



## MISSION AND VALUES OF COUNCIL

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

# AGENDA

FOR THE

SPECIAL MEETING OF COUNCIL TO BE HELD IN  
THE COUNCIL CHAMBERS AT 4.00PM

**13 JANUARY 2014**

## OUR VISION

*"A thriving and friendly community that recognises our history and embraces cultural diversity and economic opportunity, whilst nurturing our unique natural and built environment."*

## OUR MISSION

*"To deliver affordable and quality Local Government services."*

## 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

Integrity

Respect

Innovation

Transparency

Courtesy

### DISCLAIMER

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

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

**SHIRE OF BROOME**

**SPECIAL MEETING OF COUNCIL**

**13 JANUARY 2014**

**INDEX - AGENDA**

1.	OFFICIAL OPENING.....	5
2.	ATTENDANCE AND APOLOGIES.....	5
3.	DECLARATION OF FINANCIAL INTEREST .....	5
4.	PUBLIC QUESTION TIME.....	5
5.	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	5
9.	REPORTS OF OFFICERS.....	6
9.1	OUR PEOPLE .....	7
9.2	OUR PLACE .....	8
	9.2.1 RESPONSIBLE AUTHORITY REPORT TO KIMBERLEY JOINT DEVELOPMENT ASSESSMENT PANEL – PROPOSED DRILLING FLUIDS FACILITY – PORTION OF LOT 621 PORT DRIVE AND PORTION OF LOT 698 PORT DRIVE, MINYIRR.....	9
9.3	OUR PROSPERITY.....	13
9.4	OUR ORGANISATION .....	15
10.	REPORTS OF COMMITTEES.....	17
11.	MEETING CLOSURE .....	19

## NOTICE OF MEETING

Dear Council Member,

The Shire of Broome will hold a Special Meeting of Council on Monday 13 January 2014 at 4.00pm in the Council Chambers, corner Weld and Haas Streets, Broome for the purpose of:

- DAP Application – MI Australia

Regards

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

K R DONOHOE  
**Chief Executive Officer**  
3 December 2013

**1. OFFICIAL OPENING**

**2. ATTENDANCE AND APOLOGIES**

Attendance:

Leave of Absence:

Apologies:

Officers:

Public Gallery:

**3. DECLARATION OF FINANCIAL INTEREST**

Councillor	Item No	Item	Nature of Interest

**4. PUBLIC QUESTION TIME**

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

**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.

## 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.

**9.2.1 RESPONSIBLE AUTHORITY REPORT TO KIMBERLEY JOINT DEVELOPMENT ASSESSMENT PANEL – PROPOSED DRILLING FLUIDS FACILITY – PORTION OF LOT 621 PORT DRIVE AND PORTION OF LOT 698 PORT DRIVE, MINYIRR**

<b>LOCATION/ADDRESS:</b>	Portion of Lot 621 Port Drive and Portion of Lot 698 Port Drive, Minyirr
<b>APPLICANT:</b>	M-I Australia
<b>FILE:</b>	RES 28650
<b>AUTHOR:</b>	Senior Planning Officer
<b>CONTRIBUTOR/S</b>	Acting Director Development Services
<b>RESPONSIBLE OFFICER:</b>	Acting Director Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	7 January 2014

**SUMMARY:** An application for planning approval has been received for a Drilling Fluids Facility (DFF) on Portion of Lot 621 Port Drive and Portion of Lot 698 Port Drive. Due to the estimated development cost, this application will be determined by the Joint Kimberley Development Assessment Panel for consideration.

The planning assessment undertaken as part of this DAP Application has highlighted an outstanding planning issue that requires resolution by the Broome Port Authority (BPA), whereby residential premises exist in a zone which provides for the development of hazardous and offensive industries.

This report requests that Council endorse the Responsible Authority Report and recommends that Council requests the Chief Executive Officer to write to the BPA and request that the outstanding issue of residential premises within the Port zone is resolved.

## **BACKGROUND**

### History

An application for site works was considered and conditionally approved by the Shire of Broome on 19 December 2013 under delegated authority (PA 2013/226) for Portion of Lot 621 Port Drive and Portion of Lot 698 Port Drive, Minyirr. This approval allows for clearing of site, installation of site drainage sumps and re-grading of site levels, removal of existing abandoned waterlines, and relocation of utilities running across the site.

This approval was conditional on the applicant providing an earthworks construction management plan and detailed stormwater design prior to commencement of site disturbing works. These details have yet to be provided.

An application for planning approval was lodged on 28 November 2013 by M-I Australia for a proposed Drilling Fluids Facility (DFF) on Portion of Lot 621 Port Drive and Portion of Lot 698 Port Drive. The total estimated cost of the development associated with the application is \$12.5 million. The application is required to be determined by the Joint Development Assessment Panel (JDAP) in accordance the Planning and Development (Development Assessment Panel) Regulation 2011 (the Regulations).

Shire officers have assessed the application against the relevant planning frameworks and provide the attached report as the recommended Responsible Authority Report.

## Attachment 1: Responsible Authority Report

### COMMENT

According to regulation 8 of the Regulations a Council does not have power to make a planning determination on applications referred to the JDAP. Only JDAP can make determinations of planning approvals referred to it. Regulation 12(5) (a) requires a responsible authority to provide DAP with a report that contains a recommendation on how the application should be determined. As the report is to be provided by the 'responsible authority' and as no delegation of authority exists for officers to provide this report, the report is presented to Council for consideration.

As such, this report does not recommend the proposal to Council for determination, but rather requests Council to consider and endorse the attached Officer's report as the Responsible Authority Report to be presented to DAP. Should Council not support the officer's recommendation, the officer's recommendation would then become an alternative recommendation within the Responsible Authority Report and whatever recommendation is endorsed by Council then becomes the substantive recommendation in the report to the DAP. If Council determine to not to support the officer's recommendation reasons for this must be provided.

The planning assessment undertaken as part of this DAP Application has highlighted an outstanding planning issue that requires resolution from the BPA. The ongoing use of buildings within the BPA area for residential premises is an inappropriate land use within an area where the objectives are to allow for the development of noxious and hazardous industries. The ongoing use of these residences could constrain the future development of the Port as a strategic supply base and increases the risk that such industries could impact on human health and safety. It is therefore recommended that Council request the Chief Executive Officer to correspond with the BPA requesting that this matter is resolved.

### CONSULTATION

In accordance with Clause 9.4.1 of TPS4 the application was not required to be advertised for public comment.

The application was referred to the following agencies for consideration and comment;

- Department of Water
- Department of Environment and Regulation
- Department of Aboriginal Affairs
- Department of Fire and Emergency Services
- Department of Health
- Main Roads WA
- Department of Parks and Wildlife

Seven (7) submissions were received from the referral agencies – the details of these responses are set out in the Responsible Authority Report and associated attachments.

The application was incorrectly referred to Nyamba Buru Yawuru Ltd (NBY) who have provided a submission which has been made available to Councillors.

The adjoining land is within the Conservation Estate, management responsibility resides with the Shire of Broome and Yawuru, administered through the Yawuru Park Council

---

(YPC), the application has now been referred for YPC its consideration. Due to availability of Park Council members and the timeframe for convening a Special Park Council Meeting, this cannot occur within the statutory timeframes.

The final design of the stormwater drainage system is likely to require referral to the Yawuru Park Council. This referral would be required to address possible works within the Conservation Estate to address downstream erosion control. This would be undertaken once the final design of the stormwater drainage system has been designed.

## **STATUTORY ENVIRONMENT**

The Planning and Development (Development Assessment Panel) Regulations 2011 sets out the following:

8. *Applications to be determined by DAPs*

(1) *Despite any other provision of the Act or a planning instrument, any DAP application for approval of development within a district for which a DAP is established —*

- (a) *must be determined by the DAP as if the DAP were the responsible authority under the relevant planning instrument in relation to the development; and*
- (b) *cannot be determined by the local government for the district or the Commission.*

12. *Responsible authority must report to DAP*

*(1) For the purposes of this regulation, a development application that is forwarded by a local government to the Commission in accordance with a region planning scheme is taken to have been made to the Commission.*

## **POLICY IMPLICATIONS**

There is no policy implications associated with the recommendation contained in this report. Relevant planning policies have been considered in the Officers' report attached.

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

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

A built environment that reflects arid tropical climate design principles and historical built form.

---

**VOTING REQUIREMENTS**

*Simple Majority*

REPORT RECOMMENDATION:

*That Council:*

1. *Endorse the attached Officer's report as the Responsible Authority Report to be presented to the Joint Kimberley Development Assessment Panel.*
2. *Request the Chief Executive Officer write to the Broome Port Authority requesting that they resolve the outstanding issue of residential premises within the Port zone so it does not have future repercussions on future long term development of the Port.*

**Moved:**

**Seconded:**

**FOR:**

**AGAINST:**

Attachment: [54 pages](#)

## 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.

There are no reports in this section.

## 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. MEETING CLOSURE**