raised regarding the Improvement Plan and Improvement Scheme.

Attachment: [9 pages](#)

Cr E Yu declared a Financial Interest in Item 9.2.2 as her employer has a financial relationship with Nyamba Buru Yawuru Ltd and departed the Chambers at 5.39pm.

Cr Peter D Matsumoto declared a Financial Interest in Item 9.2.2 as he has an association with Native Title and remained absent from the Chambers.

Cr Philip F Matsumoto declared a Financial Interest in Item 9.2.2 as he has an association with Native Title and remained absent from the Chambers.

With regard to Item 9.2.2 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".

9.2.2 PROPOSED ADOPTION SCHEME AMENDMENT 62 - TOWN PLANNING SCHEME NO 4 - TO REZONE FIVE SITES IN AND AROUND THE TOWNSHIP OF BROOME

LOCATION/ADDRESS: Lot 502 Djugun (Roebuck Estate West)
 Lot 145,146 and 150, Lot 3000 and P/Lot 1219
 Broome(Kennedy Hill)
 UCL adjacent to the Waste Water Treatment Plant
 Minyirr (Demco)
 Lots 2790 and 2791 Cable Beach (Cable Beach Triangle)
 Part of Lot 350 Minyirr (Gubinge Road)

APPLICANT: Development Planning Strategies on behalf of
 Nyamba Buru Yawuru Ltd (NBY)

FILE: TPS4/62

AUTHOR: Manager Planning Services

CONTRIBUTOR/S: Andrew Pawluk – West Coast Plan
 Neels Pretorius
 Director Development Services

RESPONSIBLE OFFICER: Director Development Services

DISCLOSURE OF INTEREST: N/A

DATE OF REPORT: 1 May 2012

SUMMARY: Council has advertised Omnibus Amendment 62 and has received a number of Government agency and public submissions. This report considers the issues raised in the submissions and provides a response to those issues.

This report recommends Council adopt the scheme amendment with modification.

Previous Considerations

- OMC 15 December 2010 - Item 9.3.1
- OMC 29 September 2011 - Item 9.4.1

History

At the OCM 15 December 2010 Council considered a request to rezone 12 sites on behalf of NBY from various zones to 'Development Zone'. Council resolved to initiate an Omnibus Amendment to rezone only 6 of the 12 sites to more specific appropriate zones (proposed zonings as provided above).

On 29 September 2011 Council resolved, at the request of NBY, to withdraw the Wattle Downs South property, being the sixth listed site, from the Omnibus Amendment 62.

History - Indigenous Land Use Agreement

The applicant has advised as follows:

The Yawuru people's native title claim began in 1994 with the Rubibi 1 application. Subsequent applications were also lodged after many mediations and appeals. Rubibi 6 (2001) and Rubibi Community (2006) applications were eventually determined and in February 2010 two Indigenous Land Use Agreements (ILUAs) were signed. The parties to the Agreement included Yawuru, the State of Western Australia and Broome Shire Council. The Yawuru Area Agreement ILUA was formally registered on 6 August 2010. The ILUA has evolved over a number of years with the following representing a summarised timeframe of events since 1994:

- 1994 First Claim;
- 1994 First Claim;
- 1998 Overlapping Claims;
- 1999 Claims combined;
- 2001 Rubibi 6 Determined;
- 2002 Tribunal Mediation;
- 2004 Notification, changes;
- 2005 Mediation;
- 2006 Determination;
- 2008 Appeals; and
- 2010 ILUAs signed and registered.

The ILUA constitutes a settlement of native title in Yawuru country in and around Broome. The ILUA is the first such Native Title settlement of its kind in Australia. Its defining features are:

- *Commercial focus on property development (1,437ha of developable freehold and leasehold lands worth \$140M as compensation for Yawuru lands illegally acquired or impaired by the State) as a platform for income generation;*
- *Joint management with the Western Australian Government and the Shire of Broome over approximately 32,000ha of land set aside for conservation; and*
- *Protection of places of cultural significance.*

The Yawuru Corporations hold responsibility for the preservation of the Yawuru customs and its traditions for future generations. The strategic objective of this responsibility is to promote sustainable economic development where Yawuru people are active participants and beneficiaries. To achieve this strategic objective the Yawuru have established two corporate entities:

- *The Yawuru Native Title Holders Aboriginal Corporation (Yawuru RNTBC) has responsibility to safeguard the social and cultural integrity of the Yawuru people; and*
- *Nyamba Buru Yawuru Ltd (NBY) has been set up as the Yawuru development arm and will focus on property development, commercial enterprises, individual and community capacity building and social development centred on housing provision.*

As part of the Global Agreement, \$56m is being transferred to NBY to build capacity and leverage strategic private and public investment. This is the only public funding directly

associated with the Agreement. It is designed to build a foundation for income generation for Yawuru people in perpetuity.

COMMENT

General – NBY Response:

NBY were given copies of the Government agency submissions and a summary of the issues as raised in the public submissions to consider, and offered the opportunity to provide a response. The NBY provided a formal response by letter dated 12 April 2012 the key matters of which are set out below:

Background:

The Yawuru people are the legally recognised Native Title Holders of some 530,000 ha of land in and around Broome in the West Kimberley region, Western Australia.

Yawuru initiated their native title claim in 1994 which culminated in a Federal Court Determination in Yawuru's favour in 2006. Yawuru commenced negotiations with the Western Australian Government in 2006 and a Global Settlement Agreement was signed off in February 2010. The resulting Indigenous Land Use Agreements ('ILUA's'), the Yawuru Area Agreement and the Yawuru Prescribed Body Corporate Agreement, were officially registered by the National Native Title Tribunal on 6th August 2010. The signatories to the Agreements are the State of Western Australia (including the Minister for Lands, Conservation Commission of WA, and Conservation and Land Management Executive Body), The Shire of Broome, the Yawuru Native Title Holders Aboriginal Corporation and NBY.

The fundamental defining features of the ILUA are:

- The setting aside and creation of a 32000 hectare 'Conservation Estate' to be jointly managed with the Government of Western Australia and the Shire of Broome;*
- A commercial focus on the development of 1437 hectares of freehold and leasehold lands being compensation for Yawuru lands illegally acquired or impaired by the State, as a platform for income generation for the Yawuru people; and*
- The protection of places of cultural significance.*

There is no personal or collective royalty payments associated with the Yawuru agreement. Importantly, the ILUA's only provided for monetary payments to NBY for economic development up until the 2011/12 financial year, thus it is absolutely imperative that NBY quickly and with surety realise the economic opportunities of the land to be transferred to NBY in freehold.

Omnibus Scheme Amendment

The lands subject to the Omnibus Scheme Amendment (No. 62) represent the first tranche of lands identified to be rezoned for development as part of the NBY's business model. The rezoning of the subject land parcels forms an integral part of meeting the legal and procedural obligations of the ILUA's and is essential to enable the outcomes and expectations of the ILUA's to be fulfilled.

In determining the locations and boundaries of lands to be set aside as a conservation estate and the land to be transferred to NBY in freehold as part of the ILUA, the signatory parties of the agreement were cognisant of State and Local Government Policies and statutes. Whilst the ILUA does not absolve future development proposals made by Yawuru from addressing relevant detailed

matters, such as foreshore management, drainage requirements, access etc at the more detailed planning phases (Structure Plan, Development Plan, and Subdivision stages), it should not impede the future land usage being established now, in accordance with the omnibus amendment.

The more detailed planning approval phases provide more than adequate opportunity to address relevant issues requiring research and resolution to ensure appropriate outcomes are achieved.

It is unlikely that the general public are aware of the extensive background negotiations between the State, Shire of Broome and Yawuru that culminated in this ground breaking native title agreement. In response to public submissions, NBY wishes to reinforce the significant environmental contributions that Yawuru have made to the Broome region through the establishment and management of the 32,000 hectare conservation estate. In particular, the ILUA's incorporate a number of strategic in town areas, which are located immediately adjacent to the 'Cable Beach Triangle', 'Gubinge Road' and 'Demco' rezoning sites, into the conservation estate." (Identified in Yawuru Joint Management Coastal Park Reserves plan)

The matters raised in submissions made to the Omnibus Amendment should not delay determination of the rezoning as proposed, for such recognition is integral to the intent of the ILUA's and vital to NBY's business plan and the future of its people. Any erosion of the agreed outcomes, defined in the ILUA's would seriously undermine the foundations and future of this most significant and ground breaking native title determination.

It is important to note the statement 'rezoning of the subject land parcels forms an integral part of meeting the legal and procedural obligations of the ILUA's and is essential to enable the outcomes and expectations of the ILUA's to be fulfilled'. Given the procedural obligation by NBY in the context of a State agreement, the assessment of the submissions and consideration of the 5 proposed rezoning sites has been undertaken mindful of providing a suitable outcome for NBY whilst ensuring that due planning process is followed.

Major Issue – Environmental Offset:

A common and major issue to be raised by a number of submitters, over Sites, 1, 3, 4 in particular, was the loss of land which is currently afforded protection from development due to its existing 'Coastal Park' or 'Environmental Cultural Corridor' reservation under TPS4. Concern was raised over loss of vegetation, wildlife habitat, existing wildlife corridors and the need to protect the 'coastal park' as it provides Cable Beach with a natural vegetated backdrop setting which gives it a point of difference to beaches in other coastal tourist towns in Australia. It is accepted that all of these concerns have merit, however, the matter of protecting parcels of natural and sensitive environment land was a key matter in the negotiation of the ILUA's.

The 'Background' section of NBY's response above details a fundamental defining feature of the ILUA as the 'setting aside and creation of 32000 ha of land as 'Conservation Estate' to protect it from any future development. The 'Conservation Estate' land essentially includes all the remainder of the 'Coastal Park' zone, apart from the portions to be removed for the Demco and Cable Beach Triangle sites as part of A62.

The NBY's response letter also states that a further defining feature was the granting of 1,437ha of freehold and leasehold land for development purposes, being compensation for Yawuru lands being 'illegally acquired or impaired by the State' and this land be used as the platform for generating income for the Yawuru people. The issue of the

development land was a seriously considered component of the ILUA's and was undertaken with due consideration to the EPA's Environmental Offset Position Paper 2006. Effectively, the land given as development land was considered to be more than offset by the environmental benefits to be gained from the protection of the 32,000ha of land proposed as 'Conservation Estate' and being under the joint management of the NBY and the Shire. The EPA's Environmental Offsets Position Paper's key objective is to consider environmental offsets "*as part of approvals for environmentally acceptable projects to maintain and wherever possible enhance the State's environment*".

The ILUA is final and no further negotiation of the outcome can occur. Given this, there is no scope for any further erosion of the 'Conservation Estate' to occur and accordingly the remainder of the Coastal Park and the Environmental Cultural Corridor identified under the ILUA Coastal Park Reserves Plan will remain protected.

The ILUA does not absolve NBY from addressing matters of environmental significance or any specific environmental matter raised by a Government agency and having regard to any environmental objectives provided in any planning document or the need to provide foreshore management plans, drainage strategies, and any other matter(s) as required under TPS 4, such as the preparation of Development Plans, as will be required for Sites 1, 3 and 4.

Site Specific – Comment on Proposals

Site 1 Roebuck Estate West

Site, Surrounds and Intended Use

The site is 75 hectares in area and is bordered by Gubinge Road to the west, Djiagween Road to the south and Jigal Drive to the east. Established residential areas are located to the north and east of the site while large-lot residential and greenfield sites lie to the south. The site is proposed to be developed for residential purposes with a range of densities

Strategic Planning Consideration

Release of the Roebuck Estate West site for urban development has long been foreshadowed. The Report of the Broome Planning Steering Committee (2005) (BPSC Report) identified the site as one of three areas for 'future urban expansion' to provide housing to cater for short, medium and long-term residential growth.

The Broome Local Housing Strategy (2009) (LHS) echoed the designation of Roebuck Estate West as a 'future residential area' to address the identified issues of land demand and undersupply, housing affordability, higher population growth than anywhere in the State, and housing choice.

The addition of this site will enable development of residential lots on multiple fronts which will facilitate the delivery of more diverse and affordable housing.

The draft Local Planning Strategy (2010) (LPS 2010) identified the site as '*Yawuru Land – subject to further investigation*".

Issues arising from Submissions

The main issues raised through submission in regards to this site relate to:

- The potential loss of natural bush land and need to protect wildlife corridors and the intent of the Environmental Cultural Corridor remaining valid and important
- The need for a District Water Management Strategy and Local Water Management Strategy

These and other issues raised in the submissions of a detailed nature are further discussed in the Schedule of Submissions Attachment 4.

Response to Issues

The matter of loss of the Environmental Cultural Corridor is discussed under the Major Issues – Environmental Offsets heading, above. Further clause 4.25.3.1 (l) provides for the following:

- (l) *Environmental Cultural Corridors within an area and/or the allocation of land for conservation purposes in the area.*

As such the preparation of any proposed development plan should include consideration for the provision of environmental cultural corridors within the area to provide for the conservation purposes of that area.

The Department of Water (DoW) in their submission(s) stated that "as a Development Plan will not be required for this site that it strongly recommends that a District Water Management Strategy be prepared and approved prior to the final adoption of the rezoning of this site". Following contact with DoW to advise that a Development Plan is actually required as the land is proposed to be zoned 'Development', DoW advised that it recommends the provision of a Local Water Management Strategy which incorporates elements of what is required under District Water Management Strategy. Essentially this will include a broad overview of the water issues in that area (i.e. flooding, drainage issues etc), and identifies what investigations will be undertaken and what the LWMS needs to address. The LWMS is to support the Development Plan.

Officer Comments

TPS 4 clause 4.25.3.1 includes a number of issues to be addressed as part of the preparation of a Development Plan including the following:

- (h) *provision of water supply, sewerage, drainage and public utilities;*
- (n) *such other matter or information as is required by Council.*

Although the requirement for a Local Water Management Strategy is not a specific requirement for a Development Plan under TPS, provisions 4.25.3.1(h) and (n) already contained in TPS 4 provide the Shire the ability to require a Local Water Management Strategy as part of any proposed Development Plan. The scheme amendment therefore does not need to be modified to achieve the desired outcome, however if Council so wishes the amendment could be modified to include a modification to clause 4.25.3.1 so as to include a requirement for the preparation of a Local Water Management Strategy as part of all Development Plans.

As a matter of good practice the applicant should be advised of the provisions under clause 4.25.3.1 and the requirement to address all relevant provisions. With regards to this specific site the applicant should be advised that the preparation of a Local Water Management Strategy (LWMS) that includes elements of a 'district' nature will be required as part of the Development Plan and will be dependent on approval of the LWMS by both the DoW and the Shire.

Site 1 - Conclusion

Since TPS 4 already has adequate provisions to require a LWMS and consideration of environmental cultural corridors in the preparation of a development plan, it is recommended that the submissions against the scheme amendment in regards to Site 1 be rejected and that the proposal to rezone the Roebuck Estate West site from 'Environment Cultural Corridor' reserve to 'Development' zone be adopted.

Attachment 1 – Roebuck Estate West and Cable Beach Triangle

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

Site 2 - Kennedy Hill

Site, Surrounds and Intended Use

The site is a combination of six different lots, with a total site area of 3.1 hectares. The site is dissected by Carnarvon Street and is generally bound by Haas Street and the Mangrove Hotel to the south and residential housing and the Prison to the north and west and Roebuck Bay to the east. It is located approximately 550 metres south of the Broome town centre, one kilometre south east of Broome International Airport on the western shore of Roebuck Bay. NBY has advised that uses intended for the site include offices (including NBY administration centre), restaurant, art gallery, cultural facility, function rooms and similar uses.

Strategic Planning Consideration

The Local Housing Strategy specifically identifies the Kennedy Hill site as an investigation area for tourism/mixed use development. The location given surrounding land use provides a natural extension of mixed use development.

The draft Local Planning Strategy (2010) (LPS 2010) identified the site as 'Yawuru Land – subject to further investigation'.

Issues Arising from Submissions

The main issues arising from submissions were:

- More public consultation is required prior to development; and
- Any development on Lot 1219 should have public access to allow views of the bay freely available to all people.

These and other issues raised in the submissions of a detailed nature are further discussed in the Schedule of Submissions Attachment 4.

Other Matters

The Shire's Solicitors have advised the action being taken is the removal of part of Lot 502 Roebuck West site from the existing reservation and rezoning to the preferred zone. As such the recommendation has been correctly rephrased.

Response to Submission Issues

The advertising of Amendment 62 in accordance with the regulations and for an extended period of time has provided the necessary formal public consultation process required to fulfil statutory obligations for the purposes of amending the scheme. Previous consultation includes consultation through the Local Housing Strategy which specifically identifies the Kennedy Hill site as an investigation area for tourism/mixed use development. The proposed 'Mixed Use' zoning provides for a range of land uses some of which may require further public consultation at the development application stage.

The location of Lot 1219 on the western side of Carnarvon Street enjoys remarkable views of Roebuck Bay. The land will be in the private ownership of NBY and accordingly the Council cannot reserve the land for public open space without making itself liable to a potential claim for compensation. NBY have indicated their intention for the Kennedy Hill site is likely to comprise uses such as a cultural facility, restaurant, function room(s), art gallery and potential office space for NBY's Administration Centre. Although NBY can be encouraged to locate a 'public' type use on the land, the land ultimately remains private land and development proposal will need to be considered in light of the relevant provisions in TPS 4.

Site 2 - Conclusion

For reasons as outlined above it is recommended that the submissions against the scheme amendment in regards to Site 2 be rejected and that the proposal to rezone the Kennedy

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Hill site from 'Public Purposes' and 'Public Purposes (Water Supply)' reserve to 'Mixed Use' zone be adopted.

Attachment 2 – Kennedy Hill

Site 3 - Demco Site – Proposed Development Zone

Site, Surrounds and Intended Use

The 12 hectare Demco Site lies immediately west of Demco Beach Road, immediately east of the Wastewater Treatment Plant, south side of Clementson Street and is bordered by a coastal park to the south. To the east is Demco residential estate an established residential area and the Clementson Light and Service Industrial precinct is located to the west / north-west of the site. The site is located approximately 2.5 kilometre south-west of the Broome town centre 2.2 kilometres south of the airport terminal and less than 200 metres north of Roebuck Bay.

NBY intend using the land for light and service industry use and health services administration uses in association with and in support of future proposed uses to be established on NBY's land on the north side of Clementson Street.

Strategic Planning Consideration

The development of this site had not been foreseen under any strategic planning documents to date.

All of Site 3 lies within the Waste Water Treatment Buffer. Given this, the proposed use for light and service industrial is considered an appropriate extension to the existing light and service industrial development for the western portion of the site. The land closer to Demco residential estate however should provide a buffer interface. The form and type of land use can be determined under the Development Plan approval process.

The draft Local Planning Strategy (2010) (LPS 2010) identified the site as 'Yawuru Land – subject to further investigation'.

Other Matters

The Shire's Solicitors have advised the action being taken is the removal of part of UCL adjacent to the Waste Water treatment Plant Minyirr, Demco Road site from the existing reservation and rezoning to the preferred zone. As such the recommendation has been correctly rephrased.

Issues Arising from Submissions

The main issues arising from submissions were:

- The loss of Coastal Park;
- The need for a Local Water Management Strategy to be submitted to the DoW and the Shire prior to the final adoption of a Development Plan for the site; and
- The inappropriateness of industrial use of this land, there would be noise and dust issues and the loss of views.

These and other issues raised in submissions of a detailed nature are further discussed in the Schedule of Submissions Attachment 4.

Response to Submission Issues

The loss of Coastal Park and the requirement to prepare a LWMS as part of the Development plan is discussed above under the heading of Major Issue – Environmental Offsets and under Site 1.

The concern for locating industrial type use(s) near to existing residential development is acknowledged, however there are State level environmental regulations in place and due planning process under TPS4 which will limit any impact of potential industrial use on the amenity currently enjoyed by residents within the Demco residential estate.

Under the proposed 'Development' zone a Development Plan will be required to be lodged with the Shire prior to any subdivision and/or development occurring on the site, as required by TPS4. Clause 4.25.3.1(m) requires a development plan to address:

- (m) *environmental protection consideration and pollution prevention measures;*

The Development Plan will therefore need to address any planning related legislation, strategies and policies (State and local) that may apply to pollution and industrial buffers. Of particular relevance is the EPA's Guidance Manual No.3 'Separation Distances between Industrial and Sensitive Land Uses' (GM3). The EPA's GM3 provides a minimum generic buffer distance to separate industrial uses from residential use so as to ensure the amenity of the residential use is maintained. Without foreshadowing the outcome of the Development Plan it is anticipated that any industrial use will be limited to the western area of the site adjoining the existing Light and Service Industry zoned land. The eastern part of the site is likely to remain as a buffer interface consisting essentially of uses that do not produce noise or dust within closer proximity to the existing Demco residential estate.

Site 3 - Conclusion

Since TPS 4 already has adequate provisions to require a LWMS, consideration of environmental cultural corridors and provision of buffers between potential polluting land uses and sensitive land uses in the preparation of a development plan, it is recommended that the submissions against the scheme amendment in regards to Site 3 be rejected and that the proposal to rezone the Demco site from 'Coastal Park' reserve to 'Development' zone be adopted.

Attachment 3 – Demco and Gubinge Road

Site 4 - Cable Beach Triangle

Site, Surrounds and Intended Use

The Cable Beach Triangle site is an irregular but generally triangular shaped (wide at north end tapering to the south) 6 hectare site located on the western side of Cable Beach Road West within the Minyirr Coastal Park. The existing drainage reserve defines its western boundary. The site is split into two parts to accommodate the ROW reserve which accommodates an existing concrete pedestrian pathway opposite Murray Road and connects to an unpaved pathway that runs along the western side of the drainage reserve linking through to the Broome Surf Club beach access pathway. The Palm Grove Holiday Resort, Divers Camp Tavern and the Malcolm Douglas Crocodile Park are located opposite the site to the east.

The site is central to all current tourism activity in the Cable Beach Resort Precinct. It is located approximately 3.7 kilometres north-west of the Broome town centre, 2.7 kilometres west of the airport terminal. NBY advise that the site is intended to be developed for tourism use as an extension to the existing tourist activities in Cable Beach. It is also foreshadowed the design will include connections with the existing Cable Beach Tourist precinct and provide an additional pedestrian access to Cable Beach.

Strategic Planning Consideration

In regard to orderly and proper (strategic) planning, the potential for the Cable Beach Triangle to become a development site could not have been foreseen in the formulation

of the Cable Beach Development Plan 2003. Under the first strategic planning exercise since the ILUA was registered in August 2010, being a workshop held in June 2011 to review the Cable Beach Development Plan, a clear outcome was acknowledgement of the ILUA outcome in respect of Cable Beach Triangle becoming a new tourism development site and that Council had initiated to rezone the site 'Tourist' zone and that it was subject to public consultation and preparation of a Development Plan. The Outcomes Paper did not record any adverse comment on this new proposed tourist development site. Representatives from Palm Grove Holiday Resort and Cratburn were in attendance at the workshop.

The draft Local Planning Strategy (2010) (LPS 2010) identified the site as '*Yawuru Land – subject to further investigation*'

Issues Arising from Submissions

The main issues arising from the submissions were:

- The loss of 'Coastal Park' and its environmental impact of loss of natural bush land and wildlife habitat;
- The loss of a portion of 'Coastal Park' having an impact on the tourism attraction value of Cable Beach;
- The removal of this portion of Coastal Park not being consistent with orderly and proper strategic planning and having an economic impact on the development aspirations of owners of nearby tourist zoned land;
- Not compliant with the WAPC's SPP 2.6 State Coastal Planning Policy and DCP 6.1 Country Coastal Planning Policy; and
- The need for a Local Water Management Plan.

Other Matters

The Shire's Solicitors have advised the action being taken is the removal of Lots 2790 and 2791 Cable Beach site from the existing reservation and rezoning to the preferred zone. As such the recommendation has been correctly rephrased.

Response to Submission Issues

The issue of loss of 'Coastal Park' is discussed above under the heading of Major Issue – Environmental Offsets. Other related matters of detail are discussed in the Schedule of Submissions. In regard to protection of environment, the required Development Plan will need to, in accordance with Clause 4.25.3.1(m)' address 'environment protection consideration' which will include the request from the DoW to undertake a flora study. It will also require investigation into the occurrence of any fresh water lenses as well as have regard to other environmental legislation such as the Wildlife Conservation Act 1950 and other relevant planning policies/guidelines such as the WAPC's SPP 2.6 Coastal Planning Policy. Assessment of the site's environmental qualities will therefore be a key feature of the Development Plan preparation process as it will be important to ensure the Coastal Park area along the shoreline is not compromised by any proposed development on the site. A Local Water Management Strategy is also required for this development plan as outline in Site 1 above.

The required advertising of the Development Plan will allow those that made a submission and any other stakeholders or members of the public to provide their opinion on the proposed development of the site. The Shire and the WAPC will need to have due regard to the submissions particularly where sound town planning or environmental issues are raised. It is considered that in addressing all these matters through the Development Plan process the appropriate controls are in place to achieve orderly and proper planning.

Site 4 - Conclusion

Since TPS 4 already has adequate provisions to require a LWMS, consideration of environmental cultural corridors and detailed considerations of environmental protection in the preparation of a development plan, it is recommended that the submissions against the scheme amendment in regards to Site 4 be rejected and that the proposal to rezone the Cable Beach Triangle from 'Coastal Park' reserve to 'Tourist' zone be adopted.

Attachment 1 – Roebuck Estate West and Cable Beach Triangle

Site 5 - Gubinge RoadSite, Surrounds and Intended Use

The site is a 40 hectare in area and is bordered by Port Drive to the east, a holiday park to the north, existing industrial to the south and aquifer recharge area to the west at Minyirr. It is located approximately 4.3 kilometres south-west of the Broome town centre, 3.6 kilometres south-west of the airport and 2.3 kilometres to the Port. The Broome Golf Course is located across Port Drive.

The site is intended to be subdivided and developed for industrial lots as an extension to the existing general industrial area which immediately adjoins the southern boundary of the site.

Strategic Planning Consideration

The rezoning to allow industrial use on the Gubinge Road site as in extension of the existing Port Drive industrial area is consistent with the general strategic direction contained with the BPSC Report and constitutes a logical extension of a further 40 hectares of industrial land at the Port Drive Industrial area.

Issues Arising from Submissions

The main issue arising from the submissions was the need for a District Water Management Strategy (DWMS) prior to final adoption of the rezoning.

Other Matters

The Shire's Solicitors have advised the action being taken is the removal of part of Lot 350 Gubinge Road site from the existing reservation and rezoning to the preferred zone. As such the recommendation has been correctly rephrased.

Response to Submission Issues

The Gubinge Road site lies within a Special Control Area under TPS4, being a Drainage Aquifer Recharge Area. Clause 6.1.7. of TPS4 states the objective of a Drainage Aquifer Recharge Area is *"to control the extent of development to ensure that drainage provisions are adequately accommodated across the peninsula"*.

The Scheme provisions go on further to say the recharge area is *"principally for the purpose of a drainage compensation area and aquifer recharge area"* and *"the intensity of development shall be limited at the discretion of the Council to an extent which does not detrimentally affect the drainage and recharge purpose of the land"*. The wider area of the Environmental Cultural Corridor within which Site 5 lies, is known for its drainage function and associated issues.

NBY had commissioned an engineering opportunity and constraints study for the Gubinge Road site as a precursor to the proposed rezoning and any subdivision planning (i.e., Development Plan). One of the specific areas investigated in the study was the potential flooding impacts on the site. The study utilised information and assessments (by others) currently available and recommended that *"a flood assessment, in accordance with this preliminary advice, be conducted to help develop the masterplan concept and inform subsequent design"*.

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The study further stated that in order to provide accurate advice on design requirements for the drainage system and to determine the appropriate immunity levels from flooding “a hydrological assessment of the external catchments upstream and the internal catchments is required”. To undertake the hydrological assessment the report states that information is required regarding a tidal/surge study of the Broome area and groundwater or geotechnical studies to classify the types of soils onsite and surrounding the site (to investigate any potential groundwater infiltration).

As the Gubinge Site is proposed to be zoned ‘Industry’ there is no requirement for a Development Plan or Local Water Management Strategy. As such should the zoning be effected, the whole site could potentially be developed for industrial purposes subject to a planning or subdivision approval. At the time of such an application Council should consider the matters outlined in provision 10.2 of TPS and in particular:

- (j) *whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subjected to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk; and*
- (s) *whether the proposal is likely to cause soil erosion or land degradation;*

In accordance with provision 9.2 such a development application is to be accompanied by:

- (c) *any specialist studies that the Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; an*
- (d) *any other document or information that the Council may reasonably require to enable the application to be determined.*

Site 5 - Conclusion

Although there are provisions within the scheme that provides the Shire the ability to require a local water management strategy as part of a subdivision or planning application the following needs to be considered:

- Site 5 is located within a Special Control Area which is specifically designated for drainage and aquifer recharge;
- the area is known to function as a recharge and drainage area and drainage issues or constraints may impede on development; and
- there is no requirement for a development plan within the proposed “Industry zone”.

Therefore in order to ensure orderly and proper planning it is recommended a Local Water Management Strategy to be required prior to subdivision and/or development within the Special control area.

Accordingly it is recommended that the submission requiring a Local water management strategy be upheld, that the rezoning of part Lot 350 Gubinge Road from ‘Environmental Cultural Corridor’ reserve to ‘Industry’ zone be adopted and that the scheme amendment be modified so as to include a provision within the Special control area that requires a Local Water Management strategy to be prepared prior to subdivision or development.

Attachment 3 – Demco and Gubinge Road

CONSULTATION

The amendment was advertised for public comment for a period of 63 days commencing on 15 December 2011 and ending 16 February 2012. The statutory period of 42 days was extended to allow for the Christmas holiday period.

An advertisement was placed in the Broome Advertiser on the 15th December 2011 and letters were sent to owners of properties adjoining each of the five rezoning sites.

A Schedule of Submissions summarising the submissions and providing officer response is attached.

Development Plans, where required to be prepared, are also required to be advertised for public comment for a period of no less than 28 days in accordance with clause 4.25 of TPS4.

Attachment 4 – Schedule of Submissions

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Town Planning Regulations 1976

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nyamba Buru Yawuru will meet the costs of the amendment process, prepare the amendment documentation and prepare the Development Plans.

STRATEGIC IMPLICATIONS

Our Place Goal – Help to protect the nature and built environment and cultural heritage of Broome while recognising the unique sense of the 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.

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

Support business and economic development.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION:
(REPORT RECOMMENDATION)

That Council;

- 1). *Having considered the submissions received during the advertising period adopts the recommendations listed against each submission in the Schedule of Submissions attached to this report.*
- 2). *Pursuant to Section 75 of the Planning and Development Act 2005 adopts Amendment No 62 with modification to amend the Shire of Broome Town Planning Scheme No 4 to:*
 - a). *Rezone Lot 502 Djugun (Roebuck Estate West) from 'Environment Cultural Corridor' reserve to 'Development' zone;*
 - b). *Rezone Lot 145, 146 and 150, Lot 3000 and P/Lot 1219 Broome (Kennedy Hill) from 'Public Purposes' and 'Public Purposes (Water Supply)' reserve to 'Mixed Use' zone;*
 - c). *Rezone UCL adjacent to the Waste Water Treatment Plant Minyirr (Demco) from 'Coastal Park' reserve to 'Development' zone;*
 - d). *Rezone Lots 2790 and 2791 Cable Beach (Cable Beach Triangle) from 'Coastal Park' reserve to 'Tourist' zone;*
 - e). *Remove part of Lot 350 Minyirr (Gubinge Road) from 'Environmental Cultural Corridor' reserve and rezone the site to 'Industrial' zone;*
 - f). *Insert a new sub-clause (being 6.1.7.3) in the Shire of Broome Town Planning Scheme No 4 Special Control Area 6.1.7 Drainage Aquifer Recharge Areas as follows:*

"Prior to any subdivision or development occurring within the Drainage Aquifer Recharge Areas, a Local Water Management Strategy must be:

 - i). *Prepared in accordance with the requirements of the document titled 'Better Urban Water Management' published by the Western Australian Planning Commission in October 2008; and*
 - ii). *Approved (with or without modification) by Council and the Department of Water."*
- 3). *Authorises the Shire President and the Chief Executive Officer to engross the necessary documents.*

Moved: Cr C R Mitchell

Seconded: Cr D M Male

CARRIED UNANIMOUSLY 6/0

Attachment: [21 pages](#)

Cr Peter D Matsumoto and Cr Philip F Matsumoto returned to the Chambers at 5.40pm and Cr E Yu returned to the Chambers at 5.41. The Chairperson read aloud the Council Resolution.

9.2.3 PROPOSED LOCAL PLANNING POLICY – TELECOMMUNICATIONS INFRASTRUCTURE

LOCATION/ ADDRESS: Scheme Area
APPLICANT: Not Applicable
FILE: PLA122
AUTHOR: Rene Human
CONTRIBUTOR/S: Manager Planning Services
RESPONSIBLE OFFICER: Director Development Services
DISCLOSURE OF ANY INTEREST: Nil
DATE OF REPORT: 29 March 2012

SUMMARY: Council at its meeting of 16 February 2012 resolved to adopt for public comment Local Planning Policy – Telecommunications Infrastructure.

The policy was advertised and three submissions were received.

The report recommends adoption of the policy with modifications.

BACKGROUND

Previous Considerations

OMC 16 February 2012 - Item 9. .2.4

History

At the Ordinary Meeting of 16 February 2012 Council resolved as follows:

“That Council adopts the draft Local Planning Policy – Telecommunications Infrastructure for the purpose of consultation and makes it available for public comment for a period of 21 days.”

COMMENT

Policy reviews for a number of LPP’s are presently being undertaken in accordance with the Shire of Broome Strategic Action Plan.

At the OCM of 6 February 2012 Council resolved to adopt for public comment LPP – Telecommunications Infrastructure.

TPS4 clause 2.5(a) requires that Local Planning Policies be advertised for two consecutive weeks in a local newspaper circulating within the Scheme area. The draft policy was advertised in the Broome Advertiser on 15 March 2012 and 22 March 2012 and open for submission up to 29 March 2012.

Three submissions were received as a result of advertising. The issues raised included:

- Concerns that the electromagnetic fields are carcinogenic to human health;
- The distance proposed for the location of telecommunications towers away from sensitive areas should be increased from 100m to 1,000m;
- The definition for ‘sensitive area’ be expanded to incorporate sporting grounds, education facilities, health facilities, childcare facilities and recreational facilities;
- A request that safety signage should be erected on such infrastructure to identify the risk of Electromagnetic Radiation; and
- An application for planning approval should be:

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- o required for all telecommunications facilities including 'low impact facilities';
 - o be advertised in local and state newspapers for month;
 - o have a sign be erected on site;
 - o be advertised for a period of 8 weeks; and
 - o and should only be approved by a unanimous decision from Council.
- Any rent received from telecommunications infrastructure should go into a trust fund for Shire to pay compensation to affected residents and workers.

Details of the submissions and recommended responses are set out in Schedule 2

Research undertaken by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) has reported that environment radiofrequency levels near base stations for the digital mobile phone network are extremely low. The ARPANSA study reported the highest daily average level was well below one per cent of the Australian Communications Authority's public exposure limits and concluded that given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research.

All carriers are required to comply with the Australian Communications Authority's Radio Communications (Electromagnetic Radiation - Human Exposure) Standard (2003). This incorporates substantial safety margins to address concerns for potentially sensitive groups in the community such as children, pregnant women, the infirm and aged.

The Industry Code ACIF C564:2004 Deployment of Mobile Phone Network Infrastructure does not specify a distance at which infrastructure must be sited from community sensitive locations. Sections 5.4 and 5.5 of the Industry Code require carriers to notify Councils in writing and meet minimum consultation requirements when consulting with local communities about installation of radio communications facilities at new sites that do not require a planning approval. The notification to Council must set out information including the carrier's proposed community consultation strategy for the site.

The draft policy was prepared in line with the Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure as set out in Section 5.1 of the State Planning Policy 5.2 – Telecommunications Infrastructure.

In considering the submissions and the matters raised the draft policy has been modified as follows

Modification	Comments
<p>New objective inserted</p> <p><i>To ensure compliance with all relevant health and safety standards in the provision of telecommunication infrastructure</i></p>	<p>This is an overarching objective that seeks to ensure the consideration of any such facility applies current health and safety standards.</p>
<p>Adverting of Applications – extended to include....(see bolded text)</p> <p>Applications for new mobile phone towers/monopoles which do not comply with the requirements of the above policy, or which in the opinion of the Council likely to adversely impact the amenity of the locality or are within 100 metres of a child care facility, aged persons home, sports field/recreation facility, will be advertised in accordance with the provisions of the Town Planning Scheme.</p>	<p>It is recognised that young children and older people are more sensitive or susceptible to incurring adverse health impacts. Should any new facility be proposed this will ensure users of such facilities are advised and have the opportunity to make a submission</p>

This policy will provide guidance on how to control and co-ordinate development of telecommunications infrastructure (i.e. mobile telephone towers, antennas, equipment shelters/compounds and cabling), whilst being aware of the need to protect the amenity of the surrounding areas.

It is recommended that Council considers the schedule of submissions and adopts the modified policy in accordance with Clause 2.5 of TPS4.

Attachment 1 - Local Planning Policy – Telecommunications Infrastructure.

Attachment 2 – Schedule of submissions.

CONSULTATION

In accordance with the Provisions set out in TPS4 Clause 2.5 (c) is required to consult for a period of no less than 21 days. No submissions were received.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Planning Bulletin No 46
- State Planning Policy 5.2 – Telecommunications Infrastructure
- Town Planning Scheme No. 4

2.3 *Local Planning Policies*

- 2.3.1 *The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:*
- (a) *generally or for a particular class or classes of matters; and*
 - (b) *Throughout the Scheme Area or in one or more parts of the Scheme Area; and may amend or add to or rescind a Policy so prepared.*

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

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

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

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

POLICY IMPLICATIONS

Local Planning Policy – Telecommunications Infrastructure shall apply to the whole of the Shire.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Place

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

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council;

- 1). *Having considered the submissions received during the advertising period adopts the recommendations listed against each submission in the Schedule of Submissions attached to this report.*

- 2). *That Council pursuant to clause 2.5 resolve to formally adopt the Local Planning Policy – Telecommunications Infrastructure, with modifications and advertise the adoption of this policy in accordance with Shire of Broome Town Planning Scheme No. 4 Clause 2.5(c).*

COUNCIL RESOLUTION:

That Council defer this item until such time as a workshop is held to clarify issues raised.

Moved: Cr J Bloom

Seconded: Cr Peter D Matsumoto

CARRIED UNANIMOUSLY 9/0

Attachment: [8 pages](#)

It was noted that as the attachment to this report is to reflect the Council Resolution adopted by Council, the attachment has been amended and forms part of these Minutes.

With regard to Item 9.2.4 Cr E Yu disclosed that "I have had an association with Yawuru NRHAC RNTB as an ordinary member who has land interested in the Broome Township. 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 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".

9.2.4 PREPARATION OF LOCAL PLANNING SCHEME NO. 6

LOCATION/ADDRESS:	Shire of Broome
APPLICANT:	N/A
FILE:	PLA48, TPS5/GEN
AUTHOR:	Planning Project Officer
CONTRIBUTOR/S:	Director Development Services
RESPONSIBLE OFFICER:	Director Development Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 June 2012

SUMMARY: This report presents a draft of the Shire of Broome Local Planning Strategy (LPS) 2012. This report recommends that the draft LPS be forwarded to the Western Australian Planning Commission (WAPC) for certification prior to public consultation, together with a resolution to prepare a Local Planning Scheme for the whole of the Shire.

BACKGROUND

Previous Considerations

- OMC 12 December May 2010 - Item 4.7
- OMC 14 July 2005 – Item 9.3.3
- OMC 20 November 2008 – Item 9.3.1
- OMC 30 September 2010 – Item 9.3.1
- SMC 9 December 2010 – Item 9.1.1

COMMENT

Preparation of Scheme

On 12 December 2000, the Shire of Broome resolved to prepare a Town Planning Scheme as follows:

That in accordance with the Town Planning & Development Act 1928 section 7B:

- 1). *Council resolves to prepare a Town Planning Scheme for the land within the Municipality of the Shire of Broome with the exception of land within the current Town Planning Scheme No. 4."*

On 14 July 2005, Council resolved:

"That Council pursuant to Section 7B of the Town Planning & Development Act 1928 (as amended):

- 1). *Advertises the resolution of 19 December 2000 to prepare a Town Planning Scheme in accordance with the Town Planning Regulations."*

These resolutions and subsequent advertising did not include the area covered by TPS4. Therefore in order to prepare a Local Planning Scheme for the whole area a new resolution from Council is required in accordance with Regulation 4 of the Town Planning Regulations 1967. It should be noted that the Planning and Development Act 2005 uses the term, Local Planning Scheme, instead of Town Planning Scheme.

Since the resolution of the earlier intended Town Planning Scheme 5, which did not include the area covered by TPS 4, was advertised Council has to resolve not to proceed with the making of Local Planning Scheme 5 and pass a new resolution for the preparation of Local Planning Scheme 6 affecting the whole of the Shire. The Regulations further require that the local government within 28 days after passing the resolution forward to the commission:

- (a) *a copy of the resolution certified by the Chief Executive Officer;*
- (b) *a map marked "Scheme Area Map", signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and*
- (c) *a statement setting forth —*
 - (i) *the objects and intentions of the Scheme; and*
 - (ii) *the anticipated format of the Scheme.*

(Please refer to Attachment 1.)

Preparation of Local Planning Strategy

Under Regulation 12 of the *Town Planning Regulations 1967*, local governments are required to prepare a Local Planning Strategy as a Scheme report that forms part of the Scheme. In accordance with regulation 12 A the Local Planning Strategy is to:

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

On 20 November 2008, Council adopted a brief for a Local Planning Strategy for the whole of the Shire.

On 30 September 2010, Council adopted a draft Local Planning Strategy for the whole of the Shire except for the area subject to preparation of the Dampier Planning Strategy by the Department of Planning.

On 9 December 2010, Council confirmed the resolution of Item 9.3.1 of 30 September 2010 in relation to the draft Local Planning Strategy. The Local Planning Strategy was subsequently forwarded to the WAPC for consideration.

In July 2011, a letter was received from the Western Australian Planning Commission (WAPC) requiring modifications to the draft Local Planning Strategy to:

- Provide more discussion, identification of issues or strategic direction for areas outside the Broome townsite;
- Identify key tourism issues;
- Prioritise preparation of a Shire wide tourism strategy;
- Provide further information relating to the environment;
- Reflect the current status of the renamed Dampier Planning Strategy;
- Include relevant information from the (unpublished) Kimberley Natural Resources Management Plan 2011;

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- Include current and future projected populations, demand and availability of residential, commercial and industrial land and lots to accommodate this expected growth;
- Include strategic direction, objectives and actions for General Rural, Pastoral, Rural Agricultural and Rural Living zones; and
- Include relevant information, objectives and actions in accordance with Planning Bulletin 83 – Tourism and inclusion of findings from the Local Tourism Strategy.

Shire officers have over the last 11 months conducted an intensive review of the Local Planning Strategy in order to incorporate the comments and expand on the issues raised by WAPC. As a component of this review the following profiles were completed as desktop studies to form part of the background information to the Local Planning Strategy:

- Community Profile by AEC Group;
- Economic Profile by AEC Group; and
- Environmental Profile by Essential Environmental.

The review also included informal consultation workshops with key stakeholders including Council; community representatives; environmental and business groups as well as traditional owners. The workshops allowed for feedback from participants on presentations by the authors of the three profiles (AEC Group and Essential Environmental), the Department of Planning regarding the Dampier Peninsula Planning Strategy and the Director Development Services on the draft Local Planning Strategy.

The Town Planning Regulations 1967 under regulations 8, 12 and 15 requires the Local Planning Strategy to be advertised in conjunction with the Scheme. Therefore the draft Local Planning Strategy will be presented back to Council as part of the Scheme documents for adoption to be forwarded to WAPC for consideration to advertise.

CONSULTATION

In accordance with Regulation 4 and 5 the resolution of Council to prepare a scheme must be forwarded to WAPC within 28 days of passing the resolution. This should be accompanied by documentation as outlined above and included in Attachment 1.

Following confirmation from WAPC that the objects, intentions, format and scheme area is appropriate or modifications are made in accordance with WAPC instruction the local government is required to publish once in the government gazette and once in a local news paper circulating within the scheme area, notice of the passing of the resolution by Council. This notice is also required to be forwarded to all adjoining local governments and relevant government agencies.

Under regulation 13 of the Town Planning Regulations 1967 on completion of the preparation of a Scheme the local government may resolve to proceed with the Scheme. It is intended that Local Planning Scheme no. 6 be prepared and presented along with the Local Planning Strategy to Council for adoption in accordance with this provision. Upon adoption the Scheme documents including the Strategy must be forwarded to the WAPC for consent to advertise. The consent to advertise will be subject to the scheme having been subjected to an assessment by EPA in accordance with the Environmental Protection Act 1986.

A detailed consultation plan for Local Planning Scheme No. 6 and the Local Planning Strategy will be prepared once the EPA and WAPC agree that the documents are sufficient for advertising.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
 State Planning Strategy 1997
 State Sustainability Strategy 2003
 State Planning Policies Relevant To the Shire
 Town Planning Regulations 1967
 Environmental Protection Act 1986.

Town Planning Regulations 1967

4. *Resolution to prepare a Scheme*

- (1) *The resolution of a local government to prepare a Scheme for any land within its district shall be in the Form No. 1 in Appendix A.*
- (2) *[NA]*
- (3) *A local government that passes a resolution referred to in subregulation (1) and (2) shall within 28 days after passing that resolution forward to the Commission —*
- (a) a copy of the resolution certified by the Chief Executive Officer;*
 - (b) a map marked "Scheme Area Map", signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and*
 - (c) a statement setting forth —*
 - (i) the objects and intentions of the Scheme; and*
 - (ii) the anticipated format of the Scheme.*
- (4) *[NA]*
- (5) *[NA]*
- (6) *The Commission shall examine the copy of the resolution, the map and the statement forwarded pursuant to this regulation and shall as soon as reasonably practicable notify the local government in writing of the receipt of the documents together with —*
- (a) any adjustment that the Commission considers should be made to the Scheme area; and*
 - (b) any comments the Commission may have on the statement forwarded pursuant to this regulation.*

[Regulation 4 amended in Gazette 15 May 1981 p. 1493; 7 Mar 1986 p. 704 and p. 708 (erratum in Gazette 14 Mar 1986 p. 751); 2 Aug 1996 p. 3632-3 and p. 3638-9.]

5. *Advertisement of notice of resolution*

- (1) *A local government shall, as soon as reasonably practicable after receiving notification from the Commission pursuant to regulation 4(6) publish once in the Government Gazette and also once in a newspaper circulating in the district of the local government, in Form No. 2 in Appendix A, notice of the passing by the local government of that resolution.*
- (2) *The local government shall thereupon forward a copy of the notice so published to the local government of every adjoining district, the Water Authority of Western Australia 2, the Department of Conservation and Environment 3, the Department of Conservation and Land Management and every other public authority likely to be affected by the Scheme and shall request each of them to forward to the local government particulars of any matters that in the opinion of the local government*

of an adjoining district or the public authority, should be considered during the preparation of the Scheme.

[Regulation 5 amended in Gazette 15 May 1981 p. 1493; 7 Mar 1986 p. 704 and p. 708; 2 Aug 1996 p. 3633 and p. 3638-9.]

12A. Local Planning Strategy

- (1) If a Scheme envisages the zoning or classification of land, the local government shall —
 - (a) prepare the Scheme Report under regulation 12 in the form of a Local Planning Strategy; and
 - (b) forward the Local Planning Strategy to the Commission.
- (2) Without limiting the operation of subregulation (1), a local government may —
 - (a) prepare a Local Planning Strategy in respect of a Scheme approved by the Minister for which a Local Planning Strategy has not been prepared at any time it thinks fit; and
 - (b) forward the Local Planning Strategy to the Commission.
- (3) A Local Planning Strategy shall —
 - (a) set out the long-term planning directions for the local government;
 - (b) apply State and regional planning policies; and
 - (c) provide the rationale for the zones and other provisions of the Scheme.
- (4) If the Minister so approves, subregulation (1) does not apply in respect of a proposed town planning scheme where —
 - (a) the scheme was adopted by the local government before the coming into operation of the Town Planning Amendment Regulations 1999 1; and
 - (b) the local government has prepared a Scheme Report containing such information, and in such manner, as the Commission requires.

[Regulation 12A inserted in Gazette 22 Oct 1999 p. 5194-5.]

12B. Advertisement and endorsement of, and publication of notice of, Local Planning Strategy

- (1) When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(3), the local government shall, in the case of a Local Planning Strategy prepared under regulation 12A(1), advertise the Local Planning Strategy as if it were part of the Scheme.
- (2) When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(3), the local government shall, in the case of a Local Planning Strategy prepared under regulation 12A(2) —
 - (a) publish a notice of the Local Planning Strategy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of —
 - (i) where the Local Planning Strategy may be inspected; and
 - (ii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
 - (b) forward a copy of the Local Planning Strategy to any other person or public authority which, in the opinion of the local government, has a direct interest in the Local Planning Strategy, for consideration and advice within a period (being not less than 21 days after the day on which the Local Planning Strategy is given to the person or body) specified by the local government;
 - (c) take such other steps as the local government considers appropriate to give notice of the Local Planning Strategy; and

- (d) *carry out such other consultation as the local government considers appropriate.*
- (3) *After the expiry of the period within which submissions may be made and advice given, the local government shall —*
 - (a) *review the Local Planning Strategy in the light of any submissions made and advice received;*
 - (b) *adopt the Local Planning Strategy with such modifications as it thinks fit to give effect to the submissions and advice; and*
 - (c) *submit a copy of the Local Planning Strategy to the Commission for its endorsement.*
- (4) *If the Commission endorses the Local Planning Strategy, the local government shall publish notice of the Local Planning Strategy and the endorsement of the Commission in a newspaper circulating in the Scheme area.*
- (5) *A copy of the Local Planning Strategy of a local government, as amended from time to time, shall be kept and made available for public inspection during business hours at the offices of the local government and the Commission.*

[Regulation 12B inserted in Gazette 22 Oct 1999 p. 5195-7.]

POLICY IMPLICATIONS

Local Planning Scheme No. 6 (LPS6) will have significant, wide-ranging policy implications which are described in the draft Local Planning Strategy. As well as a more contemporary framework for development control within the area now covered by TPS4, it will, for the first time, establish comprehensive planning controls for the rest of the Shire, replacing the existing Interim Development Order No. 4.

LPS6 will contain provisions for local planning policies and will provide a head of power for those carried over from TPS4 as well as other planning documents such as the Chinatown Development Strategy.

STRATEGIC IMPLICATIONS

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

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

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

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.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATIONS:

That Council;

- 1). Pursuant to regulation 13(1)(b) resolve not to proceed with Town Planning Scheme 5;
- 2). Resolve in pursuance of section 72 of the Planning and Development Act 2005 (as amended), to prepare the Local Planning Scheme No. 6 with reference to an area situate wholly within the Shire of Broome and enclosed within the inner edge of the red border on the attached plan now produced to the Council of the local government engrossed by the Chief Executive Officer dated the 29 July 2012 as "Scheme Area Map";
- 3). Authorise the Chief Executive Officer to:
 - a). engross and submit to the Western Australian Planning Commission:
 - i). a copy of the above resolution,
 - ii). a copy of the "Scheme Area Map" and
 - iii). a statement setting forth —
 - aa). the objects and intentions of the Scheme; and
 - bb). the anticipated format of the Scheme;and;
 - b). subject to the approval of the Western Australian Planning Commission (WAPC), advertise the resolution as required pursuant to Regulation 5 (1) and (2) of the Town Planning Regulations 1967.

COUNCIL RESOLUTION:

That Council;

- 1). Pursuant to regulation 13(1)(b) resolve not to proceed with Town Planning Scheme 5;
- 2). Resolve in pursuance of section 72 of the Planning and Development Act 2005 (as amended), to prepare the Local Planning Scheme No. 6 with reference to an area situated wholly within the Shire of Broome and enclosed within the inner edge of the black border on the attached plan now produced to the Council of the local government engrossed by the Chief Executive Officer dated the 29 June 2012 as "Scheme Area Map";
- 3). Authorise the Chief Executive Officer to:
 - a). engross and submit to the Western Australian Planning Commission:
 - i). a copy of the above resolution,
 - ii). a copy of the "Scheme Area Map" and
 - iii). a statement setting forth —
 - aa). the objects and intentions of the Scheme; and
 - bb). the anticipated format of the Scheme;and;
 - b). subject to the approval of the Western Australian Planning Commission (WAPC), advertise the resolution as required pursuant to Regulation 5 (1) and (2) of the Town Planning Regulations 1967.

Moved: Cr C R Mitchell

Seconded: Cr E Yu

CARRIED UNANIMOUSLY 9/0

Attachment: [5 pages](#)

Cr Peter D Matsumoto declared a Proximity Interest in Item 9.2.5 as he lives in Aarons Drive and departed the Chambers at 5.46pm.

Cr Philip F Matsumoto further declared a Proximity Interest in Item 9.2.5 as his brother lives in Aarons Drive and did not depart the Chambers.

9.2.5 PETITION RECEIVED REQUESTING CLOSURE OF ACCESS WAY BETWEEN AARONS DRIVE AND SIBOSADO STREET

LOCATION/ADDRESS: Reserve 3141
APPLICANT: Frances Archer
FILE: RES47131
AUTHOR: Deputy Chief Executive Officer
CONTRIBUTOR/S Nil
RESPONSIBLE OFFICER: Deputy Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE OF REPORT: 31 May 2012

SUMMARY: A petition from residents in Aarons Drive was presented to Council at the Ordinary Meeting of Council held on 19 April 2012. Council is required to consider the petition in accordance with the Shire of Broome’s Standing Orders. Officers are recommending the access way not be closed and a working group with key stakeholders be established to investigate issues associated with anti-social behaviour in the area.

BACKGROUND

Council was presented with a petition to close the access way between Aarons Drive and Sibosado Street at the Council meeting on the 19 April 2012.

COMMENT

Council has taken different approaches to the issue of closure of laneways in response to petitions from residents over the years. Some laneways have been closed others have remained open.

This matter is further complicated by a recent example where two years ago Council resolved to close the access way from the cul-de-sac from Chipendall Street to the drainage reserve behind. Due to budget constraints and other work priorities this closure only became effective in the recent weeks. Since the fence has been installed a complaint has been received from a resident of the street, who initially signed to support the closure to now request that the access way be reopened. This request is largely due to the antisocial behaviour being experienced around the fence and the damage that is occurring to the fence using implement at night.

This is further complicated by the situation of this access way being part of the design of the subdivision to enable access to the neighbourhood shops where as other access ways which have been closed (i.e. Chipendall Street) have been providing access to drainage reserves being used as public open space.

It is acknowledged that some of the residents of Aarons Drive are experiencing some antisocial behaviour. This has been compounded recently with households in the street being affected by damage to private property.

However, the following matters need to be taken into consideration by Council prior to resolving to close the access way:

- The access way provides a valuable link between the residents in this area and the local shopping centre and a new park which has been constructed in the nearby vicinity;
- The subdivision has been designed to provide this access way as can be seen from the footpath and lighting which has been installed;
- Closure of this access way will only serve to divert any antisocial issues to another location;
- The access way has been in existence for some time and residents have occupied the street with this knowledge and Shire records indicated that no complaints have been received about this matter until recently; and
- This access way provides a link to another road (to the shops and a new park)and is therefore different to other access ways which have been closed in the past.

There are other options available to Council rather than closure of the access way, namely:

- Gaining feedback from key stakeholders including Police, Department of Housing, DIA, HYPE on the issues being experienced in the area and feedback on the implications (positive and negative) of closing the access way)and options from a designing out crime approach; and
- Assessing the option of opening the intersection to traffic. This may increase the flow of vehicle movements through the street and allow for greater passive surveillance of the area.

With regard to the above points notes, it is recommended that prior to consideration of any closure to this access way, feedback be sought from local stakeholders and other options be investigated and presented to Council to ensure all options and implications have been explored. This would be inline with one of Councils Strategic Outcomes as can be seen below.

CONSULTATION

There does not seem to be many instances of raising issues associated with this access way over the years.

STATUTORY ENVIRONMENT

In accordance with Section 3.5 of the Standing Orders Council is required to consider the petition. This item commences this requirement.

POLICY IMPLICATIONS

Council does not have a policy in respect to closure of access ways and cul-de-sacs and different solutions have been used in different locations.

FINANCIAL IMPLICATIONS

Grants are available from the Office of Crime Prevention and depending upon the options developed by stakeholders funding could be sought to implement options.

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.

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.

<p>Outcome 1: Maximise community safety through safe urban design.</p>	<p>Improve safety through preventative strategies and ‘designing out crime’ without compromising the natural environment and including: effective lighting, landscape design and use of open space, pathways for pedestrian traffic and surveillance.</p>
--	---

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.

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.

Improve systems, processes and compliance.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council;

- 1). Acknowledge the petition received from residents of Aarons Drive regarding the public access way.
- 2). Request the Chief Executive Officer seek feedback from stakeholders including but not limited to WAPOL (Local and Office of Crime Prevention); department of Housing and Works; Department of Indigenous Affairs (DIA); Helping Young People Engage (HYPE); to investigate all options available to Council to address the issues raised in the petition from the residents of Aarons Drive including opening the intersection to vehicle traffic.; and
- 3). Request the Chief Executive Officer to provide a further report to council on the outcomes of this consultation with a view to providing a consistent approach to address antisocial behaviour in both Aarons Drive and other laneways and access ways across the shire.

COUNCIL RESOLUTION:

That Council;

- 1). Acknowledge the petition received from residents of Aarons Drive regarding the public access way and anti-social behaviour issues being experienced by the signatories;
- 2). Request the Chief Executive Officer to:
 - a). make arrangements for the residents (in the neighbourhood area including and in the vicinity of Aarons Drive and Sibosado Streets) to be consulted about the matters raised in the petition received and explore options available for resolution of any identified issues including feedback from the residents regarding these options; and
 - b). seek feedback from stakeholders including but not limited to WAPOL (Local and Office of Crime Prevention); department of Housing and Works; Department of Indigenous Affairs (DIA); Helping Young People Engage (HYPE); to investigate the issues raised in the petition with regard to the anti-social and criminal behaviour in the area of Aarons Drive and Sibosado Streets and explore options for addressing the issues.
- 3). Request the Chief Executive Officer to provide a further report to Council on the outcomes of this consultation with a view to providing a consistent approach to addressing anti-social behaviour where there are laneways/access routes (including Aarons Drive) within the Shire of Broome.

Moved: Cr J Bloom

Seconded: Cr E Yu

CARRIED UNANIMOUSLY 8/0

Attachment (Confidential to Councillors and Directors only): 7 pages

Cr Peter D Matsumoto returned to the Chambers at 5.48pm, the Chairperson read aloud the Council Resolution.

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9.3

OUR PROSPERITY



PRIORITY STATEMENT

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

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

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

Cr J Bloom declared a Financial Interest in Item 9.3.1 as her partner is the President of the Broome Chamber of Commerce which may or may not receive a financial gain/loss from the consideration of this item and departed the Chambers at 5.48pm.

With regard to Item 9.3.1 Cr C R Mitchell disclosed that "I have had an association with the Broome Chamber of Commerce as an ordinary member through his employer. 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 9.3.1 Cr D M Male disclosed that "I have had an association with being an ordinary member of the Broome Chamber of Commerce through her business. 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".

9.3.1 BROOME CHAMBER OF COMMERCE - REQUEST FOR FUNDING - CRUISE SHIP COORDINATOR	
LOCATION/ADDRESS:	N/A
APPLICANT:	Broome Chamber of Commerce and Industry (Inc)
FILE:	FIS06
AUTHOR:	Manager Financial Services
CONTRIBUTOR/S	Nil
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	28 May 2012
SUMMARY: The Broome Chamber of Commerce and Industry (Inc) is seeking a contribution of \$10,000 for support towards the Cruise Ship Coordinator position.	

BACKGROUND

Previous Considerations

Nil

The Broome Chamber of Commerce and Industry (Inc) has a previously sought support from the Shire of Broome for initiatives, including \$2,000 provided in 2007 and \$2,500 provided in 2009 from community sponsorship programs. The Shire of Broome is also a member organisation of the Chamber of Commerce.

On the 7 May a request for a contribution of \$10,000 was received from the Chamber of Commerce to support a new position it created of Cruise Ship Coordinator.

Council have been requested to give consideration for support for this initiative. The request was received outside of the Community Sponsorship Programme timelines to be able to be considered. Additionally, the Chief Executive Office is limited to considering ad-hoc sponsorship up to \$1,000.

COMMENT

A copy of the emailed request for funding is included as an attachment. The request states that the Chamber of Commerce created the new position of Cruise Ship Coordinator to achieve the following objectives:

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- cruise ship passengers with a positive experience of Broome so that they leave as ambassadors of the town;
- Liaise with cruise ship operators to increase cruise ship visits to Broome; and
- Increase economic benefits to Broome businesses

The Chamber of Commerce has established the position to capitalise on the opportunity to promote Broome through positive ‘word-of-mouth’ marketing. The Chamber has implemented other initiatives to create a positive experience for passengers including:

- Relocation of the welcome area from the Male Oval public toilets to, in front of the Roebuck Bay Hotel with refreshments and amenities provided;
- Supplying tourist information to passengers on arrival;
- Coordinating representatives from tourism operators on arrival;
- Provision of free shuttle bus services to the Sisters of St John Relationships Exhibition and the Historical Museum;
- Establishment of a Cruise Ship Committee

Other ideas that the Committee are considering include a ‘Welcome to Country’ and/or a traditional smoking ceremony.

The following information outlines the current state of the Broome tourism industry. Current sentiment in the local tourism industry indicates a downturn in the industry, which is a reflection of the state of the industry throughout Western Australia. This negative trend is evidenced by statistics sourced on the tourism industry. Visitor statistics sourced from the Broome Visitor Centre indicate a falling trend in visitor numbers for the period between January and April for the last 4 years:

Year	Visitor Numbers:
2009	29,770
2010	32,402
2011	28,796
2012	26,480

Air passenger statistics sourced from the *Quarterly Visitor Snapshot Year Ending December 2011*, published by Research Tourism Western Australia; show a decline in total passenger arrivals and departures at the Broome International Airport:

	Year Ending Dec 2010	Year Ending Dec 2011	% Change	3 Year Average Annual Growth Rate
Broome Airport All PAX	326,300	310,000	-5%	-1.3%

Total visitor numbers to Australia’s North West region show a year on year decline of 0.6% between 2010 and 2011, 531,600 and 528,500 respectively. These figures were collected by Tourism Research Australia and published the *National Visitor Survey* (Tourism Western Australia). The Broome Port Authority has published that there will be nine expected cruise ship visits for the rest of the year from June 2012. Six cruise ships have docked in Broome since the start of the year. Each vessel can potentially convey up to 2,500 to each port they visit. Therefore, Broome is expected to receive up to 37,500 cruise ship passengers to the town for 2012.

The Chamber is currently bearing the full cost of the Cruise Ship Coordinator position, receiving only in-kind support from other operators for goods and services. The Chamber is seeking funding to maintain momentum and engagement of operators in the industry and to ensure the long term viability of the initiative.

The funding of \$10,000 is recommended to be allocated from the \$30,000 set aside annually towards tourism initiatives. This is funded from the receipt of a portion of the yield from tourism differential rates in accordance with policy 2.1.6 *Tourism Administration*. Other organisations that receive funding for tourism support are the Broome Visitor Centre and Australia's North West of \$110,000 and \$175,000 annually respectively.

Whilst dealing with this request as a one off in 2012, should Council consider this request as community sponsorship rather than tourism support, the Broome Chamber of Commerce could be encouraged to apply for future funding within timelines for the appropriate round of 2013 Community Sponsorship funding.

It is recommended that as a condition of providing financial support, that the Chamber is required to provide regular status reports on the progress of the initiative and acquittals of the funding until it is expended.

CONSULTATION

Broome Visitor Centre
Tourism Western Australia
Research Tourism Western Australia
Broome International Airport
Broome Port Authority

STATUTORY ENVIRONMENT

Local Government Act 1995

6.7. *Municipal fund*

- (2) *Money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by this Act or any other written law.*

POLICY IMPLICATIONS

2.1.6 Tourism Administration Policy

FINANCIAL IMPLICATIONS

The table below outlines start up costs and ongoing costs involved in a service project:

Service:

<i>Cruise Ship Coordinator Contribution</i>	Initial Cost	Lifecycle Cost (Annual)	Remarks
Start Up costs			
Budget Impact			
Loan Interest			
Operational (Annual)	\$10,000	N/A	Contribution
Less Additional Revenue (Annual)			
TOTAL	\$10,000		

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

Funding Source: *Cruise Ship Coordinator Contribution*

Funding Type	Start Up Expense	Life Cycle Costs (Annual)		Funding Details (eg RLCIP)	Account Number
		Cost \$	*Cost Type		
Grant					
Reserve					
Budget	\$10,000				132060
TOTAL	\$10,000				
*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.

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

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

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

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:

Manage resource allocation.

VOTING REQUIREMENTS

Simple Majority

REPORT RECOMMENDATION:

That Council;

- 1). Approves the request for a cash contribution of \$10,000, allocated from funds held for tourism initiatives to the Broome Chamber of Commerce and Industry (Inc).
- 2). Stipulates the funding is to be spent on wages for the Cruise Ship Coordinator position.
- 3). Requests that the Broome Chamber of Commerce provides to the Chief Executive Officer, a quarterly acquittal and progress report until the funds are expended, commencing for the quarter ended 30th September 2012.

COUNCIL RESOLUTION:

That Council;

- 1). Approves the request for a cash contribution of \$10,000, allocated from funds held for tourism initiatives to the Broome Chamber of Commerce and Industry (Inc). with the funding to be made from this financial year's budget.
- 2). Stipulates the funding is to be spent on wages for the Cruise Ship Coordinator position.
- 3). Requests that the Broome Chamber of Commerce provides to the Chief Executive Officer, a quarterly acquittal and progress report until the funds are expended, commencing for the quarter ended 30th September 2012.

Moved: Cr C R Mitchell

Seconded: Cr E Yu

CARRIED BY ABSOLUTE MAJORITY 8/0

Attachment: [3 pages](#)

Cr J Bloom returned to the Chambers at 5.56pm, the Chairperson read aloud the Council Resolution.

9.4

OUR ORGANISATION



PRIORITY STATEMENT

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

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

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

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

There are no reports in this section.

10.

REPORTS

OF

COMMITTEES

There are no reports in this section.

11. NOTICES OF MOTION

Nil.

12. URGENT ITEMS

Nil.

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

Nil.

14. MATTERS BEHIND CLOSED DOORS

N/A.

15. MEETING CLOSURE

The Chairperson thanked the Councillors and the public for attending the Special Meeting of Council and declared the meeting closed at 5.56pm.